



**CITY OF CORNING
CITY COUNCIL AGENDA
TUESDAY, SEPTEMBER 25, 2012
7:30 p.m.
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Council:

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

Mayor:

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

D. INVOCATION: Led by Councilman John Leach.

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

E. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, PRESENTATIONS:

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

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

- 1. Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
- 2. Waive the reading and approve the Minutes of the September 11, 2012 City Council Meetings with any necessary corrections:**
- 3. September 19, 2012 Claim Warrant - \$686,958.29.**
- 4. September 19, 2012 Business License Report.**
- 5. Approve appointment of Carol Mueller to the City's Library Commission.**
- 6. Award City Palm Tree Pruning Bid to Ken Vaughan & Son at \$17 per tree for pruning 514 City palm trees, authorize City Manager to sign associated contract, and authorize the Public Works Director to utilize any remaining "Tree Pruning" funds for pruning/replacement of City street trees.**

H. ITEMS REMOVED FROM THE CONSENT AGENDA:

I. PUBLIC HEARINGS AND MEETINGS:

J. REGULAR AGENDA:

7. Resolution 09-25-2012-01, Trash and Recycling Bin Enclosures: Adoption of a Resolution adding Drawing S-25 to the City of Corning Construction Specifications and Standard Details for Public Works requiring trash and recycling bin enclosures pursuant to Assembly Bill No. 341.
8. Kennel License Application: Consider granting a non-commercial Kennel License to Salome Serna for four (4) dogs at 1798 Blue Heron Court pursuant to Section 6.16.080 of the Corning Municipal Code.

K. ITEMS PLACED ON THE AGENDA FROM THE FLOOR:

L. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION:

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

Parkins:

Leach:

Dickison:

Linnet:

Strack:

N. ADJOURNMENT!:

POSTED: THURSDAY, SEPTEMBER 20, 2012



**CITY OF CORNING
CLOSED SESSION MINUTES
TUESDAY, SEPTEMBER 11, 2012
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Council:

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

Mayor:

All Council members were present except Councilor Linnet who is still on a fire assignment.

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

C. PUBLIC COMMENTS: None.

D. ADJOURN TO CLOSED SESSION: 6:31 p.m.

1. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO SECTION 54957.6:

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

E. RECONVENE SPECIAL MEETING AND REPORT ON CLOSED SESSION: 7:35 p.m.

Mayor Strack reported that the Council met with the City's Labor Negotiator and gave him direction and will continue to meet with him throughout the negotiation process.

F. ADJOURN TO REGULAR MEETING OF THE CITY COUNCIL: 7:35 p.m.

Lisa M. Linnet, City Clerk



**CITY OF CORNING
CITY COUNCIL MINUTES
TUESDAY, SEPTEMBER 11, 2012
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Council:

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

Mayor:

All Council members were present except Councilor Linnet who is still on a fire assignment.

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

D. INVOCATION: Led by Mayor Strack.

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

E. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, PRESENTATIONS:

1. **Proclamation – September 2012 as National Alcohol & Drug Addiction Recovery Month and September 15, 2012 as “City of Corning Recovery Happens Day”.**

Tehama County Drug and Alcohol Advisory Board Chairperson Cynthia Cook was present to accept the Proclamation. She stated that on the 15th from 11:00 a.m. to 1:30 p.m. they will be having a free barbecue, band, kid's events, booths and speakers.

Steve Chamblin stated that he started in 1974 as a Tehama County Probation Officer and spoke about his work with those in recovery from alcohol and drug use/abuse and he stated that recovery does work.

F. BUSINESS FROM THE FLOOR:

Resident and City Council Candidate Willie Smith thanked the City and John Brewer for make Peach Street and Solano Street a safe place for her to get out of her driveway. Mayor Strack complimented City Manager/Public Works Director John Brewer and Assistant Public Works Director Patrick Walker for the Street Improvements.

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

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: 3-a) August 14, 2012
3-b) August 28, 2012**
4. **September 5, 2012 Claim Warrant - \$215,832.94**
5. **September 5, 2012 Business License Report.**
6. **August 2012 Wages and Salaries - \$329,877.14**
7. **August 2012 Building Permit Valuation Report - \$140,988.00**

8. **August 2012 Treasurer's Report.**
9. **City of Corning Wastewater Operations Summary Report – August 2012.**
10. **Approve CCO #1 in the amount of \$6,966.14 increasing the Project Cost to \$525,616.10 and Approve PPE #1 in the amount of \$499,335.29 to Jason Abel Construction for the 2012 Water Line Installation and Street Improvement Project.**
11. **Accept the Notice of Completion for the 2012 Water Line Installation and Street Paving Project and Authorize Release of Retention in the Amount of \$26,280.81 to Jason Abel Construction.**

Mayor Strack introduced the items on the Consent Agenda by title. Councilor Leach asked to pull Consent Item 10 for further discussion.

Councilor Leach moved to approve Consent Items 2-9 and 11. Councilor Dickison seconded the motion. **Ayes: Strack, Parkins, Leach and Dickison. Absent: Linnet. Opposed/Abstain: None. Motion was approved by a 4-0 vote with Linnet absent.**

H. ITEMS REMOVED FROM THE CONSENT AGENDA:

10. **Approve CCO #1 in the amount of \$6,966.14 increasing the Project Cost to \$525,616.10 and Approve PPE #1 in the amount of \$499,335.29 to Jason Abel Construction for the 2012 Water Line Installation and Street Improvement Project.**

Councilor Leach asked if everything was okay in relation to the transitions. Mr. Brewer responded stating that he and Patrick drove the street a couple of times, once a little in excess of the speed limit, and although the transitions are a little noticeable he believes that they are okay. The City Engineer Ed Anderson stated that he is also in agreement, although they are somewhat noticeable, he believes that they are okay. Mr. Brewer stated that the Contractor met the City's Standards and he and Mr. Anderson both stated that they believe he did an outstanding job.

Councilor Leach moved to approve Contract Change Order No. 1 in the amount of \$6,966.14 increasing the project cost to \$525,616.10 for the 2012 Water Line Installation and Street Improvement Project and approve Progress Pay Estimate No. 1 in the amount of \$499,335.29. Councilor Dickison seconded the motion. **Ayes: Strack, Parkins, Leach and Dickison. Absent: Linnet. Opposed/Abstain: None. Motion was approved by a 4-0 vote with Linnet absent.**

I. PUBLIC HEARINGS AND MEETINGS: None.

J. REGULAR AGENDA:

12. **Progress Report – Solano Street Repaving Project.**

Mr. Brewer stated that he just wanted to provide the Council with an update on the Solano Street Repaving Project. He reminded the Council that on June 28, 2011 the Council approved a Solano Street Repaving Plan which broke down the street into 9 separate sections making it a more manageable plan for resurfacing the street, because when you looked at the entirety of the 2.3 miles of the street it was kind of insurmountable. Mayor Strack interjected asking how long it took to complete and stated that the City was looking at the project taking 7 years to complete however it has only taken 2 years and it is almost completed. Mayor Strack stated this is commendable.

Mr. Brewer stated that with the completion of the 2012 paving project, we have now resurfaced 7,260 feet of the total 12,230 foot length of Solano Street which amounts to completion of about 59.4% of the overall length of Solano Street. He stated that the downtown beautification project is slated to be completed in 2014 and that will take care of all of segment 5, A & B.

Mayor Strack stated that the Council and the citizens of Corning will need to be considering how they like the three lanes with the center turn lane which is included in the downtown streetscape project for the downtown corridor. **(Informational Only – No Action Required).**

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

L. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION:

City Attorney Michael Fitzpatrick reported on the status of the Restraining Order against Gary Price. He informed the Council that the previous Restraining Order had expired. Mr. Fitzpatrick informed the Council that the City had been granted a new Restraining Order which has been expanded to include Mr. Fitzpatrick, his office, the Police Department, and City Hall and the Order will be in effect for 3 years. It does not restrict Mr. Price from attending Public Meetings or use of the 911 System for emergency situations, all other communications must be in writing only.

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

Parkins: Announced that the last JPA 1 Meeting (Tehama County Sanitary Landfill Committee Quarterly Meeting) will be coming up soon and that this will be her last meeting in her capacity as Council representative.

Leach: None.

Dickison: Reported that tomorrow's LAFCO Meeting had been cancelled and that she would be attending the Tehama County Heritage and Historical Records Commission Meeting in Red Bluff on Thursday, September 20th. She also stated that they are still working on the Corning Museum.

Linnet: Absent.

Strack: None.

N. ADJOURNMENT!: 7:53 p.m.

Lisa M. Linnet, City Clerk



MEMORANDUM

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: LORI SIMS
ACCOUNTING ASSISTANT

DATE: September 19, 2012

SUBJECT: Cash Disbursement Detail Report for the
Tuesday, September 25, 2012 Council Meeting

PROPOSED CASH DISBURSEMENTS FOR YOUR APPROVAL CONSIST OF THE FOLLOWING:

A.	Cash Disbursements	Ending 09-12-12	\$92,544.59
B.	Cash Disbursements	Ending 09-17-12	\$511,007.39
C.	Cash Disbursements	Ending 09-19-12	\$39,647.69
D.	Payroll Disbursements	Ending 09-18-12	\$43,758.62

GRAND TOTAL **\$686,958.29**

REPORT.: Sep 12 12 Wednesday
 RUN....: Sep 12 12 Time: 11:47
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 09-12 Bank Account.: 1020

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

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information----- Invoice #	Description
015107	09/11/12	COR12	CORNING FORD MERCURY, INC	23057.68	.00	23057.68	120911	VEH REPLACEMENT-POLICE
015108	09/12/12	AIR00	AIRGAS USA, LLC	57.47	.00	57.47	990392112	MAT & SUPPLIES-FIRE
015109	09/12/12	BAS01	BASIC LABORATORY, INC	261.00	.00	261.00	1207984	ProfServices Water Dept
				86.00	.00	86.00	1208023	ProfServices Water Dept
				40.00	.00	40.00	1208039	ProfServices Water Dept
			Check Total.....:	387.00	.00	387.00		
015110	09/12/12	BAT01	BATTERIES PLUS	89.77	.00	89.77	101628-01	EQUIP MAINT-FIRE
015111	09/12/12	BEN01	BENBOW, W.B.	5517.66	.00	5517.66	00000227	TELEMETRY-WTR CAP IMPROV
015112	09/12/12	CAS07	CASE POWER & EQUIPMENT,	722.67	.00	722.67	868963	VEH/OP MAINT-
015113	09/12/12	CEB01	CEB	191.26	.00	191.26	10049773	BOOK/PERIODICS-LGL SVCS
015114	09/12/12	CHE02	CHEM QUIP, INC.	1123.16	.00	1123.16	5182169	MAT & SUPPLIES-WTR
015115	09/12/12	CHI06	CHICO POWER EQUIPMENT	120.48	.00	120.48	0071698	MAT & SUPPLIES-WTR
015116	09/12/12	COR11	CORNING SAFE & LOCK	45.53	.00	45.53	3645	EQUIP MAINT-POLICE
015117	09/12/12	DEP02	DEPARTMENT OF JUSTICE	52.00	.00	52.00	120906	PROF SVCS-POLICE
015118	09/12/12	EWI00	EWING IRRIGATION	287.31	.00	287.31	5334554	MAT & SUPPLIES-WTR
				64.35	.00	64.35	5340302	MAT & SUPPLIES-WTR
			Check Total.....:	351.66	.00	351.66		
015119	09/12/12	GRA01	GRANDFLOW, INC	459.92	.00	459.92	120053	OFFICE SUPPLICES-FINANCE
015120	09/12/12	GRA02	GRAINGER, W.W., INC	989.50	.00	989.50	991796509	MAT & SUPPLIES-PARKS
015121	09/12/12	HOL04	HOLIDAY MARKET #32	6.83	.00	6.83	32344	MAT & SUPPLIES-POLICE
				17.96	.00	17.96	532109	MAT & SUPPLIES-BLD MAINT
				8.47	.00	8.47	3212430	MAT & SUPPLIES-POLICE
			Check Total.....:	33.26	.00	33.26		
015122	09/12/12	INT00	INTERSTATE BATTERY SYSTEM	233.70	.00	233.70	10433297	VEH/OP MAINT-
015123	09/12/12	LAS02	LASER MAN, INC.	1237.17	.00	1237.17	12002112	MAT & SUPPLIES-
015124	09/12/12	MOR02	RAY MORGAN COMPANY	590.31	.00	590.31	307437	COMMUNICATIONS-
015125	09/12/12	PGE03	PG&E	18.17	.00	18.17	120830	MAT & SUPPLIES-POLICE

REPORT.: Sep 12 12 Wednesday
 RUN....: Sep 12 12 Time: 11:47
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CITY OF CORNING
 Cash Disbursement Detail Report
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Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description
015126	09/12/12	PGE2A	PG&E	114.90	.00	114.90	120830	ELECT-CLELAND PROP
015127	09/12/12	RAD02	THE RADAR SHOP	122.00	.00	122.00	09026	EQUIP MAINT-POLICE
015128	09/12/12	RAR01	ROLLS, ANDERSON & ROLLS	7353.25	.00	7353.25	9480	PROP 84-NON CONSTR-PARK D
015129	09/12/12	SAF05	SAFARILAND, LLC	94.63	.00	94.63	I12110234	MAT & SUPPLIES-POLICE
015130	09/12/12	SCH01	LES SCHWAB TIRE CENTER	305.70	.00	305.70	611000039	VEH/OP MAINT-POLICE
				13.08	.00	13.08	611000357	VEH/OP MAINT-
			Check Total.....:	318.78	.00	318.78		
015131	09/12/12	SWW00	SWWC SERVICES, INC.	49217.70	.00	49217.70	100005926	PROF SVCS-
015132	09/12/12	WES02	WESTERN BUSINESS PRODUCTS	44.96	.00	44.96	034911	EQUIP MAINT-FIRE DISPATCH
			Cash Account Total.....:	92544.59	.00	92544.59		
			Total Disbursements.....:	92544.59	.00	92544.59		

REPORT.: Sep 17 12 Monday
 RUN....: Sep 17 12 Time: 16:16
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 09-12 Bank Account.: 1020

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

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
015133	09/12/12	ABE01	ABEL CONSTRUCTION	499335.29	.00	499335.29	12-0912	BLACKBURN-
015134	09/12/12	RAN00	RANKIN, JOHN K.	25.00	.00	25.00	12-0912	PROF SVCS-POLICE
015135	09/17/12	ACC00	ACCESS INFORMATION	84.00	.00	84.00	N133058	EQUIP MAINT-GEN CITY
015136	09/17/12	BAS01	BASIC LABORATORY, INC	56.00	.00	56.00	1208305	ProfServices Water Dept
015137	09/17/12	COM01	COMPUTER LOGISTICS, INC	171.44	.00	171.44	57589	MAT & SUPPLIES-
015138	09/17/12	COM06	COMCAST	23.73	.00	23.73	120909	COMMUNICATIONS-PW ADMIN
015139	09/17/12	COR47	CORNING COMMUNITY FOUNDAT	25.00	.00	25.00	120912	PRINTING/ADV-POLICE
015140	09/17/12	DEP12	DEPT OF JUSTICE	279.00	.00	279.00	925918	PROF SVCS-POLICE
				17.00	.00	17.00	930483	PROF SVCS-POLICE
				280.00	.00	280.00	930851	PROF SVCS-POLICE
			Check Total.....:	576.00	.00	576.00		
015141	09/17/12	EDD02	EMPLOYMENT DEVELOPMENT	3993.37	.00	3993.37	120905	UNEMPLOYMENT INSURANCE-GE
015142	09/17/12	GRA01	GRANDFLOW, INC	977.92	.00	977.92	120155	OFFICE SUPPLIES-FINANCE
015143	09/17/12	GRA02	GRAINGER, W.W., INC	44.44	.00	44.44	992617623	MAT & SUPPLIES-
				142.35	.00	142.35	992637947	MAT & SUPPLIES-BLD MAINT
			Check Total.....:	186.79	.00	186.79		
015144	09/17/12	JAC02	JACOBUS, BOB	155.46	.00	155.46	208955	SMALL TOOLS-MECH MAINT
015145	09/17/12	KNI00	KNIFE RIVER CONSTRUCTION	543.90	.00	543.90	132028	MAT & SUPPLIES-WTR
015146	09/17/12	NAT13	NATIONWIDE TRUST CO.	4550.00	.00	4550.00	1152	FIRE SERVICE AWARD-FIRE
015147	09/17/12	NOR31	NORM'S PRINTING	130.02	.00	130.02	011724	PRINTING/ADV-POLICE
015148	09/17/12	OFF01	OFFICE DEPOT	62.80	.00	62.80	623603855	OFFICE SUPPLIES-POLICE
015149	09/17/12	TRI02	TRI-COUNTY NEWSPAPERS	83.86	.00	83.86	142850	Print/Advert. City Clerk
015150	09/17/12	ZEL00	ZELMA'S	26.81	.00	26.81	2708	PROF SVCS-POLICE
			Cash Account Total.....:	511007.39	.00	511007.39		
			Total Disbursements.....:	511007.39	.00	511007.39		

REPORT.: Sep 19 12 Wednesday
 RUN....: Sep 19 12 Time: 10:55
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report
 Check Listing for 09-12 Bank Account.: 1020

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Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
015151	09/18/12	CRA10	CRAIN, CARL	1303.47	.00	1303.47	120930	MEDICAL REIMBURSEMENT
015152	09/18/12	HAM05	HAMPTON INN & SUITES	479.05	.00	479.05	120917	TRAINING/ED-POLICE
015153	09/18/12	KIM01	KIMBROUGH, STEPHEN J.	356.88	.00	356.88	121001	MEDICAL REIMBURSEMENT
015154	09/18/12	LIN01	LINCOLN EQUIPMENT, INC.	1004.35	.00	1004.35	SI198158	MAT & SUPPLIES-POOL
015155	09/18/12	MUN03	MUNNELL & SHERRILL, INC.	144.98	.00	144.98	023695	MAT & SUPPLIES-STR
015156	09/18/12	PGE01	PG&E	35245.53	.00	35245.53	120911	Electricity General City-
015157	09/18/12	RED01	RED BLUFF DAILY NEWS	135.89	.00	135.89	120917	PRINT/ADV-POLICE
015158	09/18/12	RED16	RED BLUFF VETERINARY HOSP	70.00	.00	70.00	135986	SPAY/NEUTER PROGRAM-ACO
015159	09/18/12	SAN01	SANTA ROSA JUNIOR COLLEGE	251.00	.00	251.00	120917	TRAINING/ED-POLICE
015160	09/18/12	WAT02	WATSON, THOMAS J.	143.19	.00	143.19	120918	PROF SVCS-POLICE
015161	09/19/12	BIC01	BICKLEY'S AIR CONDITIONIN	86.00	.00	86.00	00025372	MAT & SUPPLIES-AIRPORT
015162	09/19/12	CAR12	CARREL'S OFFICE MACHINES	8.08	.00	8.08	111389	MAT & SUPPLIES-LIBRARY
015163	09/19/12	ICC01	INTERNATIONAL CODE COUNCI	125.00	.00	125.00	2910743	ASSOC DUES-BLD & SAFETY
015164	09/19/12	LOC03	LOCAL GOVERNMENT PUBLICAT	129.90	.00	129.90	120918	BOOKS/PERIODICS-LGL SVCS
015165	09/19/12	NEX02	NEXTEL	49.27	.00	49.27	086319130	COMMUNICATIONS-POLICE
015166	09/19/12	PGE2A	PG&E	50.10	.00	50.10	120914	ELECT-BLUE HERON CT
015167	09/19/12	SCH05	SCHLERETH, DAYMON	65.00	.00	65.00	120919	EMP PHYSICALS-FIRE
Cash Account Total.....:				39647.69	.00	39647.69		
Total Disbursements.....:				39647.69	.00	39647.69		
Cash Account Total.....:				.00	.00	.00		

REPORT.: Sep 19 12 Wednesday
 RUN....: Sep 19 12 Time: 10:55
 Run By.: LORI

CITY OF CORNING
 Cash Disbursement Detail Report - Payroll Vendor Payment(s)
 Check Listing for 09-12 Bank Account.: 1025

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

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description
5667	09/18/12	BAN03	POLICE OFFICER ASSOC.	275.00	.00	275.00	B20917	POLICE OFFICER ASSOC
5668	09/18/12	CAL37	CALIFORNIA STATE DISBURSE	179.07	.00	179.07	B20917	WITHHOLDING ORDER
5669	09/18/12	EDD01	EMPLOYMENT DEVELOPMENT	3143.05	.00	3143.05	B20917	STATE INCOME TAX
				998.57	.00	998.57	1B20917	SDI
			Check Total.....:	4141.62	.00	4141.62		
5670	09/18/12	ICM01	ICMA RETIREMENT TRUST-457	4294.92	.00	4294.92	B20917	ICMA DEF. COMP
5671	09/18/12	OEU03	OPERATING ENGINEERS	700.00	.00	700.00	B20917	CREDIT UNION SAVINGS
5672	09/18/12	PERS1	PUBLIC EMPLOYEES RETIRE	28569.25	.00	28569.25	B20917	PERS PAYROLL REMITTANCE
5673	09/18/12	PERS4	Cal Pers 457 Def. Comp	640.50	.00	640.50	B20917	PERS DEF. COMP.
5674	09/18/12	PRE03	PREMIER WEST BANK	3038.18	.00	3038.18	B20917	HSA DEDUCTIBLE
5675	09/18/12	STA04	STATE OF CALIFORNIA	443.79	.00	443.79	B20917	WAGEASN 1107012828
5676	09/18/12	VAL06	VALIC	1476.29	.00	1476.29	B20917	AIG VALIC P TAX
			Cash Account Total.....:	43758.62	.00	43758.62		
			Total Disbursements.....:	43758.62	.00	43758.62		
			=====	=====	=====	=====		

Date.: Sep 19, 2012
Time.: 10:37 am
Run by: LORI

CITY OF CORNING
NEW BUSINESSES FOR CITY COUNCIL

Page.: 1
List.: NEWB
Group: WTFMB

Business Name	Address	CITY/STATE/ZIP	Contact Name	Business Desc. #1	Business Start Date	Primary Teleph
HANDY ANDY MAYER'S	8351 SHERWOOD BLVD	LOS MOLINOS, CA 96055	MAYER ANDY	CONTRACTOR	09/11/12	(530)200-3053
L.A. PERKS PETROLEUM	765 EAST GREG STREET	SPARKS, NV 89431	PERKS JR LEROY	CONTRACTOR	09/11/12	(775)358-4403
SHERI'S JANITORIAL &	191 MOONEY CT	CORNING, CA 96021	RAKER SHERI	CLEANING SERVICE	09/11/12	(530)586-1092
WALLY'S LOCKSMITH	3835 GARDINER FERRY RD	CORNING, CA 96021	JONAS M. WALT	BASIC LOCKSMITH DUTIES - RESIDENCES ONLY	09/11/12	(530)824-6724
ZAVALA CLEANING SERV	23362 LOLETA AVE	CORNING, CA 96021	ZAVALA ANGELIC	CLEANING HOMES & OFFICES	09/11/12	(530)586-2542

**ITEM NO: G-5
RECOMMEND APPOINTMENT OF
CAROL MUELLER TO THE
CORNING LIBRARY COMMISSION
SEPTEMBER 25, 2012**

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

FROM: GARY R. STRACK, MAYOR

SUMMARY:

Mayor Strack recommends the appointment of Carol Mueller to the vacant position on the City of Corning Library Commission.

BACKGROUND:

The City has one vacancy on the Library Commission resulting from the recent resignation of former Commissioner Marilyn Bright. This term is to expire in June 2015.

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 one application for appointment to the vacant position on the Library Commission. The applicants name and qualifications are listed below.

Carol Mueller: Ms. Mueller is a retired Corning Union Elementary School Teacher, member of the Corning Friends of the Library, and Library Volunteer two days a week.

RECOMMENDATION:

**MAYOR AND COUNCIL REVIEW THE ATTACHED APPLICATION AND APPOINT
CAROL MUELLER TO THE CITY OF CORNING LIBRARY COMMISSION EFFECTIVE
IMMEDIATELY WITH THE TERM TO EXPIRE ON JUNE 30, 2015.**



RECEIVED

CITY OF CORNING

SEP 13 2012

APPLICATION FOR COMMISSION APPOINTMENT

CITY OF CORNING

Date: Sept 13, 2012

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

Name: Carol Mueller

Home Address: 1543 Peach St.
Corning, CA

Phone No.: 530 838 4303

Business Address: NA

Phone No.: _____
Occupation: retired teacher (35 years at CUED)

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 am currently a member of Corning Friends of the Library and volunteer two days a week at the library.

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

If so, please list them:
California Retired Teachers.
Corning Friends of the Library.

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 enjoy work at the library and have a good rapport with the librarians. Carol Mueller perhaps I can bring further insight to the Library Commission. I have lived in Corning for 56 years

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.

THE CITY OF CORNING IS AN EQUAL OPPORTUNITY EMPLOYER

ITEM NO: G-6

**AWARD CONTRACT FOR THE PRUNING OF 514
PALM TREES TO KEN VAUGHAN & SON FOR THE
AMOUNT OF \$8,738**

SEPTEMBER 25, 2012

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

**FROM: JOHN L. BREWER, AICP; CITY MANAGER & PUBLIC WORKS DIRECTOR
PATRICK WALKER, ASSISTANT PUBLIC WORKS DIRECTOR** *PW*

SUMMARY:

Staff received six proposals at the bid opening on September 18, 2012 at 10am. Ken Vaughan & Son was the lowest bidder with a proposal of \$17.00 per tree and totaling \$8,738 for the tree pruning project. The Bid Summary is attached for Council review.

BACKGROUND:

Every two years the Public Works Department requests Council approval to seek proposals for the pruning of palm trees within the City Limits. The palm trees were last pruned during the summer of 2010.

Council authorized Staff to seek proposals for the pruning of 514 Palm Trees at the August 14, 2012 City Council Meeting.

FINANCIAL:

The 2012/2013 City Budget provides a total of \$30,000 to fund the pruning of all City trees (including the Solano Street Ornamental Pear trees). The funding is budgeted under Public Works Streets/Tree Pruning item number 111-8002-3000 (\$30,000).

The Ornamental Pear trees along Solano Street require annual (spring) pruning maintenance to prevent disease. M&S Wesley Tree Service of Chico pruned the Solano Street trees during January 2012 for a cost of \$3,500. So, we should reserve at least \$4,000 for that tree pruning cost from the budget item number for this project.

With this Palm Tree contract and the reservation for fiscal year 2012/13 Ornamental Pear pruning, ($\$8,738 + \$4,000 = \$12,738$) there will be \$17,262 remaining for this fiscal year.

Upon Council authorization the Public Works Department will utilize the remaining funds for additional necessary pruning/replacement of City Street trees throughout the City.

RECOMMENDATION:

Mayor and Council:

- 1. Award the Contract for the pruning of 514 Palm Trees to Ken Vaughan & Son for the amount of \$8,738, and**
- 2. Authorize the City Manager to sign the Contract on behalf of the City, and**
- 3. Authorize the Public Works Director to utilize any remaining "Tree Pruning" funds for pruning/replacement of City Street Trees.**

CITY OF CORNING
2012
Palm Tree Pruning
Bid Summary: 10am, September 18, 2012

Company Name	Proposal Amount Per Tree
Ken Vaughan & Son Corning, CA	\$17.00
George Salinas Tree Preservation Placentia, CA	\$48.00
North Valley Tree Service Chico, CA	\$49.00
M&S Wesley Tree Service Chico, CA	\$49.99
Bill Taylor Tree Service Anderson, CA	\$57.00
Roll'n Rock Construction, Inc. Mt. Shasta, CA	\$327.00

West Coast Arborists, Inc. (Anaheim, CA) proposal was not received by the City prior to the 10am Bid Opening time.

**ITEM NO.: J-7
RESOLUTION 09-25-2012-01
TRASH AND RECYCLING BIN ENCLOSURES;
CONSIDER ADOPTION OF A RESOLUTION ADDING
DRAWING S-25 TO THE CITY OF CORNING
CONSTRUCTION SPECIFICATIONS AND
STANDARD DETAILS FOR PUBLIC WORKS
REQUIRING TRASH AND RECYCLING BIN
ENCLOSURES PURSUANT TO ASSEMBLY BILL
NO. 341.**

SEPTEMBER 25, 2012

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

**FROM: JOHN STOUFER, PLANNING CONSULTANT
JOHN BREWER AICP, CITY MANAGER/PUBLIC WORKS DIRECTOR**

BACKGROUND:

On October 5, 2011 the Governor signed Assembly Bill Number 341 an act that amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, to add Sections 40004, 41734.5, and 41780.01 to, to add Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and to add and repeal Section 41780.02 of, the Public Resources Code, relating to solid waste.

Previous law required city, counties, and regional agencies to divert 50% of all solid waste from landfill disposal through source reduction, recycling, and composting activities. This bill made a legislative declaration that it is the policy goal of the state that not less than 75% of solid waste generated be source reduced, recycled, or composted by the year 2020.

Section 42649.2 (a) states; *"On and after July 1, 2012, a business that generates more than four cubic yards of commercial solid waste per week or is a multifamily residential dwelling of five or more shall arrange for recycling services, consistent with state or local laws or requirements, including a local ordinance or agreement, applicable to the collection, handling, or recycling of solid waste, to the extent that these services are offered and reasonably available from a local service provider."*

Section 42649.2 (b); *"A commercial waste generator shall take one of the following actions:*

Source separate recyclable materials from solid waste and subscribe to a basic level of recycling service that includes collection, self-hauling, or other arrangements for the pickup of recyclable materials.

OR,

Subscribe to a recycling service that may include mixed waste processing that yields diversion results comparable to source reduction.”

SUMMARY:

Adding drawing S-25 to the City of Corning Construction Specifications and Standard Details for Public Works will require a recycling bin enclosure for all new commercial/industrial uses, and new multifamily residential uses with 5 or more dwelling units, or when existing uses complete renovations, remodels or retro-fits. This requirement will assist in complying with the new policies of the state to divert 75% of solid waste generated be source reduced, recycled, or composted by the year 2020.

ACTION:

Move to adopt a Resolution 09-25-2012-01 adding drawing S-25 to the City of Corning Construction Specifications and Standard Details for Public Works requiring bin enclosures to include an area for recycling bins.

OR,

Take no action

ATTACHMENTS:

Exhibit "A" Drawing S-25
Exhibit "B" Assembly Bill No. 341

CITY OF CORNING

RESOLUTION NO.: 09-25-2012-01

A RESOLUTION ADDING DRAWING S-25 TO THE CITY OF CORNING CONSTRUCTION SPECIFICATIONS AND STANDARD DETAILS FOR PUBLIC WORKS REQUIRING TRASH AND RECYCLING BIN ENCLOSURES PURSUANT TO ASSEMBLY BILL NUMBER 341

WHEREAS:

- A. On October 5, 2011 the Governor signed Assembly Bill Number 341 an act that amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, to add Sections 40004, 41734.5, and 41780.01 to, to add Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and to add and repeal Section 41780.02 of, the Public Resources Code, relating to solid waste.
- B. Previous law required city, counties, and regional agencies to divert 50% of all solid waste from landfill disposal through source reduction, recycling, and composting activities. This bill made a legislative declaration that it is the policy goal of the state that not less than 75% of solid waste generated be source reduced, recycled, or composted by the year 2020.
- C. Section 42649.2 (a) of the Public Resources Code states; "On and after July 1, 2012, a business that generates more than four cubic yards of commercial solid waste per week or is a multifamily residential dwelling of five or more shall arrange for recycling services, consistent with state or local laws or requirements, including a local ordinance or agreement, applicable to the collection, handling, or recycling of solid waste, to the extent that these services are offered and reasonably available from a local service provider."
- D. Section 42649.2 (b); "A commercial waste generator shall take one of the following actions: Source separate recyclable materials from solid waste and subscribe to a basic level of recycling service that includes collection, self-hauling, or other arrangements for the pickup of recyclable materials. OR, Subscribe to a recycling service that may include mixed waste processing that yields diversion results comparable to source reduction."
- E. On August 21, 2012 the City of Corning Planning Commission voted 4:0:1 to recommend that the City Council adopt a resolution adding Drawing S-25 to the City of Corning Construction Specifications and Standard Details for Public Works.

IT IS NOW THEREFORE RESOLVED THAT:

1. The City of Corning will add Drawing S-25 to the Construction Specifications and Standard Details for Public Works requiring multi-family residential and commercial waste generators to include an enclosed trash and recycling bin area to assist with the legislative declaration that not less than 75% of solid waste generated be source reduced, recycled, or composted by the year 2020.

**RESOLUTION 09-25-2012-01 WAS PASSED AND ADOPTED THIS 25TH DAY OF SEPTEMBER 2012,
BY THE FOLLOWING VOTE:**

AYES:

NOES:

ABSTAIN:

ABSENT:

Mayor Gary R. Stack

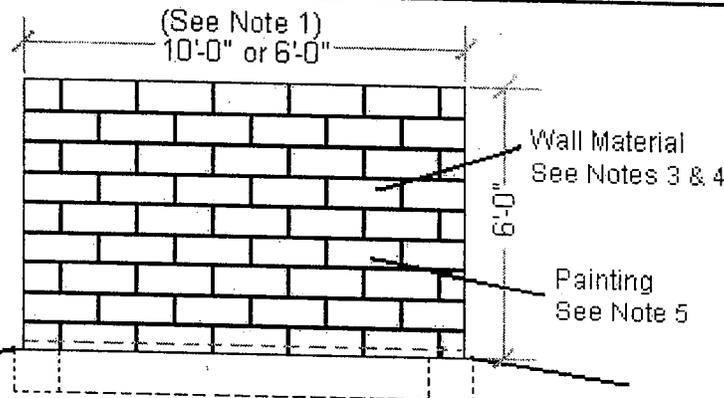
ATTEST:

Lisa M. Linnet, City Clerk

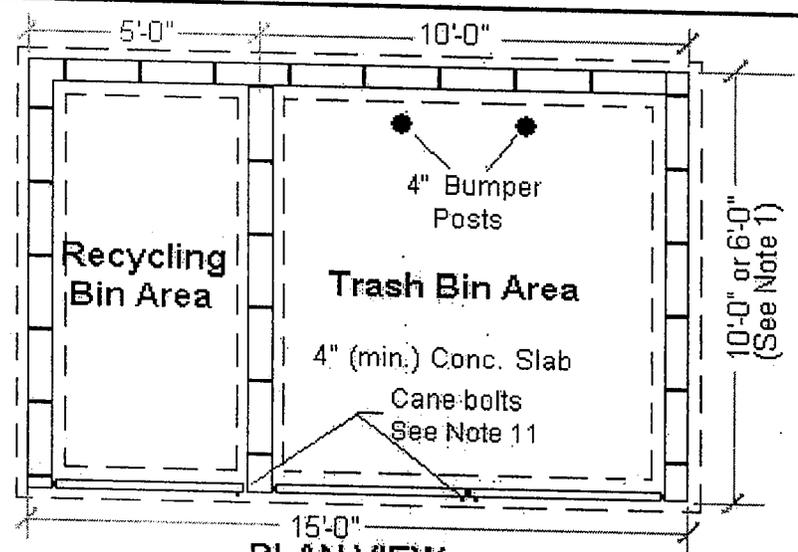
I, Lisa M. Linnet, City Clerk of the City of Corning, California, DO HEREBY CERTIFY that the foregoing Resolution was duly introduced, approved and adopted by the City Council of the City of Corning at a regular meeting of said Council held on the 25th day of September, 2012 by the votes listed above.

Lisa M. Linnet, City Clerk

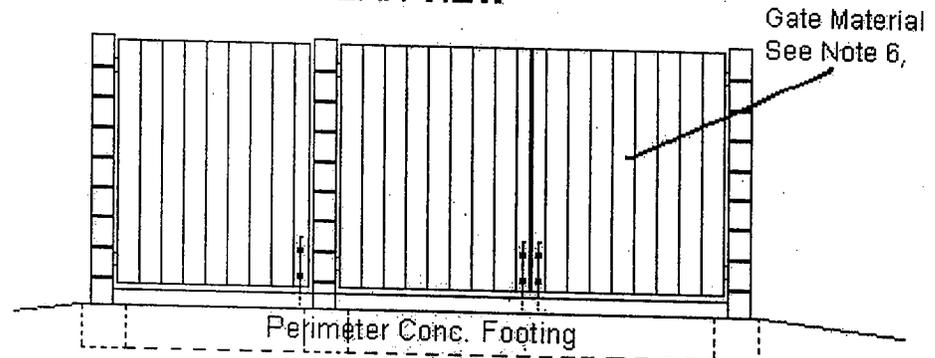
Exhibit "A"



SIDE VIEW



PLAN VIEW



FRONT VIEW

- Notes:
1. Enclosure size based on Trash Bin size. Larger size required for Trash bins >2 cu. yds. in size.
 2. Recycling Area to be 50% of the size of Trash bin area.
 3. For commercial or industrial uses enclosure shall be built of reinforced split face concrete masonry units or other alternative material approved by the City of Corning.
 4. For residential uses the enclosure may be constructed of wood materials compatible with main structure.
 5. Enclosure and gates to utilize colors that complement main structure.
 6. Gates shall be obscure and constructed of metal or other durable material approved by the City of Corning.
 7. Recycling bin may be rolled in and out of enclosure for service.
 8. Large Trash bins (>2 cu. yds.) are stationery and must be serviced from within enclosure.
 9. Enclosure shall normally be located behind or to the side of main structure.
 10. Enclosure shall be positioned to facilitate access by disposal truck without excessive maneuvering.
 11. Provide cane bolts to secure doors in both open and closed positions.
 12. Enclosures required for all new commercial/industrial uses, and new multi-family residential uses with 5 or more dwelling units, or when existing uses complete renovations, remodels or retro-fits.

	TRASH & RECYCLING BIN ENCLOSURE	
	DRAWN: 1/19/2006 LAST UPDATED: 7/09/2012 ADOPTED: NOT TO SCALE	DRAWING NO. S-25

Exhibit "B"

Assembly Bill No. 341

CHAPTER 476

An act to amend Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, to add Sections 40004, 41734.5, and 41780.01 to, to add Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and to add and repeal Section 41780.02 of, the Public Resources Code, relating to solid waste.

[Approved by Governor October 5, 2011. Filed with
Secretary of State October 6, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

AB 341, Chesbro. Solid waste: diversion.

(1) The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components, including a source reduction component, a recycling component, and a composting component. With certain exceptions, the source reduction and recycling element of that plan is required to divert 50% of all solid waste from landfill disposal or transformation by January 1, 2000, through source reduction, recycling, and composting activities. The department is required to file an annual progress report with the Legislature by March 1 that includes specified information regarding the act.

This bill would make a legislative declaration that it is the policy goal of the state that not less than 75% of solid waste generated be source reduced, recycled, or composted by the year 2020, and would require the department, by January 1, 2014, to provide a report to the Legislature that provides strategies to achieve that policy goal and also includes other specified information and recommendations. The bill would allow the department to provide the report required by the bill in conjunction with the annual progress report, if the combined report is submitted by January 1, 2014. The bill would repeal the report requirement on January 1, 2017.

(2) Existing law requires a city, county, and city and county to incorporate the nondisposal facility element and any amendment to the element into the revised source reduction and recycling element at the time of the 5-year revision of the source reduction and recycling element. Existing law requires the department to review an amendment to a nondisposal facility element and requires a local task force to review and comment on amendments to a nondisposal facility element.

This bill would repeal those requirements. The bill would instead require a city, county, city and county, or regional agency to update all information

required to be included in the nondisposal facility element. The bill would provide that the update is not subject to approval by the department or comment and review by a local task force.

(3) Existing law requires a local agency to impose certain requirements on an operator of a large venue or event to facilitate solid waste reduction, reuse, and recycling.

This bill would require a business, defined to include a commercial or public entity, that generates more than 4 cubic yards of commercial solid waste per week or is a multifamily residential dwelling of 5 units or more to arrange for recycling services, on and after July 1, 2012.

The bill would also require a commercial waste generator to take specified actions with regard to recyclable materials.

The bill would require a jurisdiction, on and after July 1, 2012, to implement a commercial solid waste recycling program meeting specified elements but would not require the jurisdiction to revise its source reduction and recycling element if the jurisdiction adds or expands a commercial solid waste recycling program to meet this requirement. The bill would authorize a local agency to charge and collect a fee from a commercial waste generator to recover the local agency's costs incurred in complying with the commercial solid waste recycling program requirements. By requiring a jurisdiction to implement a commercial solid waste recycling program, this bill would impose a state-mandated local program.

The bill would require the department to review a jurisdiction's compliance with the above requirement as a part of the department's review of a jurisdiction's compliance with the 50% solid waste diversion requirement and would authorize the department to review a jurisdiction's compliance pursuant to a specified procedure.

(4) Existing law requires each state agency to submit an annual report to the department summarizing its progress in reducing solid waste that is due on September 1 of each year starting in 2009.

This bill would change the due date to May 1 of each year.

(5) Existing law requires an operator of a solid waste facility that wants to change the design or operation of the solid waste facility in a manner not authorized by the current permit to apply for a revised permit. Within 60 days of receipt of the application for the revised permit, the enforcement agency is required to inform the operator, and in some circumstances the department, of its determination to allow the change without revision of the permit, disallow the change, require a revision of the permit to allow the change, or require review under the California Environmental Quality Act before a decision is made.

This bill would also require the enforcement agency to give notice of its determination to allow certain changes without a revision to the permit through a modification to the permit allowed by regulations developed by the department.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares both of the following:

(1) Since the enactment of the California Integrated Waste Management Act of 1989 (Division 30 (commencing with Section 40000) of the Public Resources Code), local governments and private industries have worked jointly to create an extensive material collection and recycling infrastructure and have implemented effective programs to achieve a statewide diversion rate above 50 percent.

(2) Although the state now leads the nation in solid waste reduction and recycling, the state continues to dispose of more than 40 million tons of solid waste each year, which is more than the national average on a per capita basis. Additional efforts must be undertaken to divert more solid waste from disposal in order to conserve scarce natural resources.

(b) The Legislature further finds and declares all of the following:

(1) Approximately 64 percent of the state's solid waste disposal is from commercial sources, including commercial, industrial, construction, and demolition activities. In addition, 8 percent of the state's solid waste disposal is from multifamily residential housing that is often collected along with the commercial waste stream.

(2) The state's local governments have made significant progress in reducing the amount of solid waste disposal from single-family residential sources that make up 28 percent of the state's disposal, but have faced more challenges in reducing disposal from the commercial and multifamily sources.

(3) The disposal of recyclable materials in the commercial solid waste stream prevents materials from circulating in the state economy to produce jobs and new products. Reducing the disposal of these materials will conserve landfill capacity and contribute to a reduction in greenhouse gas emissions and climate change.

(4) The state has long been a national and international leader in environmental stewardship efforts and mandating the diversion of solid waste away from disposal. Bold environmental leadership and a new approach are needed to divert commercial solid waste away from disposal.

(5) By exercising a leadership role, the state will lead the business community toward a future in which the environment and the economy both grow stronger together by recycling materials, which creates new jobs, instead of burying resources, which exit the economy forever.

(6) By requiring commercial recycling, the state will help businesses reduce costly disposal fees and reclaim valuable resources.

SEC. 2. Section 40004, is added to the Public Resources Code, to read:
40004. (a) The Legislature finds and declares all of the following:

(1) Solid waste diversion and disposal reduction require the availability of adequate solid waste processing and composting capacity.

(2) The existing network of public and private solid waste processing and composting facilities provides a net environmental benefit to the communities served, and represents a valuable asset and resource of this state, one that must be sustained and expanded to provide the additional solid waste processing capacity that will be required to achieve the additional solid waste diversion targets expressed in Section 41780.01 and the commercial solid waste recycling requirement expressed in Section 42649.

(3) The provisions in existing law that confer broad discretion on local agencies to determine aspects of solid waste handling that are of local concern have significantly contributed to the statewide diversion rate exceeding 50 percent, and further progress toward decreasing solid waste disposal requires that this essential element of local control be preserved.

(b) It is the intent of the Legislature to encourage the development of the additional solid waste processing and composting capacity that is needed to meet state objectives for decreasing solid waste disposal by identifying incentives for local governments to locate and approve new or expanded facilities that meet and exceed their capacity needs, and to recognize local agencies that make significant contributions to the state's overall solid waste reduction and recycling objectives through the siting of facilities for the processing and composting of materials diverted from the solid waste stream.

(c) By setting new commercial solid waste recycling requirements in Section 42649, the Legislature does not intend to limit a right afforded to local governments pursuant to Section 40059, or to modify or abrogate in any manner the rights of a local government or solid waste enterprise with regard to a solid waste handling franchise or contract.

SEC. 3. Section 41730 of the Public Resources Code is amended to read:

41730. Except as provided in Section 41750.1, each city shall prepare, adopt, and, except for a city and county, transmit to the county in which the city is located a nondisposal facility element that includes all of the information required by this chapter and that is consistent with the implementation of a city source reduction and recycling element adopted pursuant to this part. The nondisposal facility element and any updates to the element shall not be subject to the approval of the county and the majority of cities with the majority of the population in the incorporated area.

SEC. 4. Section 41731 of the Public Resources Code is amended to read:

41731. Except as provided in Section 41750.1, each county shall prepare, adopt, and, except for a city and county, transmit to the cities located in the county a nondisposal facility element that includes all of the information required by this chapter and that is consistent with the implementation of a county source reduction and recycling element adopted pursuant to this part. The nondisposal facility element and any updates to the element shall not be subject to the approval of the majority of cities with the majority of the population in the incorporated area.

SEC. 5. Section 41734 of the Public Resources Code is amended to read:

41734. (a) (1) Prior to adopting a nondisposal facility element, the city, county, or regional agency shall submit the element to the task force created pursuant to Section 40950 for review and comment.

(2) Prior to adopting a regional agency nondisposal facility element, if the jurisdiction of the regional agency extends beyond the boundaries of a single county, the regional agency shall submit the element for review and comment to each task force created pursuant to Section 40950 of each county within the jurisdiction of the regional agency.

(b) Comments by the task force shall include an assessment of the regional impacts of potential diversion facilities and shall be submitted to the city, county, or regional agency and to the department within 90 days of the date of receipt of the nondisposal facility element for review and comment.

SEC. 6. Section 41734.5 is added to the Public Resources Code, to read:

41734.5. (a) Once a nondisposal facility element has been adopted, the city, county, or regional agency shall update all information required to be included in the nondisposal facility element, including, but not limited to, new information regarding existing and new, or proposed, nondisposal facilities.

(b) Updates shall be provided to the department within 30 days of any change in information.

(c) Copies of the updated information shall also be provided to the local task force and shall be appended or otherwise added to the nondisposal facility element.

(d) The local task force shall not be required to review and comment on the updates to the nondisposal facility elements.

(e) Updates to the nondisposal facility elements are not subject to approval by the department.

SEC. 7. Section 41735 of the Public Resources Code is amended to read:

41735. (a) Notwithstanding Division 13 (commencing with Section 21000), the adoption or update of a nondisposal facility element shall not be subject to environmental review.

(b) Local agencies may impose a fee on project proponents to fund their necessary and actual costs of preparing and approving updates to nondisposal facility elements.

SEC. 8. Section 41736 of the Public Resources Code is amended to read:

41736. It is not the intent of the Legislature to require cities and counties to revise their source reduction and recycling elements to comply with the requirements of this chapter.

SEC. 9. Section 41780.01 is added to the Public Resources Code, to read:

41780.01. (a) The Legislature hereby declares that it is the policy goal of the state that not less than 75 percent of solid waste generated be source reduced, recycled, or composted by the year 2020, and annually thereafter.

(b) Notwithstanding subdivision (a), the department shall not establish or enforce a diversion rate on a city or county that is greater than the 50 percent diversion rate established pursuant to Section 41780.

SEC. 10. Section 41780.02 is added to the Public Resources Code, to read:

41780.02. (a) On or before January 1, 2014, the department shall submit a report to the Legislature that provides strategies to achieve the state's policy goal that not less than 75 percent of solid waste generated be source reduced, recycled, or composted by the year 2020, and annually thereafter, pursuant to Section 41780.01.

(b) The report shall also include all of the following:

(1) A review and update of the information required pursuant to subparagraph (A) of paragraph (4) of subdivision (c) of Section 40507, with emphasis on new and emerging trends in resource management.

(2) Identification of problematic waste streams and sources and recommendations on handling those waste streams.

(3) Evaluation of current programs and their effectiveness, and recommendations for changes to those programs.

(4) Recommendations for reprioritizing existing resources to best achieve the purpose of Section 41780.01.

(5) Recommendations for legislative changes, if any, that are necessary to achieve the goals of Section 41780.01.

(6) Report on regulatory changes, if any, that are necessary, to achieve the goals of Section 41780.01.

(7) Any other information or recommendations the department deems pertinent.

(c) The department may provide the report required pursuant to this section in conjunction with the report required pursuant to Section 40507 if the combined report is submitted on or before January 1, 2014.

(d) The department may hold public workshops to gather input from stakeholders.

(e) (1) Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2017.

(2) The report shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 11. Section 41800 of the Public Resources Code is amended to read:

41800. (a) Except as provided in subdivision (b), within 120 days from the date of receipt of a countywide or regional integrated waste management plan that the department has determined to be complete, or any element of the plan that the department has determined to be complete, the department shall determine whether the plan or element is in compliance with Article 2 (commencing with Section 40050) of Chapter 1 of Part 1, Chapter 2 (commencing with Section 41000), and Chapter 5 (commencing with Section 41750), and, based upon that determination, the department shall approve, conditionally approve, or disapprove the plan or element.

(b) (1) Within 120 days from the date of receipt of a city, county, or regional agency nondisposal facility element that the department has determined to be complete, the department shall determine whether the element that the department has determined to be complete is in compliance

with Chapter 4.5 (commencing with Section 41730) and Article 1 (commencing with Section 41780) of Chapter 6, and, based upon that determination, the department shall approve, conditionally approve, or disapprove the element within that time period.

(2) In reviewing the element, the department shall:

(A) Not consider the estimated capacity of the facility or facilities in the element unless the department determines that this information is needed to determine whether the element meets the requirements of Article 1 (commencing with Section 41780) of Chapter 6.

(B) Recognize that individual facilities represent portions of local plans or programs that are designed to achieve the diversion requirements of Section 41780 and therefore may not arbitrarily require new or expanded diversion at proposed facilities.

(C) Not disapprove an element that includes a transfer station or other facility solely because the facility does not contribute toward the jurisdiction's efforts to comply with Section 41780.

(c) If the department does not act to approve, conditionally approve, or disapprove an element that the department has determined to be complete within 120 days, the department shall be deemed to have approved the element.

SEC. 12. Chapter 12.8 (commencing with Section 42649) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 12.8. RECYCLING OF COMMERCIAL SOLID WASTE

42649. (a) It is the intent of the Legislature to require businesses to recycle solid waste that they generate.

(b) It is the intent of the Legislature to allow jurisdictions flexibility in developing and maintaining commercial solid waste recycling programs.

(c) It is the intent of the Legislature to reduce greenhouse gas emissions by diverting commercial solid waste to recycling efforts and to expand the opportunity for additional recycling services and recycling manufacturing facilities in California.

42649.1. For purposes of this chapter, the following terms mean the following:

(a) "Business" means a commercial or public entity, including, but not limited to, a firm, partnership, proprietorship, joint stock company, corporation, or association that is organized as a for-profit or nonprofit entity, or a multifamily residential dwelling.

(b) "Commercial solid waste" has the same meaning as defined in Section 17225.12 of Title 14 of the California Code of Regulations.

(c) "Commercial waste generator" means a business subject to subdivision (a) of Section 42649.2.

(d) "Self-hauler" means a business that hauls its own waste rather than contracting for that service.

42649.2. (a) On and after July 1, 2012, a business that generates more than four cubic yards of commercial solid waste per week or is a multifamily residential dwelling of five units or more shall arrange for recycling services, consistent with state or local laws or requirements, including a local ordinance or agreement, applicable to the collection, handling, or recycling of solid waste, to the extent that these services are offered and reasonably available from a local service provider.

(b) A commercial waste generator shall take at least one of the following actions:

(1) Source separate recyclable materials from solid waste and subscribe to a basic level of recycling service that includes collection, self-hauling, or other arrangements for the pickup of the recyclable materials.

(2) Subscribe to a recycling service that may include mixed waste processing that yields diversion results comparable to source separation.

(c) A property owner of a multifamily residential dwelling may require tenants to source separate their recyclable materials to aid in compliance with this section.

42649.3. (a) On and after July 1, 2012, each jurisdiction shall implement a commercial solid waste recycling program appropriate for that jurisdiction designed to divert commercial solid waste from businesses subject to Section 42649.2, whether or not the jurisdiction has met the requirements of Section 41780.

(b) If a jurisdiction already has a commercial solid waste recycling program as one of its diversion elements that meets the requirements of this section, it shall not be required to implement a new or expanded commercial solid waste recycling program.

(c) The commercial solid waste recycling program shall be directed at a commercial waste generator, as defined in subdivision (b) of Section 42649.1, and may include, but is not limited to, any of the following:

(1) Implementing a mandatory commercial solid waste recycling policy or ordinance.

(2) Requiring a mandatory commercial solid waste recycling program through a franchise contract or agreement.

(3) Requiring all commercial solid waste to go through either a source separated or mixed processing system that diverts material from disposal.

(d) The commercial solid waste recycling program shall include education, outreach to, and monitoring of, businesses. A jurisdiction shall notify a business if the business is not in compliance with Section 42649.2.

(e) The commercial solid waste recycling program may include enforcement provisions that are consistent with a jurisdiction's authority, including a structure for fines and penalties.

(f) The commercial solid waste recycling program may include certification requirements for self-haulers.

(g) The department shall review a jurisdiction's compliance with this section as part of the department's review required by Section 41825. Each jurisdiction shall report the progress achieved in implementing its commercial recycling program, including education, outreach, identification,

and monitoring, and if applicable, enforcement efforts, by providing updates in the annual report required by Section 41821.

(h) The department may also review whether a jurisdiction is in compliance with this section at any time that the department receives information that a jurisdiction has not implemented, or is not making a good faith effort to implement, a commercial recycling program.

(i) During its review pursuant to subdivision (g) or (h), the department shall determine whether each jurisdiction has made a good faith effort to implement its selected commercial recycling program. For purposes of this section, "good faith effort" means all reasonable and feasible efforts by a jurisdiction to implement its commercial recycling program. During its review, the department may include, but is not limited to, the following factors in its evaluation of a jurisdiction's good faith effort:

(1) The extent to which businesses have complied with Section 42649.2, including information on the amount of disposal that is being diverted from the businesses, if available, and on the number of businesses that are subscribing to service.

(2) The recovery rate of the commercial waste from the material recovery facilities that are utilized by the businesses, all information, methods, and calculations, and any additional performance data, as requested by the department from the material recovery facilities pursuant to Section 18809.4 of Title 14 of the California Code of Regulations.

(3) The extent to which the jurisdiction is conducting education and outreach to businesses.

(4) The extent to which the jurisdiction is monitoring businesses, and notifying those businesses that are out of compliance.

(5) The availability of markets for collected recyclables.

(6) Budgetary constraints.

(7) In the case of a rural jurisdiction, the effects of small geographic size, low population density, or distance to markets.

42649.4. (a) If a jurisdiction adds or expands a commercial solid waste recycling program to meet the requirements of Section 42649.3, the jurisdiction shall not be required to revise its source reduction and recycling element, or obtain the department's approval pursuant to Article 1 (commencing with Section 41800) of Chapter 7 of Part 1.

(b) If an addition or expansion of a jurisdiction's commercial solid waste recycling program is necessary, the jurisdiction shall update in its annual report required pursuant to Section 41821.

42649.5. (a) This chapter does not limit the authority of a local agency to adopt, implement, or enforce a local commercial solid waste recycling requirement that is more stringent or comprehensive than the requirements of this section or limit the authority of a local agency in a county with a population of less than 200,000 to require commercial solid waste recycling.

(b) This chapter does not modify, limit, or abrogate in any manner any of the following:

(1) A franchise granted or extended by a city, county, or other local government agency.

(2) A contract, license, or permit to collect solid waste previously granted or extended by a city, county, or other local government agency.

(3) The existing right of a business to sell or donate its recyclable materials.

42649.6. A local agency may charge and collect a fee from a commercial waste generator in order to recover the local agency's costs incurred in complying with this chapter.

42649.7. If the State Air Resources Board adopts regulations for commercial recycling prior to the effective date of the act of the 2011–12 Regular Session of the Legislature adding this section, those regulations shall be deemed to have been adopted by the department, and they shall be added to the department's regulations and deleted from the board's regulations as if it were a change without regulatory effect.

SEC. 13. Section 42926 of the Public Resources Code is amended to read:

42926. (a) In addition to the information provided to the department pursuant to Section 12167.1 of the Public Contract Code, each state agency shall submit an annual report to the department summarizing its progress in reducing solid waste as required by Section 42921. The annual report shall be due on or before May 1, 2012, and on or before May 1 in each subsequent year. The information in this report shall encompass the previous calendar year.

(b) Each state agency's annual report to the department shall, at a minimum, include all of the following:

(1) Calculations of annual disposal reduction.

(2) Information on the changes in waste generated or disposed of due to increases or decreases in employees, economics, or other factors.

(3) A summary of progress made in implementing the integrated waste management plan.

(4) The extent to which the state agency intends to utilize programs or facilities established by the local agency for the handling, diversion, and disposal of solid waste. If the state agency does not intend to utilize those established programs or facilities, the state agency shall identify sufficient disposal capacity for solid waste that is not source reduced, recycled, or composted.

(5) Other information relevant to compliance with Section 42921.

(c) The department shall use, but is not limited to the use of, the annual report in the determination of whether the agency's integrated waste management plan needs to be revised.

SEC. 14. Section 44004 of the Public Resources Code is amended to read:

44004. (a) An operator of a solid waste facility shall not make a significant change in the design or operation of the solid waste facility that is not authorized by the existing permit, unless the change is approved by the enforcement agency, the change conforms with this division and all regulations adopted pursuant to this division, and the terms and conditions of the solid waste facilities permit are revised to reflect the change.

(b) If the operator wishes to change the design or operation of the solid waste facility in a manner that is not authorized by the existing permit, the operator shall file an application for revision of the existing solid waste facilities permit with the enforcement agency. The application shall be filed at least 180 days in advance of the date when the proposed modification is to take place unless the 180-day time period is waived by the enforcement agency.

(c) The enforcement agency shall review the application to determine all of the following:

(1) Whether the change conforms with this division and all regulations adopted pursuant to this division.

(2) Whether the change requires review pursuant to Division 13 (commencing with Section 21000).

(d) Within 60 days from the date of the receipt of the application for a revised permit, the enforcement agency shall inform the operator, and if the enforcement agency is a local enforcement agency, also inform the department, of its determination to do any of the following:

(1) Allow the change without a revision to the permit.

(2) Allow the following changes without a revision to the permit through a modification to the permit allowed pursuant to regulations developed by the department:

(A) The proposed change is to allow a nondisposal facility to increase the amount of solid waste that it may handle and that increased amount is within the existing design capacity as described in the facility's transfer processing report and review pursuant to Division 13 (commencing with Section 21000).

(B) The proposed change is to allow a disposal facility to add a nondisposal activity to the facility that will increase the amount of solid waste that may be handled as described in the facility's report of facility information and review pursuant to Division 13 (commencing with Section 21000).

(3) Disallow the change because it does not conform with the requirements of this division or the regulations adopted pursuant to this division.

(4) Require a revision of the solid waste facilities permit to allow the change.

(5) Require review under Division 13 (commencing with Section 21000) before a decision is made.

(e) The operator has 30 days within which to appeal the decision of the enforcement agency to the hearing panel, as authorized pursuant to Article 2 (commencing with Section 44305) of Chapter 4. The enforcement agency shall provide notice of a hearing held pursuant to this subdivision in the same manner as notice is provided pursuant to subdivision (h).

(f) Under circumstances that present an immediate danger to the public health and safety or to the environment, as determined by the enforcement agency, the 180-day filing period may be waived.

(g) (1) A permit revision is not required for the temporary suspension of activities at a solid waste facility if the suspension meets either of the following criteria:

(A) The suspension is for the maintenance or minor modifications to a solid waste unit or to solid waste management equipment.

(B) The suspension is for temporarily ceasing the receipt of solid waste at a solid waste management facility and the owner or operator is in compliance with all other applicable terms and conditions of the solid waste facilities permit and minimum standards adopted by the department.

(2) An owner or operator of a solid waste facility who temporarily suspends operations shall remain subject to the closure and postclosure maintenance requirements of this division and to all other requirements imposed by federal law pertaining to the operation of a solid waste facility.

(3) The enforcement agency may impose any reasonable conditions relating to the maintenance of the solid waste facility, environmental monitoring, and periodic reporting during the period of temporary suspension. The department may also impose any reasonable conditions determined to be necessary to ensure compliance with applicable state standards.

(h) (1) (A) Before making its determination pursuant to subdivision (d), the enforcement agency shall submit the proposed determination to the department for comment and hold at least one public hearing on the proposed determination. The enforcement agency shall give notice of the hearing pursuant to Section 65091 of the Government Code, except that the notice shall be provided to all owners of real property within a distance other than 300 feet of the real property that is the subject of the hearing, if specified in the regulations adopted by the department pursuant to subdivision (i). The enforcement agency shall also provide notice of the hearing to the department when it submits the proposed determination to the department.

(B) The enforcement agency shall mail or deliver the notice required pursuant to subparagraph (A) at least 10 days prior to the date of the hearing to any person who has filed a written request for the notice with a person designated by the enforcement agency to receive these requests. The enforcement agency may charge a fee to the requester in an amount that is reasonably related to the costs of providing this service and the enforcement agency may require each request to be annually renewed.

(C) The enforcement agency shall consider environmental justice issues when preparing and distributing the notice to ensure that the notice is concise and understandable for limited-English-speaking populations.

(2) If the department comments pursuant to paragraph (1), the department shall specify whether the proposed determination is consistent with the regulation adopted pursuant to subdivision (i).

(i) (1) The department shall, to the extent resources are available, adopt regulations that implement subdivision (h) and define the term "significant change in the design or operation of the solid waste facility that is not authorized by the existing permit."

(2) While formulating and adopting the regulations required pursuant to paragraph (1), the department shall consider recommendations of the Working Group on Environmental Justice and the advisory group made pursuant to Sections 71113 and 71114 and the report required pursuant to Section 71115.

SEC. 15. Section 50001 of the Public Resources Code is amended to read:

50001. (a) Except as provided by subdivision (b), after a countywide or regional agency integrated waste management plan has been approved by the Department of Resources Recycling and Recovery pursuant to Division 30 (commencing with Section 40000), a person shall not establish or expand a solid waste facility, as defined in Section 40194, in the county unless the solid waste facility meets one of the following criteria:

(1) The solid waste facility is a disposal facility or a transformation facility, the location of which is identified in the countywide siting element or amendment to that element, which has been approved pursuant to Section 41721.

(2) The solid waste facility is a facility that is designed to recover for reuse or recycling at least 5 percent of the total volume of material received by the facility, and that is identified in the nondisposal facility element that has been approved pursuant to Section 41800 or is included in an update to that element.

(b) Solid waste facilities other than those specified in paragraphs (1) and (2) of subdivision (a) shall not be required to comply with the requirements of this section.

(c) The person or agency proposing to establish a solid waste facility shall prepare and submit a site identification and description of the proposed facility to the task force established pursuant to Section 40950. Within 90 days after the site identification and description is submitted to the task force, the task force shall meet and comment on the proposed solid waste facility in writing. These comments shall include, but are not limited to, the relationship between the proposed solid waste facility and the implementation schedule requirements of Section 41780 and the regional impact of the facility. The task force shall transmit these comments to the person or public agency proposing establishment of the solid waste facility, to the county, and to all cities within the county. The comments shall become part of the official record of the proposed solid waste facility.

(d) The review and comment by the local task force shall not be required for an update to a nondisposal facility element.

SEC. 16. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

ITEM NO: J-8
KENNEL LICENSE APPLICATION; CONSIDER GRANTING A KENNEL LICENSE TO SALOME SERNA FOR FOUR (4) DOGS AT 1798 BLUE HERON COURT PURSUANT TO SECTION 6.16.080 OF THE CORNING MUNICIPAL CODE.

SEPTEMBER 25, 2012

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

**FROM: JOHN STOUFER, PLANNING DIRECTOR
JOHN BREWER, CITY MANAGER**

SUMMARY:

Section 6.16.170 Miscellaneous Offences, of the Corning Municipal Code (CMC) states *"It is unlawful for any person, persons, firm, or corporation: (C) To maintain, keep, manage, or operate a dog kennel or kennels within the city in which dog kennel or kennels three or more dogs are kept on any premises of such person, persons, firm or corporation, or by any member of the family or persons, firm or corporation, except pups under the age of three months, except as otherwise provided in Section 6.16.080 of this chapter."*

Section 6.16.080 of the CMC states *"Before any person, persons, firm or corporation may establish or maintain a commercial dog kennel or dog kennels within the city, except as permitted by Section 6.16.170 (c) of this chapter, there shall be presented to the city council a written application for permit, in which application shall be stated the name of the person, persons, firm, or corporation seeking to establish such kennel or kennels, the proposed location thereof, and a statement, plan, or drawing of the proposed kennel or kennels and the manner of proposed operation thereof, and the location of the nearest dwellings and dog kennel or kennels. Such application shall be considered by the city council and, if in the judgment of the city council the establishment and maintenance of such kennel or kennels will not create a nuisance, the city council may grant the application and permit the establishment and maintenance of such kennel or kennels for such period of time as the same do not constitute a nuisance to adjoining owners of property or others. The council, having granted such permit, may revoke the same when in its opinion any such kennel or kennels become a nuisance to adjoining property owners or others. Such permit shall be granted upon the condition that the person, persons, firm, or corporation establishing and maintaining the business shall at all times during the establishment and maintenance thereof comply with the applicable ordinances and laws, including the business license ordinance of the city."*

DISCUSSION:

Salome Serna and his family reside within the city at 1798 Blue Heron Court. Mr. Serna was issued a citation on August 13, 2012 for violating Section 6.16.170 (c) of the CMC. The citation indicated that Mr. Serna and his family were keeping 5 dogs at the residence and that 3 of the dogs were not licensed.

Mr. Serna has applied to the council to establish a private kennel for 4 dogs at the family residence pursuant to Section 6.16.080.

Section 6.16.080 does authorize the council to grant a kennel license if they find that for the period of time the kennel is established it does not constitute a nuisance. A "Nuisance" is defined in Section 8.02.010 (f) of the CMC as *"anything which is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property, and affects at the same time the entire community or neighborhood or any considerable number of persons, although the extent of annoyance or damage inflicted upon the individual may be unequal. The terms "nuisance" and "public nuisance" shall be synonymous and either term wherever used shall have the same meaning as the other term."*

The application submitted by Mr. Serna includes photos of the 4 dogs indicating that they are a smaller bred of dog. The council does have the authority to limit the dogs to the four shown in the application photos. Police records do not indicate that there have been a substantial number of complaints registered against the dogs. Neighbors within 300 feet, including all property owners along Blue Heron Court, were sent notices of the application including the time, date, and location of the council meeting. Statements in Mr. Serna's application in regards to the Community Services Officer are being internally investigated by the police department.

RECOMMENDATION:

Although the hearing is not a public hearing staff recommends that any interested parties attending the council meeting be allowed to speak in either support or opposition to the issuance of a kennel license permit at 1798 Blue Heron Court. Staff also recommends that the council adopt the findings prepared by staff to either approve or deny the kennel application.

APPROVAL ACTION

MOVE TO FIND THAT THE ESTABLISHMENT AND MAINTENANCE OF A PRIVATE KENNEL FOR FOUR SMALL DOGS OWNED BY THE SERNA FAMILY DOES NOT CREATE A PUBLIC NUISANCE FOR ADJOINING PROPERTY OWNERS OR OTHERS AND APPROVE THE ESTABLISHMENT AND MAINTENANCE OF A PRIVATE KENNEL BY THE SERNA FAMILY AT 1798 BLUE HERON COURT FOR ONLY THE FOUR (4) SMALL BREED DOGS SHOWN IN THE APPLICATION. THE PERMIT SHALL NOT AUTHORIZE ANY ADDITIONAL, NOR ANY OTHER DOGS WHEN ONE MIGHT EXPIRE OR OTHERWISE LEAVE THE PREMISES; OR,

DENIAL ACTION

MOVE TO FIND THAT THE ESTABLISHMENT AND MAINTENANCE OF A PRIVATE KENNEL FOR FOUR SMALL DOGS OWNED BY THE SERNA FAMILY DOES CREATE A PUBLIC NUISANCE FOR ADJOINING PROPERTY OWNERS OR OTHERS AND DENY THE ESTABLISHMENT AND MAINTENANCE OF A PRIVATE KENNEL BY THE SERNA FAMILY AT 1798 BLUE HERON COURT

+
Exhibit "A" August 20th 2012

To: City Council of Corning

AUG 20 2012

My name is Salome Serna and my address is 1798 blue heron Ct. and I'm writing this letter to ask permission to have a kennel license in order to keep my four dogs the reason I'm asking this is because I need the kennel license to present to court because the police gave me a ticket. I gave away one dog, but my oldest daughter is too attached to our fourth dog because he has been her pet for eleven yrs. and she is suffering psychologically mentally, and depression and my eight yr. old is too attached to the three little ones to let them go. In this letter I will include the measurements of how far the kennel is from my neighbors house. The house left from mine is 14 ft of the dwelling, but the kennel is covered by steel sheets and a roof I have enclosed some

pictures of it. The property right of ours is sixty feet away from the Dwelling, but if you consult my neighbors they will probably say they don't want our extra dog to stay because we have had problems with the ones on each side of my house the man that lives left of me hit me because of the problems we've had all these years.

I have a restriction against him to not get close to my family and me.

And our neighbor on the right side will probably side with the neighbor on the left against me.

The back part behind my property is an open field. I want to have this moment to let you

know that the coroner's police discriminated me. I called the

police to let them know there

were two dogs running loose in my front yard everytime I call

the police they come over get the dogs and give the back to

The owners who are our neighbors. Our neighbors never get tickets for those incidents. This time animal control was called they came got the dogs gave them back to the owners who are our neighbors on the left after the animal control woman had been inside the neighbors house for maybe an hour or half that she came to me demanding to see my dogs she entered my house without any given permission and gave me a ticket for having five dogs and not having a kennel license and without any consideration for my two minor daughters she ordered me repeatedly to ~~kill~~ the dogs the girls started to cry. Kill She came into an argument with my oldest daughter who is twelve years old. The consequences of this problem have hurt my daughters mental health both of them will have to attend counseling and get help from a psychologist. This problem has caused my daughter of 12 yrs old to start having

Panic Attacks in which she had to be taken to the hospital. Enclosed with this letter is a copy of the papers the hospital gave me. Returning to the talk of the police the 13 of August I went to court and being there a woman told me the charges I was accused of I found out the police department's Animal Control woman had lied she said ~~that~~ in the report that my dogs were outside and having sex. I am very disappointed because I thought there were only corrupt police officers in Mexico. And for these reasons I'm asking for a kennel license so that some of the damage that has been done to my family and I can be repaired financially and emotionally. I wrote a claim form to the chief of police, but we barely recieved a phone call from the chief of police he said he would investigate the issue. I also ask that you do justice and give me the kennel license. *Attentively,
Salome Lopez*



St. Elizabeth
Community Hospital.
A Dignity Health Member

Emergency Services
2550 Sister Mary Columbia Drive
Red Bluff, CA 96080
(530) 529-8000

EXITCARE® PATIENT INFORMATION

Patient Name: GISELLE SERNA

Attending Caregiver:

Anxiety and Panic Attacks

Your caregiver has informed you that you are having an anxiety or panic attack. There may be many forms of this. Most of the time these attacks come suddenly and without warning. They come at any time of day, including periods of sleep, and at any time of life. They may be strong and unexplained. Although panic attacks are very scary, they are physically harmless. Sometimes the cause of your anxiety is not known. Anxiety is a protective mechanism of the body in its fight or flight mechanism. Most of these perceived danger situations are actually nonphysical situations (such as anxiety over losing a job).

CAUSES

The causes of an anxiety or panic attack are many. Panic attacks may occur in otherwise healthy people given a certain set of circumstances. There may be a genetic cause for panic attacks. Some medications may also have anxiety as a side effect.

SYMPTOMS

Some of the most common feelings are:

- Intense terror.
- Dizziness, feeling faint.
- Hot and cold flashes.
- Fear of going crazy.
- Feelings that nothing is real.
- Sweating.
- Shaking.
- Chest pain or a fast heartbeat (*palpitations*).
- Smothering, choking sensations.
- Feelings of impending doom and that death is near.
- Tingling of extremities, this may be from over breathing.
- Altered reality (*derealization*).
- Being detached from yourself (*depersonalization*).

Several symptoms can be present to make up anxiety or panic attacks.

DIAGNOSIS

The evaluation by your caregiver will depend on the type of symptoms you are experiencing. The diagnosis of anxiety or pain attack is made when no physical illness can be determined to be a cause of the symptoms.

TREATMENT

Treatment to prevent anxiety and panic attacks may include:

- Avoidance of circumstances that cause anxiety.
- Reassurance and relaxation.
- Regular exercise.
- Relaxation therapies, such as yoga.
- Psychotherapy with a psychiatrist or therapist.
- Avoidance of caffeine, alcohol and illegal drugs.
- Prescribed medication.

SEEK IMMEDIATE MEDICAL CARE IF:

ExitCare® Patient Information - GISELLE SERNA - ID# - MR#

- You experience panic attack symptoms that are different than your usual symptoms.
- You have any worsening or concerning symptoms.

ADDITIONAL NOTES AND INSTRUCTIONS

HOME TO REST

TAKE THE ATIVAN AS PRESCRIBED

FOLLOWUP WITH TEHAMA COUNTY MENTAL HEALTH

RETURN HERE IF YOU GET WORSE

Document Released: 12/18/2006 Document Revised: 6/7/2011 Document Reviewed: 4/21/2011

**St. Elizabeth Community Hospital - A Dignity Health
Member - <http://redbluff.mercy.org>**

Corning Medical Associates, Inc.
155 Solano Street
Corning, CA 96021
(530) 824-4663
Fax: (530) 824-5204

Date: 8/10/12

Patient: MARISOL & Giselle Serna

Comments: Both Patients being
referred to A Psychologist
due to nerves + Anxiety.

Signed: Tracy Rycktera, PAC

CORNING MEDICAL ASSOCIATES
155 SOLANO STREET
CORNING, CA 96021
(530) 824-4663

TEHAMA SUPERIOR COURT - CORNING BRANCH
720 Hoag Street
Corning, CA 96021
(530) 824-4601

RECEIPT FOR ACCOUNTS RECEIVABLE PAYMENT

08/13/12 11:41 AM

Clerk: VLR

Receipt #:

Amount Received:

748208

\$335.00

Check Rec:

\$335.00

Cash Rec:

\$0.00

Change Due:

=====
\$0.00

Case: SCR32716

Paid by: ESQUEDA, SALOME SERNA

Deft: ESQUEDA, SALOME SERNA

Total Owed: \$1375.00

Total Paid: \$1115.00

=====
Total Due: \$260.00

Note: POSTED BY LETICIA SERNA CK#1315 17
CORNING CA 96021

IN THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF TEHAMA

CRIMINAL DIVISION

445 Pine St.
Red Bluff, CA 96080
(530) 527-3563
Pay online at: www.tehamacourt.ca.gov

CORNING BRANCH

720 Hoag Street
Corning, CA 96021
(530) 824-4601

CLERK'S NOTICE, SENTENCE, COMMITMENT & MODIFICATION

THE PEOPLE vs Valencia Espinoza CASE NO. 2K22710

CHARGES Vehicle Code 26100 X3 Vehicle Code 26100 X5

NEXT COURT DATE _____ AT _____ DA/AGENCY NO. _____

DEPUTY DISTRICT ATTORNEY _____ DATE IN COURT 8/12/12

DEFENDANT PRESENT NOT PRESENT IN CUSTODY OWN RECOGNIZANCE/BAIL/BOND JUDGE RICHARD SCHEULER

DEFENSE COUNSEL _____ PRESENT NOT PRESENT JUDGE JOHN J. GARAVENTA

PUBLIC DEFENDER _____ APPOINTED _____ JUDGE C. TODD BOTTK

JUDGE JONATHAN W. SKILLMAN
JUDGE _____

ASSIGNED

CONTINUED FOR:

RETAIN COUNSEL ENTRY OF PLEA SETTING PRETRIAL CONFERENCE RESETTING DEFENDANT ORDERED TO BE PRESENT

PRELIMINARY HEARING TRIAL BY COURT TRIAL BY JURY CONFIRMATION DATE _____

HEARING RE: VIOLATION OF PROBATION ADMIT/DENY PROOF OF LICENSE/CORRECTION(S) PROOF OF COMPLETION DUI/TVS/BOOKING

SENTENCING REFERRED TO PROBATION OFFICER FOR REPORT & RECOMMENDATION DEFERRED ENTRY OF JUDGEMENT

BAIL REPORT & HEARING REVIEW: _____ D.A.'S INFORMAL PROBATION CONDITION(S) _____

CUSTODIAL STATUS:

Defendant ordered released on OWN RECOGNIZANCE on condition(s) _____

Defendant remains on OR/BAIL/BOND Defendant ordered DISCHARGED Remanded to custody of Sheriff until next appearance

SENTENCE AND CUSTODIAL STATUS: BAIL \$ _____

JAIL: SERVE _____ DAYS/MONTHS IN JAIL WITH CREDIT FOR TIME HERETOFORE SERVED. CASE DISMISSED PROBATION DENIED

_____ days/ months suspended for _____ months/years on condition(s) _____

Stay of execution granted until _____ at _____ at not less than 24/48 hours per week

Concurrently Consecutively with _____

Serve a period of time sufficient to complete BOOKING & RELEASE by _____

At the direction of PROBATION OFFICER: Pay restitution fine of \$ _____ OR SERVE ONE DAY IN JAIL FOR EACH \$100.00 UNPAID

FINE: Pay a fine of \$ _____ OR SERVE ONE DAY IN JAIL FOR EACH \$100.00 UNPAID, CONCURRENT/CONSECUTIVE TO JAIL TIME.

PROMISE TO COMPLY OR APPEAR IN COURT: CT II suspended on condition of bond license or proof of income than 24000 by 11/13/12

FINE: Pay a fine of \$ 25 CT I including Deferred Payment Fee and assessments; \$ _____ suspended for _____ months/years on condition(s)

CT II 125; CT III 125 CT IV 1200 \$40.00 Court Operations Assessment

Fine reduced to \$ _____ with proof of correction Fine suspended with proof of correction/junking Restitution fine of \$ _____

ADDITIONAL PENALTIES: \$10.00 CITATION PROCESSING FEE \$25.00 ADMINISTRATIVE SCREENING FEE

ALL FINES AND PENALTIES TO BE PAID IN FULL BY _____ OR APPEAR IN COURT THE NEXT COURT DATE.

I UNDERSTAND THAT WILLFUL VIOLATION OF THIS PROMISE TO COMPLY OR APPEAR IN COURT IS A MISDEMEANOR AND WILL RESULT IN THE ISSUANCE OF A WARRANT FOR MY ARREST AND AN ADDITIONAL PENALTY.

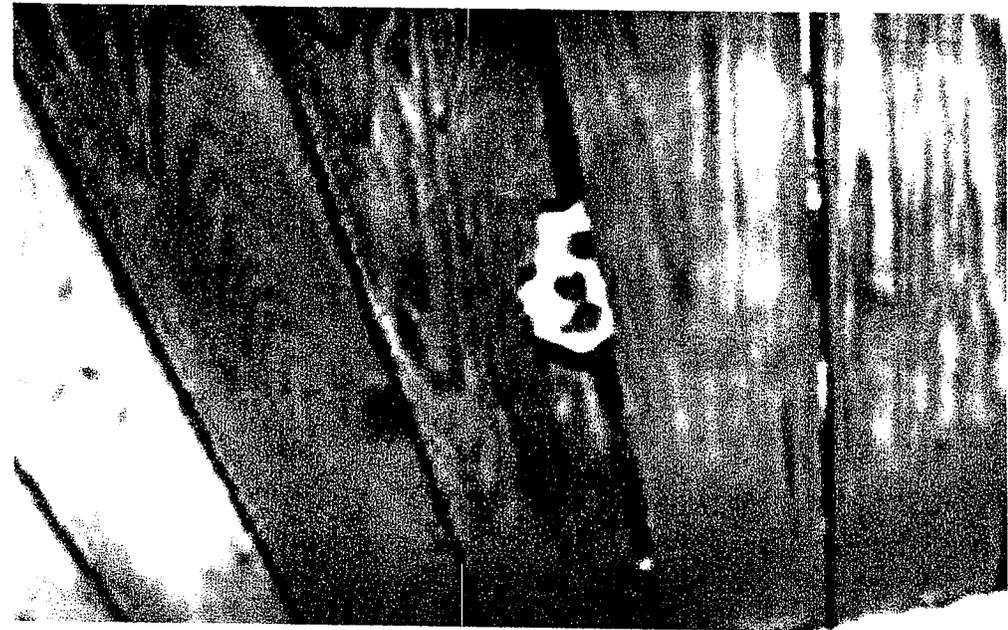
DATED: 8-12-12 Valencia Espinoza Defendant's Signature

1798 Blue Hill Ct Corning CA Address

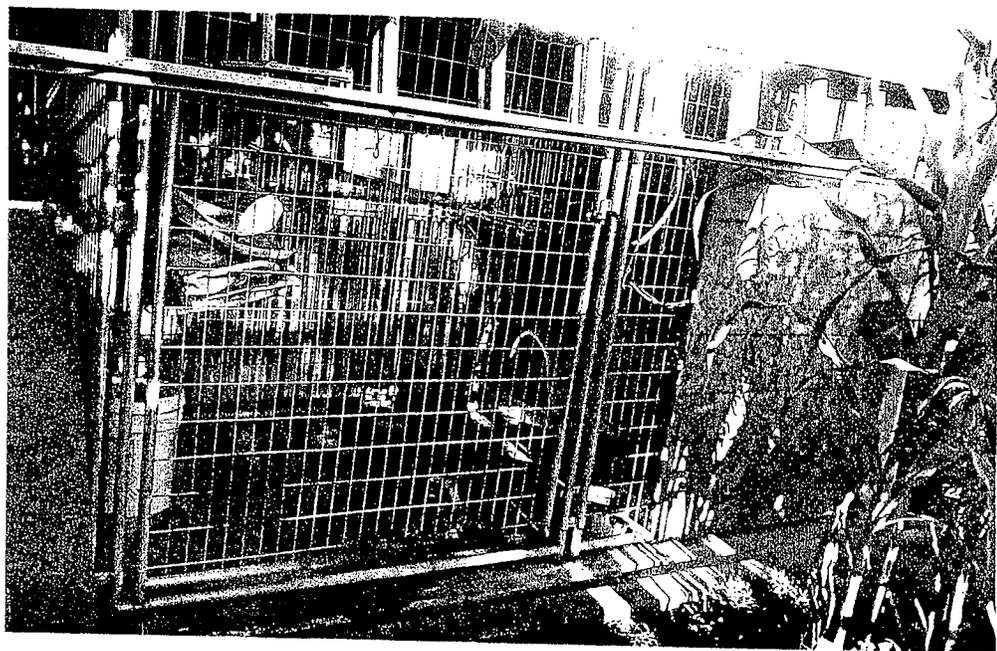
Telephone Number _____ City _____ State _____ ZIP Code _____

I CERTIFY THE FOREGOING IS A TRUE COPY OF THE JUDGEMENT RENDERED ON THE ABOVE DATE BY THE ABOVE NAMED JUDGE.

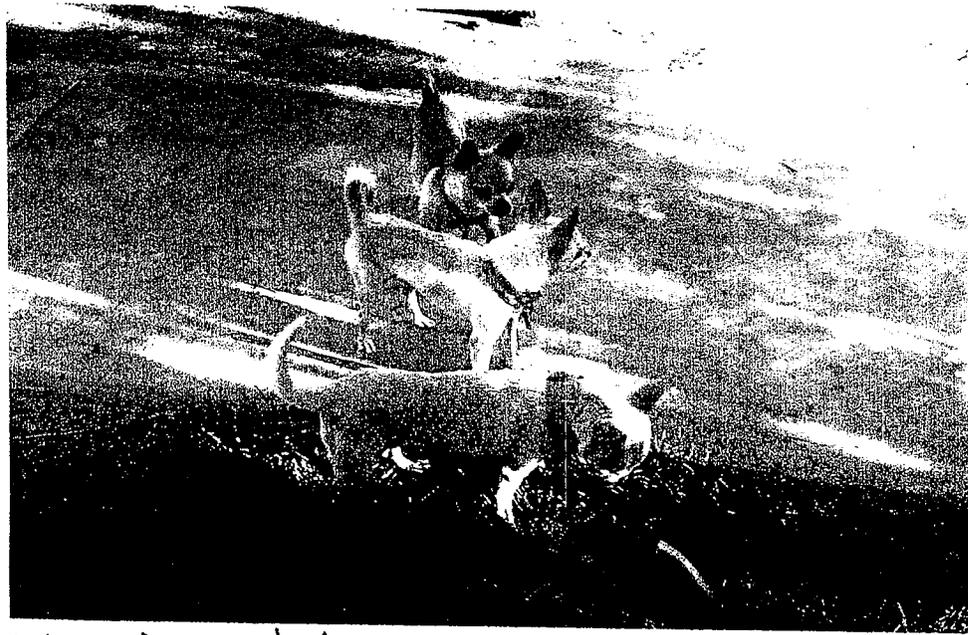
CLERK OF THE COURT BY _____



ALmost of my neighbors have dogs, and all dogs bark not just ours, but what's more their dogs damage property. On the back of this page is the police report that our neighbors agreed to fix the fence but havent done anything to correct the problem.



My family and I always try to supervise our dogs activities outside because our neighbors always try to poison them. The black dog takes turns with the little dogs that we have because they would fight if we didn't do this.



My daughters always enjoy playing with the dogs they spend practically all day outside even when they have school work to do they always find time to spend time with the dogs.



The black dog has been with us for eleven yrs. ~~My~~
My oldest daughter is the owner, the black dog has
been with us since she was born.

City of Corning, California
NOTICE TO APPEAR

CITATION # **2941**

DATE 072812	TIME 0745	DAY OF WEEK S M T W T F S	IN# 005
NAME Salome Serna Esqueda			
ADDRESS 1798 Blue Heron Ct.			
CITY <input checked="" type="checkbox"/> CORNING	STATE <input checked="" type="checkbox"/> CA	ZIP <input checked="" type="checkbox"/> 96021	
DRIVER'S LICENSE # A3586735	STATE <input checked="" type="checkbox"/> CA	DOB VV/54	

VIOLATION(S) - CODE SECTION/DESCRIPTION

- 6.16.180(A) CMC: DOG RUNNING AT LARGE
- 6.16.180(B) CMC: PERMITTING FEMALES ACCESS TO MALES DURING PERIOD OF HEAT
- 6.16.180(C) CMC: NO DOG LICENSE **3 dogs**
- 6.16.180(D) CMC: REFUSE TO SHOW LICENSE WHEN CALLED UPON BY A PUBLIC OFFICER
- 6.16.020 CMC: DOG NOT WEARING I.D.
- 6.16.170(C) CMC: KENNEL VIOLATION; THREE OR MORE DOGS **5 dogs**

LOCATION OF VIOLATION 1798 Blue Heron Ct.	
ISSUING OFFICER Wanna Ross	ID# 508
ARRESTING OFFICER (IF DIFFERENT FROM ISSUING)	ID#
WITHOUT ADMITTING ANY GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW. X Salome Serna Esqueda	

SUPERIOR COURT OF CALIFORNIA
 COUNTY OF TEHAMA, DEPARTMENT 4
 720 HOAG STREET, CORNING, CA 96021

ENDORSED

1 Daniel E. Irving, SBN 215,940
2 D. E. Irving, Attorney at Law
741 Main Street - Suite 112
3 Red Bluff, CA 96080
4 530/528-2000 • fax 530/528-9432

2007 JUN 13 PM 2:45

PEREZ GARCIA
COURT EXECUTIVE OFFICER
BY VIRGINIA COMFORT
DEPUTY

5 Attorneys for Severiano Briseno and Jennifer Briseno

6
7
8

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 IN AND FOR THE COUNTY OF TEHAMA
11 CIVIL DIVISION
12

13	_____)	Case No. 58644 (Lead File)
14	Petitioner: JENNIFER BRISENO)	
15	and)	STIPULATED ORDERS ON
16	Respondent: SALOME SERNA)	ORDER TO SHOW CAUSE
17	_____)	RE: HARASSMENT
18	_____)	
19	Plaintiff: SALOME SERNA)	
20	and)	
21	Defendant: SEVERIANO BRISENO)	
22	_____)	
23	_____)	

24 The consolidated hearing on Orders to Show Cause re Harassment filed herein by the
25 Petitioner JENNIFER BRISENO in Case No. 58664 and Plaintiff SALOME SERNA in Case
26 No. 58677 were heard on May 11, 2007 at 9:00 a.m. in Department II of the above-entitled
27 court, Judge DENNIS E. MURRAY presiding. Case No. 58644 is designated by the Court as
28

STIPULATED ORDER

1 the Lead File.

2 Petitioner JENNIFER BRISENO and Defendant SEVERIANO BRISENO were
3 personally present and represented by Daniel E. Irving, their attorney of record. Respondent
4 and Plaintiff SALOME SERNA and his spouse LETICIA MONTERO CARILLO were
5 personally present, and represented by Dennis D. Albright, his attorney of record.
6

7 Without admission by any party or spouse of inappropriate conduct, the parties each
8 stipulated that the following orders be entered:
9

10 ORDERS

11 Pursuant to the Stipulation of the Parties, and good cause appearing, IT IS HEREBY
12 ORDERED THAT:
13

14 1. Neither Petitioner JENNIFER BRISENO, nor Defendant SEVERIANO BRISENO
15 shall play, or allow others to play, loud music on the residence and property owned by
16 BRISENOs, such as that it interferes with the peace and quiet of their neighbors, the
17 SERNAS. This order is not intended to prohibit family parties or celebrations so long as the
18 music is not unreasonably loud.
19

20 2. Respondent, SALOME SERNA shall not play, or allow others to play, loud music
21 on the residence and property owned by SERNAS, such as that it interferes with the peace
22 and quiet of their neighbors, the BRISENOs. This order is not intended to prohibit family
23 parties or celebrations so long as the music is not unreasonably loud.
24

25 3. Neither Petitioner JENNIFER BRISENO, nor Defendant SEVERIANO BRISENO
26 shall videotape, or allow others to videotape, the real property, or any part thereof, owned by
27 the SERNAS, provided however that they may operate a single video camera directed at the
28

STIPULATED ORDER

1 street and front yard of the BRISENOS.

2 4. Neither Respondent and Plaintiff, SALOME SERNA, nor his agent, shall
3 videotape, or allow others to videotape, the real property, or any part thereof, owned by the
4 BRISENOS, provided however that he may operate a single video camera directed at the
5 street and front yard of the SERNAS.
6

7 5. Neither Petitioner, JENNIFER BRISENO, nor Defendant SEVERIANO
8 ~~BRISENO shall park any vehicles, or encourage others to park their vehicles, nor shall they~~
9
10 place their garbage for collection, on Blue Heron Court, Corning, California in such a
11 manner that such vehicle or garbage for collection encroaches upon an extension of the
12 common property line into Blue Heron Court.
13

14 6. Respondent and Plaintiff, SALOME SERNA, shall not park any vehicles, or
15 ~~encourage others to park their vehicles, nor shall he place his garbage for collection, on Blue~~
16 Heron Court, Corning, California in such a manner that such vehicle or garbage for collection
17 encroaches upon an extension of the common property line into Blue Heron Court.
18

19 7. Neither Petitioner JENNIFER BRISENO, nor Defendant SEVERIANO BRISENO
20 shall contact, annoy, harass or molest, nor shall they encourage others (including family and
21 friends) to annoy, harass or molest, Respondent and Plaintiff SALOME SERNA, or his
22 spouse.
23

24 8. Respondent and Plaintiff SALOME SERNA shall not contact, annoy, harass or
25 molest, nor shall they encourage others (including family and friends) to annoy, harass or
26 molest, Petitioner, JENNIFER BRISENO or Defendant SEVERIANO BRISENO.
27

28 9. All parties shall pay their own attorneys' fees and costs.

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This order shall remain in effect until May 10, 2010 unless otherwise modified by this

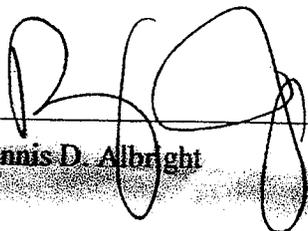
Court.

Dated: JUL 13 2007

DENNIS E. MURRAY

JUDGE OF THE SUPERIOR COURT

Approved as to form:



Dennis D. Albright

CORNING POLICE DEPARTMENT

Public Dispatch Log

03/06/2007 14:40 TO 03/06/2007 14:43

INCIDENT	REPORT	ASSIGN	ARRIVE	CLEAR	UNITS	HR	RPT	DISPO	NATURE	OFFENSE	LOCATION
CPD 070306029	03/06/07	14:42	14:43	14:45	15:11	214	P	CR P	415	242 PC	1798 BLUE HERON CT
				D1							

CN 070229

SUBJ STATES HER HUSBAND AND THE NEIGHBOR WERE FIGHTING.
NEIGHBOR HAS RETURNED TO HIS RES AND H IS STANDING
OUTSIDE WAITING FOR OFC./ljp
CASE OPENED THIS DATE./214
I SERNA, SALOME
I BRISENO, SEVERIANO HMA

CORNING POLICE DEPARTMENT

Public Dispatch Log

03/05/2007 13:43 TO 03/05/2007 13:46

INCIDENT	REPORT	ASSIGN	ARRIVE	CLEAR	UNITS	HR	RPT	DISPO	NATURE	OFFENSE	LOCATION	
CPD 070305020	03/05/07	13:44	13:45	13:45	14:15	206	P	55	P	ACI	ACI CN 070225T CITIZEN REPORTS INJURY T.C. IFO THE BANK. 206 ON SCENE./ljp 13:46 MEDICAL REQUESTED./ljp 13:47 MEDICAL ON SCENE./ljp ROSS V. MENDOZA D ROSS, COLLEEN LORETTA WFA 20 RO BLANCHAR, BERNALEE MARGIE WFA 57 D MENDOZA, JAVIER OCHOA HMA 29 RO OCHOA, MAYRA LETICIA HFA 22 1986 HOND 2DAL616 CA 1994 NISS 3GTG174 CA 415 PC	FOURTH ST/SOLANO ST
CPD 070305021	03/05/07	13:45	14:17	14:18	14:22	208	P	MR	CO	415	1780 BLUE HERON CT RP REPORTS A VERBAL DISTURBANCE INVOLVING HER NEIGHBOR. RP REQUESTED OFC 10-21./ljp 14:22 RP WAS NOT AT HER RES UPON CALL-BACK./208 CONTACTED RP, WHO REQUESTED EXTRA PATROL. INFO PROVIDED: LEO./208 RP BRISENO, JENNIFER DAWN WFA 29 I SERNA, SALOME	

CORNING POLICE DEPARTMENT

Public Dispatch Log

11/01/2006 18:23 TO 11/01/2006 18:26

INCIDENT	REPORT	ASSIGN	ARRIVE	CLEAR	UNITS	HR	RPT	DISPO	NATURE	OFFENSE	LOCATION
----------	--------	--------	--------	-------	-------	----	-----	-------	--------	---------	----------

CPD 061101023	11/01/06	18:24	18:25	18:25	18:25	208	P	CR	CO	594	
---------------	----------	-------	-------	-------	-------	-----	---	----	----	-----	--

594V(A) PC

1738 BLUE HERON CT

RP REPORTS ONE OF THE TIRES ON HIS VEH WAS SLASHED THIS
LAST SUNDAY./208
LEO AT THIS TIME, EXTRA PATROL REQUESTED, APPROX LOSS
\$100.00./208

RP SERNA, SALOME

CORNING POLICE DEPARTMENT

Public Dispatch Log

08/23/2006 7:42 TO 08/23/2006 7:46

INCIDENT	REPORT	ASSIGN	ARRIVE	CLEAR	UNITS	HR	RPT	DISPO	NATURE	OFFENSE	LOCATION
CPD 060823015	08/23/06	7:44	7:46	7:46	7:54	208	P	CR CO	594	594V(A) PC RP REPORTS VANDALISM TO HIS VEHICLE/DM APPROX \$50.00, LEO, REQ EXTRA PATROL/208 RP SERNA, SALOME 1990 BUIC	1798 BLUE HERON CT 2SYG179 CA

CORNING POLICE DEPARTMENT

Public Dispatch Log

07/18/2006 13:28 TO 07/18/2006 13:32

INCIDENT	REPORT	ASSIGN	ARRIVE	CLEAR	UNITS	HR	RPT	DISPO	NATURE	OFFENSE	LOCATION
----------	--------	--------	--------	-------	-------	----	-----	-------	--------	---------	----------

CPD 060718012

07/18/06 13:30 13:30 13:31 13:37 208 P MR IO CIVIL

MR

1798 BLUE HERON CT

RP REQUESTS TO SPEAK TO AN OFFICER RE PROBLEM W/ HIS NEIGHBOR/JCD

CONTACT W/ RP CIVIL INFO PROVIDED/JCD

RP SERNA, SALOME

jennifer briseno

To: Corning Chief
of Police

7/28/12

To Whom this may concern

I have had to send you this claim by mail because at the police-department they didn't want to receive it because they know Animal Control made a mistake in entering my house without my permission or a scouting order. I believe that the way she proceeded traumatized my daughters. I think she should have only told me without my daughters being there. The Animal Control officer told us we had to get "rid" of two dogs because only three are allowed on the property. Without any consideration to my daughters and myself she told me I had to go to court. The dogs we have, have never gotten loose, and we have never gotten any tickets for them. My daughters have been so affected they have to attend counseling Friday the third they are in depression, and this is missing

6.16.050 Duplicate license--Issuance--Fee. A. Should a license tag be destroyed or lost, the person to whom such license tag was issued may obtain a duplicate thereof upon application to the city clerk and upon payment of the cost of replacing the same, which cost shall be from time to time fixed by resolution of the city council.

B. The fee for the issuance of a duplicate license shall be fifty cents. (Ord. 188 §2(part), 1963: Ord. 141 §5(part), 1957).

6.16.060 License--Late fee. Every owner who fails to obtain a license on or before the first day of the license period shall pay a late fee of five dollars in addition to license fees. (Ord. 188 §2(part), 1963: Ord. 141 §5(part), 1957).

6.16.070 License and license tag--Exemptions. The provisions of Sections 6.16.030 through 6.16.060 of this chapter shall not apply to any dog which:

A. Is under the age of four months;

B. Is owned by a person visiting within the city, and such dog is not kept within the city for a period of more than ten days;

C. Has theretofore been licensed by some city or county of the state and such license is in full force and effect, and the dog is not within the city over thirty days;

D. Is used by an owner who is unable, unassisted, to go from place to place and whose dog is used to assist him in so doing. (Ord. 193 §1(part), 1963: Ord. 141 §11, 1957).

6.16.080 Dog kennels--Permit required. Before any person, persons, firm or corporation may establish or maintain a commercial dog kennel or dog kennels within the city, except as permitted by Section 6.16.170(c) of this chapter, there shall be presented to the city council a written application for permit, in which application shall be stated the name of the person, persons, firm, or corporation seeking to establish such kennel or kennels, the proposed location thereof, and a statement, plan, or drawing of the proposed kennel or kennels and the manner of proposed operation thereof, and the location of the nearest dwellings and the distance between the dwellings and the dog kennel or kennels. Such application shall be considered by the city council and, if in the judgment of the city council the establishment and maintenance of such kennel or kennels will not create a nuisance, the city council may grant the application and permit the establishment and maintenance of such kennel or kennels for such period of time as the same do not constitute a nuisance to adjoining owners of property or others. The council, having granted such permit, may

revoke the same when in its opinion any such kennel or kennels become a nuisance to adjoining property owners or others. Such permit shall be granted upon the condition that the persons, persons, firm, or corporation establishing and maintaining the business shall at all times during the establishment and maintenance thereof comply with the applicable ordinances and laws, including the business license ordinance of the city. (Ord. 141 §12, 1957).

6.16.090 Rabies control--Reporting. It is unlawful for any person to own, harbor, control, or keep any dog within the city suspected of rabies without reporting such suspicion to the health officer and submitting such dog to the examination of the health officer or his representative. It shall be the duty of the health officer, when called upon, to examine or have examined such dog if its is suspected of having rabies, and to examine or have examined such dog if afflicted with rabies. (Ord. 141 §13 (I), 1957).

6.16.100 Rabies control--Confinement--Determination. Dogs suspected of having rabies shall not be killed, but shall be kept in confinement until the health officer or his representative shall find that further observation of the live animal is not necessary for the determination of the presence or absence of rabies; after the permission of the health officer has been secured, dogs afflicted with rabies may be killed. (Ord. 141 §13 (II), 1957).

6.16.110 Rabies control--Quarantine and confinement of a dog that has bitten any person. Whenever it is shown that any dog has bitten any person, the owner or person harboring, controlling, or keeping such dog shall upon the order of the health officer or animal control officer deliver the dog to the poundmaster, who shall quarantine it and keep it confined for a period of ten days; and the health officer may make an examination or inspection thereof at any time during the period. If it appears to the health officer upon examination as aforesaid, or otherwise, that a dog has the rabies, he shall forthwith kill or cause to be killed such dog. Isolation shall be at the city pound, except that dogs which have been isolated in strict confinement under proper care and under observation of a licensed veterinarian in the pound or a veterinary hospital, may be released from isolation by the local health officer, or his representative, after five days of veterinary observation, if upon conducting a thorough physical examination on the fifth day or more after infliction of the bite, the observing veterinarian certifies that there are no clinical signs or symptoms of any disease. (Ord. 248 §1, 1969: Ord. 141 §13 (III), 1957).

6.16.120 Rabies control--Animal bitten by rabid animal
--Action. Whenever any animal shall be bitten by another animal having rabies, the owner or person harboring, controlling, or keeping the animal so bitten shall, upon being informed thereof, either kill such animal or quarantine it and keep it tied up or confined for a period of six months, and the health officer shall have the power in his discretion to kill or quarantine the animal so bitten, in case the owner or person harboring, controlling, or keeping the same shall fail to do so immediately, or in case the owner or person harboring, controlling, or keeping such animal is not readily accessible. (Ord. 141 §13 (IV), 1957).

6.16.130 Rabies control--Bringing in dogs from certain area unlawful--Exception. It is unlawful for any person to bring a dog into the city from any area in which rabies have been known to exist within six months previously, except upon the written permission of the health officer, and such permission is to be granted only upon the condition that the dog whenever in the city during a period of six months from and after such permission, will be confined and muzzled. (Ord. 141 §13 (V), 1957).

6.16.140 Rabies control--Muzzling of dogs. During the existence of rabies, or any case of rabies within the city, or if such existence be suspected, the health officer is empowered to order all dogs in the city to be muzzled, and it shall be unlawful for any person to disobey such order. Notice of such order may be given by publication for one time within a newspaper of general circulation, printed, published and circulated within the city. (Ord. 141 §13 (VI), 1957).

6.16.150 Rabies control--Vaccination. The city shall provide dog vaccination clinics or arrange for dog vaccination at clinics operated by veterinarians, held at some strategic location in the city, at least once each year, and as near the first of the year as is practical. Such clinics may be combined with clinics of the county, and may be combined as a single operation with the issuance of licenses. No license shall be issued unless the dog has been vaccinated for rabies within a period specified by the State Department of Public Health. Owners of dogs may elect to have their dogs vaccinated by a licensed veterinarian of their own choice, but shall produce proof of such vaccination prior to the licensing of the animal. Veterinarians giving vaccinations shall furnish an appropriate vaccination certificate showing the fact and time of vaccination and the type of canine rabies vaccine administered. (Ord. 171 §2(part), 1961; Ord. 141 §13 (VII), 1957).

6.16.160 Rabies control--Applicability of state statutes.

In all matters relating to the control of rabies not provided for by this chapter, the appropriate provisions of Sections 1900 through 2000 inclusive of the California Health and Safety Code, and Sections 2604 through 2606.6, inclusive, of the California Administrative Code, as the same may now exist or hereafter be amended, shall prevail. (Ord. 171 §2 (part), 1961: Ord. 141 §13 (VIII), 1957).

6.16.170 Miscellaneous offenses. It is unlawful for any person, persons, firm, or corporation:

A. To kill, injure or impound any dog, the owner, harborer, controller, or keeper of which has complied with the provisions of this chapter, except as otherwise provided in this chapter;

B. To bring a dog into the city from any area in which rabies has been known to exist within six months previously, except upon the written permission of the health officer, and such permission shall be granted only upon the condition that the dog, whenever in the city during a period of six months, will be confined and muzzled;

C. To maintain, keep, manage, or operate a dog kennel or kennels within the city in which dog kennel or kennels three or more dogs are kept on any premises of such person, persons, firm or corporation, or by any member of the family of such person or persons, or the associate of such person or persons, firm or corporation, except pups under the age of three months, except as otherwise provided in Section 6.16.080 of this chapter;

D. To violate any of the provisions of this chapter, or fail to comply therewith. (Ord. 141 §3, 1957).

6.16.180 Keeping of dogs--Offenses. It is unlawful for any person, persons, firm or corporation, owning, harboring, controlling, or keeping a dog within the city:

A. To permit any such dog to run at large within the city; as used in this chapter, a dog shall be deemed as running at large when not on a leash; when not upon the premises under the control of the owner with adequate provision for the care of such dog; or when not in an enclosure, on premises controlled by the owner, sufficient at all times to restrain and control such dog and within which enclosure adequate provision is made for the care and feeding of such dog. The enclosure on the premises controlled by the persons owning, harboring, controlling, or keeping such dog shall be such as to protect any person having lawful business on the premises whereon the enclosure is situate from attack by such dog;

B. To suffer or permit any female dog to be accessible to male dogs at any time during the period when such female

8/13/12

AUG 13 2012

To: City of Coving or the City of Council
of Coving

My name is Salome Serna and my address is 1798 blue haron ct. and i'm writing this letter to ask permission to have a kennel license in order to keep my four dogs the reason i'm asking this is because I need the kennel license to present to court because the police gave me a ticket. I gave away one dog away, but its impossible to give away our fourth dog because he is twelve yrs. old, and nobody wants him, also he has been my oldest daughter's pet for eleven yrs. she is suffering psychologically for him, she is going to need psychological attention. My youngest daughter is too attached to the other dogs to let them go. These are the reasons im asking for that license my family can only hope your heart and mind take mercy on us. Enclosed is information. Thankyou for your help and understanding. Attentively,
Salome Serna

IN THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF TEHAMA

CRIMINAL DIVISION

445 Pine St.
Red Bluff, CA 96080
(530) 527-3563

Pay online at: www.tehamacourt.ca.gov

CORNING BRANCH

720 Hoag Street
Corning, CA 96021
(530) 824-4601

CLERK'S NOTICE, SENTENCE, COMMITMENT & MODIFICATION

THE PEOPLE vs Salome Esquivela
CASE NO. 2K32714
CHARGES: 1140120(a) x3
NEXT COURT DATE: AT
DEPUTY DISTRICT ATTORNEY:
DEFENDANT: [X] PRESENT [] NOT PRESENT [] IN CUSTODY [] OWN RECOGNIZANCE/BAIL/BOND
DEFENSE COUNSEL: [] PRESENT [] NOT PRESENT
[] PUBLIC DEFENDER APPOINTED
JUDGE: [] RICHARD SCHEULER
JUDGE: [X] JOHN J. GARAVENTA
JUDGE: [] C. TODD BOTTCHE
JUDGE: [] JONATHAN W. SKILLMAN
JUDGE: [] ASSIGNED

CONTINUED FOR:

[] RETAIN COUNSEL [] ENTRY OF PLEA [] SETTING [] PRETRIAL CONFERENCE [] RESETTNG [] DEFENDANT ORDERED TO BE PRESENT
[] PRELIMINARY HEARING [] TRIAL BY COURT [] TRIAL BY JURY [] CONFIRMATION DATE
[] HEARING RE: VIOLATION OF PROBATION [] ADMIT/DENY [] PROOF OF LICENSE/CORRECTION(S) [] PROOF OF COMPLETION DUI/TVS/BOOKING
[] SENTENCING [] REFERRED TO PROBATION OFFICER FOR [] REPORT & RECOMMENDATION [] DEFERRED ENTRY OF JUDGEMENT
[] BAIL REPORT & HEARING [] REVIEW: [] D.A.'S INFORMAL PROBATION CONDITION(S)

CUSTODIAL STATUS:

[] Defendant ordered released on OWN RECOGNIZANCE on condition(s)
[] Defendant remains on OR/BAIL/BOND [] Defendant ordered DISCHARGED [] Remanded to custody of Sheriff until next appearance
BAIL \$

SENTENCE AND CUSTODIAL STATUS:

[] JAIL: SERVE DAYS/MONTHS IN JAIL WITH CREDIT FOR TIME HERETOFORE SERVED. [] CASE DISMISSED [] PROBATION DENIED
[] days/ months suspended for months/years on condition(s)
[] Stay of execution granted until at at not less than 24/48 hours per week
[] Concurrently [] Consecutively with
[] Serve a period of time sufficient to complete BOOKING & RELEASE by
[] At the direction of PROBATION OFFICER: [] Pay restitution fine of \$ OR SERVE ONE DAY IN JAIL FOR EACH \$100.00 UNPAID
[] FINE: Pay a fine of \$ OR SERVE ONE DAY IN JAIL FOR EACH \$100.00 UNPAID, CONCURRENT/CONSECUTIVE TO JAIL TIME

PROMISE TO COMPLY OR APPEAR IN COURT:

[X] FINE: Pay a fine of \$ 25 CT I including Deferred Payment Fee and assessments; \$ 25 CT II 125; CT III 125 CT IV 12100 suspended for 12 months/years on condition
[] \$40.00 Court Operations Assessment
[] Fine reduced to \$ with proof of correction [] Fine suspended with proof of correction/junking [] Restitution fine of \$

ADDITIONAL PENALTIES: [] \$10.00 CITATION PROCESSING FEE [] \$25.00 ADMINISTRATIVE SCREENING FEE
ALL FINES AND PENALTIES TO BE PAID IN FULL BY OR APPEAR IN COURT THE NEXT COURT DATE.

I UNDERSTAND THAT WILLFUL VIOLATION OF THIS PROMISE TO COMPLY OR APPEAR IN COURT IS A MISDEMEANOR AND WILL RESULT IN THE ISSUANCE OF A WARRANT FOR MY ARREST AND AN ADDITIONAL PENALTY.

DATED: 8-17-12
Defendant's Signature: Salome Esquivela
Address: 1798 Blue Horizon Ct Corning
City: State: ZIP Code:

I CERTIFY THE FOREGOING IS A TRUE COPY OF THE JUDGEMENT RENDERED ON THE ABOVE DATE BY THE ABOVE NAMED JUDGE.
Gina Setter, CLERK OF THE COURT BY: Gina Setter

TO THE SHERIFF: The foregoing certified copy of judgement in the above entitled action is your authority for the execution thereof

Corning Medical Associates, Inc.
155 Solano Street
Corning, CA 96021
(530) 824-4663
Fax: (530) 824-5204

Date: 8/10/12

Patient: MARISOL & GISELE Serna

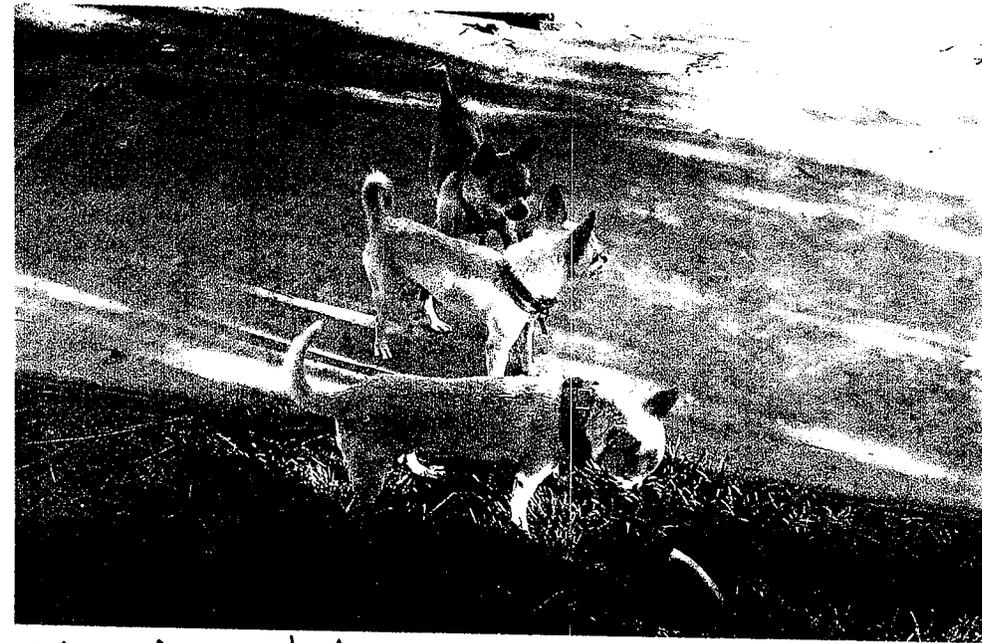
Comments: Both Patients being
referred to A Psychologist
due to nerves + Anxiety.

Signed: Tracy Ruchtera, PAC

CORNING MEDICAL ASSOCIATES
155 SOLANO STREET
CORNING, CA 96021
(530) 824-4663



The black dog has been with us for eleven yrs. ~~11~~
My oldest daughter is the owner, the black dog has
been with us ever since she was a toddler



My daughters always enjoy playing with the dogs they spend practically all day outside even when they have school work to do they always find time to spend time with the dogs.



My family and I always try to supervise our dogs activities
outside because our neighbors always try to poison them.
The black dog takes turns with the "other dog" - "the other dog"

CITY OF CORNING

OFFICE USE ONLY	
LICENSE NUMBER	FEE \$ <u>8.00</u>
<u>818</u>	NEW <input type="checkbox"/> PENALTY \$
DATE ISSUED	RENEWAL <input type="checkbox"/> CHECK \$
<u>08/01/12</u>	DUPLICATE <input type="checkbox"/> ACCOUNT \$
DATE EXPIRES	TRANSFER <input type="checkbox"/> CONTROL \$
<u>12/31/12</u>	PENALTY <input type="checkbox"/> PRIOR LICENSE \$
	CASH <input type="checkbox"/>
	VACCINE LOCATION

IF YOU NO LONGER OWN THIS DOG PLEASE CHECK

DOG LICENSE

DOGS NAME <u>JOEY</u>		SEX <u>M</u>
STREET ADDRESS (IF DIFFERENT FROM MAILING ADDRESS)		
HOUSE NO.	STREET	APT. #
LICENSE FEE — ONE YEAR		
Regular Dog		<u>\$8.00</u>
Spayed or Neutered		4.00
Sr. Citizen (80 years) or over		4.00
Sr. Citizen Spayed or Neutered		2.00

NAME Serna, Salome & Leticia

ADDRESS 1798 Blue Heron Ct.

CITY Corning

HOME PHONE #824-0956 WORK PHONE _____

BREED Chih.

COLOR White

VACCINE DATE 07/31/12 REVACCINATION DATE 07/31/13

CITY OF CORNING

OFFICE USE ONLY	
LICENSE NUMBER	FEE \$ <u>8.00</u>
<u>286</u>	NEW <input type="checkbox"/> PENALTY \$
DATE ISSUED	RENEWAL <input type="checkbox"/> CHECK \$
<u>12/31/11</u>	DUPLICATE <input type="checkbox"/> ACCOUNT \$ <u>SER0002</u>
DATE EXPIRES	TRANSFER <input type="checkbox"/> CONTROL \$
<u>12/31/12</u>	PENALTY <input type="checkbox"/> PRIOR LICENSE \$ <u>0000000027</u>
	CASH <input type="checkbox"/>
	VACCINE LOCATION

IF YOU NO LONGER OWN THIS DOG PLEASE CHECK

DOG LICENSE

DOGS NAME <u>DOLLY</u>		SEX <u>F</u>
STREET ADDRESS (IF DIFFERENT FROM MAILING ADDRESS)		
HOUSE NO.	STREET	APT. #
LICENSE FEE — ONE YEAR		
Regular Dog		<u>\$8.00</u>
Spayed or Neutered		4.00
Sr. Citizen (80 years) or over		4.00
Sr. Citizen Spayed or Neutered		2.00

NAME SERNA, SALOME & LETICIA

ADDRESS 1798 BLUE HERON CT

CITY CORNING CA 96021

HOME PHONE (530)824-0956 WORK PHONE _____

BREED CHIHUAHUA

COLOR TAN

VACCINE DATE 04/16/09 REVACCINATION DATE 04/15/12

CITY OF CORNING

OFFICE USE ONLY	
LICENSE NUMBER	FEE \$ <u>8.00</u>
<u>819</u>	NEW <input type="checkbox"/> PENALTY \$
DATE ISSUED	RENEWAL <input type="checkbox"/> CHECK \$
<u>08/01/12</u>	DUPLICATE <input type="checkbox"/> ACCOUNT \$
DATE EXPIRES	TRANSFER <input type="checkbox"/> CONTROL \$
<u>12/31/12</u>	PENALTY <input type="checkbox"/> PRIOR LICENSE \$
	CASH <input type="checkbox"/>
	VACCINE LOCATION

IF YOU NO LONGER OWN THIS DOG PLEASE CHECK

DOG LICENSE

DOGS NAME <u>MARTIANO</u>		SEX <u>M</u>
STREET ADDRESS (IF DIFFERENT FROM MAILING ADDRESS)		
HOUSE NO.	STREET	APT. #
LICENSE FEE — ONE YEAR		
Regular Dog		<u>\$8.00</u>
Spayed or Neutered		4.00
Sr. Citizen (80 years) or over		4.00
Sr. Citizen Spayed or Neutered		2.00

NAME Serna, Salome & Leticia

ADDRESS 1798 Blue Heron Ct.

CITY Corning

BREED Chih.

COLOR Brown

VACCINE DATE 07/31/12 REVACCINATION DATE 07/31/13

CITY OF CORNING

LICENSE NUMBER 285	OFFICE USE ONLY FEE \$ 4.00
DATE ISSUED 12/31/11	NEW <input type="checkbox"/> PENALTY \$ _____
DATE EXPIRES 12/31/12	RENEWAL <input type="checkbox"/> CHECK \$ _____
	DUPPLICATE <input type="checkbox"/> ACCOUNT \$ SER0001
	TRANSFER <input type="checkbox"/> CONTROL \$ _____
	PENALTY <input type="checkbox"/> PRIOR LICENSE \$ 0000000086
	CASH <input checked="" type="checkbox"/>
	VACCINE LOCATION _____

IF YOU NO LONGER OWN THIS DOG PLEASE CHECK

DOG LICENSE

DOG'S NAME OSO	SEX MIN
STREET ADDRESS (IF DIFFERENT FROM MAILING ADDRESS) CORNING	
HOUSE NO.	STREET APT. /
LICENSE FEE — ONE YEAR	
Regular Dog	\$8.00
Spayed or Neutered	4.00
Sr. Citizen (80 years) or over	4.00
Sr. Citizen Spayed or Neutered	2.00

NAME SERNA, SALOME

ADDRESS 1798 BLUE HERON CT

CITY CORNING CA 96021

HOME PHONE (530) 824-0956 WORK PHONE _____

BREED CHIHUAHUA

COLOR BLACK

VACCINE DATE 12/13/10 REVACCINATION DATE 12/12/13

RABIES VACCINATION CERTIFICATE
NASPHV FORM 51

RABIES TAG NUMBER

MICROCHIP NUMBER

Owner's Name

LAST
Serna

FIRST
Salome & Leticia

M.I.

TELEPHONE
(530)824-0956

ADDRESS
1798 Blue Heron Ct

CITY
Corning

STATE
CA

ZIP
96021

SPECIES

SEX

AGE

SIZE

PREDOMINANT BREED

PREDOMINANT
COLORS/MARKINGS

Dog
Cat
Other
(Specify)

Male
Female
Altered

Months
4 yr Years

Under 20 lbs
20 - 50 lbs
Over 50 lbs

Chihuahua

Tan

Animal Control License 1 Yr 3 Yr Other _____

NAME
DOLLY

DATE VACCINATED
4/13/2012

PRODUCT NAME

Veterinarian: Mark S. Winning, DVM
License No: 11323

NEXT VACCINATION
DUE BY:
4/13/2015

MANUFACTURER
(First 3 Letters)

F D

- 1 yr USDA Licensed Vaccine
 3 yr USDA Licensed Vaccine
 4 yr USDA Licensed Vaccine
 Initial dose Booster dose

Veterinarian's
Signature: Mark Winning, DVM
L.R.

Address: Mill Creek Veterinary Hospital
8202 Hwy 99E
Los Molinos, CA 96055

1215352A

Vacc. Serial (Lot) No.

RABIES VACCINATION CERTIFICATE
NASPHV FORM 51

RABIES TAG NUMBER

MICROCHIP NUMBER

Owner's Name

LAST
Serna

FIRST
Salome & Leticia

M.I.

TELEPHONE
(530)824-0956

ADDRESS
1798 Blue Heron Ct

CITY
Corning

STATE
CA

ZIP
96021

SPECIES

SEX

AGE

SIZE

PREDOMINANT BREED

PREDOMINANT
COLORS/MARKINGS

Dog
Cat
Other
(Specify)

Male
Female
Altered

Months
1 yr Years

Under 20 lbs
20 - 50 lbs
Over 50 lbs

Chihuahua

Brown

Animal Control License 1 Yr 3 Yr Other _____

NAME
Martiano

DATE VACCINATED
7/31/2012

PRODUCT NAME

Veterinarian: Mark S. Winning, DVM
License No: 11323

NEXT VACCINATION
DUE BY:
7/31/2013

MANUFACTURER
(First 3 Letters)

F T D

- 1 yr USDA Licensed Vaccine
 3 yr USDA Licensed Vaccine
 4 yr USDA Licensed Vaccine
 Initial dose Booster dose

Veterinarian's
Signature: *Dr. Mark Winning*

Address: Mill Creek Veterinary Hospital
8202 Hwy 99E
Los Molinos, CA 96055

1215354A

Vacc. Serial (Lot) No.

RABIES VACCINATION CERTIFICATE
NASPHV FORM 51

RABIES TAG NUMBER

MICROCHIP NUMBER

Owner's Name

LAST
Serna

FIRST
Salome & Leticia

M.I.

TELEPHONE
(530)824-0956

ADDRESS
1798 Blue Heron Ct

CITY
Corning

STATE
CA

ZIP
96021

SPECIES

SEX

AGE

SIZE

PREDOMINANT BREED

PREDOMINANT
COLORS/MARKINGS

Dog
Cat
Other
(Specify)

Male
Female
Altered

1 yr
Months
Years

Under 20 lbs
20 - 50 lbs
Over 50 lbs

Chihuahua

White

Animal Control License 1 Yr 3 Yr Other _____

NAME
Joey

DATE VACCINATED
7/31/2012

PRODUCT NAME

Veterinarian:
License No:

Mark S. Winning, DVM

11323

NEXT VACCINATION
DUE BY:
7/31/2013

MANUFACTURER
(First 3 Letters)

F T D

- 1 yr USDA Licensed Vaccine
 3 yr USDA Licensed Vaccine
 4 yr USDA Licensed Vaccine

Initial dose Booster dose

1215354A

Vacc. Serial (Lot) No.

Veterinarian's
Signature:

Dr. Mark Winning DVM

Address: Mill Creek Veterinary Hospital
8202 Hwy 99E
Los Molinos, CA 96055

RABIES VACCINATION CERTIFICATE
NASPHV FORM 51

RABIES TAG NUMBER

MICROCHIP NUMBER

Owner's Name

LAST
Serna

FIRST
Salome & Leticia

M.I.

TELEPHONE
(530)824-0956

ADDRESS
1798 Blue Heron Ct

CITY
Corning

STATE
CA

ZIP
96021

SPECIES

SEX

AGE

SIZE

PREDOMINANT BREED

PREDOMINANT
COLORS/MARKINGS

Dog Male Months Under 20 lbs
Cat Female 11 yr Years 20 - 50 lbs
Other Altered Over 50 lbs

NAME
OSO

Black

Animal Control License 1 Yr 3 Yr Other _____

DATE VACCINATED
12/13/2010

PRODUCT NAME

Veterinarian: Mark S. Winning, DVM
License No: 11323

NEXT VACCINATION
DUE BY:
12/12/2013

MANUFACTURER
(First 3 Letters) F D

- 1 yr USDA Licensed Vaccine
 3 yr USDA Licensed Vaccine
 4 yr USDA Licensed Vaccine
 Initial dose Booster dose

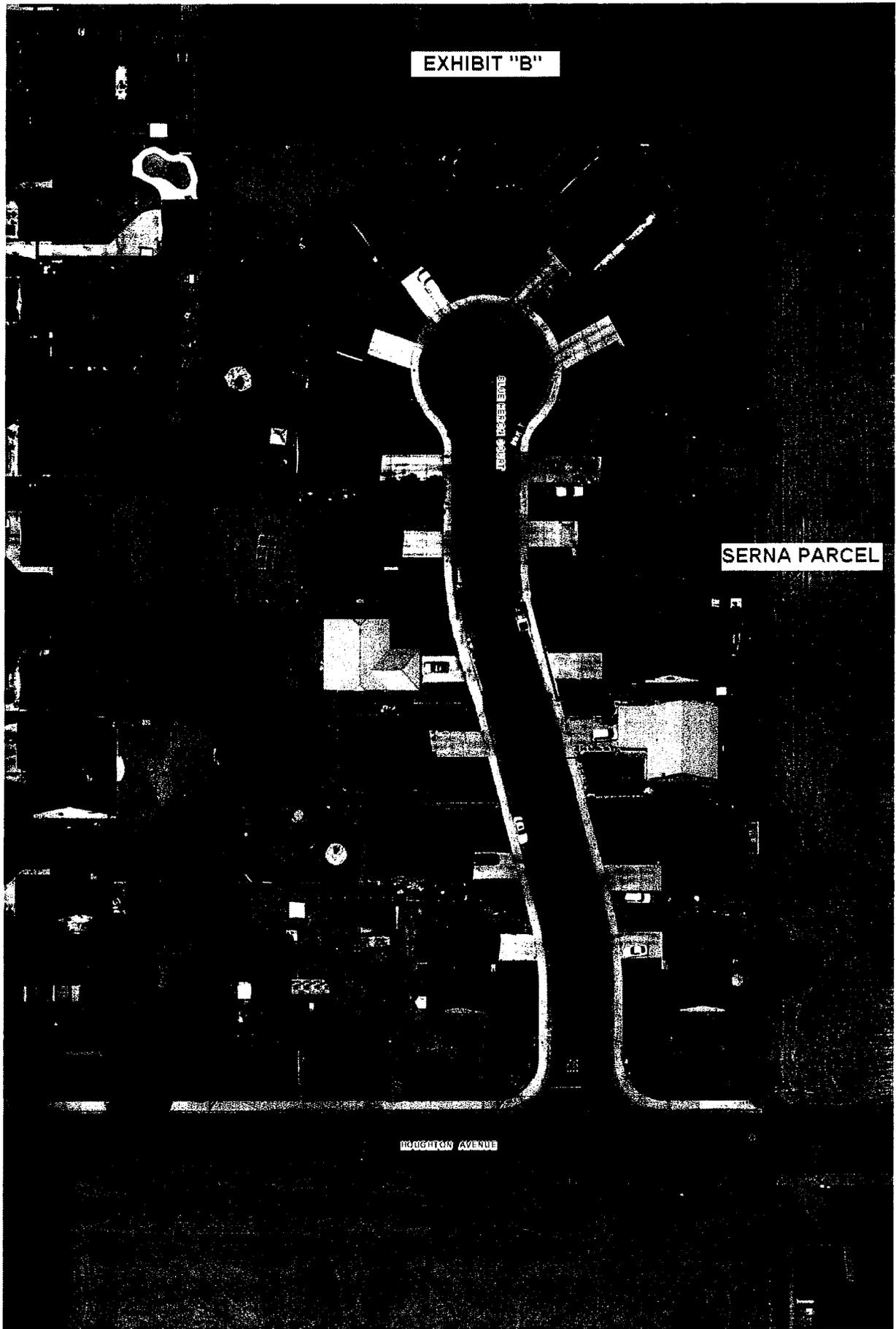
Veterinarian's
Signature: *Mark Winning DVM*

Address: Mill Creek Veterinary Hospital
8202 Hwy 99E
Los Molinos, CA 96055

873202A

Vacc. Serial (Lot) No.

EXHIBIT "B"



SERNA PARCEL

DOUGHTON AVENUE

Exhibit "C"

8.02.010

public nuisances within the city of Corning in order to effectively combat hazard to the public health, safety and welfare. (Ord. 535 §1(part), 1993).

Chapter 8.02

DEFINITIONS

Sections:

8.02.010 Definitions.

8.02.010 Definitions. For the purposes of this chapter, the words set out in this section shall have the following meanings:

A. Credentials. Proper credentials consist of any one of the following: city badge or city identification card.

B. "Garbage" includes all spoiled or waste food from a kitchen or market that is thrown away or any worthless, unnecessary or offensive matter.

C. "Grass, weeds or plants" includes grass, weeds or plants which, when mature, will attain such a large growth as to become a fire menace when dry, or which are otherwise noxious or dangerous.

D. "Grass, weeds, plants, rubbish and rubble disposal" means upon removal, the grass, weeds or plants, rubbish and rubble shall be disposed of legally and shall not be placed, deposited or dumped in the public streets, or placed, deposited or dumped between the property line and the curb line.

E. "Litter" means all improperly discarded waste material, including, but not limited to, convenience food, beverage and other product packages or containers constructed of steel, aluminum, glass, paper, plastic and other natural and synthetic materials, thrown on or deposited on the lands and waters of the city, but not including the properly discarded waste of the primary processing of agriculture, mining, logging, sawmilling or manufacturing.

F. "Nuisance" including anything which is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property, and affects at the same time the entire community or neighborhood or any considerable number of persons, although the extent of annoyance or damage inflicted upon the individual may be unequal. The terms "nuisance" and "public nuisance" shall be synonymous and either term whenever used shall have the same meaning as the other term.

G. "Owner" means the legal owner of real property fronting on any street and as used in this title the singu-



Exhibit "D"

City of Corning

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

PUBLIC NOTICE DOG KENNEL AT 1798 BLUE HERON COURT

The City of Corning would like to inform you that Salome Serna has submitted an application, pursuant to Section 6.16.080 of the Corning Municipal Code (CMC), requesting that the Corning City Council grant a permit for a non-commercial dog kennel allowing the Serna family to keep 4 dogs as family pets at their residence located at 1798 Blue Heron Court.

WHY THIS NOTICE:

Section 6.16.080 of the CMC states "Such application shall be considered by the City Council and, if in the judgment of the City Council the establishment and maintenance of such kennel or kennels will not create a nuisance, the City Council may grant the application and permit the establishment and maintenance of such kennel or kennels for such period of time as the same do not constitute a nuisance to adjoining owners of property or others." The City wants you to be aware that information on this application is available for your review at City Hall, 794 Third Street in Corning. You are invited to attend the City Council meeting held in the Council Chambers in City Hall at 794 Third Street at **7:30 p.m. on Tuesday, September 25, 2012.**

FOR MORE INFORMATION REGARDING THIS PROJECT PLEASE CONTACT:

John Stoufer, Planning Consultant
794 Third Street
Corning, CA 96021
(530) 824-7036

mailed 9/12/12

BUILDING 824-7027 • PLANNING 824-7036 • CITY MANAGER 824-7034 • CITY CLERK 824-7033 • FINANCE 824-7020

PUBLIC WORKS 824-7025 • POLICE DEPARTMENT 824-7000 • FIRE DEPARTMENT 824-7044

"THE CITY OF CORNING IS AN AFFIRMATIVE ACTION-EQUAL OPPORTUNITY EMPLOYER"

Exhibit "E"

Judy Masteller
1735 Blue Heron Ct.
Corning, CA 96021

530-586-1084 Cell
530-891-4429 Fax

Email Address irchico@digitalpath.net

Fax Transmittal Form

RECEIVED

SEP 18 2012

CITY OF CORNING

To: City of Corning
Attn: Mr. Stoufer
Planning Consultant

From: Judy Masteller

Fax: 530-824-2489
Date Sent: 09/18/12

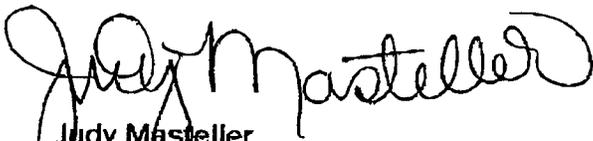
Number of Pages: 3
(Including cover sheet)

Re: Mr. Salome Serna's
Application for Kennel
Permit

Mr. John Stoufer,

Please read attached and accept it as my OBJECTION to Mr. Salome Serna's application for a kennel permit.

A concerned neighbor on Blue Heron Ct.,


Judy Masteller
1735 Blue Heron Ct.
Corning, CA 96021

RECEIVED

SEP 18 2012

CITY OF CORNING

Dear Mr. Stoufer,

I have received notice that a neighbor on my cul-de-sac, Mr. Salome Serna, has applied for an application for a dog kennel. Because of prior family obligations I am unable to attend the City Council meeting on Tuesday September 25th, 2012. Please let this letter stand as my **objection to this application!**

I believe the purpose of this application is because Mr. Serna got "caught" with too many dogs. He was already breaking the law, and now wants us to believe that he will abide by the law if we allow him a kennel permit? Were his dogs licensed, and vaccinated at the time it was discovered that he had more dogs than allowed? Ignorance nor language barrier should be an excuse for breaking the law. I think this should weigh heavily on the fact whether or not this application is granted. If in fact Mr. Serna was **not abiding by the law** in the first place then this permit should **definitely not be granted!**

We have a lot of dogs on our cul-de-sac at the present. Many of them bark constantly. Mr. Serna's especially. While I do not live right next door, and I don't even live on the same side of the street I can hear his dogs barking day and night. Yes I have never called and made a formal complaint, but I believe our City personnel have more important issues to deal with than barking dogs, so I have just "lived" with it. At times I can't even keep my front door open because the barking is so annoying. I am also concerned with the odor of dog feces when the north wind blows because I don't want to have to smell his kennel odor.

In the almost 8 years that I have lived on Blue Heron Court, I have **never one time** seen Mr. Serna or his family take any of his dogs for a walk. To me what is the purpose of having these "family pets" if they are going to be stuck in what appears to be a 3' x 4' foot kennel? I do not believe they ever come out of the kennel, even at night, in the winter and the pouring down rain! If they truly are "family pets", why would you need a kennel permit? Or is he breeding them to make money? I guess no one will really know the answer to that?

The odor that is omitted sometimes to the neighbors on the east side of Mr. Serna's house is terrible. I know first hand that their children's bedroom windows are all on that side directly next to the kennel. It appears to me that there is maybe 15 - 18 ft. between their houses and his kennel is butted up against their adjoining fence. It doesn't smell very good when being on that side of their house, therefore the neighbors have a hard time opening the bedroom windows to allow "fresh" air in because of the dogs at Mr. Serna's house. Not to mention the constant barking, especially if someone walks on that side of their house. I know this because I have had to feed their two dogs while they were out of town, and couldn't even open the gate to walk to the back to feed them without Mr. Serna's dogs barking non-stop the whole time I was there. They were still barking as I walked back across the street to my home. It is a **nuisance** and extremely **annoying** if you want to know the truth.

Given the close proximity of these homes I believe that a dog kennel would be inappropriate. If the City Council grants it for him, you may just open a can of worms! Would you then have to grant it to everyone on the cul-de-sac who would like to have four or more dogs? And honestly, is his family truly loving and caring for these four dogs in the manner within which they should be cared for? I bet if you asked someone from the humane society the answer would be no! I feel it falls under cruelty to animals to keep them caged all the time!

Who would be responsible for "policing" his so called non-commercial kennel to make sure he is abiding by the laws set forth for kennel operations? How close to a neighboring fence is legal for a kennel? Would it have to be on a cement pad? If so when or if he washes off the excrement from these animals where is that going to run, under the fence and into the neighbors yard, then down the street and into our storm drains? What if it doesn't make it all the way to the storm drain three houses away from his, is the excrement then going to just lie in the gutter for all the other neighbors to contend with? How unfair would that be?

I feel that "kennels" should be out of the city limits away from other dwellings so as not to be a nuisance, or annoyance to the neighbors, and in a place where the dogs could be let out once in awhile to run and exercise! I feel it is inhumane to keep four dogs locked up in a kennel day and night and then claim they are your "family pets"!

I VOTE NO on this application!

Sincerely a concerned neighbor,



Judy Jenkins Masteller
1735 Blue Heron Ct.
Corning, CA 96021

RECEIVED

SEP 19 2012

CITY OF CORNING

City of Corning
794 Third Street
Corning, CA 96021

Petition for Kennel Denial

The following signatures are family members living on Blue Heron Court. These individuals are in opposition of the Serna families request for a non-commercial dog kennel.

1. Jennifer Bruseno 1780 Blue Heron Ct.

2. Severiano Brisenõ 1780 Blue Heron ct

3. Rosario chavez 1890 blue Heron ct

4. Linda Peterson 1830 Blue Heron ct

5. Samie Peterson 1830 Blue Heron ct

6. Maria Shury 1825 Blue Heron Ct.

7. Mark Viduan 1730 Blue Heron Ct

8. Jan [unclear] 1750 Blue Heron ct.

9. [unclear] [unclear] 1895 Blue Heron Ct.

10. [unclear] 1835 Blue Heron Ct.

11. Dolores Serna 1785 Blue Heron Ct.

12. Maria Hernandez 1820 Blue Heron ct

2007.

City of Corning
794 Third Street
Corning, CA 96021

RECEIVED
SEP 19 2012
CITY OF CORNING

Petition for Kennel Denial

The following signatures are family members living on Blue Heron Court. These individuals are in opposition of the Serna families request for a non-commercial dog kennel.

13. *Ligi Hernandez 1850 Blue Heron Ct. Corning, CA*

14. *Judy Masteller 1735 Blue Heron Ct. Corning*

15. _____

16. _____

17. _____

18. _____