



**CITY OF CORNING  
CITY COUNCIL AGENDA  
TUESDAY, JULY 13, 2010  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

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

B. **ROLL CALL:**

Council:	Vacant
	Ross Turner
	Toni Parkins
	John Leach
Mayor:	Gary Strack

C. **PLEDGE OF ALLEGIANCE:**

D. **PROCLAMATIONS, RECOGNITION'S, APPOINTMENTS, PRESENTATIONS:**

E. **BUSINESS FROM THE FLOOR:** If there is anyone in the audience wanting to speak on an item not already on tonight's Agenda, please come to the podium, identify yourself and briefly present your information to the Council. If an item is already on the agenda, please wait until that item comes up for discussion and then obtain the Mayor's attention so you will be allowed to speak. **A three-minute time limit will apply unless the Council makes an exception due to special circumstances.** If your matter will require more time or formal action by the Council, the law requires that it be placed on the printed Agenda for a future meeting so that interested members of the public will have the chance to appear and speak on the subject.

F. **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 June 9, 2010 City Council Meetings with any necessary corrections: Removed from the Agenda.
3. July 7, 2010 Claim Warrant - \$432,185.70.
4. July 7, 2010 Business License Report.
5. June 2010 Building Permit Valuation - \$68,202.40.
6. City of Corning Wastewater Operation Summary Report – June 2010.
7. Second Reading and Adoption of Ordinance 641 repealing Chapter 17.56 and adding Chapter 15.10 to the Corning Municipal Code regarding the issuance of a Certificate of Occupancy for Buildings and Vacant Land within the City of Corning.

8. Second Reading and Adoption of Ordinance 642, an Ordinance referencing the 2007 Edition of the California Fire Code as a Technical Code in the Corning Municipal Code.
9. Interim Ordinance No. 637; Authorize Mayor to Sign Report Issued to the City Council Pursuant to Section 65858 (d) of the California Government Code Pursuant to Interim Ordinance No. 637.
10. Approve Resolution No. 07-13-10-05 Authorizing the Tehama County Sanitary Landfill Agency to Submit A Regional Used Oil Payment Grant Application for FY 2010/2011.
11. Designation of Voting Delegate and Alternate for 2010 League Annual Conference September 15-17<sup>th</sup>.
12. Approve Services Agreement with Henderliter De Llamas and Associates, to Provide Sales Tax Analysis and Auditing Services.
13. Approve Services Agreement with MGT, to Provide Comprehensive State Mandated Cost Claiming Services.

G. **ITEMS REMOVED FROM THE CONSENT AGENDA:**

H. **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.**

14. Consider Adoption of Resolution 07-13-10-04, the Resolution to Re-adopt the 2009-2014 Housing Element Update.
15. Approve Engineers Report and Adopt Resolution No. 07-13-10-01 Setting the Fiscal-Year 2010-2011 Assessment at \$63.09 per Parcel for Landscaping and Lighting District 1, Zone 1.
16. Approve Engineers Report and Adopt Resolution No. 07-13-10-02 Setting the Fiscal-Year 2010-2011 Assessment at \$142.10 per Parcel for Landscaping and Lighting District 1, Zone 3.
17. Approve Engineers Report and Adopt Resolution No. 07-13-10-03 Setting the Fiscal-Year 2010-2011 Assessment at \$4,772.90 per Parcel for Landscaping and Lighting District 1, Zone 4.

I. **REGULAR AGENDA:**

18. Adopt Resolution No. 07-13-10-06; Authorizing the Acquisition of a USDA Rural Development Loan for a New Water Well and Associated Water System Improvements at Clark Park.
19. Adopt Resolution No. 07-13-10-07 and Accept Flood Mitigation Assistance Grant of \$50,580 from California Emergency Management Agency (Cal EMA).

J. **ITEMS PLACED ON THE AGENDA FROM THE FLOOR:**

K. **COMMUNICATIONS, CORRESPONDENCE AND INFORMATION:**

L. REPORTS FROM MAYOR AND COUNCIL MEMBERS:

- 20. Turner:
- 21. Parkins:
- 22. Leach:
- 23. Strack:

M. ADJOURNMENT!:

POSTED: FRIDAY, JULY 9, 2010



# MEMORANDUM

**TO:** HONORABLE MAYOR AND COUNCIL MEMBERS

**FROM:** LORI SIMS  
ACCOUNTING TECHNICIAN

**DATE:** July 7, 2010

**SUBJECT:** Cash Disbursement Detail Report for the  
Tuesday, July 13, 2010 Council Meeting

**PROPOSED CASH DISBURSEMENTS FOR YOUR APPROVAL CONSIST OF THE FOLLOWING:**

A.	Cash Disbursements	Ending	06-30-10	\$	112,219.05
B.	Payroll Disbursements	Ending	06-23-10	\$	38,040.28
C.	Cash Disbursements	Ending	06-30-10	\$	132,143.72
D.	Cash Disbursements	Ending	07-07-10	\$	105,434.64
E.	Payroll Disbursements	Ending	06-29-10	\$	44,348.01
				<b>GRAND TOTAL</b>	<b><u>\$ 432,185.70</u></b>

REPORT.: Jun 30 10 Wednesday  
 RUN....: Jun 30 10 Time: 14:10  
 Run By.: LORI

CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 06-10 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 #	Payment Information Description
010771	06/21/10	ENP01	ENPLAN	2019.75	.00	2019.75	061019403	ENVIRONMENTAL-PARKLAND DE
010772	06/23/10	ACC00	ACCESS INFORMATION	40.00	.00	40.00	57574	EQUIP MAINT-GEN CITY
010773	06/23/10	BAS01	BASIC LABORATORY, INC	86.00	.00	86.00	1005750	ProfServices Water Dept
010774	06/23/10	CHE02	CHEM QUIP, INC.	1039.80	.00	1039.80	5019415	MAT & SUPPLIES-WTR
010775	06/23/10	HOL04	HOLIDAY MARKET #32	77.80	.00	77.80	36879	Mat/Supplies-ACO
010776	06/23/10	IMA01	IMAGE SALES, INC.	16.13	.00	16.13	23586	MAT & SUPPLIES-POLICE
010777	06/23/10	JES10	JESSEE HEATING & AIR, INC	349.90	.00	349.90	W10-282	MAT & SUPPLIES-BLD MAINT
010778	06/23/10	JOH06	JOHNSON'S TURBO CLEAN	792.87	.00	792.87	3173	MAT & SUPPLIES-BLD MAINT
010779	06/23/10	LAR01	LARRY'S PEST & WEED,	4667.00	.00	4667.00	32114	WEED/TREE SPRAY-STF
010780	06/23/10	LIN02	LINNETS TIRE SHOP	115.06	.00	115.06	52284	K9 PROGRAM-POLICE
010781	06/23/10	LNC01	LN CURTIS & SONS	54.16	.00	54.16	119384500	EQUIP MAINT-FIRE
010782	06/23/10	MAY01	MAY, WILLIAM L.	1871.40	.00	1871.40	201062120	EE RELATIONS-LEGAL SVCS
010783	06/23/10	MIL11	MILL CREEK VETERINARY	70.00	.00	70.00	51917	SPAY/NEUTER VOUCHER PROGR
010784	06/23/10	NEX02	NEXTEL	360.51	.00	360.51	086319103	COMMUNICATIONS-POLICE
010785	06/23/10	PGE2A	PG&E	49.35	.00	49.35	100617	ELECT-BLUE HERON CT
010786	06/23/10	QUI02	QUILL CORPORATION	49.47	.00	49.47	6020127	Office Supplies-
010787	06/23/10	UNI01	UNIGARD INSURANCE COMP.	23.00	.00	23.00	100615	Gen. Insurance General Cit
010788	06/23/10	NOR31	NORM'S PRINTING	91.56	.00	91.56	008528	OFFICE SUPPLIES-FINANCE
010789	06/23/10	PGE01	PG&E	2500.00	.00	2500.00	100623	SOLANO/MARGUERITE-SIGNALI
010790	06/23/10	VAL04	VALLEY TRACTOR, INC	675.03	.00	675.03	02 115670	VEH OP/MAINT-PARKS
010791	06/29/10	AME17	AMERESCO SOLAR	3668.00	.00	3668.00	I0006277	RUNWAY CONSTRUCT-AIRPORT
010792	06/29/10	AFT13	AT&T	721.42	.00	721.42	100611	COMMUNICATIONS-
010793	06/29/10	CAM02	CAMELLIA VALLEY SUPPLY	209.79	.00	209.79	0744594	MAT & SUPPLIES-PARKS
010794	06/29/10	CLA01	CLARKS DRUG STORE	21.93	.00	21.93	09596	MAT & SUPPLIES-POLICE
010795	06/29/10	COR22	CORNING MEDICAL ASSOC	188.50	.00	188.50	17625	PROF SVCS-POLICE

REPORT: Jun 30 10 Wednesday  
 RUN: Jun 30 10 Time: 14:10  
 Run By: LORI

CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 06-10 Bank Account: 1020

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

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
010796	06/29/10	FOO01	FOOTHILL READY MIX	209.46	.00	209.46	1006074	Mat/Supplies-WTR
010797	06/29/10	HEN03	HENRY SCHEIN INC.,	190.94	.00	190.94	269002801	MAT & SUPPLIES-FIRE
010798	06/29/10	HIG00	HIGHT, MONTY W.	240.00	.00	240.00	1006628	OTS/DUI GRANT-PIO
010799	06/29/10	HOL04	HOLIDAY MARKET #32	3.77	.00	3.77	34443	PAL PROGRAMS-POLICE
010800	06/29/10	MCC05	MCCURDY'S TRUCK REPAIR	90.62	.00	90.62	6985	VEH OP/MAINT-
010801	06/29/10	NOR01	NORTH VALLEY BARRICADE	209.25	.00	209.25	13349	SAFETY ITEMS-PW ADMIN
010802	06/29/10	NOR31	NORM'S PRINTING	330.16	.00	330.16	008536	PRINTING/ADV-POLICE
010803	06/29/10	ODC01	OVERHEAD DOOR COMPANY	190.00	.00	190.00	29570	BLD MAINT-FIRE
010804	06/29/10	PGE01	PG&E	27140.11	.00	27140.11	100616	Electricity General City
010805	06/29/10	WES02	WESTERN BUSINESS PRODUCTS	39.97	.00	39.97	024417	Equip.Maint.-FIRE
010806	06/29/10	DIA04	DIAZ ASSOCIATES	467.50	.00	467.50	062910-04	ENVIRONMENTAL-PARKLAND DE
010807	06/29/10	DIA04	DIAZ ASSOCIATES	1080.00	.00	1080.00	062910-03	PROF SVCS-HOUSING ELEMENT
010808	06/29/10	USP01	UNITED STATES POST OFFICE	524.31	.00	524.31	100629	PROF SVCS-WTR
010809	06/30/10	COR42	CORNING EAA #1148	1000.00	.00	1000.00	100624	PROF SVCS-AIRPORT
010810	06/30/10	BAN04	BANK OF THE WEST	47308.33	.00	47308.33	63996	FIRE ENGINE #114-FIRE CAP
010811	06/30/10	CLA01	CLARKS DRUG STORE	3.56	.00	3.56	39461	MAT & SUPPLIES-POLICE
010812	06/30/10	COR08	CORNING LUMBER CO INC	431.91	.00	431.91	100625	Mat/Supplies-
010813	06/30/10	GRA02	GRAINGER, W.W., INC	688.60	.00	688.60	928289642	MAT & SUPPLIES-PARKS
010814	06/30/10	HOL04	HOLIDAY MARKET #32	3.77	.00	3.77	34444	PAL PROGRAM-POLICE
010815	06/30/10	NAP01	NAPA AUTO PARTS	877.89	.00	877.89	100623	Veh Opr/Maint-
010816	06/30/10	PAC16	PACIFIC TELEMANAGEMENT SE	38.00	.00	38.00	204771	COMMUNICATIONS-GEN CITY
010817	06/30/10	SEI01	SEILER, ROY R., CPA	2702.70	.00	2702.70	23993	ProfServices Finance Dept
010818	06/30/10	USB01	US BANCORP	868.98	.00	868.98	154133367	Rents/Leases-GEN CITY
010819	06/30/10	DEP03	DEPT OF TRANS/CAL TRANS	80.64	.00	80.64	188421	Equip.Maint. St&Trf.Light
010820	06/30/10	HOL04	HOLIDAY MARKET #32	13.77	.00	13.77	34448	Mat/Supplies-PAL

REPORT.: Jun 30 10 Wednesday  
 RUN....: Jun 30 10 Time: 14:10  
 Run By.: LORI

CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 06-10 Bank Account.: 1020

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

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description
010821	06/30/10	KEN01	KEN VAUGHAN & SONS	50.00	.00	50.00	XXX3	JANITOR/SVCS-
010822	06/30/10	MILL1	MILL CREEK VETERINARY	70.00	.00	70.00	51531	SPAY/NEUTER VOUCHER PROGR
				70.00	.00	70.00	51660	SPAY/NEUTER VOUCHER PROGR
			Check Total.....	140.00	.00	140.00		
010823	06/30/10	PGE2B	PG&E	7088.44	.00	7088.44	100624	ELECT-WWTP
010824	06/30/10	PRI03	PRICE'S PHARMACY	7.07	.00	7.07	81764	SAFETY ITEMS-PW ADMIN
010825	06/30/10	\A048	ALLISON REALTY,	32.27	.00	32.27	000B00601	MQ CUSTOMER REFUND FOR AL
010826	06/30/10	\A049	ALLISON REALTY ASSOC,	11.38	.00	11.38	000B00601	MQ CUSTOMER REFUND FOR AL
010827	06/30/10	\B034	BINGHAM, JAMES	4.04	.00	4.04	000B00601	MQ CUSTOMER REFUND FOR BI
010828	06/30/10	\B035	BOUCHARD, BECKIE	64.55	.00	64.55	000B00601	MQ CUSTOMER REFUND FOR BO
010829	06/30/10	\B036	BUDDEN, SHANE	5.43	.00	5.43	000B00601	MQ CUSTOMER REFUND FOR BU
010830	06/30/10	\B014	EDMONDSON, KAMAY	35.15	.00	35.15	000B00601	MQ CUSTOMER REFUND FOR ED
010831	06/30/10	\J016	JAMISON PROPERTIES,	18.80	.00	18.80	000B00601	MQ CUSTOMER REFUND FOR JA
010832	06/30/10	\J017	JAMISON PROPERTIES,	20.28	.00	20.28	000B00601	MQ CUSTOMER REFUND FOR JA
010833	06/30/10	\M067	MASSEY, MICHAEL	59.25	.00	59.25	000B00601	MQ CUSTOMER REFUND FOR MA
010834	06/30/10	\N018	NICHOLAS, RICHARD & KIM	31.13	.00	31.13	000B00601	MQ CUSTOMER REFUND FOR NI
010835	06/30/10	\O016	OHLIN, JAELYN	7.37	.00	7.37	000B00601	MQ CUSTOMER REFUND FOR OH
010836	06/30/10	\O017	ORTIZ, JUAN	70.60	.00	70.60	000B00601	MQ CUSTOMER REFUND FOR OR
010837	06/30/10	\R035	RANDALL, MORGAN	13.70	.00	13.70	000B00601	MQ CUSTOMER REFUND FOR RA
010838	06/30/10	\S080	SHERROD, LARRY & CANDACE	66.92	.00	66.92	000B00601	MQ CUSTOMER REFUND FOR SH

Cash Account Total.....: 112219.05  
 Total Disbursements.....: 112219.05  
 Cash Account Total.....: .00

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
4565	06/23/10	AFL01	AMERICAN FAMILY LIFE	1760.44	.00	1760.44	B00630	AFLAC INS.PRE TAX
				101.74	.00	101.74	1B00630	AFLAC INS.AFTER TAX
			Check Total.....:	1862.18	.00	1862.18		
4566	06/23/10	BLU02	BLUE SHIELD OF CALIFORNIA	21524.00	.00	21524.00	B00630	MEDICAL INSURANCE
4567	06/23/10	CIT01	CITY OF CORNING	6.00	.00	6.00	B00630	CHGS FOR WAGE ATCHMT
4568	06/23/10	OEU01	OPERATING ENGINEERS #3	7430.00	.00	7430.00	B00630	MEDICAL INSURANCE
4569	06/23/10	OEU02	OPERATING ENG. (DUES)	315.00	.00	315.00	B00630	UNION DUES MGMT
				572.00	.00	572.00	1B00630	UNION DUES POLICE
				320.00	.00	320.00	2B00630	UNION DUES DISPATCH
				560.00	.00	560.00	3B00630	UNION DUES-MISC
			Check Total.....:	1767.00	.00	1767.00		
4570	06/23/10	PRI04	PRINCIPAL	3610.14	.00	3610.14	B00630	DENTAL INSURANCE
				664.96	.00	664.96	1B00630	VISION INSURANCE
			Check Total.....:	4275.10	.00	4275.10		
4571	06/23/10	TRA03	TRANSAMERICA LIFE INS CO.	1176.00	.00	1176.00	B00630	LIFE INSURANCE

Cash Account Total.....: 38040.28  
 Total Disbursements.....: 38040.28

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description
010580	07/07/10	BEN04	BEN TOILET RENTALS, INC.	-49.26	.00	-49.26	226453u	Ck# 010580 Reversed
010851	06/30/10	COR01	CORNING VETERINARY	70.00	.00	70.00	25845	SPAY/NEUTER VOUCHER PROGR
				140.00	.00	140.00	26100	SPAY/NEUTER VOUCHER PROGR
				140.00	.00	140.00	26122	SPAY/NEUTER VOUCHER PROGR
			Check Total.....	350.00	.00	350.00		
010852	06/30/10	AND01	ED ANDERSON	7145.47	.00	7145.47	100702	ProfServices-
010853	06/30/10	AT02	AT&T	1183.09	.00	1183.09	1453776	COMMUNICATIONS-
010854	06/30/10	EAS01	BASIC LABORATORY, INC	86.00	.00	86.00	1005973	ProfServices Water Dept
				56.00	.00	56.00	1005974	ProfServices Water Dept
			Check Total.....	142.00	.00	142.00		
010855	06/30/10	BEN01	BENBOW, W.B.	3120.00	.00	3120.00	00001124	TELEMETRY-WTR CAP IMPROV
010856	06/30/10	CHI06	CHICO POWER EQUIPMENT	109.49	.00	109.49	0036663	VEH OP/MAINT-FIRE
010857	06/30/10	COR01	CORNING VETERINARY	384.45	.00	384.45	25846	ProfServices ACO
				440.46	.00	440.46	26098	ProfServices ACO
				12.00	.00	12.00	26121	ProfServices ACO
			Check Total.....	836.91	.00	836.91		
010858	06/30/10	COR22	CORNING MEDICAL ASSOC	341.00	.00	341.00	100701	Emp Physicals-
010859	06/30/10	DEP12	DEPT OF JUSTICE	70.00	.00	70.00	797446	PROF SVCS-POLICE
010860	06/30/10	GRA02	GRAINGER, W.W., INC	685.67	.00	685.67	928651562	MAT & SUPPLIES-PARKS
010861	06/30/10	HAT10	HATFIELD'S	338.05	.00	338.05	100625	Mat/Supplies-
010862	06/30/10	LIN01	LINCOLN EQUIPMENT, INC.	395.08	.00	395.08	SI141071	MAT & SUPPLIES-POOL
010863	06/30/10	MCC01	MCCOY'S HARDWARE & SUPPLY	564.16	.00	564.16	100625	MAT & SUPPLIES-
010864	06/30/10	MCD01	MCDANIEL SIGN COMPANY	952.12	.00	952.12	3090	TRANSPORTATION CTR SIGN R
				1033.12	.00	1033.12	3093	TENANT SIGN REFACE
			Check Total.....	1985.24	.00	1985.24		
010865	06/30/10	NOR25	NORTHERN LIGHTS ENRGY, INC	3199.70	.00	3199.70	23946	VEH OP/MAINT-
				1825.27	.00	1825.27	23990	MAT & SUPPLIES-
			Check Total.....	5024.97	.00	5024.97		
010866	06/30/10	PET01	PETERSON	1697.64	.00	1697.64	010032635	MAT & SUPPLIES-BLD MAINT

REPORT: Jul 07 10 Wednesday  
 RUN: Jul 07 10 Time: 16:02  
 Run By: LORI

CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 06-10 Bank Account: 1020

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

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
010867	06/30/10	QUI02	QUILL CORPORATION	254.83	.00	254.83	6275223	Office Supplies-FINANCE
010868	06/30/10	TEH13	TEHAMA CO AUDITOR	19.00	.00	19.00	100630	PKngCiteToCnty PoliceServ
010869	06/30/10	WAS01	WASTE MANAGEMENT OF	103287.59	.00	103287.59	100630	WASTE MGMT PYMT-SOLID WAS
010870	06/30/10	XER00	XEROX CORPORATION	269.75	.00	269.75	048942106	EQUIP MAINT-POLICE
010882	06/30/10	BEN04	BEN TOILET RENTALS, INC.	295.47	.00	295.47	227514	MAT & SUPPLIES-PARKS
				295.47	.00	295.47	228626	MAT & SUPPLIES-PARKS
				51.26	.00	51.26	226453A	MAT & SUPPLIES-PARKS
Check Total.....				642.20	.00	642.20		
010883	06/30/10	FIR00	FIRST NATIONAL BANK	242.95	.00	242.95	100725	COMMUNICATIONS-POLICE
010884	06/30/10	FIT01	FITZPATRICK LAW OFFICES	162.78	.00	162.78	100706	PROF SVCS-
010885	06/30/10	LAB01	LAB. CORP. OF AMERICA	70.00	.00	70.00	31967136	DRUG & ALCOHOL TESTING-PW
010886	06/30/10	NEX01	NEXTEL COMMUNICATIONS	432.76	.00	432.76	100629	COMMUNICATIONS-
010887	06/30/10	PGE01	PG&E	326.43	.00	326.43	100629	ELECT-
010888	06/30/10	PGE04	PG&E	422.76	.00	422.76	100630	TranspFacility-
010889	06/30/10	PGE05	PG&E	1352.33	.00	1352.33	100630	FIRE-ELECT & GAS
010890	06/30/10	TBS01	TBS PETROLEUM L.L.C.	39.73	.00	39.73	39573	VEH OP/MAINT-POLICE
				13.44	.00	13.44	39574	VEH OP/MAINT-POLICE
Check Total.....				53.17	.00	53.17		
010891	06/30/10	THO01	THOMES CREEK ROCK CO	667.66	.00	667.66	100701	Mat/Supplies-
Cash Account Total.....				132143.72	.00	132143.72		
Total Disbursements.....				132143.72	.00	132143.72		

REPORT.: Jul 07 10 Wednesday  
 RUN.....: Jul 07 10 Time: 16:03  
 Run By.: LORI

CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 07-10 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 #	Payment Information Description
010839	07/01/10	BRE01	BREWER, JOHN	400.00	.00	400.00	000B007011	VEH OP/MAINT-
				-400.00	.00	-400.00	000B00701u	Ck# 010839 Reversed
Check Total.....				.00	.00	.00		
010840	07/01/10	CAR03	CARDENAS, ANTHONY	400.00	.00	400.00	000B007011	ProfServices PoliceServic
				-400.00	.00	-400.00	000B00701u	Ck# 010840 Reversed
Check Total.....				.00	.00	.00		
010841	07/01/10	COR07	CORBIN WILLIITS SYSTEMS	729.72	.00	729.72	000B007011	Finance Dept.
010842	07/01/10	COR09	CORNING CHAMBER OF COMM.	1000.00	.00	1000.00	000B007011	CngChamberComm. Economic
010843	07/01/10	HAL05	HALL, ROBERT	104.70	.00	104.70	000B007011	ProfServices FireDepartme
010844	07/01/10	KEN00	KEN VAUGHAN & SONS	904.17	.00	904.17	000B007011	Landscape Maint-Parks
010845	07/01/10	KEN01	KEN VAUGHAN & SONS	800.00	.00	800.00	000B007011	Janitorial
010846	07/01/10	PIT01	PITNEY BOWES	241.84	.00	241.84	000B007011	Rents/Leases Finance Dept
010847	07/01/10	S&L00	S & L BREWER ENTERPRISES	200.00	.00	200.00	000B007011	K-9 PROGRAM-POLICE
010848	07/01/10	TOM03	TOMLINSON JR., ROBERT L.	54.70	.00	54.70	000B007011	PROF. SVCS-FIRE DEPT
010849	07/01/10	TLD01	TEDC	208.33	.00	208.33	100701	Economic Devel
010850	07/01/10	KIM01	KIMBROUGH, STEPHEN J.	141.50	.00	141.50	100701	CONF/MTGS-CITY ADMIN
010871	07/07/10	ARA02	ARAMARK UNIFORM SRV.INC.	30.96	.00	30.96	0660418	Mat/Supplies-
010872	07/07/10	BAS01	BASIC LABORATORY, INC	114.00	.00	114.00	1006248	ProfServices Water Dept
010873	07/07/10	CAL10	CPCA	300.00	.00	300.00	490B	ASSOCIATION DUES-POLICE
010874	07/07/10	CHE02	CHEM QUIP, INC.	68.46	.00	68.46	5024478	MAT & SUPPLIES-POOL
010875	07/07/10	COM01	COMPUTER LOGISTICS, INC	116.67	.00	116.67	49259	COMMUNICATIONS-POLICE
010876	07/07/10	COR11	CORNING SAFE & LOCK	17.32	.00	17.32	2840	MAT & SUPPLIES-POLICE
010877	07/07/10	HOL09	HOLIDAY INN EXPRESS	412.50	.00	412.50	100705	TRAINING/EDUCATION-POLICE
010878	07/07/10	NOR03	NCCSIF	68530.00	.00	68530.00	2011004	LIABILITY INS-GEN CITY
				27748.25	.00	27748.25	2011025	WORKMENS COMP-GEN CITY
Check Total.....				96278.25	.00	96278.25		
010879	07/07/10	RED01	RED BLUFF DAILY NEWS	116.52	.00	116.52	100706	COMMUNICATIONS-GEN CITY

REPORT.: Jul 07 10 Wednesday  
 RUN....: Jul 07 10 Time: 16:03  
 Run By.: LORI

CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 07-10 Bank Account.: 1020

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

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
010880	07/07/10	SOU02	S.B.R.P.S.T.C.	115.00	.00	115.00	100705	Training/Educ. PoliceServic
010881	07/07/10	SYS01	SYSTEM EXCHANGE CORP.	3480.00	.00	3480.00	P41SEP113	CletsUserFees Policebispa

Cash Account Total.....: 105434.64 .00 105434.64

Total Disbursements.....: 105434.64 .00 105434.64

Cash Account Total.....: .00 .00 .00

REPORT.: Jul 07 10 Wednesday  
 RUN...: Jul 07 10 Time: 16:03  
 Run By.: LORI

CITY OF CORNING  
 Cash Disbursement Detail Report - Payroll Vendor Payment (s)  
 Check Listing for 07-10 Bank Account.: 1025

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

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
4581	06/29/10	BAN03	POLICE OFFICER ASSOC.	350.00	.00	350.00	B00629	POLICE OFFICER ASSOC
4582	06/29/10	CAL37	CALIFORNIA STATE DISBURSE	138.46	.00	138.46	B00629	WITHHOLDING ORDER
4583	06/29/10	EDD01	EMPLOYMENT DEVELOPMENT	3684.04	.00	3684.04	B00629	STATE INCOME TAX
				1200.21	.00	1200.21	1B00629	SDI
			Check Total.....	4884.25	.00	4884.25		
4584	06/29/10	ICM01	ICMA RETIREMENT TRUST-457	3955.85	.00	3955.85	B00629	ICMA DEF. COMP
4585	06/29/10	OEU03	OPERATING ENGINEERS	625.00	.00	625.00	B00629	CREDIT UNION SAVINGS
4586	06/29/10	PERS1	PUBLIC EMPLOYEES RETIRE	28681.86	.00	28681.86	B00629	PERS PAYROLL REMITTANCE
4587	06/29/10	PERS4	Cal Pers 457 Def. Comp	557.25	.00	557.25	B00629	PERS DEF. COMP.
4588	06/29/10	PRE03	PREMIER WEST BANK	2517.13	.00	2517.13	B00629	HSA DEDUCTIBLE
4589	06/29/10	STA04	STATE OF CALIFORNIA	550.00	.00	550.00	B00629	WAGEASN 1107012828
4590	06/29/10	VAL06	VALIC	2088.21	.00	2088.21	B00629	AIG VALIC P TAX
Cash Account Total.....				44348.01	.00	44348.01		
Total Disbursements.....				44348.01	.00	44348.01		

=====  
 =====  
 =====

Date... Jul 7, 2010  
 Time... 4:15 pm  
 Run by: LORI

CITY OF CORNING  
 NEW BUSINESSES FOR CITY COUNCIL

Page.: 1  
 List.: NEWB  
 Group: WTFMB

Business Name	Address	CITY/STATE/ZIP	Contact Name	Business Desc. #1	Business Start Date	Primary Teleph
CARNICERIA DOS AMIGO 2003	SOLANO ST	CORNING, CA 96021	FARIAS	FIDEL S MEAT MARKET;GROCERY/DELI	06/30/10	(775)232-8691
CHP- CHILDREN HAVE P 1069	BURTON DR	REDDING, CA 96003	HIGHT	MONTY PUBLIC INFORMATION OFFICER, AVOID CAMPAI	06/17/10	(530)945-0735
ICE CREAM & SNOW CON 2116	BLOSSOM AVE	CORNING, CA 96021	SANTANA	ADRIAN MOBILE ICE CREAM & ICE CONE SALES	06/17/10	(530)828-1517
J-KATZ ARTS & CRAFTS 5050	BARHAM AVE	CORNING, CA 96021	GARCIA	JOSEPHI ARTS & CRAFTS	06/29/10	(530)824-0786
MOORE FENCING, INC. 2954	HIGHWAY 32	CHICO, CA 95973	MOORE	EARL CONTRACTOR - FENCING	06/29/10	(530)894-0100
RUTH MVHRE MASSAGE T 3914	COLUMBIA AVE	CORNING, CA 96021		RUTH MY THERAPEUTIC MASSAGE	06/17/10	(530)824-1998

7/8/2010  
6:46:15AM

**CITY OF CORNING**  
**PERMITS ISSUED (sort by Permit #)**  
**For the Period 6/1/2010 thru 6/30/2010**

Owner and Address	Parcel Number	Issued On	Valuation
SHERRY HENSON 716 WALNUT ST CORNING CA 96021 <b>Permit Description:</b> REPLACE FREE STANDING GAS HEATER	7310106  <b>Site Street Address:</b> 716 WALNUT ST	6/7/2010	3,000.00
LOUIE DAVIES 711/711 1/2 FOURTH ST CORNING CA 96021 <b>Permit Description:</b> REPLACE SIDING, PARTIAL STUCCO,REPLACE	7113510  <b>Site Street Address:</b> 711/711 1/2 FOURTH ST	6/7/2010	1,500.00
FIRST CHRISTIAN CHURCH 1421 MARIN ST CORNING CA 96021 <b>Permit Description:</b> REPLACE ELECT. SERVICE PANEL	7116403  <b>Site Street Address:</b> 1421 MARIN ST	6/7/2010	360.00
CORNING HEALTH CARE DIST 275 SOLANO ST CORNING CA 96021 <b>Permit Description:</b> INSTALL MONUMENT 7 INFORMATION SIGNS	7312079  <b>Site Street Address:</b> 275 SOLANO ST	6/9/2010	4,975.00
DORATHY RAGAN 1914 ELIZABETH AVE CORNING CA 96021 <b>Permit Description:</b> CHANGE OUT 2 TON SPLIT SYSTEM ON GROUN	7121114  <b>Site Street Address:</b> 1914 ELIZABETH AVE	6/10/2010	8,461.00
ADRIANA CEBRERA 1308 PEAR ST CORNING CA 96021 <b>Permit Description:</b> INSTALL 2 1/2 TON UNIT ON ROOF	7314506  <b>Site Street Address:</b> 1308 PEAR ST	6/10/2010	8,600.00
CECELIA SCALVINI 1112 SOUTH ST CORNING CA 96021 <b>Permit Description:</b> FIRE DAMAGE REPLACEMENT & REMODEL	7117517  <b>Site Street Address:</b> 1112 SOUTH ST	6/14/2010	10,000.00

CITY OF CORNING  
PERMITS ISSUED (sort by Permit #)  
For the Period 6/1/2010 thru 6/30/2010

Owner and Address	Parcel Number	Issued On	Valuation
ED DIETZ 416 STANMAR DR CORNING CA 96021 <b>Permit Description:</b> TEAR OFF & REROOF	7320019 <b>Site Street Address:</b> 416 STANMAR DR	6/14/2010	17,895.00
HAL VELDMAN 420 EL VERANO CORNING CA 96021 <b>Permit Description:</b> COVERED PATIO	7305103 <b>Site Street Address:</b> 420 EL VERANO	6/22/2010	4,000.00
ALANSO MEZA 2121 BLOSSOM AVE CORNING CA 96021 <b>Permit Description:</b> COVERED PATIO & BACK ENTRY	7120306 <b>Site Street Address:</b> 2121 BLOSSOM AVE	6/22/2010	2,011.40
TONI & DON PARKINS 732 EL VERANO CORNING CA 96021 <b>Permit Description:</b> TEAR OFF & REROOF	7322004 <b>Site Street Address:</b> 732 EL VERANO	6/29/2010	6,000.00
JUAN GARCIA 1260 FIFTH AVE CORNING CA 96021 <b>Permit Description:</b> REMOE & REPLACE COVERED PATIO	7124106 <b>Site Street Address:</b> 1260 FIFTH AVE	6/30/2010	1,400.00

12 Permits Issued from 6/1/2010 Thru 6/30/2010 'OR A TOTAL VALUATION OF \$ 68,202.40

\*\*\* END OF REPORT \*\*\*

**RECEIVED**

JUL 03 2010

CITY OF CORNING

**CITY OF CORNING  
WASTEWATER OPERATION SUMMARY REPORT  
JUNE 2010**

Below is a summary of the Monthly Operations Report that will be available for City review on JULY 2010.

- 1) Filled out monthly reports.
- 2) Performed weekly Operator 10 maintenance on all plant equipment.
- 3) Changed flow disk.
- 4) Sent vehicle report to Texas.
- 5) Wasted to EQ basin
- 6) Removed motor on # 2 aerator for inspection by Red Bluff Industrial Electric.
- 7) Changed chart on So3 analyzer.
- 8) Safety meeting
- 9) Cleaned up shop.
- 10) Inspected eyewash and emergency showers.
- 11) Unloaded chlorine truck.
- 12) Cleaned So2 pump.
- 13) Checked storm water discharge sites at WWTP and airport
- 14) Drained water in pneumatic tank
- 15) Tested all chlorine and So2 sensors.
- 16) River samples.

- 17) Posted Non Potable Water signs around plant
- 18) Cleaned probe at lift station.
- 19) Tested alarms with Fire Dept.
- 20) Pumped waste from EQ basin
- 21) Cleaned drying beds.
- 22) Cleaned auto samplers with bleach
- 23) Sprayed weeds.
- 24) Exercised emergency generator.
- 25) Held employee training
- 26) IIPP plant inspection
- 27) Replaced wheels on rolling gate on chlorine building.
- 28) Ordered replacement motor for # 2 aerator.
- 29) Checked all fire extinguishers.

**JUNE 2010**

Domestic Flow = 670.000 GPD

**MAY 2010**

Domestic Flow = 677,709 GPD

**ITEM NO. F-7  
SECOND READING: ORDINANCE NO. 641;  
AN ORDINANCE REPEALING CHAPTER 17.56 AND  
ADDING CHAPTER 15.10 TO THE CORNING  
MUNICIPAL CODE REGARDING THE ISSUANCE OF  
A CERTIFICATE OF OCCUPANCY FOR BUILDINGS  
AND VACANT LAND WITHIN THE CITY OF CORNING.**

**JULY 13, 2010**

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

**FROM: JOHN STOUFER, PLANNING DIRECTOR**

**BACKGROUND:**

Staff has prepared an ordinance that if adopted would repeal Chapter 17.56 of the Corning Municipal Code (CMC) and shift the responsibility of issuing a certificate of occupancy for a structure or vacant land from the Planning Commission to staff. Currently Chapter 17.56 of the Corning Municipal Code reads as follows:

**CHAPTER 17.56**

**CERTIFICATES OF USE AND OCCUPANCY**

**Sections:**

17.56.010	Required
17.56.020	Application
17.56.030	Issuance

17.56.010 Required. No vacant land in any district established under the provisions of this title shall here-after be occupied or used except for agricultural purposes; and no building hereafter erected, structurally altered, or moved into or within any such district shall be occupied until a certificate of use and occupancy shall have been issued therefor by the planning commission.

17.56.020 Application. Application for a required certificate of use and occupancy for a new or changed use of land, for a new building or for an existing building which has been altered or moved shall be occupied or used. No permit for excavation for any building shall be issued before application has been made for a certificate of use and occupancy.

17.56.030 Issuance. A certificate of use and occupancy shall be issued within three days after:

- A. Written notice that the premises are ready for occupancy or use;
- B. Inspection indicates that the building or use is in conformity with this title and other regulations.

As previously stated staff is proposing that the responsibility of issuing a certificate of occupancy for the use of vacant land or a building, whether residential, commercial, or industrial be shifted from the Planning Commission to staff. The following ordinance would repeal Chapter 17.56 from Title 17, Zoning of the CMC and add Chapter 15.10 to Title 15, Building and Construction.

**PROPOSED ORDINANCE:**

**ORDINANCE NO. 641  
AN ORDINANCE REPEALING CHAPTER 17.56 AND ADDING  
CHAPTER 15.10 TO THE CORNING MUNICIPAL CODE**

The City Council of the City of Corning, having conducted a public hearing in accordance with state law, on (date to be added) and having approved the findings recommended by staff, does hereby ordain as follows:

- A) Chapter 17.56 of the Corning Municipal Code is hereby repealed.
- B). Add Chapter 15.10 to Title 15 (Building and Construction) of the Corning Municipal Code to read as follows:

Chapter 15.10

CERTIFICATE OF OCCUPANCY

Sections:

- 15.10.010 Certificate of occupancy required.
- 15.10.020 Change or addition to use and occupancy.
- 15.10.030 Certificate Issued.
- 15.10.040 Temporary Certificate
- 15.10.050 Posting
- 15.10.060 Revocation

15.10.010 Approval required prior to occupancy. If a building, mechanical, electrical or plumbing permit is required for work in a new, added, remodeled or converted area of any building or structure that area shall not be occupied or used prior to obtaining a certificate of occupancy issued by the Building Official. No mobile home, manufactured home or portable building or structure requiring an installation permit from the city shall be occupied without obtaining a certificate of occupancy issued by the Building Official.

15.10.020 Change or addition to use or occupancy. Any change or addition in the use or occupancy of a building or structure or portion thereof will require the issuance of a new certificate of occupancy issued by the Building Official. A business license for a changed or additional use will not be issued without a certificate of occupancy. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions set forth within the Corning Municipal Code. Any change or additions of

a use within any building or structure must conform to the applicable provisions of the Corning Municipal Code.

15.10.030 Certificate Issued. After an inspection of a building or structure by the Building Official, Fire Chief, and approval of the use by the Planning Department to ensure compliance with the Corning Municipal or any other laws enforced by the City the Building Official shall issue a certificate of occupancy that shall contain the following information:

1. The building permit number (if applicable).
2. The address of the building or structure.
3. The name and address of the building owner or tenant(s).
4. The name(s) of any type of commercial or industrial business that occupies the building or structure.
5. A statement that the building or structure has been inspected by the Building Official and Fire Chief for applicable requirements of the Corning Municipal Code and any other laws enforced by the City and that the use or uses are allowed pursuant to the Zoning Code.
6. The name and signature of the Building Official, Fire Chief and a representative of the Planning Department

15.10.040 Temporary certificate. If the Building Official and Fire Chief find that no substantial hazard will result from the occupancy of a building or structure or portion thereof before the same is complete, and the use is approved by the Planning Department, a temporary certificate of occupancy may be issued for the use of a portion or portions of a building or structure prior to completion of the entire building or structure.

15.10.050 Posting. For a building or structure that is occupied with any use, except residential, the certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.

15.10.060 Revocation. The Building Official or Fire Chief may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this chapter whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any ordinance or regulations set forth in the Corning Municipal Code or applicable laws enforced by the City.

**STAFF RECOMMENDS THAT THE CITY COUNCIL:**

**WAIVE THE SECOND READING AND ADOPT ORDINANCE NO. 641, AN ORDINANCE REPEALING CHAPTER 17.56 AND ADDING CHAPTER 15.10 TO THE CORNING MUNICIPAL CODE REGARDING THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR BUILDINGS AND VACANT LAND WITHIN THE CITY OF CORNING.**

**ITEM NO. F-8  
SECOND READING: ORDINANCE NO. 642; AN  
ORDINANCE OF THE CITY OF CORNING  
ADOPTING THE 2007 EDITION OF THE  
CALIFORNIA FIRE CODE AS A TECHNICAL CODE  
IN CHAPTER 15, BUILDINGS AND CONSTRUCTION  
OF THE CORNING MUNICIPAL CODE.**

**JULY 13, 2010**

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

**FROM: JOHN STOUFER, PLANNING DIRECTOR  
MARTIN SPANNAUS, FIRE CHIEF  
TERRY HOOFARD, BUILDING OFFICIAL**

**BACKGROUND:**

In 2008 the City Council adopted Ordinance No 631 that referenced the 2007 Edition of the California Building Standards, Electrical Code, Mechanical Code, Plumbing Code, Energy Code, Swimming Pool, Spa and Hot Tub Code, California Referenced Standard Code and Historical Building Code as technical codes within Chapter 15, Building and Construction of the Corning Municipal Code. In addition to these adopted codes staff considers the 2007 Edition of the California Fire Code as a valuable code in the protection of the health, safety and welfare of the citizens of Corning. Since the 2007 Edition of the California Fire Code has yet to be adopted staff recommends that the Council adopt Ordinance No 642, adding the fire code as a technical code as follows:

A). Add Section 15.08.040 (K) to Title 15 (Building and Construction) of the Corning Municipal Code to read as follows:

K. The 2007 California Fire Code based upon the 2006 International Fire Code as published by the International Code Council, as adopted by the California Building Standards in Part 9, Title 24 of the California Code of Regulations.

The Council introduced and waived the first reading of Ordinance No. 642 at the June 22, 2010 Council meeting. It is now appropriate to adopt the ordinance that references the 2007 Edition of the California Fire Code as a technical code, within Title 15, Building and Construction.

**STAFF RECOMMENDS THAT THE CITY COUNCIL:**

**WAIVE THE SECOND READING AND ADOPT ORDINANCE NO. 642, THE  
ORDINANCE REFERENCING THE 2007 EDITION OF THE CALIFORNIA FIRE CODE  
AS A TECHNICAL CODE WITHIN TITLE 15, BUILDING AND CONSTRUCTION, OF  
THE CORNING MUNICIPAL CODE.**

**ORDINANCE NO. 642  
AN ORDINANCE ADOPTING THE  
2007 CALIFORNIA FIRE CODE AS A TECHNICAL CODE  
IN THE CORNING MUNICIPAL CODE.**

The City Council of the City of Corning, having conducted a public hearing in accordance with state law, on June 22, 2010 and having approved the findings recommended by staff, does hereby ordain as follows:

A). Add Section 15.08.040 (K) to Title 15 (Building and Construction) of the Corning Municipal Code to read as follows:

K. The 2007 California Fire Code based upon the 2006 International Fire Code as published by the International Code Council, as adopted by the California Building Standards in Part 9, Title 24 of the California Code of Regulations.

\* \* \* \* \*

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Corning, held on June 22, 2010, and adopted at a regular meeting of the City Council of the City of Corning, held July 13, 2010, 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:

\_\_\_\_\_  
Lisa Linnet, City Clerk

PUBLISH: \_\_\_\_\_

**ITEM NO.: F-9  
AUTHORIZE THE MAYOR TO SIGN  
AND RELEASE A REPORT FROM  
THE CITY COUNCIL PURSUANT TO  
SECTION 65858 (d) OF THE  
CALIFORNIA GOVERNMENT CODE.**

**JULY 13, 2010**

**TO: HONORABLE MAYOR AND COUNCIL MEMBERS**

**FROM: JOHN STOUFER, PLANNING DIRECTOR**

**SUMMARY:**

On August 11, 2009 the City Council adopted Interim Ordinance #637 that prohibited the establishment of medical marijuana dispensaries, collectives or cooperatives within any zoning district in the city limits of the City of Corning. At a public hearing on September 22, 2009 the Council extended of Interim Ordinance #635 for 10 months and 15 days pursuant to Section 65858 (a) of the CA. Govt. Code. This section of the code allows the Council one final extension of the interim ordinance for a one (1) year period

At a study session held on June 22, 2010 the Council directed staff to schedule a public hearing prior to the end of the 10 month 15 day period (August 6, 2010) to consider a 1 year extension of the interim ordinance. Pursuant to Section 65858 (d) of the CA. Govt. Code the legislative body (the council) shall issue a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance.

Staff has prepared the attached report for the mayor to sign describing the measures the Council has taken (i.e. the study session held with the Planning Commission, review of court rulings and adoption of a cultivation ordinance, etc.) for the mayor's signature and release 10 days prior to the public hearing scheduled for July 27, 2010.

**Staff recommends that the Council take the following action.**

**ACTION**

**AUTHORISE THE MAYOR TO SIGN THE REPORT ISSUED BY THE COUNCIL  
PURSUANT TO SECTION 65858 (d) OF THE CALIFORNIA GOVERNMENT CODE  
PURSUANT TO INTERIM ORDINANCE #637**



# City of Corning

794 Third St. Corning, CA 96021 (530) 824-7020 Fax (530) 824-2489

## **PUBLIC REPORT ISSUED BY THE CORNING CITY COUNCIL PURSUANT TO CA. GOVERNMENT CODE SECTION 65858(d)**

### **BACKGROUND:**

On August 11, 2009 the Corning City Council voted 5:0 to adopt Interim Ordinance #637 pursuant to Section 65858(a) of the CA. Government Code. Interim Ordinance #637 defined medical marijuana dispensaries, collectives or cooperatives and made it unlawful to establish or operate profit or nonprofit medical marijuana dispensaries, collectives or cooperatives within any zoning district in the city limits of the City of Corning. On September 22, 2009 the City Council extended Interim Ordinance #637 for 10 months and 15 days until August 6, 2010.

Government Code Section 65858 (d) requires that the City Council, ten days prior to the expiration of Interim Ordinance #637 or any extension, must issue a written report "describing the measures taken to alleviate the condition which led to the adoption of the ordinance." The "condition which led to the adoption" of this Interim Ordinance was the establishment of a marijuana dispensary/collective/cooperative within the city limits of Corning and the concern that other such enterprises might be established in different areas of the City before adequate study has been given to their effects on the community and on neighboring land uses. It was therefore important to adopt a temporary moratorium so that appropriate regulations could be enacted before activities began to be conducted in different zoning districts throughout the city.

### **ACTION TAKEN BY THE COUNCIL SINCE THE ADOPTION AND FIRST EXTENSION OF INTERIM ORDINANCE #637:**

On August 25, 2009 the Corning City Council and the Corning Planning Commission together held a public study session to discuss issues and concerns related to the cultivation and distribution of medical marijuana. The Planning Commission had previously reviewed an ordinance adopted by the City of Gridley that requires medical marijuana to be cultivated indoors and prohibits the establishment of medical marijuana dispensaries, collectives or cooperatives within any zoning district in the City of Gridley.

Prior to the study session the Council and Commission reviewed a draft ordinance similar to the ordinance adopted by the City of Gridley, a copy of the 2007-2008 Santa Barbara Grand Jury investigation regarding medical marijuana dispensaries and a copy of Chapter 17.60 of the Corning Municipal Code (CMC) that regulates adult-oriented businesses within the City of Corning.

The Council and Commission discussed regulations regarding the cultivation of medical marijuana and regulations that would either ban medical marijuana dispensaries, collectives or cooperatives within any zoning district in the City of Corning or regulate them within the Zoning Code as to specific zoning designations, location to surrounding uses, public safety and security measures, member identification requirements, etc. The Council informed the public that a public hearing before the Planning Commission and a public hearing before the Council would be scheduled at a future date to consider the adoption of an ordinance that would regulate the cultivation of medical marijuana and either ban or regulate through the Zoning Code the distribution of medical marijuana through dispensaries, collectives or cooperatives. On February 9, 2010 the City Council adopted Ordinance #639 that established regulations for the cultivation of medical marijuana within the City of Corning.

The City has issued, and continues to issue, daily citations to the existing medical marijuana dispensary/collective/cooperative which has begun daily business within the city in violation of the City's Zoning Laws. This case is set for trial later this year.

The Council continues to review information and letters in support and opposition of the cultivation, distribution and use of medical marijuana as well as the laws established by the Compassionate Use Act of 1996, Senate Bill 420 which established the Medical Marijuana Program and the Guidelines for The Security and Non-Diversion of Marijuana Grown for Medical Use issued by the Attorney General's Office. The Council has also reviewed several court rulings regarding the distribution of medical marijuana and is still waiting on a decision from *Qualified Patients v. City of Anaheim* Case No. G040077, 4<sup>th</sup> District Court of Appeals, Division 3, relating to the adoption of an ordinance by the City of Anaheim banning the operation of medical marijuana dispensaries.

At the June 15, 2010 Planning Commission meeting and the June 22, 2010 City Council meeting a study matter relating to the extension of Interim Ordinance #637 and a review of the November 2010 ballot measure known as The Regulate, Control and Tax Cannabis Act of 2010 and it's impacts to the distribution of marijuana was discussed. It was the consensus of both the Commission and Council to hold a public hearing to consider a 1 year extension of Interim Ordinance #637 giving the City time to review the decision in the Anaheim case and also wait for the results of the November ballot measure.

\_\_\_\_\_  
Gary R. Strack, Mayor

\_\_\_\_\_  
Date

ATTEST: \_\_\_\_\_  
John Stoufer, Planning Director

**ITEM NO.:** F-10  
**APPROVE RESOLUTION NO. 07-13-10-05**  
**AUTHORIZING THE TEHAMA COUNTY**  
**SANITARY LANDFILL AGENCY TO SUBMIT A**  
**REGIONAL USED OIL PAYMENT GRANT**  
**APPLICATION FOR FY 2010/2011.**  
**JULY 13, 2010**

**TO: HONORABLE MAYOR AND COUNCIL MEMBERS**

**FROM: STEPHEN J. KIMBROUGH, CITY MANAGER**

*STEVE*

**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 submit a Used Oil Payment Program Regional Application to the Department of Resources, Recycling, and Recovery (CalRecycle), formerly known as California Integrated Waste Management Board (CIWMB) for a Fiscal Year 2010/2011 Used Oil Payment Program. The Resolution also authorizes them to execute in the name of the Tehama County Sanitary Landfill Agency on behalf of the City of Corning all documents including but not limited to, applications, agreements, annual reports including expenditure reports and amendments necessary to secure said payments to support our Used Oil Collection Program.

**RECOMMENDATION:**

**MAYOR AND COUNCIL APPROVE:**

- 1. RESOLUTION NO. 07-13-10-05, A RESOLUTION OF THE CITY OF CORNING AUTHORIZING THE TEHAMA COUNTY SANITARY LANDFILL AGENCY TO SUBMIT A REGIONAL APPLICATION TO THE DEPARTMENT OF RESOURCES, RECYCLING, AND RECOVERY FOR A FISCAL YEAR 2010/2011 USED OIL PAYMENT PROGRAM.**

**RESOLUTION NO. 07-13-10-05**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORNING  
AUTHORIZING THE TEHAMA COUNTY SANITARY LANDFILL AGENCY  
TO SUBMIT A REGIONAL APPLICATION TO THE  
DEPARTMENT OF RESOURCES, RECYCLING, AND RECOVERY FOR A  
FY 2010/2011 USED OIL PAYMENT PROGRAM**

**WHEREAS**, pursuant to Public Resources Code § 48690, the Department of Resources, Recycling, and Recovery (CalRecycle), formerly known as the California Integrated Waste Management Board, has established the Used Oil Payment Program (OPP) to make payments to qualifying jurisdictions for implementation of their used oil programs; and

**WHEREAS**, in furtherance of this authority CalRecycle is required to establish procedures governing the administration of the Used Oil Payment Program; and

**WHEREAS**, the Used Oil Payment Program allows regional participation; and

**WHEREAS**, CalRecycle's procedures for administering the Used Oil Payment Program require, among other things, a regional applicant's governing body to declare by resolution certain authorizations related to the administration of the Used Oil Payment Program.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Corning authorizes the Tehama County Sanitary Landfill Agency to submit a Used Oil Payment Program regional application on behalf of itself as Lead Agency and the following participating jurisdictions; and

**City of Corning  
City of Tehama**

**City of Red Bluff  
County of Tehama**

**BE IT FURTHER RESOLVED** that the Landfill Agency Manager, or his/her designee, is hereby authorized and empowered to execute in the name of the Tehama County Sanitary Landfill Agency and on behalf of the above named participating jurisdictions, all documents including but not limited to, applications, agreements, annual reports including expenditure reports and amendments necessary to secure said payments to support our Used Oil Collection Program; and

**BE IT FURTHER RESOLVED** that this authorization is effective until rescinded by the City of Corning.

---

The foregoing Resolution was passed and adopted by the City Council of the City of Corning this 13<sup>th</sup> day of July 2010 by the votes listed below.

**AYES:  
OPPOSED:  
ABSENT:  
ABSTAIN:**

---

**Gary R. Strack, Mayor**

**ATTEST:**

---

**Lisa M. Linnet, City Clerk**

**ITEM NO.: F-11  
DESIGNATION OF LEAGUE OF  
CALIFORNIA CITIES VOTING  
DELEGATE AND ALTERNATE  
JULY 13, 2010**

**TO: HONORABLE MAYOR AND COUNCIL MEMBERS**

**FROM: LISA M. LINNET, CITY CLERK**

**BACKGROUND:**

Prior to the League of California Cities Annual Conference, the City Council always designates its voting delegate and alternate to represent the City at the League of Cities General Assembly. The League By-Laws require that the voting delegate be officially designated by the City Council.

Though we have not budgeted funds for attendance at this year's conference, the City should still appoint a delegate and alternate to act on behalf of the City in relation to League of California Cities business.

Council might consider appointing the Mayor with the alternate being the City Manager as he is always in the office. These appointees would act only upon direction via vote or consensus of the Council.

**RECOMMENDATION:**

**MAYOR AND COUNCIL APPOINT IT'S LEAGUE OF CALIFORNIA CITIES  
DELEGATE AND ALTERNATE.**

**Council Action Advised by August 20, 2010**

June 4, 2010

**RECEIVED**

JUN 04 2010

**TO: Mayors, City Managers and City Clerks**

**CORNING CITY CLERK**

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES  
League of California Cities Annual Conference – September 15-17 – San Diego**

The League's 2010 Annual Conference is scheduled for September 15-17 in San Diego. An important part of the Annual Conference is the Annual Business Meeting (*at the closing General Assembly*), scheduled for 3:00 p.m., Friday, September 17, at the San Diego Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity. Please take care when selecting your city's delegates, as travel and attendance could be an issue for those who observe Yom Kippur.

**Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, August 20, 2010. This will allow us time to establish voting delegate/alternates' records prior to the conference.**

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates must be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. In order to cast a vote, at least one person must be present at the Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up

-more-



1400 K Street, Suite 400 • Sacramento, California 95814  
Phone: 916.658.8200 Fax: 916.658.8240  
www.cacities.org

## Annual Conference Voting Procedures 2010 Annual Conference

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: \_\_\_\_\_

2010 ANNUAL CONFERENCE  
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Friday, August 20, 2010. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

**Please note:** Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: \_\_\_\_\_

Title: \_\_\_\_\_

2. VOTING DELEGATE - ALTERNATE

Name: \_\_\_\_\_

Title: \_\_\_\_\_

3. VOTING DELEGATE - ALTERNATE

Name: \_\_\_\_\_

Title: \_\_\_\_\_

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

**OR**

**ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).**

Name: \_\_\_\_\_ E-mail \_\_\_\_\_

Mayor or City Clerk \_\_\_\_\_ Phone: \_\_\_\_\_  
(circle one) (signature)

Date: \_\_\_\_\_

**Please complete and return by Friday, August 20 to:**

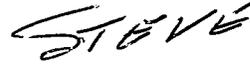
League of California Cities  
ATTN: Mary McCullough  
1400 K Street  
Sacramento, CA 95814

FAX: (916) 658-8240  
E-mail: mccullom@cacities.org  
(916) 658-8247

ITEM NO.: F-12  
APPROVE SERVICES AGREEMENT WITH  
HENDERLITER DE LLAMAS AND  
ASSOCIATES, TO PROVIDE SALES TAX  
ANALYSIS AND AUDITING SERVICES  
JULY 13, 2010

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER



**SUMMARY:**

The City of Corning has contracted for sales tax auditing services with Hinderliter, de Llamas and Associates for many years. During that time, the firm has helped City Staff recover over a half million dollars in Sales Tax revenue. The original terms for tax analysis services have remained unchanged at \$100 per month. The services plus data analysis that can be publicly released is now \$325 per month, an annual increase of \$2700. The City will receive the additional work product of the public report.

**BACKGROUND:**

When the City first retained HdL, we had a small sales tax income. Aware of this, HdL offered us a "small" city rate of \$100 per month for quarterly analysis plus their standard percentage payment for recovery of tax. Since then, Corning has doubled its sales tax income and when the recession is over, will be triple our Sales Tax income.

City contracts with HdL for sales tax analysis and auditing when necessary. The quarterly analysis received by the City Manager also makes it easier for City Staff to cross check State sales tax reporting against our Business License data to ensure correct reporting of business location. One of the great things about HdL is that their staff all come from City Management and City Finance positions.

HdL does not audit for honesty; that is the job of the State Board of Equalization. HdL and the City Staff look for changes and missing business. Our first tax recovery occurred years ago when Staff found the new Chevron station missing from HdL report. Working with HdL, we recovered \$60,000 that had gone to the County in error. The contract does reward HdL for finding reporting errors; they receive 15% of the recovered sales tax for the next eight tax quarters and up to three quarters in the past.

Since then, HdL has taught us how to seek recovery ourselves and avoid the commission they would receive. They still recover money for us and represent us on tax legislation at the State level at no charge. The City Manager used the report to confirm that the change of ownership for the Jack in the Box did not affect the City.

Currently the HdL report disclosed another strange drop in income from a very successful sales tax generator. We contacted the State Board of Equalization Staff directly and the State has made contact with the specific individual in that corporate headquarters to determine what has changed. The suspicion is that though corporate organizational changes, the sales tax has been underreported or misallocated to another city or county where the corporation also does business.

**RECOMMENDATION:**

**MAYOR AND COUNCIL APPROVE THE CONTINUED SERVICES OF HINDERLITER DE LLAMAS AND ASSOCIATES FOR QUARTERLY SALES TAX ANALYSIS, TAX AUDITING AND RECOVERY AT THE ANNUAL COST OF \$3,900 PLUS THEIR COMMISSION WHEN APPLICABLE.**



Hinderliter, de Llamas & Associates  
HdL Coren & Cone  
HdL Software, LLC

June 18, 2010

Stephen Kimbrough  
City Manager  
City of Corning  
794 Third Street  
Corning, CA 96021

RECEIVED

CORNING CITY CLERK

Dear Stephen:

Attached is the annual summary of the City of Corning's cumulative sales and use tax recoveries through calendar year 2009. The recoveries represent a return of 1427% on all audit, reporting, and management fees paid to HdL since the beginning of its contract with the City of Corning.

All of the principals at HdL have walked in your shoes. We recognize local governments have entered into an era of diminishing resources that require increasingly precise budgeting and economic strategies, while doing so with less staff. Accordingly, HdL is investing substantial resources to help support these demands. Expanded economic development and budgeting tools are being developed, as is a new regional approach to enhance monitoring of sales tax trends.

Future improvements include new, web based software that will provide more prompt transmittal of and more convenient access to quarterly sales tax data; and for property tax clients, timely monitoring of monthly changes in property ownerships. Further, *HdL Prime*, a powerful new enterprise platform from HdL Software, will offer an exceptionally effective internet-focused solution to your community development software needs; including licensing, permitting, code enforcement, land management, and more. New additions to the CAFR package include a demographic and economic statistic report and, in some jurisdictions, a current year top employers report.

New demands....new challenges....we are working hard to find innovative and economical solutions to the new reality. We look forward to our continued partnership with the City of Corning and encourage your ideas and suggestions.

Sincerely,



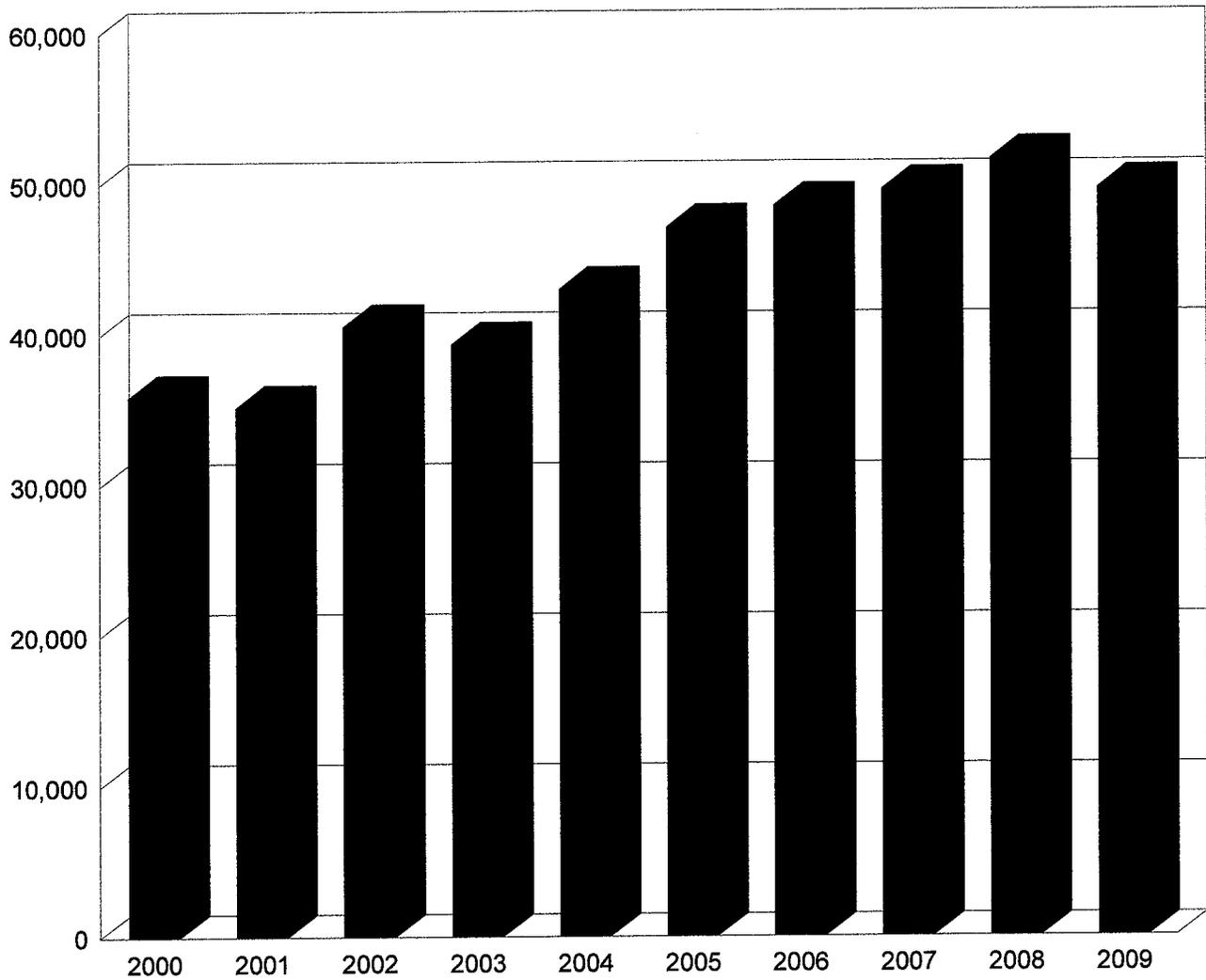
Lloyd de Llamas

Enclosure



# CITY OF CORNING

## ANNUAL SALES TAX RECOVERY



<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>
\$35,919	\$35,248	\$40,577	\$39,391	\$43,036
<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009*</u>
\$47,151	\$48,556	\$49,628	\$51,624	\$49,676

**Cumulative Recovery to Date: \$550,458\***

\* 2009 dollars are estimated

**AGREEMENT FOR SALES, USE AND TRANSACTIONS TAX AUDIT AND  
INFORMATION SERVICES**

This Agreement is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2010 by and between the CITY OF CORNING a municipal corporation hereinafter called CITY, and HINDERLITER, DE LLAMAS AND ASSOCIATES a California Corporation, hereinafter called CONTRACTOR.

**I. RECITALS**

WHEREAS, sales, use and transactions tax revenues can be increased through: a system of continuous monitoring, identification and correction of allocation errors, and

WHEREAS, an effective program of sales and use tax management will improve identification of economic opportunities; provide for more accurate sales and use tax forecasting; assist in related revenue collections; and

WHEREAS, CITY desires the combination of data entry, report preparation and analysis necessary to effectively manage its sales and use tax base; recover revenues erroneously allocated to other jurisdictions and allocation pools; and maximize it's financial and economic planning; and

WHEREAS, CONTRACTOR has the programs, equipment and personnel required to deliver the sales and use tax related services referenced herein;

THEREFORE, CITY and CONTRACTOR, for the consideration hereinafter described, mutually agree as follows:

## II. SERVICES

The CONTRACTOR shall perform the following services:

### A. SALES TAX AND ECONOMIC ANALYSIS

1. CONTRACTOR shall establish a special database that identifies the name, address and quarterly allocations of all sales tax producers within the CITY for the most current and all quarters back to fiscal year 1992-1993 or earlier, if the CITY has prior historical sales tax data available on computer readable magnetic media. This database will be utilized to generate special reports to the CITY on: major sales tax producers by rank and category, sales tax activity by categories, business districts or redevelopment areas, identification of reporting aberrations, and per capita and outlet comparisons with regional and statewide sales.
2. CONTRACTOR shall provide up-dated reports each quarter identifying changes in sales by individual businesses, business groups and categories and by geographic area. Quarterly aberrations due to State audits, fund transfers, and receivables along with late or double payments will be identified. Quarterly reconciliation worksheets to assist finance officer with budget forecasting will also be included.
3. CONTRACTOR shall additionally provide a quarterly summary analysis for the CITY or its Redevelopment Agency to share with Chambers of Commerce and other economic development interest groups that analyze CITY'S sales tax trends by major groups, and geographic areas without disclosing confidential information.

4. CONTRACTOR shall make available to CITY Staff the HdL sales tax computer software program and database containing sellers permit and quarterly allocation information for all in-city business outlets registered with the Board of Equalization and update quarterly. Software shall allow city staff to search business by street address, account number, business name, business type and keyword; arrange data by geographic area and print out a variety of reports.

#### B. ALLOCATION AUDIT AND RECOVERY

1. CONTRACTOR shall conduct an initial and on-going sales and use tax audit to identify and correct distribution errors and thereby generate previously unrealized sales tax income for the CITY. Common errors that will be monitored and corrected include: transposition errors resulting in misallocations; erroneous consolidation of multiple outlets; misreporting of "point of sale" to the wrong location; delays in reporting new outlets; misallocating use tax payments to the allocation pools or wrong jurisdiction and erroneous fund transfers and adjustments.
2. CONTRACTOR will initiate contacts with the appropriate sales management and accounting officials in companies that have businesses where a probability of error exists to verify whether current tax receipts accurately reflect the local sales activity. Such contacts will be conducted in a professional and courteous manner so as to enhance CITY'S relations with the business community.
3. CONTRACTOR shall prepare and submit to the Board of Equalization all information necessary to correct any allocation errors that are identified and shall follow-up with the individual businesses and the State Board of

Equalization to ensure that all back quarter payments due the CITY are recovered.

4. If during the course of its audit, CONTRACTOR finds businesses located in the CITY that are properly reporting sales tax but have the potential for modifying their operation to provide an even greater share to the CITY, CONTRACTOR shall so advise CITY and upon request, shall work with those businesses and the CITY to encourage such changes.

### C. ON GOING CONSULTATION

Throughout the term of this agreement, CONTRACTOR shall advise and work with CITY and CITY Redevelopment Agency Staff on technical questions related to sales, use and transactions tax; advise CITY Business License staff on utilization of reports to enhance business license collection efforts; provide sales tax projections for proposed annexations, economic development projects and budget planning; and generally serve as support staff on sales, use and transactions tax related issues.

## III. CONFIDENTIALITY

Section 7056 of the State of California Revenue and Taxation code specifically limits the disclosure of confidential taxpayer information contained in the records of the State Board of Equalization. This section specifies the conditions under which a CITY may authorize persons other than CITY officers and employees to examine State Sales and Use Tax records.

The following conditions specified in Section 7056 (b), (1) of the State of California Revenue and Taxation Code are hereby made part of this agreement.

- A. CONTRACTOR is authorized by this Agreement to examine sales, use or transactions and use tax records of the Board of Equalization provided to CITY pursuant to contract under the Bradley-Burns Uniform Sales and Use Tax Law.
- B. CONTRACTOR is required to disclose information contained in, or derived from, those sales, use or transactions and use tax records only to an officer or employee of the CITY who is authorized by resolution to examine the information.
- C. CONTRACTOR is prohibited from performing consulting services for a retailer, as defined in California Revenue & Taxation Code Section 6015, during the term of this Agreement.
- D. CONTRACTOR is prohibited from retaining the information contained in, or derived from those sales or transactions and use tax records, after this Agreement has expired. Information obtained by examination of Board of Equalization records shall be used only for purposes related to collection of local sales and use tax or for other governmental functions of the CITY as set forth by resolution adopted pursuant to Section 7056 (b) of the Revenue and Taxation Code. The resolution shall designate the CONTRACTOR as a person, authorized to examine sales and use tax records and certify that this Agreement meets the requirements set forth above and in Section 7056 (b), (1) of the Revenue and Taxation Code.

#### **IV. PROPRIETARY SOFTWARE**

In performing its duties under this agreement, CONTRACTOR will provide a special software system for CITY's use during the term of the contract that allows the CITY to review and print reports on the Board of Equalization Sellers Permit registration and

allocation data for the CITY. This software has been developed by CONTRACTOR at substantial expense and is therefore considered by Contractor to be proprietary.

CONTRACTOR desires to protect its Proprietary Software. Accordingly, City agrees that neither it nor any of its employees, agents, independent contractors or other persons or organizations over which it has control, will at any time during or after the term of the Agreement, directly or indirectly use any of CONTRACTOR'S Proprietary Software for any purpose not associated with this agreement. Further, City agrees that neither it nor any of its employees, agents, independent contractors or other persons or organizations over which it has control, will disseminate or disclose any of CONTRACTOR'S Proprietary Software to any person or organization not connected with CONTRACTOR without the express written consent of CONTRACTOR. The City also agrees that it will undertake all necessary and appropriate steps to maintain the proprietary nature of CONTRACTOR'S Proprietary Software and will not attempt to duplicate, decompile, disassemble, derive the source code or re-engineer the software without proper reimbursement to the CONTRACTOR or without the CONTRACTOR's specific written consent.

## **V. CONSIDERATION**

- A. CONTRACTOR shall establish the sales and transactions tax databases, shall provide the ongoing reports and analysis and shall make available the computer software program and databases referenced above for a fee of \$325.00 per month, invoiced quarterly (hereafter referred to as "monthly fee").
  
- B. CONTRACTOR shall be further paid 15% of all new sales, transactions and/or use tax revenue received by the CITY as a result of audit and recovery work performed by CONTRACTOR (hereafter referred to as "audit fees") including any reimbursement from the Sales and Use Tax Compensation Fund as outlined in Section 97.68 of the Revenue and Taxation Code. New sales, transactions and/or use

tax revenue shall not include any amounts determined by CITY or CONTRACTOR to be increment attributable to causes other than CONTRACTOR'S work pursuant to this agreement. In the event that CONTRACTOR is responsible for an increase in the tax reported by businesses already properly making tax payments to the CITY, it shall be CONTRACTOR'S responsibility to separate and support the incremental amount attributable to its efforts prior to the application of the audit fee. Said audit fees will apply to state fund transfers received for back quarter reallocations and monies received in the first eight consecutive reporting quarters following completion of the audit by CONTRACTOR and confirmation of corrections by the State Board of Equalization. CONTRACTOR shall provide CITY with an itemized quarterly invoice showing all formula calculations and amounts due for audit fees.

CONTRACTOR shall obtain CITY approval prior to beginning the work of correcting tax reporting methodology or "point of sale" for specific businesses where said payment of the percentage fee will be expected. Said approval shall be deemed given when the City Manager or his designated representative, signs a Sales Tax Audit Authorization form, a copy of which is attached as "Exhibit A." CITY shall pay audit fees upon CONTRACTOR'S submittal of evidence of State Fund Transfers and payments to CITY from businesses identified in the audit and approved by the CITY.

- C. Above sum shall constitute full reimbursement to CONTRACTOR for all direct and indirect expenses incurred by CONTRACTOR in performing audits including the salaries of CONTRACTOR'S employees, and travel expenses connected with contacting local and out-of-state businesses and Board of Equalization representatives.

## **VI. CITY MATERIALS AND SUPPORT**

CITY shall adopt a resolution in a form acceptable to the State Board of Equalization and in compliance with Section 7056 of the Revenue and Taxation Code, authorizing CONTRACTOR to examine the confidential sales tax records of CITY. CITY further agrees to provide any information or assistance that may readily be available such as business license records within the CITY and to provide CONTRACTOR with proper identification for contacting businesses. CITY further agrees to continue CONTRACTOR'S authorization to examine the confidential sales tax records of the CITY by maintaining CONTRACTOR'S name on the CITY Resolution or by providing copies of future allocation reports on computer readable magnetic media until such time as all audit adjustments have been completed by the State Board of Equalization and audit fees due the CONTRACTOR have been paid.

## **VII. LICENSE, PERMITS, FEES AND ASSESMENTS**

CONTRACTOR shall obtain such licenses, permits and approvals (collectively the "Permits") as may be required by law for the performance of the services required by this Agreement. CITY shall assist CONTRACTOR in obtaining such Permits, and CITY shall absorb all fees, assessments and taxes which are necessary for any Permits required to be issued by CITY.

## **VIII. TERMINATION**

This Agreement may be terminated for convenience by either party by giving 30 days written notice to the other of such termination and specifying the effective date thereof. Upon the presentation of such notice, CONTRACTOR may continue to work through the date of termination. Upon termination as provided herein, CONTRACTOR shall be paid

the value of all tax analysis and reporting work performed less payments previously made by CITY. In ascertaining the value of the work performed up to the date of termination, consideration shall be given to amounts due for any unpaid invoices, and to businesses identified by CONTRACTOR which make tax payments after termination of this Agreement as a result of CONTRACTOR'S work. After CITY receives said tax payments for such businesses, CONTRACTOR shall be paid the audit fees resulting from tax payments made by the business for back quarter reallocations and the first eight consecutive reporting quarters following completion of the audit by CONTRACTOR and confirmation of corrections by the State Board of Equalization. Compensation for any audit work previously authorized and satisfactorily performed shall be made at the times provided in the preceding section entitled "Consideration."

All documents, data, surveys and reports prepared by CONTRACTOR pursuant to this Agreement shall be considered the property of the CITY and upon payment for services performed by CONTRACTOR, such documents and other identified materials shall be delivered to CITY by CONTRACTOR.

#### **IX. INDEPENDENT CONTRACTOR**

CONTRACTOR shall perform the services hereunder as an independent contractor and shall furnish such services in his own manner and method, and under no circumstances or conditions shall any agent, servant, or employee of CONTRACTOR be considered as an employee of CITY.

**X. NON-ASSIGNMENT**

This Agreement is not assignable either in whole or in part by CONTRACTOR without the written consent of CITY.

**XI. ATTORNEY'S FEES**

In the event a legal action is commenced to enforce any of the provisions of this Agreement, the prevailing party shall be entitled to recover its costs and reasonable attorney's fees.

**XII. GOVERNING LAW**

The laws of the State of California shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and shall also govern the interpretation of this agreement.

**XIII. INDEMNIFICATION**

CONTRACTOR hereby agrees to, and shall hold CITY, its elective and appointive boards, officers, agents and employees, harmless from any liability for damage or claims for damage for personal injury, including death, as well as from claims for breach of confidentiality or property damage which may arise from CONTRACTOR'S willful or negligent acts, errors or omissions or those of its employees or agents. CONTRACTOR agrees to and shall indemnify and defend, including reasonable attorneys fees. CITY and its elective and appointive boards, officers, agents and employees from any suits or actions at law or in equity for damages caused, or alleged to have been caused, by reason of any of the aforesaid willful or negligent acts, errors or omissions.

CITY hereby agrees to, and shall hold CONTRACTOR, its officers, agents and employees, harmless from any liability for damage or claims for damage for personal injury, including death, as well as from claims for breach of confidentiality or property damage which may arise from CITY'S negligent acts, errors or omissions under this Agreement. CITY agrees to and shall defend CONTRACTOR and its officers, agents and employees from any suits or actions at law or in equity for damage caused, or alleged to have been caused, by reason of any of the aforesaid negligent acts, errors or omissions.

**XIV. NOTICE**

All notices required by this Agreement shall be given to CITY and CONTRACTOR in writing, by personal delivery or first class mail postage prepaid, addressed as follows:

CITY: CITY OF CORNING  
794 Third Street  
Corning, California 96021

CONTRACTOR: HINDERLITER, DE LLAMAS, & ASSOCIATES  
1340 Valley Vista Drive, Suite 200  
Diamond Bar, California 91765

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the date first above written by their respective officers duly authorized in that behalf.

CITY:  
CITY OF CORNING

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
City Clerk

CONTRACTOR:  
HINDERLITER, DE LLAMAS & ASSOCIATES  
A California Corporation

APPROVED AS TO FORM:  
  
\_\_\_\_\_

City Attorney

*SAMPLE*

*SAMPLE*

EXHIBIT A  
Sales Tax Audit  
Work Authorization No. \_\_\_\_\_

The following business or businesses, located in the City of Corning, have been identified as having the potential for generating additional sales tax revenue to the City of Corning. Contractor is hereby authorized to contact the given business(s) and the State Board of Equalization to verify the accuracy of the current reporting methodology and obtain the necessary documentation for the Board of Equalization, to modify allocation formulas, and to return previous misallocated revenue that may be due to City.

Contractor's compensation shall be 15% of the new sales and/or use tax revenue received by the City as a result of audit and recovery work performed by Contractor, as set forth in the Agreement between Contractor and City.

CITY OF CORNING

By: \_\_\_\_\_

Date: \_\_\_\_\_

HINDERLITER, DE LLAMAS AND ASSOCIATES

By: \_\_\_\_\_

Date: \_\_\_\_\_

ITEM NO.: F-13  
APPROVE SERVICES AGREEMENT WITH  
MGT, TO PROVIDE COMPREHENSIVE  
STATE MANDATED COST CLAIMING  
SERVICES  
JULY 13, 2010

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER

*STBVB*

**SUMMARY:**

What does the term "SB90 Reimbursements" mean? SB90 is a State Law that came about because of a lawsuit against the State that forced the State Legislature to recognize the cost impacts of new State laws upon local government. It requires the State to provide for reimbursement to Local Governments for programs mandated by the State of California.

The filing process for these documents is quite complicated and time consuming for a small City. The City of Corning has used several firms and has had good success with MGT California, a consulting firm in Sacramento, and with our Consultant Diona La Chapelle.

We have reviewed the package; we are familiar with the Consultants, and their pricing for the City of Corning remains cost effective.

**BACKGROUND:**

MGT changes to a flat yearly rate of \$3,000. They will also be doing training with the staff for better tracking.

The SB 90 claiming process usually extends over more than one year, and this agreement provides for the continued use of MGT unless we become dissatisfied.

**RECOMMENDATION:**

**MAYOR AND COUNCIL APPROVE THE SERVICES AGREEMENT WITH MGT TO PROVIDE COMPREHENSIVE STATE MANDATED COST CLAIMING SERVICES, AND AUTHORIZE THE CITY MANAGER TO EXECUTE AND SIGN THE AGREEMENT.**

MGT Sacramento  
2001 P Street  
Suite 200  
Sacramento, CA 95811  
ph: (916) 443-3411  
fax: (916) 443-1766  
www.mgtofamerica.com

**MGT**  
OF AMERICA, INC.

June 22, 2010

Mr. Stephen Kimbrough  
City Manager  
City of Corning  
794 Third Street  
Corning, CA 96021

RECEIVED

CORNING CITY CLERK

**Subject: State Mandated Cost Claiming Services & Contract for FY 2010-2011**

Dear Steve,

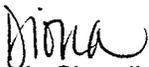
It has been a pleasure partnering with the City of Corning on your state mandated cost claiming engagements for the past several years. We would like to continue providing your agency with the same excellent service, as we anticipate continued reimbursement claiming opportunities for California cities.

We are pleased to be able to offer the same fixed fee as our prior multi-year engagement, which is inclusive of all travel and administrative expenses. MGT proposes to complete all aspects of this proposal related to annual claims that are due on February 15th, for a fee of three thousand dollars (\$3,000). The new or first time claim fee arrangement has changed from a capped amount of up to \$2,000, to a fixed fee amount of one thousand two hundred dollars (\$1,200). The City may exercise use of this provision as it feels is necessary. MGT's contract process is simple, and quick. The City's preferences drive the process: you may choose to use your own format for the agreement, or continue using MGT's enclosed contract, whichever the City prefers.

To simplify the contract renewal process for the City, we are also proposing two additional automatic renewal years using the same fees and contract terms. An additional benefit of this approach is this will provide a hedge against potential fee increases for the next five years, and will also make budgeting for this service easy and more predictable. Of course, the City may choose to cancel this contract provision at any time.

We appreciate the trust you have put in our firm and we hope to have the opportunity to continue providing Corning with the best service possible by offering more tools and information, experienced and knowledgeable staff, and a guaranteed product. Please don't hesitate to call our office at (916) 443-3411, or call me directly at (916) 716-0077 if you have any questions regarding this or any other SB 90 matter. I look forward to working with you in the weeks and months ahead.

Sincerely,



Diona LaChapelle, Manager  
MGT of America, Inc.  
[dlachape@mgtamer.com](mailto:dlachape@mgtamer.com)

## PROFESSIONAL FEES

MGT would like to offer the City of Corning the following fee arrangements:

### **Professional Fees**

MGT will complete all aspects of this proposal related to the annual claims that are due on February 15, 2011, February 15, 2012, and February 15, 2013; and all aspects of this proposal related to all new, or first-time claims (at the City's discretion) for which claiming instructions are issued during the 2010-11, 2011-12, and 2012-13 fiscal years at the following terms:

<i>Annual Claims</i>	<i>New Claims</i>
<b>\$3,000</b>	<b>\$1,200</b>

### **Payment Options & "Pain-Free" Contract Approval Process**

As with our previous agreement, the annual claims will be at a fixed price, due upon receipt of invoices issued by MGT. In the event that the State Controller's Office releases claiming instructions during the eligible contract period, new or first time claims will not be filed or invoiced unless the City chooses to exercise this provision of the contract.

The terms of this agreement may be renewed for two additional fiscal years, exclusively at your agency's option. The additional term of services would be from July 1, 2013 to June 30th, 2014 as well as July 1, 2014 to June 30th, 2015. Pricing would remain the same as quoted in the proposal or agreement. The additional fiscal years are 2013-2014 and 2014-2015 during the renewal periods.

MGT wants to make the contracting process as easy as possible on your staff. We promise you a quick, painless contract approval process. We typically provide certificates of insurance and signed contracts within one to two days. The bottom line is that we want to continue earning Corning's business. We thank you very much for the opportunity to provide you with this proposal to provide state mandate claiming service.

---

## PROFESSIONAL SERVICES AGREEMENT

By and Between  
City of Corning  
and  
MGT of America, Inc.

This agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2010 by the City of Corning, hereinafter referred to as "Client", and MGT of America, Inc., hereinafter referred to as "MGT".

Now, therefore, in consideration of the mutual promises contained herein, the parties agree as follows:

### I. SERVICES

MGT will provide those services as outlined in its proposal letter to Client specified in this agreement, attached hereto and incorporated herein as Exhibit "A". Specific scope of services are as follows:

- a) Prepare and file eligible SB 90 claims for annual claims due on February 15 of each year listed in Section II TIMETABLE. Claims must exceed \$1,000 to be eligible to file with the State.
- b) Prepare and file eligible SB 90 claims for all new, or first-time mandates, which have claiming instructions issued by the State Controller's office during the State's 2010-11, 2011-12, and 2012-13 fiscal year. Claims must exceed \$1,000 to be eligible to file with the State.
- c) Prepare indirect cost rate proposals to accompany all claims if the resulting rate is above 10%.
- d) Provide information to the City about new claiming opportunities in a timely manner.
- e) Provide liaison services between the City and the State Controller for all claims filed by the MGT that are contested by the State Controller either through desk review or field audit.
- f) Assist with payment tracking and SB 90 claim tracking and coordination.

### II. TIMETABLE

#### a) Initial Term

The initial term of this agreement is three fiscal years. It is anticipated that all work for the initial period will commence on July 1, 2010 and will be completed by June 30, 2013, at which time, the City will be able to renew this agreement at the same terms for two additional fiscal years.

#### b) Renewal Period

The terms and conditions of this agreement shall remain effective and may be renewed for two additional fiscal years, at the City's option. The additional term of services would be from July 1, 2013 to June 30th, 2014 as well as July 1, 2014 to

June 30<sup>th</sup>, 2015. The fiscal years in item II(b) are 2013-2014 and 2014-2015 during the renewal periods. The City may choose to cancel this provision at any time.

III. PAYMENT

a) **Annual Claims**

In consideration for the services rendered by MGT pursuant to this agreement, Client agrees to pay MGT upon completion of the following:

MGT will complete and file all eligible annual claims that are due on February 15<sup>th</sup> for the following fee.

**Fixed Fee Each Year of Term**

FISCAL YEAR	PROPOSED FEE	PAYMENT TERMS
2009-10 Annual Claims	\$3,000 fixed fee	Payable 50% after on-site visit and 50% after claims filed
2010-11 Annual Claims	\$3,000 fixed fee	Payable 50% after on-site visit and 50% after claims filed
2011-12 Annual Claims	\$3,000 fixed fee	Payable 50% after on-site visit and 50% after claims filed

**Fixed Fee Each Year of Renewal Period**

FISCAL YEAR	PROPOSED FEE	PAYMENT TERMS
2012-13 Annual Claims	\$3,000 fixed fee	Payable 50% after on-site visit and 50% after claims filed
2013-14 Annual Claims	\$3,000 fixed fee	Payable 50% after on-site visit and 50% after claims filed

This fee is all inclusive (no expenses will be charged to the City for this part of the engagement). There are no caps on number of claims, audit support, or site meetings/visits.

**b) New or First Time Claims**

In consideration for the services rendered by MGT pursuant to this agreement, Client agrees to pay MGT upon completion of the following:

MGT will complete and file all eligible new or first time claims pursuant to the Controller's Office claiming instructions which are issued in accordance with parameters and guidelines received by the Commission on State Mandates. For purposes of this Agreement, claims covered under this section shall include all claiming instructions issued with due dates other than February 15<sup>th</sup> each year as follows:

**Fixed Fee Each Year of Term**

FISCAL YEAR	PROPOSED FEE	PAYMENT TERMS
New Claims issued during 2010-11	\$1,200 fixed fee	Payable 30 days from date of filing of new or first time claims
New Claims issued during 2011-12	\$1,200 fixed fee	Payable 30 days from date of filing of new or first time claims
New Claims issued during 2012-13	\$1,200 fixed fee	Payable 30 days from date of filing of new or first time claims

**Fixed Fee Each Year of Renewal Period**

FISCAL YEAR	PROPOSED FEE	PAYMENT TERMS
New Claims issued during 2013-14	\$1,200 fixed fee	Payable 30 days from date of filing of new or first time claims
New Claims issued during 2014-15	\$1,200 fixed fee	Payable 30 days from date of filing of new or first time claims

This fee is all inclusive (no expenses will be charged to the City for this part of the engagement). There are no caps on number of new or first time claims.

This section of the Agreement is at the discretion of the City, and if no costs can be claimed or the City decides not to file a new or first time claim, the City may elect not to file claims, and no fees would be due to the Consultant for new claim services as described in III(b).

---

#### IV. CLIENT RESPONSIBILITY

- a) Furnish Consultant with all available and necessary information, data, worksheets, and documentation necessary for Consultant to perform the services hereunder in a timely fashion. Consultant shall assume all data is accurate and, if supplied in a timely manner, will file the claims in a timely manner.
- b) Cooperate with Consultant in carrying out the work herein.
- c) Provide adequate staff for liaison with the Consultant for each affected department.
- d) Develop and maintain source documentation sufficient to support SB 90 claims that are filed with the State for a period of at least three (3) years after the last date of claim payment or filing.

#### V. CONSULTANT LIABILITY

The Consultant will assume all data supplied by the City is accurate and correct. Any subsequent disallowance of funds paid to the City pursuant to the SB 90 claims filed under this agreement is the sole responsibility of the City. In any event, the Consultant's total liability under this agreement shall not exceed the compensation received by the Consultant for work pursuant to this agreement.

#### VI. MODIFICATION

The Client and MGT may, by mutual agreement, modify this Contract. Any modification must be in writing and must be signed by the Contractor's principal agent and the Client's designate.

#### VII. GENERAL TERMS AND CONDITIONS

No alteration or variation of this Contract and no understandings or agreements not incorporated herein, unless made in writing between the parties hereto, shall be binding.

The parties hereby agree that no person shall, on the grounds of race, color, creed national origin, religion, disability, or sex, be excluded from or denied participation in, or otherwise subjected to discrimination under any activity performed pursuant to this Contract.

#### VIII. CANCELLATION

The Client and MGT shall have the right to terminate this Contract at any time before the date of completion: (a) by either party at any time for failure of the other party to comply with the terms and conditions of this Agreement; (b) by either party upon 10 days prior written notice to the other party; or (c) upon mutual written agreement of both parties. In the event of termination, MGT shall stop work immediately and shall be entitled to compensation for professional fees and expense reimbursement to the date of termination and for any work necessitated by that termination.

---

**IX. CONTRACTOR EMPLOYEES**

In performance of this Contract, MGT and any agent or employee of the MGT shall act in an independent capacity and not as an officer or employee or agent of the Client, nor shall any party be covered under the Client's personnel rules and regulations. The Client shall have no responsibility for deductions or contributions to Social Security, unemployment insurance, or any other benefits, nor shall income tax be withheld.

**X. PROJECT MANAGER**

Diona LaChapelle of MGT shall act as Project Manager and shall serve as contact for the Client. Contact information is as follows:

2001 P Street, Suite 200  
Sacramento, CA 95811  
Phone 916-443-3411  
Fax 916-443-1766  
EMAIL: dlachape@mgtamer.com

**XI. LEGAL REQUIREMENTS**

It is agreed that for the duration of this agreement, MGT and Client will comply with all applicable laws and regulations of the State of California, State of Florida and the federal government, including but not limited to, the Equal Employment Opportunity Act, the Occupational Safety and Health Act and audit requirements.

**XII. METHOD & PLACE OF GIVING NOTICE, SUBMITTING BILLS & MAKING PAYMENTS**

All notices, bills, and payments shall be made in writing and may be given by personal delivery or by mail. Notices, bills, and payments sent by mail shall be addressed as follows:

**TO CITY/COUNTY/DISTRICT:**

Mr. Stephen Kimbrough  
City Manager  
City of Corning  
794 Third Street  
Corning, CA 96021

**TO CONSULTANT:**

Mr. Brad Burgess,  
Senior Partner, Costing Services Practice  
MGT of America  
2001 P Street, Suite #200  
Sacramento, CA 95811

XIII. SIGNATURES & APPROVAL

**CITY OF CORNING**

**MGT OF AMERICA, INC.**

**Signature:** \_\_\_\_\_

**Signature:**  \_\_\_\_\_

**Name:** \_\_\_\_\_

**Name:** J. Ronald Burgess

**Title:** \_\_\_\_\_

**Title:** Sr. Partner

**Address:** 794 Third Street  
Corning, CA 96021

**Address:** 2001 P Street, Suite #200  
Sacramento, CA 95811

**Telephone**

**Telephone:** 916-595-2646

**FEID:**

**FEID:** #59-1576733

**Date:** \_\_\_\_\_, 2010

**Date:** 6-22, 2010

ITEM NO. : H-15  
RESOLUTION NO. 07-13-10-01  
A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF CORNING DECLARING ITS  
INTENT TO LEVY AND COLLECT ANNUAL  
ASSESSMENT FOR THE CITY OF CORNING  
LIGHTING AND LANDSCAPE DISTRICT 1,  
ZONE 1

JULY 13, 2010

TO: HONORABLE MAYOR AND COUNCIL MEMBERS  
FROM: STEHEN J. KIMBROUGH, CITY MANAGER  
JOHN L. BREWER, AICP; PUBLIC WORKS DIRECTOR



**SUMMARY:**

Annually the City of Corning must conduct a public hearing prior to levying the annual assessments for the individual zone within Lighting and Landscaping District 1 and placing them upon the property tax roles.

Landscape and Lighting District 1, Zone 1 includes the "Blackburn Estates" Subdivision, located north of Blackburn Avenue and east of Marguerite Avenue on N. Alex Lane.

The City Engineer has filed the attached Annual Engineer's report for the district assessments. No change is proposed in the current fiscal year assessment of \$63.09 per residential parcel. The attached Resolution (07-13-10-01), if adopted, would set the Fiscal Year 2010-2011 assessments at the same rate as the previous year.

**BACKGROUND:**

The California Streets and Highway Code contains the Landscaping and Lighting Act of 1972 beginning with Section 22500. The Act provides for the establishment of Landscaping and Lighting Districts and for the levying of annual assessments to the property owners within the District.

Street & Highway Section 22626 provides for a notice of public hearing and includes a provision requiring a ten (10) day legal notice to the individual property owners along with publication in the newspaper when there is no proposed increase in the annual assessment. In this case, notice of this hearing was mailed to the affected property owners on June 16, 2010 and published on June 23rd. There is a more extensive notice requirement if assessments are proposed to be increased.

**ENGINEERS REPORT:**

City Engineer Ed Anderson has prepared the attached Engineer's Report, which indicates that there are no new improvements or changes to be made to Zone 1. The District funds the electrification and maintenance of streetlights and irrigation and maintenance of landscaping within the public right-of-way on N. Alex Lane. and the Blackburn Avenue frontage. The annual cost to operate the District remains unchanged at \$883.20. There are 14 parcels included within this Landscaping and Lighting District Zone providing for an annual parcel assessment of \$63.09.

**RECOMMENDATION:**

**MAYOR AND COUNCIL APPROVE THE ENGINEERS REPORT AND ADOPT  
RESOLUTION NO 07-13-10-01 SETTING THE FISCAL YEAR 2010-2011  
ASSESSMENT AT \$63.09 PER PARCEL FOR LANDSCAPING AND LIGHTING  
DISTRICT 1, ZONE 1.**

**RESOLUTION NO. 07-13-10-01**  
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORNING**  
**SETTING THE ANNUAL ASSESSMENT FOR THE**  
**CITY OF CORNING LIGHTING AND LANDSCAPE DISTRICT 1, ZONE 1 FOR FISCAL YEAR**  
**2010-2011**

**WHEREAS**, the City of Corning Landscape and Lighting District No. 1 was formed by the City Council following Public Hearing on November 22, 2005 in accordance with the State "Landscaping and Lighting Act of 1972" (Streets and Highway Code Section 22500 et.seq.) to provide Street Lighting and Landscape Maintenance to new development approved within the City of Corning; and

**WHEREAS**, the City Council, through Resolution No. 07-11-07-01, adopted on July 11, 2007, designated the "Blackburn Estates" Subdivision located on N. Alex Lane north of Blackburn Avenue and east of Marguerite Avenue as "Zone 1" of the City of Corning Landscape and Lighting District No. 1; and

**WHEREAS**, the City Council at the time of the November 22, 2005 Public Hearing set the annual assessment for each parcel at \$63.09 for fiscal year 2005-2006 in the "Blackburn Estates"; and

**WHEREAS**, the Annual Engineers Report for Fiscal Year 2010-2011, dated July 13, 2010 on file with the City Clerk shows that there is no need to increase the Annual Assessment for fiscal year 2010-2011 in Zone 1, the "Blackburn Estates"; and

**WHEREAS**, Streets and Highway Code Section 22626 provides for a ten (10) day public notice period "If the assessments are to be levied in the same or lesser amounts than in any previous year...", and

**WHEREAS**, the charges associated with this Landscaping and Lighting District are in compliance with California Proposition 218 and the Streets and Highways Code (Section 22500 et.seq.).



**NOW, THEREFORE BE IT RESOLVED**, that the City Council of the City of Corning has conducted the Public Hearing advertised and held on July 13, 2010, at 7:30 p.m. in the City Council Chambers of the City of Corning, 794 Third Street, Corning, CA 96021; and

**BE IT FURTHER RESOLVED**, that the City Council finds that a "majority protest" has not been filed and therefore confirms the attached diagram of Zone 1, and makes no change in the prior year assessment, finding that **the assessment of \$63.09 per parcel for the following assessor parcels shall be levied** in accordance with law.

<u>Tax Rate Area</u>	<u>APN #</u>	<u>Tax Amount</u>
001-014	75-310-28	\$63.09
001-014	75-310-29	\$63.09
001-014	75-310-30	\$63.09
001-014	75-310-31	\$63.09
001-014	75-310-32	\$63.09

<b>Tax Rate Area</b>	<b>APN #</b>	<b>Tax Amount</b>
001-014	75-310-33	\$63.09
001-014	75-310-34	\$63.09
001-014	75-310-35	\$63.09
001-014	75-310-36	\$63.09
001-014	75-310-37	\$63.09
001-014	75-310-38	\$63.09
001-014	75-310-39	\$63.09
001-014	75-310-40	\$63.09
001-014	75-310-41	\$63.09

**PASSED, ADOPTED AND APPROVED** this 13th day of July 2010 by the following vote:

**AYES:**

**OPPOSED:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
**GARY STRACK, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**LISA M. LINNET, CITY CLERK**

**City of Corning Landscaping and Lighting District I – Zone 1**  
**Annual City Engineer’s Report for Fiscal Year 2010-2011**  
**July 13, 2010**

**Zone 1 Location:** Blackburn Estates Subdivision on Alex Ave.;  
north of Blackburn Ave; east of Marguerite Ave.; 14 Residential lots

	<u>Annual Cost</u>
<b>Zone 1 Improvements and Maintenance:</b>	
Electrical service and maintenance through PG&E 3 Street Lights @ \$12.00 per month each =	\$432.00
Landscape Maintenance 346 SF @ \$0.096 per month per SF =	\$399.24
<b>ADMINISTRATION:</b>	
County Property Tax Administration Fee = (3.74% of total amount assessed and collected)	\$ 31.68
County Reimbursement Fee (\$1.14 per parcel)	\$ 15.96
Legal Notice publication and mailing =	<u>\$ 4.32</u>
<b>Total Budget</b>	<b>\$883.20</b>

**TOTAL CHANGE FROM PRIOR YEAR: NONE**

**ASSESSMENT FORMULA:**  $\frac{\text{Total Annual Budget}}{14 \text{ Parcels}} = \text{Assessment per Parcel}$

$\frac{\$883.20}{14} = \$ 63.09 \text{ per parcel annually}$

**Parcels to be Assessed:**

- |            |                  |
|------------|------------------|
| 075-310-28 | 120 N. Alex Lane |
| 075-310-29 | 156 N. Alex Lane |
| 075-310-30 | 186 N. Alex Lane |
| 075-310-31 | 216 N. Alex Lane |
| 075-310-32 | 246 N. Alex Lane |
| 075-310-33 | 276 N. Alex Lane |
| 075-310-34 | 286 N. Alex Lane |
| 075-310-35 | 299 N. Alex Lane |
| 075-310-36 | 279 N. Alex Lane |
| 075-310-37 | 249 N. Alex Lane |
| 075-310-38 | 219 N. Alex Lane |
| 075-310-39 | 189 N. Alex Lane |
| 075-310-40 | 149 N. Alex Lane |
| 075-310-41 | 119 N. Alex Lane |


---

**J. E. Anderson**  
City Engineer

NOTICE OF PUBLIC HEARING FOR ANNUAL ASSESSMENT  
FOR  
CITY OF CORNING  
LIGHTING AND LANDSCAPE DISTRICT 1, ZONE 1

RECEIVED

JUN 26 2010

CORNING CITY CLERK

Lighting and Landscape District 1, Zone 1 consists of the Blackburn Estates Subdivision located on N. Alex Lane north of Blackburn Avenue and east of Marguerite Avenue.

The property owners in the Blackburn Estates subdivision are hereby notified that the City Council of the City of Corning will conduct a public hearing on Tuesday, July 13, 2010 at 7:30 p.m. in the City Council Chambers of the City of Corning 794 Third Street, Corning, CA 96021.

The purpose of the hearing is to consider an annual assessment per residential parcel of sixty-three dollars and nine cents (\$63.09) to support the street lighting and landscape maintenance of Lighting and Landscape District 1, Zone 1. This assessment remains unchanged from the prior year and will be implemented for the fiscal year 2010-2011.

Property owners are invited to review the Engineer's Report and supporting documents at City Hall, 794 Third Street, Corning, CA 96021.

This is a protest hearing in which a majority of the property owners within the zone may file written protest against the assessment. Such written protests can be as simple as returning this notice to the City Clerk at the address stated above with the property owners signatures and the words I oppose the assessment.

PUBLISH: June 23, 2010

Lisa M. Linnet, City Clerk  
City of Corning

*I oppose  
the assessment  
Madison Frye*

ITEM NO. : H-16  
RESOLUTION NO. 07-13-10-02  
A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF CORNING DECLARING ITS  
INTENT TO LEVY AND COLLECT ANNUAL  
ASSESSMENT FOR THE CITY OF CORNING  
LIGHTING AND LANDSCAPE DISTRICT 1,  
ZONE 3

JULY 13, 2010

TO: HONORABLE MAYOR AND COUNCIL MEMBERS  
FROM: STEHEN J. KIMBROUGH, CITY MANAGER  
JOHN L. BREWER, AICP; PUBLIC WORKS DIRECTOR



**SUMMARY:**

Annually the City of Corning must declare its intention to levy assessments for the individual zones within City of Corning Lighting and Landscaping District 1 and then following legal notice to conduct a public hearing prior to levying the annual assessments and placing them upon the property tax roles.

Landscape and Lighting District 1, Zone 3 includes 30 parcels within the SHHIP (Self Help Housing Improvement Project) Blossom Avenue Development. The properties are located on either side of Blossom Avenue and west of Toomes Avenue.

The City Engineer has filed the attached Annual Engineer's report for the district assessments. No change is proposed in the previous fiscal year assessment of \$142.10 per residential parcel. The attached Resolution (07-13-10-01), if adopted, would set the Fiscal Year 2010-2011 assessments at the same rate as the previous year.

**BACKGROUND:**

The California Streets and Highway Code contains the Landscaping and Lighting Act of 1972 beginning with Section 22500. The Act provides for the establishment of Landscaping and Lighting Districts and for the levying of annual assessments to the property owners within the District.

Street & Highway Section 22626 provides for a notice of public hearing and includes a provision requiring a ten (10) day legal notice to the individual property owners along with publication in the newspaper when there is no proposed increase in the annual assessment. In this case, notice of this hearing was mailed to the affected property owners on June 16, 2010 and published on June 23rd. There is a more extensive notice requirement if assessments are proposed to be increased.

**ENGINEERS REPORT:**

City Engineer Ed Anderson has prepared the attached Engineer's Report, which indicates that there are no new improvements or changes to be made to Zone 3. The District funds the electrification and maintenance of streetlights, the maintenance of stormwater facilities and emergency access and bikepath maintenance within the public right-of-way along Blossom Avenue and Blossom Lane. The annual cost to operate the District remains unchanged at \$4,263.11. There are 30 parcels included within this Landscaping and Lighting District Zone providing for an annual parcel assessment of \$142.10.

**RECOMMENDATION:**

**MAYOR AND COUNCIL APPROVE THE ENGINEERS REPORT AND ADOPT RESOLUTION NO 07-13-10-01 SETTING THE FISCAL YEAR 2010-2011 ASSESSMENT AT \$142.10 PER PARCEL FOR LANDSCAPING AND LIGHTING DISTRICT 1, ZONE 3.**

**RESOLUTION NO. 07-13-10-02**  
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORNING**  
**SETTING THE ANNUAL ASSESSMENT FOR THE**  
**CITY OF CORNING LIGHTING AND LANDSCAPE DISTRICT 1, ZONE 3 FOR FISCAL YEAR**  
**2010-2011**

**WHEREAS**, the City of Corning Landscape and Lighting District No. 1 was formed by the City Council following Public Hearing on November 22, 2005 in accordance with the State "Landscaping and Lighting Act of 1972" (Streets and Highway Code Section 22500 et.seq.) to provide Street Lighting and Landscape Maintenance to new development approved within the City of Corning; and

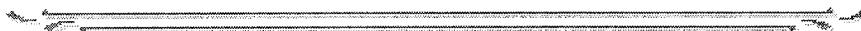
**WHEREAS**, the City Council, through Resolution No. 07-10-07-01, adopted on July 10, 2007, designated Phases 2 & 3 of the Blossom Avenue Infill project located along Blossom Avenue and west of Toomes Avenue as "Zone 3" of the City of Corning Landscape and Lighting District No. 1; and

**WHEREAS**, the City Council at the time of the July 10, 2007 Public Hearing set the annual assessment for each parcel at \$142.10 for fiscal year 2007-2008 within Landscape and Lighting District 1, Phase 3; and

**WHEREAS**, the Annual Engineers Report for Fiscal Year 2010-2011, dated July 13, 2010 on file with the City Clerk shows that there is no need to increase the Annual Assessment for fiscal year 2010-2011 in Zone 3, and

**WHEREAS**, Streets and Highway Code Section 22626 provides for a ten (10) day public notice period "If the assessments are to be levied in the same or lesser amounts than in any previous year...", and

**WHEREAS**, the charges associated with this Landscaping and Lighting District are in compliance with California Proposition 218 and the Streets and Highways Code (Section 22500 et.seq.).



**NOW, THEREFORE BE IT RESOLVED**, that the City Council of the City of Corning has conducted the Public Hearing advertised and held on July 13, 2010, at 7:30 p.m. in the City Council Chambers of the City of Corning, 794 Third Street, Corning, CA 96021; and

**BE IT FURTHER RESOLVED**, that the City Council finds that a "majority protest" has not been filed and therefore confirms the attached diagram of Zone 3, and makes no change in the prior year assessment, finding that **the assessment of \$142.10 per parcel for the following assessor parcels shall be levied** in accordance with law.

<b>Tax Rate Area</b>	<b>APN #</b>	<b>Tax Amount</b>
001-000	71-202-25	\$142.10
001-000	71-202-26	\$142.10
001-000	71-202-27	\$142.10
001-000	71-202-28	\$142.10
001-000	71-202-29	\$142.10

<b>Tax Rate Area</b>	<b>APN #</b>	<b>Tax Amount</b>
001-000	71-202-30	\$142.10
001-000	71-202-31	\$142.10
001-000	71-202-32	\$142.10
001-000	71-202-33	\$142.10
001-000	71-202-34	\$142.10
001-000	71-202-35	\$142.10
001-000	71-203-04	\$142.10
001-000	71-203-05	\$142.10
001-000	71-203-06	\$142.10
001-000	71-203-07	\$142.10
001-000	71-203-08	\$142.10
001-000	71-203-09	\$142.10
001-000	71-203-10	\$142.10
001-000	71-203-11	\$142.10
001-000	71-203-12	\$142.10
001-000	71-203-13	\$142.10
001-000	71-203-14	\$142.10
001-000	71-205-16	\$142.10
001-000	71-205-17	\$142.10
001-000	71-205-18	\$142.10
001-000	71-205-19	\$142.10
001-000	71-205-20	\$142.10
001-000	71-205-21	\$142.10
001-000	71-205-22	\$142.10
001-000	71-205-23	\$142.10

**PASSED, ADOPTED AND APPROVED** this 13th day of July 2010 by the following vote:

**AYES:**  
**OPPOSED:**  
**ABSENT:**  
**ABSTAIN:**

\_\_\_\_\_  
**GARY STRACK, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**LISA M. LINNET, CITY CLERK**

# City of Corning Landscaping and Lighting District I – Zone 3

## Annual City Engineer's Report for Fiscal Year 2010-2011

July 13, 2010

**Zone 1 Location:** Blossom Avenue SHHIP Project Phases 2 & 3 (Tract 2007-239 & PD Use Permit 2007-239); located along Blossom Avenue and west of Toomes Avenue, containing 30 Residential lots

	<u>Annual Cost</u>
<b>Zone 3 Operation and Maintenance Cost:</b>	
6% Sinking Fund (annual cost of 20 year replacement	\$ 988.55
Infiltration Trenches	\$ 606.00
Backyard Storm Drain	\$ 281.00
Street Light (Electrification for 9)	\$1,350.00
Landscape Lighting	\$ 450.00
Supplies & materials	<u>\$ 200.00</u>
Subtotal:	\$3,875.55
Overhead and Admin. (10%-includes County fees)	\$ <u>387.56</u>
<b>Total Budget</b>	<b>\$4,263.11</b>

**TOTAL CHANGE FROM PRIOR YEAR: NONE**

**ASSESSMENT FORMULA:**  $\frac{\text{Total Annual Budget}}{30 \text{ Parcels}} = \text{Assessment per Parcel}$

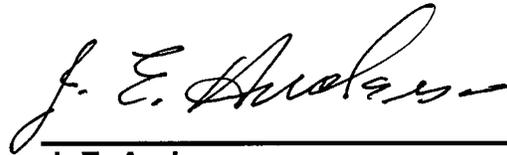
$$\frac{\$4,263.11}{30} = \$ 142.10 \text{ per parcel annually}$$

### Parcels to be Assessed:

Assessor's Parcel No.	Address
71-202-25	2110 Blossom Avenue
71-202-26	2116 Blossom Avenue
71-202-27	2122 Blossom Avenue
71-202-28	2128 Blossom Avenue
71-202-29	2134 Blossom Avenue
71-202-30	2140 Blossom Avenue
71-202-31	2146 Blossom Avenue
71-202-32	2152 Blossom Avenue
71-202-33	2158 Blossom Avenue
71-202-34	2164 Blossom Avenue
71-202-35	2170 Blossom Avenue
71-203-04	2109 Blossom Avenue
71-203-05	2115 Blossom Avenue
71-203-06	2121 Blossom Avenue
71-203-07	2127 Blossom Avenue
71-203-08	2133 Blossom Avenue

**Assessor's Parcel No.****Address**

71-203-09	2139 Blossom Avenue
71-203-10	2145 Blossom Avenue
71-203-11	2151 Blossom Avenue
71-203-12	2157 Blossom Avenue
71-203-13	2163 Blossom Avenue
71-203-14	2169 Blossom Avenue
71-205-16	2051 Blossom Avenue
71-205-17	2043 Blossom Avenue
71-205-18	2035 Blossom Avenue
71-205-19	2027 Blossom Avenue
71-205-20	2019 Blossom Avenue
71-205-21	2011 Blossom Avenue
71-205-22	2005 Blossom Avenue
71-205-23	2001 Blossom Avenue



---

**J. E. Anderson**  
**City Engineer**

ITEM NO. : H-17  
RESOLUTION NO. 07-13-10-03  
A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF CORNING DECLARING ITS  
INTENT TO LEVY AND COLLECT ANNUAL  
ASSESSMENT FOR THE CITY OF CORNING  
LIGHTING AND LANDSCAPE DISTRICT 1,  
ZONE 4

JULY 13, 2010

TO: HONORABLE MAYOR AND COUNCIL MEMBERS  
FROM: STEHEN J. KIMBROUGH, CITY MANAGER  
JOHN L. BREWER, AICP; PUBLIC WORKS DIRECTOR

*STEVE*  
*JB*

**SUMMARY:**

Annually the City of Corning must conduct a public hearing prior to levying the annual assessments for the individual zone within Lighting and Landscaping District 1 and placing them upon the property tax roles.

Landscape and Lighting District 1, Zone 4 affects one parcel; the property developed and known as the "Salado Orchard Apartment Project", located south of Blackburn Avenue and west of Toomes Avenue.

The City Engineer has filed the attached Annual Engineer's report for the district assessments. No change is proposed in the current fiscal year assessment of \$4,772.90 for the one parcel. The attached Resolution (07-13-10-03), if adopted, would set the Fiscal Year 2010-2011 assessments at the same rate as the previous year.

**BACKGROUND:**

The California Streets and Highway Code contains the Landscaping and Lighting Act of 1972 beginning with Section 22500. The Act provides for the establishment of Landscaping and Lighting Districts and for the levying of annual assessments to the property owners within the District.

Street & Highway Section 22626 provides for a notice of public hearing and includes a provision requiring a ten (10) day legal notice to the individual property owners along with publication in the newspaper when there is no proposed increase in the annual assessment. In this case, notice of this hearing was mailed to the affected property owner on June 16, 2010 and published on June 23rd. There is a more extensive notice requirement if assessments are proposed to be increased.

**ENGINEERS REPORT:**

City Engineer Ed Anderson has prepared the attached Engineer's Report, which indicates that there are no new improvements or changes to be made to Zone 4. We do expect the streetlights to be installed within the Blackburn Avenue median within the next few months. The District funds the electrification and maintenance of streetlights and irrigation and maintenance of landscaping within the median on Blackburn Avenue. The annual cost to operate the District remains unchanged at \$4,772.90. There is only one parcel included within this Landscaping and Lighting District Zone.

**RECOMMENDATION:**

**MAYOR AND COUNCIL APPROVE THE ENGINEERS REPORT AND ADOPT RESOLUTION NO 07-13-10-03 SETTING THE FISCAL YEAR 2010-2011 ASSESSMENT AT \$4,772.90 (PER PARCEL) FOR LANDSCAPING AND LIGHTING DISTRICT 1, ZONE 4.**

**RESOLUTION NO. 07-13-10-03**  
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORNING**  
**SETTING THE ANNUAL ASSESSMENT FOR THE**  
**CITY OF CORNING LIGHTING AND LANDSCAPE DISTRICT 1, ZONE 4 FOR FISCAL YEAR**  
**2010-2011**

**WHEREAS**, the City of Corning Landscape and Lighting District No. 1 was formed by the City Council following Public Hearing on November 22, 2005 in accordance with the State "Landscaping and Lighting Act of 1972" (Streets and Highway Code Section 22500 et.seq.) to provide Street Lighting and Landscape Maintenance to new development approved within the City of Corning; and

**WHEREAS**, the City Council, through Resolution No. 06-24-08-01, adopted on June 24, 2008, designated the "Salado Orchard Apartments Project" located on Toomes Avenue and south of Blackburn Avenue as "Zone 4" of the City of Corning Landscape and Lighting District No. 1; and

**WHEREAS**, the City Council at the time of the June 24, 2008 Public Hearing set the annual assessment for the one affected parcel at \$4,772.90 for fiscal year 2008-2009; and

**WHEREAS**, the Annual Engineers Report for Fiscal Year 2010-2011, dated July 13, 2010 on file with the City Clerk shows that there is no need to increase the Annual Assessment for fiscal year 2010-2011 in Zone 4, and

**WHEREAS**, Streets and Highway Code Section 22626 provides for a ten (10) day public notice period "If the assessments are to be levied in the same or lesser amounts than in any previous year...", and

**WHEREAS**, the charges associated with this Landscaping and Lighting District are in compliance with California Proposition 218 and the Streets and Highways Code (Section 22500 et.seq.).



**NOW, THEREFORE BE IT RESOLVED**, that the City Council of the City of Corning has conducted the Public Hearing advertised and held on July 13, 2010, at 7:30 p.m. in the City Council Chambers of the City of Corning, 794 Third Street, Corning, CA 96021; and

**BE IT FURTHER RESOLVED**, that the City Council finds that a "majority protest" has not been filed and therefore confirms the attached diagram of Zone 4, and makes no change in the prior year assessment, finding that **the assessment of \$4,772.90 for the following assessor parcel shall be levied** in accordance with law.

<u>Tax Rate Area</u>	<u>APN #</u>	<u>Tax Amount</u>
001-000	71-020-70	\$4,772.90

**PASSED, ADOPTED AND APPROVED** this 13th day of July 2010 by the following vote:

**AYES:  
OPPOSED:  
ABSENT:  
ABSTAIN:**

\_\_\_\_\_  
**GARY STRACK, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**LISA M. LINNET, CITY CLERK**

**City of Corning Landscaping and Lighting District I – Zone 4**  
**Annual City Engineer's Report for Fiscal Year 2010-2011**  
**July 13, 2010**

**Zone 4 Location:** Salado Orchard Apartments-located at the southwest corner of Blackburn Avenue and Toomes . Affects one (1) Residential lot.

	<u>Annual Cost</u>
<b>Zone 4 Improvements and Maintenance:</b>	
Electrical service and maintenance through PG&E	
8 Street Lights @ \$12.50 per month each =	\$1,200.00
Median Landscape Maintenance	
3,139 SF @ \$1.00 per SF per year =	\$3,139.00
<b>ADMINISTRATION:</b>	
Overhead and Administration =	<u>\$ 433.90</u>
<b>Total Budget</b>	<b>\$4,772.90</b>

**TOTAL CHANGE FROM PRIOR YEAR: NONE**

**ASSESSMENT FORMULA:**  $\frac{\text{Total Annual Budget}}{1 \text{ Parcels}} = \text{Assessment per Parcel}$   
 $\frac{\$4,772.90}{1} = \$ 4,772.90 \text{ per parcel annually}$

**Parcels to be Assessed:**

071-020-70

  
\_\_\_\_\_  
J. E. Anderson  
City Engineer

**ITEM NO: I-18**  
**RESOLUTION NO. 07-13-10-06; A RESOLUTION**  
**AUTHORIZING AND PROVIDING FOR THE**  
**INCURRENCE OF INDEBTEDNESS FOR THE**  
**PURPOSE OF ACQUIRING A USDA LOAN FOR A**  
**NEW WATER WELL AT CLARK PARK AND**  
**ASSOCIATED WATER SYSTEM**  
**IMPROVEMENTS**

**JULY 13, 2010**

**TO: CITY COUNCIL OF THE CITY OF CORNING, CALIFORNIA**

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

*ST&VB*  
*JLB*

**SUMMARY:**

Staff recommends the City Council adopt attached Resolution No. 07-13-10-06. The resolution authorizes and provides for the incurrence of indebtedness for the purpose of acquiring a USDA Rural Development RUS (Rural Utility Service) loan to fund the construction of a new water well at Clark Park and accessory facilities such as the well, building, electrical equipment, emergency generator and water line extensions.

**BACKGROUND:**

Our current City water system is nearing capacity. We rely on the combined production of seven municipal water wells that produce 5,110 gallons per minute (gpm). Our peak demand is 4,800 gpm. When one or more of the wells is out of service for maintenance, that peak demand is difficult to meet. To expand system capacity, staff has been working to develop a new water well. We expect the new well would add about 1,000 gpm to the system. 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.

We've been pursuing a USDA Loan to construct the water well for some time now. In fact, Council previously adopted Resolution No. 01-26-10-01 that authorized the loan application. That loan application is now nearing approval and requires our "acceptance" via resolution of the governing body.

Proposed Resolution No. 07-13-10-06, if adopted, will authorize the USDA loan indebtedness of \$613,000 for the development of the Clark Park Water Well and accessory facilities. We expect the annual payments to total about \$27,948 for the 40 year term of the loan (at 3.375% APR). Note that this additional debt and the payments to retire it were anticipated when the City updated its water rates just last December.

**RECOMMENDATION:**

P:\Documents\PUBWORKS\John BrewerSubDirectory\Water Folder\Clark Park Well\CCStaff Rpt Res. 07-13-10-06.doc

**That the City Council:**

- **Adopt Resolution No. 07-13-10-06; the Resolution authorizing and providing for the incurrence of indebtedness for the purpose of acquiring a USDA loan for a new water well at Clark Park and associated water system improvements.**

## RESOLUTION 07-13-10-06

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORNING AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS WATER SYSTEM FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

**WHEREAS**, it is necessary for the City of Corning (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of **SIX HUNDRED THIRTEEN THOUSAND AND XX/100 (\$613,000)**, pursuant to the provisions of Chapter 5 of Division 7 of Title 1 of the Government Code of California; and

**WHEREAS**, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

**NOW THEREFORE**, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of

the facility, repair, maintain, and operator or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.

6. Not to sell, transfer, lease or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.
11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and the instruments incident to the making of insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to the facilities and replacement of short lived assets.

15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$ 0.00  
Under the terms offered by the Government; that the N/A  
And N/A of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Associations as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.



The foregoing Resolution was passed and adopted by the City Council of the City of Corning this 13th day of July 2010 by the votes listed below.

**AYES:**  
**OPPOSED:**  
**ABSENT:**  
**ABSTAIN:**

---

**Gary R. Strack, Mayor**

**ATTEST:**

---

**Lisa M. Linnet, City Clerk**

ITEM NO: I-19  
ADOPT RESOLUTION NO. 07-13-10-07  
AND ACCEPT FLOOD MITIGATION  
ASSISTANCE GRANT OF \$50,580 FROM  
CALIFORNIA EMERGENCY  
MANAGEMENT AGENCY  
JULY 13, 2010

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

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER



**SUMMARY:**

The City of Corning has been awarded \$50,580.43 to conduct hazard mitigation planning under a Federal Emergency Management Agency (FEMA) grant overseen by California Emergency Management Agency (Cal EMA).

State and Federal regulations require Cities to prepare plans for the mitigation of natural and man made hazards, in this case flooding. Approval of Resolution No. 07-13-10-07, Designation of Applicants Agent, Authorizes the City Manager and Management Team to move forward on the development of the plan utilizing the assistance of the same consultant who has worked with the City of Tehama.

The Grant, under the "Flood Mitigation Assistance Program" is a pre-disaster grant program that provides funding to States to assist in the reduction or elimination of risks of repetitive flood damage to buildings and structures.

The grant amount is \$50,580.43 and the City is able to match this with \$17,197.34 in in-kind services, meaning Staff time devoted to the development of the planning. The Staff Team involved will be the Fire Chief, Police Chief, City Manager, Planning and Public Works Directors and Police Administrative Services Officer.

Since the Project amount is fixed, Requests for Qualifications were sought from qualified consultants. Only one consultant, Jan Ragala and Associates, has submitted a proposal. Ms. Ragala is well qualified having been referred to the City originally by the City of Tehama where she has assisted that City in its planning and grant applications.

Some of the flood mitigation planning work will be able to be expanded and used in the planning for other types of disasters making this project even more valuable to the City.

**RECOMMENDATION:**

**MAYOR AND COUNCIL ACCEPT THE FLOOD MITIGATION ASSISTANCE GRANT OF \$50,580 FROM CALIFORNIA EMERGENCY MANAGEMENT AGENCY AND APPROVE RESOLUTION NO. 07-13-10-07 AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AGREEMENT AND RETAIN THE SERVICES OF JAN RAGALA AND ASSOCIATES.**

**DESIGNATION OF APPLICANT'S AGENT RESOLUTION  
Flood Mitigation Assistance Program**

BE IT RESOLVED BY THE City Council OF THE City of Corning  
(Governing Body) (Name of Applicant)

THAT Stephen J. Kimbrough, City Manager., OR  
(Title of Authorized Agent)

Pala Cantrell, City Treasurer, OR  
(Title of Authorized Agent)

Lisa M. Linnet, City Clerk  
(Title of Authorized Agent)

is hereby authorized to execute for and in behalf of the City of Corning, a public entity established under the laws of the State of California, this application and to file it in the State Office of Emergency Services for the purpose of obtaining federal financial administered by the State Office of Emergency Services.

THAT the City of Corning, a public entity established under the laws of the State of California, hereby authorizes its agent(s) to provide to the California Emergency Management Agency for all matters pertaining to such state disaster assistance the assurances and agreements required.

Passed and approved this 13th day of July, 20 10

\_\_\_\_\_  
(Name and Title)

\_\_\_\_\_  
(Name and Title)

\_\_\_\_\_  
(Name and Title)

**CERTIFICATION**

I, \_\_\_\_\_, duly appointed and \_\_\_\_\_ of  
(Name) (Title)  
\_\_\_\_\_, do hereby certify that the above is a true and correct copy of a

resolution passed and approved by the \_\_\_\_\_ of the \_\_\_\_\_ on the  
(Governing body) (Name of Applicant)  
\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
(Official Position)

\_\_\_\_\_  
(Signature)

**Mountains and foothills in the East portion of the region. The City of Corning is extremely flat and accumulates both Creek Flooding and Sheet flooding from 20 year storm events**

**Attachments:**

The City of Corning is located in Northern California and the Northern Sacramento Valley 25 Miles Northwest of Chico and 17 Miles South of Red Bluff. Interstate 5 passes through the City of Corning and it is located within a mile of the Sacramento River on the East side of the City. The City is subject to sheet flooding and flooding from Burch Creek, Jewett Creek, North Fork Hall Creek, Middle Fork Hall Creek, South Fork Hall Creek and Hall Creek all which come out of the Foothills to the West of the City and flow East towards the Sacramento River. These Creeks have flooded in 1937, 1955, 1963, 1986, 1995, and 1997. As the County and City continue to grow more and more facilities suffer flood damage. (Tehama County and Corning have experienced a 17% growth in a 17 year period. Numerous road closures occur during these floods in and around Corning isolation people and rendering access by emergency vehicles limited. On page 16 of the Tehama County 2006 Flood Plan the problems of the City of Corning are described as follows: The NFIP confirms existing problems in the Antelope-Dairyville area; however, it does not reflect existing problems in South Corning. The FIRMS for the South Corning Area do show a significant floodplain; however, photographs taken by residents show the flooding to be of much greater extent than what is shown on the FIRMS. Accordingly, planning for development or building structures within the South Corning area is somewhat problematic in view of the apparent discrepancy between the FIRMS and observed flooding. A difference of about one foot in the BFE between the FIRM and the observed flooding and a difference of about one foot in the BFE between the FIRM for the city in relation to the FIRM for the County at the City along its South Boundary." Of the 19 States of Emergency in Tehama county proclaimed by the State of California, nine were related to flooding and all 9 affected the City of Corning. The climate of the Corning portion of Tehama County is characterized by warm to hot dry summers and cool wet winters. The precipitation pattern for the northern part of the State Sacramento Valley is one of large cyclonic storms in the winter months. The average annual rainfall along the West and east side of the City is 50 inches and 70 inches respectively. The City is surrounded by Mountains and foothills on the West side and the Sacramento River on the East Side, with more Mountains and foothills in the East portion of the region. The City of Corning is extremely flat and accumulates both Creek Flooding and Sheet flooding from 20 year storm events.

Attachments

**It is the goal of the City of Corning to form a Flood Committee to hire a consultant to facilitate the process of working with the surrounding jurisdictions, local citizens, Business owners and other interested stakeholders and owners of critical facilities to identify mitigation strategies to reduce the damage from flooding in Corning The committee will look at all historic and current appropriate documents to define the flood problem and identify opportunities for mitigation.**

The average annual rainfall along the West and east side of the City is 50 inches and 70 inches respectively. The City is surrounded by Mountains and foothills on the West side and the Sacramento River on the East Side, with more Mountains and foothills in the East portion of the region. The City of Corning is extremely flat and accumulates both Creek Flooding and Sheet flooding from 20 year storm events

The City plans to use the Flood Mitigation Plan as a basis to go on and complete a DMA 2000 multi-hazard plan. Flooding is considered to be the highest risk threat to the City of Corning and the City needs to document the history of flooding, the potential mitigation strategies to prevent further flooding and engage its citizens and stakeholders in the efforts to prevent damage from flooding. In addition the City needs to accurately describe the flood risk in the City as the County has identified inconsistencies in the FIRM maps for both the City and the County, and the affects of sheet flooding and road closures need to be further studied.

**To attach documents, click the Attachments button below.**

The City of Corning has a repetitive flood problem along its creeks and from run-off headed for the Sacramento River and wishes to work with the residents and local businesses to see solutions to the flooding damage. The City is subject to sheet flooding and flooding from Burch Creek, Jewett Creek, North Fork Hall Creek, Middle Fork Hall Creek, South Fork Hall Creek and Hall Creek all which come out of the Foothills to the West of the City and flow East towards the Sacramento River. These Creeks have flooded in 1937, 1955, 1963, 1986, 1995, and 1997. As the County and City continue to grow more and more facilities suffer flood damage. (Tehama County and Corning have experience a 17% growth in a 17 year period. Numerous road closures occur during this flood in and around Corning isolation people and rendering access by emergency vehicles limited. On page 16 of the Tehama County 2006 Flood Plan the problems of the City of Corning are described as follows: The NFIP confirms existing problems in the Antelope/Dairyville area; however, it does not reflect existing problems in South Corning. The FIRMS for the South Corning Area do show a significant floodplain; however, photographs taken by residents show the flooding to be of much greater extent than what is shown on the FIRMS. Accordingly, planning for development or building structures within the South Corning area is somewhat problematic in view of the apparent discrepancy between the FIRMS and observed flooding. A difference of about one foot in the BFE between the FIRM and the observed flooding and a difference of about one foot in the BFE between the FIRM for the city in relation to the FIRM for the County at the City along its South Boundary." Of the 19 States of Emergency in Tehama County proclaimed by the State of California, nine were related to flooding and all 9 affected the City of Corning. The climate of the Corning portion of Tchama County is characterized by warm to hot dry summers and cool wet winters. The precipitation pattern for the northern part of the State Sacramento Valley is one of large cyclonic storms in the winter months. The average annual rainfall along the West and east side of the City is 50 inches and 70 inches respectively. The City is surrounded by Mountains and foothills on the West side and the Sacramento River on the East Side, with more

The Flood Committee will seek to develop public information and invite the public's participation throughout the planning process. It would be the intent to encourage and support all businesses and residents in flood prone areas to participate in the development of the Flood Mitigation Plan and to work with the Town and surrounding communities, Federal and State Agencies involved with the Sacramento River and Shasta Dam Flood prevention systems to reduce the risk of flooding. In addition the City will refine its data on the creek and sheet flooding that occurs in the city. In addition the City will look at its Master Drain Plan for areas of improvement and mitigation opportunities. The City intends to adopt the Plan and make it part of their General Plan Safety Element, the City intends to update and maintain the Plan on a annual basis and resubmit the Plan for approval every

\$ 67,777.77		
<b>Federal Share Percentage</b>	74.6268725%	
<b>Non-Federal Share Percentage</b>	25.3731275%	
		Percentage
<b>Proposed Federal Share</b>	\$ 50,580.43	74.6268725%
<b>Proposed Non-Federal Share</b>	\$ 17,197.34	25.3731275%

<b>Local Agency Funding</b>	<b>Personnel Fund</b>	<b>Labor</b>	<b>\$ 17,197.34 <a href="#">View Details</a></b>
<b>If you would like to make any comments, please enter them below.</b>			
The City Corning is prepared to move forward with a Flood Mitigation Plan as outlined in this grant application as soon as it can possible be approved.			
<b>Attachments</b>			
<a href="#">Stephen Kimbroughmatch.doc</a>			

The Flood Mitigation Planning process will help the City and its citizens, government businesses to understand the flooding problems in their City and search for mitigation solutions to resolve these problems. The City will have an opportunity to work with Tehama County and neighboring communities to reach mutual consensus on potential

flood mitigation strategies. Further it will give those flood threatened homeowners and opportunity to look for individual solutions by elevating their homes, building flood walls and doing mitigation work on their property. The City needs to plan flood protection for future development in the City and this Plan will assist the City in formulating future codes and standards for development

**Describe the strategy for completing this planning activity, including the review process, adoption, and FEMA's approval.**

The strategies are to use the City's as the core mitigation planning group to work with the citizens and neighboring communities to reduce the damage from the risk of flooding to the City. The Flood Planning Group will conduct public outreach meetings and public education programs seeking input to flood mitigation as flood prevention solutions. The flood Planning Group and its consultant will meet on a monthly basis or more often as needed and provide information to the city's citizens, surrounding communities and businesses in the flood hazard zone on opportunities to select and prioritize flood mitigation strategies in a Flood Mitigation Plan.

**Describe how you will manage the costs and schedule, and how you will ensure successful performance.**

The City Manager and Public Works Director will be the Project managers for the Flood Mitigation Planning Process and they will require and receive monthly reports on the tasks identified, the status of the Flood Mitigation Planning activities and the funds expended. The consultant and the Project Manager will submit the required quarterly reports on the progress of the project.

**Describe the staff and resources needed to implement this mitigation activity and the applicant's ability to provide these resources.**

Each of the City's Department managers will participate with the knowledge and information needed to contribute towards a complete risk analysis of the City's flood hazard Problem. The staff will also contribute to the project by giving input into the flood mitigation strategies and reviewing the strategies proposed by the stakeholders, citizens and departments for legal ability to implement and cost effectiveness. It is projected that each of the City's Department Managers will expend 20 plus hours of staff time working on this planning project and the Public works and Fire Department will spend 40 hours of flood mitigation analysis and planning in support of the Flood Mitigation Plan's development. The consultant will be responsible for documenting the planning process and producing planning drafts for distribution and review by the participants.

**If applying for multiple mitigation activities, how do these activities relate?**



# Introduction to Dimensions UNLIMITED, INC.

Comprehensive Emergency Management Specialists



## ***Vision Statement:*** Dimensions

Unlimited Inc. will provide its clients with the highest quality, personalized comprehensive emergency management and organizational consulting services.

### Who are we?

The staff and associates of Dimensions Unlimited, Inc., have more than a century of emergency management experience. Our specialists are ready to provide your organization with services in comprehensive emergency management, disaster mitigation, planning, response, training, and recovery.

### Services

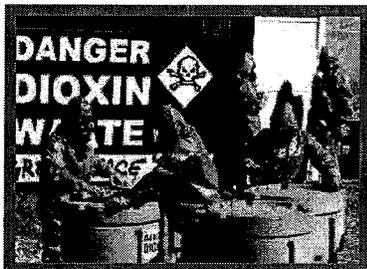
- A full range of Comprehensive Emergency Management Training & Exercises Programs.
- Natural & Technological Disaster Preparedness, Response, & Recovery.
- FEMA, State, FAA, & SARA Title III Planning &

### Program Compliance.

- Hazard Mitigation Grant Proposals, Plans & Benefit-Cost Analysis Preparation.
- Hazard Analysis & Risk Assessment.
- Emergency Public Information & Media Management.
- Disaster Grant & Financial Recovery Assistance.

Our staff represents a wide-ranging scope of training, educational, management and planning experience. We provide consulting services, training, planning, exercises, and workshops in:

- Comprehensive Emergency Management Services
- Disaster Public Assistance Financial Recovery
- Financial Recovery Grants Benefit-Cost Analyses
- Historic Preservation Compliance Assistance
- Critical Incident Stress Training & Debriefings
- Disaster Environmental Program Compliance
- Hazard Mitigation Planning
- Disaster Plan Design & Development
- Emergency Operations Center Management
- Hazardous Materials Incident Management
- Incident Command System
- Standardized Emergency Management System



**Dimensions**  
UNLIMITED, INC.

Comprehensive Emergency Management Specialists

P. O. BOX 446  
Rio Vista, CA 94571-0446  
Phone: (707) 374-6529 FAX: (707) 374-6089  
[www.dimensionsui.com](http://www.dimensionsui.com)



# Dimensions

UNLIMITED, INC.

Comprehensive Emergency Management Specialists

## Services To

- ⇒ GOVERNMENT AND THE PRIVATE SECTOR
  - ⇒ PRIVATE NON-PROFIT ORGANIZATIONS
  - ⇒ TRANSPORTATION PLANNING AND RESPONSE ORGANIZATIONS
  - ⇒ SCHOOLS, HOSPITALS AND HEALTH CARE FACILITIES
  - ⇒ BUSINESS AND INDUSTRY
- 

## Responses

- Private, commercial & military aircraft disasters
- Mount St. Helens eruption
- Major floods
- Earthquakes
- Dam collapses
- Hazardous materials incidents
- Commercial, residential & wild fires
- Law enforcement actions
- Search & rescue incidents
- Waterborne incidents
- Catastrophic storms

## Our Record

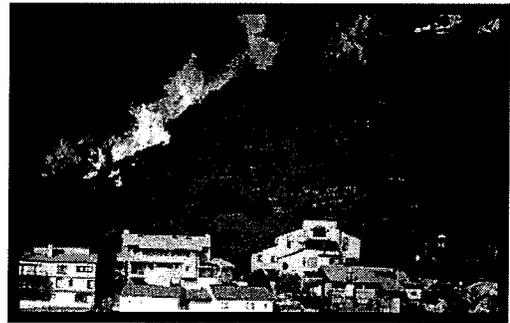
Our *Recovery & Mitigation Team* of specialists have recovered millions of dollars in Federal and State funds through applying for disaster recovery and hazard mitigation grants on behalf of clients and through their extensive knowledge of disaster documentation submission and the appeals process. This helps clients to rebuild and regroup after suffering extensive damages caused by disasters.

Our *Planning & Response Team* of specialists have designed and written understandable, workable disaster plans for government agencies and private organizations. They have also worked in emergency operations centers around the country as coordinators and managers during disaster operations.

Our *Training Team* of specialists has provided instruction and facilitation in plan implementation to clients. They have also designed, organized and conducted full-range exercises to test plans and responders.

## Planning

Our team of specialists have designed and written understandable, workable comprehensive emergency management and hazard mitigation plans for government and private sector clients. By working with steering committees, or working one-on-one with a project coordinator, we develop the kind of a plan the organization needs – at an affordable cost. We specialize in delivering professionally designed, compliant, and customized Plans.



## Training

Our team of specialists have designed and provided instruction, developed and organized exercises, and facilitated training needs assessments for thousands of people in the disaster response and management community, as well as in other professional communities throughout the country. Besides having a selection of prepared workshops, seminars and courses, our curriculum development specialists can design a training program to meet our client's needs. Some workshops and courses we offer are:

- ◆ Critical Incident Stress Workshop
- ◆ Responding To Terrorism
- ◆ Disaster Recovery Seminar
- ◆ Hazard Mitigation Grant Writing Workshop
- ◆ Incident Command System
- ◆ Standardized Emergency Management System (SEMS) - *for California Clients*
- ◆ Hazardous Materials for the First Responder
- ◆ Crime Prevention Through Environmental Design
- ◆ Disaster Team Training
- ◆ Emergency Operations Center Staff Training
- ◆ Disaster Exercise Design and Facilitation

# Janice Leonardo Rogala

## Founder & CEO



### Summary

Professional Comprehensive Emergency Management Director, consultant, and program manager. Experienced in all phases of disaster and emergency management. Thirty-six years experience managing Federal, State and Local Emergency/Disaster Programs.

### Qualifications

- Natural and Technological Disaster Planning
- FEMA Program Compliance
- FAA Plan Compliance
- Hazardous Materials Incident Response
- Incident Command System Implementation including SEMS, Military & Nat'l Fire Service
- Hazard Analysis and Mitigation
- Critical Incident Stress Training and Debriefings
- Disaster Grants
- Emergency Operations Center Design
- Emergency Operations Management
- Disaster Resource Management
- Proposal Development
- Emergency Plan Development
- Disaster Financial Recovery
- Airport Incident Planning
- Response Training and Exercise Development
- Media Management
- Public Information Programs
- EIS/GEM Implementation
- Nuclear Chemical and Biological/SARA Title III components

### Experience

#### *Founder & CEO*

#### **Dimensions Unlimited, Inc.**

Consulting in comprehensive emergency management programs for the public sector, private non-profit organizations, airports and the private sector. Development and implementation of a viable comprehensive disaster management consulting practice specializing in strategic planning and financial recovery for effected governments and businesses. Proposal and contract development, developing and implementing marketing strategies, client projects and staff management. SEMS Trainer and Planner.

#### **School & Local Government Practice**

##### *San Ramon Unified School District - Thomas Jamison, Project Manager*

- Regional Risk Analysis
- School Plan and Implementation
- Grant writing
- Multi-jurisdictional Hazard Mitigation Planning
- Site Training for Plan Implementation/NIMS

##### *Los Angeles Unified School District Bob Spears, School Emergency Manager 213 241 3889*

- Regional Risk Analysis
- Prepare and implement DMA 2000 Hazard Mitigation Plan

##### *Oakland Unified School District*

- Disaster Flood Recovery
- Emergency Operations Plans for District and school sites
- Conduct site plan implementation

*West Contra Costa County Unified School District – Cate Burkhart Project Manager*

- Disaster financial recovery and FEMA appeal for school site damage
- Promulgate and Implement District Emergency Operations Plan
- Promulgate and implement site Emergency Operations Plan
- Provide emergency management training to District and school site staff

*Lutheran Social Services Special Needs School – New Orleans, LA*

- Wrote a special needs disaster plan under extreme circumstances with the advance of Hurricane Katrina on the City of New Orleans.
- The Plan covered 34 special needs students who could not be released to family or mainstreamed into the population
- The Plan provided for the successful evacuation and re-housing of these Children in the State of Texas
- Post Katrina
- Handled accounting and recovery of disaster damage claims to their facilities and expenses for re-housing the children.

*Conducted Risk Analysis and Produced Disaster Mitigation Act 2000 Plans for the following clients.*

- State of Nevada
- Washoe County, Nevada
- City of Carson City, Nevada
- City of Burbank California as well as preparing over 3 million dollars in successful project grants for the City based on their DMA 2000 Plan
- City of Monrovia, CA
- Los Angeles County, CA
- City of Larkspur, CA
- City of Isleton, CA
- City of Rio Vista, CA
- City of Walnut, CA

*Have written Emergency Operations Plans, conducted Disaster Recovery, conducted risk analysis and Disaster mitigation Plans and written grant applications for an addition 70 plus clients in the 5 States.*

*Senior Project Manager and Hazard Mitigation Grant Manager*

**Consulting Specialists**

All aspects of emergency program management providing consulting services to government, private enterprise, private non-profit organizations, businesses and individuals in preparation for and recovery from major disasters and extraordinary emergency incidents. Proposal development, marketing, staff management, program paper development, legislative input, financial recovery, appeals grants management, and technical program assistance.

*Special Assistant to the Public Assistance Manager*

**State of California, Governor's Office of Emergency Services**

Budget preparation training, program management and assisted eligible political subdivisions in their financial and physical damage recovery from major disasters. Developed staffing patterns, duty statements, management procedures and implemented a computerized damage survey report (DSR) tracking system.

*Director*

**Whatcom County, Washington, Office of Emergency Services**

Formed and directed a multi-jurisdictional emergency services organization including an EOC (emergency operations center) and a 9-1-1 communications center. Negotiated contracts to provide on-scene hazardous materials incident command response for 19 rural fire districts. Provided direction for air/ground search and rescue communications support for first responders to the eruption of Mount St. Helens and responded to 12 local Presidential disaster declarations. Directed and coordinated response to hundreds of extraordinary

emergency incidents within the jurisdiction. Directed planning, exercising, training, response preparation, post-disaster and fiscal recovery and disaster management services for representative jurisdictions.

*Senior Research Associate*

**Washington State Research Council**

Specialized in project research and implementation of privatization programs for public organizations and agencies in competitive environments. Developed reports and decision papers.

*Field Director*

**Federal Disaster Field Team**

Served in over 80 disaster-affected communities in 12 Presidentially-declared disasters including the Teton Dam and Mount St. Helens disasters.

### **Education**

Central Washington State University  
*BA Disaster Sociology (Magna Cum Laude)*

Central Washington State University  
*Instructor*

Specialized Emergency Management Training & Course Instructor  
*Over 6000 hours*

Federal Emergency Management Agency (FEMA)  
*Certified Master Trainer for FEMA since 1981.*