



**CITY OF CORNING  
CITY COUNCIL CLOSED SESSION AGENDA**

**TUESDAY, JUNE 22, 2010  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

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

B. **ROLL CALL:**

**Council:**

**Vacant**

**Ross Turner**

**Toni Parkins**

**John Leach**

**Mayor:**

**Gary Strack**

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

C. **ADJOURN TO CLOSED SESSION:**

**CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO SECTION 54957.6:**

**Agency Negotiator: William May, Labor Relations Consultant**

**Management, Miscellaneous, Dispatch and Public Safety Employees  
Bargaining Units**

D. **RECONVENE SPECIAL MEETING AND REPORT ON CLOSED SESSION:**



**CITY OF CORNING  
CITY COUNCIL AGENDA**

**TUESDAY, JUNE 22, 2010  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

E. **ADJOURN TO REGULAR MEETING: 7:30 P.M.**

F. **PLEDGE OF ALLEGIANCE:**

G. **PROCLAMATIONS, RECOGNITION'S, APPOINTMENTS, PRESENTATIONS**

**RECOGNITIONS:**

The City Council would like to publicly thank Mike Demo for his outstanding service to the Citizens of Corning. Mike has served the City for 18 years as a Fire Dispatcher and a total of 39 years as an active member of the Corning Volunteer Fire Department.

1. **Proclamation: Recognizing July 26, 2010 as the 20<sup>th</sup> Anniversary of the Americans with Disabilities Act.** Tehama County's Board Member for the State of California Area 2 Developmental Disabilities Board, Larry R. Stevens will be present to accept the Proclamation.

**THE CITY OF CORNING IS AN EQUAL OPPORTUNITY EMPLOYER**

- H. **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.
- I. **CONSENT AGENDA:** It is recommended that items listed on the Consent Agenda be acted on simultaneously unless a Councilmember or members of the audience requests separate discussion and/or action.
2. **Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
  3. **Waive the Reading and Approve the Minutes of the following Meetings with any necessary corrections:**
    - a. **May 11, 2010; and**
    - b. **May 25, 2010**
  4. **June 2010 Wages and Salaries - \$ 337,557.71.**
  5. **June 16, 2010 Claim Warrant - \$ 262,396.33.**
  6. **June 16, 2010 Business License Report.**
  7. **May 2010 – Treasurer's Report.**
  8. **May 2010 Building Permit Valuation - \$479,273.46.**
  9. **City of Corning Wastewater Operation Summary Report – May 2010.**
  10. **Mayor's Recommendation to Appoint Judy Turner, Susan Olson Higgins and Sylvia Meents to the Corning Library Commission.**
  11. **Adopt Resolution 06-<sup>22</sup>~~25~~-10-06 calling for the Municipal Election and requesting it be consolidated with the November 2010 Gubernatorial Election.**
  12. **Adopt Resolution No. 06-22-10-07, Adopting the Candidates Statement of Qualifications Fees set by the County Elections Office for the November 2010 Gubernatorial Election.**
  13. **Approve the following Resolutions related to a "No Parking" and "Bus Loading/Unloading" Zone along Corning Healthcare District property frontage (275 Solano Street):**
    - a. **Resolution 06-22-10-02, a Resolution designating a "No Parking" zone at 275 Solano Street; and**
    - b. **Resolution 06-22-10-05, a Resolution designating a "Bus Loading/Unloading" zone at 275 Solano Street.**
  14. **Safe Routes to School-Cycle 9; Authorize Staff to Submit Application for State Funding for Sidewalk and Crosswalk Development on the vicinity of West Street and Olive View Schools.**
- J. **ITEMS REMOVED FROM THE CONSENT AGENDA:**

**K. 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.**

15. Waive the first reading of Ordinance 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. (First Reading)
16. Waive the first reading of Ordinance 642, an Ordinance referencing the 2007 Edition of the California Fire Code as a Technical Code in the Corning Municipal Code. (First Reading)
17. Adopt Resolution 06-22-10-03 Approving an Application for Funding and the Execution of a Grant Agreement and any Amendments thereto from the General Allocation of the State Community Block Grant Program.

**L. ADJOURN TO THE CITY OF CORNING PUBLIC FINANCING CORPORATION:**

**CITY OF CORNING PUBLIC FINANCING CORPORATION:**

(Formed in 1997 to facilitate the issuance of Municipal Bonds and Loans in support of City approved projects.)

**18. CALL TO ORDER:**

**ROLL CALL:**

**Council:**

**Vacant**

**Ross Turner**

**Toni Parkins**

**John Leach**

**Mayor:**

**Gary Strack**

- a) Note that Proper Notice of the Meeting was provided as part of the June 22, 2010 City Council Agenda.
- b) Reading of Outstanding Minutes – None (the Minutes of the Board of Directors is incorporated into the regular City Council Minutes when the Corporation meets as a part of the City Council Meeting).
- c) Presentation and consideration of Reports of Officers and Committees – none.
- d) Unfinished Business, review Public Report of the Public Financing Corporation as included in the Annual Audit for Fiscal Year 2008-2009.

**Other Business:**

**Adjourn to City Council Meeting:**

**M. REGULAR AGENDA:**

19. Adopt Resolution 06-22-10-01 Establishing an Appropriations Limit for the City of Corning for Fiscal Year 2010 – 2011.
20. Consider Approval of the Continuation of City Sponsored Recreation Programs.
21. Approve Annual Statement of Investment Policy 2010.
22. Approve three-year Agreement for Audit Services with Donald R. Reynolds, CPA.

23. **Adopt Resolution 06-22-10-04, authorizing the submittal of an Application to the California State Department of Housing and Community Development for Funding under the CalHome Program, the execution of a Standard Agreement, and any Amendments or related documents necessary to participate in the CalHome Program if selected for such Funding.**
  24. **Use Permit 2008-252, Tract Map 08-1002 – Salado Orchards Phase 2: Consider approving a one-year time extension for Use Permit 2008-252 and a 2-year extension to Tract Map 08-1002 pursuant to Section 16.18.010 of the Corning Municipal Code.**
  25. **Study Matter 2010-1: Discussion on extending Interim Ordinance 637, an Ordinance prohibiting Medical Marijuana Dispensaries, Collectives or Cooperatives within any Zoning District in the City of Corning for one (1) year pursuant to CA Gov. Code Section 65858(a).**
  26. **Recommend Rental of Transportation Center Suite C to Debadoo & Company Dance.**
- N. **ITEMS PLACED ON THE AGENDA FROM THE FLOOR:**
- O. **COMMUNICATIONS, CORRESPONDENCE AND INFORMATION:**
- P. **REPORTS FROM MAYOR AND COUNCIL MEMBERS:**
27. **Turner:**
  28. **Parkins:**
  29. **Leach:**
  30. **Strack:**
- Q. **ADJOURNMENT!:**

**POSTED: THURSDAY, JUNE 17, 2010**

**PROCLAMATION**  
**CELEBRATING JULY 26, 2010**  
**AS THE 20<sup>TH</sup> ANNIVERSARY**  
**OF THE**  
**AMERICANS WITH DISABILITIES ACT**

**WHEREAS**, on July 26, 1990, President George H. Bush signed into law the Americans with Disabilities Act (ADA) to ensure the civil rights of people with disabilities; and

**WHEREAS**, this legislation established a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities, and

**WHEREAS**, the ADA has expanded opportunities for Americans with disabilities by reducing barriers, changing perceptions, and increasing full participation in community life; and

**WHEREAS**, the full promise of the ADA will only be reached if public entities remain committed in their efforts to fully implement the ADA; and

**WHEREAS**, on the 20<sup>th</sup> Anniversary of the Americans with Disabilities Act, we celebrate and recognize the progress that has been made under the ADA by reaffirming the principles of equality and inclusion and recommit our efforts towards reaching full ADA compliance.

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**NOW, THEREFORE I, GARY R. STRACK, AS MAYOR OF THE CITY OF CORNING, DO HEREBY REAFFIRM OUR COMMITMENT TO WORK TOWARDS FULL ACCESSIBILITY AND INCLUSION FOR PEOPLE WITH DISABILITIES.**

**IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Corning to be affixed this 22nd day of June 2010.**

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**GARY R. STRACK, MAYOR**



**CITY OF CORNING  
CITY COUNCIL MINUTES  
TUESDAY, MAY 11, 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  
Gary Strack**

**Mayor:**

City Council Members present were Strack, Turner, Parkins and Leach. One vacancy remains on the Council.

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

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

- 1. Proclamation: May 2010 as Mental Health Month.** Mike Gonzales, Tehama County Mental Health Board member was present to accept the Proclamation.
- 2. Proclamation: May 10<sup>th</sup> – May 15<sup>th</sup> 2010 "Poppy Days" in the City of Corning.** American Legion Auxiliary representative Delores May was present to accept the Proclamation.
- 3. Proclamation: May 16<sup>th</sup> – May 22<sup>nd</sup> 2010 "National Public Works Week" in the City of Corning.** Corning Public Works Director John Brewer accepted the Proclamation on behalf of the City's Public Works Department.

**E. BUSINESS FROM THE FLOOR:**

Valanne Cardenas: Thanked the City (Public Works, Police Dept., Mayor Strack and City Employees) for their assistance this past weekend during the May Madness Car Show.

Gary Price: Stated that he and the City have not always been on good terms, however he stated he has a neighbor that has been causing problems for him. He informed the Council that he has asked the City to help him but currently the City has a Restraining Order against him relating to the litigation between he and the City which has since been dropped. He would like to have that Order removed granting him the right to call the Police Department for assistance.

Gladice Nelson (Gary Price's Mother): Stated that the woman that lives next door to her has created havoc for her and for her health. She wants to know if the Police Department is going to help her. She has a note from her Doctor stating that this situation is causing problems for her health. She stated that the Police Department responds to every call from her neighbor within minutes.

Mrs. Nelson's Friend Ruby: Stated that Mrs. Nelson's Doctor is concerned that she will have a stroke. City Attorney Michael Fitzpatrick stated that he has spoken with Mr. Price prior to the meeting and asked him to put everything in writing to him and he will do what he can. Mr. Fitzpatrick stated that Mr. Price contacted his office 56 times yesterday evening and 16 times today.

Mr. John Richards: Reported on the Bike and Skateboard demonstration at the May Madness Event. He then stated that the Skateboarders and Bikers have no place to enjoy their sport and asked that they be allowed to use the south part of the Park n Ride. He further asked if the City could cover the cost of the Liability Insurance or add the use to the City's existing policy so that the kids will have a place to go. He informed the Council that the group received an amazing amount of support from the local businesses, however they were disappointed that more members of the City Council and Chamber of Commerce didn't stop by their demonstration during the event.

Councilor Leach requested that discussion of this be placed on the next City Council Agenda.

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.

4. **Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
5. **Waive the Reading and Approve the Minutes of the April 27, 2010 City Council Meeting with any necessary corrections.**
6. **May 5, 2010 Claim Warrant - \$149,796.68.**
7. **May 5, 2010 Business License Report.**
8. **April 2010 Wages and Salaries - \$336,598.08.**
9. **April 2010 – Treasurer's Report.**
10. **April 2010 Building Permit Valuation - \$38,612.**
11. **City of Corning Wastewater Operation Summary Report – April 2010.**
12. **Approve Operations Details and Authorize Use of Remote Control Aircraft Area at Corning Municipal Airport by Tehama County Condors.**
13. **Authorization to Seek Three-Year Janitorial Service Agreement Bids.**
14. **Authorization to Seek Bids on a Three-Year Landscape and Maintenance Service Agreement for Eight City Locations.**

Dean Cofer asked if a report could be generated relating to peddlers (a list). Mayor Strack stated that he has asked Staff to provide Council with a list this past week. City Manager Kimbrough stated that this is being aggressively monitored.

Councilor Turner moved to approve Consent Items 4-14. Councilor Parkins seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote with one vacancy remaining on the Council.**

G. **ITEMS REMOVED FROM THE CONSENT AGENDA:** None

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.**

15. **Fiscal Year 2010-2011 Community Development Block Grant Program: Discuss the Fiscal Year 2010-11 Community Development Block Grant (CDBG) Program for the General Allocation and to Solicit Citizen Input.**

Mayor Strack introduced this item by title. Planning Director John Stoufer stated that we are required to have a sign-in sheet and it is located by the door for those wishing to sign in. He stated that this is not a project specific grant at this time and Staff is currently working with JoAnn Anders on this application. No action is required by the Council at this time.

Mayor Strack then declared the public hearing open. Mr. Stoufer briefed the Council on the process required to complete the application. With no further comments Mayor Strack closed the public hearing. **No action by the Council necessary other than accepting public comments of which there were none.**

**I. REGULAR AGENDA:**

**16. Authorize Public Works Department to Seek Bids for 2010 Street Paving and Improvement Project.**

Mayor Strack introduced this item by title. Mr. Brewer stated that Public Works is requesting Council authorization to seek bids for the various street projects listed in the Staff Report, most of which Council has already approved. One of the proposals not previously approved is the overlay of Loleta Avenue which the City has previously collected funds for in relation to a Use Permit.

Councilor Turner asked if the proposed Marguerite Avenue repaving is a bandaid approach and if we own the full right-of-way. Mr. Brewer stated that we do not own the full right of way and yes it is a bandaid approach, however he has spoken with Tehama County Public Works Director Gary Antone and he is not adverse to a shared cost provided both agencies can come up with the funding.

Councilor Leach asked about the transfer of funds for Loleta Avenue. Mr. Brewer stated that the funds collected are currently in a revenue account and it must be transferred to an expense account in order for it to be spent. Mr. Brewer clarified that the City expects to overlay from the driveway of Lucero's operation on Loleta Avenue to Highway 99W. John Richards stated that he just quoted Mr. Lucero for trenching on his property and the City might want to check with him prior to starting this.

Councilor Parkins moved to Transfer \$10,000 from Revenue Account No. 117-4644 (Loleta Avenue Mitigation) to Account No. 117-9467-3001; Loleta Avenue Asphalt Overlay-Streets and authorize the Public Works Department to seek bids for the 2010 Street Paving and Improvement Project as described in the project description. Councilor Turner seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote with one vacancy remaining on the Council.**

**17. Approve Cancellation of June 8, 2010 Regularly Scheduled City Council Meeting Due to Conflicts with the Statewide Primary Election.**

Bucky Bowen addressed the Council asking what authorization allows the Council to cancel meetings? He was informed that it can be done by formal action, placing it on the Agenda constitutes a formal action. Councilor Turner moved to cancel the June 8, 2010 regularly scheduled City Council Meeting due to conflict with the Statewide Primary Election. Councilor Parkins seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote with one vacancy remaining on the Council.**

**18. Approve Suspension of "Car Allowance" for Public Works Director and Police Chief Effective June 30, 2010.**

After little discussion, Councilor Turner moved to eliminate the car allowance for the Police Chief and Public Works Director effective June 30, 2010. Councilor Parkins seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote with one vacancy remaining on the Council.**

**19. Approve Remaining City Program Reductions Needed to Balance the Budget: Discussion and Action.**

Mayor Strack introduced this item by title. He then asked if there was any word from the labor units in relation to the Furloughs. City Manager Kimbrough stated that no, he believed that it was on hold with the employees awaiting a commitment from the Council of no lay-offs. Councilor Turner stated that he did not want to approve this with the promise of no lay-offs when there could be the possibility that lay-offs will be necessary. He further stated that the possibilities are there, no matter what the Council votes today, based on potential economic hardships facing this City in the future, the City may have to, whether we agreed to or not, implement lay-offs. Mayor Strack pointed out that the voluntary change to part-time by the City Manager, Police Chief and Planning Director as well as the Employee Furloughs is contingent upon the Council's commitment to no lay-offs.

Dean Cofer: Stated that Concerned Citizens is not opposed to the commitment of no lay-off's, however if the State and the economy continue to go bad, the City will have no choice but to do lay-off's and will have to go back into negotiations in order to be upfront. City Manager Kimbrough and Mayor Strack stated that they believe that the employees understand this. Councilor Turner asked that this be put into writing. City Attorney Michael Fitzpatrick stated that it is okay to put it into writing. City Manager Kimbrough asked that a motion be made for this to be put into writing.

Councilor Turner made the following statement/motion: "He cannot support this at this time unless it is in writing and they (the employees) are duly informed of the possibilities of lay-offs due to potential disaster facing this City, or even bankruptcy in the future, based on projected incomes for the next few years." Councilor Leach seconded the motion to put this into writing in relation to the furloughs. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote with one vacancy remaining on the Council.**

Mayor Strack confirmed that the Contracts for the three part-time employees should be ready shortly for he and Councilor Turner to review prior to presentation and vote by the Council.

By consensus of the Council it was confirmed that all Recreation Department Funding will go back into the General Fund Reserve for next year's budget.

Councilor Turner asked if the park fund money was restricted funds for recreation only. He was informed no; it was committed a few years ago to the park committee when they were active. These funds have since been moved back into the General Fund.

**20. Accept Offer from Premier West Bank to Sponsor Free Swim Fridays at City Pool.**

Mayor Strack stated that this is a very generous offer from Premier West Bank for "Free Friday Swim Days", noting that Premier West Bank will be paying the actual cost for lifeguards, etc. He also announced that the pool will be open this summer, it will not be closed. Councilor Leach moved to accept the offer from Premier West Bank to sponsor free swim days at Corning's Teddy Pohler Memorial Swimming Pool. Councilor Parkins seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a 4-0 vote with one vacancy remaining on the Council.**

**21. Approve Agreement for Legal Services with City Attorney Michael Fitzpatrick**

Mayor Strack introduced this item by title stating it was held over from the last meeting so that the public could review the Agreement. He confirmed with the City Clerk that no one requested this information since the last meeting. Councilor Turner stated he had been contacted by two other Attorneys asking if the Council has sought RFP's or Bids from other interested parties. City Manager Kimbrough stated that this is not a construction project and therefore is not required to seek RFP's or formal Bids.

Comments were received from Bucky Bowen and Dean Cofer both in favor of seeking outside Bids/RFP's and stating their belief that it was not necessary for the City Attorney to attend every Council meeting.

With no other comment, Mayor Strack closed the public comment period. Councilor Leach stated he is opposed to the \$910 retainer fee portion of the proposed contract. Mayor Strack stated he believes that Mike is worth the money.

Councilor Parkins moved to accept the recommendation of Mayor Strack and Vice Mayor Turner and approve the Agreement for Legal Services with City Attorney Michael Fitzpatrick for work on a contract basis as proposed and authorize the Mayor to sign the Agreement to be effective July 1, 2010. Councilor Turner seconded the motion. **Ayes: Strack, Turner, and Parkins. Opposed: Leach. Absent/Abstain: None. Motion was approved by a 3-1 vote with one vacancy remaining on the Council.**

J. **ITEMS PLACED ON THE AGENDA FROM THE FLOOR:** None

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

Mayor Strack read a thank you card received from the Maywood Women's Club and Linda Lima.

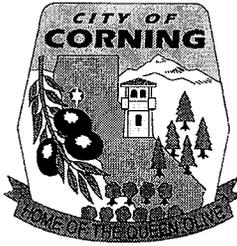
L. **REPORTS FROM MAYOR AND COUNCIL MEMBERS:**

22. **Turner:** Thanked those involved with the Car Show.
23. **Parkins:** Nothing.
24. **Leach:** Nothing.
25. **Strack:** Seconded Councilor Turner's Thank you to those involved with the Car Show and announced the Airport Rededication on Saturday, May 15<sup>th</sup>.

M. **ADJOURNMENT!:** 8:56 p.m.

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Lisa M. Linnet, City Clerk



**CITY OF CORNING  
SPECIAL CLOSED MEETING SESSION**

**TUESDAY, MAY 25, 2010  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

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

**B. ROLL CALL:**

**Council:**

**Vacant  
Ross Turner  
Toni Parkins  
John Leach  
Gary Strack**

**Mayor:**

The **Brown Act** requires that the Council provide the opportunity for persons in the audience to briefly address the Council on the subject(s) scheduled for tonight's closed session. Is there anyone wanting to comment on the subject(s) the Council will be discussing in closed session? If so, please come to the podium, identify yourself and give us your comments.  
**No one was present to comment.**

**C. ADJOURN TO CLOSED SESSION: 6:31 p.m.**

**CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO SECTION 54957.6:  
Agency Negotiator: William May, Labor Relations Consultant  
Management, Miscellaneous, Dispatch and Public Safety Employees  
Bargaining Units**

**D. RECONVENE SPECIAL MEETING AND REPORT ON CLOSED SESSION:**

Mayor Strack announced that Council met in closed session and gave direction to the City's Labor Negotiator.

**E. ADJOURN TO REGULAR MEETING: 7:30 P.M.**



**CITY OF CORNING  
CITY COUNCIL MINUTES  
TUESDAY, MAY 25, 2010  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

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

**G. PROCLAMATIONS, RECOGNITION'S, APPOINTMENTS, PRESENTATIONS: None.**

**H. BUSINESS FROM THE FLOOR: None.**

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

**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. May 19, 2010 Claim Warrant - \$105,959.45.**

**3. May 19, 2010 Business License Report.**

**4. Approval of Avoid Grant Public Information Officer Contract.**

Mayor Strack introduced each item by title and by suggestion of Councilor Turner; Police Chief Cardenas provided a brief explanation of the Avoid Grant. Councilor Parkins moved to approve Consent Items 1-4. Councilor Turner seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 4-0 with one vacancy remaining on the Council.**

**J. ITEMS REMOVED FROM THE CONSENT AGENDA: None.**

**K. REGULAR AGENDA:**

**5. Consider Approval of the Continuation of Kenpo Karate as a City Sponsored Program**

Mayor Strack introduced this item by title. City Manager Kimbrough presented the Staff Report emphasizing a condition of the Facilities Use Agreement with the Schools requiring the City to provide supervision when utilizing their facilities however, once the Recreation Supervisor's position is vacant the City will not have personnel available to provide this supervision.

Councilor Turner asked how many hours it would take for an employee to supervise and has Mr. Kimbrough met with a representative of the program or with the School to discuss possible options. Mr. Kimbrough responded stating that Recreation Supervisor Kim Beck has discussed this with the parties involved and assisted with the preparation of this report.

Some recreation program instructors were present and provided some information to the Council. Mayor Strack stated that possibly Staff could investigate other options and report back to Council. He also asked the City Manager to provide an outline of the contents of the School Use Agreements to present to the Council when this is discussed again.

**Mayor Strack continued this item for discussion at the June 22, 2010 meeting.**

**6. Consider Approval of Location for Temporary Skateboard Park**

Mayor Strack introduced this item by title. Mr. Kimbrough explained that the City had recently contacted the State inquiring about utilizing the proposed Park and Ride area for the PAL Program and was informed that it could not be utilized for that activity and explained why.

Clark Park, the alternative area suggested by City Staff for this use was then discussed. Mr. Richards stated that he had read the report and had looked at the suggested area. He stated that there are cracks in the cement where grass is growing through which could cause problems for the Skateboarders. Mr. Richards requested that this item be continued to the next meeting so that he can discuss this with his Committee and explore the costs of the required ramps, etc. He also stated that should they utilize this area, he would like to obtain a key so that the fence could be locked during school hours and at dark, this way they can control the hours of use. He also stated that he would like a commitment from the Police Department for extra patrols in the area. Teresa Smith asked if Kim would have a copy of the ramp requirements/specifications, Councilor Turner stated that they were in the report and provided Mr. Richards with a copy of the requirements from NCCSIF the City's Joint Powers Insurance Provider.

**Mayor Strack stated that by consensus of the Council, the Skateboard/Bike Association may, with the approved ramps/equipment, utilize the Clark Park Tennis Courts.**

**7. Approve Part-time Consulting Agreement for City Planning Services and Authorize City Manager to Execute Contract**

Mayor Strack introduced this item by title providing a brief explanation of the proposed Agreement. He stated that this plan was proposed by City Staff to reduce budget costs and was also listed on the proposal provided by Councilors Leach and Turner on which they suggested reducing the hours of the Planning Director to part-time. Our Planning Director is exploring the possibility of retiring and under this proposal, because Mr. Stoufer is one year shy of the retirement age, he will not only incur a percentage penalty, he cannot work for 60-days following his retirement date and the City cannot guarantee him the Consultant Contract, he will have to compete for it. The City is required to seek Requests for Proposals for the Consultant Agreement. The Mayor stated that the proposed Agreement **does not** include the City providing the following: Health Insurance, Life Insurance, SDI, FICA, or PERS. Mayor Strack also explained that there was a correction to what has been printed, this change is: where stated "The City will propose a 20 hour per week contract for the total of 960 hours **at a cost of \$3,750 a month**" it would instead state **at a cost of \$47 per hour** (corrected sheets were then handed out to the Councilmembers and the public). He stated that it was a savings of \$65,398.

Councilor Turner stated that he and Gary have worked together on this contract and there are some differences in opinion. He announced that currently there are two accredited Planners on City Staff and Mr. Kimbrough was the acting Planner for the City prior to Mr. Brewer's employment with the City when finances and growth warranted the fulltime position. He stated that Mr. Stoufer may be planning to retire effective July 5, 2010, however at this time we have received no correspondence acknowledging that is the plan other than the Staff Report. He stated that he is hesitant to adopt this contract tonight with the budget not fully adopted for the year 2010-2011 and pending the major need for a Planner in the future, because he doesn't see a ground swell of building/development at this time, his feelings are that the need for a Planner are going to be if and when we receive the grant for Skateboard/Bike Park Development in Corning. At this time he would like to see solicitations for the Planning Consultant Contract RFP's held until at least August 1<sup>st</sup> or September 1<sup>st</sup> and delete the position entirely at this time, save the full amount of the cost of the Planning Director's salary and allow the City Manager and Mr. Brewer be our Planning Consultants at this time.

Councilor Leach asked Mr. Stoufer what projects he is currently working on, and what projects he expects in the near future. Mr. Stoufer answered listing the following: Housing Element, various Ordinances relating to Occupancy and Fire Codes, etc. Mr. Leach then asked if he would be able to meet these needs working part-time. He stated that it would be difficult, especially with the various time restraints.

#### **Audience Comments:**

**Planning Commission Chairperson Jesse Lopez:** Mr. Lopez stated he publicly wanted to thank Mr. Stoufer for all his work and that the City should acknowledge the sacrifices he is willing to take via this proposal. He also stated that he thinks it is important that the City have someone on Staff that can serve the public in relation to lot line adjustments, etc. He stated his belief that Mr. Stoufer is worth his weight in gold and the City needs to do whatever they can to keep him around.

**Dean Cofer:** Stated that he does not disagree with Mr. Lopez, however this is a time for hard decisions. He stated that he has a problem with the Contract as it stands; usually Contractor's generally indemnify themselves. He believes that the Contract needs more work. Mr. Kimbrough clarified that the indemnification cost to the City is minimal. Mr. Kimbrough explained the justification of the indemnification within the Agreement.

**Teresa Smith:** Stated that she has worked with both John Brewer and John Stoufer and they have both provided excellent service to the Community. She stated her concerns regarding adding additional responsibility/duties to the Public Works Director and City Manager's job stating that the City should do everything possible to keep Mr. Stoufer.

**Bucky Bowen:** Stated his agreement with Councilor Turner.

Mayor Strack stated that he has sat on the Council along time and has seen the City grow and go through many changes and make many tough decisions. He stated that he definitely cannot see the City not having a contract with a Planner so that we can get a hold of and do what we have to do to keep Planning moving in this City. The State mandates many, many of our grants and the funding that we get on how we have done our Planning and set up our Housing Element, as a matter of fact we just lost one, we did a great job and argued on it but they took a million and a half from us. Without Planning this City is going downhill. This gentleman is taking a real hit, and he is not guaranteed this contract it has to go out for public proposals. He is putting his job and himself completely out there, however if Corning loses him, someone else will gain an excellent Planner. He stated that he cannot understand a City that does not have Planning. Right now Public Works Director John Brewer is working short employees and his job description does not include planning duties, his described job duties relate to water, sewer, streets, etc. He stated that he is in favor of this and disagrees with Councilor Turner.

Councilor Turner re-emphasized his suggestion that should Mr. Stoufer retire on July 5<sup>th</sup>, there will be a 60-day window in which Mr. Kimbrough and Mr. Brewer will be riding Planning guidance and Council can see how that works, if it doesn't, then pursue the RFP's. Mayor Strack responded stating doing this would add another 60-days before a selection can be made making that a total of 120 days which is why we should act now so that we are prepared and can move forward and not hold the City back.

Mayor Strack clarified that Mr. Stoufer would lose \$8,000 per year for the rest of his life should this proposal move forward.

Councilor Parkins moved to approve the Agreement for Planning Consultant Services including it's terms with the stated correction that lists \$3,750 a month and changing to \$47 per hour, authorize the City Manager to issue requests for Proposals for Planning Services, and Execute the Contract in September 2010. Councilor Leach seconded the motion. **Ayes: Strack, Parkins and Leach. Opposed: Turner. Absent/Abstain: None. Approved by a 3-1 vote with one vacancy on the Council.**

**L. ITEMS PLACED ON THE AGENDA FROM THE FLOOR: None**

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

Mayor Strack read the "Thank You" card received from the Car Show Committee and the Chamber of Commerce for the City's assistance during the Car Show.

**N. REPORTS FROM MAYOR AND COUNCIL MEMBERS:**

- 8. Turner: Nothing
- 9. Parkins: Nothing
- 10. Leach: Nothing
- 11. Strack: Nothing

**O. ADJOURNMENT!: 8:28 p.m.**

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Lisa M. Linnet, City Clerk



# MEMORANDUM

**TO:** HONORABLE MAYOR AND COUNCIL MEMBERS

**FROM:** MARIANA RAMIREZ  
ACCOUNTING ASSISTANT

**DATE:** June 17, 2010

**SUBJECT:** Cash Disbursement Detail Report for the  
Tuesday, June 22, 2010 Council Meeting

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

A.	Cash Disbursements	Ending 05-28-10	\$	32,940.80
B.	Payroll Disbursements	Ending 05-28-10	\$	36,243.20
A.	Cash Disbursements	Ending 06-02-10	\$	32,271.70
B.	Payroll Disbursements	Ending 06-02-10	\$	44,020.54
C.	Cash Disbursements	Ending 06/17/10	\$	70,399.34
D.	Payroll Disbursements	Ending 06/17/10	\$	46,520.75
<b>GRAND TOTAL</b>			<b>\$</b>	<b><u>262,396.33</u></b>

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
010715	06/08/10	COR01	CORNING VETERINARY	140.00	.00	140.00	25336	SPAY/NEUTER VOUCHER PROGR
			Check Total.....	560.00	.00	560.00	25664	SPAY/NEUTER VOUCHER PROGR
010716	06/08/10	COR01	CORNING VETERINARY	44.00	.00	44.00	25335	ProfServices ACO
			Check Total.....	261.45	.00	261.45	25661	ProfServices ACO
010717	06/08/10	JON02	JONES INSURANCE	1450.00	.00	1450.00	100604	USDA BOND ANN-GEN CITY
010718	06/10/10	AIR00	AIRGAS NCV	48.44	.00	48.44	102323944	MAT & SUPPLIES-FIRE
010719	06/10/10	AME15	AMERIGAS	73.61	.00	73.61	010069191	NATURAL GAS-ACO
010720	06/10/10	ARA02	ARAWARK UNIFORM SRV. INC.	30.52	.00	30.52	0593830	Mat/Supplies-
			Check Total.....	30.52	.00	30.52	0603468	Mat/Supplies-
				30.52	.00	30.52	0613371	Mat/Supplies-
010721	06/10/10	BAS01	BASIC LABORATORY, INC	86.00	.00	86.00	1005323	ProfServices Water Dept
010722	06/10/10	CAM02	CAMELLEJA VALLEY SUPPLY	1541.48	.00	1541.48	0742940	RUNWAY CONSTRUCT-AIRPORT
010723	06/10/10	CAR12	CARREL'S OFFICE MACHINES	4.05	.00	4.05	092010	MAT & SUPPLIES-LIBRARY
010724	06/10/10	COM01	COMPUTER LOGISTICS, INC	24.00	.00	24.00	48907	COMMUNICATIONS-FIRE
010725	06/10/10	COR22	CORNING MEDICAL ASSOC	1151.00	.00	1151.00	100607	Emp Physicals-
010726	06/10/10	FIR02	FIRST NATIONAL BANK	.89	.00	.89	100528	MAT & SUPPLIES-ACO
010727	06/10/10	GRA02	GRAINGER, W.W., INC	506.52	.00	506.52	926376437	MAT & SUPPLIES-
010728	06/10/10	KNI00	KNIFE RIVER CONSTRUCTION	1396.54	.00	1396.54	108107	MAT & SUPPLIES-STR
010729	06/10/10	LIN01	LINCOLN EQUIPMENT, INC.	862.90	.00	862.90	SI139159	MAT & SUPPLIES-POOL
010730	06/10/10	NOR31	NORM'S PRINTING	490.99	.00	490.99	008360	OFFICE SUPPLIES-FINANCE
			Check Total.....	298.23	.00	298.23	008492	MAT & SUPPLIES-GEN CITY
				789.22	.00	789.22		
010731	06/10/10	OFF01	OFFICE DEPOT	115.66	.00	115.66	521101739	Office Supplies PoliceDis
010732	06/10/10	PAT02	PATTERSON ELECTRIC, INC.	258.22	.00	258.22	1980	BLD MAINT-PARKS

REPORT.: Jun 17 10 Thursday  
 RUN....: Jun 17 10 Time: 08:13  
 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
010732	06/10/10	PAT02	PATTERSON ELECTRIC, INC.	280.18	.00	280.18	1981	BLD MAINT-PARKS
Check Total.....:				538.40	.00	538.40		
010733	06/10/10	PGE01	PG&E	310.40	.00	310.40	100528	ELECT-
010734	06/10/10	PGE03	PG&E	15.31	.00	15.31	100623	Mat/Supplies PoliceService
010735	06/10/10	PGE04	PG&E	489.87	.00	489.87	100601	TranspFacility-
010736	06/10/10	PGE05	PG&E	1244.36	.00	1244.36	100601	FIRE-ELECT & GAS
010737	06/10/10	PGE2A	PG&E	124.65	.00	124.65	100601	ELECT-MARTINI, MCDONALD &
				77.03	.00	77.03	100602	ELECT-CLELAND PROP
Check Total.....:				201.68	.00	201.68		
010738	06/10/10	TBS01	TBS PETROLEUM L. L. C.	70.00	.00	70.00	34684	MAT & SUPPLIES-WTR
010739	06/10/10	TEH15	TEHAMA CO SHERIFF'S DEPT	73.50	.00	73.50	100601	MAT & SUPPLIES-POOL
010740	06/10/10	TRI02	TRI-COUNTY NEWSPAPERS	89.90	.00	89.90	97079	Print/Advert. City Clerk
				192.17	.00	192.17	97622	Print/Advert. City Clerk
				193.27	.00	193.27	100609	MAT & SUPPLIES-POOL
Check Total.....:				475.34	.00	475.34		
010741	06/10/10	WES02	WESTERN BUSINESS PRODUCTS	39.97	.00	39.97	023947	Equip.Maint.-FIRE
010742	06/11/10	BAS01	BASIC LABORATORY, INC	86.00	.00	86.00	1005502	ProfServices Water Dept
010743	06/11/10	COM01	COMPUTER LOGISTICS, INC	24.00	.00	24.00	48906	COMMUNICATIONS-
				19.00	.00	19.00	48977	Equip.Maint.-GEN CITY
Check Total.....:				43.00	.00	43.00		
010744	06/11/10	COR11	CORNING SAFE & LOCK	61.38	.00	61.38	2820	MAT & SUPPLIES-PARKS
010745	06/11/10	NOR31	NORM'S PRINTING	790.08	.00	790.08	008436	MAT & SUPPLIES-
010746	06/11/10	SUB01	SUBURBAN PROPANE	1096.99	.00	1096.99	166656	PROPANE-AIRPORT
010747	06/16/10	ARA02	ARAMARK UNIFORM SRV. INC.	30.52	.00	30.52	0632650	Mat/Supplies
010748	06/16/10	ATT09	AT&T	64.66	.00	64.66	100616	MAT & SUPPLIES - WTR
010749	06/16/10	BAS01	BASIC LABORATORY, INC	56.00	.00	56.00	1005610	ProfServices Water Dept
010750	06/16/10	BAT01	BATTERIES PLUS	28.97	.00	28.97	121362	SAFETY ITEMS - POLICE

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information-Description
010751	06/16/10	BUT11	BUTTE CO PUBLIC HEALTH	100.00	.00	100.00	ADM051002	ProfServices ACO
010752	06/16/10	CMI00	CMI, INC.	76.43	.00	76.43	753228	EQUIP.MAINT - POLICE
010753	06/16/10	COM01	COMPUTER LOGISTICS, INC	28.00	.00	28.00	48908	COMMUNICATIONS - POLICE
				116.67	.00	116.67	48954	COMMUNICATIONS - POLICE
			Check Total.....	144.67	.00	144.67		
010754	06/16/10	CON07	CONEXIS	30.00	.00	30.00	05100R348	MEDICAL INS - COBRA
010755	06/16/10	COP00	COP SHOP INSTALLATION INC	120.64	.00	120.64	2801	COMMUNICATIONS - POLICE
010756	06/16/10	DEP12	DEPT OF JUSTICE	96.00	.00	96.00	793108	MAT & SUPPLIES - POOL
010757	06/16/10	GRA02	GRAINGER, W.W., INC	65.88	.00	65.88	927080948	MAT & SUPPLIES - POOL
				166.17	.00	166.17	927434977	MAT & SUPPLIES - BLDG MAI
			Check Total.....	232.05	.00	232.05		
010758	06/16/10	HOL04	HOLIDAY MARKET #32	7.36	.00	7.36	31811	Mat/Supplies - POLICE
010759	06/16/10	JES10	JESSEE HEATING & AIR, INC	140.00	.00	140.00	49689	MAT & SUPPLIES - BUILD MA
010760	06/16/10	LIB03	LIBERTEL	129.60	.00	129.60	178033	COMMUNICATIONS - POLICE
010761	06/16/10	LIN02	LINNETS TIRE SHOP	10.00	.00	10.00	52248	Veh Opr/Maint -MAINT
010762	06/16/10	MOC01	MOORES AWARD CENTER	55.69	.00	55.69	100616	MAT&SUPPLIES/CITY COUNCIL
010763	06/16/10	MOR02	RAY MORGAN COMPANY	5170.59	.00	5170.59	562177	COMMUNICATIONS -
010764	06/16/10	NOR31	NORM'S PRINTING	200.09	.00	200.09	008467	PRINTING/ADV - POLICE
				16.24	.00	16.24	008505	OFFICE SUPP/CITY CLERK
			Check Total.....	216.33	.00	216.33		
010765	06/16/10	OFF01	OFFICE DEPOT	145.49	.00	145.49	521950857	Office Supplies Policedis
010766	06/16/10	PAT02	PATTERSON ELECTRIC, INC.	395.08	.00	395.08	1998	BUILDG MAINT - PARKS
010767	06/16/10	PET03	PETTY CASH	255.92	.00	255.92	100616	PETTY CASH -
010768	06/16/10	QUI02	QUILL CORPORATION	296.25	.00	296.25	5952733	Office Supplies -
				22.78	.00	22.78	5987940	Office Supplies -ADMIN
			Check Total.....	319.03	.00	319.03		
010769	06/16/10	SWM00	SWMC SERVICES, INC.	579.60	.00	579.60	17257	PROFSRVCS - WMTF

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Description
010769	06/16/10	SWM00	SWWC SERVICES, INC.	44465.28	.00	44465.28	17282	PROFSRVCS - WWTP
				2659.15	.00	2659.15	17283	PRETREATMENT - SEWER
Check Total.....:				47704.03	.00	47704.03		
010770	06/16/10	VAL08	VALLEY ILLUMINATORS	326.68	.00	326.68	VII12110	RUNWAY CONST - AIRPORT
Cash Account Total.....:				70399.34	.00	70399.34		
Total Disbursements.....:				70399.34	.00	70399.34		
Cash Account Total.....:				.00	.00	.00		

CITY OF CORNING  
 Cash Disbursement Detail Report - Payroll Vendor Payment(s)  
 Check Listing for 06-10 Bank Account.: 1025

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information-Description
4555	06/15/10	BAN03	POLICE OFFICER ASSOC.	350.00	.00	350.00	B00615	POLICE OFFICER ASSOC
4556	06/15/10	CAL37	CALIFORNIA STATE DISBURSE	138.46	.00	138.46	B00615	WITHHOLDING ORDER
4557	06/15/10	EDD01	EMPLOYMENT DEVELOPMENT	4543.47	.00	4543.47	B00615	STATE INCOME TAX
				1290.44	.00	1290.44	1B00615	SDI
			Check Total.....	5833.91	.00	5833.91		
4558	06/15/10	ICM01	ICMA RETIREMENT TRUST-457	3739.25	.00	3739.25	B00615	ICMA DEF. COMP
4559	06/15/10	OEU03	OPERATING ENGINEERS	625.00	.00	625.00	B00615	CREDIT UNION SAVINGS
4560	06/15/10	PERS1	PUBLIC EMPLOYEES RETIRE	29904.94	.00	29904.94	B00615	PERS PAYROLL REMITTANCE
4561	06/15/10	PERS4	Cal Pers 457 Def. Comp	557.25	.00	557.25	B00615	PERS DEF. COMP.
4562	06/15/10	PRE03	PREMIER WEST BANK	3074.69	.00	3074.69	B00615	HSA DEDUCTIBLE
4563	06/15/10	STA04	STATE OF CALIFORNIA	550.00	.00	550.00	B00615	WAGEASN 1107012828
4564	06/15/10	VAL06	VALIC	1747.25	.00	1747.25	B00615	AIG VALIC P TAX

Cash Account Total.....: 46520.75  
 Total Disbursements.....: 46520.75  
 =====

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description
010671	06/01/10	BRE01	BREWER, JOHN	400.00	.00	400.00	000B006011	VEH OP/MAINT-
010672	06/01/10	CAR03	CARDENAS, ANTHONY	400.00	.00	400.00	000B006011	ProfServices PoliceServic
010673	06/01/10	COR07	CORBIN WILLIITS SYSTEMS	729.72	.00	729.72	000B006011	Finance Dept.
010674	06/01/10	COR09	CORNING CHAMBER OF COMM.	1000.00	.00	1000.00	000B006011	CngChamberComm. Economic
010675	06/01/10	HAL05	HALL, ROBERT	104.70	.00	104.70	000B006011	ProfServices FireDepartme
010676	06/01/10	KEN00	KEN VAUGHAN & SONS	904.17	.00	904.17	000B006011	Landscape Maint-Parks
010677	06/01/10	KEN01	KEN VAUGHAN & SONS	800.00	.00	800.00	000B006011	Janitorial
010678	06/01/10	PIT01	PITNEY BOWES	241.84	.00	241.84	000B006011	Rents/Leases Finance Dept
010679	06/01/10	S&L00	S & L BREWER ENTERPRISES	200.00	.00	200.00	000B006011	K-9 PROGRAM-POLICE
010680	06/01/10	TLD01	TEDC	208.33	.00	208.33	000B006011	Economic Devel
010681	06/01/10	TOM03	TOMLINSON JR., ROBERT L.	54.70	.00	54.70	000B006011	PROF. SVCS-FIRE DEPT
010682	06/02/10	AND01	ED ANDERSON	2550.00	.00	2550.00	100603	ProfServices-
010683	06/02/10	BAS01	BASIC LABORATORY, INC	114.00	.00	114.00	1005116	ProfServices Water Dept
010684	06/02/10	COM01	COMPUTER LOGISTICS, INC	1217.79	.00	1217.79	48711	SAFE GRANT-POLICE
010685	06/02/10	COR02	CORNING OBSERVER	54.70	.00	54.70	100601	COMMUNICATIONS-GEN CITY
010686	06/02/10	COR03	CORNING RENTALS	575.00	.00	575.00	32713	RUNWAY CONSTR-AIRPORT
010687	06/02/10	COR08	CORNING LUMBER CO INC	2028.67	.00	2028.67	100525	Mat/Supplies-
010688	06/02/10	COR11	CORNING SAFE & LOCK	10.77	.00	10.77	2412	MAT & SUPPLIES-PARKS
				17.27	.00	17.27	2787	MAT & SUPPLIES-PARKS
				1.89	.00	1.89	2800	BLD MAINT-PARKS
				36.48	.00	36.48	2801	EQUIP MAINT-POLICE
			Check Total.....:	66.41	.00	66.41		
010689	06/02/10	DEP03	DEPT OF TRANS/CAL TRANS	107.64	.00	107.64	188121	Equip.Maint. St&Trf Light
010690	06/02/10	HAT10	HATFIELD'S	229.92	.00	229.92	100525	Mat/Supplies-
010691	06/02/10	JES10	JESSEE HEATING & AIR, INC	75.00	.00	75.00	49578	MAT & SUPPLIES-BLD MAINT
010692	06/02/10	KEN01	KEN VAUGHAN & SONS	50.00	.00	50.00	XXX2	JANITORIAL SERV-

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information-Description
010693	06/02/10	LIN01	LINCOLN EQUIPMENT, INC.	539.50	.00	539.50	SI138637	MAT & SUPPLIES-POOL
010694	06/02/10	LNC01	LN CURTIS & SONS	40.49	.00	40.49	119373000	MAT & SUPPLIES-FIRE
010695	06/02/10	MCC05	MCCURDY'S TRUCK REPAIR	70.32	.00	70.32	6868	VEH OP/MAINT-FIRE
010696	06/02/10	NAP01	NAPA AUTO PARTS	546.74	.00	546.74	100523	Veh Opr/Maint-
010697	06/02/10	OFF01	OFFICE DEPOT	28.56	.00	28.56	520305830	Office Supplies-DISPATCH
010698	06/02/10	PAC16	PACIFIC TELEMANAGEMENT SE	38.00	.00	38.00	198164	COMMUNICATIONS-GEN CITY
010699	06/02/10	PGE2B	PG&E	6671.38	.00	6671.38	100525	ELECT-WWTP
010700	06/02/10	PHI01	PHIL'S AUTOMOTIVE	55.00	.00	55.00	34563	Veh Opr/Maint-POLICE
010701	06/02/10	PRO11	PROFORCE LAW ENFORCEMENT	257.26	.00	257.26	87770	SAFETY ITEMS-POLICE
010702	06/02/10	QUI02	QUILL CORPORATION	16.66	.00	16.66	5358450	Office Supplies-FIRE
010703	06/02/10	RAY02	RAY ALLEN MANUFACTURING	19.45	.00	19.45	255326	K9-Program PoliceServices
010704	06/02/10	SEI01	SEILER, ROY R., CPA	3969.90	.00	3969.90	23975	ProfServices Finance Dept
010705	06/02/10	UNI02	UNIFORMS, TUXEDOS & MORE	47.58	.00	47.58	98344	COMMUNICATIONS-POLICE
010706	06/02/10	VAL07	VALLEY VETERINARY CLINIC,	252.66	.00	252.66	62563	K-9 PROGRAM-POLICE
				114.89	.00	114.89	63438	K-9 PROGRAM-POLICE
			Check Total.....	367.55	.00	367.55		
010707	06/02/10	XER00	XEROX CORPORATION	152.28	.00	152.28	048268165	EQUIP MAINT-POLICE
010708	06/02/10	ATT02	AT&T	1113.48	.00	1113.48	1387991	COMMUNICATIONS-
010709	06/02/10	DEP03	DEPT OF TRANS/CAL TRANS	497.94	.00	497.94	02013123	Equip.Maint. St&Trf Light
010710	06/02/10	HIG00	HIGHT, MONTY W.	420.00	.00	420.00	100602	OTS/DUI GRANT-PIO
010711	06/02/10	NAP01	NAPA AUTO PARTS	251.14	.00	251.14	100523F	Veh Opr/Maint-
010712	06/02/10	NEX01	NEXTEL COMMUNICATIONS	441.82	.00	441.82	100529	COMMUNICATIONS-
010713	06/02/10	NOR25	NORTHERN LIGHTS ENRGY, INC	2569.65	.00	2569.65	22897	VEH OP/MAINT-
				1637.98	.00	1637.98	22939	MAT & SUPPLIES-
				317.61	.00	317.61	22940	VEH OP/MAINT-FIRE
			Check Total.....	4525.24	.00	4525.24		
010714	06/02/10	QUI02	QUILL CORPORATION	88.82	.00	88.82	5727003	Office Supplies-FINANCE
			Cash Account Total.....	32271.70	.00	32271.70		

Total Disbursements.....:	32271.70	.00	32271.70
Cash Account Total.....:	.00	.00	.00

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
4526	06/01/10	BAW03	POLICE OFFICER ASSOC.	350.00	.00	350.00	B00601	POLICE OFFICER ASSOC
4527	06/01/10	CAL37	CALIFORNIA STATE DISBURSE	138.46	.00	138.46	B00601	WITHHOLDING ORDER
4528	06/01/10	EDD01	EMPLOYMENT DEVELOPMENT	3564.79	.00	3564.79	B00601	STATE INCOME TAX
				1092.37	.00	1092.37	1B00601	SDI
			Check Total.....	4657.16	.00	4657.16		
4529	06/01/10	ICM01	ICMA RETIREMENT TRUST-457	3424.25	.00	3424.25	B00601	ICMA DEF. COMP
4530	06/01/10	OBU03	OPERATING ENGINEERS	625.00	.00	625.00	B00601	CREDIT UNION SAVINGS
4531	06/01/10	PERS1	PUBLIC EMPLOYEES RETIRE	28581.48	.00	28581.48	B00601	PERS PAYROLL REMITTANCE
4532	06/01/10	PERS4	Cal Pers 457 Def. Comp	557.25	.00	557.25	B00601	PERS DEF. COMP.
4533	06/01/10	PRE03	PREMIER WEST BANK	3779.69	.00	3779.69	B00601	HSA DEDUCTIBLE
4534	06/01/10	STA04	STATE OF CALIFORNIA	550.00	.00	550.00	B00601	WAGEASN 1107012828
4535	06/01/10	VAL06	VALIC	1357.25	.00	1357.25	B00601	AIG VALIC P TAX
Cash Account Total.....				44020.54	.00	44020.54		
Total Disbursements.....				44020.54	.00	44020.54		

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information-Description
010323	05/24/10	BOY00	BOYLE PLUMBING & DRAIN CL	-143.75	.00	-143.75	540270	Ck# 010323 Reversed
010633	05/20/10	LAM03	LAMBETH, TAMMY	150.00	.00	150.00	100520	REC INSTRUCT-REC
010634	05/24/10	COR23	CORNING CARPET STORE	143.75	.00	143.75	005231	BLD MAINT-TEANS FAC
010635	05/24/10	COR41	CORNING ROTARY CLUB	1643.04	.00	1643.04	100524	MAT & SUPPLIES-REC
010636	05/24/10	DEP05	DHS-OCF, DRKING WTR PROG	155.00	.00	155.00	100524	MAT & SUPPLIES-WTR
010637	05/24/10	PGE01	PG&E	19331.84	.00	19331.84	100513	Electricity General City-
010638	05/25/10	CAI00	CAITO, DANIELLE	1064.00	.00	1064.00	100524	REC INSTRUCT-REC
010639	05/25/10	MOO01	MOORES AWARD CENTER	55.69	.00	55.69	100525	MAT & SUPPLIES-CITY COUNC
010640	05/26/10	ACI01	ACI ENTERPRISES, INC.	324.00	.00	324.00	10393	workmensComp. General Cit
010641	05/26/10	ATT13	AT&T	721.42	.00	721.42	100511	COMMUNICATIONS-
010642	05/26/10	BAS01	BAS-C LABORATORY, INC	86.00	.00	86.00	1004879	ProfServices Water Dept
010643	05/26/10	CAM02	CAMELLIA VALLEY SUPPLY	46.05	.00	46.05	0742543	MAT & SUPPLIES-WTR
010644	05/26/10	CHE02	CHEW QUIP, INC.	1039.80	.00	1039.80	5011697	MAT & SUPPLIES-WTR
				57.44	.00	57.44	5011698	MAT & SUPPLIES-POOL
				4.50	.00	4.50	5011699	MAT & SUPPLIES-POOL
			Check Total.....	1101.74	.00	1101.74		
010645	05/26/10	COR20	CORNING ELECTRONICS	165.60	.00	165.60	10088350	SAFE GRANT-POLICE
010646	05/26/10	DEP12	DEPT OF JUSTICE	70.00	.00	70.00	792848	PROF SVCS-POLICE
010647	05/26/10	HOL04	HOLIDAY MARKET #32	3.44	.00	3.44	34392	Mat/supplies-CITY COUNCIL
010648	05/26/10	KOE01	KOEFRAN	250.00	.00	250.00	562136	PROF SVCS-ACO
010649	05/26/10	MAY01	MAY, WILLIAM L.	2996.60	.00	2996.60	201051920	EE RELATIONS-LGL SVCS
010650	05/26/10	ORL00	ORLAND VETERINARY HOSP.	70.00	.00	70.00	13056	SPAY/NEUTER VOUCHER PROGR
010651	05/26/10	PET03	PETTY CASH	284.19	.00	284.19	100525	PETTY CASH-
010652	05/26/10	PGE2A	PG&E	49.79	.00	49.79	100518	ELECT-BLUE HERON CT
010653	05/26/10	PIT03	PITNEY BOWES, INC	189.52	.00	189.52	446858	Office supplies-
010654	05/26/10	TEC00	TECH DEPOT	383.98	.00	383.98	B10055854	EQUIP MAINT-POLICE

CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 05-10 Bank Account.: 1020

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information-Description
010655	05/28/10	COR12	CORNING FORD MERCURY, INC	241.59	.00	241.59	124972	Veh Opr/Maint.
010656	05/28/10	FIT01	FITZPATRICK LAW OFFICES	165.85	.00	165.85	100601	Consulting Serv LegalServ
010657	05/28/10	IRO00	IRONS, PHADIE	115.00	.00	115.00	100527	CON/MTGS-PW ADMIN
010658	05/28/10	MCC01	MCCOY'S HARDWARE & SUPPLY	246.74	.00	246.74	100525	MAT & SUPPLIES-
010659	05/28/10	NOR31	NORM'S PRINTING	14.04	.00	14.04	008383	OFFICE SUPPLIES-CITY ADMIN
010660	05/28/10	USA01	USA BLUE BOOK	375.74	.00	375.74	154242	MAT & SUPPLIES-WTR
010661	05/28/10	USB01	US BANCORP	868.98	.00	868.98	151785318	Rents/Leases-GEN CITY
010662	05/28/10	WAL05	SERGE V. DANA, D.V.M.	70.00	.00	70.00	220422	SPAY/NEUTER VOUCHER PROGR
010663	05/28/10	PAT02	PATTERSON ELECTRIC, INC.	90.65	.00	90.65	1957	BLD MAINT-LIBRARY
				574.44	.00	574.44	1958	BLD MAINT-AIRPORT
				763.87	.00	763.87	1962	BLD MAINT-TRANS FAC
			Check Total.....:	1428.96	.00	1428.96		
010664	05/28/10	PET03	PETTY CASH	272.00	.00	272.00	100528	PETTY CASH-
Cash Account Total.....:				32940.80	.00	32940.80		
Total Disbursements.....:				32940.80	.00	32940.80		
Cash Account Total.....:				.00	.00	.00		

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
4514	05/25/10	AFL01	AMERICAN FAMILY LIFE	1760.44	.00	1760.44	B00531	AFLAC INS.PRE TAX
				101.74	.00	101.74	1B00531	AFLAC INS.AFTER TAX
			Check Total.....	1862.18	.00	1862.18		
4515	05/25/10	BLU02	BLUE SHIELD OF CALIFORNIA	20035.00	.00	20035.00	B00531	MEDICAL INSURANCE
4516	05/25/10	CIT01	CITY OF CORNING	6.00	.00	6.00	B00531	CHGS FOR WAGE ATCHMT
4517	05/25/10	OE001	OPERATING ENGINEERS #3	7430.00	.00	7430.00	B00531	MEDICAL INSURANCE
4518	05/25/10	OE002	OPERATING ENG. (DUES)	225.00	.00	225.00	B00531	UNION DUES MGMNT
				572.00	.00	572.00	1B00531	UNION DUES POLICE
				320.00	.00	320.00	2B00531	UNION DUES DISPATCH
				520.00	.00	520.00	3B00531	UNION DUES-MISC
			Check Total.....	1637.00	.00	1637.00		
4519	05/25/10	PRI04	PRINCIPAL	3450.92	.00	3450.92	B00531	DENTAL INSURANCE
				646.10	.00	646.10	1B00531	VISION INSURANCE
			Check Total.....	4097.02	.00	4097.02		
4520	05/25/10	TRA03	TRANSAMERICA LIFE INS CO.	1176.00	.00	1176.00	B00531	LIFE INSURANCE

Cash Account Total.....: 36243.20  
 Total Disbursements.....: 36243.20  
 =====

Date.: Jun 16, 2010  
 Time.: 4:01 pm  
 Run by: PALA CANTRELL

CITY OF CORNING  
 NEW BUSINESSES FOR CITY COUNCIL

Page.: 1  
 List.: NEWS  
 Group: WIFMB

Business Name	Address	CITY/STATE/ZIP	Contact Name	Business Desc. #1	Business Start Date	Primary Teleph
APX ALARM SECURITY S	4931 NORTH 300 WEST	PROVO, UT 84604	PEDERSEN	TODD CONTRACTOR	06/08/10	(801)377-9111
BRIDAL SHOWER IN A B	709 FOURTH ST	CORNING, CA 96021	APODACA	ELIZABE WEDDING BRIDAL SHOWER GIFTS AND ACCESSOR	05/25/10	(530)262-2439
CALIFORNIA ROOTS	1417 SOLANO ST	CORNING, CA 96021	HUDSON	NICHOLI INDOOR & OUTDOOR GARDEN SUPPLY	06/15/10	(530)824-1100
COZY STOVE AND SPA	2576 HARTNELL AVE	REDDING, CA 96002		CONTRACTOR	06/07/10	(530)223-4410
DRUM FAMILY DAY CARE	1534 MARGUERITE AVE	CORNING, CA 96021	DRUM	PATRICI SMALL FAMILY DAY CARE - UP TO 8 CHILDREN	06/07/10	(530)824-3248
EARL'S PERFORMANCE P		CHICO, CA 95927	EARL	CLINTON CONTRACTOR - PLUMBER	05/25/10	(530)824-2300
F. C. BICKERT CO INC.	1315 VISTA WAY	RED BLUFF, CA 96080	BICKERT JR	FRED CONTRACTOR	05/25/10	(530)529-3575
NORTHERN CA VEHICLE	1981 SCOTT AVE	CORNING, CA 96021	ARVIN K	VEHICLE DELIVERY	06/07/10	(530)824-1486
THE SECRET	711 FOURTH ST	CORNING, CA 96021	EURESTI	DANIEL ART DESIGN & RETAIL	06/07/10	(530)838-0253
TRINITY HEALTHCARE A	145 SOLANO ST	CORNING, CA 96021	BAGWELL PHD	DR. SAN MEDICAL OFFICE	05/25/10	(530)824-5401

**CITY OF CORNING****May 2010****TREASURERS REPORT**

<b>AGENCY</b>	<b>BALANCE</b>	<b>RATE</b>	<b>MATURES ON</b>
LOCAL AGENCY INVESTMENT FUND	1,755,300.22	.56	
PREMIER WEST BANK	197,532.11	.85	03/28/11
PREMIER WEST BANK	177,196.34	.85	04/20/11
<b>TRUST ACCOUNTS</b>			
PREMIER WEST BANK RIDELL TRUST	209,517.37	2.52	06/13/10

Respectfully Submitted

Pala Cantrell  
City Treasurer

PERMITS ISSUED (sort by Permit #)

Item No.: I-8

For the Period 5/1/2010 thru 5/31/2010

Owner and Address	Parcel Number	Issued On	Valuation
BELL CARTER FOODS 981 FIG LN CORNING CA 96021 <b>Permit Description:</b> NEW MODULAR OFFICE	7326003 <b>Site Street Address:</b> 981 FIG LN	5/4/2010	170,000.00
BENITO & KATHRYN PARRA 304 FOURTH ST CORNING CA 96021 <b>Permit Description:</b> MAJOR REMODEL FIRE DAMAGE	7105304 <b>Site Street Address:</b> 304 FOURTH ST	5/4/2010	216,333.46
JERRY FIGUEROA 2151 FIG LN CORNING CA 96021 <b>Permit Description:</b> INSTALL ADA SHOWER	7125031 <b>Site Street Address:</b> 2151 FIG LN	5/10/2010	4,490.00
RAUL HERNANDEZ 1121 COLUSA ST CORNING CA 96021 <b>Permit Description:</b> TEAR OFF & REROOF (PARTIAL)	7111503 <b>Site Street Address:</b> 1121 COLUSA ST	5/4/2010	1,400.00
DALE SMITH 243 EDITH AVE CORNING CA 96021 <b>Permit Description:</b> CONVERT GARAGE TO BEDROOM	7134003 <b>Site Street Address:</b> 243 EDITH AVE	5/11/2010	3,000.00
C F J PROPERTIES 2120 SOUTH AVE CORNING CA 96021 <b>Permit Description:</b> CHANGE OUT 7 EXISTING SIGNS TO DENNY'S	8705038 <b>Site Street Address:</b> 2120 SOUTH AVE	5/13/2010	30,000.00
ASHLEY KNIGHT 1280 HOAG ST CORNING CA 96021 <b>Permit Description:</b> REPLACE HVAC & DUCTING	7122205 <b>Site Street Address:</b> 1280 HOAG ST	5/17/2010	7,850.00

**CITY OF CORNING**  
**PERMITS ISSUED (sort by Permit #)**  
**For the Period 5/1/2010 thru 5/31/2010**

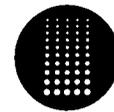
<b>Owner and Address</b>	<b>Parcel Number</b>	<b>Issued On</b>	<b>Valuation</b>
CRANE MILLS 2120 LOLETTA AVE CORNING CA 96021 <b>Permit Description:</b> ADD INTERIOR COLD STORAGE	7130026 <b>Site Street Address:</b> 2120 LOLETTA AVE	5/27/2010	21,700.00
CAMBRIDGE REAL ESTATE SERVI 250 DIVISADERO ST CORNING CA 96021 <b>Permit Description:</b> REPLACE 20 EXISTING WATER HEATERS	7302042 <b>Site Street Address:</b> 250 DIVISADERO ST	5/24/2010	16,000.00
KAY CRANE 1218 WEST ST CORNING CA 96021 <b>Permit Description:</b> REPLACE HVAC	7125505 <b>Site Street Address:</b> 1218 WEST ST	5/25/2010	8,500.00
<b>10 Permits Issued from</b>	<b>5/1/2010 Thru 5/31/2010</b>	<b>OR A TOTAL VALUATION OF</b>	<b>\$ 479,273.46</b>
<b>*** END OF REPORT ***</b>			

**RECEIVED**

JUN 01 2010

CITY OF CORNING

Item No.: I-9



**SouthWest  
Water Company**

P.O. Box 230  
25010 Gardiner Ferry Rd.  
Corning, CA 96021  
Phone 530.824.5863  
Fax 530.824.5769  
[www.swwc.com](http://www.swwc.com)

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

Below is a summary of the Monthly Operations Report that will be available for City review on JUNE 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) replaced # 1 screw pump motor
- 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) Replaced fuel filter on bobcat
- 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) Turned on waste to EQ basin
- 21) Started decant pump in EQ basin.
- 22) Cleaned auto samplers with bleach
- 23) Sprayed weeds.
- 24) Exercised emergency generator.
- 25) Held employee training
- 26) IIPP plant inspection

#### **MAY 2010**

Domestic Flow = 677,709 GPD

#### **APRIL 2010**

Domestic Flow = 723,200 GPD

**ITEM NO: I-10  
RECOMMEND APPOINTMENT OF JUDY  
TURNER, SUSAN OLSON HIGGINS AND SYLVIA  
MEENTS TO THE CORNING LIBRARY  
COMMISSION  
JUNE 22, 2010**

**TO: HONORABLE MAYOR AND COUNCILMEMBERS  
OF THE CITY OF CORNING**

**FROM: GARY R. STRACK, MAYOR**

**SUMMARY:**

Mayor Strack recommends the appointment of Judy Turner, Susan Olson Higgins and Sylvia Meents to the vacant positions on the City of Corning Library Commission.

**BACKGROUND:**

Currently the City has three vacancies on the Library Commission with terms to expire in June 2013.

Commissioners are appointed by the City Council to a non-paid four-year term position (unless fulfilling a vacant existing term). Meetings are held quarterly on the first Wednesday of the month in January, April, July and October.

The City has received three applications for appointment to the vacant positions on the Library Commission. These applicants and their qualifications are listed below.

**Susan Olson Higgins:** Ms. Higgins is a retired Teacher and Author/Publisher and is currently a member of the Corning Friends of the Library.

**Sylvia Meents:** Ms. Meents is a retired Nurse and a current member of the Corning Friends of the Library.

**Judy Turner:** Mrs. Turner is currently retired and has served as the Director of the Library and Media Services for the Tehama County Department of Education for 25 years and as President of the Corning Friends of the Library for 3 years.

**RECOMMENDATION:**

**MAYOR AND COUNCIL REVIEW THE ATTACHED APPLICATIONS AND APPOINT JUDY TURNER, SUSAN OLSON HIGGINS AND SYLVIA MEENTS TO THE CITY OF CORNING LIBRARY COMMISSION EFFECTIVE IMMEDIATELY WITH TERMS EXPIRING ON JUNE 30, 2013.**



CITY OF CORNING

APPLICATION FOR COMMISSION APPOINTMENT

RECEIVED

MAY 20 2010  
CITY OF CORNING

Date: 5-20-10

- Commission:  Planning Commission  
 Recreation Commission  
 Library Commission  
 Airport Commission

Name: Susan Olson Higgins

Home Address: 651 Toomes #61  
Corning, CA  
96021

Phone No.: 530.526.9210

Business Address: P.O. Box 139  
(MAIL ONLY) Shasta CA 96087

Phone No.: \_\_\_\_\_

Occupation: AUTHOR - PUBLISHER (SMALL) - RETIRED TEACHER

Do you reside within the City of Corning? Yes X No \_\_\_\_\_

What qualifications do you have that will assist the Commission of your choice in fulfilling its functions? I HAVE BEEN IN LEADERSHIP POSITIONS IN THE PAST AS OFFICER AND/OR OWNING TWO BUSINESSES,

Have you served on other Boards, Committees, or Commissions? Yes X No \_\_\_\_\_

If so, please list them: Christian Education Board, FRIENDS OF THE LIBRARY (CORNING).

Have you researched the time and travel commitments associated with serving on this

Commission? Yes X No \_\_\_\_\_

Can you meet those commitments? Yes X No \_\_\_\_\_

Please comment on your reasons for seeking this appointment.

I write books/poems/research to promote literacy in America. I support THE LIBRARY & ITS IMPACT upon Community,

Susan Olson Higgins  
Signature

STATE LAW REQUIRES THAT APPOINTMENTS TO BOARDS AND COMMISSIONS BE CONSIDERED BY THE CITY COUNCIL IN OPEN SESSION AND YOU MAY BE ASKED TO BE PRESENT FOR AN INTERVIEW.



CITY OF CORNING

RECEIVED

MAY 20 2010

APPLICATION FOR COMMISSION APPOINTMENT CITY OF CORNING

Date: 5-20-10

- Commission:
- Planning Commission
  - Recreation Commission
  - Library Commission
  - Airport Commission

Name: Sylvia MEENTS

Home Address: 525 Colusa St  
Corning Ca

Phone No: 530-824-3150

Business Address: Retired

Phone No.: \_\_\_\_\_

Occupation: \_\_\_\_\_

Do you reside within the City of Corning? Yes Yes No \_\_\_\_\_

What qualifications do you have that will assist the Commission of your choice in fulfilling its functions? I am a member of the Corning Library Association - Retired Reg. Nurse

Have you served on other Boards, Committees, or Commissions? Yes \_\_\_\_\_ No X

If so, please list them: \_\_\_\_\_

Have you researched the time and travel commitments associated with serving on this Commission? Yes \_\_\_\_\_ No X

Can you meet those commitments? Yes X? No \_\_\_\_\_

Please comment on your reasons for seeking this appointment.

I am interested in serving for the Library of Corning  
Sylvia Meents  
Signature

STATE LAW REQUIRES THAT APPOINTMENTS TO BOARDS AND COMMISSIONS BE CONSIDERED BY THE CITY COUNCIL IN OPEN SESSION AND YOU MAY BE ASKED TO BE PRESENT FOR AN INTERVIEW.



CITY OF CORNING

RECEIVED

MAY 24 2010

CORNING CITY CLERK

APPLICATION FOR COMMISSION APPOINTMENT

Date: May 24, 2010

- Commission:  Planning Commission  
 Recreation Commission  
 Library Commission  
 Airport Commission

Name: Judy Turner

Home Address: 3610 Hall Rd.  
Corning, CA 96021

Phone No.: 824-3174

Business Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_

Occupation: Retired

Do you reside within the City of Corning? Yes \_\_\_\_\_ No X

What qualifications do you have that will assist the Commission of your choice in fulfilling its functions?  
25 years - Director of Library + Media Services, Tehama County Dept. of Educ.  
3 yrs - President, Corning Friends of Library

Have you served on other Boards, Committees, or Commissions? Yes \_\_\_\_\_ No X

If so, please list them:  
\_\_\_\_\_  
\_\_\_\_\_

Have you researched the time and travel commitments associated with serving on this

Commission? Yes X No \_\_\_\_\_

Can you meet those commitments? Yes X No \_\_\_\_\_

Please comment on your reasons for seeking this appointment.  
\_\_\_\_\_  
\_\_\_\_\_

Judy Turner  
Signature

STATE LAW REQUIRES THAT APPOINTMENTS TO BOARDS AND COMMISSIONS BE CONSIDERED BY THE CITY COUNCIL IN OPEN SESSION AND YOU MAY BE ASKED TO BE PRESENT FOR AN INTERVIEW.



**CITY OF CORNING  
COMMISSIONS  
2-24-2010**

<u>Commissions</u>	<u>First Appointed</u>	<u>Present Term</u>	<u>Term Expires</u>
<b><u>Planning Commission</u></b>			
Chairman: Jessie Lopez	2/14/06	4 Yrs.	Exp. 6/30/2011
Diana Robertson	1/11/95	4 Yrs.	Exp. 6/30/2013
Ryan Reilly	11/22/05	4 Yrs.	Exp. 6/30/2013
Frank Barron	1/12/10	4 Yrs.	Exp. 6/30/2011
Doug Hatley	6/26/07	4 Yrs.	Exp. 6/30/2011
<b><u>Recreation Commission</u></b>			
Khrystie Shoemaker	2-23-10	4 Yrs.	Exp. 6/30/2013
Allen Turner	4-14-09	4 Yrs.	Exp. 6/30/2011
Loretta Price	7/1/07	4 Yrs.	Exp. 6/30/2011
Kyle Lauderdale	7/1/97	4 Yrs.	Exp. 6/30/2013
Larry Johnson	2/12/08	4 Yrs.	Exp. 6/30/2013
<b><u>Library Commission</u></b>			
Chairman: Patricia Rasmussen	2003	4 Yrs,	Exp. 6/30/2011
Dean Blankenship	1/22/08	4 Yrs.	Exp. 6/30/2011
<b>Vacant</b>		<b>4 Yrs.</b>	<b>Exp. 6/30/2013</b>
<b>Vacant</b>		4 Yrs.	Exp. 6/30/2013
<b>Vacant</b>		<b>4 Yrs.</b>	<b>Exp. 6/30/2013</b>
<b><u>Airport Commission</u></b>			
Barbara Boot	1985	4 Yrs.	Exp. 6/30/2013
Louis Davies	8-25-09	4 Yrs.	Exp. 6/30/2011
Ed Pitman	8-25-09	4 Yrs.	Exp. 6/30/2011
R.J. "Tony" Miller	3/10/09	4 Yrs.	Exp. 6/30/2013
Daniel Solado	2/27/07	4 Yrs.	Exp. 6/30/2013

**ITEM NO.: I-11  
RESOLUTION NO. 06-22-10-06, CALLING  
FOR THE MUNICIPAL ELECTION AND  
REQUESTING THAT IT BE CONSOLIDATED  
WITH THE NOVEMBER 2010  
GUBERNATORIAL ELECTION  
JUNE 22, 2010**

**TO: HONORABLE MAYOR AND COUNCILMEMBERS  
OF THE CITY OF CORNING**

**FROM: STEPHEN J. KIMBROUGH, CITY MANAGER  
LISA M. LINNET, CITY CLERK**



**BACKGROUND**

Every two years Cities hold their election for new officers. In 1985, Corning City Council adopted Ordinance No. 428 consolidating our elections with the statewide General Election, which is held on the first Tuesday after the first Monday in November on even numbered years. Each election year the Council adopts a Resolution calling the date of the election, which this year will be on November 2, 2010, and requesting that it be consolidated with the County's General Election.

The Resolution also requests that the Tehama County Board of Supervisors authorize the County Elections Department to provide services to the City in the conduct of the Election.

**RECOMMENDATION:**

**MAYOR AND COUNCIL ADOPT RESOLUTION NO. 06-22-10-06, CALLING FOR THE MUNICIPAL ELECTION AND REQUESTING THAT IT BE CONSOLIDATED WITH THE NOVEMBER 2010 GUBERNATORIAL ELECTION TO BE HELD ON NOVEMBER 2, 2010.**

**RESOLUTION NO. 06-22-10-06**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF CORNING, CALLING FOR THE MUNICIPAL  
ELECTION AND REQUESTING THAT IT BE CONSOLIDATED WITH  
THE NOVEMBER 2010 GUBERNATORIAL GENERAL ELECTION  
ON NOVEMBER 2, 2010**

**WHEREAS**, the City of Corning adopted Ordinance No. 428 on February 13, 1985, consolidating it's elections with the statewide General Election which is held on the first Tuesday after the first Monday in November on even numbered years; and

**WHEREAS**, the City of Corning is calling the Election for November 2, 2010 and requesting that it be consolidated with the November 2010 Gubernatorial General Election; and

**WHEREAS**, the City of Corning is requesting that the Tehama County Board of Supervisors authorize the County Elections Department to provide Services to the City of Corning in the conduct of the Election; and

**WHEREAS**, the following contests will be placed on the November 2, 2010 Ballot:

Member, City Council for the Full Term:	Two
Mayor for the Full Term	One

**NOW, THEREFORE BE IT RESOLVED**, that the City Council of the City of Corning hereby calls the Election for November 2, 2010 to be consolidated with the statewide November 2010 Gubernatorial Election.

---

The foregoing Resolution was adopted at a regular meeting of the City Council of the City of Corning held on June 22, 2010 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**Gary R. Strack, Mayor**

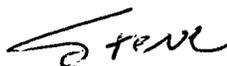
**ATTEST:**

**Lisa M. Linnet, City Clerk**

ITEM NO.: I-12  
RESOLUTION NO. 06-22-10-07,  
ADOPTING FEES FOR CITY  
CANDIDATES STATEMENT OF  
QUALIFICATIONS FOR THE NOVEMBER  
2010 GUBERNATORIAL ELECTION  
JUNE 24,2008

TO: HONORABLE MAYOR AND COUNCILMEMBERS  
OF THE CITY OF CORNING

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER  
LISA M. LINNET, CITY CLERK



**SUMMARY:**

The City Clerk requests Council adopt the fee amount set by the County Elections Board for the City of Corning for Statements of Qualifications in the amount of \$450 (English) and/or \$450 (Spanish) plus \$50 for translation into Spanish. Total cost to print in both English and Spanish would be \$950; English only would be \$450, and Spanish only would be \$500.

**BACKGROUND**

At tonight's meeting, City Council is also being asked to approve Resolution No. 06-22-10-06 calling for the Municipal Election and requesting that it be consolidated with the November 2010 Gubernatorial Election on November 2, 2010. This Resolution also requested that the Tehama County Board of Supervisors authorize the County Elections Department to provide Services to the City of Corning in the conduct of the Election.

The Statement of Qualification fee of \$450 (English) and/or \$450 (Spanish) plus the additional \$50 for translation into Spanish should Candidates chose to file one, is limited to 200 words and is payable to the County of Tehama. The City Clerk will collect these fees at the time the Candidates file their Statements and transfer to the County.

**RECOMMENDATION:**

**MAYOR AND COUNCIL ADOPT RESOLUTION NO. 06-22-10-07, SETTING FEES FOR CITY CANDIDATES STATEMENT OF QUALIFICATIONS FOR THE PRESIDENTIAL GENERAL ELECTION.**

**RESOLUTION NO. 06-22-10-07**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF CORNING, SETTING FEES FOR  
CITY CANDIDATES STATEMENT OF QUALIFICATION FOR THE  
NOVEMBER 2, 2010 GUBERNATORIAL GENERAL ELECTIONS**

**WHEREAS**, the City of Corning adopted Ordinance No. 428 on February 13, 1985, consolidating its elections with the statewide General Election which is held on the first Tuesday after the first Monday in November on even numbered years; and

**WHEREAS**, the Corning City Council will render approval or disapproval of Resolution No. 06-22-10-06 Calling for the Municipal Election and Requesting that it be consolidated with the November 2010 Gubernatorial Election on November 2, 2010 at this same City Council Meeting; and

**WHEREAS**, pursuant to Elections Code Section 10002, the City or District shall reimburse the County in full for the services performed upon presentation of a bill to the City or District; and

**WHEREAS**, the following contests will be placed on the November 2, 2010 Ballot:

Member, City Council for the Full Term:	Two
Mayor for the Full Term	One

**NOW, THEREFORE BE IT RESOLVED**, that the City Council of the City of Corning adopts the County fee set for the Voluntary Statement of Qualification as \$450 (English) and/or \$450 (Spanish) plus the additional \$50 for translation into Spanish with a limit of 200 words payable to the County of Tehama.

**BE IT FUTHER RESOLVED AND ORDERED THAT** the City Clerk will collect said fees at the time candidates file statements.

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The foregoing Resolution was adopted at a regular meeting of the City Council of the City of Corning held on June 22, 2010, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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**Gary R. Strack, Mayor**

**ATTEST:**

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**Lisa M. Linnet, City Clerk**

ITEM NO: I-13 (a & b)  
RESOLUTION NO. 06-22-10-02; A  
RESOLUTION DESIGNATING A NO  
PARKING ZONE ALONG PORTIONS OF  
SOLANO STREET AND MARGUERITE  
AVENUE AND RESOLUTION NO. 06-22-  
10-05; DESIGNATING A BUS LOADING/  
UNLOADING ZONE ALONG A PORTION  
OF SOLANO STREET. 275 SOLANO  
STREET.

JUNE 22, 2010

TO: HONORABLE MAYOR AND COUNCILMEMBERS  
OF THE CITY OF CORNING

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

*Steve*  
*JB*

**SUMMARY:**

Staff recommends the adoption of two resolutions to implement "No Parking" and "Bus Loading and Unloading" zones along the frontage of the Corning Healthcare District property that's currently developing at the southeast corner of Marguerite Avenue and Solano Street.

**BACKGROUND:**

On December 11, 2007, the City Council approved Tentative Parcel Map 07-20. The tentative map, presented by the Corning Healthcare District, proposed to create four commercial parcels at the southeast corner of Marguerite Avenue and Solano Street. See the attached copy of the conditions of approval. Among the conditions were requirements for "No Parking" and "Bus Loading" zones (Conditions 4 & 5) along the frontages of Solano Street and Marguerite Avenue. The condition "times" the implementation of the zones to when the parcels develop.

The parcel map subsequently recorded. See the attached copy of the Assessor's Map showing the shapes and positions of the four parcels. Parcel 2, nearest the intersection and addressed as 275 Solano Street, is currently being developed by the district. It is now appropriate to apply the restricted parking and loading zones along the frontages of Parcel 2.

Staff offers Resolution No. 06-22-10-02 to implement the No Parking zone along much of the Solano Street and Marguerite Avenue frontage of Parcel 2. Additionally, Resolution No. 06-22-10-05 is recommended to impose the Bus Loading Zone adjacent to the new bus turnout lane along a portion of the Solano Street frontage. Note that both resolutions are effective upon the completion of the current building project (issuance of Certificate of Occupancy).

**STAFF RECOMMENDATION:**

**MAYOR AND COUNCIL ADOPT:**

- **RESOLUTION 06-22-10-02; A RESOLUTION DESIGNATING A NO PARKING ZONE ALONG THE FRONTAGE OF SOLANO STREET AND MARGUERITE AVENUE OF ASSESSOR'S PARCEL 73-120-80, AS SHOWN ON EXHIBIT "A" OF THE RESOLUTION.**

- **RESOLUTION 06-22-10-05; A RESOLUTION DESIGNATING A BUS LOADING AND UNLOADING ZONE AFFECTING A POTION OF THE SOLANO STREET FRONTAGE OF ASSESSOR'S PARCEL NO. 73-120-80, AS SHOWN ON EXHIBIT "A" OF THE RESOLUTION.**

**CONDITIONS OF APPROVAL-TPM 07-20**  
**ADOPTED BY CORNING CITY COUNCIL DECEMBER 11, 2007**

**1. CONFORM TO BUILDING AND CONSTRUCTION, SUBDIVISION, AND ZONING ORDINANCES.** Development of the Parcel Map shall be in conformance with the approved tentative map and Titles 15, (Buildings and Construction), 16 (Subdivision) and 17 (Zoning) Ordinances of the City of Corning Municipal Code.

**2. LAND USE BARRIER.** A six-foot high land use barrier shall be constructed along the zoning district boundary along the south lines of Parcels 3 and 4. The land use barrier standard is subject to approval by the Planning Director and shall be in place prior to issuance of a Certificate of Occupancy for buildings on the respective parcels.

**3. LANDSCAPING.** Subsequent development, as each parcel is developed, shall be landscaped in conformance with Corning Municipal Code Section 16.27.040. These standards include requirements for street trees, parking lot shading and groundcover, and permanent irrigation.

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**4. NO PARKING.** The curbs along Marguerite and Solano Street shall be marked to prohibit on-street parking. Curb painting and/or signage shall be installed as directed by the Public Works Director. (Note that the City Council must take action to adopt a "No Parking" Resolution prior to painting the curb or installing signage.) This requirement is for frontage along roadway abutting each of the parcels, as they are developed.

**5. BUS STOP.** Upon development of Parcel 2, abandon the existing curbside bus stop and construct a bus stop, within the existing Solano Street Right-of-Way, or within an adjacent public services easement, that substantially complies with the 'Type 4- Bus Stop Layout-Mid-Block with Turnout standard of the Tehama County Transit Agency. This standard may be modified as acceptable to the Corning City Engineer and/or Public Works Director.

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**6. BIKE RACKS.** The City encourages the use of alternative transportation. Install one or more bike racks concurrently with parcel development.

**7. ABANDON WATER WELL.** Prior to developing Parcel 4, obtain a permit from the Tehama County Environmental Health Department and properly abandon the existing water well and remove the water tank.

**8. MARGUERITE AVENUE DEDICATION.** The final parcel map shall offer an additional 10' of right of way along the northern 120 feet of the Marguerite Avenue frontage of Parcel 2 to the City of Corning.

**9. MARGUERITE AVENUE IMPROVEMENTS.** Concurrent with development, and prior to approving occupancy of any new structures on Parcels 2, 3, or 4, reconstruct the east half width of Marguerite Avenue along the subject parcel frontage, including traveled way, vertical curb and gutter and sidewalk in

**RESOLUTION NO. 06-22-10-02**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORNING  
DESIGNATING A NO PARKING ZONE AT 275 SOLANO STREET**

**WHEREAS**, the California Vehicle Code allows municipalities to designate certain locations on public streets within the City as Loading/Unloading zones, and

**WHEREAS**, the City of Corning has authorized by Ordinance 564 a procedure to regulate the stopping, parking or standing of vehicles by Resolution.



**NOW THEREFORE BE IT RESOLVED**, that the following location is hereby designated a pursuant to the authority set forth in California Vehicle Code, section 22507 and in the above referenced ordinance of the City of Corning:

This No Parking shall be as shown on the attached drawing marked Exhibit "A", affecting a portion of the Solano Street frontage and all of the Marguerite Avenue frontage of Assessor's Parcel No. 73-120-80.

This resolution shall take effect upon issuance of the Certificate of Occupancy for the Corning Healthcare District project currently constructing at 275 Solano Street.

The foregoing Resolution was considered by the City Council at a regular meeting of the City Council of the City of Corning on the 22nd day of January 2008 and upon a motion duly made and seconded was passed and adopted by the following votes:

**AYES:**

**NOES:**

**ABSENT OR NOT VOTING:**

\_\_\_\_\_  
**GARY R. STRACK, MAYOR**

**ATTEST:**

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

EXHIBIT "A"

AVE

MARGUERITE

SOLANO ST.

110'

105'

35'

BUS LOADING & UNLOADING ZONE

NO PARKING ZONE

NO PARKING ZONE

PARCEL 2

P.M. 07-20

14 P.M. 38

(APN 73-120-80)

180'



RES. 06-22-10-02 & 06-22-10-05

**RESOLUTION NO. 06-22-10-02**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORNING  
DESIGNATING A BUS LOADING/UNLOADING ZONE AT 275 SOLANO STREET**

**WHEREAS**, the California Vehicle Code allows municipalities to designate certain locations on public streets within the City as a Bus Loading/Unloading zone, and

**WHEREAS**, the City of Corning has authorized by Ordinance 563 a procedure to establish and designate various locations for "bus stops" by Resolution,



**BE IT THEREFORE RESOLVED**, that the following location is hereby designated a "Bus Loading/Unloading Zone" pursuant to the authority set forth in California Vehicle Code, section 22507 and in the above referenced ordinance of the City of Corning:

This Bus Loading/Unloading Zone shall be as shown on the attached drawing marked Exhibit "A", affecting a portion of the Solano Street frontage of Assessor's Parcel No. 73-120-80.

This resolution shall become effective upon issuance of the Certificate of Occupancy for the project under construction at 275 Solano Street.

The foregoing Resolution was considered by the City Council at a regular meeting of the City Council of the City of Corning on the 22nd day of June 2010 and upon a motion duly made and seconded was passed and adopted by the following vote:

**AYES:**

**NOES: None**

**ABSENT OR NOT VOTING:**

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**GARY R. STRACK, MAYOR**

**ATTEST:**

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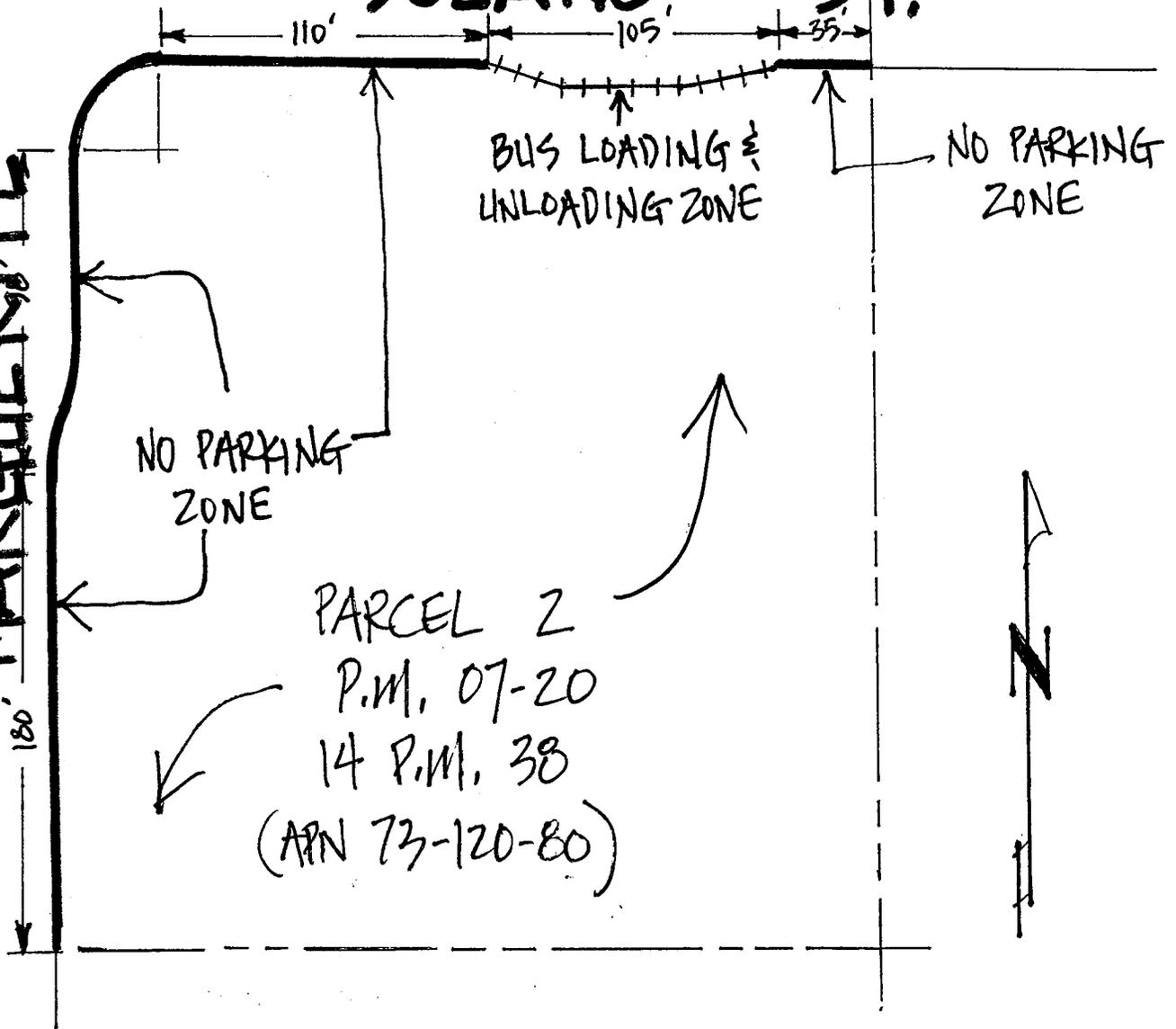
**City Clerk**

EXHIBIT "A"

AVE

MARGUERITE

SOLANO ST.

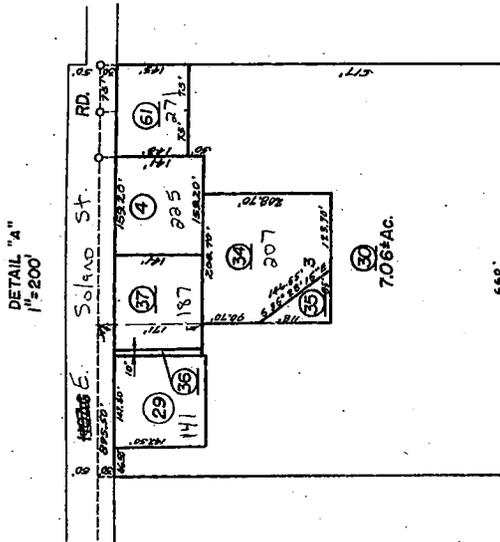
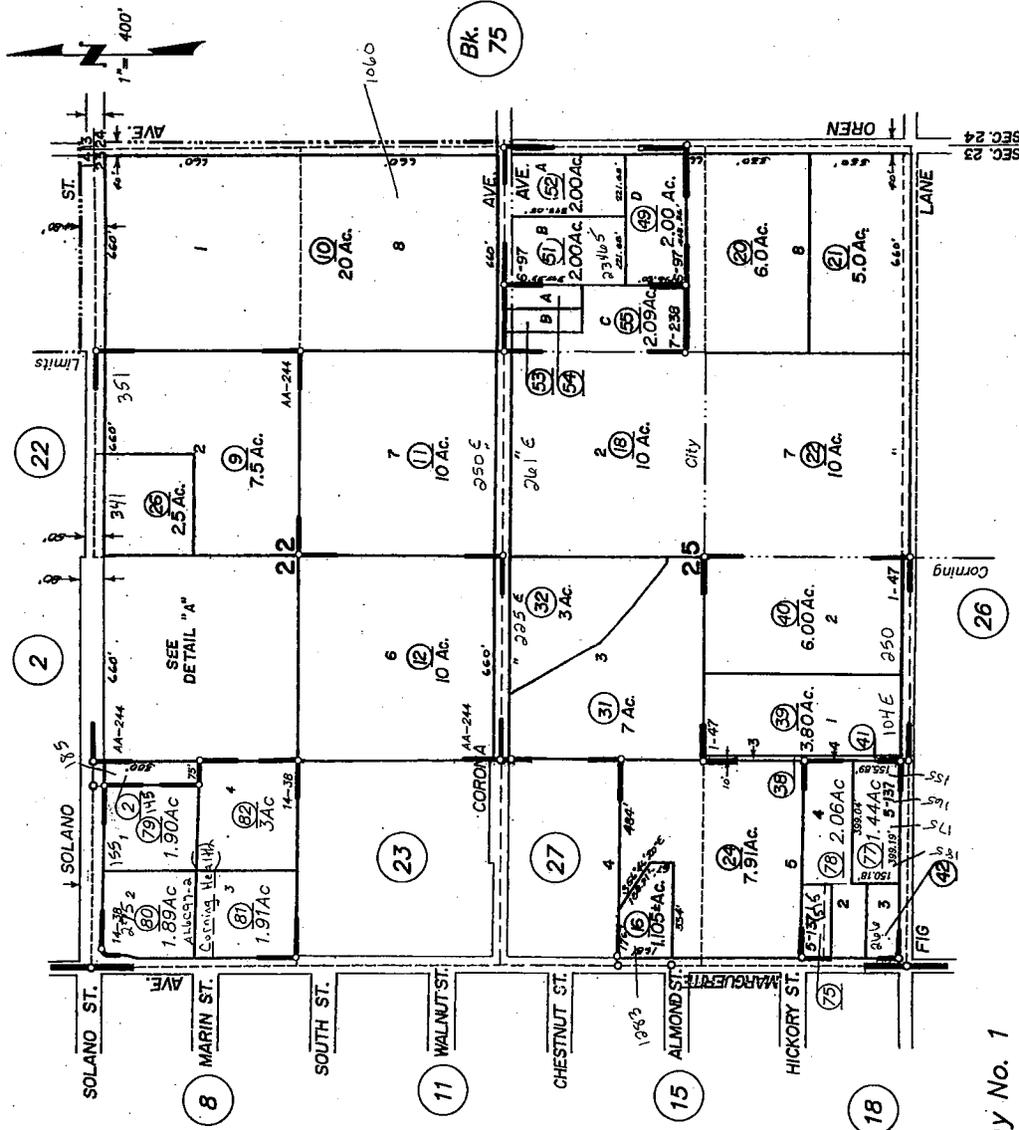


RES. 06-22-10-02 & 06-22-10-05

FILE COPY

SUBDIVIDED LAND IN NE1/4 SEC. 23, T.24N., R.3W., M.D.B.&M.

73-12



# ASSESSOR'S MAP

- R.M. Bk. A, Pg. 33-Maywood Colony No. 1
- R.S. Bk. AA, Pg. 244
- P.M. Bk. 1, Pg. 47-P.M. No. 212
- P.M. Bk. 5, Pg. 137-P.M. No. 77-255
- P.M. Bk. 6, Pg. 97-P.M. No. 79-23
- P.M. Bk. 7, Pg. 238-P.M. No. 83-76
- P.M. Bk. 14, Pg. 38-P.M. No. 07-20

RECEIVED  
 MAR 23 1960  
 CITY OF CORNING

NOTE-Assessor's Black Numbers Shown in Ellipses  
 Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk. 73 -Pg. 12  
 County of Tehama, Calif.

3-15-10

**ITEM NO.:** I-14  
**SAFE ROUTES TO SCHOOL-CYCLE 9;  
AUTHORIZE STAFF TO SUBMIT APPLICATION  
FOR STATE FUNDING FOR SIDEWALK AND  
CROSSWALK DEVELOPMENT IN THE VICINITY  
OF BOTH WEST STREET AND OLIVE VIEW  
SCHOOLS**

**JUNE 22, 2010**

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

**FROM: STEPHEN J. KIMBROUGH, CITY MANAGER  
ED ANDERSON, R.C.E., CITY ENGINEER  
JOHN L. BREWER, AICP; PUBLIC WORKS DIRECTOR**



**SUMMARY:**

Staff recommends the City Council authorize the submittal of a Safe Routes to School (SR2S) application to fund sidewalk, curb and gutter and crosswalk improvements to improve safety for students who walk or bicycle to school. For this application staff recommends improvements in the vicinities of West Street and Olive View Schools. See the attached drawings showing the proposed improvements.

**BACKGROUND:**

Caltrans notified City staff in mid April of the availability of funding for Cycle 9 of the SR2S Program. Applications are due by July 15, 2010. The SR2S grant program is competitive. We'll likely be competing with a number of other applications. The overall state allocation for Cycle 9 is \$24.25 million. The current estimate for our Caltrans District (2) is \$1.0 million. However, that total could be cut in half if other districts are allocated more funding.

The City has a great track record; having successfully completed two previous SR2S projects; one improving safety in the vicinity of the high school, the other focusing on student access route improvements to Olive View and Maywood schools.

**CITY MATCH:**

The SR2S program requires a 10% local cash match. The state picks up 90% of the costs. So, in addition to improving the safety to students bound for schools, the City benefits by getting new facilities that are 90% funded by the state.

We are still working on the cost projections. At this time we believe the overall project cost will be around \$120,000. The City match share of that would be about \$12,000. We will not have to make that financial commitment unless and until the state approves our application. If the state approves, we'll prepare another staff report that specifically addresses the commitment to fund the City's 10% cash match.

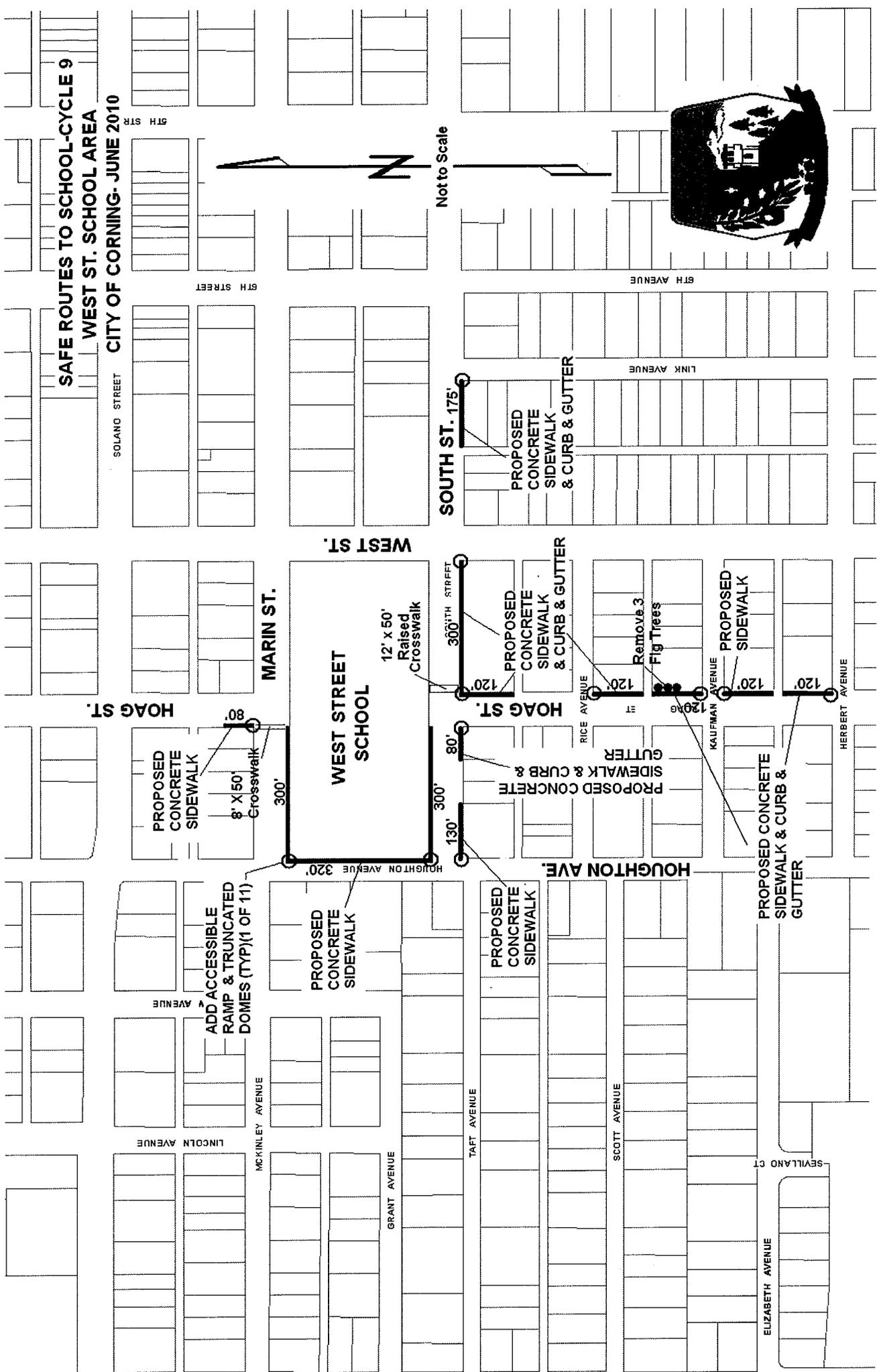
**RECOMMENDATION:**

That the City Council:

- Authorize staff to prepare and submit an application for Safe Routes to School Cycle 9 funding application to complete those improvements shown on the attached drawings.



**SAFE ROUTES TO SCHOOL-CYCLE 9  
WEST ST. SCHOOL AREA  
CITY OF CORNING - JUNE 2010**



**ITEM NO. : K-15  
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.**

**JUNE 22, 2010**

**TO: HONORABLE MAYOR AND CITY 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.

\* \* \* \* \*

**ENVIRONMENTAL:**

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

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

**STAFF RECOMMENDATION:**

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

**Subfinding #1**

Ordinance No. 641 will repeal Chapter 17.56 and add a Chapter 15.10 to Title 15 of the Corning Municipal Code that will shift the responsibility of issuing a certificate of occupancy from the Planning Commission to City Staff.

**Finding #1**

Shifting the responsibility of issuing a certificate of occupancy from the Planning Commission to City Staff, as proposed in Ordinance No. 641, will not cause a significant effect on the environment and is therefore exempt from CEQA pursuant to Section 15061 (b) (3).

**Subfinding #2**

The City of Corning Planning Commission meets once a month at regularly scheduled meetings held on the third Tuesday of each month.

**Finding #2**

Planning Commission meetings held only once a month makes it impossible for the Commission to issue a certificate of use and occupancy within three days as currently required by Section 17.56.030 of the Corning Municipal Code.

**Subfinding #3**

Section 15.10.030 of proposed Chapter 15.10 requires approval by the Planning Department for the use of a building and an inspection by the Building Official and Fire Chief to ensure compliance with the applicable codes set forth in the Corning Municipal Code.

**Finding #3**

A Certificate of Occupancy, as proposed by Ordinance 641, will require that the use, and construction of buildings complies with the applicable codes as adopted in the Corning Municipal Code. Adoption of Ordinance No. 641 will protect the health, safety, and welfare of the citizens of Corning.

**Subfinding #4**

The Corning Planning Commission held a Public Hearing on May 18, 2010 to consider a recommendation to the Corning City Council pursuant to the adoption of Ordinance No. 641.

**Finding #4**

At the May 18, 2010 Planning Commission meeting the Corning Planning Commission voted 5:0 to recommend that the City Council approve and adopt Ordinance No. 641.

**ACTION:**

1. MAKE A MOTION TO ADOPT THE FOUR (4) SUBFINDINGS AND FINDINGS AS PRESENTED IN THE STAFF REPORT FOR THE ADOPTION OF ORDINANCE NO. 641. (PLEASE NOTE : PRIOR TO ADOPTING THE RECOMMENDED SUBFINDINGS & FINDINGS THE COUNCIL HAS THE ABILITY TO MODIFY OR REMOVE ANY OF THE SUBFINDINGS AND FINDINGS IF DEEMED APPROPRIATE BY A MAJORITY OF THE COUNCIL)

**VOTE OF THE COUNCIL**

2. MAKE A MOTION TO WAIVE THE FIRST READING OF ORDINANCE NO. 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.

**VOTE OF THE COUNCIL**

**OR:**

3. MAKE A MOTION TO DENY THE ADOPTION OF ORDINANCE NO. 641.

**ITEM NO. : K-16**  
**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.**

**JUNE 22, 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.

**ENVIRONMENTAL:**

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

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

**STAFF RECOMMENDATION:**

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

**Subfinding #1**

Ordinance No. 642 will add the 2007 Edition of the California Fire Code as a technical code within the Corning Municipal Code.

**Finding #1**

Adding the 2007 Edition of the California Fire Code to the Corning Municipal Code, as proposed in Ordinance No. 642, will not cause a significant effect on the environment and is therefore exempt from CEQA pursuant to Section 15061 (b) (3).

**Subfinding #2**

The 2007 Edition of the California Fire Code provides safety standards designed to protect the health, safety, and welfare of the people of California.

**Finding #2**

Adopting the 2007 Edition of the California Fire Code as a technical code within the Corning Municipal Code, will protect the health, safety, and welfare of the Citizens of Corning.

**ACTION**

**1. MAKE A MOTION TO ADOPT THE SUBFINDINGS AND FINDINGS AS PRESENTED IN THE STAFF REPORT FOR THE ADOPTION OF ORDINANCE NO. 642.**

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

**VOTE OF THE COUNCIL**

**2. MAKE A MOTION TO WAIVE THE FIRST READING OF ORDINANCE NO. 642, THE ORDINANCE REFERENCING THE 2007 EDITION OF THE CALIFORNIA FIRE CODE AS A TECHNICAL CODE IN THE CORNING MUNICIPAL CODE.**

**VOTE OF THE COUNCIL**

**OR:**

**3. MAKE A MOTION TO RECOMMEND THAT THE CORNING CITY COUNCIL DENY THE ADOPTION OF ORDINANCE NO. 642.**

**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 \_\_\_\_\_ and adopted at a regular meeting of the City Council of the City of Corning, held \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

Abstain:

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

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

ATTEST:

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

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

**ITEM NO.: K-17  
PUBLIC HEARING; RESOLUTION NO.  
06-22-10-03; A RESOLUTION APPROVING A  
2010-11 APPLICATION FOR FUNDING AND  
THE EXECUTION OF A GRANT  
AGREEMENT AND ANY AMENDMENTS  
THERETO FROM THE GENERAL  
ALLOCATION OF THE STATE COMMUNITY  
BLOCK GRANT PROGRAM**

**JUNE 22, 2010**

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

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

*Steve*

**SUMMARY:**

This is the second of two required public hearings that must be conducted prior to submitting an application for Community Development Block Grant funding. The first public hearing was conducted on May 11, 2010.

At the public hearing on May 11th, staff mentioned the intent to apply for a grant to complete street and drainage improvements to Blackburn Avenue between the existing improvements and Edith Avenue. This application is the same project for which City had previously applied. The funding will provide for off-site road improvements for the Salado Orchards project and future housing that will develop in the area. Council will review a time extension for Tract Map 08-1002 that will add a condition of approval for the off-site street improvements to Blackburn Ave.

Staff believes that project is important to eliminate the safety hazard posed by the open-ditch Blackburn-Moon Drain, and to facilitate widening to provide two-way traffic on this important, Minor Arterial street. Since the May 11<sup>th</sup> meeting, staff has worked with JoAnn Anders, a "Grants Administrator" to compile an application that, if funded, would accomplish both the street and drainage improvements.

A copy of the draft "Application Summary" is attached. The application seeks \$744,000 for public improvements in support of new housing construction, and \$56,000 for General Administration. The City will commit \$67,000 in Community Development Block Grant Reuse Program Income to the project. The complete binder containing the draft application is available for review at City Hall.

Offered for your consideration is Resolution No. 06-22-10-03, a resolution approving a 2010-2011 application for funding and the execution of a grant agreement and any amendments thereto from the General Allocation of the State Community Block Grant program.

**MAYOR AND CITY COUNCIL ADOPT RESOLUTION NO. 06-22-10-03; A RESOLUTION APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE GENERAL ALLOCATION OF THE STATE COMMUNITY BLOCK GRANT PROGRAM.**

**CITY OF CORNING  
RESOLUTION NO. 06-22-10-03**

**A RESOLUTION APPROVING A 2010-11 APPLICATION FOR FUNDING AND  
THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS  
THERETO FROM THE GENERAL ALLOCATION OF THE STATE COMMUNITY  
BLOCK GRANT PROGRAM**

**BE IT RESOLVED** by the City Council of the City of Corning as follows:

**SECTION 1.**

The City Council has reviewed and hereby approves an application for up to \$800,000 for the following activities:

General Program Administration	\$ 56,000
Public Improvements in Support of New Housing Construction	\$744,000

**SECTION 2.**

The City Council approves the commitment Community Development Block Grant Program Income in the amount of \$67,000 to the Public Improvements in Support of New Housing Construction activity.

**SECTION 3.**

The City Council has determined that federal Citizen Participation requirements were met during the development of this application.

**SECTION 4:**

The City Manager, or his designee, is hereby authorized and directed to sign this application and act on the City's behalf in all matters pertaining to this application.

**SECTION 5.**

If the application is approved, the City Manger, or his designee, is authorized to enter into and sign the grant agreement and any subsequent amendments with the State of California for purposes of this grant.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Corning held on June 22, 2010 by the following vote:

AYES:

NOES:

ABSENT:

---

Gary Strack, Mayor

ATTEST:

---

Lisa Linnet, City Clerk

**APPLICATION SUMMARY - Forms**

**A. State Community Development Block Grant Program Allocation**



- General Allocation 2010 - 2011**  
or  
 **Native American Allocation 2008 - 2011**

*If applying for both, separate applications are required.*

**B. Application Information**

Jurisdiction Name: City of Corning

DUNS #: 091589742

Address: 794 Third Street

City: Corning State: CA Zip Code: 96021

**Is this application being submitted on behalf of more than one jurisdiction?**

- NO**  
 **YES** Complete the following. (Please note that the implementation of a Joint Powers Agreement or Memorandum of Understanding between the applicants is required.)

Second Jurisdiction's Name: \_\_\_\_\_

Address: \_\_\_\_\_

JPA or MOU on Page \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**C. Authorized Representative Information (per the Resolution)**

Name: Stephen J. Kimbrough Title: City Manager

Phone: 530-824-7033 Ext: \_\_\_\_\_ FAX: 530-824-2489

E-mail: stevek@corning.org

Check here if address information is the same as above; if not, fill in information below.

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

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



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

## APPLICATION SUMMARY - Forms

### G. Requested Funding for All Proposed Activities

*Note: See instructions for funding limitations.*

Activity	Amount Requested	Activity Administrator	Target Populations	Result of PTA grant/Phase of previously funded activity?
<b>GENERAL ADMINISTRATION</b>				
(Maximum of 7.5% of total funding requested)	<b>\$ 56,000</b>	<input type="checkbox"/> Applicant Staff <input type="checkbox"/> Other <input checked="" type="checkbox"/> Combination		
<b>Activity # 1: Public Improvements in Support of New Housing Construction</b>				
Activity Amount	\$ 694,000	<input type="checkbox"/> Applicant Staff <input type="checkbox"/> Other <input checked="" type="checkbox"/> Combination	Target I.D. #: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Grant # _____
Activity Delivery	\$ 50,000		Proposed # of Beneficiaries: <u>36</u>	
<b>Activity TOTAL</b>	<b>\$ 744,000</b>			
<b>Activity # 2: _____</b>				
Activity Amount	\$ _____	<input type="checkbox"/> Applicant Staff <input type="checkbox"/> Other <input type="checkbox"/> Combination	Target I.D. #: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No Grant # _____
Activity Delivery	\$ _____		Proposed # of Beneficiaries: _____	
<b>Activity TOTAL</b>	<b>\$ _____</b>			
<b>Activity # 3: _____</b>				
Activity Amount	\$ _____	<input type="checkbox"/> Applicant Staff <input type="checkbox"/> Other <input type="checkbox"/> Combination	Target I.D. #: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No Grant # _____
Activity Delivery	\$ _____		Proposed # of Beneficiaries: _____	
<b>Activity TOTAL</b>	<b>\$ _____</b>			
<b>10% Set-Aside Activity: _____</b>				
Activity Amount	\$ _____	<input type="checkbox"/> Applicant Staff <input type="checkbox"/> Other <input type="checkbox"/> Combination	Target I.D. #: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No Grant # _____
Activity Delivery	\$ _____		Proposed # of Beneficiaries: _____	
<b>Activity TOTAL</b>	<b>\$ _____</b>			
<b>\$ 800,000</b>		<b>← TOTAL Funding Requested</b>		

## APPLICATION SUMMARY - Forms

### H. State Objectives:

If you are claiming state objective points for activities within this application, select which objective(s) and indicate for which activity and where supporting documentation can be found.

**Note:** *The Capacity Building objective is not activity-specific and can only be claimed once per application.*

Although only a maximum of 50 points will be awarded per application, select all objectives that are applicable to this application.

>>See Appendix F for additional information on State Objectives<<

State Objective Claimed:	For Activity(ies):	Application Page #
1. Infrastructure Proposals	<u>1</u>	_____
2. Capacity Building	<u>1</u>	_____
3. SELECT	_____	_____
4. SELECT	_____	_____

### I. Section 504 Self-Evaluation:

HUD requires jurisdictions to have documented their compliance with Section 504. Applicants must attach a Section 504 Self-Certification form with their Application Package. It is important to note that the form itself does not constitute the jurisdiction's efforts to meet Section 504. The jurisdiction should have performed an analysis and evaluation of each factor and prepared a Section 504 Plan. The self-certification form is used to certify that the jurisdiction has performed this analysis and evaluation and to record areas of compliance or problems.

>>See the CDBG Grant Management Manual for additional information<<

## GRANT ADMINISTRATIVE CAPACITY - Forms

A. Did the applicant have any CDBG General, Native American, or Colonias grants experience for the years 2006, 2007, 2008, or 2009? **(Do not include PTA grants)**

**Yes.** Identify which CDBG Allocation(s) and the applicable funding year(s).

**General Allocation.** Funding Year(s): \_\_\_\_\_

Grant #'s: \_\_\_\_\_

**Colonias Allocation.** Funding Year(s): \_\_\_\_\_

Grant #'s: \_\_\_\_\_

**Native American Allocation.** Funding Year(s): \_\_\_\_\_

Grant #'s: \_\_\_\_\_

**No.** Have not had any CDBG grants in 2006-2009.

B. If funded from this application, how will this grant be administered? Who will carry out the grant's General Administrative activities?

In-house staff only. ***(Attach resumes and duty statements of staff that will be performing the work.)***

Supporting documentation on page(s): \_\_\_\_\_

Subrecipient Agreement:

Draft       Executed. Term of the Agreement: \_\_\_\_\_

Other: \_\_\_\_\_

Supporting documentation on page(s): \_\_\_\_\_

Procured administrator(s) per 24 CFR 85.36 and the GMM Chapter 8.

Per Small Purchase Authority

By Competitive Proposal

By Non-Competitive/Sole-Source

• Department approval documentation, pages: \_\_\_\_\_

Term of the agreement: \_\_\_\_\_

Supporting documentation on page(s): \_\_\_\_\_

Some combination of the above. Describe: In-house staff and procured administrator.

Supporting documentation on page(s): \_\_\_\_\_

**NOTE: Full points under this section will be awarded only for answering both questions and including supporting documentation, as noted in the NOFA and in Application instructions.**

**APPLICATION FUNDING SOURCES/USES/PROGRAM INCOME/LEVERAGE - FORMS**

**ALL ACTIVITIES - ALL FUNDING SOURCES**

USES	STATE OR FEDERAL					LEVERAGE		
	State CDBG	Program Income Available: 177893 (all uncommitted RLA funds) Program Income Committed:	Other State Funds	Federal Funds		Local Funds	Private	Totals:
<b>General Admin</b>	\$ 56000	\$ —	\$ —	\$ —	\$ —	\$ —	\$ —	\$ 56000
<b>PIHNC</b>	\$ 694000	\$ 67000	\$ —	\$ —	\$ —	\$ —	\$ —	\$ 761000
<b>Activity Del.</b>	\$ 50000	\$ —	\$ —	\$ —	\$ —	\$ —	\$ —	\$ 50000
—	\$ —	\$ —	\$ —	\$ —	\$ —	\$ —	\$ —	\$ —
—	\$ —	\$ —	\$ —	\$ —	\$ —	\$ —	\$ —	\$ —
—	\$ —	\$ —	\$ —	\$ —	\$ —	\$ —	\$ —	\$ —
—	\$ —	\$ —	\$ —	\$ —	\$ —	\$ —	\$ —	\$ —
—	\$ —	\$ —	\$ —	\$ —	\$ —	\$ —	\$ —	\$ —
<b>Totals:</b>	\$ 800000	\$ —	\$ —	\$ —	\$ —	\$ —	\$ —	\$ 867000

**PUBLIC IMPROVEMENTS IN SUPPORT OF HOUSING NEW  
CONSTRUCTION (PIHNC) - Forms**

**A. ACTIVITY INFORMATION:**

**1. How much is being requested for this activity?**

\$744000 = \$694000 + \$50000

Total \$\$ Requested for this Activity = Activity \$\$ + Activity Delivery \$\$

**2. How will the requested CDBG funds be used?**

a) Type of Project:

- Water/Sewer Improvements (03J)
- Street Improvements (03K)
- Sidewalks (03L)
- Tree Planting (03N)
- Payment of Eligible Assessments for Public Improvements
- Other (describe): \_\_\_\_\_

b) What type of improvements?

- On-site Improvements
- Off-Site Improvements

c) Is acquisition of Real Property included in this Activity?

- Yes
- No

**3. Location of sites(s) where activity will occur:**

Blackburn Avenue, City of Corning

**Does the Applicant have site control?**

- Yes
- No

**4. Describe the Activity: (See instructions.)**

The City of Corning will use CDBG funds to construct public improvements in support of new housing construction that will support the construction of 12 single family homes in the next phase of the Salado Orchard affordable housing development. These public improvements are conditions of approval for including: widening and extending Blackburn Avenue from the west end of Salado Orchard development site to Edith Avenue, and installing associated curbs, gutters, sidewalks, storm water drains, as well as installing necessary culverts, landscaping and street lamps.

**5. Who will be the Activity Administrator? (Check all that apply.)**

- Jurisdiction (Applicant)
- Consultant/Contractor (For-Profit entity)
- Non-Profit as Subrecipient
- CHDO (Recognized Community Housing Development Organization)
- Another unit of local government
- Another public agency
- Non-Profit's not acting as Subrecipients
- Faith-based organization
- Institution of higher education

**PUBLIC IMPROVEMENTS IN SUPPORT OF HOUSING NEW CONSTRUCTION (PIHNC) - Forms**

Name of all agencies/organizations indicated above:

- a) City of Corning
- b) Contracted Administrator
- c) \_\_\_\_\_
- d) \_\_\_\_\_

**6. Timeline/Schedule/Milestones:**

Indicate significant milestone accomplishments and the proposed date of completion. If awarded funds, these milestones will be included in the contract language as expenditure milestones.

Activity Milestones		
	Description of Accomplishment	Proposed Date of Attainment
1.	Funding Application Successful	9/2010
2.	Standard Agreement Executed	12/2010
3.	Clear Special and 90-day conditions	3/2011
4.	Construction of Public Improvments Complete	11/2011
5.	Construction of housing units complete	6/2013
6.		
7.		
8.		

**B. BENEFIT:**

1. **Service Area:** (Check only one.)

- Entire Jurisdiction
- Target Area(s)

All applicants: Identify the Service Area(s) by Census Tract(s) and Block Group(s) in the table below and list the page(s) where the Census Track/ Block Group Map(s) may be found in this application. Page(s): \_\_\_\_\_

| Census Tract   |
|----------------|----------------|----------------|----------------|----------------|----------------|
| <u>10</u>      | _____          | _____          | _____          | _____          | _____          |
| Block Group(s) |
| <u>2, 4, 6</u> | _____          | _____          | _____          | _____          | _____          |

2. **Beneficiaries (people):**

- Income Restricted (100 percent TIG) for Payment of Assessments only.
- Primarily TIG (List % of total): 53.7
- Based on HUD Low/Mod charts on Page \_\_\_\_\_

**PUBLIC IMPROVEMENTS IN SUPPORT OF HOUSING NEW  
CONSTRUCTION (PIHNC) - Forms**

Based on Income Survey.  
Survey methodology and results on page(s) \_\_\_\_\_

**3. Number of people who will benefit:**

81% and Above (Non-TIG)	Between 51% - 80% (TIG)	Between 31% - 50% (LTIG)	Below 30% (Extremely LTIG)	TOTAL # of People
_____	<u>34</u>	<u>2</u>	_____	<u>36</u>

**C. NEED FOR NEW UNITS: Carry out all percents to two decimal points, e.g. 32.68 %.**

**1. Renter Overpayment:**

From the 2000 US Census Summary File 3, Table DP-4, "Gross Rent as Percentage of Household Income", indicate the percentage of renter-occupied households paying more than 25 percent of their income for housing. 45.95%

Copy the table used, note your calculations on the table and include the table and calculations in the application.

Table and calculations on Page(s): \_\_\_\_\_

**2. Overcrowding:**

A housing unit is determined to be overcrowded when there are 1.01 or more occupants per room. From the 2000 US Census Summary File 3, Table DP-4, "Occupants Per Room", indicate the overcrowding percentage: 14.27%

Copy the "Occupants Per Room" table, note the calculations on the table and include the table and calculations in the application.

Table and calculations on Page(s): \_\_\_\_\_

**3. Vacancy Rates:**

From the 2000 US Census Summary File 1, Table DP-1, "Homeowner and Renter Vacancy Rates", indicate the:

Homeowner Vacancy Rate 2.7% and Renter Vacancy Rate 8.1%.

Copy the table and include it in the application.

Table on Page(s): \_\_\_\_\_

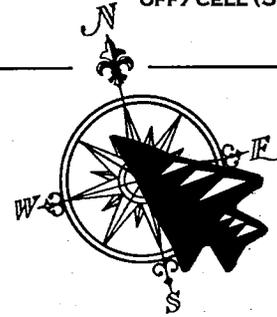
**4. Other Supporting Need Documentation:**

Waiting List. Page(s): \_\_\_\_\_

Market Study. Page(s): \_\_\_\_\_

**Ed Anderson**  
**CIVIL ENGINEER**

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May 26, 2010

John Stoufer  
Corning Planning Director  
794 Third Street  
City of Corning, CA 96021

Re: Blackburn Avenue Reconstruction

Dear John:

It is my understanding that the City of Corning is in the process or re-applying for a CDBG to fund the reconstruction and widening of Blackburn Avenue between Edith Avenue and the Walker School west of Toomes Avenue.

As you know this project was essentially designed and ready to go to bid a year or so ago and was shelved because the expected grant to fund the project was cancelled. The design is about ninety percent (90%) complete and the project can be ready to advertise for bids in just a couple of weeks.

We will need to open up communications again with the adjacent property owners to verify that they are still cooperative in selling the City the required right-of-way to widen the street, and that the selling price has not changed since our last discussion with the them last year.

We will also need to notify Pacific Gas and Electric (PG&E) that we are again moving ahead on the project, since they will need to re-schedule the relocation of their facilities, once we are assured that funding is eminent.

Let's hope that funding can finally be obtained for this much needed project, which will provide the students a much safer route to school from both a traffic and pedestrian standpoint and provide essential vehicular circulation to the existing Solado Apartments on Blackburn Avenue and for the Walker Middle School.

Sincerely,  
  
J. E. (Ed) Anderson,  
City Engineer

Cc. Joann Anders, Consultant  
John Brewer, Dir. D.P.W.

ITEM NO: L-18  
ANNUAL MEETING, CITY OF CORNING  
PUBLIC FINANCE CORPORATION  
JUNE 22, 2010

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

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER



**SUMMARY:**

The City of Corning Public Financing Corporation was created in 1997 to assist the City of Corning by financing public improvements and acquisition of City facilities and property. The Public Financing Corporation's Articles of Corporation provide the key specific purpose for its existence.

**BACKGROUND:**

The specific and primary purposes for which this Corporation is formed are:

- a. To render financial assistance to City of Corning, State of California (the "City"), by financing, refinancing, acquiring, constructing, improving, leasing and selling of buildings, building improvements, equipment, electrical, water, sewer, road and other facilities, lands, and any other real or personal property for the benefit of residents of the City and surrounding areas.
- b. To acquire by lease, purchase or otherwise, real or personal property or any interest therein; to construct, reconstruct, modify, add to, improve or otherwise acquire or equip buildings, structures or improvements and (by sale, lease, sublease, lease-back, gift or otherwise) make any part or all of any such real or personal property available to or for the benefit of the residents of the City.
- c. To promote the common good and general welfare of the residents of the City, and the governmental enterprises in the City and surrounding areas by the acquisition of the real and personal property as hereinabove described.
- d. To borrow the necessary funds to pay the cost of financing, refinancing, acquiring, constructing, replacing, establishing, improving, maintaining, equipping and operating such properties and facilities for the herein described purposes, the indebtedness for which borrowed money may, but need not, be evidenced by securities of this Corporation of any kind or character issued at any one or more times, which may be either unsecured or secured by any mortgage, trust deed, pledge, encumbrance or other lien upon any part or all of the properties and assets at any time then or thereafter owned or acquired by this Corporation.

Though the Bylaws call for annual meetings, the only business transacted has been the receipt of the Annual Audit of all funds of the City. Since the Council has already carried out the receipted acceptance of the Audit, the meetings of the Public Finance Corporation have been skipped. Holding future meetings at the same time as the receipt of the Annual Audit is appropriate.

The Public Financing Corporation Board of Directors consists of the four sitting City Council Members and the Mayor. The City Manager is the Executive Director, the City Clerk is the Secretary, and the Finance Director/City Manager is the Treasurer of the Corporation. The City Attorney serves as the legal counsel.

Since the formation of the Public Financing Corporation on February 27, 1997 the Corporation has been used exclusively to hold title to, and issue the bonds for the major Water and Sewer Line Replacement Project, and later the financing of the Corning Wastewater Treatment Plant Expansion. The Corporation's bond issues are secured by the water and sewer facilities constructed through the Bonds and the income from ratepayers and fees paid by new development.

**CURRENT BOND ISSUES:**

- 1997 Series A (Water and Sewer Line Replacement)
- 1999 Series A & B (Water and Sewer Enterprise Funds)
- 2005 Series A (\$2,590,000 –1997 Series A Water and Sewer Line Replacement Refinancing) and Series B (\$4,530,000 – Wastewater Treatment Plant Expansion).

The order of business provided for in Article II, Section 9 of the Bylaws has been abbreviated to provide for:

- a. Call to Order of the Directors of the City of Corning Public Financing Corporation.
- b. Note that proper notice of the meeting was given as a part of the June 22, 2010 City Council Agenda.
- c. Reading of outstanding minutes – none. (The Minutes of the Board of Directors is incorporated into the regular City Council Minutes when the Corporation meets as a part of the City Council meeting.)
- d. Presentation and consideration of Reports of Officers and Committees – none.
- e. Unfinished business, review annual report of the Public Financing Corporation as included in the Annual Audit for Fiscal Year 2008 – 2009.
- f. Adjournment.

**RECOMMENDATION:**

**MAYOR AND COUNCIL ADJOURN FROM THE CITY COUNCIL MEETING OF JUNE 22, 2010 TO AN ANNUAL MEETING OF THE CITY OF CORNING PUBLIC FINANCING CORPORATION, CONDUCT IT'S ORDER OF BUSINESS, GIVE DIRECTION TO CORPORATION STAFF, AND ADJOURN TO THE REGULAR MEETING OF THE CITY COUNCIL ON JUNE 22, 2010.**

**ROY R. SEILER**  
***CERTIFIED PUBLIC ACCOUNTANT***

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201 C. North Tehama  
Willows, CA 95988

Phone: 530-934-8841  
Fax: 530-934-8849

June 3, 2010

Stephen Kimbrough  
City of Corning  
Corning, California

RE: Public Financing Corporation

Steve:

You requested a status of the various loans related to the City of Corning, Public Financing Corporation. The details of those loans can be found on pages 32-36 of the audited financial statements for the year ended June, 30, 2009.

To the best of my knowledge, for the 2009-2010 fiscal year, all required loan payments have been made and required reserve accounts have been maintained. The various required accounts are maintained by the Trustee, Union Bank, in San Francisco.

Sincerely,



Roy R. Seiler, CPA

**CITY OF CORNING**  
**NOTES TO BASIC FINANCIAL STATEMENTS**  
**June 30, 2009**

**NOTE 4 CHANGES IN LONG-TERM DEBT**

The following is a summary of the long-term debt transactions of the City of Corning for the year ended June 30, 2009:

	Capital Leases	1999 Certificates of Participation	2005 Certificates of Participation	2005 Revenue Refunding Bonds
Long Term Debt July 1, 2008	\$ 251,322	\$ 3,933,500	\$ 2,330,000	\$ 4,194,000
Additions	-	-	-	-
Deletions	-	-	-	-
Repayment	(37,917)	(58,600)	(75,000)	(46,000)
Long Term Debt June 30, 2009	<u>\$ 213,405</u>	<u>\$ 3,874,900</u>	<u>\$ 2,255,000</u>	<u>\$ 4,148,000</u>

**Capital Leases**

The City leases a fire engine. This lease has been, for accounting purposes, capitalized and included in the Long-Term Liabilities section of the balance sheet. Future minimum lease payments are as follows. The lease bears interest at 4.204%

	<u>Fire Engine</u>
2009-10	\$ 47,308
2010-11	47,308
2011-12	47,308
2012-13	47,308
2013-14	<u>47,308</u>
Total Minimum Lease Payments	236,540
Less: Amounts representing interest	<u>23,135</u>
Present value of future minimum lease payments	<u>\$ 213,405</u>

**1999 Certificates of Participation**

The \$3,800,000 City of Corning, California 1997 Loan Anticipation Notes (the "Notes") were issued to finance part of the cost of construction of improvements (the "Projects") to the water and sewer enterprise systems (the "enterprises") located within the City of Corning, California (the "City"), pursuant to the provision of section 53859, et. seq., of the Government Code of the State of California (the "Act") and to Resolution No. 11-25-98-4 (the "Note Resolution") adopted by the City Council of the City on November 25, 1997. Pursuant to the agreement, on December 14, 1999, the United States Government (Rural Development), offered to make loans in the amount of \$4,000,000, and \$322,000, the proceeds of which were used to pay off the loan anticipation notes. The 1999 certificates of participation bear an interest rate of 4.375 percent.

(Continued on the following page)

**CITY OF CORNING**  
**NOTES TO BASIC FINANCIAL STATEMENTS**

June 30, 2009

**NOTE 4 CHANGES IN LONG-TERM DEBT (Continued)**

The City of Corning Public Financing Corporation, (Corporation) a non profit benefit corporation is the registered payee of the certificates. The City leases the water and sewer project assets from the Corporation. Under the terms of the lease, lease payments are payable from net revenues of the project on an equal and parity basis with the installment payments. Interest is payable semiannually on April 1 and September 1. Principal payments are each September 1 in accordance with the following schedule:

**Installment Payment Schedule for Certificates**

Series A Certificates		Series B Certificates	
Principal Amount	Maturity Date (September 1)	Principal Amount	Maturity Date (September 1)
\$ 56,600	2009	\$ 4,600	2009
59,100	2010	4,800	2010
61,700	2011	5,000	2011
64,400	2012	5,200	2012
67,200	2013	5,400	2013
70,100	2014	5,600	2014
73,200	2015	5,900	2015
76,400	2016	6,100	2016
79,700	2017	6,400	2017
83,200	2018	6,700	2018
86,900	2019	7,000	2019
90,700	2020	7,300	2020
94,600	2021	7,600	2021
98,800	2022	8,000	2022
103,100	2023	8,300	2023
107,600	2024	8,700	2024
112,300	2025	9,000	2025
117,200	2026	9,400	2026
122,400	2027	9,800	2027
127,700	2028	10,300	2028
133,300	2029	10,700	2029
139,100	2030	11,200	2030
145,200	2031	11,700	2031
151,600	2032	12,200	2032
158,200	2033	12,700	2033
165,100	2034	13,300	2034
172,400	2035	13,900	2035
179,900	2036	14,500	2036
187,800	2037	15,100	2037
196,000	2038	15,800	2038
<u>204,700</u>	<u>2039</u>	<u>16,500</u>	<u>2039</u>
\$ <u>3,586,200</u>		\$ <u>288,700</u>	

(Continued on the following page)

**CITY OF CORNING**  
**NOTES TO BASIC FINANCIAL STATEMENTS**  
**June 30, 2009**

**NOTE 4 CHANGES IN LONG-TERM DEBT (Continued)**

**Installment Payment Schedule for Certificates (Continued)**

Of the amounts shown in this table for interest, principal and total payments for each period, approximately fifty-seven percent (57%) of each such payment represents amounts expected to be paid with respect to Notes, the proceeds of which are anticipated to be used for Water Enterprise System improvements and forty-three percent (43%) of each such payment represents amounts expected to be paid with respect to the Notes, the proceeds of which are anticipated to be used with respect to the Sewer Enterprise System improvements.

**2005 Certificates of Participation**

In February of 2005, the City of Corning entered into an agreement with the City of Corning Public Financing Corporation to sell Revenue Certificates of Participation (RCOPs) totaling \$7,120,000. Series A of the RCOPs in the amount of \$2,500,000 was used to defease and refinance the 1997 Certificates of Participation. The 2005 Series A Certificates bear an interest rate ranging from 2.75 to 5.75 percent. The payment of principal and interest is derived solely from sewer and water revenue. The Series B Certificates in the amount of \$4,530,000 will be used to finance the construction of improvements to the City's wastewater treatment plant. These certificates bear interest at 4.65 percent. Interest is payable semiannually on April 1 and September 1. Principal payments are required each September 1 in accordance with the following schedule:

The City has agreed to acquire the assets constructed with the proceeds of the Series B Certificates from the City of Corning Public Financing Corporation on the installment basis with the payments for the installment obligation having parity with the 2005 Series B Revenue Certificates of Participation described above.

By agreement between the City of Corning and the Union Bank of California, N.A., on December 1, 2005 the 2005 Series B Certificates were paid off by the proceeds of the 2005 Revenue Refunding Bond proceeds, Series A and Series B. See reference to the 2005 Revenue Refunding Bond.

**Installment Payment Schedule for Certificates**

Series A Certificates	
Principal Amount	Maturity Date (August 15)
\$ 80,000	2009
80,000	2010
80,000	2011
85,000	2012
90,000	2013
95,000	2014
100,000	2015
100,000	2016
105,000	2017
115,000	2018
655,000	2023
670,000	2027
<u>\$ 2,255,000</u>	

(Continued on the following page)

**CITY OF CORNING**  
**NOTES TO BASIC FINANCIAL STATEMENTS**

June 30, 2009

**NOTE 4 CHANGES IN LONG-TERM DEBT (Continued)**

**2005 Revenue Refunding Bond**

In December of 2005, the City of Corning entered into an agreement with Union Bank of California, N.A., to sell Revenue Refunding Bond in the amount of \$4,268,000. Series A of the Bond in the amount of \$3,820,000 and Series B of the Bond in the amount of \$448,000, along with over available money, was used to refinance the 2005 Series B of the Certificates of Participation. The 2005 Series A Bonds bear an interest rate of 4.25 percent. The payment of principal and interest is derived solely from sewer revenue. The Series B Bonds bear an interest rate of 4.25 percent. The payment of principal and interest is derived solely from sewer revenue.

Interest is payable semiannually on April 1 and September 1. Principal payments are required each September 1 in accordance with the following schedule:

**Installment Payment Schedule for Bond**

Series A Bonds		Series B Bonds	
Principal Amount	Maturity Date (September 1)	Principal Amount	Maturity Date (September 1)
\$ 43,000	2009	\$ 5,000	2009
45,000	2010	5,000	2010
47,000	2011	5,000	2011
49,000	2012	6,000	2012
51,000	2013	6,000	2013
53,000	2014	6,000	2014
55,000	2015	7,000	2015
58,000	2016	6,000	2016
60,000	2017	7,000	2017
63,000	2018	7,000	2018
65,000	2019	8,000	2019
68,000	2020	8,000	2020
71,000	2021	8,000	2021
74,000	2022	9,000	2022
77,000	2023	9,000	2023
80,000	2024	10,000	2024
84,000	2025	10,000	2025
87,000	2026	11,000	2026
91,000	2027	11,000	2027
95,000	2028	11,000	2028
99,000	2029	12,000	2029
103,000	2030	12,000	2030
108,000	2031	12,000	2031
112,000	2032	13,000	2032
117,000	2033	14,000	2033
122,000	2034	14,000	2034

(Continued on the following page)

**CITY OF CORNING**  
**NOTES TO BASIC FINANCIAL STATEMENTS**

June 30, 2009

**NOTE 4 CHANGES IN LONG-TERM DEBT (Continued)**

<b>Installment Payment Schedule for Bond (Continued)</b>			
127,000	2035	15,000	2035
132,000	2036	16,000	2036
138,000	2037	16,000	2037
144,000	2038	17,000	2038
150,000	2039	18,000	2039
156,000	2040	19,000	2040
163,000	2041	19,000	2041
170,000	2042	20,000	2042
177,000	2043	21,000	2043
185,000	2044	21,000	2044
<u>193,000</u>	2045	<u>22,000</u>	2045
\$ <u>3,712,000</u>		\$ <u>436,000</u>	

**NOTE 5 OTHER REQUIRED INDIVIDUAL FUND DISCLOSURES**

Generally accepted accounting principles require disclosure, as part of the Combined Statements - Overview, of certain information concerning individual funds including:

- A. Segment information for certain individual Enterprise Funds. This requirement is met by Note 11.
- B. Summary disclosure of debt service requirements to maturity of all types of outstanding debt. This requirement is met by Note 4.
- C. Summary disclosure of changes in General Fixed Assets by major asset class. This requirement is met by Note 3.
- D. Summary disclosure of changes in General Long-Term Debt. This requirement is met by Note 4.
- E. Excess of expenditures over appropriations in individual funds for the year ended June 30, 2009 are reflected in a schedule following the individual fund and account group statements beginning at page 91.
- F. Deficit fund balances or retained earnings balances of individual funds at June 30, 2009 are reflected in a schedule following the individual fund and account group statements beginning at page 91.
- G. Interfund receivable and payable balances at June 30, 2009 are as follows:
- H. Deficit fund balances of \$6,477, \$5,757 and \$24,198 exist in the CDBG Program Income Special Revenue Fund, the Housing Element Special Revenue Fund and the 08/09 CDBG Special Revenue Funds respectively. These deficits represent expenditures on housing project maintenance in excess of corresponding revenues. The Deficits will be liquidated with future CDBG funding.
- I. The City uses interfund transfers to supplant the budgets of various funds using general and enterprise surpluses to offset funding shortfalls with Council approval.

(Continued on the following page)

ITEM NO. : M-19  
RESOLUTION NO. 06-22-10-01  
ESTABLISHING AN  
APPROPRIATIONS LIMIT FOR THE  
CITY OF CORNING FISCAL YEAR  
2010 – 2011  
JUNE 22, 2010

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER

*STEVE*

**SUMMARY:**

Annually the City must set its Appropriation Limit as required by Article XIII B of the California Constitution. The Appropriation Limit is also known as the "Gann Limit," named after the Initiative Proponent who sought a Constitutional Amendment to put limitations on the growth of Government. Unfortunately, Charles Gann, an associate of Howard Jarvis, failed to seek any limitations on State Government!

The City's outside Certified Public Accountant Roy R. Seiler has produced the attached report for public review. In support of the proposed Resolution, the Appropriation Limit this coming Fiscal Year is \$10,160,751, which far exceeds the City's proposed General Fund Base Operating Budget.

**RECOMMENDATION:**

**MAYOR AND COUNCIL RECEIVE THE REPORT OF THE CITY AUDITOR AND ADOPT RESOLUTION NO. 06-22-10-01 ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE CITY OF CORNING FOR THE FISCAL YEAR 2010-2011 IN THE AMOUNT OF \$10,160,751.**

**RESOLUTION NO. 06-22-10-01**

**A RESOLUTION ESTABLISHING AN APPROPRIATIONS LIMIT  
FOR THE CITY OF CORNING  
FISCAL YEAR 2010-2011**

**WHEREAS**, Article XIII B of the California Constitution requires that an appropriations limit be established,

**BE IT RESOLVED**, that the City Council of the City of Corning declares that the appropriation limit for the City of Corning, subject to correction and adjustment, is \$10,160,751. This appropriations limit is for the fiscal year 2010-2011 pursuant to the provisions of Sections 36936.1 and 36937 of the Government Code of California.

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately and shall be published at least once in the Corning Observer, a newspaper of general circulation, printed, published and circulated in the City of Corning.

---

This Resolution was introduced and adopted by the City Council of the City of Corning on the \_\_\_\_\_ of \_\_\_\_\_ by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINING:**

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**Gary R. Strack, Mayor**

**ATTEST:**

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**Lisa M. Linnet, City Clerk**

**ROY R. SEILER**  
***CERTIFIED PUBLIC ACCOUNTANT***

---

201 C North Tehama  
Willows, CA 95988

Phone: 530-934-8841  
Fax: 530-934-8849

June 1, 2010

City of Corning  
Attn: Lisa

Attached is the appropriations limitation work papers and reports. **The appropriation limitation for 2010-2011 is \$10,160,751.** The appropriations worksheets need to be accepted by the City Council and the appropriations limitation for the coming fiscal year must be approved by resolution. Please give me a copy of that resolution after it is approved.

As always, let me know if you have questions or concerns.

Sincerely,

***Roy R. Seiler, CPA***

CITY OF CORNING  
APPROPRIATIONS LIMIT WORKSHEETS  
FISCAL YEAR 2010/2011

**ROY R. SEILER**  
***CERTIFIED PUBLIC ACCOUNTANT***

---

201 C. North Tehama  
Willows, CA 95988

Phone: 530-934-8841  
Fax: 530-934-8849

Independent Accountant's Report on Agreed Upon Procedures  
Applied to Appropriations Limit Worksheets

City Council  
City of Corning, California

I have applied the procedures enumerated below to the accompanying Appropriations Limit Worksheets for the City of Corning, California (City) for the 2010/2011 fiscal year. These procedures, which were agreed to by the City and the League of California Cities (as presented in the League publication entitled *Article XIII B Appropriations limitation Uniform Guidelines*) were performed solely to assist the City in meeting the requirements of Section 1.5 of Article XIII B of the California Constitution.

This engagement to apply agreed-upon procedures was performed in accordance with standards established by the American Institute of Certified Public Accountants. The sufficiency of the procedures is solely the responsibility of the specified users of the report. Consequently, I make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures performed and my findings were as follows:

1. I completed worksheets and compared the limit and annual adjustment factors included in those worksheets to the limit and annual adjustment factors that were adopted by resolution of the City Council. I also compared the population and inflation options included in the aforementioned worksheets to those that were prepared by the State of California, Department of Finance.

Finding: No exceptions were noted as a result of the procedures.

2. For the accompanying Appropriations Limit worksheet I added line A of last year's limit, to line E, total adjustments, and compared the resulting amount to line F, this year's limit.

Finding: No exceptions were noted as a result of the procedures.

3. I compared the current information presented in the accompanying Appropriations Limit worksheet to the prior year appropriation limit adopted by the City Council for the prior year.

Finding: The worksheet contained a computational error, which was discovered on May 27, 2010 and corrected. The resolution properly reported the original amount included in the worksheet. The amount was not material and had no effects on the City's appropriations.

4. I compared the prior year appropriations limit presented in the accompanying Appropriations Limit worksheet to the prior year appropriations limit adopted by the City Council for the prior year.

Finding: The worksheet contained a computational error, which was discovered on May 27, 2010 and corrected. The resolution properly reported the original amount included in the worksheet. The amount was not material and had no effects on the City's appropriations.

I was not engaged to, and did not, perform an audit, the objective of which would be the expression of an opinion on the accompanying Appropriations Limit worksheets. Accordingly, I do not express such an opinion. Had I performed additional procedures, other matters might have come to my attention that would have been reported to you. No procedures have been performed with respect to the determination of the appropriation limit for the base year, as defined by the League publication entitled *Article XIII B Appropriations Limitation Uniform Guidelines*.

This report is intended solely for the use of the City of Corning, California and should not be used by those who have not agreed to the procedures and taken responsibility for the sufficiency of the procedures for their purposes. However, this report is a matter of public record and its distribution is not limited.

June 1, 2010

  
\_\_\_\_\_  
Roy R. Seiler, CPA

City of Corning  
FYE: June 30, 2011

GANN INITIATIVE  
APPROPRIATION LIMITATION GUIDELINES

REVENUES EXEMPT FROM LOCAL LIMITS:

- All Enterprise Revenues
- State Grants (Airport, CDGB, etc.)
- State Funded Programs administered locally
- Gas Tax
- Transportation Development Act Funds

REVENUES TO BE INCLUDED:

- Shared Revenues
- Off Hwy. License Fees
- Vehicle License Fees
- Cigarette Tax
- Tax Relief Subventions (Personal Property Tax Relief, Homeowners)

City of Corning  
FYE: June 30, 2010

APPROPRIATION LIMITATION WORKSHEETS:

GANN INITIATIVE  
NEW APPROPRIATION LIMITS:

<u>FISCAL YEAR</u>	<u>PREVIOUS LIMIT</u>	<u>FACTOR</u>	<u>NEW LIMIT</u>
1980-81	1,846,944	1.1638	2,149,473
1981-82	2,149,473	1.0832	2,328,309
1982-83	2,328,310	1.1115	2,587,917
1983-84	2,587,916	1.0299	2,665,295
1984-85	2,665,295	1.0521	2,804,157
1985-86	2,804,157	1.0885	3,052,325
1986-87	3,052,325	1.0544	3,218,371
1987-88	3,218,371	1.0573	3,402,784
1988-89	3,402,784	1.0799	3,674,666
1989-90	3,674,666	1.0738	3,945,856
1990-91	3,945,856	1.0778	4,252,844
1991-92	4,252,844	1.0696	4,548,842
1992-93	4,548,842	1.0162	4,622,533
1993-94	4,622,533	1.0462	4,836,094
1994-95	4,836,094	1.0215	4,940,070
1995-96	4,940,070	1.0607	5,239,932
1996-97	5,239,932	1.0632	5,571,096
1997-98	5,571,096	1.0608	5,909,819
1998-99	5,909,819	1.0604	6,266,772
1999-2000	6,266,772	1.0626	6,659,072
2000-2001	6,659,072	1.0579	7,044,632
2001-02	7,044,632	1.0779	7,593,409
2002-03	7,593,409	0.9952	7,556,961
2003-04	7,556,961	1.0322	7,800,295
2004-05	7,800,295	1.0381	8,097,486
2005-06	8,097,486	1.0657	8,629,491
2006-07	8,629,491	1.0557	9,110,154
2007-08	9,110,154	1.0479	9,546,530
2008-09	9,546,350	1.0507	10,030,350
2009-10	10,030,350	1.0335	10,367,055
2010-11	10,367,055	0.9801	10,160,751

	<u>CALIFORNIA PRICE FACTOR</u>		<u>CHANGE IN POPULATION %</u>	<u>COMBINED TOTAL</u>
2010-11	<2.54>(0.9746)	x	0.57 (1.0057)	=0.9801

ITEM NO: M-20  
CONSIDER AUTHORIZATION TO  
CONTINUE PREVIOUSLY APPROVED  
CITY SPONSORED RECREATION  
PROGRAMS  
JUNE 22, 2010

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

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER



**SUMMARY:**

Corning community members have contacted the City of Corning inquiring about the possibility of continuing many of the programs formerly run by the City's Recreation Department.

City Council has indicated an interest in keeping these programs active. To provide a response for Council, Staff has prepared this review for Council consideration.

In order for the Programs to continue and utilize the Corning Elementary School District Facilities, the programs must be officially sponsored City Recreation Programs.

**BACKGROUND:**

The following is a list of recreation programs for Council sponsorship consideration:

<b>Kenpo Karate</b>	<b>Kenpo Robics</b>	<b>Yoga</b>
<b>Line Dancing</b>	<b>Photography</b>	<b>Lifeguard Training</b>
<b>Mommy-n-Me</b>	<b>Groove-n-Tunes</b>	<b>Storybook Friends</b>

Programs such as the ones listed above may continue, with Council approval, as City sponsored programs at Corning Elementary School District Facilities under the City's liability coverage. Corning Elementary School District Superintendent Steve Kelish was contacted on May 27, 2010 and he confirmed that City sponsored recreation programs may use the Corning Union Elementary School District Facilities without charge as it states in the Facility Use Agreement between the District and the City.

The Contract Instructors will need to obtain and complete a Corning Elementary School District Facility Use Form (see attached) prior to the start of the program, have the completed form signed by our City Manager, and submit the completed and signed form for final approval by the school site where the program is to take place.

The Contract Instructors will be named the onsite Supervisors. They will contact Dawn Grine, Public Works Secretary at 824-7029 if they need assistance. If Dawn is unavailable, the Contract Instructors will contact Lisa Linnet, Administrative Assistant at 824-7033.

The contract Instructors will be responsible for collecting fees from their programs. They will drop collected fees off to the Corning Finance Department on a biweekly basis for ongoing programs (i.e. Karate). For other programs, fees will be dropped off after the first week of class. The Finance Department will create an invoice identifying the total amount of participant fees, the 5% that the City absorbs, and the amount the Contract Instructors are to be paid. They will also complete an accounts payable sheet and mail the Contract Instructors their payment.

The 5% the City absorbs will go into the General Fund.

New Instructors wishing to use the School's facilities must contact the Principal at the School they wish to use for their program and gain their approval. The new Instructor must then send a letter to City Manager Steve Kimbrough describing the Program, including dates, time, fee, program description, etc. The City Manager will then take the letter to Council for approval as a City sponsored recreation program. The Instructor must then complete a Corning Elementary School District Facility Use Form, have the completed form signed by the City Manager, then have the completed and signed form approved by School Principal or his representative at the site where the program is to take place. The Instructor must also complete a Corning City Employee Packet and successfully complete the LiveScan process. All current Recreation Department Instructors have completed the Police Background and LiveScan process.

There will be **no** City Staff supervision provided for these programs. The City will no longer advertise for the programs, nor will they assist with copies, flyers, handouts, etc. The City will be responsible for counting and depositing participant fees and sending payments to Program Instructors only.

Liability exposure is always an issue needing to be addressed. The Staff assessment of liability is minor since we have experience with these specific programs. With no claims from them, there is no current added cost to the City to provide Liability and Workers Comp. Coverage. The City has provided program coverage in the past for Corning Youth Basketball and for summer "Music in the Park". There will be **no** City Staff supervision or oversight. Still, City Councilors must weigh the potential exposure as part of your decision.

**RECOMMENDATION:**

**MAYOR AND COUNCIL AUTHORIZE THE CONTINUATION OF THE FOLLOWING PREVIOUSLY RUN CITY SPONSORED RECREATION PROGRAMS:**

<b>Kenpo Karate</b>	<b>Kenpo Robics</b>	<b>Yoga</b>
<b>Line Dancing</b>	<b>Photography</b>	<b>Lifeguard Training</b>
<b>Mommy-n-Me</b>	<b>Groove-n-Tunes</b>	<b>Storybook Friends</b>

May 26, 2010

Honorable Mayor and  
City Council Members;

We attended the city council meeting last night to try and understand the reason we cannot continue teaching Kenpo Karate at Woodson School under sponsorship by the City of Corning.

Martial Arts have always had a reputation for fostering self discipline in children (adults as well), and during the 28 and 30 years we have taught the art, we have seen this to be the case. If you spoke with the parents of our current student base, you would find this to be true.

There is the issue of the fact that we charge a fee for classes. True, we do. It will never be enough to support the rent of a property in Corning because many of the students we teach have trouble paying for lessons sometimes as it is. When that happens, and we are aware of it, we don't charge for a period of time to help them through and keep them going. If you'd like to see what the income has been, look at your city records. Until now, we have sent everything we collect in fees to the city. You take a small percentage, then send it back to us. We have no objection to continuing with that, at a higher percentage if need be.

If the supervision is the issue, we hereby volunteer our time to the city to oversee the Kenpo Karate program. We really no longer need to be supervised – you have had 2 years to see the truth of that. The fact that none of you know who we are or what we do should help convince you we are capable of what we are doing – you surely would have heard otherwise. To the best of my knowledge, we have had no negative impact on Woodson School.

It's sad (albeit necessary) that budget concerns result in losing programs that benefit the youth of this city. Why not save those that need not cause additional strain on the budget and do have a positive impact on those who are involved?

We invite you to come visit some classes – I recommend the Tuesday and Thursday classes as they are some of the students who have been with us since the beginning in June of 2008. Feel free to give us a call if we are able to provide any answers to questions you may have.

Respectfully,

Dana and Gloria Warren  
530 824 2571

**CORNING UNION ELEMENTARY SCHOOL DISTRICT  
USE OF SCHOOL FACILITIES**

Name of Organization: \_\_\_\_\_

School Facilities Requested: \_\_\_\_\_

Purpose of Use: \_\_\_\_\_

Date(s) Requested: \_\_\_\_\_

There will be no charge for use of facilities unless the kitchen or custodial services are required. In such cases, a charge will be at the respective hourly rate to provide remuneration for those services necessary.

Kitchen services requested to be paid by Organization at District cost:     No    Yes  
Hours: \_\_\_\_\_ to \_\_\_\_\_

Custodial services requested to be paid by Organization at District cost:     No    Yes  
Hours: \_\_\_\_\_ to \_\_\_\_\_

**In accordance with Education Code section 38130, *et seq.*, the Organization may use School Facilities. Conditions for use of school facilities are as follows:**

1. Youth groups must have adequate adult supervision. Organization shall be responsible for providing adequate safety and supervision of its activities conducted on School facilities.
2. No intoxicating beverages, tobacco or drugs will be permitted on School Facilities.
3. Only plain plastic water bottles will be allowed in gymnasiums. No food or beverages (i.e. soda, sports drinks, candy etc.) will be permitted in gymnasiums.
4. School Facilities will be cleaned and left in an orderly condition by Organization after being used.
5. Standing requests will only be honored for six (6) consecutive weeks.
6. Keys must be returned within 24 hours of the event, or on the first school day following the event, whichever occurs first. It is the responsibility of the Organization for expenses incurred should the key be lost. The Organization is also responsible for any costs should the alarm code be breached, or for overtime incurred should a custodian need to be called due to an alarm call.
7. Any expenses due to damage to the School Facilities as a result of an event will be the responsibility of the user Organization. The District shall invoice the user Organization for reasonable expenses and costs for the repair or replacement of School Facilities that are damaged, lost or destroyed as a result of Organization's use of School Facilities and Organization agrees to pay such invoice within thirty (30) days of its receipt.

8. The Organization shall obtain, and shall maintain, at its own cost and expense, for the duration of their event, a policy of commercial general liability insurance written on an "occurrence" basis, with a combined single limit of no less than one million (\$1,000,000) per occurrence covering claims for bodily injury, including death, property damage, and damages that may arise out of or result from actions taken by such party, or any of its directors, officers, employees, agents, volunteers, invitees, or contractors, or any person directly or indirectly employed by any of them. It is understood that the Organization insurance will be primary insured for Organization sponsored events with the District as additional insured. Any deductible shall be the responsibility of, and paid by the insuring Organization.
  
9. The Organization agrees to indemnify, defend, and hold harmless the District and its directors, officers, administrators, employees, volunteers, and agents against and from any liability, including for damage to property and injury or death of any person, and any claim, action, or proceeding against the District, arising in whole or in part out of any acts or omissions of the Organization unless caused by the sole negligence or willful misconduct of the District. In its sole discretion and at its own cost and expense, the District may participate in the defense of any such claim, action, or proceeding, utilizing legal counsel of its choice. However, such participation shall not relieve the Organization of any obligation imposed. The District shall promptly notify the Organization of any such claim, action, or proceeding and shall cooperate fully in the defense of same.
  
10. Failure to comply with the provisions of this policy may result in cancellation of current facility use agreements and/or refusal of future requests.
  
11. The Organization's use of the School Facilities is limited to the Purpose of Use stated above.
  
12. The Organization shall comply with all federal, state, local law and regulations and District policies applicable to the use of school district property.
  
13. The Organization shall not have the right to make any changes or alterations or improvements to the School Facilities.

By signing this form, I acknowledge that I have read the above conditions and agree to comply with them.

\_\_\_\_\_  
Signature of Organization Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Authorized District Representative Signature

\_\_\_\_\_  
Date

ITEM NO.: M-21  
ANNUAL STATEMENT OF  
INVESTMENT POLICY 2010  
JUNE 22, 2010

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

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER

Handwritten signature of Stephen J. Kimbrough in black ink, appearing as 'STEVE' with a stylized initial 'S'.

**SUMMARY:**

Per Government Code 53646, the Statement of Investment Policy is to be reviewed and submitted annually to the City Council for approval. The Investment Policy serves as the guidance mechanism for the investment of City Funds.

**RECOMMENDATION:**

**MAYOR AND CITY COUNCIL APPROVE THE ANNUAL STATEMENT OF INVESTMENT POLICY AS SUBMITTED.**

**CITY OF CORNING**  
**STATEMENT OF INVESTMENT POLICY**

**I. Introduction:**

The purpose of this document is to identify various policies that enhance opportunities for a prudent and systematic investment policy and to organize and formalize investment-related activities. Related activities that compromise good cash management include accurate cash projections, expeditious collection of revenue, control of disbursements, and cost effective banking relations.

**II. Scope:**

The Investment Policy covers all funds and investment activities under the direct authority of the City of Corning.

**III. Objective:**

- A. Safety:** Safety of principal is the foremost objective of the investment program. Investments of the City of Corning shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.
- B. Liquidity:** An adequate percentage of the portfolio will be maintained in liquid, short-term securities which can be converted to cash if necessary to meet disbursements requirements. Since all cash requirements cannot be anticipated, investments in securities with active secondary or resale markets is highly recommended. Emphasis will be on low sensitivity to market risk.
- C. Yield:** Yield becomes a consideration only after the basic requirements of safety and liquidity have been met.
- D. Market-Average Rate of Return:** The investment portfolio shall be designed to attain a market average rate of return throughout budgetary and economic cycles, taking into account the City's risk constraints, the cash flow characteristics of the portfolio, State and Local Laws and Ordinances.
- E. Diversification:** The investment portfolio will be diversified to avoid incurring unreasonable and avoidable risks regarding either specific security types or individual financial instruments.
- F. Prudence:** The City of Corning adheres to the guidance provided by the "Prudent Man Rule" (Civil Code Section #2261), which obligates a fiduciary to ensure that:  
"...investment shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation but for investment considering the probable safety of their capital as well as the probable income to be derived."

**G. Public Trust:** All participants in the investment process shall act as custodians of the public trust. Investment officials shall recognize that the investment portfolio is subject to public review and evaluation. The overall program shall be designed and managed with a degree of professionalism that is worthy of the public trust.

**IV. Declaration of Authority:**

The City Treasurer has the authority to invest funds in certain eligible securities (Government Code Section 53635).

**V. Reporting:**

The City Treasurer shall submit a quarterly investment report to the City Council, which shall include all the elements of the report as prescribed by Government Code Section 53646.

**VI. Investment Instruments:**

Investments for the City of Corning shall only be made in one or more of the following:

<b><u>Maximum Investment Instrument Financial Institution</u></b>	<b><u>Percentage Or Amount</u></b>	<b><u>Maximum Maturity</u></b>
A. Checking Accounts	Unlimited	N/A
B. Certificates of Deposits	Unlimited	5 Years
C. Local Agency Investment Fund	\$ 40 MM	N/A
D. Passbook Savings Accounts	Unlimited	N/A

**VII. Internal Controls:**

A system of internal controls shall be established to prevent losses of public funds arising from fraud, employee error, misrepresentation of third parties, unanticipated changes in financial markets, and imprudent actions by employees, and officers of the City.

**VIII. Maturities:**

Security purchases and holdings shall be maintained within statutory limits imposed by Government Code.

**IX. Banks and Securities Dealers:**

The City Treasurer, in selecting financial institutions for deposits and investments of the City funds, shall consider the credit worthiness of such institutions. The Treasurer shall continue to monitor financial institutions, credit characteristics and financial history throughout the period in which City funds are either deposited or invested.

**X. Risk Tolerance:**

The City of Corning recognized that investment risk can result from issuer defaults, market price changes or various technical complications leading to temporary illiquidity. Portfolio diversification is employed as a way to control risk. No individual investment transaction shall be undertaken which jeopardizes the total capital position of the overall portfolio. The Treasurer shall periodically establish guidelines and strategies to control risk of default, market price changes, and illiquidity. A competitive bid process, when practical, will be used to place investments.

**XI. Statement of Investment Policy:**

This Statement of Investment Policy shall be reviewed and submitted annually to the City Council.

\_\_\_\_\_  
Date

\_\_\_\_\_  
**Stephen J. Kimbrough, City Manager**

ITEM NO.: M-22  
APPROVE AGREEMENT FOR AUDIT SERVICES  
WITH DONALD R. REYNOLDS, CPA  
JUNE 22, 2010

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

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER



**SUMMARY:**

Staff received only one response to their formal "Request for Proposals" to provide audit services to the City (see attached). Following review of the proposal by City Staff and outside accounting advisor and CPA Roy Seiler, Staff recommends Council approval of a three-year Audit Service Agreement with the independent auditor, Donald R. Reynolds, CPA.

**BACKGROUND:**

Donald R. Reynolds, CPA has served as the City's Auditor for the past six years via the initial "Request for Proposals" process and a renewal three years ago of the original Agreement. Because his firm has worked with the City for the past six (6 years) they are familiar with and have a clear understanding of the City's accounting system. This previous experience and knowledge enables them to quickly see any possible problems that might otherwise go unnoticed.

In 2004 the City circulated a Request for Proposals for Audit Services to a number of qualified northern California Accounting Firms. The screening committee consisted of City Accounting Advisor Roy Seiler, CPA and Public Works Director Tom Russ. The Committee concluded that Donald R. Reynolds was well qualified to serve the City Council and he also had the lowest fees. The other Firms, though qualified were much more expensive.

Some Cities have advocated a change in Auditors every three (3) years to ensure a new perspective on the City's accounting system. This is one management view, however experience does not support it. Actually the longer a City Council can retain the same auditor, the better that Auditor understands the City's accounting systems and the better rapport the Auditor has with the City Staff. This rapport allows the Auditor to interact on a regular basis with City Staff who become more likely to share concerns about the accounting system. There is also a significant start-up cost each time a new Auditor must learn the City's systems.

City Staff recently solicited formal proposals from eight northern California Accounting Firms to provide audit services to the City under a three-year Agreement. The only proposal received was from Donald Reynolds, CPA. The following is the firm's fee structure for the past three and future three-year periods:

	<b><u>Fee, Including A-133 (Single Audit)</u></b>	<b><u>Other Programs</u></b>
<b><u>Past:</u></b>		
2006-7	\$9,500	None
2007-8	\$9,500	None
2008-9	\$9,500	None

**Future:**

**STIP, if Applicable (\*)**

2009-10	\$10,000	None
2010-11	\$10,500	None
2011-12	\$11,000	None

(\*) Currently there is no STIP Program, however that could change in the future.

**RECOMMENDATION:**

**MAYOR AND COUNCIL APPROVE A THREE (3) YEAR ACCOUNTING SERVICES AGREEMENT WITH MR. DONALD R. REYNOLDS, CPA AND DIRECT THE CITY ATTORNEY TO FINALIZE THE AGREEMENT FOR THE CITY MANAGER'S SIGNATURE.**

**PROPOSAL TO PROVIDE INDEPENDENT  
AUDITING SERVICES**

**FOR THE**

**CITY OF CORNING  
FISCAL YEARS ENDING  
JUNE 30, 2010, 2011 AND 2012**

Submitted By

DONALD R. REYNOLDS  
CERTIFIED PUBLIC ACCOUNTANT

1438 Oregon Street  
Redding, California 96001  
Phone Number: (530) 246-2834

Contact Person: Donald R. Reynolds C.P.A.

Date Submitted

May 24, 2010

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**LETTER OF TRANSMITTAL**

# Donald R. Reynolds

Certified Public Accountant

May 24, 2010

Lisa Linnet, City Clerk  
City of Corning  
797 Third Street  
Corning, CA 96021

Re: Proposal For Furnishing Audit Services

Dear Ms. Linnet;

Thank you for the opportunity to submit this proposal to furnish auditing services to the City of Corning, (the City) for the years ending June 30, 2010, 2011 and 2012.

I understand the scope of the engagement to include an audit of the general purpose financial statements of the City of Corning for the years ending June 30, 2010, 2011 and 2012 in accordance with U.S. Generally Accepted Auditing Standards, *Government Auditing Standards*, issued by the Comptroller General of the United States and OMB Circular A-133.

My audits of the annual general purpose financial statements will be in accordance with generally accepted auditing standards. The primary purpose of my audits will be to express my opinion that the general purpose financial statements and component units are presented fairly in conformity with generally accepted accounting principles applied on a consistent basis.

In addition to the above services, I will also submit, to the appropriate parties, each year a management letter containing my recommendations, which if implemented would, in my opinion, increase efficiency, improve internal controls, improve management, or result in cost savings to the City.

Fees for a multi-year engagements are set forth in Table I. Fees for any auditing services which may be required, other than the annual audit of the general purpose financial statements and component units and those special audits referred to above, will be based on my standard hourly rates.

I feel that I can most effectively serve as independent auditor for the City because of my prior experience with county and city auditing, coupled with a lower overhead and progressive attitude toward the use of computer techniques and other innovations to expedite field work.

I feel that my client service philosophy, coupled with my years of experience, understanding and familiarity with the area of governmental, administration and financial reporting, uniquely qualifies me to perform the required audits and related special services in the most beneficial, efficient and cost-effective manner within the time constraints established by the City.

Staffing the engagement will be done with full time professionals. I, Donald R. Reynolds, owner, will serve as principal auditor during the first year of the engagement. I will be assisted by other professional and paraprofessional staff as necessary for a timely completion of the engagement. All staffing decisions will be mutually agreed to by myself and the client. I am committed to providing quality service with a minimum of disruption to City staff and I will be personally supervising each step of the engagement in order to see that this happens.

I would be pleased to meet with the Council to discuss the accompanying proposal. Again, I express my appreciation for the invitation to submit this proposal. If you desire further information or have questions, please call.

This Proposal assumes that the City's accounting consultant will continue to provide the current level of services and work paper preparation as has been provided in the past.

The person signing this letter may legally bind the proposer.

A handwritten signature in black ink, appearing to read 'D. Reynolds', written over a horizontal line.

**DONALD R. REYNOLDS**  
**Certified Public Accountant**

**INDEPENDENCE  
AND  
OTHER SPECIFIC RESPONSES**

## **INDEPENDENCE**

The firm of **Donald R. Reynolds, C.P.A.**, including the proprietor, and professional staff, have no business, investment or family relationships with the City (elected or appointed), appointed employees or department heads.

With respect to the City, **Donald R. Reynolds, C.P.A.** meets the independence standards of Standards for Audit of Governmental Organization, Programs, Activities and Functions (1999 revision) by the Comptroller General of the United States which states:

"In all matters relating to the audit work, the audit organization and the individual auditors, whether government or public, must be free from personal or external impairments to independence, must be organizationally independent, and shall maintain an independent attitude and appearance."

In addition, I am also independent with respect to the City under the AICPA Code of Professional Ethics. Throughout the specified term of the engagement I will continue my independence with respect to the City.

## **TAX ID INFORMATION**

Donald R. Reynolds, CPA SSN - 551-92-1301

## **CERTIFICATION OF ALL APPLICABLE INSURANCES**

Donald R. Reynolds, CPA carries all necessary commercial insurances including but not limited to errors and omissions insurance and personal liability insurance. Limits on these policies and carriers are available upon request.

## **CERTIFICATION OF LICENSURE**

Donald R. Reynolds, CPA is a duly licensed CPA's in the State of California.

## **PROFILE OF PROPOSER**

## A PROFILE OF THE FIRM

**Donald R. Reynolds, C.P.A.** is a local Certified Public Accounting firm licensed by the State of California, with offices located in Redding. To meet the needs of my clients, I offer a complete range of auditing, accounting, tax, and management advisory services. As a nonprofit and governmental auditor, I have accumulated nearly 30 years of professional experience in the area of governmental and nonprofit auditing, most recently adding foster family agencies and group homes over the last few years.

Throughout my tenure as a government and nonprofit auditor my objective has always been to develop a good working relationship with my audit clients, while maintaining the necessary level of independence needed to insure a valid auditor, client relationship. This allows the audit to be completed timely and with as little disruption to the client as possible.

My clientele is highly diversified and includes representation in many areas of business and government. I will be committing my resources to a program of the highest quality client service.

As a member of the American Institute of Certified Public Accountants (AICPA) Division for CPA Firms - Private Companies Practice Section (PCPS), I recently underwent my third tri-annual Peer Review and have received an unqualified opinion. My Peer Review report is enclosed for your review. I continually participate in formal professional development programs, and have developed a comprehensive library of accounting, auditing, tax and management services research material. I have access to all current texts and publications on governmental and nonprofit accounting and auditing requirements, including numerous publications of the Governmental Finance Officers Association (GFOA), via the World Wide Web, and use it to maintain the most up to date information available.

I have previously been engaged as independent auditor by the following municipalities and non-profit entities:

<u>Entity</u>	<u>Name and Title</u>	<u>Telephone No.</u>
<b>County of Humboldt</b>	Joe Mellett Dpty. Auditor Controller	(707) 476-2452
Scope:	Single Audit, A-133 (Including STIP and PFC)	
Total Hours:	600+	
<b>City of Crescent City</b>	Ken McDonald Finance Officer	(707) 464-7483
Scope:	Single Audit, A-133 (Including TDA and STIP)	
Total Hours:	300+	
<b>City of Corning, Corning California</b>	Steve J. Kimbrough, City Manager	(530) 824-7020
Scope:	Single Audit, A-133 (Including STIP and PFC)	
Total Hours:	100+	
<b>Shasta County Regional Transportation Authority</b>	Sue Crowe, Fiscal Officer	(530) 247-3327
<b>Del Norte County Regional Transportation Planning Authority</b>	Tamara Buchanan, Finance Director	(707) 465-3878
<b>Crescent City Harbor District</b>	Richard Young District Manager	(707) 464-6174
<b>Del Norte Economic Development Corporation</b>	Sharon Treptow Business Manager	(707) 464-2169
<b>Trinity County Waterworks District No. 1</b>	Craig Hair, District Manager	(530) 628-5449

I have also been engaged as independent auditor for numerous other non-profit and governmental located throughout northern California, including municipalities, special districts and other agencies. I have considerable experience in the area of compliance auditing in connection with "single audits" under the Single Audit Act of 1984 and OMB Circulars A-128 and A-133, Special Grant audits of Federal

Revenue Sharing programs, U.S. Department of Housing and Urban Development Community Development Block Grant (CDBG) programs, U.S. Department of Commerce, and Local Public Works programs (LPW). I would be happy to provide an expanded list of prior clients upon request.

The majority of my audit clients, both in government and the private sector have in-house computers. In addition, generally accepted auditing standards require that in each audit I include a review of a client's system of internal accounting control encompassing all significant and relevant manual, mechanical and EDP activities and the interrelationship between EDP and user departments. Therefore, I have developed a significant amount of expertise in the areas of reviewing EDP systems and auditing around and through such systems.

Over the past five years Mr. Reynolds has served as an instructor for the California Society of Certified Public Accountants, Education Foundation, in the areas of Single Audit, Government and Nonprofit Audit and Accounting, and serves as the Foundation's primary instructor for the GAO Yellow Book. In addition Mr. Reynolds is assisting the Society of California Accountants in the formation of a CPE curriculum in the area of governmental and nonprofit auditing and accounting as well as developing a training course for government and nonprofit auditors.

In assessing the potential auditors qualifications, the client should attempt to achieve the following goals:

- (1) Selection of an auditor who has prior experience with governmental auditing and, specifically, with governmental entities.
- (2) Selection of an auditor who can bring a broad spectrum of expertise to bear in identifying potential problems and suggestions.
- (3) Selection of an auditor with the experience level and background which minimizes unnecessary questions and time demands on the City's staff, as well as complete the engagement during normal office hours or other time schedules agreed to by both parties.

Mr. Reynolds' resume is presented on the following pages.

## **DONALD R. REYNOLDS, C.P.A.**

### **EDUCATION**

Master of Science program (Accounting) - California State University, Sacramento, California (1979)

Bachelor of Arts (Economics and Ag-Economics) - University of California, Davis (1975)

### **PROFESSIONAL MEMBERSHIPS**

American Institute of Certified Public Accountants

California Society of Certified Public Accountants

AICPA's Private Companies Practice Section

GFOA Special Review Committee

### **PROFESSIONAL EXPERIENCE**

My previous experience in governmental auditing includes the following:

- 1) County of Humboldt (Single Audit) (2007 - 2009)
- 2) City of Anderson (1980 - 1990) (1992 - 2003) (Single Audit).  
(Financial statement and report preparation (1991 - 2003)).
- 3) Small Cities Organized Risk Effort (1989 - 1993)(1995 - Present).
- 4) City of Crescent City (2006 - Present) (Single Audit).
- 5) City of Corning (2004 - Present)(Single Audit).
- 6) City of Tehama (2004 - 2008).
- 7) Del Norte EDC (1996 - Present) (Single Audit).
- 8) Tri Agency Council (2001 - Present)(Single Audit).
- 9) Resort Improvement District (2001 - 2003).
- 10) Shasta Senior Nutrition Program (1994 - Present).
- 11) Humboldt County (2005 - Present) (Single Audit).
- 12) Wilshire Drive Housing, Inc. (1996 - Present).
- 13) Various special district, school districts, and other cities and agencies.

During my tenure as senior audit manager of a large local CPA firm, I also participated in a number of non-governmental audit engagements including manufacturing and processing plants, a retail market chain and title and escrow companies.

I also have eight years experience auditing commercial health and benefit programs in association with the preparation of the annual report to the Internal Revenue Service, Form 5500 which requires that any entity with more than 100 employees, providing health and welfare programs have an audit in accordance with generally accepted auditing standards. Prior to the accounting industry, I was engaged in private industry in a managerial capacity with an emphasis on the accounting function.

I am a past instructor for the California Society of Certified Public Accountants in the areas of Governmental and Nonprofit Auditing and Accounting and was the primary instructor for the course on the GAO Yellow Book. In addition I have worked with the Society of California Accountants to help develop a CPE curriculum.

I am a previous member of the Government Accounting Standards Board (GASB) advisory group which drafted the "Question and Answer" release on GASB 10, "Accounting for Risk Financing ...", a member of the GASB Task Force for the development of the Omnibus Statement on GASB 10 and the Interpretation on GASB 10, as well as being used as a referral source by GASB, on GASB-10.

I am currently an ex-quality reviewer for the GFOA in the Certificate of Achievement for Excellence in Financial Reporting Program.

## **PROPOSER'S APPROACH TO THE EXAMINATION**

## PROPOSER'S APPROACH TO THE EXAMINATION

In connection with the annual audits of the City's general purpose financial statements, my audit approach is set forth below:

Mr. Reynolds will have the ultimate responsibility for the timely completion of the engagement. His duties will include overall planning of the audits, supervising and assisting in the completion of the field work and required reports, supervision of other professional staff, involved in the audit, and the conclusion of the audits. He will perform the final review of the work papers, financial statements, and management letters. He will also be available for consultation with City officials and will work with the City in resolving any questions or differences of opinions which may arise during the course of the engagement. Mr. Reynolds will also present the general purpose financial statements and reports to the City Council, and attend any meetings with the Council as required.

I recognize that each entity I audit is different and requires a carefully determined combination of audit procedures and reliance on existing internal accounting and administrative controls. After completing my evaluation of the City's operating procedures and controls, I will prepare an overall audit plan that will result in my performing an efficient and cost-effective audit.

My audits will comply with the requirements of the Comptroller General of the United States, as detailed in the "Standards for Audit of Governmental Organizations, Programs, Activities and Functions", as revised, as well as OMB Circular A-133. Additionally we will see that the statements are prepared in accordance with GASB 34. In addition, I will continually update my audit plan to include areas of audit emphasis expressed by the City. The total hours estimated for the completion of the audit engagement is based upon my assessment of the City's operating systems and my commitment to a thorough and complete audits. As can be seen in the diagram on the following page, my audit approach is based upon my evaluation of the City's system of internal accounting controls and the planning process:

My audit approach lends special emphasis to areas of higher perceived audit risk. Such areas would include the following:

- . Evaluation of internal accounting controls and fraud assessment
- . Cash
- . Receivables
- . Capital Assets
- . Grant administration
- . Compliance with laws and regulations
- . Compliance with specific grant requirements
- . Compliance with GASB 34

My underlying audit philosophy is to tailor a selection of audit procedures to best fit the City's organization and systems of internal accounting control. My ability to incorporate this philosophy in my service plan is demonstrated by performing an efficient, high quality audit.

Based upon my understanding of the City's operations, I have prepared a preliminary work plan for the audit as follows:

**INITIAL PROCEDURES (July 2010)**

- . Completion of detailed work plan and review with City personnel.
- . Risk analysis and fraud interviews in accordance with professional standards.
- . Consultations with the appropriate personnel regarding accounting systems, timing of procedures and potential accounting issues.
- . Review and evaluation of internal accounting controls to include documentation of systems and review of electronic data processing application.
- . Based upon the results of my study and evaluation of internal accounting controls, parameters will be established for compliance testing.

- . Identification of significant compliance requirements and determination of the most practical audit approach and review of GASB 34 conversion procedures needed.
- . Preliminary analytical review in accordance with SAS 58.
- . Accumulation of historical information such as leases, contracts and minutes.
- . Based upon the results of my preliminary evaluation of internal accounting controls and the results of my compliance testing, the scope of my year end substantive audit procedures will be established.
- . Identification of schedules to be prepared by accounting personnel.

**YEAR END PROCEDURES (Early September - Mid October 2010)**

- . Confirmation of applicable account balances.
- . Completion of substantive account balance testing.
- . Review and processing of financial statements including GASB 34 conversion and drafting management letter comments.
- . Review preliminary draft of financial statements with City personnel.

**AUDIT COMPLETION (NOVEMBER 2010)**

- . Submission of all required opinions and reports.
- . Presentation of audit report to City Council.

I utilize a detailed, comprehensive time-billing system which allows me to track costs in several categories. This will allow me to track time both under general audit categories as well as by grants etc., if requested.

All audit work papers and related documents will be held for a minimum of five years and made available to the City upon request.

## **COMPENSATION**

## COMPENSATION

The all-inclusive maximum fee for the proposed audits is set forth on Table I on the following page.

Also set forth on Table I are my standard hourly rates effective for the fiscal year ending June 30, 2010.

My actual fees for all of the auditing services I provide will be based on my standard hourly rates set forth in Table I, and in the event my actual costs are less than the specified maximum fees, I will bill the City for my actual fees.

I understand that fees for special services rendered at the request of the City will be based on the same standard hourly rate as those used in the annual audit of the general purpose financial statements for the same year.

The fees set forth on Table I are an integral part of this proposal.

**TABLE I**

**AUDIT FEE SUMMARY FISCAL YEAR ENDING June 30,**

	<u>2010</u>	<u>2011</u>	<u>2012</u>
All inclusive maximum fee for the auditing services including A-133 (see attached cost schedule) .....	\$ <u>10,000</u>	\$ <u>10,500</u>	\$ <u>11,000</u>

**HOURLY RATES FOR EACH LEVEL OF WORK PERFORMED:**

	<u>2010</u>	<u>2011</u>	<u>2012</u>
Proprietor, Audit Manager .....	\$ <u>100.00</u>	\$ <u>100.00</u>	\$ <u>105.00</u>
Supervisors .....	\$ <u>95.00</u>	\$ <u>100.00</u>	\$ <u>105.00</u>
Senior Staff Accountant .....	\$ <u>75.00</u>	\$ <u>80.00</u>	\$ <u>85.00</u>
Junior Staff Accountant .....	\$ <u>45.00</u>	\$ <u>50.00</u>	\$ <u>55.00</u>
Clerical .....	\$ <u>32.00</u>	\$ <u>36.00</u>	\$ <u>40.00</u>

Note: Time will be accumulated and grouped according to appropriate levels of experience required to perform various tasks.

**AUDIT FEE SUMMARY FISCAL YEAR ENDING June 30,**

	<u>2010</u>	<u>2011</u>	<u>2012</u>
Audit of General Purpose Financial Statements, including applicable Yellow Book Procedures and preparation of all required reports. ....	\$ <u>7,500</u>	\$ <u>8,000</u>	\$ <u>8,500</u>
Preparation of all applicable Financial statements and related disclosures .....	Included	Included	Included
Audit procedures under Office of Management and Budget Circular A-133, (if required) .....	\$ <u>2,500</u>	\$ <u>2,500</u>	\$ <u>2,500</u>
Component unit audit procedures pertaining to expenditures of funds under the State Transportation Improvement Program, (if required) .....	\$ <u>2,500</u>	\$ <u>2,500</u>	\$ <u>2,500</u>

# Donald R Reynolds

Certified Public Accountant

June 9, 2010

City of Corning  
794 Third Street  
Corning, CA 96021

I am pleased to confirm my understanding of the services I am to provide the City of Corning for the Year ended June 30, 2010. I will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, which collectively comprise the entity's basic financial statements, of the City of Corning as of and for the Year ended June 30, 2010. Accounting standards generally accepted in the United States provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to accompany City of Corning's basic financial statements. As part of our engagement, we will apply certain limited procedures to the City of Corning's RSI. These limited procedures will consist principally of inquiries of management regarding the methods of measurement and presentation, which management is responsible for affirming to us in its representation letter. Unless we encounter problems with the presentation of the RSI or with procedures relating to it, we will disclaim an opinion on it. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Management's discussion and analysis
2. Schedule of expenditures of federal awards
3. Budgetary comparison schedules

Supplementary information other than RSI also accompanies City of Corning's basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and will provide an opinion on it in relation to the basic financial statements:

1. Schedule of expenditures of federal awards.

## **Audit Objectives**

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the additional information referred to in the first paragraph when considered in relation to the basic financial statements taken as a whole. The objective also includes reporting on:

P.O. Box 994508, 1438 Oregon Street, Redding, California 96099 . (530) 246-2834 . FAX (530) 244-0331

1. Internal control related to the financial statements and compliance with laws, regulations, and the provisions of contracts or grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
2. Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

The reports on internal control and compliance will each include a statement that the report is intended solely for the information and use of management, the body or individuals charged with governance, others within the entity specific legislative or regulatory bodies, federal awarding agencies, and if applicable, pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.

Our audit will be conducted in accordance with generally accepted auditing standards established by the Auditing Standards Board (United States); the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of OMB Circular A-133, and will include tests of accounting records, a determination of major program(s) in accordance with OMB Circular A-133, and other procedures we consider necessary to enable us to express such opinions and to render the required reports. If our opinions on the financial statements or the Single Audit compliance opinions are other than unqualified, we will fully discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement

### **Management Responsibilities**

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. As part of the audit, we will prepare a draft of your financial statements and related notes. You are responsible for making all management decisions and performing all management functions relating to the financial statements and related notes and for accepting full responsibility for such decisions. You will be required to acknowledge in the management representation letter that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. Further, you are required to designate an individual with suitable skill, knowledge, or experience to oversee any nonaudit services we provide and for evaluating the adequacy and results of those services and accepting responsibility for them.

Management is responsible for establishing and maintaining internal controls, including monitoring ongoing activities; for the selection and application of accounting principles; and for the fair presentation in the financial statements of the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the County and the respective changes in financial position and cash flows, where applicable, in conformity with U.S. generally accepted accounting principles, and for federal award program compliance with applicable laws and

regulations and the provisions of contracts and grant provisions..

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements, and grants. Additionally, as required by OMB Circular A-133, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan. The summary schedule of prior audit findings should be available for our review on September 1, 2010.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous audits or other engagements or studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits or other engagements or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions.

### **Audit Procedures - General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, my audit will involve judgment about the number of transactions to be examined and the areas to be tested. I will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether caused by error, fraudulent financial reporting, misappropriation of assets, or violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because an audit is designed to provide reasonable, but not absolute assurance and because I will not perform a detailed examination of all transactions, there is a risk that a material misstatement may exist and not be detected by me. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, I will inform you of any material errors that come to my attention, and I will inform you of any fraudulent financial reporting or misappropriation

of assets that comes to my attention. I will also inform you of any of any violations of laws or governmental regulations that come to my attention, unless clearly inconsequential. My responsibility as auditor is limited to the period covered by my audit and does not extend to matters that might arise during any later periods for which I am not engaged as auditor.

My procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, creditors, and financial institutions. I will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of my audit, I will also require certain written representations from you about the financial statements and related matters.

### **Audit Procedures - Internal Control**

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by OMB Circular A-133, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to OMB Circular A-133.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards* and OMB Circular A-133.

### **Audit Procedures—Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City of Corning's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

OMB Circular A-133 requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Circular A-133 Compliance*

*Supplement* for the types of compliance requirements that could have a direct and material effect on each of the City of Corning's major programs. The purpose of these procedures will be to express an opinion on the City of Corning's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to OMB Circular A-133.

### **Audit Administration, Fee, and Other**

I understand that your employees will prepare all cash or other confirmations I request and will locate any invoices selected by me for testing.

The audit documentation for this engagement is the property of Donald R. Reynolds, CPA and constitutes confidential information. However, pursuant to authority given by law or regulation, I may be requested to make certain audit documentation available to federal agency providing direct or indirect funding, or the U.S. General Accounting Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. I will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Don R. Reynolds, CPA personnel. Furthermore, upon request, I may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

I expect to begin my audit on approximately August 1, 2010 and expect to issue my reports by December 31, 2010.

My fee for these services will be at my standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that I agree that my gross fee, including expenses will not exceed \$10,000. My standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. My invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with my firm policies, work may be suspended if your account becomes 60 days or more overdue and may not be resumed until your account is paid in full. If I elect to terminate my services for nonpayment, my engagement will be deemed to have been completed upon written notification of termination, even if I have not completed my report. You will be obligated to compensate me for all time expended and to reimburse me for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, I will discuss it with you and arrive at a new fee estimate before I incur the additional costs.

*Government Auditing Standards* require that I provide you with a copy of my most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. My 2005 peer review report and letter of comments accompanies this letter.

I appreciate the opportunity to be of service to City of Corning and believe this letter accurately summarizes the significant terms of my engagement. If you have any questions, please let me know. If you agree with the terms of my engagement as described in this letter, please sign the

enclosed copy and return it to me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Donald R. Reynolds". The signature is written in a cursive style with a large, prominent "D" and "R".

Donald R. Reynolds, CPA

RESPONSE:

This letter correctly sets forth the understanding of City of Corning.

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

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

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

**ITEM NO.: M-23  
MORTGAGE ASSISTANCE AND HOUSING  
REHABILITATION LOAN PROGRAM:  
RESOLUTION NO. 06-22-10-04; A RESOLUTION  
AUTHORIZING THE SUBMITTAL OF AN  
APPLICATION TO THE CALIFORNIA STATE  
DEPARTMENT OF HOUSING AND COMMUNITY  
DEVELOPMENT FOR FUNDING UNDER THE  
CALHOME PROGRAM.**

**JUNE 22, 2010**

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

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



**SUMMARY:**

The attached application summary for the 'CalHome Program' summaries an application that can be submitted by the City in order to provide two programs, \$720,000 in mortgage assistance for 12 single family residential units and \$280,000 for Owner-Occupied Rehabilitation projects for 5 residences in the City.

City Council approval of the Resolution will authorize the City Manager to execute the Application, the Standard Agreement, and all other documents required by State Department of Housing and Community Development (HCD) for participation in the CalHome Program, and any amendments thereto.

The HCD has issued a Notice of Funding Availability ("NOFA") for the CalHome Program established by Chapter 84, Statutes of 2000 (SB 1656 Alarcon), and codified in Chapter 6 (commencing with Section 50650) of Part 2 of Division 31 of the Health and Safety Code (the "statute"). Pursuant to the statute, HCD is authorized to approve funding allocations utilizing monies made available by the State Legislature to the CalHome Program, subject to the terms and conditions of the statute and the CalHome Program Regulations adopted by HCD in April 2004.

**MAYOR AND CITY COUNCIL APPROVE the application for two grant components including mortgage assistance and housing rehabilitation by adopting**

**RESOLUTION NO. 06-22-10-04; A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE CALHOME PROGRAM; THE EXECUTION OF A STANDARD AGREEMENT IF SELECTED FOR SUCH FUNDING AND ANY AMENDMENTS THERETO; AND ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE CALHOME PROGRAM.**

**CITY OF CORNING  
RESOLUTION NO. 06-22-10-04**

**A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE CALHOME PROGRAM; THE EXECUTION OF A STANDARD AGREEMENT IF SELECTED FOR SUCH FUNDING AND ANY AMENDMENTS THERETO; AND ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE CALHOME PROGRAM**

**BE IT RESOLVED** by the City Council of the City of Corning as follows:

SECTION 1.

The City Corning, a political subdivision of the State of California, wishes to apply for and receive an allocation of funds through the CalHome Program.

SECTION 2.

The California Department of Housing and Community Development (hereinafter referred to as "HCD") has issued a Notice of Funding Availability ("NOFA") for the CalHome Program established by Chapter 84, Statutes of 2000 (SB 1656 Alarcon), and codified in Chapter 6 (commencing with Section 50650) of Part 2 of Division 31 of the Health and Safety Code (the "statute"). Pursuant to the statute, HCD is authorized to approve funding allocations utilizing monies made available by the State Legislature to the CalHome Program, subject to the terms and conditions of the statute and the CalHome Program Regulations adopted by HCD in April 2004.

SECTION 3.

The City of Corning wishes to submit an application to obtain from HCD an allocation of CalHome funds in the amount of \$1,000,000.

SECTION 4.

The City of Corning shall submit to HCD an application to participate in the CalHome Program in response to the NOFA issued April 19, 2010, which will request a funding allocation for the following activities:

Mortgage Assistance in the City of Corning	\$720,000
Owner Occupied Rehabilitation in the City of Corning	\$280,000

SECTION 5.

If the application for funding is approved, the City of Corning hereby agrees to use the CalHome funds for eligible activities in the manner presented in the application as approved by HCD and in accordance with program regulations cited above. It also may execute any and all other instruments necessary or required by HCD for participation in the CalHome Program.

SECTION 7.

If this application is approved, the City of Corning is authorized to execute in the name of the City of Corning, the application, the Standard Agreement, and all other documents required by HCD for participation in the CalHome Program, and any amendments thereto.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Corning held on June 22, 2010 by the following vote:

AYES:

NOES:

ABSENT:

---

Gary Strack, Mayor

ATTEST:

---

Lisa Linnet, City Clerk

**SECTION VI. APPLICANT CERTIFICATION AND COMMITMENT OF RESPONSIBILITY:**

As the official designated by the governing body, I hereby certify that if approved by HCD for a CalHome Program funding allocation, the City of Corning  
(Applicant name) assumes the responsibilities specified in the CalHome Program Regulations and certifies that:

- A. It possesses the legal authority to apply for the allocation and to execute their proposed program or project;
- B. Before committing funds to a homebuyer/homeowner, it will evaluate the funding eligibility in accordance with CalHome Program Regulations and will not invest any more CalHome funds in combination with other governmental assistance than is necessary to provide affordable housing;
- C. The Applicant **does not** have any unresolved audit findings for prior HCD or federally-funded housing or community development projects or programs.
- D. There are **no** pending lawsuits that would impact the implementation of this program or project.
- E. It will comply with all statutes and regulations governing the CalHome Program.
- F. The information, statements, and attachments contained in this application are, to the best of my knowledge and belief, true and correct.
- G. It has the ability to perform the duties for the activity(s) applied for in accordance with Section 7718 of the CalHome Program Regulations.

I authorize the Department of Housing and Community Development to contact any agency, whether or not named in this application, which may assist in determining the capability of the Applicant. All information contained in this application is acknowledged to be public information. (This certification must be signed by the person authorized in the Resolution)

\*Signature: \_\_\_\_\_ Title: City Manager

Type Name: Stephen J. Kimbrough Date: \_\_\_\_\_

\*Must be signed by authorized signatory per the resolution.

# CalHome Program

## Application for General Program Funding NOFA

### Mortgage Assistance and/or Owner-Occupied Rehabilitation

California Department of Housing and Community Development  
Financial Assistance Division  
P.O. Box 952054, Sacramento, CA 94252-2054  
Or  
1800 3<sup>rd</sup> Street, MS 390-2  
Sacramento, CA 95811  
916-327-3646

This application, if approved for funding, will be a part of your Standard Agreement with the Department of Housing and Community Development (HCD). In order to be considered for funding, all sections of this application, including attachments and exhibits, must be complete and accurate. **Application forms must not be modified.** No facsimiles, incomplete applications, or application revisions will be accepted prior to, or after the application deadline. Applications must meet all eligibility requirements upon submission. Applications containing material internal inconsistencies will not be rated and ranked. Use **Exhibit A, Attachment Checklist**, as an aid in completing the application. HCD must receive in its office a complete original application in a three ring binder **no later than 5:00 P.M. Friday, June 25, 2010.**

For purpose of this NOFA, this will be a Program NOFA which will include first-time homebuyer mortgage assistance activities and owner-occupied activities. A separate CalHome Project NOFA to support the development of new homeownership housing has been released separately.

**Please note:** applicants are eligible to apply for both a CalHome Program Grant and/or a CalHome Project Grant. However, a property may have only one CalHome lien on it.

#### SECTION I. APPLICATION SUMMARY:

- A. Name of Applicant: City of Corning
- B. Applicant Address: 794 Third Street  
City: Corning Zip Code: 96021
- C. Chief Executive Name and Title: Stephen J. Kimbrough, City Manager
- D. Contact Person Name and Title: John Stoufer, Planning Director
- E. Phone Number: 530-824-7033 FAX: 530-824-2489 E-Mail: stevek@coming.org
- F. Proposed Activity:

You may apply for one or two program activities, the aggregate amount of both activities may not exceed the maximum application amount, and the amount for any one activity may not be less than the minimum activity amount, as specified in the NOFA. The maximum amount is \$1 Million for most jurisdictions or \$1.5 Million for High Population Areas. Only apply for the amount that you know you can use. Recipients who do not use at least 95% of their funds will be penalized in future funding rounds for not meeting performance goals. Localities shall only be eligible to apply for an award of CalHome funds for a local program within its jurisdictional boundaries. A nonprofit corporation may propose programs in a county or counties in which they have operated a housing program within the past 4 years, or in a county or counties for which the nonprofit corporation has an existing 523 technical assistance services agreement with the United States Department of Agriculture.

Activity: Submit Appropriate Attachment Number	No. of CalHome Assisted Units Proposed	County or Counties of Activity	Census Tracts if Proposing 100% Rural Activity*
1. FTHB Mortgage Assistance Program	12	Tehama County	Entire County is Rural
2. Owner-Occupied Rehabilitation Program	5	Tehama County	Entire County is Rural
<b>Total</b>	<b>17</b>		

\* If your activity is located entirely within a rural census tract or non-metro county as defined in the CalHome Program Regulations and you want to receive consideration for the rural set-aside, you must provide the census tract or tracts or list the non-metro county information in the table above. If the proposed area is rural, applicants must indicate census tract numbers in order to receive consideration under the rural set-aside. Programs in rural census tracts must document that their program is located in a rural area. Follow the steps outlined below to determine if your proposed program is located in a rural area, and to document this rural area status. Programs located in the following counties do not have to provide documentation of their rural status, and will be considered rural applicants:

Alpine, Amador, Calaveras, Colusa, Del Norte, Glenn, Humboldt, Inyo, Lake, Lassen, Mariposa, Mendocino, Modoc, Mono, Nevada, Plumas, Sierra, Siskiyou, Tehama, Trinity and Tuolumne.

If your site is not located within one of the listed counties, below are two alternate ways to qualify:

**Alternative 1: Rural Housing Services (RHS) Eligible Area** – With an established address, go to the USDA Rural Development website to qualify if the site is RHS-eligible: <http://www.rurdev.usda.gov/rhs/>.

Once on the website, look to the right hand side of this page and click on "Income and Property Eligibility". On the page that follows, under "Property Eligibility", click on your program type (single family) and follow the instructions so that you may enter your program address. If your program is RHS-eligible, you will be able to print a map indicating that the program is eligible. Submit this documentation with your application.

If your program is not listed as RHS eligible, or if you do not yet have a site address, go to Step 2.

**Alternative 2, Step 1: Small City Status** - Is your program located within or adjoining a city with a population of 40,000 or less that is not part of a Census-designated urbanized area?

Go to the State Department of Finance website to verify the city's population estimate:  
<http://www.dof.ca.gov/HTML/DEMOGRAP/ReportsPapers/Estimates/E1/E-1text.asp>.

If the city has a population of 40,000 or less, print the page of Table E-1 which indicates this, and go to Step 3. If the city is more than 40,000, STOP. Your program may not be located in a rural area. Proceed to Step 2 to confirm if your area is rural or not.

**Step 2: Census Map** - If the proposed program is located in an incorporated city of 40,000 or less, or in the unincorporated area adjoining that small city, the program may be considered rural if the program's census tract is not designated "as an urbanized area" or "part of an urbanized area."

- Go to the Census Bureau's 2000 Census website at: <http://www.census.gov/main/www/cen2000.html>
- Under "Access Data by Geography" select the "street address" link (regardless of whether the program has an established address).
- On the subsequent screen, enter the program's address or that of another nearby property located within the same census tract (as close to the program as possible). Select "Go" and additional information will display at the bottom of the page.

- d) Select "Census Tract" in the Geographies section of the enhanced screen and select "Map It."
- e) Print the census tract map provided and your jurisdiction's population estimate from Table E-1, (see Step 1 above), and submit these two documents with the application. The map may show the census tract as "urban" according to the legend provided with the map. However, the census tract will only be considered urban if the map includes bold face type with a "UA" designation. If the map includes no such designation, or shows the census tract as urban but has a "UC" designation, the census tract is still considered rural.

If you tried all three of these alternatives and the end result shows that your program is not classified as rural, but you believe that it should be considered rural, or if you have other questions, problems, or concerns in determining rural designation pursuant to the above process, please contact Christina DiFrancesco at (916) 322-0918.

G. Proposed Grant Amount:

\*\$1,000,000

\* If the grant request is over \$1,000,000 (up to \$1,500,000), the city, county or nonprofit will need to provide the following: The name of the city or unincorporated areas of counties with a population of over 400,000. If a County operates their programs in the small cities within the county as well as the unincorporated areas, we will allow the aggregate population of the unincorporated areas plus these small cities to be combined for determining the maximum award amount only where we have letters/resolutions from the included small cities verifying the County's authority to operate with the cities. A list of cities and unincorporated areas of counties in California with population over 400,000 is included in this application labeled **Exhibit D**. Please provide the required documentation as **Attachment 3**.

H. Brief Description of Each Program Activity Applied for:

CalHome Mortgage Assistance funds will be used to provide loan funds to eligible households to achieve affordable home purchase in the City of Corning.

CalHome Owner Occupied Rehabilitation funds will be used to provide loan funds to eligible homeowners funding needed housing rehabilitation in the City of Corning.

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## SECTION II. LEGISLATIVE REPRESENTATIVES:

A form is included in this application labeled **Exhibit B**. Please complete the information on this form and attach as **Attachment 5**.

## SECTION III. GOVERNING BOARD RESOLUTION:

Attach the resolution, duly executed by the governing board of the local public agency or nonprofit corporation, granting authority to make an application to HCD for a funding commitment from the CalHome Program. Label as **Attachment 6** Governing Board Resolution. Please review the sample resolution which is included in this application package as **Exhibit C**. Be sure that the resolution authorizes a signatory for submittal of this application and the resolution is an action of the governing body of the applicant. If someone signs the application other than the person authorized in the resolution, submit evidence that shows that the person signing has the authorization to sign. Such evidence could be in the

form of an ordinance or code, or an opinion from the applicant's legal counsel. Include such authorization with **Attachment 6**.

#### **SECTION IV. APPLICANT INFORMATION:**

A. The applicant is a (check one):  City       County       City and County       Nonprofit Corporation

1. If a Nonprofit Corporation, Submit copies of:

IRS approval of 501(c) (3) status: as **Attachment 7a**

Secretary of State Letter of Good Standing: as **Attachment 7b**

Articles of Incorporation: as **Attachment 7c**

Bylaws: as **Attachment 7d**

List of names of Board of Directors as **Attachment 7e**

Financial Statements (for the last 2 fiscal years, one of which must be must be audited): as **Attachment 7f**

#### **SECTION V. ACTIVITY ATTACHMENT:**

Applicants must complete at least one attachment:

Attachment 1, First-Time Homebuyer Mortgage Assistance, or  
Attachment 2, Owner-Occupied Rehabilitation Program

These attachments are part of this application. At least one must be completed and must be included or the application will not be complete and will be ineligible for funding consideration.

# CalHome Program Application

## Attachment 1 First-Time Homebuyer Mortgage Assistance Program

This Application form is for homebuyer mortgage assistance to first-time homebuyers of new or existing homes, or for purchase of existing homes to be rehabilitated by the homebuyer. An applicant may only apply for funds under this attachment when it will be providing the services required in Section 7729 of the program regulations.

### SECTION I. APPLICANT INFORMATION

Name: City of Corning

### SECTION II. FIRST-TIME HOMEBUYER PROGRAM EXPERIENCE

A. Provide the following information for each year of first-time homebuyer program operation for 12 consecutive months, by calendar year. Applicant organizations should only list those homebuyer units for which they provided the mortgage assistance services.

YEAR	PERMANENT FINANCING FUNDING SOURCE(S)	NO. OF PURCHASE ESCROWS UNDERWRITTEN AND CLOSED	AVERAGE AMOUNT OF ASSISTANCE PROVIDED PER BUYER
2009			
2008			
2007			
2006			
2005			
2004			
2003			
2002			
2001			
2000			

B. For years 2006 through 2009, provide a narrative of applicant's history and experience with the proposed activity, including evidence of program operation for each year listed: e.g., board resolution authorizing the program; award letters; program financial pages from annual audit, annual reports or other evidence that will demonstrate program operation. (Attach as Exhibit 1-1)

**SECTION III. LOAN UNDERWRITING EXPERIENCE**

- A. For the years 2006 through 2009, the total number of homebuyer loans applicant has underwritten and closed, which included preparation of loan documents and escrow instructions. 0

**SECTION IV. LOAN SERVICING EXPERIENCE**

- A. For the years 2006 through 2009, the total number of homebuyer loans closed for which the applicant was the named beneficiary on the loan documents. 0
- B. As of the CalHome NOFA issuance date, the total number of homeowner loans in the applicant's portfolio. 0
- C. Number of loans identified in B. above that are being directly serviced by the applicant. 0
- D. Number of loans identified in B. above that are being serviced by a third party. 0
- E. As of the CalHome NOFA issuance date, the total number of homebuyer loans the applicant is servicing for another entity. # 0
- F. If there are zero loans identified in C, D and E, submit a narrative identifying how loans will be serviced, how the servicing activities will be funded or provided and the procedures for implementing loan servicing operations. In addition to the narrative, attach either: 1) a budget that provides an identified source of financing, for a period of at least 5 years, for contracting loan servicing with a third party who is in the business of loan servicing; 2) a commitment letter from a third party, who is in the business of loan servicing, willing to provide loan servicing at no cost to the applicant; or 3) the résumé of a current employee(s) of the applicant that describes the employee(s)'s experience in homeowner loan servicing. (Attach as Exhibit 1-2)

**SECTION V. PROGRAM TARGETING**

- A. Number of homebuyers to be assisted with this application for CalHome funds # 12
- B. Program will be operated entirely within a federally defined Qualified Census Tract(s) located in Appendix B in the training manual (ONLY MARK YES IF ALL HOMES TO BE ASSISTED WITH CALHOME FUNDS SHALL BE LOCATED IN THE AREA(S) IDENTIFIED HERE):  
Yes \_\_\_\_\_ No x  
Federally defined Qualified Census tract(s) No. \_\_\_\_\_
- C. Program will be operated entirely within a designated redevelopment area under the jurisdiction of a local Redevelopment Agency (ONLY MARK YES IF ALL HOMES TO BE ASSISTED WITH CALHOME FUNDS SHALL BE LOCATED IN THE AREA(S) IDENTIFIED HERE):  
Yes \_\_\_\_\_ No x  
Attach a redevelopment area map and indicate program location on the map. (Attach as Exhibit 1-3)



3. A youth construction skills training program: Yes \_\_\_\_\_ No

Name of program: \_\_\_\_\_

No. of hours of guaranteed youth construction training onsite construction labor per unit, provided by participants age 16 to 24 years old only: \_\_\_\_\_ hrs

4. If the answer to A. 1, 2 or 3 above is **yes**, indicate the minimum number of onsite construction labor hours per unit to be provided by the homebuyer:    hrs

- B. Describe the criteria for participation in your contributed labor program. (Attach as Exhibit 1-4)
- C. Attach a copy of the agreement form used for the contributed labor program. (Attach as Exhibit 1-4a)
- D. Provide description of activities performed by contributed labor participants. (Attach as Exhibit 1-4b)
- E. Provide description of activities normally contracted out. (Attach as Exhibit 1-4c)
- F. What percentage of total onsite construction labor per unit will be performed by contributed labor:  
                    0%

Please provide evidence of previous administration of the type of contributed labor program proposed in this application. This could include, but not be limited to, the nonprofit corporation charter or a copy of the board resolution authorizing the program supported by documentation of completed projects; or copies of contracts with contributed labor participants. (Attach as Exhibit 1-4d)

#### SECTION VIII . HOMEBUYER EDUCATION

A. Does the applicant currently provide homebuyer education classes?  
Yes \_\_\_\_\_ No

If not, describe arrangements for providing homebuyer education in Attachment 4-Additional Documentation.

#### SECTION IX. BONUS POINTS FOR NEW POLICY OBJECTIVES MORTGAGE ASSISTANCE ACTIVITIES ONLY

A. **Targeting energy efficient homeownership:** Bonus points will be given in the scoring of this application for applicants that use their mortgage assistance loans exclusively for transactions where the units purchased are energy efficient. The Department is encouraging the use of Green Building features. Applicants will self certify their activity on Form 3A and confirm that items 2, 3, 4, 5, 6, 7, 10, 11, 12, & 13 are included in the units to be constructed, and that at least two of the remaining items (1,8 & 9) will also be included in the units to be constructed. (Attach as Bonus Exhibit A)

Yes \_\_\_\_\_ No

B. **Targeting homeownership units that meet universal design standards:**

Bonus points will be given in the scoring of this application for applicants that use their mortgage assistance loans exclusively for home purchase transactions where the units purchased are developed by meeting the following universal design standards:

- Provide at least one no-step entrance with beveled threshold. This may be at the front, side or back of the unit.
- Make doorways throughout the unit at least 32 inches wide and hallways at least 36 inches clear width.
- Reinforce walls around the toilet, bathtub and shower stall in order that grab bars may be added at a later time, if needed.
- Install light switches and electrical controls no higher than 48 inches and electrical plugs no lower than 15 inches above the floor.
- Install lever handles on all doors and plumbing fixtures.
- (Attach as Bonus Exhibit B)

Yes \_\_\_\_\_ No x\_\_\_\_\_

# CalHome Program Application

## Attachment II

### Owner-Occupied Rehabilitation Program

This Application form is for rehabilitation of owner-occupied homes. An applicant may only apply for funds under this attachment when it will be providing the services required in Section 7733 and Section 7735 of the program regulations.

#### SECTION I. APPLICANT INFORMATION

Name: City of Corning

#### SECTION II. OWNER-OCCUPIED REHABILITATION PROGRAM EXPERIENCE

A. Provide the following information for each year of owner-occupied rehabilitation program operation for 12 consecutive months, by calendar year. Applicant organizations should only list those rehabilitated units for which they provided the rehabilitation services including loan underwriting and escrow closing.

YEAR	FUNDING SOURCE(S)	NO. OF HOME REHABILITATIONS COMPLETED	NO. OF ESCROWS CLOSED BY APPLICANT ORGANIZATION	AVERAGE AMOUNT OF ASSISTANCE PROVIDED PER OWNER
2009				
2008				
2007				
2006				
2005				
2004				
2003				
2002				
2001				
2000	1990-1992 CDBG	42	42	\$15,500

B. For years 2006 through 2009, provide a narrative of applicant's history and experience with the proposed activity, including evidence of program operation for each year listed: e.g., board resolution authorizing the program; award letters; program financial pages from annual audit, annual reports or other evidence that will demonstrate program operation. (Attach as Exhibit 2-1)

**SECTION III. LOAN UNDERWRITING EXPERIENCE**

- A. For the years 2006 through 2009, the total number of homeowner rehabilitation loans applicant has underwritten and closed, which included preparation of loan documents and escrow instructions. \_\_\_\_\_

**SECTION IV. LOAN SERVICING EXPERIENCE**

- A. For the years 2006 through 2009, the total number of all types of homeowner rehabilitation loans closed for which the applicant was the named beneficiary on the loan documents. : 0 \_\_\_\_\_
- B. As of the CalHome NOFA issuance date, the total number of homeowner rehabilitation loans in the applicant's portfolio. 42 \_\_\_\_\_
- C. Number of loans identified in B. above that are being directly serviced by the applicant. 42 \_\_\_\_\_
- D. Number of loans identified in B. above that are being serviced by a third party. 0 \_\_\_\_\_
- E. As of the CalHome NOFA issuance date, the total number of homeowner loans the applicant is servicing for another entity. 0 \_\_\_\_\_
- F. If there are zero loans identified in C, D and E, submit a narrative identifying how loans will be serviced, how the servicing activities will be funded or provided and the procedures for implementing loan servicing operations. In addition to the narrative, attach either: 1) a budget that provides an identified source of financing, for a period of at least 5 years, for contracting loan servicing with a third party who is in the business of loan servicing; 2) a commitment letter from a third party, who is in the business of loan servicing, willing to provide loan servicing at no cost to the applicant; or 3) the résumé of a current employee(s) of the applicant that describes the employee(s)'s experience in homeowner loan servicing. (Attach as Exhibit 2-2)

**SECTION V. PROGRAM TARGETING**

- A. Number of homeowners to be assisted with this application for CalHome funds #5
- B. Program will be operated **entirely within a federally defined Qualified Census Tract(s)** (ONLY MARK YES IF ALL HOMES TO BE ASSISTED WITH CALHOME FUNDS SHALL BE LOCATED IN THE AREA(S) IDENTIFIED HERE):  
Yes \_\_\_\_\_ No x  
Federally defined Qualified Census tract(s) No. \_\_\_\_\_
- C. Program will be operated **entirely within a designated redevelopment area under the jurisdiction of a local Redevelopment Agency** (ONLY MARK YES IF ALL HOMES TO BE ASSISTED WITH CALHOME FUNDS SHALL BE LOCATED IN THE AREA(S) IDENTIFIED HERE):  
Yes \_\_\_\_\_ No x  
Attach a redevelopment area map and indicate program location on the map. (Attach as Exhibit 2-3)
- D. Nonprofit corporations must list the county or counties in which the program will be operated.  
County/counties \_\_\_\_\_

**SECTION VII. FINANCING**

A. Proposed Financing (other than CalHome) (check all that apply):

Federal HOME       Redevelopment Agency       Other

Describe the financing structure for any subordinate financing to be provided in addition to the CalHome loan. Do not list the CalHome loan:

Source of Financing:	Proposed Lien Position*
No other sources. CalHome to be in second lien position.	

**\*Note: Assume the existence of a first mortgage.**

ITEM NO: M-24

**Salado Orchards Phase 2; Consider approving a one (1) year time extension for Use Permit 252 and a two (2) year time extension for Tract Map 08-1002 pursuant to Section 16.18.010 (c) of the Corning Municipal Code.**

JUNE 22, 2010

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JOHN STOUFER, PLANNING DIRECTOR

**PROJECT DESCRIPTION & LOCATION:**

Pacific West Communities, Inc. has submitted an application to extend Use Permit 252 for an additional one (1) year period. They have also applied to extend Tract Map 08-1002 for a period of two (2) years pursuant to Section 16.18.010 of the Corning Municipal Code (CMC).

Tentative Tract Map 08-1002 proposes to subdivide an existing 4.79 acre parcel and create 12 single-family residential parcels and an approximately 1.75 acre multi-family residential parcel. Use Permit 252 will allow the construction of three 8-plex apartment buildings (24 units total) on the 1.75 acre parcel. The approved site, for these projects known as Salado Orchards Phase 2, is located in the City of Corning along the west side of Toomes Ave. approximately 650 ft. south of the Toomes Ave. / Blackburn Ave. intersection within the SW1/4 of Section 15, T. 24 N., R. 3 W., M.D.M. APN: 71-020-71

**GENERAL PLAN LAND USE DESIGNATION:**

R- Residential

**ZONING DESIGNATION:**

PD- Planned Unit Development for the 1.75 acre parcel.

R-1- For the remaining 3.04 acres proposed for the 12 single-family residential parcels.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

CEQA, Section 15162 refers to subsequent EIR's and Negative Declarations and states that when an "EIR has been certified or a Negative Declaration adopted no subsequent EIR is required unless there is a substantial change in the project or a substantial increase in the severity of previously identified significant effects."

Prior to approving the Salado Orchards Phase 2 projects the City Council adopted the Mitigated Negative Declaration filed on the projects. This application is to extend Use Permit 252 for one year and Tract Map 08-1002 for two years and there are no

substantial changes to the project, therefore, the granting of a one year time extension is exempt from CEQA pursuant to Section 15162 (a).

**DISCUSSION:**

On September 9, 2008 the Corning City Council approved Tentative Tract Map 08-1002 which when recorded will subdivide an existing 4.79 acre parcel and create 12 single-family residential parcels and an approximately 1.75 acre multi-family residential parcel. Rezone 2008-1 rezoned the 1.75 acre parcel from R-1, Single-Family Residence District to PD, Planned Development District. Use Permit 252 allows the construction of three 8-plex apartment buildings (24 units total) on the proposed 1.75 acre parcel.

Section 17.54.070 of the Corning Municipal Code states; *“Any conditional use permit shall be null and void if the use permitted there under is not exercised within the time specified in the action approving such conditional use permit, or if no time is so specified, if the same is not exercised within one year from the date said permit is granted.”* When the City Council approved the Salado Orchards Phase 2 projects there was no specific time period allocated to activate the Use Permit therefore the permit would have expired on September 9, 2009 without the approval of an extension. On September 8, 2009 the City Council approved a one year time extension for the Use Permit. As stated in the letter requesting the time extension the developer has been unable to secure sufficient financing for the project and is requesting another one year time extension for the Use Permit. If granted the extension would make the Use Permit valid until September 9, 2011.

Section 16.18.010 (a) of the CMC states; *“an approved or conditionally approved tentative map shall expire twenty-four (24) months after its approval or conditional approval.”* Additionally, Section 16.18.010 (c) of the CMC and CA. Gov. Code Section 66452.6 (e) allows that, upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, a two year initial extension of the expiration date may be approved by the legislative body. The tentative tract map is scheduled to expire on September 9, 2010. If granted, the initial extension would extend the map for two years until September 9, 2012.

When Tract Map 08-1002 was initially approved the City had been awarded grant funds for off-site road and drainage improvements to Blackburn Avenue west of the frontage improvements associated with Salado Orchards Phase 1 to Edith Avenue. The Department of Housing and Community Development has defunded the grant award, therefore, the off-site road and drainage improvements, necessary to support the development of Salado Orchards Phase 1 & 2, will not be completed.

These improvements would have been made a condition of approval for Tract Map 08-1002 had the City not been awarded the grant. Therefore, staff is recommending that the following condition of approval, applicable to the recordation of Tract Map 08-1002 only, be added with the approval of the requested two year time extension.

**67. Blackburn Avenue Offsite Improvements. Prior to recordation of Tract Map 08-1002 the developer shall complete additional right-of-way acquisition dedicated to the City of Corning and complete roadway and drainage improvements to the existing "one-way" segment of Blackburn Avenue, lying west of the initial improvements to Blackburn Avenue constructed for Salado Orchards Phase 1, to the intersection of Edith Avenue. Improvements shall include:**

- A) Acquisition of additional right-of-way from Assessor's Parcel Numbers 71-020-01 and 69-150-47 sufficient to provide a 78 foot wide overall width to accommodate a modified minor arterial street.**
- B) Install underground conduit, wires, and appurtenant facilities for telephone service, in the position and in the manner designated on the plans prepared by the City Engineer.**
- C) Extend sewer trunk line and lateral within the Blackburn Avenue right-of-way in accordance with the plans prepared by the City Engineer.**
- D) Relocate utility poles within and adjacent to Blackburn Avenue right-of-way in accordance with the plans prepared by the City Engineer.**
- E) Install storm drain conduits and facilities in order to underground the Blackburn-Moon drain in accordance with the plans prepared by the City Engineer.**
- F) Relocate the utility easement to accommodate the shifted utility pole and anchors in accordance with the plans prepared by the City Engineer.**
- G) Complete street improvements to make Blackburn Avenue a two-way modified minor arterial street, including two travel lanes, streetlights, curb, gutters and sidewalks in accordance with the plans prepared by the City Engineer.**
- H) Provide plans and install landscaping and irrigation for the median planters. Plans shall include trees and shrubs similar to existing median planter within Blackburn Avenue to the east.**
- I) Modify Landscape and Lighting District 1, Zone 4 to include electrification of streetlights, irrigation, and maintenance of landscaping within the new median strip planters.**

Typically the Planning Commission approves Use Permits and makes recommendations on the approval of Tract Maps to the City Council. Since the Salado Orchards Phase 2 project included a Tract Map and Rezone, projects that must be approved by the Council, the Commission acted as an advisory agency on these projects and made recommendations for approval of the projects as one comprehensive project prior to the City Council's approval. Since the Council approved the Use Permit and Tract Map they must be the body that approves or denies an extension, therefore the Commission acted as an advisory agency only in recommending approval or denial of the extensions.

**CONSISTENCY WITH GENERAL PLAN & ZONING:**

When approving the projects, upon recommendation of the Planning Commission, the City Council found that the projects were consistent with the General Plan and Zoning Code.

**Staff recommends the following Subfindings & Findings for consideration by the Council;**

**Subfinding #1**

An Initial Study analyzing the environmental impacts associated with the projects was prepared, a Mitigated Negative Declaration filed and circulated through the CEQA process. The Mitigated Negative Declaration was adopted by the Corning City Council on September 9, 2008.

**Finding #1**

The application for time extensions for Use Permit 252 and Tract Map 08-1002 does not substantially change the original project approved by the City Council on September 9, 2008 and therefore is exempt from CEQA pursuant to Section 15162.

**Subfinding #2**

Section 17.54.070 of the Corning Municipal Code states; *"Any conditional use permit shall be null and void if the use permitted there under is not exercised within the time specified in the action approving such conditional use permit, or if no time is so specified, if the same is not exercised within one year from the date said permit is granted."* When the City Council approved the Salado Orchards Phase 2 projects there was no specific time period allocated to activate the Use Permit.

**Finding #2**

Use Permit 252 would expire on September 9, 2010 without the approval of an extension.

**Subfinding #3**

Section 16.18.010 (a) of the CMC states; *“an approved or conditionally approved tentative map shall expire twenty-four (24) months after its approval or conditional approval.”* Additionally, Section 16.18.010 (c) of the CMC and CA. Gov. Code Section 66452.6 (e) allows that, upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, a two year initial extension of the expiration date may be approved by the legislative body.

**Finding #3**

Tentative Tract Map 08-1002 is scheduled to expire on September 9, 2010. If granted, the initial extension would extend the map for two years until September 9, 2012.

**Subinding #4**

Due to the current economy the developer's of Salado Orchards Phase 2 have been unable to obtain financing for the projects. Failure to grant the extensions would terminate the project which will impact on the cities ability to provide affordable housing.

**Finding #4**

Extending Tract Map 08-1002 and Use Permit 252 will provide additional time for the developer to obtain financing for the construction of the affordable housing units that will assist the City of Corning in providing affordable housing especially for very-low and low household income families.

**Subfinding #5**

When Tract Map 08-1002 was originally approved the City of Corning had been notified from the California Department of Housing and Community Development (H&CD) that it had been awarded grant funds to complete the off-site road and drainage improvements to Blackburn Avenue. H&CD notified the City that the grant has been defunded.

**Finding #5**

The improvements to Blackburn Avenue as detailed in Condition #67 are necessary to provide adequate circulation and protect the health, safety, and welfare of the citizens residing in the area.

**Subfinding #6**

On May 18, 2010 the Corning Planning Commission reviewed the request for a one year time extension for Use Permit 252 and a two year time extension for Tract Map 08-1002.

**Finding #6**

The Corning Planning Commission voted 4:0:1, with Commissioner Lopez abstaining, to recommend that the City Council approve a one year time extension for Use Permit 252 and approve a two year time extension for Tract Map 08-1002 subject to the original conditions of approval with the addition of Condition #67 as recommended by staff.

## ACTION

MOVE TO ADOPT THE 6 SUBFINDINGS AND FINDINGS AS PRESENTED IN THE STAFF REPORT AND APPROVE THE REQUESTED TIME EXTENSIONS FOR TRACT MAP 08-1002 AND USE PERMIT 252, SALADO ORCHARD PHASE 2, SUBJECT TO THE CONDITIONS OF APPROVAL IMPOSED BY THE COUNCIL ON SEPTEMBER 9, 2008 AND THE ADDITION OF CONDITION #67. AS RECOMMENDED BY STAFF. (PLEASE NOTE : PRIOR TO ADOPTION, THE COUNCIL HAS THE ABILITY TO MODIFY OR REMOVE ANY OF THE RECOMMENDED SUBFINDINGS AND FINDINGS IF DEEMED APPROPRIATE BY A MAJORITY OF THE COUNCIL MEMBERS).

## OR

MOVE TO DENY THE REQUESTED TIME EXTENSIONS.

### CONDITIONS OF APPROVAL:

1. SCREEN HVAC. Except for vent pipes through the roof, heating, venting or air conditioning equipment shall not be located on the roof of any structure, unless screened from view in a manner approved by the Planning Director.
2. UNDERGROUND UTILITIES. All public utilities serving the Development shall be underground with no overhead facilities crossing any streets.
3. BUILDING SETBACKS. All buildings shall be setback not less than 20 feet from the finished street right of ways.
4. REMOVE CONSTRUCTION DEBRIS. Prior to approving occupancy for any buildings, all construction debris shall be removed from the site.
5. FENCING. Solid fencing, 6' high, shall be installed between neighboring properties and the new parcels, and between each parcel prior to "final" on Building Permit.
6. STREET FENCING. Upgraded solid wood fencing, 6'-0" high (minimum), including minimum 4" X 6" treated wood posts and a decorative top rail (or equivalent approved by the Planning Director) shall be provided where dual frontage lots adjoin non-accessed City Streets; along the side of Parcel \_\_1\_\_.
7. RESIDENTIAL DESIGN. In accordance with Corning Municipal Code Section 16.21.135, the developer shall vary building floor plans, facades, trim, siding material, building colors, roof types, etc., to assure that identical homes are not constructed on adjacent lots.

8. Mitigation Measure I. C. 1

LANDSCAPING PLANS. Prior to commencing construction, applicant shall submit Landscaping Plans for the parcel proposed for multi-family development and areas within the right of ways, but outside the travel lanes for Toomes Ave. and the private cul-de-sac road (Road A) serving the project. Landscape plans shall be prepared by a Registered Landscape Architect and must be similar to the existing landscaping for the Salado Orchard Apartments, Phase I. The landscape plan shall be subject to the approval of the Planning Director.

9. Mitigation Measure I. C. 2

LANDSCAPING. Landscaping of the multi-family residential parcel and areas within the Toomes Ave. and Road "A" right of ways, must be provided with permanent and automatic means of irrigation and completed within 1 month from the issuance of a Certificate of Occupancy. For the 12 single family residential parcels, front and street side yards must be landscaped and provided with permanent and automatic means of irrigation. All landscaped areas must comply with Subdivision Code Chapter 16.27, Ground Cover Standards, and the requirement to plant and maintain ground cover and trees.

10. Mitigation Measure I. C. 3

ARCHITECTURAL DESIGN. The three eight-plex apartment buildings must have the same architectural design as the six apartment buildings that were constructed for Salado Orchard Apartments Phase I.

11. Mitigation Measure II. C. 1

DISCLOSURE OF AGRICULTURAL OPERATIONS. Prior to the conveyance, leasing or rental of any single family residences or apartments the prospective buyers or tenants must be provided with the following disclosure statement:

The City of Corning permits operation of properly conducted agricultural operations within the City Limits, including those that utilize chemical fertilizers and pesticides. You are hereby notified that property you are purchasing, leasing or renting may be located close to agricultural lands and operations. You may be subject to inconvenience or discomfort arising from the lawful and proper use of agricultural chemicals and pesticides and other agricultural activities, including without limitation, cultivation, plowing, spraying, irrigation, pruning, harvesting, burning of agricultural waste products, protection of crop and animals from depredation, and other activities which occasionally generate dust, smoke, noise, and odor. Consequently, depending on the location of your residence, it may be necessary that you be prepared to accept much inconveniences or discomfort as a normal and necessary aspect of living in an agriculturally active region.

12. Mitigation Measure III. B. 1

FUGITIVE DUST PERMIT

Prior to commencement of any type of construction activities the applicant must submit a construction emission dust/control plan and obtain a Fugitive Dust Control Permit from the Tehama County Air Pollution District and comply with the conditions of approval.

13. Mitigation Measure III. B. 2

OPEN BURNING

No opening burning shall occur on this parcel unless a special land clearing permit is obtained from the Tehama County Air Pollution Control District.

14. Mitigation Measure III. B. 3

WOOD BURNING STOVES

Only U.S. EPA Phase II certified wood burning devices to be installed in each residence as necessary. The total emission potential from each residence shall not exceed 7.5 grams per hour from wood burning devices.

15. Mitigation Measure III. B. 4

EXTERIOR ELECTRICAL OUTLETS

To promote the use of electrical landscape equipment, at least two electrical outlets shall be provided on the exterior walls of each single family residence.

16. Mitigation Measure III. C. 1

SPRINKLE EXPOSED SOILS.

During construction, unprotected or bare soils, including inactive storage piles, shall be watered a minimum of 2 times per day to minimize wind erosion. Frequency should be based upon the type of operation, soil, and wind exposure.

17. Mitigation Measure III. C. 2

COVER EXPOSED SOILS. Areas denuded by construction activities and not scheduled for development for an indefinite period shall be seeded or covered by impervious materials to minimize water and wind erosion prior to the beginning of the rainy season (October 15<sup>th</sup>).

18. GRADING PLANS. Complete grading plans shall be submitted for approval by the City Engineer.

19. STREET CLEANING. Paved City roadways leading to or from the project area shall be swept or washed at the end of each day as necessary to remove excessive accumulations of silt and/or mud, which may have accumulated as the result of construction activities.

20. Mitigation Measure V. 1

CULTURAL RESOURCES. If subsurface deposits believed to be cultural in origin are discovered during construction, then all work must halt within a 100-foot radius of the discovery, and the City of Corning notified. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, shall be retained to evaluate the significance of the find. Work cannot continue at the discovery location until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially significant. If a potentially-eligible resource is encountered, then the archaeologist, lead agency, and project proponent shall arrange for either 1) total data recovery as a mitigation, or, preferably, 2) total avoidance of the resource, if possible. The determination shall be formally documented in writing and submitted to the lead agency as verification that the provisions in CEQA for managing unanticipated discoveries have been met.

21. Mitigation Measure V. D. 1

HUMAN REMAINS. If human remains, or remains that are potentially human, are discovered during project construction or implementation, all work must stop within a 100-foot radius of the find. The construction supervisor must notify the Corning Police Department immediately, and take appropriate action to ensure that the discovery is protected from further disturbance or vandalism.

22. Mitigation Measure VI. B. 1

STORMWATER PERMIT. Applicant shall apply for and obtain a "Construction Activities Storm Water General Permit" from the State Water Resources Control Board, Central Valley Regional Water Quality Control Board.

23. Mitigation Measure VI. B. 2

STORMWATER POLLUTION PREVENTION PLAN. Prior to any site disturbance or earthmoving activities on or adjacent to the site, a construction period and post-construction period Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and presented to the Central Valley Regional Water Quality Control Board and approved by the City of Corning. The objective of the plan shall be no net loss of soil (above an undisturbed natural, stable background state) from the site due to erosion. All requirements of the post construction period SWPPP shall be completed as part of the required improvement plans and shall be maintained in the same manner.

24. Mitigation Measure VI. D. 1

SOILS INVESTIGATION. Prior to issuing building permits, the developer shall provide: 1) certification assuring adequate compaction of filled lots in accordance with the Uniform Building Code; and 2) for those lots with expansive soils, certification that the engineered foundation plans comply with building code requirements.

25. Mitigation Measure VI. D. 2

EXPANSIVE SOILS. The applicant shall initiate a soils investigation by a registered engineering geologist or civil engineer to determine if expansive soils requiring special structural foundation design is necessary.

26. Mitigation Measure VIII. C. 1

LOT GRADING. Lots must be graded to direct runoff to storm drain facilities within the public right-of-way. No lot to lot or offsite runoff, shall be permitted.

27. Mitigation Measure VIII. E. 1

STORMWATER ANALYSIS. Applicant shall provide a Drainage Analysis prepared by a registered Civil Engineer or Certified Hydrologist. The Analysis shall quantify the increased runoff resulting from a 25-year storm for a duration of four hours that will result from the development.

28. Mitigation Measure VIII. E. 2

STORMWATER RETENTION. Storm Drain and retention facilities shall be installed in accordance with the Drainage Analysis and constructed to City Standards as approved by the Public Works Director.

29. Mitigation Measure VIII. E. 3

STORMWATER IMPROVEMENT PLANS. Prior to recording a final map of any phase of the project the developer shall present improvement plans for retention of the net increase in runoff resulting from the development project during a 25-year storm for a duration of four hours.

30. Mitigation Measure IX. A. 1

AFFORDABLE HOUSING. The 24 apartments proposed for the 1.75 acre parcel must provide affordable housing for a period of not less than 30 years from the date the project is approved by the City of Corning.

31. Mitigation Measure IX. B. 1

SITE DEVELOPMENT. The site must be developed as shown on the Tentative Subdivision Map, Tract Map 08-1002, submitted as part of the initial application on June 23, 2008. This development includes a six-foot high masonry wall constructed along the north property line of Parcel 12.

32. Mitigation Measure XI. D. 1

CONSTRUCTION HOURS. Excavation and construction work shall occur only between the hours of 7:00 AM to 7:00 PM, Monday through Friday, and between the hours of 8:00 AM to 6:00 PM on weekends and federally observed holidays.

33. Mitigation Measure XI. D. 1

CONSTRUCTION EQUIPMENT. The primary contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained. When feasible, existing power sources, such as power poles, or clean fuel generators should be used, rather than temporary power generators. Minimize idling time to 10 minutes.

34. Mitigation Measure VIII. 1

LANDSCAPE & LIGHTING DISTRICT. Prior to recording the final map or any Phase map for the project, the developer shall annex Parcel 13 to Landscaping and Lighting District No. 1, Zone 4 and modify the Engineer's Report and appurtenant annual assessment to fund maintenance and electrification of the current Blackburn Avenue median facilities as well as the Toomes Avenue streetlights along the frontage of Parcel 13 and those along the Salado Orchard Apartment Phase 1 Toomes Avenue frontage, and the maintenance of any subsurface drainage detention facilities within the north half-width of Road A.

Alternatively, in lieu of annexing to Landscape and Lighting District #1, Zone 4, the City may require Parcel 13 to form a new Zone within Landscape and Lighting District #1, and address the maintenance of the facilities noted above.

35. Mitigation Measure VIII. 2

RESIDENTIAL LANDSCAPE AND LIGHTING DISTRICT. Prior to recording the final map or any Phase map for the project, the developer shall annex Parcels 1 through 12 into a Landscaping and Lighting district to fund the irrigation and continued maintenance of all common facilities, including the stormwater retention system and appurtenant facilities within the south half of Road A, the landscaped area along the Toomes Avenue frontage of Lot 1, and street lighting within the Parcel 1 Toomes Avenue street frontage and the south side of Road A, any costs associated with the district formation or annexation shall be borne by the developer.

36. Mitigation Measure VIII. 3

ENGINEERING ESTIMATE. Prior to recording the final map, an engineer shall provide to the City of Corning Engineer's Reports including estimates of the annual costs appurtenant to the Landscape and Lighting District(s) defined above.

37. Mitigation Measure VIII. 4

FIRE HYDRANT INSTALLATION. The developer must install three fire hydrants as depicted on the preliminary grading & utility plan submitted with the application. Any variations to the placement of these hydrants must be approved by the City of Corning Fire Chief prior to the approval of improvement plans for the project. These hydrants with valves shall be installed, to Public Works standards, as required by the Fire Chief.

38. FIRE HYDRANT REPAIR KIT: The developer must provide the City of Corning Fire Department with 1 Fire Hydrant Repair Kit.

39. DEVELOPMENT IMPACT FEES: Subsequent residential development will be subject to Development Impact Fees imposed in order to lessen new development's impacts on City facilities and services. These fees shall be assessed and payable prior to issuance of Certificates of Occupancy for each building permit.

40. ABANDON WELLS & SEPTICS: Prior to recording any final map, the applicant shall properly abandon any water wells or septic systems occurring on the property in accordance with the requirements of the Tehama County Environmental Health Department.

41. POSTAL BOXES: Provide one or more "Cluster Box Units (CBUs) for postal service at locations approved by the Corning Postmaster. CBU positions shall appear on the improvement plans for the subdivision.

42. Mitigation Measure XV. A. 1

TRANSPORTATION POOLS. Adjacent to the Cluster Box Units for postal service the applicant must place a bulletin board, no less than 16 sq. ft. in size, that is dedicated for use of the residents in Phase 1 & 2 to advertise for car pool / van pool trips to major work centers. It will be the apartment management staffs responsibility to maintain this bulletin board in a neat and orderly condition.

43. Mitigation Measure XV. D. 1

INTERSECTION SIGHT DISTANCE. No shrubbery, fencing or trees exceeding 36 inches in height, and no tree branches shall extend lower than seven feet so as to limit a 200 ft. minimum sight distance at the proposed cul-de-sac road (Road "A") and Toomes Ave. intersection.

44. Mitigation Measure XV. D. 2

STOP SIGNS. Install a stop sign and apply thermoplastic stop legend with bar where the cul-de-sac road (Road "A") intersects with Toomes Ave. Temporary signs must be in place during construction at all new intersections.

45. Mitigation Measure XV. G. 1

BICYCLE RACKS. Secure bicycle racks must be placed adjacent to the three covered parking areas as shown on the tentative subdivision map.

46. PUBLIC IMPROVEMENTS: All public improvements shall be constructed in accordance with the Subdivision Ordinance of the City of Corning and required Public Works Standards.

47. ROAD DEDICATION: Dedicate a 60' wide right-of-way for Road A. Provide an additional 10' public service easement along each side of the right of way.

48. CURB, GUTTER, SIDEWALK: Install curb, gutter and sidewalk, with approved handicap ramps.

49. STREET IMPROVEMENTS: Proposed streets shall be constructed in accordance with Standard Drawing S-18 (40' 2 Lane Street).
50. CUL-DE-SAC IMPROVEMENTS: The cul-de-sac shall be fully constructed to include curb and gutter and 5' wide sidewalk adjacent to curb as per Standard Drawing No. S-18.
51. ROAD SIGNS: Applicant shall install street name signs, according to standards provided by the Director of Public Works at all intersections.
52. STREET NAME: Final street names are subject to approval of City staff and shall appear on the final map.
53. NON-ACCESS STRIP: No new driveways shall be permitted direct access onto Toomes Avenue. The Final Map shall offer "1 foot wide Non-Access" strips along the Toomes Avenue frontage of Lots 1 and 13.
54. CURBSIDE PARKING: Curbside "parallel" parking spaces shall be delineated with traffic paint within the cul-de-sac bulb.
55. UNDERGROUND IMPROVEMENTS: Applicant shall ensure, prior to final street construction, that all water and sewer mains, utility and storm drains, are in the proper location for serving the proposed new lots. No street cutting nor excavation shall be allowed in the new street once completed.
56. WATER & SEWER CONNECTIONS: All water and sewer connections shall be completed in accordance with Public Works Specifications.
57. PIPE SIZE: All water services to single family residences are to be 1 inch poly pipe iron pipe size.
58. WATER METERS: All water meters to be Sensus compound meters to register in gallons,  $\frac{3}{4}$ " meters are the minimum required, but recommend 1" meters if lawns are to have sprinkler system.
59. MANHOLE INSTALLATION: Install Manholes in Subdivision as per Public Works Specifications.
60. CABLE T.V.: Developer shall ensure service by Chambers Cable to each lot and residence at developer's expense.
61. STREET LIGHTS: Street lights shall be installed in accordance with Public Works Standards. Final location shall be shown on the plans for public improvements, and approved by the Director of Public Works.

62. PUBLIC UTILITY EASEMENTS: Public utility easements shall be dedicated and noted as required by the City Engineer on the Final Map.

63. LANDSCAPE MAINTENANCE: Within two weeks after the landscaping is completed on the multi-family residential parcel the property owner or management team must contract with a landscape maintenance company for maintenance of this landscaping. Evidence of this contract must be submitted to the Planning Director.

64. PARKING EASEMENT: Prior to the recordation of Tract Map 08-1002 the property owner of Salado Orchard Apartments Phase 1, APN: 71-020-70, must record a reciprocal parking easement allowing the residents of the apartments constructed pursuant to this project the right to use parking spaces constructed for the Phase 1 apartments.

65. BUILDING PERMITS: No building permits will be issued for any type of residential construction, including multi-family, until the required public improvements have been completed, or bonded for, and Tract Map 08-1002 has been recorded.

66. COVERED PARKING STRUCTURES: The covered parking structures constructed on the multi-family residential parcel must be designed and constructed to match the existing parking structures constructed for Salado Orchards, Phase 1.

ITEM NO. : M-25

**STUDY MATTER NO. 2010-1;  
DISCUSSION ON EXTENDING INTERIM  
ORDINANCE NO. 637, PROHIBITING  
MEDICAL MARIJUANA DISPENSARIES,  
COLLECTIVES OR COOPERATIVES WITHIN  
ANY ZONING DISTRICT IN THE CITY OF  
CORNING FOR ONE (1) YEAR PURSUANT  
TO CALIFORNIA GOVERNMENT CODE  
SECTION 65858(a).**

**JUNE 22, 2010**

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

**FROM: JOHN STOUFER; PLANNING DIRECTOR**

**SUMMARY:** On August 11, 2009 the Corning City Council adopted Interim Ordinance No. 637 prohibiting the establishment of medical marijuana dispensaries, collectives or cooperatives within any zoning district in the city. The ordinance was adopted pursuant to California Government Code Section 65858(a) for an initial period of 45 days. Section 65858(a) states: ***“After notice pursuant to Section 65090 and public hearing, the legislative body may extend the interim ordinance for 10 months and 15 days and subsequently extend the interim ordinance for one year. Any extension shall also require a four-fifths vote for adoption. Not more than two extensions may be adopted.”***

On September 22, 2009, prior to the expiration of the 45 days and at a duly noticed public hearing, the Council extended Interim Ordinance No. 637 for 10 months and 15 days until August 9, 2010. As previously mentioned the Council has the ability to extend the ordinance for one more year.

There are several court cases that have been decided upon or are in the appeals process that will be relevant to how the city attempts to regulate the distribution of medical marijuana through zoning standards. Of particular interest to the City of Corning is the case: *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. The appellate court has not yet issued a ruling in this case.

In addition to considering adopting regulations for the distribution of medical marijuana the city may have to consider adopting regulations for the distribution of marijuana for recreational use if the "Regulate, Control and Tax Cannabis Act of 2010" is passed by the electorate in November 2010. Attached is the complete text of the act that will become law if the California Marijuana Legalization Initiative (2010) is approved.

At the June 15, 2010 Planning Commission meeting staff presented this information to the Commissioners as a study matter for discussion. It was the consensus of the Commission that with the pending decision on the Anaheim case and the ballot measure in November it would be in the best interest of the City to extend Interim Ordinance No. 637 for one year to give staff, the Commission, and Council more time to consider all relevant facts and laws associated with the distribution of marijuana prior to adopting a permanent ordinance.

**ACTION:** Discussion item to see if there is a consensus of the Council to direct staff to schedule a public hearing Council to consider a 1 year extension of Interim Ordinance No. 637.

# Complete text of The Regulate, Control and Tax Cannabis Act of 2010 (California)

From Ballotpedia

*This page is the complete text of the act that will become law if the California Marijuana Legalization Initiative (2010) is approved.*

## Section 1: Name

This Act shall be known as the "Regulate, Control and Tax Cannabis Act of 2010."

## Section 2: Findings, Intent and Purposes

This Act, adopted by the People of the State of California, makes the following Finding and Statement of Intent and Purpose:

### A. Findings

1. California's laws criminalizing cannabis (marijuana) have failed and need to be reformed. Despite spending decades arresting millions of non-violent cannabis consumers, we have failed to control cannabis or reduce its availability.
2. According to surveys, roughly 100 million Americans (around 1/3 of the country's population) acknowledge that they have used cannabis, 15 million of those Americans having consumed cannabis in the last month. Cannabis consumption is simply a fact of life for a large percentage of Americans.
3. Despite having some of the strictest cannabis laws in the world, the United States has the largest number of cannabis consumers. The percentage of our citizens who consume cannabis is double that of the percentage of people who consume cannabis in the Netherlands, a country where the selling and adult possession of cannabis is allowed.
4. According to The National Research Council's recent study of the 11 U.S. states where cannabis is currently decriminalized, there is little apparent relationship between severity of sanctions and the rate of consumption.
5. Cannabis has fewer harmful effects than either alcohol or cigarettes, which are both legal for adult consumption. Cannabis is not physically addictive, does not have long term toxic effects on the body, and does not cause its consumers to become violent.
6. There is an estimated \$15 billion in illegal cannabis transactions in California each year. Taxing and regulating cannabis, like we do with alcohol and cigarettes, will generate billions of dollars in annual revenues for California to fund what matters most to Californians: jobs, health care, schools and libraries, roads, and more.

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7. California wastes millions of dollars a year targeting, arresting, trying, convicting, and imprisoning non-violent citizens for cannabis related offenses. This money would be better used to combat violent crimes and gangs.

8. The illegality of cannabis enables for the continuation of an out-of-control criminal market, which in turn spawns other illegal and often violent activities. Establishing legal, regulated sales outlets would put dangerous street dealers out of business.

## **B. Purposes**

1. Reform California's cannabis laws in a way that will benefit our state.
2. Regulate cannabis like we do alcohol: Allow adults to possess and consumes all amounts of cannabis.
3. Implement a legal regulatory framework to give California more control over the cultivation, processing, transportation, distribution, and sales of cannabis.
4. Implement a legal regulatory framework to better police and prevent access to and consumption of cannabis by minors in California.
5. Put dangerous, underground street dealers out of business, so their influence in our communities will fade.
6. Provide easier, safer access for patients who need cannabis for medical purposes.
7. Ensure that if a city decides not to tax and regulate the sale of cannabis, that buying and selling cannabis within that city's limits remain illegal, but that the city's citizens still have the right to possess and consume small amounts, except as permitted under Health and Safety Sections 11362.5 and 11362.7 through 11362.9.
8. Ensure that if a city decides it does want to tax and regulate the buying and selling of cannabis (to and from adults only), that a strictly controlled legal system is implemented to oversee and regulate cultivation, distribution, and sales, and that the city will have control over how and how much cannabis can be bought and sold, except as permitted under Health and Safety Sections 11362.5 and 11362.7 through 11362.9.
9. Tax and regulate cannabis to generate billions of dollars for our state and local governments to fund what matters most: jobs, healthcare, schools and libraries, parks, roads, transportation, and more.
10. Stop arresting thousands of non-violent cannabis consumers, freeing up Police resources and saving millions of dollars each year, which could be used for apprehending truly dangerous criminals and keeping them locked up, and for other essential state needs that lack funding.
11. Allow the Legislature to adopt a statewide regulatory system for a commercial cannabis industry.
12. Make cannabis available for scientific, medical, industrial, and research purposes.
13. Permit California to fulfill the state's obligations under the United States Constitution to enact laws concerning health, morals, public welfare and safety within the State.
14. Permit the cultivation of small amounts of cannabis for personal consumption.

## **C. Intent**

1. This Act is intended to limit the application and enforcement of state and local laws relating to possession,

transportation, cultivation, consumption and sale of cannabis, including but not limited to the following, whether now existing or adopted in Health and Safety Code sections 11014.5 and 11364.5 [relating to drug paraphernalia]; 11054 [relating to cannabis or tetrahydrocannabinols]; 11357 [relating to possession]; 11358 [relating to cultivation]; 11359 [possession for sale]; 11360 [relating to transportation and sales]; 11366 [relating to maintenance of places]; 11366.5 relating to use of property]; 11370 [relating to punishment]; 11470 [relating to forfeiture; 11479 [relating to seizure and destruction]; 11703 [relating to definitions regarding illegal substances I; 11705 [actions for use of illegal controlled substance I; Vehicle Code sections 23222 and 40000.15 [relating to possession].

2. This Act is not intended to affect the application or enforcement of the following state laws relating to public health and safety or protection of children and others: Health and Safety Code sections 11357 [relating to possession on school grounds]; 11361 [relating to minors as amended herein]; 11379.6 [relating to chemical production]; 11532 relating to loitering to commit a crime or acts not authorized by law]; Vehicle Code section 23152 [relating to driving while under the influence]; Penal Code section 272 [relating contributing to the delinquency of a minor]; nor any law prohibiting use of controlled substances in the workplace or by specific persons whose jobs involve public safety.

## Section 3: Lawful Activities

Article 5 of Chapter 5 of Division 10 of the Health and Safety Code, commencing with section 11300 is added to read:

### Section 11300: Personal Regulation and Controls

(a) Notwithstanding any other provision of law, it is lawful and shall not be a public offense under California law for any person 21 years of age or older to:

(i) Personally possess, process, share, or transport not more than one ounce of cannabis, solely for that individual's personal consumption, and not for sale.

(ii) Cultivate, on private property by the owner, lawful occupant, or other lawful resident or guest of the private property owner or lawful occupant, cannabis plants for personal consumption only, in an area of not more than twenty-five square feet per private residence or, in the absence of any residence, the parcel. Cultivation on leased or rented property may be subject to approval from the owner of the property. Provided that, nothing in this section shall permit unlawful or unlicensed cultivation of cannabis on any public lands.

(iii) Possess on the premises where grown the living and harvested plants and results of any harvest and processing of plants lawfully cultivated pursuant to section 11300(a)(ii), for personal consumption.

(iv) Possess objects, items, tools, equipment, products and materials associated with activities permitted under this subsection.

(b) "Personal consumption" shall include but is not limited to possession and consumption in any form, of cannabis in a residence or other non-public place, and shall include licensed premises open to the public authorized to permit on-premises consumption of cannabis by a local government pursuant to section 11301.

(c) "Personal consumption" shall not include, and nothing in this Act shall permit cannabis:

(i) possession for sale regardless of amount, except by a person who is licensed or permitted to do so under the terms of an ordinance adopted pursuant to section 11301;

(ii) consumption in public or in a public place;

(iii) consumption by the operator of any vehicle, boat or aircraft while it is being operated, or that impairs the operator;

(iv) smoking cannabis in any space while minors are present.

## **Section 11301: Commercial Regulations and Controls**

Notwithstanding any other provision of state or local law, a local government may adopt ordinances, regulations, or other acts having the force of law to control, license, regulate, permit or otherwise authorize, with conditions, the following:

- (a) cultivation, processing, distribution, the safe and secure transportation, sale and possession for sale of cannabis, but only by persons and in amounts lawfully authorized;
- (b) retail sale of not more than one ounce per transaction, in licensed premises, to persons 21 years or older, for personal consumption and not for resale;
- (c) appropriate controls on cultivation, transportation, sales, and consumption of cannabis to strictly prohibit access to cannabis by persons under the age of 21;
- (d) age limits and controls to ensure that all persons present in, employed by, or in any way involved in the operation of, any such licensed premises are 21 or older;
- (e) consumption of cannabis within licensed premises;
- (f) safe and secure transportation of cannabis from a licensed premises for cultivation or processing, to a licensed premises for sale or on-premises consumption of cannabis;
- (g) prohibit and punish through civil fines or other remedies the possession, sale, possession for sale, cultivation, processing, or transportation of cannabis that was not obtained lawfully from a person pursuant to this section or section 11300;
- (h) appropriate controls on licensed premises for sale, cultivation, processing, or sale and on-premises consumption, of cannabis, including limits on zoning and land use, locations, size, hours of operation, occupancy, protection of adjoining and nearby properties and persons from unwanted exposure, advertising, signs and displays, and other controls necessary for protection of the public health and welfare;
- (i) appropriate environmental and public health controls to ensure that any licensed premises minimizes any harm to the environment, adjoining and nearby landowners, and persons passing by;
- j) appropriate controls to restrict public displays, or public consumption of cannabis;
- (k) appropriate taxes or fees pursuant to section 11302;
- (l) such larger amounts as the local authority deems appropriate and proper under local circumstances, than those established under section 11300(a) for personal possession and cultivation, or under this section for commercial cultivation, processing, transportation and sale by persons authorized to do so under this section;
- (m) any other appropriate controls necessary for protection of the public health and welfare.

## **Section 11302: Imposition and Collection of Taxes and Fees**

(a) Any ordinance, regulation or other act adopted pursuant to section 11301 may include imposition of appropriate general, special or excise, transfer or transaction taxes, benefit assessments, or fees, on any activity authorized pursuant to such enactment, in order to permit the local government to raise revenue, or to recoup any direct or indirect costs associated with the authorized activity, or the permitting or licensing scheme, including without limitation: administration; applications and issuance of licenses or permits; inspection of licensed premises and other

enforcement of ordinances adopted under section 11301, including enforcement against unauthorized activities.

(b) Any licensed premises shall be responsible for paying all federal, state and local taxes, fees, fines, penalties or other financial responsibility imposed on all or similarly situated businesses, facilities or premises, including without limitation income taxes, business taxes, license fees, and property taxes, without regard to or identification of the business or items or services sold.

### **Section 11303: Seizure**

(a) Notwithstanding sections 11470 and 11479 of the Health and Safety Code or any other provision of law, no state or local law enforcement agency or official shall attempt to, threaten to, or in fact seize or destroy any cannabis plant, cannabis seeds or cannabis that is lawfully cultivated, processed, transported, possessed, possessed for sale, sold or used in compliance with this Act or any local government ordinance, law or regulation adopted pursuant to this Act.

### **Section 11304: Effect of Act and Definitions**

(a) This Act shall not be construed to affect, limit or amend any statute that forbids impairment while engaging in dangerous activities such as driving, or that penalizes bringing cannabis to a school enrolling pupils in any grade from kindergarten through 12, inclusive.

(b) Nothing in this Act shall be construed or interpreted to permit interstate or international transportation of cannabis. This Act shall be construed to permit a person to transport cannabis in a safe and secure manner from a licensed premises in one city or county to a licensed premises in another city or county pursuant to any ordinances adopted in such cities or counties, notwithstanding any other state law or the lack of any such ordinance in the intervening cities or counties.

(c) No person shall be punished, fined, discriminated against, or be denied any right or privilege for lawfully engaging in any conduct permitted by this Act or authorized pursuant to Section 11301 of this Act. Provided however, that the existing right of an employer to address consumption that actually impairs job performance by an employee shall not be affected.

(d) Definitions

For purposes of this Act:

(i) "Marijuana" and "cannabis" are interchangeable terms that mean all parts of the plant Genus Cannabis, whether growing or not; the resin extracted from any part of the plant; concentrated cannabis; edible products containing same; and every active compound, manufacture, derivative, or preparation of the plant, or resin.

(ii) "One ounce" means 28.5 grams.

(iii) For purposes of section 11300(a)(ii) "cannabis plant" means all parts of a living Cannabis plant.

(iv) In determining whether an amount of cannabis is or is not in excess of the amounts permitted by this Act, the following shall apply:

(a) only the active amount of the cannabis in an edible cannabis product shall be included;

(b) living and harvested cannabis plants shall be assessed by square footage, not by weight in determining the amounts set forth in section 11300(a);

(c) in a criminal proceeding a person accused of violating a limitation in this Act shall have the right to an affirmative defense that the cannabis was reasonably related to his or her personal consumption.

(v) "residence" means a dwelling or structure, whether permanent or temporary, on private or public property, intended for occupation by a person or persons for residential purposes, and includes that portion of any structure intended for both commercial and residential purposes.

(vi) "local government" means a city, county, or city and county.

(vii) "licensed premises" is any commercial business, facility, building, land or area that has a license, permit or is otherwise authorized to cultivate, process, transport, sell, or permit on-premises consumption, of cannabis pursuant to any ordinance or regulation adopted by a local government pursuant to section 11301 , or any subsequently enacted state statute or regulation.

## Section 4: Prohibition on Furnishing Marijuana to Minors

Section 11361 of the Health and Safety Code is amended to read:

### Prohibition on Furnishing Marijuana to Minors

(a) Every person 18 years of age or over who hires, employs, or uses a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling any marijuana, who unlawfully sells, or offers to sell, any marijuana to a minor, or who furnishes, administers, or gives, or offers to furnish, administer, or give any marijuana to a minor under 14 years of age, or who induces a minor to use marijuana in violation of law shall be punished by imprisonment in the for a period of three, five, or seven years.

(b) Every person 18 years of age or over who furnishes, administers, or gives, or offers to furnish, administer, or give, any marijuana to a minor 14 years of age or older shall be punished by imprisonment in the state prison for a period of three, four, or five years.

(c) Every person 21 years of age or over who furnishes, administers, or gives, or offers to furnish, administer, or give, any marijuana to a person aged 18 years or older shall be punished by imprisonment in the state prison for a period of up to six months and be fined up to \$1,000 for each offense.

(d) In addition to the penalties above an person who is licensed, permitted or authorized to perform any act pursuant to Section 11301, who while so licensed, permitted or authorized negligently furnishes, administers, gives or sells, or offers to furnish, administer, give or sell any marijuana to any person younger than 21 years of age shall not be permitted to own, operate, be employed by, assist or enter any licensed premises authorized under Section 11301 for a period of one year.

## Section 5: Amendment

Pursuant to Article 2, section 10(c) of the California Constitution, this Act may be amended either by a subsequent measure submitted to a vote of the People at a statewide election; or by statute validly passed by the Legislature and signed by the Governor, but only to further the purposes of the Act. Such permitted amendments include but are not limited to:

(a) Amendments to the limitations in section 11300, which limitations are minimum thresholds and the Legislature may adopt less restrictive limitations.

(b) Statutes and authorize regulations to further the purposes of the Act to establish a statewide regulatory system for

a commercial cannabis industry that address some or all of the items referenced in Sections 11301 and 11302.

(c) Laws to authorize the production of hemp or non-active cannabis for horticultural and industrial purposes.

## Section 6: Severability

If any provision of this measure or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the measure that can be given effect without the invalid provision or application, and to this end the provisions of this measure are severable.

## External links

- Letter to Attorney General with text

Retrieved from

"[http://ballotpedia.org/wiki/index.php/Complete\\_text\\_of\\_The\\_Regulate,\\_Control\\_and\\_Tax\\_Cannabis\\_Act\\_of\\_2010\\_\(California\)](http://ballotpedia.org/wiki/index.php/Complete_text_of_The_Regulate,_Control_and_Tax_Cannabis_Act_of_2010_(California))"

Categories: [California 2010 ballot measures, full text](#) | [Marijuana, California](#)

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ITEM NO: M-26  
RECOMMEND RENTAL OF  
TRANSPORTATION CENTER SUITE C TO  
DEBADOO & COMPANY DANCE  
JUNE 22, 2010

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

FROM: STEPHEN J. KIMBROUGH, CITY MANAGER 

**SUMMARY:**

Deborah Meents, the owner and instructor of DEBADOO & COMPANY has submitted the attached letter to the City of Corning asking to rent the vacant Suite C in the City's Transportation Center. She has offered to pay \$200 a month for the 700 square foot open room with a single handicap restroom. Staff recommends \$210 per month.

**BACKGROUND:**

Suite C, shown on the attached floor plan is about 700 square feet, it is 12' wide and was originally created to house the locker room and rest facilities for the Northern California Railroad Train Crews who are based here in Corning.

The ultimate use for Suite C would come when Amtrack or Light Rail Service begins on the westside of the Valley. The Transportation Center was designed with the proper setback to allow for a passenger platform between the building and the tracks; Suite C would be removed to become a part of the waiting and passenger area of the Transportation Center. Double doors have already been framed into the building leading from the main Suite B, through Suite C and out the back of the Transportation Center to where the platform would be located.

In the meantime, the space has been used for County Probation, Senior Taxes, and the Recreation Department's morning Mommy-n-Me Programs that could not be run on the School's campus when School is in session.

**TERMS OF THE RENTAL AGREEMENT:**

The City would use its Standard Rental Agreement, a sample copy of which is attached. The proposed rent would be \$210 per month at \$0.30 per square foot. Contact was made with a local Realtor who noted that Commercial Rental Rates are depressed right now, and for a long narrow room such as this a 30 to 40 cent figure would be appropriate. Additionally, the Transportation Center does not have the capability of having signage placed on the building for this use. Staff however, would work with Deborah Meents to see if a small monument sign or directional sign can be erected or hung over the archway on the west side of the building.

The tenant would be responsible to pay the PG&E utilities. There is no additional charge for water, sewer or refuse. The tenant is also responsible for the "Possessory Interest" property taxes for the use of the space of a publically owned building.

If City Council concurs with the rental of space to DEBADOO & COMPANY, Staff would present the final Lease Agreement for the Tenants approval.

**RECOMMENDATION:**

**MAYOR AND COUNCIL AUTHORIZE THE RENTAL OF THE 700 SQUARE FOOT, 12 FOOT WIDE SUITE C IN THE CORNING TRANSPORTATION CENTER TO DEBADOO & COMPANY ON A MONTH TO MONTH TENANCY RENTAL WITH TENANT PAYING ELECTRIC AND GAS UTILITIES AND POSSESSORY INTEREST PROPERTY TAXES.**

# DEBADOO & COMPANY

## SING, ACT, DANCE, IMAGINE!



1214 Marin St, Corning      [www.debadoo.net](http://www.debadoo.net)      530.680.9153

Date:      June 1, 2010

Re:      Rental Proposal for Transportation Bldg

I am very interested in renting/leasing the room in the transportation building that I was originally going to use for my Corning Recreation Department classes. I would like to rent/lease the room for one (1) year to start. Then, review and re-new the agreement on an annual basis.

Currently, I am in a lease agreement at my studio thru August 31, 2010. My Fall classes will start the middle of September, so I would be interested in renting/leasing the room starting September 1st so that I may get the room ready for classes.

If possible, I would like to use the wooden cubbies currently located in the bathroom. They would be very useful for my students to store their belongings in during their class. I will need to put up mirrors along the west wall. The way they will be installed will leave little facial damage to the wall. Only small screw holes will remain once the mirrors are removed and they can be filled and painted over.

I would like to add a small border on the walls making it a little more vibrant and hang lightweight pictures. Anything I do will be painted over and left in the same or better condition than when I moved into the room.

I will be offering classes 2 to 3 times per week in the afternoon and early evenings, approx 3-4 hrs each of those days. I teach singing, acting and dancing classes

to ages 2 to adult. In addition to these classes, I also offer birthday parties and tea parties at Debadoo & Company. My birthday/tea parties are held on Fridays & Saturdays and are 2 hrs long. I normally have 0-2 birthday party days a month.

I am proud to have just ended my 3rd year. I have worked extremely hard to build my business and plan to nurture it and grow for years to come. I would love to stay at my current address for another year or two, but the floor is old and wooden and is structurally not sound. I have already outgrown the space and feel that the floor plan in the room at the transportation building is perfect for what I need. There are so many positives, such as:

- The long and narrow room
- Tile floor
- Handicapped bathroom
- Reception area for parents
- Bright windows
- Safe location
- Especially the safe location!
- Being located across from the police department is a definite plus!

At your convenience, please contact me to discuss renting your facility. I would be able to offer \$200 per month (including utilities) which would give the city an extra \$2400- a year. I would not need garbage svc and would clean and maintain the floors and the inside of the room. I would be using minimal electricity since the large windows make it so bright inside and once you get everybody moving around, minimal heat is needed in the winter. I also use floor fans in the warmer months to cut down on the use of the air conditioning.

I look forward to hearing from you and thank you so much for your time.

*Deborah Meents*

Deborah Meents, owner/instructor  
DEBADOO & COMPANY

# COMMERCIAL LEASE OF REAL PROPERTY

## ARTICLE I. PARTIES

Section 1.01. This Lease is entered into between the **CITY OF CORNING** hereinafter called "**Landlord,**" and **Deborah Meents,** hereinafter called "**Tenant**".

## ARTICLE II. LEASED PREMISES

Section 2.01. Landlord hereby leases to Tenant and Tenant hereby hires from Landlord, on the terms and conditions in this Lease, that part of the Transportation Center Building, described in Exhibit "A" attached hereto and made a part hereto by this reference. In this Lease all of the property, which is being leased as described herein, shall be referred to as the "Premises."

Section 2.02. Landlord represents that it has title to and possession of the Premises and the absolute right to enter into this Lease for the term of the Lease. Landlord further covenants and warrants that as long as Tenant is not in default under the terms of this Lease, Tenant shall have quiet and peaceful possession of the Premises and shall enjoy all of the rights herein granted without interference.

## ARTICLE III. LEASE TERM

Section 3.01. The term of this Lease shall be for a period of ten (10) years. The Lease term shall commence on July 1, 2010 and end on June 30, 2020.

## ARTICLE IV. RENT

Section 4.01. The monthly rent shall be \$210 per month and shall be due and payable monthly beginning July 1, 2010 and will be due on the first day of each subsequent month during the Lease term by Tenant to Landlord.

## ARTICLE V. UTILITIES, PERSONAL AND REAL PROPERTY TAXES

Section 5.01. Tenant shall pay for all gas, heat, electricity, light, power, telephone service, and all other utility services of any kind and nature whatsoever supplied to and used on the Premises by Tenant except for water, sewer and garbage services, which will be provided by Landlord at no cost to Tenant.

Section 5.02. Tenant agrees to pay or cause to be paid before delinquency, any personal property taxes and license fees levied, assessed, or imposed, or which may become payable

during the term upon any personal property or fixtures, furniture, appliances, and personal property installed or located in the leased Premises.

Section 5.03. Landlord shall pay all real property taxes, if any, which apply to the premises. Tenant will pay all possessory interest, personal property and other taxes as well as any general and special assessments levied and assessed against the Premises. Tenant acknowledges having been informed that this lease may be subject to property taxation and that the Tenant as the person in whom the possessory interest is vested will have to pay such taxes if levied. Tenant further acknowledges he or she is aware of the provisions of California Revenue and Taxation Code Section 107.6, which apply to this subject.

#### **ARTICLE VI. USE**

Section 6.01. It is Tenant's intention to use or cause the Premises to be used for the purpose of conducting and carrying on dance classes.

Section 6.02. Tenant shall use its best efforts to comply with any and all laws, ordinances, rules or regulations of any governmental authority having jurisdiction over the Premises, provided, however, that nothing in this Lease shall be construed to require Tenant to make any structural changes in the Premises in order to comply with any such law, regulations, requirements, or order.

Section 6.03. Tenant shall not change the use of the Premises from that specified above without Landlord's advance written consent.

#### **ARTICLE VII. FIXTURES AND SIGNS**

Section 7.01.

(a) Tenant may install and affix to the Premises such fixtures, signs and equipment as City may approve in writing consistent with the design standards established for the building. Such consent shall not be unreasonably withheld. If the written consent so specifies, those fixtures, signs, and/or equipment identified in the request shall be owned by Tenant and may be removed at any time by the Tenant if the Tenant repairs any damages caused by such removal. If installation occurs without written consent of the City or if the written consent fails to specify whom the fixtures, signs and/or equipment belong to, they shall belong to the City and shall not be removed by the tenant.

#### **ARTICLE VIII. ALTERATIONS, REPAIRS AND RESTORATIONS**

Section 8.01.

(a) Tenant shall make no installations, alterations, additions, or improvements in or to the leased Premises, except as otherwise authorized in this Lease or structural alterations or

changes either to the interior or exterior of the building constructed on the Premises, or in the bearing walls, supports, or foundations, without the prior written consent of Landlord, which consent Landlord agrees will not be unreasonably withheld.

(b) Plans and specifications showing such proposed installations, additions, or improvements, and alterations and changes shall be submitted to Landlord for approval, in writing, upon the application for such consent.

(c) All installations, additions or improvements and alterations and changes made with the prior written consent of Landlord shall be made at the sole cost and expense of Tenant.

(d) If during the term of this Lease any additions, alterations or improvements in or to the Premises, as distinguished from repairs, are required by any governmental authority or any law, ordinance or governmental regulation because of the use to which the Premises are put by Tenant, and not by reason of the character or structure of the building, the same shall be made and paid for by Tenant.

(e) All alterations, additions or improvements which are made in or to the Premises shall be surrendered with the Premises upon the termination of this Lease, except fixtures, signs and equipment as provided in Section 7.01 (a) above, or unless prior to such termination Landlord gives Tenant written permission to remove some or all thereof, in which case Tenant may cause the items so designated to be removed and the Premises to be restored to their original condition, normal wear and tear excepted, all at the expense of Tenant.

Section 8.02.

(a) Tenant shall, at Tenant's own cost and expense, maintain in good condition and repair the floor coverings, and interior walls and all furniture, fixtures, and leased personal property, during the entire term of this Lease.

(b) Notwithstanding the Tenant's obligation to maintain the Premises as set forth above, Landlord will have certain repair obligations should repairs be required which have not been caused by Tenant's abuse or neglect or failure to perform reasonable maintenance. In this regard, Landlord shall at Landlord's own cost and expense, maintain, and keep in good repair the exterior roof, electrical facilities, plumbing facilities, water heaters, air conditioning equipment, heating equipment, exterior walls, and foundation and structural supports to the limits specified below.

Section 8.03. If the leased Premises are destroyed or damaged by fire, earthquake or other calamity, to render the same untenable, this Lease shall terminate, with no claim for damages being allowed by either party against the other. If the leased Premises herein are partially damaged by fire, earthquake or other calamity, and the remaining portions are tenantable and fit for use, Landlord may at its option repair and restore the damage. If Landlord elects to repair and restore said damages as set forth herein, then it shall give Tenant notice of

such intention within ten days of the event causing said damages; and, in addition, Landlord agrees to complete the restoration of the Premises within sixty working days after such damage unless prevented there from by acts of God, fire, strike, governmental restrictions, or other unavoidable delay. During such restoration, an equitable reduction in rent shall be made according to the nature and extent of the damage sustained.

Section 8.04. At the termination of this Lease, Tenant shall surrender the building to Landlord in as good a condition and repair as when received, subject only to the consequences and effect of reasonable wear and tear; provided, however, that Tenant shall be under no obligation to repair or restore the whole or any portion of the building or other improvements which may be damaged or destroyed by reason of fire, earthquake, the elements or other casualty, unless the fire or other casualty was the fault of Tenant.

#### **ARTICLE IX. CONDEMNATION.**

Section 9.01. In the event the entire Premises or leasehold interest shall be appropriated or taken under the power of eminent domain or otherwise by any public or quasi-public authority for any period of time, this Lease shall terminate and expire as of the date of such taking and Tenant shall be released from any liability thereafter accruing hereunder, and Tenant shall have no claim for damages against Landlord.

Section 9.02. If this Lease is terminated as provided in this Article, each party shall be entitled to any award made to it in such proceedings but the rent for the last month of Tenant's occupancy shall be prorated and Landlord agrees to refund to Tenant any unearned rent paid in advance.

Section 9.03. Landlord agrees immediately after it receives notice of the intention of any such authority to appropriate or take, to give to Tenant notice in writing.

Section 9.04. A voluntary sale by Landlord to any public body or agency having the power of eminent domain, either under threat of condemnation or while condemnation proceedings are pending, shall be deemed to be a taking under the power of eminent domain under the purposes of this Article.

#### **ARTICLE X. INDEMNITY AND INSURANCE**

Section 10.01. Tenant agrees to indemnify and hold Landlord and the real and personal property of Landlord, including said leased premises, free and harmless from any and all claims, liability, loss, damage, or expenses resulting from Tenant's occupation and use of said Premises, specifically including, without limitation, any claim, liability, loss or damage arising by reason of:

(a) The death or injury of any person or persons, or the damage to or destruction of any property, or for any work performed on said Premises or materials furnished to said Premises at the request of Tenant or any agent of Tenant, or due to Tenant's failure to perform any provision of this Lease or to comply with any requirement of law.

(b) In any case in which Tenant shall be obligated under any provisions of this Lease to pay to Landlord any loss, cost, damage, liability, or expense suffered or incurred by Landlord, Landlord shall allow to Tenant, as an offset against the amount thereof, the net proceeds of any insurance collected by Landlord for or on account of such loss, cost, damage, liability, or expense, provided that the allowance of such offset does not invalidate or prejudice the policy or policies under which such proceeds were payable. Provided further, if this subparagraph in any way invalidates or will prejudice the policy or policies which would be payable to the benefit of Landlord, then this paragraph of this Lease shall be void and of no effect.

Section 10.02. Tenant shall not be liable for any damage or liability of any kind whatsoever or for any damage or injury to persons or property caused by Landlord, or any person acting under Landlord, and Landlord will indemnify and save harmless Tenant from all such liability whatsoever, on account of such damage or injury. However, as to any such indemnification that may be required by Landlord under this paragraph, Tenant hereby agrees to grant to Landlord as an offset against such amount the net proceeds of any Tenant for or on account of any such loss, cost, damage, liability, expense, or other claim, provided that the allowance of such offset does not invalidate or prejudice the policy or policies under which such proceeds were payable. However, if this preceding sentence would invalidate or prejudice the policy or policies in question, then, this preceding sentence shall be void and of no effect.

Section 10.03. Tenant shall, at Tenant's own cost and expense, secure as of the beginning of the term of this Lease, and maintain during the entire term of this Lease, a broad form comprehensive coverage policy of public liability insurance issued by an insurance company acceptable to Landlord and insuring Landlord against loss or liability caused by or connected with Tenant's occupation and use of said premises under this Lease in amounts not less than:

(a) \$1,000,000 for injury to or death of one person and subject to such limitation for the injury or death of one person, of not less than \$1,000,000 for injury to or death of two or more persons as a result of any one accident or incident; and

(b) \$100,000 for damage to, or destruction of any property of others.

Section 10.04. Landlord shall, at Landlord's own cost and expense, obtain as of the beginning of the term of this Lease and maintain during the entire term of this Lease, a fire insurance policy with standard form extended coverage to cover the replacement value of all of the leased Premises with Landlord as the named insured. Tenant will obtain fire insurance coverage to protect such personal property items as are owed by Tenant.

## **ARTICLE XI. ASSIGNMENT**

Section 11.01. Tenant shall not, without the prior consent in writing of the Landlord, assign this Lease, or any interest therein, or underlet or sublet the whole or any part of the Premises. Any purported assignment or subletting, either direct or by operation or law, or under or in pursuance of any order, judgment, decree or process of any Court, in violation hereof, shall be wholly void and shall at the option of the Landlord work a forfeiture of this Lease. The consent of the Landlord to the first or any assignment shall not be consent to a subsequent assignment, but the prohibition against assignment without the consent as herein provided shall continue in force as against any assignee. The Landlord shall not unreasonably withhold financial responsibility under any such sublease or to perform the terms, covenants, and conditions of this Lease under any such assignment.

## **ARTICLE XII. DEFAULT AND REMEDIES**

Section 12.01. Should default be made by Tenant and continue for ten days after written notice from Landlord in the payment of any portion of the rent, or increase in real property taxes when due, or should default be made, and continue for thirty days after written notice from Landlord, specifying any other default, in the performance of any of the other covenants on the part of Tenant to be kept or performed, then and only in such event Landlord or Landlord's agent or attorney may at Landlord's option terminate this Lease forthwith by written notice to Tenant and take such action or pursue such remedy as may be permitted under the laws of the State of California; provided, however, that no such termination shall be effected or action taken or remedy pursued until the expiration of such additional period, if any, as may be reasonable necessary to remedy the default if it is of such character as to require more than thirty days to remedy.

## **ARTICLE XIII. ABANDONMENT BY TENANT**

Section 13.01. Should Tenant breach this Lease and abandon said Premises prior to the natural expiration of the term of this Lease, Landlord may:

(a) Continue this Lease in effect by terminating Tenant's right to possession of said Premises, in which event Landlord shall be entitled to enforce all of Landlord's rights and remedies under this Lease, including the right to recover the rent specified in this Lease as it becomes due under this Lease; or

(b) Terminate this Lease and recover from Tenant:

(1) The worth at the time of the award of the unpaid rent, which had been earned at the time of the termination of the Lease;

(2) The worth at the time of the award of the amount by which the unpaid rent which would have been earned after termination of the Lease until the time of award exceeds the amount of rental loss that Tenant proves could have been reasonable avoided;

(3) The worth at the time of the award of the amount by which the unpaid rent for the balance of the term of this Lease after the time of award exceeds the amount of rental loss that Tenant proves could be reasonable avoided; and

(4) Any other amount necessary to compensate Landlord for all detriment proximately caused by Tenant's failure to perform Tenant's obligations under this Lease.

#### **ARTICLE XIV. GENERAL PROVISIONS**

Section 14.01. All of the provisions of this Lease shall be deemed as running with the land, and construed to be "conditions" as well as "covenants" as though the words specifically expressing or imparting covenants and conditions were used in each separate provision.

Section 14.02. No failure by either Landlord or Tenant to insist upon the strict performance by the other of any covenant, agreement, term or condition of this Lease, or to exercise any right or remedy consequent upon a breach thereof, shall constitute a waiver of any such breach or of such covenant, agreement, term or condition. No waiver of any breach shall affect or alter this Lease, but each and every covenant, condition, agreement, and term of this Lease shall continue in full force and effect with respect to any other then existing or subsequent breach.

Section 14.03. Time is of the essence of this Lease, and of each provision.

Section 14.04. Each and all of the covenants, conditions, and restrictions in this Lease shall inure to the benefit of and shall be binding upon the successors in interest of Landlord, and subject to the restrictions of Article XI, the authorized assignees, transferees, subtenants, licensees, and other successors in interest of Tenant.

Section 14.05. This Lease contains the entire agreement of the parties with respect to the matters covered by this Lease, and no other agreement, statement or promise made by any party, or to any employee, officer or agent of any party, which is not contained in this Lease shall be binding or valid.

Section 14.06. Should either party commence any legal action or proceeding against the other based on this Lease, the prevailing party shall be entitled to an award of reasonable attorneys' fees.

Section 14.07. This Lease is not subjected to modification except in writing, signed by both parties.

Section 14.08.

(a) All rents or other sums, notices, demands or requests from one party to another may be personally delivered or sent by mail, certified or registered, postage prepaid, to the addresses stated in this section, and shall be deemed to have been given at the time of personal delivery or at the time of mailing.

(b) All rents and other sums payable by Tenant to Landlord shall be in lawful money, or by check payable to CITY OF CORNING, delivered in person or mailed to Landlord at City Hall, 794 Third Street, Corning, California, 96021. All notices, demands or requests from Tenant to Landlord shall be given to Landlord at the same address.

(c) All notices, demands or requests from Landlord to Tenant shall be given to Tenant at **1214 Marin Street, Corning, CA 96021, (530-680-9153).**

(d) Each party shall have the right, from time to time, to designate a different address by notice given in conformity with this section.

Section 14.10. Tenant shall not commit or permit the commission of any acts on said Premises nor use or permit the use of said Premises in any manner that will increase the existing rates for or cause the cancellation of any fire, liability, or other insurance policy insuring said Premises or the improvements on said Premises.

Section 14.11. Tenants shall not commit or permit the commission by others of any waste or nuisance on said Premises.

Section 14.12. Tenants shall permit Landlord or Landlord's agents, representatives, or employees to enter said Premises at all reasonable times for the purpose of inspection said Premises to determine whether Tenant is complying with the terms of this Lease and for the purpose of doing other lawful acts that may be necessary to protect Landlord's interest or perform Landlord's duties therein.

Section 14.13. On expiration or sooner termination of this Lease, Tenant shall promptly surrender and deliver said premises to Landlord in as good condition as they are now at the date of this Lease, reasonable wear and tear excepted.

Section 14.14. The remedies given to Landlord in this Lease shall not be exclusive, but shall be cumulative and in addition to all remedies now or hereafter allowed by law or elsewhere provided in this Lease.

**ARTICLE XIV. SPECIAL CONDITIONS**

Section 15.01. If the Tenant shall be adjudged bankrupt, either by voluntary or involuntary proceedings, or if the Tenant should be the subject or any proceedings to stay the enforcement of obligations against Tenant in the form of reorganization or otherwise under and pursuant to any existing or future laws of the Congress of the United States, including any proceedings

under Chapters 9, 10, or 11 of the bankruptcy laws, or if the Tenant should continue business or fail in business, or abandon or vacate said Premises or make an assignment for the benefit of creditors, or if said demised premises should come into possession and control of any trustee in bankruptcy for Tenant as debtor, or if any receiver should be appointed in any action or proceeding with power to take charge, possession, control or care of said demised property through the Tenant as debtor, Landlord will have the option to forthwith terminate this Lease and to re-enter the said demised Premises and take possession thereof. In no event shall this Lease be deemed an asset of the Tenant after adjudication in bankruptcy.

Section 15.02. In the event the Tenant occupies the said Premises from and after the term of this Lease, or any extension thereof, such occupancy shall be deemed a month-to-month tenancy on the same terms and conditions as herein set forth.

Executed on \_\_\_\_\_, 2010 at Corning, Tehama County, California.

**LANDLORD**

**TENANT:**

**CITY OF CORNING:**

**DEBORAH MEENTS:**

\_\_\_\_\_  
**Stephen J. Kimbrough**  
**City Manager**

\_\_\_\_\_  
**Deborah Meents**  
**Tenant**

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

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

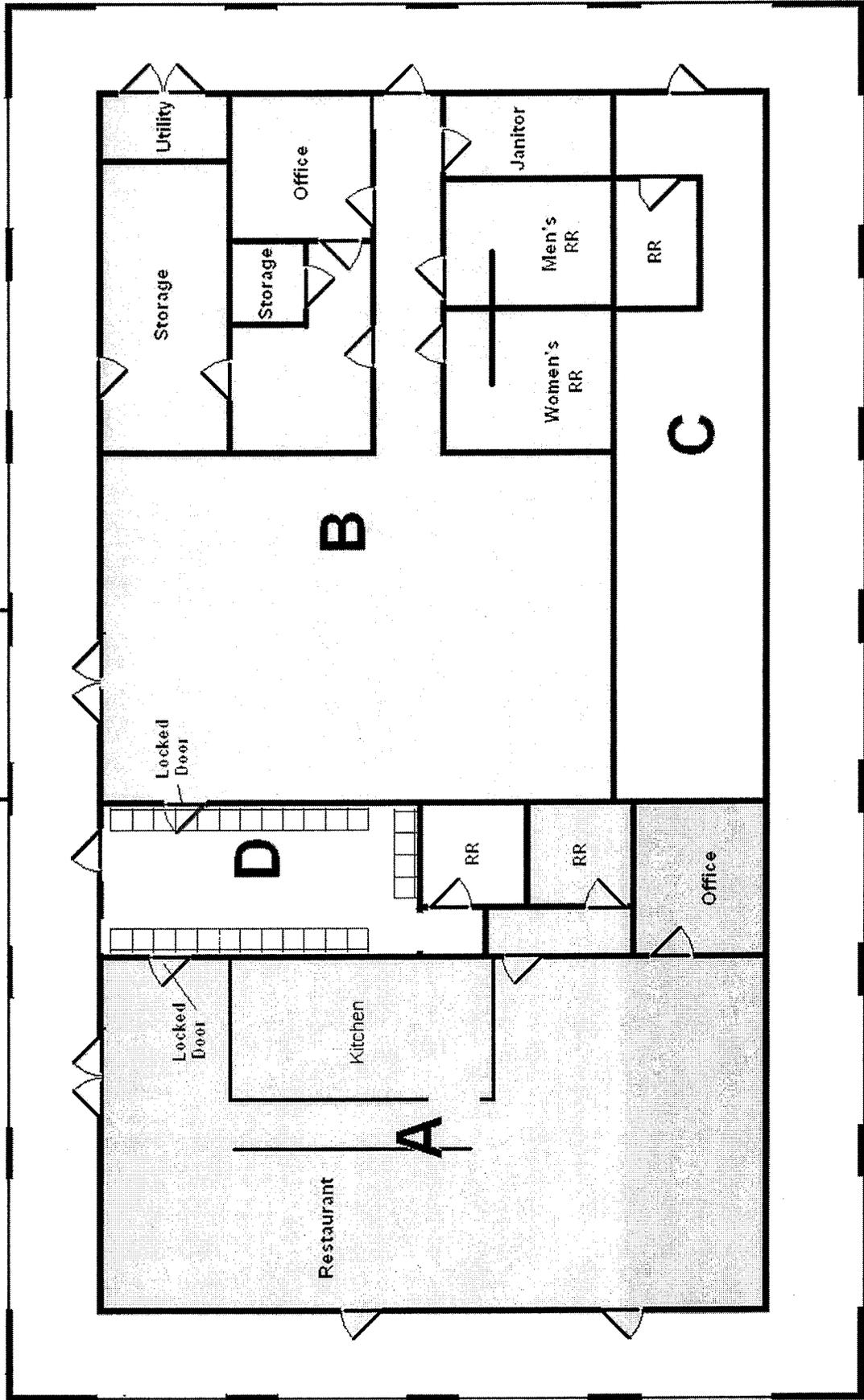
**APPROVED:**

\_\_\_\_\_  
**MICHAEL C. FITZPATRICK, City Attorney**  
**City of Corning**

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

SOLANO STREET

THIRD STREET



Railroad Tracks

