



**CITY OF CORNING  
SPECIAL CITY COUNCIL  
CLOSED SESSION AGENDA  
TUESDAY, JANUARY 26, 2021  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

This is an Equal Opportunity Program. Discrimination is prohibited by Federal Law. Complaints of discrimination may be filed with the Secretary of Agriculture, Washington, D.C. 20250.

**A. CALL TO ORDER: 6:15 p.m.**

**B. ROLL CALL:**

**Council:**

**Dave Demo  
Karen Burnett  
Shelly Hargens  
Jose "Chuy" Valerio  
Robert Snow**

**Mayor:**

**C. PUBLIC COMMENTS:**

**D. REGULAR AGENDA:**

**1. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation (§ 54956.9.)**

**One Case:**

**Name of Case: (People v. Bucky Lee, Inc., Case No. 19CR-002563)**

**E. ADJOURN TO REGULARLY SCHEDULED CITY COUNCIL MEETING AND REPORT ON CLOSED SESSION:**

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**Lisa M. Linnet, City Clerk**



**CITY OF CORNING  
CITY COUNCIL MEETING AGENDA  
TUESDAY, JANUARY 26, 2021  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

The City of Corning welcomes you to our meetings, which are regularly scheduled for the second and fourth Tuesdays of each month. Your participation and interest are encouraged and appreciated.

In compliance with the Americans with Disabilities Act, the City of Corning will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's office (530/824-7033) to make such a request. Notification at least 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

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

**B. ROLL CALL:**

**Council:**

**Dave Demo  
Karen Burnett  
Shelly Hargens  
Jose "Chuy" Valerio  
Robert Snow**

**Mayor:**

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

**D. INVOCATION: Led by Councilwoman Burnett.**

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**E. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, PRESENTATIONS:**

1. Update on COVID-19 by City Manager Kristina Miller.

**F. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:**

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

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 with any necessary corrections of the following meetings:
  - a. December 22, 2020 Special City Council Closed Session, Special Joint City Council/Planning Commission Meeting, and Regular City Council Meeting.
  - b. January 12, 2021 Closed Session and Regular City Council Meeting.
4. January 20, 2021 Claim Warrant in the amount of \$483,800.62.
5. January 20, 2021 Business License Report.
6. Approve Letter of Support for the Tehama County Transportation Commission's Sustainable Transportation Planning Grant Application to develop a Public Mobility Incident Response Plan.
7. Ordinance No. 695, an Ordinance amending Chapters 8.08, 8.14, and 8.25 to Title 8 of the Corning Municipal Code creating a Nuisance Abatement Process. (Second Reading and Adoption).

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

**I. PUBLIC HEARINGS AND MEETINGS:**

8. Public Hearing: Consideration of Potential Programs for inclusion in the State Community Development Block Grant Coronavirus Aid, Relief, and Economic Security Act (CDBG-CV-2/3) Application.

**J. REGULAR AGENDA:**

**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).

Snow:

Valerio:

Demo:

Burnett:

Hatley:

**N. ADJOURNMENT!:**

**POSTED: FRIDAY, JANUARY 22, 2021**



**CITY OF CORNING  
SPECIAL CITY COUNCIL  
CLOSED SESSION AGENDA  
TUESDAY, DECEMBER 22, 2020  
CITY COUNCIL CHAMBERS  
794 THRID STREET**

This is an Equal Opportunity Program. Discrimination is prohibited by Federal Law. Complaints of discrimination may be filed with the Secretary of Agriculture, Washington, D.C. 20250.

**A. CALL TO ORDER: 5:00 p.m.**

**B. ROLL CALL:**

<b>Council:</b>	<b>Dave Demo Karen Burnett Shell Hargens Jose "Chuy" Valerio</b>
<b>Mayor:</b>	<b>Robert Snow</b>

All members of the City Council were present.

**C. PUBLIC COMMENTS:**

**D. REGULAR AGENDA:**

- 1. CONFERENCE WITH LEGAL COUNSEL – Public Employee Discipline/Dismissal Release pursuant to § 54957: Meter Reader/Maintenance Worker**

Council upheld Staff recommendation of dismissal.

- 2. CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO SECTION 54957.6:  
Agency Negotiator: Kristina Miller, City Manager  
Bargaining Unit: Public Safety**

No reportable action.

**E. ADJOURN TO REGULARLY SCHEDULED CITY COUNCIL MEETING AND REPORT ON CLOSED SESSION: 6:00 p.m. (Reported on Closed Session at 6:45 p.m.)**



**CITY OF CORNING  
SPECIAL JOINT CITY COUNCIL AND  
PLANNING COMMISSION MEETING AGENDA  
TUESDAY, DECEMBER 22, 2020  
CITY COUNCIL CHAMBERS  
794 THIRD STREET  
CORNING, CA 96021**

**A. CALL TO ORDER: 5:45 p.m.**

**B. ROLL CALL:**

<b>Council:</b>	<b>Dave Demo Karen Burnett Shelly Hargens Chuy Valerio</b>	<b>Planning Commission:</b>	<b>Frank Barron Melodie Poisson Brant Mesker James Pendergraft</b>
<b>Mayor:</b>	<b>Robert Snow</b>	<b>Chairperson:</b>	<b>Diana Robertson</b>

All members of the City Council were present, and all members of the Planning Commissioner were except Chairperson Robertson.

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

**D. INVOCATION: Led by Councilor Burnett.**

**E. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, PRESENTATIONS:**

- 1. Presentation of the 2019 – 2024 City of Corning Housing Element Update.**

Mark Teague of PlaceWorks, Inc. provided the presentation of the 2019-2024 City of Corning Housing Element and responded to various questions. Mr. Teague presented a PowerPoint Presentation on

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the 2019-2024 Housing Element Update. He stated that this document is State reviewed and approved and it must meet State Guidelines. He further stated that the changes proposed are such to comply with State Law. He explained that some of the updates were because they had been completed, some of the language was cleaned up, and others were incorporated due to changes in law. Basically, this is a regulatory piece required by State Law to enable the City to comply with requirements of State Law and be eligible for State Grant Funding.

**F. ADJOURNMENT!: 6:15 p.m.**



**CITY OF CORNING  
PLANNING COMMISSION MEETING AGENDA  
TUESDAY, DECEMBER 22, 2020  
CITY COUNCIL CHAMBERS  
794 THIRD STREET  
CORNING, CA 96021**

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

**B. ROLL CALL:**

**Commissioners: Barron  
Poisson  
Mesker  
Pendergraft  
Chairman: Robertson**

All members of the Planning Commission were present except Chairperson Robertson.

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

**D. MINUTES:**

1. Waive the reading and approve the Minutes of the November 17, 2020 Planning Commission Meetings with any necessary corrections.

Commissioner Poisson moved to approve the Minutes of the November 17, 2020 Planning Commission meeting as presented; Commissioner Mesker seconded the motion. **Ayes: Barron, Mesker, Poisson, and Pendergraft. Absent: Robertson. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Robertson absent.**

**E. PUBLIC HEARINGS AND MEETINGS:**

2. **Public Hearing: Draft 2019-2024 City of Corning Housing Element Update; for review and recommendation to the Corning City Council.**

City Manager Kristina Miller stated that the Housing Element is one of seven State mandated general plan elements required in updating the City's General Plan, which is required to be updated by the City every 5 years. She stated that what is before the Commission for review and recommendation represents changes required by law.

Public Hearing was opened at 6:35 p.m. Commissioner Poisson asked about the section associated with dilapidated buildings and if this was inserted in the last five-year update; she was informed yes. She then asked who makes the determination; Mr. Teague explained the process. She then asked if this was a cost incurred by the City or the landowner; she was informed the landowner. Commissioner Barron stated that Lennox Fields is not added under Parks (V-27), and the Fire Ladder Truck is not listed under page (V-28) and suggested those be included.

With no further comments, the Public Hearing was closed at 6:43 p.m.

Commissioner Poisson moved to recommend that the City Council adopt the 2017-2024 Corning Housing Element Update with the addition of Lennox Field under Parks (V-27) and the Fire Ladder Truck listed on page V-28, Commissioner Pendergraft seconded the motion. **Ayes: Barron, Mesker, Poisson, and Pendergraft. Absent: Robertson. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Robertson absent.**

**F. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR: None.**

**G. ADJOURNMENT!: 6:44 p.m.**



**CITY OF CORNING  
CITY COUNCIL MEETING AGENDA  
TUESDAY, DECEMBER 22, 2020  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

**A. CALL TO ORDER: 6:45 p.m.**

**B. ROLL CALL:**

**Council:**

**Dave Demo  
Karen Burnett  
Shelly Hargens  
Jose "Chuy" Valerio**

**Mayor:**

**Robert Snow**

All members of the City Council were present.

**C. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR: None.**

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

- 1. Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
- 2. December 16, 2020 Claim Warrant in the amount of \$257,735.80.**
- 3. Ordinance No. 693, an Ordinance amending Title 17 Zoning of the City of Corning Municipal Code to Rezone Assessor Parcel No. 071-140-048 from R-1 to C-3-P General Commercial Off-Street Parking. (Second Reading and Adoption)**

Councilor Valerio moved to approve Consent Items 1-3; Councilor Burnett seconded the motion. **Ayes: Snow, Demo, Burnett, Hargens, and Valerio. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

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

**F. PUBLIC HEARINGS AND MEETINGS:**

- 4. Public Hearing of the Corning City Council: Draft 2019-2024 City of Corning Housing Element Update; for review and adoption by the Corning City Council.**

City Manager Miller stated that if there are no questions; since this was presented at the joint meeting prior to this, she will not repeat it. Mayor Snow then opened the Public Hearing at 6:54 p.m., with no comments the Public Hearing was closed.

Councilor Demo moved to adopt the 2019-2024 Corning Housing Element Update and authorize the City Manager to make non-substantive changes as required by HCD (California Department of Housing and Community Development). Councilor Burnett seconded the motion. **Ayes: Snow, Demo, Burnett, Hargens, and Valerio. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

**G. REGULAR AGENDA:**

- 5. Approve the proposed one-year Building Consultant Contract to provide Building Inspection, Building Code Enforcement, and Plan Review Services.**

Presented by City Manager Kristina Miller. Councilor Burnett moved to approve the one-year Contract with John Fleming for Building Consultant Services at a rate of \$48 per hour. Councilor Demo seconded the motion. **Ayes: Snow, Demo, Burnett, Hargens, and Valerio. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

- 6. Consider approval of five-year Agreement with USA Waste of California, Inc. for Franchise Waste Hauling Services.**

Presented by City Manager Kristina Miller who stated that the increase proposed is 2.53%. She presented a summary of the new changes to the Agreement.

Ross Turner: Asked if there will be a Senior Container; City Manager Miller responded stating yes and the rate will be \$12.14 with the increase. He also asked if the contract includes the appliance pick-up; he was informed yes as it is now.

Diane Rameriz (Waste Management Representative): Stated that the public education sector of the agreement includes a public education person that is being brought on. She also stated that the cost for the Prop.218 mailer is not included in the Agreement.

Councilor Demo moved to approve the proposed Solid Waste Franchise Agreement with USA Waste of California, Inc. for Franchise Waste Hauling Services and authorize Staff to promptly begin the Proposition 218 Public Noticing Process. Councilor Valerio seconded the motion. **Ayes: Snow, Demo, Burnett, Hargens, and Valerio. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

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

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

City Clerk Lisa Linnet reported the City received a "Thank You" card from Khrystie Shoemaker owner of Corning Sweets for her Small Business Grant. Mrs. Shoemaker stated that she could not begin to tell the City how much this has helped.

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

**Demo:** Reported on delivery of Holiday baskets by the Fire Department. He stated that they delivered 76 baskets this year. He thanked the local businesses and the public for their support for this program.

**Burnett:** Announced that she has a Tripartite Board Meeting this coming Thursday.

**Hargens:** None.

**Valerio:** Chamber of Commerce installation dinner Saturday, January 30<sup>th</sup>. Two new Board of Director Members.

**Snow:** Stated he was a day off for the Tehama County Transportation Commission Meeting. He attended his first Cemetery Board Meeting. Thanked WalMart Distribution Center for their generosity.

**K. ADJOURNMENT!: 7:12 p.m.**

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**Lisa M. Linnet, City Clerk**



**CITY OF CORNING  
SPECIAL CITY COUNCIL  
CLOSED SESSION MINUTES  
TUESDAY, JANUARY 12, 2021  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

This is an Equal Opportunity Program. Discrimination is prohibited by Federal Law. Complaints of discrimination may be filed with the Secretary of Agriculture, Washington, D.C. 20250.

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

**B. ROLL CALL:**

**Council:**

**Dave Demo  
Karen Burnett  
Shelly Hargens  
Jose "Chuy" Valerio  
Robert Snow**

**Mayor:**

All members of the City Council were present except Councilor Demo.

**C. PUBLIC COMMENTS:**

**D. REGULAR AGENDA:**

**1. CONFERENCE WITH LOCAL OFFICIALS:**

**COVID-19 (State of California Executive Order N-84-20)**

**2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Pursuant to Government Code 54957.**

**Title: City Manager.**

**E. ADJOURN TO REGULARLY SCHEDULED CITY COUNCIL MEETING AND REPORT ON CLOSED SESSION: 6:35 p.m. Council met in closed session and gave direction to City Staff.**

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**Lisa M. Linnet, City Clerk**



**CITY OF CORNING  
CITY COUNCIL MEETING MINUTES  
TUESDAY, JANUARY 12, 2021  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

This is an Equal Opportunity Program. Discrimination is prohibited by Federal Law. Complaints of discrimination may be filed with the Secretary of Agriculture, Washington, D.C. 20250.

**A. CALL TO ORDER: 6:35 p.m.**

**B. ROLL CALL:**

**Council:**

**Dave Demo  
Karen Burnett  
Shelly Hargens  
Jose "Chuy" Valerio  
Robert Snow**

**Mayor:**

All members of the City Council were present except Councilor Demo.

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

**D. INVOCATION: Led by Councilor Burnett.****E. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, PRESENTATIONS:**

1. **PROCLAMATION: January 2021 National Stalking Awareness Month.** Maggie Michael, Empower Tehama Domestic Violence Victims Advocate was present to accept the Proclamation.
2. **PROCLAMATION: January 2021 Human Trafficking Prevention and Awareness Month.** Maggie Michael, Empower Tehama Domestic Violence Victims Advocate was present to accept the Proclamation.
3. **COVID-19 Update by City Manager.**

City Manager Kristina Miller stated that cases are continuing to increase, however on a positive note, vaccinations are beginning to be distributed. She encouraged social distancing and wearing masks.

**F. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:**

Public Works Consultant Robin Kampmann gave an update on the transfer switch at the Wastewater Treatment Plant that has been disabled as a result of the recent power outages. She stated that Staff is working on replacing the switch however it is 10-16 weeks out. The plant is currently operating on manual switch during the interim.

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

4. **Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
5. **Waive the reading and approve the Minutes of the following meetings with any necessary corrections:**
  - a. **December 8, 2020 City Council Meeting;**
  - b. **December 15, 2020 Special City Council Meeting; and**
6. **January 6, 2020 Claim Warrant in the amount of \$245,991.24.**
7. **January 6, 2021 Business License Report.**
8. **December 2020 Wages & Salaries: \$508,959.04.**
9. **December 2020 Treasurer's Report.**
10. **December 2020 Building Permit Valuation Report in the amount of \$309,303.**
11. **December 2020 City of Corning Wastewater Operations Summary Report.**
12. **Clarification of JPA Representative for 2021.**

Councilor Valerio moved to approve Consent Items 4-12; Councilor Burnett seconded the motion. **Ayes: Snow, Burnett, Hargens, and Valerio. Absent: Demo. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Demo absent.**

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

**I. PUBLIC HEARINGS AND MEETINGS: None**

**J. REGULAR AGENDA:**

13. **Ordinance 695, an Ordinance amending Chapters 8.08, 8.14, and 8.25 to Title 8 of the Corning Municipal Code creating a Nuisance Abatement Process. (First Reading and Introduction)**

Presented by City Attorney Collin Bogener who stated that the City is attempting with this Ordinance to clean up the City's current abatement process. Currently the abatement process is cumbersome and addressed in 3 separate sections of the Municipal Code. He explained that this Ordinance will eliminate Chapters 8.08, 8.14 and 8.25 and replacing it with this Ordinance which will define a public nuisance and the process to abate all in one section. Mr. Bogener then explained the process outlined in the proposed Ordinance. He stated that the proposed



Ordinance also breaks down the process into 3 actions: (1) Noticing property owner; (2) If it is not abated the City steps in and abates the nuisance; and lastly (3) Addresses the City's cost recovery of expenses incurred for abatement. Mr. Bogener also explained how this Ordinance addresses noise nuisances that are determined by law enforcement and unreasonable noise, which can allow Officers to cite offenders.

Councilor Burnett moved to introduce for first reading, Ordinance 695, an Ordinance of the City of Corning amending Chapters 8.08, 8.14, and 8.25 to Title 8 of the Corning Municipal Code revising the nuisance abatement process; approve Summary Ordinance 695 for publication purposes; and direct the City Clerk to read the Ordinance by title only. Councilor Hargens seconded the motion. **Ayes: Snow, Burnett, Hargens, and Valerio. Absent: Demo. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Demo absent.**

**14. Agreement with the Paskenta Band of Nomlaki Indians for the City to provide Independent Contractor Services to the Tribe for the implementation of the Corning Recreation Program.**

Presented by City Manager Kristina Miller who stated that the City has been approved for a fourth year (final year, stating that she knows for sure this is the final year as the Promise Grant ends after this last year). She stated that after this year, the Recreation Programs will be funded by the General Fund.

Councilor Burnett moved to approve Agreement for City to provide Independent Contractor Services to the Paskenta Band of Nomlaki Indians as it relates to the awarded United States Department of Education Grant, PR/AWARD No. U215B160003-16B in the amount of \$75,000; and authorize the City Manager to sign all associated documents. Councilor Valerio seconded the motion. **Ayes: Snow, Burnett, Hargens, and Valerio. Absent: Demo. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Demo absent.**

**15. Authorize Payment for Invoice 20-206658-2 in the amount of \$27,938.50 under Task Order "A" to Armstrong Consultants, Inc.**

Presented by Public Works Consultant Robin Kampmann who stated that this is for the Airport Fencing, which is all complete with the exception of the electric gate. She stated that this is grant funded and we should have received direct payment to the City today. Audience member Julie Johnson asked if the remaining side of the Airport is to be fenced; she was informed not at this time as it would not be covered by grant funds.

Councilor Burnett moved to authorize payment for invoice 20-206658-2 in the amount of \$27,938.50 under Task Order "A" to Armstrong Consultants, Inc. Councilor Valerio seconded the motion. **Ayes: Snow, Burnett, Hargens, and Valerio. Absent: Demo. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Demo absent.**

**16. Approve Construction Payment Request #1 in the amount of \$153,984.00 to arrow fencing for the 2020 Corning Airport Fence Project.**

Presented by Public Works Consultant Robin Kampmann. Mayor Snow confirmed that this is the same company providing the gate installation and asked when the gate is expected to be installed. Mrs. Kampmann stated it is expected the week of January 26<sup>th</sup>.

Councilor Burnett moved to approve construction payment request #1 in the amount of \$153,984 less the 10% retention of \$15,398.40 and issue payment in the amount of \$138,585.60 from account 620-9195-3500 to arrow fencing for the 2020 Corning Airport Fence Project. Councilor Valerio seconded the motion. **Ayes: Snow, Burnett, Hargens, and Valerio. Absent: Demo. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Demo absent.**

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

**L. COMMUNICATIONS, CORRESPONDENCE, AND INFORMATION: None**

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

**Demo:** Absent.

**Burnett:** Nothing

**Hargens:** Nothing, except that she is back at work.

**Valerio:** Nothing

**Snow:** Nothing.

**N. ADJOURNMENT!: 7:05 p.m.**

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**Lisa M. Linnet, City Clerk**



# MEMORANDUM

**TO:** HONORABLE MAYOR AND COUNCIL MEMBERS

**FROM:** LORI SIMS  
ACCOUNTING TECHNICIAN

**DATE:** January 20, 2021

**SUBJECT:** Cash Disbursement Detail Report for the  
Tuesday January 26, 2021 Council Meeting

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

A.	Cash Disbursements	Ending 01-15-21	\$	371,637.99
B.	Payroll Disbursements	Ending 01-13-21	\$	76,081.96
C.	Cash Disbursements	Ending 01-20-21	\$	36,080.67

**GRAND TOTAL \$ 483,800.62**

REPORT.: Jan 15 21 Friday  
 RUN....: Jan 15 21 Time: 11:43  
 Run By.: LORI SIMS

CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 01-21 thru 01-21 Bank Account.: 1020

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

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
030427	01/08/21	ORT01	ORTIZ, CATALINA H.	-5000.00	201512u	Ck# 030427 Reversed
030511	01/08/21	BUR08	BURNETT, KAREN S.	60.00	210107	REC INSTRUCTOR-REC
030512	01/08/21	FLE02	FLEMING, JOHN E.	851.00	2021/0107	PROF SVCS-BLD & SAFETY
030513	01/08/21	ORT01	ORTIZ, CATALINA H.	5000.00	201512A	COVID BUS ASSIST GRANT-COVID 19
030514	01/13/21	ARM02	ARMSTRONG	27938.50	20206658A	AIRPORT FENCING PROJECT-AIRPORT
030515	01/13/21	ARR00	ARROW FENCING	138585.60	81135	AIRPORT FENCING PROJECT-AIRPORT
030516	01/14/21	FIR05	FIRST NATIONAL BANK OMAHA	408.69	201229	MAT & SUPPLIES-
030517	01/14/21	FIR14	FIRST NATIONAL BANK OMAHA	2073.61	01112021	MAT & SUPPLIES-
030518	01/14/21	RES04	RESERVE ACCOUNT	3000.00	210108	COMMUNICATIONS-
030519	01/14/21	KNI01	KNIGHT, ASHLEY	1174.00	01122021	TRAINING/ED-DISPATCH
030520	01/15/21	ARA02	ARAMARK UNIFORM SERVICES	90.76	000003822	MAT & SUPPLIES-BLD MAINT
				90.76	000008966	MAT & SUPPLIES-BLD MAINT
				90.76	000014768	MAT & SUPPLIES-BLD MAINT
				90.76	000021969	MAT & SUPPLIES-BLD MAINT
			Check Total.....:	363.04		
030521	01/15/21	ATT17	AT&T	69.55	201231	COMMUNICATIONS-FIRE
030522	01/15/21	BAS01	BASIC LABORATORY, INC	162.40	2100214	ProfServices Water Dept
030523	01/15/21	BDI00	BDI	111.87	950163022	MAT & SUPPLIES-
030524	01/15/21	BIG02	BIG VALLEY SANITATION, IN	125.00	80566	BLD MAINT-SENIOR CENTER
				185.00	81856	CLEANING CONTRACT-STR
				125.00	82011	BLD MAINT-SENIOR CENTER
			Check Total.....:	435.00		
030525	01/15/21	COM01	COMPUTER LOGISTICS, INC	339.35	82239	COMP REPLAC-POLICE
030526	01/15/21	CRO05	CROSS PETROLEUM	912.04	CL03796	VEH OP/MAINT-POLICE
				53.11	1448155IN	VEH OP/MAINT-FIRE
			Check Total.....:	965.15		
030527	01/15/21	HOL04	HOLIDAY MARKET #32	5.15	003203089	MAT & SUPPLIES-BLD MAINT
030528	01/15/21	INT15	INTERWEST CONSULTING GROU	1275.00	65658	SB2-PROF SVCS SB2-PLANNING
				32540.00	65660	SB2-PROF SVCS SB2-PLANNING
			Check Total.....:	33815.00		
030529	01/15/21	MOR02	RAY MORGAN COMPANY	86.21	3187237	COMMUNICATIONS-
030530	01/15/21	NOR15	NORTHERN CALIFORNIA GLOVE	151.22	535764	MAT & SUPPLIES-
030531	01/15/21	NOR47	NORTHSTAR	7537.50	76856	PROF SVCS-PW ADMIN
030532	01/15/21	PGE01	PG&E	607.73	210104	ELECT-
				1345.12	210107	ELECT-
			Check Total.....:	1952.85		
030533	01/15/21	PGE04	PG&E	502.01	201230	TranspFacility-
030534	01/15/21	PGE05	PG&E	2931.46	210107	FIRE-ELECT & GAS
030535	01/15/21	QUI02	QUILL CORPORATION	331.83	13384879	OFFICE SUPPLIES-FIRE
				30.16	13403095	OFFICE SUPPLIES-FIRE
			Check Total.....:	361.99		
030536	01/15/21	RED08	RED BLUFF GLASS CO.	305.08	33027	VEH OP/MAINT-POLICE
030537	01/15/21	S&L00	S & L BREWER ENTERPRISES	250.00	20CORN12	K-9 PROGRAM-POLICE
030538	01/15/21	SCH01	LES SCHWAB TIRE CENTER	635.23	611003788	VEH OP/MAINT-
030539	01/15/21	SUT00	SUTTER BUTTES COMM., INC.	365.00	42430	VEH REPLAC-CAP IMPROV
030540	01/15/21	TEH13	TEHAMA CO AUDITOR	362.50	201231	PkngCiteToCnty Police Ser
030541	01/15/21	TEH15	TEHAMA CO SHERIFF'S DEPT	73.50	01112021	PROF SVCS-POLICE
030542	01/15/21	TEH20	TEHAMA CO DISTRICT ATTY	200.70	CPD10/20-	PROF SVCS-POLICE
030543	01/15/21	TEH38	TEHAMA COUNTY ANIMAL SERV	12097.57	210105	PROF SVCS-ACO
030544	01/15/21	TPX00	TPX COMMUNICATIONS	702.41	138354726	COMMUNICATIONS-
030545	01/15/21	TRI02	TRI-COUNTY NEWSPAPERS	75.31	00262775	Print/Advert. City Clerk

REPORT.: Jan 15 21 Friday  
 RUN...: Jan 15 21 Time: 11:43  
 Run By.: LORI SIMS

CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 01-21 thru 01-21 Bank Account.: 1020

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

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
030545	01/15/21	TRI02	TRI-COUNTY NEWSPAPERS	71.79	00262779	Print/Advert. City Clerk
				75.00	00263087	Print/Advert. City Clerk
			Check Total.....:	222.10		
030546	01/15/21	VER02	VERIZON WIRELESS	228.06	987031361	COMMUNICATIONS-DISPATCH
030547	01/15/21	WAS01	WASTE MANAGEMENT OF	132314.69	201231	WASTE MGMT PYMT-SOLID WASTE
			Cash Account Total.....:	371637.99		
			Total Disbursements.....:	371637.99		
			Cash Account Total.....:	.00		

REPORT.: Jan 15 21 Friday  
 RUN...: Jan 15 21 Time: 11:43  
 Run By.: LORI SIMS

CITY OF CORNING  
 Cash Disbursement Detail Report - Payroll Vendor Payment(s)  
 Check Listing for 01-21 thru 01-21 Bank Account.: 1025

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

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
12307	01/13/21	BAN03	POLICE OFFICER ASSOC.	325.00	C10113	POLICE OFFICER ASSOC
12308	01/13/21	BAN06	BANNER BANK	3295.22	C10113	HSA DEDUCTIBLE
12309	01/13/21	CAL37	CALIFORNIA STATE DISBURSE	138.46	C10113	WITHHOLDING ORDER
12310	01/13/21	EDD01	EMPLOYMENT DEVELOPMENT	4857.83 1616.99	C10113 1C10113	STATE INCOME TAX SDI
Check Total.....:				6474.82		
12311	01/13/21	FED00	FEDERAL PAYROLL TAXES (EF	13359.82 16320.28 3816.84	C10113 1C10113 2C10113	FEDERAL INCOME TAX FICA MEDICARE
Check Total.....:				33496.94		
12312	01/13/21	ICM01	ICMA RETIREMENT TRUST-457	2149.05 185.00	C10113 1C10113	ICMA DEF. COMP ICMA DEF. COMP ER PD
Check Total.....:				2334.05		
12313	01/13/21	PERS1	PUBLIC EMPLOYEES RETIRE	24603.28	C10113	PERS PAYROLL REMITTANCE
12314	01/13/21	PERS4	Cal Pers 457 Def. Comp	2177.04 490.00	C10113 1C10113	PERS DEF. COMP. PERS DEF. COMP. ER P
Check Total.....:				2667.04		
12315	01/13/21	TEH16	TEHAMA COUNTY SHERIFF'S O	110.89	C10113	WageOrder F#20000149
12316	01/13/21	VAL06	VALIC	2403.76 232.50	C10113 1C10113	AIG VALIC P TAX AIG VALIC P TAX ER P
Check Total.....:				2636.26		
Cash Account Total.....:				76081.96		
Total Disbursements.....:				76081.96		=====

REPORT.: Jan 20 21 Wednesday  
 RUN....: Jan 20 21 Time: 13:50  
 Run By.: LORI SIMS

CITY OF CORNING  
 Cash Disbursement Detail Report  
 Check Listing for 01-21 thru 01-21 Bank Account.: 1020

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

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
030548	01/19/21	ATT13	AT&T	764.41	210111	COMMUNICATIONS-DISPATCH
030549	01/19/21	BAS01	BASIC LABORATORY, INC	105.40 162.40	2100452 2100455	ProfServices Water Dept ProfServices Water Dept
			Check Total.....:	267.80		
030550	01/19/21	BEN03	LEXISNEXIS MATTHEW BENDER	139.14	22856900	BOOKS/PERIODICS-LIBRARY
030551	01/19/21	COM01	COMPUTER LOGISTICS, INC	2860.00 200.00	82254 82273	EQUIP MAINT- EQUIP MAINT-DISPATCH
			Check Total.....:	3060.00		
030552	01/19/21	COM06	COMCAST	23.66	210109	COMMUNICATIONS-PW ADMIN
030553	01/19/21	CON08	CONSTELLATION - EXELON GE	7915.11	202012	ELECT-
030554	01/19/21	DHT00	DH TOOLS INC	38.79	011321231	SMALL TOOLS-WTR
030555	01/19/21	ENT02	ENTERPRISE-RECORD, MERCUR	618.56 157.77	6535678 6538753	PROF SVCS-PW ADMIN PRINT/ADVERT-CITY CLERK
			Check Total.....:	776.33		
030556	01/19/21	GRA02	GRAINGER, W.W., INC	67.75	977326433	MAT & SUPPLIES-BLD MAINT
030557	01/19/21	HIN01	HINDERLITER, DE LLAMAS &	1601.57 300.00	SIN005711 SIN005874	PROF SVCS-FINANCE PROF SVCS-FINANCE
			Check Total.....:	1901.57		
030558	01/19/21	INF00	INFRAMARK, LLC	5996.45	59399	PROF SVCS-WWTP
030559	01/19/21	MOO07	MOORE & BOGENER, INC.	8853.25	11392	CONSULT LIT-
030560	01/19/21	RED00	RED BLUFF DAILY NEWS	89.30	6544172	PRINT/ADVERT-CITY CLERK
030561	01/19/21	RED15	RED TRUCK ROCK YARD, LLC	9.65	1217	MAT & SUPPLIES-WTR
030562	01/19/21	SCP00	SCP DISTRIBUTORS LLC	956.73	SN054182	MAT & SUPPLIES-WTR
030563	01/20/21	CRO05	CROSS PETROLEUM	1083.36	CL04453	MAT & SUPPLIES-
030564	01/20/21	GRE06	GREG'S HEATING & A/C	760.00	23104	BLD MAINT-DISPATCH
030565	01/20/21	PAT02	PATTERSON ELECTRIC, INC.	257.53	5736	BLD MAINT-TRANS FAC
030566	01/20/21	PAY01	PAYGOV.US LLC	2105.51	627	COVID 19-FINANCE
030567	01/20/21	PES01	PESTMASTER SERVICES, INC.	495.40	277559	TREE/PEST & WEED SPRAY-
030568	01/20/21	PGE09	PG&E	205.43	210114	ELECT-STONEFOX L&L-21, D2
030569	01/20/21	PGE2A	PG&E	42.83	210114	ELECT-BLUE HERON CT
030570	01/20/21	QUI02	QUILL CORPORATION	89.42	13462363	COMP/EQUIP/SOFT-FIRE
030571	01/20/21	WAL06	WALDOW, GILBERT R.	181.25	210120	BLD PERMIT REFUND
			Cash Account Total.....:	36080.67		
			Total Disbursements.....:	36080.67		

Item No.: G-5

Date.: Jan 20, 2021  
Time.: 2:01 pm  
Run by: LORI SIMS

CITY OF CORNING  
NEW BUSINESSES FOR CITY COUNCIL

Page.: 1  
List.: NEWB  
Group: WTEBMM

Business Name	Address	CITY/STATE/ZIP	Business Desc	Bus Start Date
AT&T - WAHID INC.	965 HIGHWAY 99W STE 139	CORNING, CA 96021	RETAIL-CELL PHONES ACCESSORIES	01/08/21
INTEGRITY SOLUTIONS	318 FOURTH ST	CORNING, CA 96021	JANITORIAL/HANDYMAN	01/08/21




ITEM NO.: G-6  
APPROVE LETTER OF SUPPORT FOR THE  
TEHAMA COUNTY TRANSPORTATION  
COMMISSION'S SUSTAINABLE  
TRANSPORTATION PLANNING GRANT  
APPLICATION TO DEVELOP A PUBLIC  
MOBILITY INCIDENT RESPONSE PLAN

January 26, 2021

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

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



**SUMMARY:**

Approve and authorize the Mayor to sign a "Letter of Support" on behalf of the City of Corning endorsing the Tehama County Transportation Commission's (TCTC) submittal of a Sustainable Transportation Planning Grant Application to develop a Public Mobility Incident Response Plan.

**BACKGROUND:**

The TCTC, in response to recent wildfire events, recognized the level of vulnerability and risk our communities face without the clarity of a Public Mobility Incident Response Plan. The catastrophic and deadly wildfire that decimated the town of Paradise, only 50 miles to the southeast of Tehama County, has amplified this need and has forever changed planning and emergency responses. A Public Mobility Incident Response Plan would serve to improve disaster response effectiveness and ultimately save lives, resources, and infrastructure.

A Public Mobility Incident Response Plan will analyze and identify strategies, goals, and actions that will aid in the management/coordination of emergency response and mobility county-wide. Emergency Service personnel would greatly benefit from a comprehensive planning document that clearly establishes individual, community, and public roles and resources. The development and effective use of such a document will impact the ability of Emergency Services in saving lives, homes, businesses, infrastructure, and resources during emergencies and disasters.

**RECOMMENDATION:**

**MAYOR AND COUNCIL APPROVE AND AUTHORIZE THE MAYOR TO SIGN THE ATTACHED LETTER OF SUPPORT FOR THE TEHAMA COUNTY TRANSPORTATION COMMISSION'S (TCTC) SUSTAINABLE TRANSPORTATION PLANNING GRANT APPLICATION TO DEVELOP A PUBLIC MOBILITY INCIDENT RESPONSE PLAN**



# City of Corning

794 Third St. Corning, CA 96021 (530) 824-7029

January 26, 2021

Kathy Grah  
Senior Transportation Planner  
Caltrans District 2

Subject: Tehama County Public Mobility Incident Response Plan

Dear Kathy Grah:

Please accept this letter on behalf of the City of Corning as formal support for the Tehama County Transportation Commission's (TCTC) Sustainable Transportation Planning Grant Application to develop a Public Mobility Incident Response Plan. The City of Corning recognizes TCTC's need for funding and encourages their efforts to establish and draft this Plan. This plan will aid in TCTC's goal of effectively responding to emergencies and disasters.

The Tehama County Transportation Commission, in response to recent wildfire events, recognizes the level of vulnerability and risk community members face without the clarity of a Public Mobility Incident Response Plan. On November 8, 2018, a catastrophic and deadly wildfire decimated the town of Paradise, California, only 50 miles southeast of Tehama County, and since has forever changed planning and emergency responses. Efforts to draft such a document will likely improve disaster response effectiveness, ultimately saving community lives, resources, and infrastructure. The City of Corning appreciates the TCTC's desire to develop a Plan that will ultimately provide guidance for our communities when it is needed most.

The Plan will analyze and identify strategies, goals, and actions that will aid in the management and coordination of emergency response and mobility, county-wide. Mobility and emergency response efforts in Tehama County would greatly benefit from a comprehensive planning document that forecasts and establishes individual, community, and public roles and resources.

The City of Corning is pleased to support the TCTC's Sustainable Transportation Planning Grant application submittal. Funding, if received, will undoubtedly benefit the safety, viability, and wellbeing of our community.

Sincerely,

Robert E. Snow  
Mayor

**ITEM NO.: G-7  
ORDINANCE NO. 695, AN ORDINANCE  
AMENDING CHAPTERS 8.08, 8.14 AND 8.25  
TO TITLE 8 OF THE CORNING MUNICIPAL  
CODE CREATING A NUISANCE ABATEMENT  
PROCESS (First Reading & Introduction)**

**January 12, 2020**

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: KRISTINA MILLER, CITY MANAGER  
COLLIN BOGENER, CITY ATTORNEY**



**SUMMARY:**

This Amendment seeks to revise three separate chapters of Title 8 of the Corning Municipal Code as it pertains to nuisance abatement. At present, Chapter 8.08 provides definitions for public nuisances, but then cites to Chapter 8.25 for the actual nuisance abatement process. However, Chapter 8.25 contains the process for a hearing and appeal for criminal and administrative citations, but not for abatement actions and special assessments on properties to recover costs for abatement. Separately, Chapter 8.14 does provide a process for nuisance abatement, but only for weeds. That said, the process created under Chapter 8.14 requires approval by the City Council at two separate meetings before abatement can begin, which can be overly burdensome on staff. In short, these chapters need to be cleaned up to provide a single process for the nuisance abatement.

The proposed amendment will include all nuisance definitions and the process for abatement in Chapter 8.08. Weed abatement will be included in this amended chapter, permitting a complete deletion of Chapter 8.14. Chapter 8.25 will then be amended so that it pertains solely to citations, and any reference to nuisance abatement is removed. Moving forward, this will allow staff to only utilize Chapter 8.08 for nuisance abatement.

Section 8.08.030 provides a detailed list of matters which will be deemed to be a nuisance, including substandard buildings, dead or overgrown vegetation, storage of vehicles or debris, storage of garbage, hazardous substance storage or discharge, zoning violations, and violation of the City's marijuana ordinance, to name a few.

Once it has been determined by City Staff that a nuisance exists, a notice of abatement will be sent to the property owner requesting abatement of the nuisance by a future date. The notice will also set a hearing for the property owner to contest the nuisance determination. If the nuisance is abated by the property owner before the hearing, then the hearing will be taken off calendar. If not, the hearing will go forward with a third party acting as the hearing officer. The hearing officer will hear the argument from City staff and the property owner and make a ruling as to whether the nuisance exists. If the hearing officer determines that no nuisance exists, then the ruling will be in favor of the property owner.

If the hearing officer does determine that a nuisance exists, then the property owner will be ordered to abate the nuisance within a certain period of time. The property owner has the ability to appeal the decision of the hearing officer to the City Council for review. That request for appeal must be made within 10 days of the date of the decision from the hearing officer.

If the property owner does not abate the nuisance by the time ordered by the hearing officer, then the City may abate the nuisance. Following abatement, the City will provide an invoice for the abatement costs to the property owner to be paid within 30 days. If not paid, the City may impose a special assessment on the property, which will remain until paid.

**RECOMMENDATION:**

**MAYOR AND COUNCIL:**

- **MOVE TO ACCEPT FOR SECOND READING AND ADOPTION, ORDINANCE 695, AN ORDINANCE OF THE CITY OF CORNING AMENDING CHAPTERS 8.08, 8.14, AND 8.25 TO TITLE 8 OF THE CORNING MUNICIPAL CODE REVISING THE NUISANCE ABATEMENT PROCESS;**
- **APPROVE SUMMARY ORDINANCE 695 FOR PUBLICATION PURPOSES; AND**
- **DIRECT THE CITY CLERK TO READ THE ORDINANCE BY TITLE ONLY.**

**ATTACHMENTS**

**Exhibit "A" Proposed Ordinance No. 695 and Summary Ordinance 695**

**CORNING ORDINANCE NO. 695**

**AN ORDINANCE OF THE CITY OF CORNING CITY COUNCIL AMENDING TITLE 8 OF THE CORNING MUNICIPAL CODE BY AMENDING CHAPTERS 8.08 AND 8.25 AND DELETING 8.14 TO UPDATE THE NUISANCE ABATEMENT PROCESS**

**WHEREAS**, the City Council of the City of Corning seeks to prevent the existence of public nuisances within the City limits; and

**WHEREAS**, the existence of public nuisances, left unabated, result in a blight to the Corning community, can be a threat to the health of the citizens, and can create a safety risk; and

**WHEREAS**, the City Council of the City of Corning seeks to utilize its police powers to protect the health, safety, and general welfare of its citizens by amending the public nuisance chapters of the Corning Municipal Code to impose a clear, streamlined process for the abatement of nuisances;

**NOW, THEREFORE**, the City of Corning does ordain as follows:

**SECTION 1:** Title 8 (Health and Safety), Chapter 8.08 (Public Nuisances) of the Corning Municipal Code is hereby deleted in its entirety and replaced with the following:

**Chapter 8.08 – PUBLIC NUISANCE**

**Sections:**

8.08.010- Findings

8.08.020- Definitions

8.08.030- Public Nuisances Designated

8.08.040- Methods of Abatement

8.08.050- Right of Entry for Enforcement Officer

8.08.060- Notice to Abate

8.08.070- Abatement of Nuisance prior to Scheduled Hearing

8.08.080- Public Hearing

8.08.090- Appeal to City Council

8.08.100- Abatement after Hearing

8.08.110- Notice of Cost of Abatement

8.08.120- Expenses a Special Assessment Against the Property

8.08.130- Notice of a Special Assessment

8.08.140- Summary Abatement of Immediate Dangers

8.08.150- Alternative Remedies

8.08.160- Violation- Penalty

**8.08.010 - Findings.**

The City Council finds, determines, and declares as follows:

**A.** That this City has a reputation for well- kept property and strict enforcement of zoning restrictions and building regulations; and

**B.** That there is a need for emphasis on the maintenance of a number of real properties, in that certain conditions which appear to constitute nuisances, as set forth in this chapter, have been found to exist in the City; and

**C.** That the existence of any real property in a condition constituting a nuisance as defined in this chapter, is injurious and inimical to the public health, safety, and welfare of the residents of this City; and

**D.** That the existence of public nuisances of the type referred to in this chapter, and the abatement thereof, is in protecting the health, safety, and welfare of the public, and the exercise of such power by the City is authorized by the Constitution of this state and other applicable law; and

**E.** That the abatement procedures set forth in this chapter are reasonable and afford a maximum of due process and procedural guarantees as to affected property owners.

#### **8.08.020 - Definitions.**

The following definitions shall apply in this chapter:

"Appeals Board." The City Council of the City is designated to act as the appeals board.

"Enforcement Officer." Unless otherwise specified, "Enforcement Officer" shall be the City Administrator or his Designee.

"Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes streets and alleys.

"Marijuana" shall have the same meaning as that set forth in California Health and Safety Code Section 11018.

"Marijuana cultivation" means the planting, growing, harvesting, drying, or processing of all marijuana, including medical marijuana.

"Nuisance" means anything which is injurious to health, or is indecent or offensive to the senses, including an unreasonably high noise, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal or basin, or any public park, square, street or highway.

"Private nuisance" means every nuisance not defined as a public nuisance in this section.

"Public nuisance" means any nuisance affecting at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

"Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

#### **8.08.030 - Public nuisances designated.**

It is declared a public nuisance for any person owning, leasing, occupying, or having charge or possession of any premises in the City to maintain upon such premises, or to permit, cause or allow to exist on such premises, any condition which is detrimental to the public health, safety, or general welfare or which constitutes a public nuisance as defined in Section 8.08.020 of this chapter. Such conditions shall include but shall not be limited to the following:

**A.** To maintain buildings or structures, or portions thereof, which are damaged, dilapidated, or inadequately or improperly maintained such that they are structurally unsafe, or do not provide adequate egress, or which constitute a fire hazard, or which are otherwise dangerous

to human life or which in relation to existing use constitute a hazard to the public health, safety, or general welfare. This includes any building, structure or property which has been constructed or is maintained in violation of any specific requirement or prohibition applicable to the building, structure or property contained in the building regulations of this City or any Law or Ordinance of the City or State relating to the condition, location, maintenance or construction of buildings or property. Such buildings or structure shall include those which are abandoned, hazardously or inadequately boarded up, partially destroyed, or in a state of partial construction; or

**B.** To maintain other conditions related to buildings, structures, walls, fences or landscaping which are of a hazardous nature and require immediate correction, repair, or adequate and proper maintenance; including but not limited to the existence of broken glass in doors or windows which are located in an area of public access, surfaces showing evidence of dry rot, warping, termite infestation or graffiti; absence of paint, stain, varnish or similar coating intended to protect the weatherability of any structural member; doors, aisles, passageways, stairways, or other means of exit which do not provide a safe and adequate means of exit; any wall or other vertical structural member which lists, leans or is buckled to such an extent that a plumbline passing through the center of gravity does not fall inside the middle one-third of the base; or any other condition which because of lack of proper sanitation or soundness, or as a result of dilapidation decay, damage or faulty construction or arrangement, is likely to cause sickness, disease or threat to the public health, safety or general welfare; or

**C.** To maintain land, the topography, geology, or configuration of property which, whether in a natural state or as a result of grading operations, causes erosion, subsidence, or surface water runoff problems of such magnitude to be injurious or potentially injurious to the public health, safety, or general welfare; or

**D.** To maintain vegetation, including but not limited to trees, shrubbery, or grass, cultivated or uncultivated, which is overgrown, dead, decayed, or diseased such that it is likely to harbor rats, vermin, insects, or other nuisances which are dangerous to the public health, safety, or general welfare or that constitutes a fire hazard; or

**E.** To store any materials, equipment, vehicles, broken or discarded furniture, boxes, lumber, junk, trash, or debris in any yard area in such a manner or in such condition as to be detrimental to the public health, safety, or general welfare; or

**F.** To store trash or garbage cans, bins, boxes, or other such containers in other than single-family residential areas which are unclean, uncovered, or damaged in a front or side yard such that they may be visible from a highway as defined in Section 8.08.020 on other than regularly scheduled pickup days and are detrimental to health, safety, or general welfare; or

**G.** To maintain attractive nuisances dangerous to children such as excavations, ponds, pools, or unenclosed or empty swimming pools; or

**H.** To store, discharge, hold, handle, maintain, use, or otherwise deal with hazardous or extremely hazardous wastes as defined by California Health and Safety Code Sections 25117 and 25115. This includes the discharge or deposit of any source of hazardous or extremely hazardous waste into any sewer, storm drain or similar facility which will or may cause or result in the pollution of any underground or surface water. Examples include but are not limited to petroleum products, laboratory wastes, specimens (pathological or surgical), salt or equipment. Furthermore, any violation of federal, state or local laws or regulations, including but not limited to California Health and Safety Code Sections 25100 through 25185, and all their respective amendments, shall constitute a public nuisance under this part; or

**I.** To keep any animal, reptile, or insect in such a manner as to pose a threat, disturbance, danger or menace to persons or property of another or in a public right-of-way; or

**J.** To keep, operate or maintain any machinery which by reason of its dust, exhaust, noise, or fumes creates a health or safety hazard; or

**K.** To maintain or fail to maintain the property, or any building or structure thereon, in such condition so that it is defective, unsightly, or in such condition or deterioration or disrepair that it causes or will cause a health or safety hazard; or

**L.** To abandon or vacate any building or structure so that it becomes readily available to unauthorized persons; or

**M.** To maintain any building or structure in a state of partial construction where work is abandoned and for which a permit was issued and allowed to expire; or

**N.** To maintain on the property any accumulation of uncompacted fill over three feet in height over predominant grade and contrary to adjacent contour for any period of seventy-two (72) hours; or

**O.** To maintain any of the following in front or side yards open to view from the street: packing boxes, broken or discarded furniture, household equipment or construction equipment/materials; or

**P.** Operation of any commercial activity in any zone without a business license and in direct violation of zoning, licensing, and building codes regarding locations, compatibility, and occupancy.

**Q.** To cultivate, maintain, process or store marijuana in violation of Chapter 17.65 of this Code.

#### **8.08.040 - Methods of abatement.**

Public nuisances ordered to be abated under the provisions of this chapter may be abated by rehabilitation, repair, demolition, removal, or other appropriate action as determined by the City Administrator after compliance by the City with the procedures set forth in the following sections.

#### **8.08.050 - Right of entry for enforcement officer.**

**A.** Whenever an Enforcement Officer has reason to believe that a nuisance exists or that an inspection is necessary to enforce any provision of this chapter, the Officer may enter the premises at any reasonable time to perform the inspection or any other duty imposed by this chapter.

**B.** The Enforcement Officer shall present proper identification, state the purpose of the visit and request permission of the owner or responsible person to enter the premises. If entry is refused, the Enforcement Officer shall have recourse to every remedy provided by law to secure entry.

**C.** When the Enforcement Officer has first obtained a proper Inspection Warrant or other remedy provided by law to secure entry, no owner or responsible person shall fail or neglect, after proper request is made as provided in this chapter to promptly permit entry therein by the Enforcement Officer for the purpose of inspection and examination pursuant to this chapter.

#### **8.08.060 - Notice to abate.**

**A.** Upon discovery of any public nuisance as defined in Section 8.08.030, the Enforcement Officer shall notify the owner and any responsible person that the nuisance shall be abated by the City at such person's expense unless they appear at the stated time and place to show cause why there should be no abatement. The Enforcement Officer may delegate this authority under this section to such City Officers and Employees he or she deems appropriate.

**B.** The Notice to Appear or Abate shall be substantially in the following form:



## NOTICE TO APPEAR OR ABATE PUBLIC NUISANCE

YOU ARE HEREBY NOTIFIED as the Owner, Agent, Lessee or other person occupying or having control of the premises at (address), that pursuant to Section \_\_\_ of the Corning Municipal Code, the undersigned has determined that there exists upon the above-referenced premises a public nuisance, specifically (description of condition constituting nuisance). A copy of Section \_\_\_ is attached.

You are hereby required to abate this condition to the satisfaction of the undersigned within [30/10] days of the date of this notice or to appear at the office of the Enforcement Officer at 815 Fourth Street, Corning, California at \_\_\_\_\_; to show cause, if any exists, why the condition or use should not be abated by the City, and the expenses thereof charged to you as a personal obligation and/or made a lien upon the property.

Abatements to be accomplished in the following manner: (description of what needs to be done to remedy situation).

(Name of Department and Department Head)

By:

C. The Enforcement Officer shall post at least one copy of the Notice in a conspicuous place on the property in question.

D. After giving notice as required above, the Enforcement Officer shall file a copy of the Notice, together with an affidavit or certificate stating the time and manner in which such Notice was given in the office of the City Clerk. The failure of the owner or any other responsible person to receive such Notice shall not affect in any manner the validity of any proceedings pursuant to this chapter.

### **8.08.070 - Abatement of nuisance prior to scheduled hearing.**

Any owner or responsible person may, at their own expense and prior to the scheduled hearing, abate a declared nuisance in accordance with the provisions of the Notice sent by the Enforcement Officer, provided that all necessary permits are first obtained. If the Enforcement Officer determines that the nuisance has been abated, the proceedings under this chapter shall be terminated.

### **8.08.080 - Public hearing.**

A. At the time and place designated in the Notice, the Hearing Officer shall hear and consider all relevant evidence, including, but not limited to, applicable staff reports, oral, physical, and documentary evidence regarding the alleged nuisance and proposed method of abatement. The hearing may be continued from time to time.

B. The Enforcement Officer shall bear the burden of proving by a preponderance of the evidence that a public nuisance exists.

C. All oral evidence shall be heard only on oath or affirmation.

D. The owner or any responsible person may be represented by anyone of their choice or may represent themselves.

E. The hearing shall not be conducted according to the formal rules of evidence. Any relevant evidence shall be admitted if it is the type of evidence on which reasonable affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State. However, irrelevant, or unduly repetitious evidence shall be excluded.

F. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but hearsay evidence shall not be sufficient by itself to support a finding unless it

would be admissible over objections in civil actions in courts of competent jurisdiction in this State.

**G.** The parties in the hearing shall have the following rights:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
3. To impeach any witness regardless of which party first called such witness to testify;
4. To rebut evidence against such parties;
5. To request the hearing officer to take official notice of any fact which would be subject to judicial notice by the courts of this State.

**H.**

1. Within ten (10) calendar days after the conclusion of the hearing, the Hearing Officer shall issue a written decision and where applicable, an order of abatement. This decision shall set forth the factual findings made by the Hearing Officer, a conclusion as to whether a public nuisance exists, the manner and timing of the abatement.

2. If the Hearing Officer determines that a nuisance exists which is likely to recur after abatement, the owner may be directed to take adequate precautions for a period of time not to exceed one year so that the nuisance will not recur. Copies of the decision shall be sent to the owner, responsible person and the Enforcement Officer and the City Clerk.

#### **8.08.090 - Appeal to City Council.**

The property owner or other responsible person may appeal the decision of the Hearing Officer to the City Council within ten (10) days of the date of the decision by submitting an appeal in writing to the City Clerk. In the event of an appeal, the City Council shall follow the procedure provided in Section 8.08.080. Notice of the Hearing shall be provided in accordance with the procedure set forth in Section 8.08.060.

#### **8.08.100 - Abatement after hearing.**

**A.** Any owner or responsible person may, prior to action by the City and at their own expense, abate the nuisance in the manner directed by the order of abatement. All necessary permits shall be obtained before any such abatement is carried out.

**B.** If the Enforcement Officer determines that the owner or responsible person has completely abated the nuisance, all proceedings under this chapter shall be terminated. If the nuisance has been completely abated by the property owner, the Enforcement Officer will document the termination of the abatement process with the City Clerk.

**C.** If the Enforcement Officer determines that the nuisance still exists, it shall be abated by the City in the manner described in the Order of Abatement.

#### **8.08.110 - Notice of cost of abatement.**

**A.** The Enforcement Officer shall keep an itemized statement of costs incurred by the City in inspecting and abating a public nuisance. Once the abatement is completed, the Enforcement Officer shall provide a copy of this statement to the owner of the property in question, to any responsible persons and the City Administrator.

**B.** The owner or responsible person may request a hearing before the City Council to contest the statement of costs. The request for a hearing shall be made within ten (10) days of receipt of the statement to the City Clerk or the right to hearing shall be deemed waived.

C. The City Council shall review the statement of costs and any information presented by the owner or responsible person. The City Council's decision shall be mailed to the owner and all responsible persons. The decision of the City Council shall be final.

**8.08.120 - Expenses a special assessment against the property.**

If the property owner does not pay the expense of abating the nuisance within thirty (30) days after the City Council confirms the costs of abatement, the cost shall become a special assessment against the real property upon which the nuisance was abated. The assessment shall continue until it is paid. The assessment shall be collected at the same time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All acts applicable to levy, collection and enforcement of municipal taxes apply to this special assessment.

**8.08.130 - Notice of special assessment.**

The City shall file in the office of the County Recorder a certificate substantially in the following form:

**NOTICE OF SPECIAL ASSESSMENT**

Under the authority of Government Code Section 38773.5, and Sections 8.08.010 through 8.08.120 of the Corning Municipal Code, the City did on \_\_\_\_\_, 19\_\_\_\_, abate a nuisance upon the real property hereafter described and then on \_\_\_\_\_, 19\_\_\_\_, did assess the cost of the abatement upon the real property. The City of Corning claims a special assessment on the real property for the expense of doing the work in the amount of \$\_\_\_\_. This amount is a special assessment against the real property until it is paid and discharged of record. The assessment shall be collected at the same time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All acts applicable to levy, collection, and enforcement of municipal taxes apply to this special assessment. The real property referred to above, and upon which the special assessment is claimed is that certain parcel of land situated within the City of Corning, County of Tehama, State of California, more particularly described as follows:

CITY OF CORNING

Dated:

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

**8.08.140 - Summary abatement of immediate dangers.**

A. Whenever any condition on, or use of property causes or constitutes, or reasonably appears, to cause or constitute an imminent or immediate danger to the health or safety of the public, the condition or use may be summarily abated by the City without notice or hearing. Reasonable attempts to contact the owner by phone or in person shall be made.

B. When summary abatement is necessary, it shall be ordered only by the City Administrator, the Corning Police Chief, or the person performing their duties.

C. Summary abatement shall be limited to those actions necessary to eliminate the immediate threat to the public health and safety.

D. Notice of the summary abatement shall be provided to the owner or other responsible parties as provided for in Section 8.08.060 as soon as practical.

E. The costs and expenses of a summary abatement shall be made a lien on the property and shall be collected pursuant to the procedure found in Section 8.08.120.

**8.08.150 - Alternative remedies.**

Nothing in this chapter shall be deemed to prevent the City Council from ordering the City Attorney to commence a civil or criminal proceeding to abate a public nuisance under applicable Civil or Penal Code provisions as an alternative to the proceedings set forth in this chapter. Nothing in this chapter shall prevent the City from abating a nuisance pursuant to any other procedure established by City Ordinance or State Law.

**8.08.160 - Violation—Penalty.**

A. It is unlawful for any person to remove, deface or mutilate any Notice, Order, Statement, or Resolution posted as required in this chapter.

B. It is unlawful for any person to obstruct, impede or interfere with any Owner or his Agent or with any Representative of the City when engaged in performing any act reasonably necessary for the execution of the Order of Abatement.

C. Any person who shall violate this section shall be subject to the penalties set forth in Chapter 8.25 of this code.

**SECTION 2:** Title 8 (Health and Safety), Chapter 8.14 (Weed Abatement) of the Corning Municipal Code is deleted in its entirety.

**SECTION 3:** Title 8 (Health & Safety), Chapter 8.25 (Enforcement Policies and Procedures) of the Corning Municipal Code is hereby deleted in its entirety and replaced with the following:

**Chapter 8.25 - PENALTIES FOR VIOLATIONS**

**Sections:**

8.25.010- Criminal Citations

8.25.020- Refusal to Sign Citation

8.25.030- Violation- Penalties

8.25.040- Money Judgments

8.25.050- Follow-up Inspection

8.25.060- Notice of Compliance

8.25.070- Refusal to issue Permits, Licenses, or other Entitlement

8.25.080- Administrative Citation

8.25.090- Remedies Cumulative

8.25.100- Recovery of Attorney's Fees

**8.25.010 - Criminal citations.**

A. Each Code Officer is authorized to issue citations for violations of the provision of Titles 8, 13, 15, 16, 17 and 18 of this Code which they have the duty to enforce. The Code Enforcement Officer will notify the alleged violator that a public nuisance exists and, if the public nuisance has not been abated within what he or she deems a reasonable period of time, he or she may then issue a criminal citation to the alleged violator. Although not mandatory, in most cases the Code Enforcement Officer should warn the alleged violator that a citation will be issued if voluntary compliance is not achieved within a specified time period. Proof that Notice of a Violation (or the existence of a public nuisance) has been given to an alleged violator is not a prerequisite to a finding that a violation has occurred, nor is it a requirement which must be satisfied before a citation may be issued or a conviction

obtained. The form of the citation issued pursuant to this chapter shall be approved by the City Council and the District Attorney.

**B. Prior to issuance of a citation:**

1. The Code Enforcement Officer shall identify himself or herself;
2. Identify the violation;
3. Shall then request the alleged violator to present his or her driver's license or other satisfactory evidence of his or her identity for examination;
4. The citation shall state a time, date, and place where the alleged violator shall appear in court to answer the charges stated in the citation;
5. The appearance date shall be at least ten days after the date of citation.

**8.25.020 - Refusal to sign citation.**

The Officer shall not take or attempt to take anyone into custody for refusing to present satisfactory evidence of his or her identity or refusing to sign a citation. In such cases, the Code Enforcement Officer may file the citation with the appropriate court as a complaint pursuant to Penal Code Section 853.9(b), may request the assistance of the City of Corning Police Department or may request the District Attorney to prepare and file a complaint with the appropriate court.

**8.25.030 - Violation-Penalties.**

**A. Violations Charged and Punished as Infractions.** Notwithstanding any provision of this Code to the contrary, in Titles 8, 13, 15, 16, 17 and 18, whenever any provision in any of said titles provides that any act is prohibited or made or declared to be unlawful or a misdemeanor or an infraction, or requires the doing of any act or declares the failure to do any act unlawful or a misdemeanor or an infraction, the violation of such provision shall be charged as an infraction, punishable by imposition of the following fines, no part of which may be suspended:

1. Upon a first conviction, a mandatory fine of one hundred dollars;
2. Upon a second conviction of the same code section involving the same premises within a twelve-month period immediately preceding the commission of the current violation, a mandatory fine of two-hundred dollars;
3. Upon a third conviction of the same code section involving the same premises within a twelve-month period immediately preceding the commission of the current violation, a mandatory fine of five hundred dollars.

**B. Each Day a Separate Offense.** Each and every day, or portion thereof that a person violates or continues to violate any such provision of any of said titles constitutes a separate offense and may be charged and punished separately without awaiting conviction of any prior violation.

**C. Misdemeanors.** Any violation which may otherwise be charged and punishable as an infraction pursuant to subsection (A) of this section may be charged and punishable as a misdemeanor. If the Defendant has been convicted of three or more violations of the same code section involving the same premises within the twelve-month period immediately preceding the commission of the current violation. For purposes of this subsection, a bail forfeiture, or a plea of nolo contendere shall be deemed to be a conviction.

**8.25.040 - Money judgments.**

Any judgment of conviction which imposes a fine shall become a money judgment, as provided by Penal Code Section 1214. It shall be the responsibility of the Code Enforcement Officer to

determine if the fine imposed has been paid. In any case where the fine remains unpaid for more than thirty days, a Code Enforcement Officer shall record an abstract of the judgment in the office of the county recorder, as provided by Code of Civil Procedure Sections 674 and 697.310. Upon notice of payment of such a judgment, the Code Enforcement Officer shall file and serve a judgment, and the Code Enforcement Officer shall file and serve an acknowledgement of satisfaction of judgment, as provided by Code of Civil Procedure Sections 724.030 and 724.040.

#### **8.25.050 - Follow-up inspection.**

Following the conviction of any violator in court, the Code Enforcement Officer shall make such follow-up inspections as necessary to determine that the violation has been abated and may issue such additional citations as are necessary to gain compliance with the applicable provisions of this code.

#### **8.25.060 - Notice of compliance.**

Upon all work to abate the violation being completed and approved by the affected department, payment of all fines imposed as to said violation pursuant to Section 8.25.030(A), conducting follow-up inspections pursuant to Section 8.25.050 and recording a Notice of Compliance pursuant to this section, the Code Enforcement Officer shall submit a Notice of Compliance to the County Recorder for recordation.

#### **8.25.070 - Refusal to issue permits, licenses, or other entitlement.**

##### **A. Refusal to Issue Waiver.**

1. No Department, Commission, or Employee of the City of Corning vested with the duty or authority to issue or approve Permits, Licenses or other Entitlement shall do so when there is an outstanding violation for which a citation has been issued pursuant to this chapter involving the premises to which the pending application pertains. The authority to deny shall apply whether the applicant is either the current occupant or owner of record or a vendor of the current owner of record pursuant to a contract of sale of the real property, with or without actual or constructive knowledge of the violation at the time he or she acquires his or her interest in such real property.
2. Upon notification by the Code Enforcement Officer that such a violation exists, all Departments, such Commissions, and Employees shall refuse to issue a Permit or License or Entitlement involving the premises except those necessary to abate such violation.

**B. Rescission of Refusal to Issue.** The refusal to issue shall be rescinded when the Department, Commission, or Employee has been notified that all required work to abate the violation has been completed and has been approved by the affected department.

**C. Waiver.** The Director of the affected department may waive the provisions of this section regarding refusal to issue if he or she determines such waiver is required to allow necessary or desirable remedial, protective, or preventative work.

#### **8.25.080 - Administrative citation.**

##### **A. Administrative Citation.**

1. Whenever a Code Enforcement Officer charged with enforcement of any provision of this code or any code adopted by the City determines that a violation of that provision has occurred, the Code Enforcement Officer shall have the authority to issue an Administrative Citation to any person responsible for the violation and/or to the owner of the property to which the violation pertains. If the Code Enforcement Officer determines

that multiple code violations have occurred, the Administrative Citation shall address all the violations.

2. If the person responsible for the violation and/or the owner of the property is: **(1)** an individual or receiver, the Code Enforcement Officer shall issue the citation to the individual or the receiver; **(2)** a Corporation or Limited Liability Company, the Code Enforcement Officer shall issue the citation to a Senior Officer; **(3)** a Partnership, Joint Venture, Cooperative or Association, the Code Enforcement Officer shall issue the citation to any partner, member of the joint venture, cooperative or association; **(4)** a Trust, the Code Enforcement Officer shall issue the citation to any Trustee; **(5)** an Estate, the Code Enforcement Officer shall issue the citation to the administrator of the estate; **(6)** any other entity, the Code Enforcement Officer shall issue the citation to any Officer, Member, Representative, Agent or Employee of the entity.
3. If the violation is of a continuing nature or pertains to a building, plumbing, electrical, or other similar structural or zoning violation that does not create an immediate danger to health or safety, the Code Enforcement Officer shall not assess an administrative fine, but shall establish a reasonable period of time for the responsible person to correct or otherwise remedy the violation prior to the imposition of an administrative fine. In no event shall the period of time given to correct or remedy the violation be less than three days.
4. Each Administrative Citation shall contain the following information:
  - a. The date of the violation;
  - b. The address or definite description of the location where the violation occurred;
  - c. The code section(s) violated and a description of each violation;
  - d. The amount of the fine for each code violation and/or the number of days given to correct continuing violations pursuant to subsection (A)(3) of this section;
  - e. A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;
  - f. An order prohibiting the continuation or repeated occurrence of the code violation(s) described in the Administrative Citation;
  - g. A description of the Administrative Citation review process, including the time within which the Administrative Citation may be contested and the place from which a request for a hearing form to contest the Administrative Citation may be obtained; and
  - h. The name and signature of the citing Code Enforcement Officer.

#### **B. Amount of Fines.**

1. **Standard Fine.** The Administrative Citation fine amount for a first violation of the Corning Municipal Code or any other code adopted by the City shall be one-hundred dollars.
2. **Second Violation Fines.** The fine amount for a second violation of the same code section by the same person within a thirty-six month period from the date of the Administrative Citation for the first violation shall be two-hundred dollars.
3. **Subsequent Violation Fines.** The fine amount for a third and subsequent violation of the same code section by the same person within a thirty-six month period from the date of the Administrative Citation for the second or subsequent violation shall be five-hundred dollars.

4. Any fine amount imposed pursuant to this chapter shall be deemed delinquent if it is not paid in accordance with the terms and provisions of this chapter. Any person who fails to pay to the City the amount of any fine imposed pursuant to the provisions of this chapter on or before the date that the fine is due shall be liable for the payment of an additional late payment charge. The late payment charge shall be (a) ten percent of the amount of the fine then due to the City, or (b) ten percent of the amount of the fine remaining to be paid to the City if a portion of the fine amount was timely paid, whichever amount is greater. Interest shall accrue on all delinquent fine amounts, exclusive of the late payment charge, at the rate of one-half of one percent per month, pro rata, of the total delinquent fine amount, from the date the fine amount becomes delinquent until the date that the total delinquent fine amount is paid to the City.
5. Copies of subsections (B)(1) through (4), inclusive, of this section shall be printed and referred to as the "Schedule of Administrative Citations Fines" and shall reference this chapter. Copies of the Schedule of Administrative Citation Fines shall be made available to the public at the office of the City Clerk.

**C. Payment of the Fine.**

1. Any fine imposed shall be paid to the City within thirty (30) days from the date of the Administrative Citation.
2. Any Administrative Citation fine paid pursuant to subsection (C)(1) of this section shall be refunded if it is determined, after a hearing, that the person charged in the Administrative Citation was not responsible for the violation or that there was no violation as charged in the Administrative Citation.
3. Payment of a fine under this chapter shall not excuse or discharge any continuation or repeated occurrence of the code violation that is the subject of the Administrative Citation.

**D. Request for a Hearing.**

1. Any recipient of an Administrative Citation may contest that there was a violation of this code or of any code adopted by the City, or that he or she is the responsible party, by completing a request for hearing form and returning it to the City Clerk within thirty days from the date of the Administrative Citation, together with an advance deposit of the fine or notice that a request for an advance deposit hardship waiver has been filed.
2. A request for hearing form may be obtained from the City Clerk.
3. The person requesting the hearing shall be notified of the time and place set for the hearing at least ten days prior to the date of the hearing.
4. If the Enforcement Officer submits an additional written report concerning the Administrative Citation to the Hearing Officer for consideration at the hearing, then a copy of this report also shall be served on the person requesting the hearing at least five days prior to the date of the hearing.

**E. Advance Deposit Hardship Waiver.**

1. Any cited person who is financially unable to make the advance deposit of the full amount of the fine and who intends to request a hearing to contest the Administrative Citation may file a request for an advance deposit hardship waiver to waive all or part of the advance deposit.
2. A request for deposit hardship waiver must be filed with the City Clerk on an advance deposit hardship waiver application form available from the City Clerk within ten days of the date of the Administrative Citation and must include a sworn declaration and any



other supporting documents or materials showing the cited person's actual financial inability to deposit the full amount of the fine in advance of the hearing. The cited person bears the burden of demonstrating to the satisfaction of the City Clerk or his or her designee the cited person's actual inability to deposit the full amount of the fine in advance of the hearing.

4. The City Clerk or his or her designee shall issue a written determination listing the reasons for his or her determination to issue or not issue the advance deposit hardship waiver. The written determination of the City Clerk or his or her designee shall be final and shall be served on the cited person.
5. The City Clerk or his or her designee may waive the requirement of an advance deposit of the fine amount or require a deposit of a specified part of the amount of the fine, and issue the advance deposit hardship waiver, only if the cited person has demonstrated to the satisfaction of the City Clerk or his or her designee the cited person's actual inability to deposit with the City the full amount of the fine in advance of the hearing.
6. If the City Clerk or his or her designee determines not to issue an advance deposit hardship waiver, the cited person shall remit the advance deposit of the full fine amount to the City within ten days of the date of the decision of City Clerk or his or her designee or thirty days from the date of the administrative citation, whichever is later. If the City Clerk or his or her designee determines that the cited person is required to deposit only a specified part of the amount of the fine, the cited person shall remit the advance deposit of the required amount of the fine to the City within ten days of the date of the decision of the City Clerk or his or her designee within thirty days from the date of the administrative citation, whichever is later. Failure to timely remit the advance deposit shall terminate the request for a hearing on the citation, and the amount of the fine shall become immediately due and payable.
7. The requirement of depositing the full amount of the fine as required above shall be stayed unless or until the City Clerk or his or her designee makes a determination not to issue the advance deposit hardship waiver.

**F. Hearing Officer.** The City Manager shall designate the Hearing Officer(s) for the administrative citation hearings. There may be more than one Hearing Officer in the City and there may be more than one Hearing Officer at any administrative citation hearing.

**G. Hearing Procedure.**

1. No hearing to contest an Administrative Citation before a hearing officer shall be held unless the fine has been deposited in advance or an advance deposit hardship waiver has been issued.
2. A hearing to contest an Administrative Citation shall be set for a date that is not less than fifteen days and not more than sixty days from the date that the request for hearing is filed in accordance with provisions of this chapter or the date of issuance of the advance deposit waiver, whichever is later.
3. At the hearing, the party contesting the Administrative Citation shall be given the opportunity to testify and to present evidence as to the existence of the cited violation or as to whether or not the cited person is the responsible party.
4. The failure of the cited person to appear at the Administrative Citation hearing shall constitute a forfeiture of the fine and a failure to exhaust their administrative remedies.
5. The Administrative Citation and any additional report submitted by the Enforcement Officer shall constitute prima facie evidence of the respective facts contained in those documents.

6. The Hearing Officer may continue the hearing and request additional information from the Enforcement Officer or the cited person prior to issuing a written decision.

#### **H. Decision of the Hearing Officer.**

1. After considering all of the testimony and evidence submitted at the hearing, the Hearing Officer shall issue a written decision to uphold or dismiss each contested violation in the Administrative Citation and shall list in the decision the reasons for that decision. The decision of the Hearing Officer shall be final and shall be served on the cited person within fifteen days of the date of the hearing.
  2. If the Hearing Officer determines that the violations in the Administrative Citation should be upheld, then the fine amount on deposit with the city for those violations shall be retained by the City.
  3. If the Hearing Officer determines that the violations in the Administrative Citation should be upheld and the fine has not been deposited pursuant to an advance deposit hardship waiver, the Hearing Officer shall set forth in the decision a payment schedule for the fine(s) for those violations.
  4. If the Hearing Officer determines that any violations in the Administrative Citation should be dismissed and the fine for those violations was deposited with the City, then the City shall promptly refund the amount of the deposited fine for the dismissed violations together with interest at the average rate earned on the City's pooled cash portfolio for the period that the amount of the fine was held by the City.
  5. The employment, performance evaluation, compensation and benefits of the Hearing Officer shall not be directly or indirectly conditioned upon the amount of Administrative Citation fines upheld by the hearing officer.
- I. Late Payment Charges.** Any person who fails to pay to the City any fine or any scheduled partial payment of such fine pursuant to the provisions of this chapter or on or before the date that the fine or scheduled partial payment of such fine is due shall be liable for the payment of any applicable late payment charges set forth in the schedule of Administrative Citation fines established by resolution by the City Council.
- J. Recovery of the Administrative Citation Fines and Costs.** The City may collect any past-due Administrative Citation fine(s) and late payment charge(s) by use of all available legal means. The City may also recover its collection costs.
- K. Right to Judicial Review.** Any person aggrieved by an administrative decision by a Hearing Officer on an Administrative Citation may obtain review of the administrative decision by filing a petition for review with the municipal court in Tehama County in accordance with the timelines and provisions set forth in California Government Code Section 53069.4.

#### **L. Notices.**

1. The Administrative Citation and all notices or other documents required to be given by this chapter shall be served on the cited person by personal delivery or by deposit in the United States mail, in a sealed envelope postage prepaid, addressed to such person at his or her last known business or residence address as the same appears in the public records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office.
2. Failure to receive any notice specified in this chapter does not affect the validity of the proceedings conducted hereunder.

#### **8.25.090 - Remedies cumulative.**

Nothing in this chapter shall prevent the appropriate authorities of the City of Corning from pursuing any civil, criminal, or administrative remedy deemed necessary or appropriate to gain compliance with the applicable provisions of this code. The provisions of this chapter are to be supplementary and complementary to all of the provisions of this Code, State Law and any laws cognizable as common law or in equity and nothing herein shall be read, interpreted or construed in any manner so as to bar or limit the city from seeking any remedy to which it may otherwise be entitled.

**8.25.100 - Recovery of attorney's fees.**

In any action, administrative proceeding, or special proceeding to enforce any violation pursuant to this chapter or chapter 8.08, the prevailing party may recover attorney's fees pursuant to California Government Code section 38773.5. Recovery of attorney's fees is limited to those individual actions or proceedings in which the city elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorney's fees. An award of attorney's fees to a prevailing party shall not exceed the amount of reasonable attorney's fees incurred by the City in an action, administrative proceeding, or special proceeding.

**SECTION 4. Severability.**

If any section, subsection, phrase, or clause of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, phrase, or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

**SECTION 5. Publication and effective date.**

This Ordinance shall be published in accordance with the provisions of Government Code Section 36933.

This Ordinance shall take effect 30 days after its final passage.

The City Clerk shall certify to the adoption of this Ordinance and shall cause it to be posted and/or published in accordance with the law.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Corning held on January 12, 2021, and enacted at a regular meeting of the City Council of the City of Corning held on January 26, 2021, by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

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**Robert Snow, Mayor**

**ATTEST:**

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**Lisa M. Linnet, City Clerk**

**SUMMARY OF ORDINANCE NO. 695**  
**AN ORDINANCE OF THE CITY OF CORNING CITY COUNCIL AMENDING TITLE 8 OF THE**  
**CORNING MUNICIPAL CODE BY AMENDING CHAPTERS 8.08 AND 8.25 AND DELETING**  
**8.14 TO UPDATE THE NUISANCE ABATEMENT PROCESS**

Pursuant to Government Code Section 36933(c), the following constitutes a summary of Ordinance No. 695 introduced by the Corning City Council on January 12, 2021 and scheduled for consideration of adoption on January 26, 2021 at its meeting held in the City Council Chambers 794 Third Street, Corning, California.

The purpose of Ordinance No. 695 is to amend Chapter 8 of the Corning Municipal Code to provide a single streamlined process for nuisance abatement, and place weed abatement, substandard building, and all other nuisance abatement in one location, as opposed to the three sections it currently exists in. The amended Ordinance also provides clear due process allowing members of the community to challenge any property declared a nuisance.

A certified copy of the full text of the Ordinance is posted and available for review in the City Clerk's Office at 794 Third Street, Corning, California. This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law. This Ordinance was introduced by the City Council of the City of Corning on January 12, 2021 and was adopted on January 26, 2021 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

Lisa Linnet, Corning City Clerk

Posted at Corning City Hall and published as required by law.

**ITEM NO: I-8  
PUBLIC HEARING FOR THE  
CONSIDERATION OF POTENTIAL  
PROGRAMS FOR INCLUSION IN THE  
STATE COMMUNITY DEVELOPMENT  
BLOCK GRANT CORONAVIRUS AID,  
RELIEF, AND ECONOMIC SECURITY ACT  
(CDBG-CV 2/3) APPLICATION**

**January 26, 2020**

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: KRISTINA MILLER, CITY MANAGER**



**BACKGROUND:**

On March 27, 2020, Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act in response to the impacts of the COVID-19 pandemic. The California State Department of Housing and Community Development (HCD) published a Notice of Funding Availability (NOFA) for Community Development Block Grant Coronavirus Aid, Relief, and Economic Security (CDBG-CV1) funds on June 5, 2020 for \$18.7 million in funds. Additional funding has been made available to the Department and will be allocated to the Cities and Counties and the NOFA was released in late December. The State has received a total \$113,263,490 in CV2, and \$18,031,478 in CV3 funding and the City of Corning has been allocated \$281,839. The City has already made application for CV 1 Funds for a Business Assistance Program and we are awaiting our contract to begin implementation. A maximum of two (2) additional activities will be allowed under this application cycle. Each activity must expend all funds within 24 months of the contract execution. The City may also allocate additional funding to the Business Assistance Program awarded under the CV1 funding contract.

Eligible activities paid for with State CDBG funds must meet one of the three National Objectives listed in CDBG Federal Statutes as follows:

1. Benefit to low-income households or persons (also called Low/Mod Benefit);
2. Slum and blight (addressing physical problems in specific neighborhoods); or
3. Meeting urgent community development need (a need resulting from a State or Federal declared disaster or posing unforeseen risks to health and safety).

In addition, eligible activities must be used directly to prevent, prepare for, or respond to COVID-19 and meet CDBG requirements as provided and directed by HCD in the published NOFA and outlined in their plan as follows:

- Public services to respond to COVID-19 impacts.
- Public facility improvements to increase capacity for healthcare facilities and improve public facility safety as related to COVID-19.
- Housing facilities for persons experiencing homelessness, including acquisition and rehabilitation.
- Economic development to support needs of local businesses to retain and bring back jobs impacted by COVID-19.

All activities are required to meet a National Objective as outlined under Section IV. of the attached NOFA.

Before submitting an application, the first step required is to hold a public hearing. **The purpose of the public hearing is to gather information regarding the needs of the community and business community.** Staff will then work to prepare the final application for approval at a future meeting prior to submittal. The deadline for the submittal is based on the type of project applied for and could be due as soon as February 12<sup>th</sup>.

**DISCUSSION:**

Eligible activities for the grant funding are limited to the following:

For the CDBG-CV NOFA, the following activities are permitted:

**A. Community Development:**

1. Public Services to respond to COVID-19 impacts, including short-term subsistence payments for households at risk of eviction and/or homelessness, and housing costs for those exiting homelessness, homeless shelter operations, and health and education support services.
2. Public Facility and Infrastructure improvements with a documented COVID-19 nexus.
3. Public facility acquisition, including healthcare facilities, emergency shelters, and housing for persons experiencing homelessness in response to COVID-19 impacts.
4. Housing Assistance:
  - a. Acquisition and/or rehabilitation of Low-Mod Income Housing in response to COVID-19 impacts on vulnerable populations, or individuals including households experiencing homelessness.

**B. Economic Development:**

1. Business assistance to help businesses retain employees, or in the case of businesses re-starting after mandated COVID-19 related shut-downs, adding employees.
2. Microenterprise assistance (including Micro-financial assistance and Technical assistance) for businesses impacted by COVID-19 with five or fewer employees, including the business owner.

The funds can be used to contract with a service provider to provide the desired program or to administer a program. It is important to note that the funding includes extensive requirements for administration and data on both contractors and recipients of the services. Therefore, it is preferable to plan a project or program and avoid dividing it into small subrecipient grants to avoid duplicative administrative work. In addition, the data that needs to be collected from recipients of the services may limit the types of services the funding can feasibly be used for. Additionally, funds can be combined with other agency funding through MOU's to combine funding to one project or program for maximum results, such as with the County of Tehama, and the cities of Red Bluff and Tehama.

Based on Staff's initial outreach and analysis of options available, we came up with the following considerations:

1. Provide additional funding to the Business Technical Assistance Program.
2. Provide funding for utility assistance payments for those impacted by the COVID-19 Pandemic.

**COST ANALYSIS:**

It is estimated that the City will be eligible to receive up to \$281,839 based on a formula provided by HCD. Of that amount, approximately 13% can be used towards administration, which will include the Consultant's cost for administering the grant and reimbursement of Staff time. Due to the complexities of this funding and existing Staff vacancies, the City must hire a Consultant to fully administer this grant. The project funding is as follows:

General Administration:	\$ 36,639
Project/Program Funding:	\$245,200

**ENVIRONMENTAL REVIEW:**

CEQA and NEPA review will be considered based on the project or program selected. Programs are provided an exemption and documents will be completed accordingly.

**ALTERNATIVES:**

The following alternatives are provided for consideration:

1. Receive public input and direct Staff to prepare an application for funding for an appropriate program.
2. Receive public input and direct Staff to prepare an application for funding for another program or programs;
3. Direct Staff to solicit additional public input;
4. Direct Staff to not prepare or submit an application for funding; or
5. Provide other direction to Staff.

**RECOMMENDATION:**

It is recommended as follows:

- 1) Open the public hearing and receive public comment regarding the Community Development Block Grant Coronavirus Aid, Relief and Economic Security Act (CDBG-CV1, CV2 and CV3) program and possible activities and projects to be considered for funding under the upcoming Notice of Funding Availability (NOFA) process; and
- 2) Provide direction for Staff to prepare an application (when available) in response to the release of the Notice of Funding Availability (NOFA) for CDBG-CV2 and CV3 funds for COVID-19 related activities that benefit low- and moderate-income residents.