

MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD

August 28, 2012

1. The meeting was called to order at 7:03 p.m. by Mayor Holvik.
2. **PLEDGE OF ALLEGIANCE:** Council Member Hansen led the Pledge of Allegiance.
3. **ROLL CALL:**

Present: Council Members Yoder, Cobb, Taylor-Vodden, Hansen, & Mayor Holvik
Absent: None

4. **Agenda Review:** It was **moved** by Council Member Yoder and **seconded** by Council Member Hansen to accept the August 28, 2012, City Council Meeting agenda as presented. The motion unanimously passed.
5. **Presentations & Proclamations:** Barbara LaDoucer of the American Legion Auxiliary presented a Certificate of Appreciation to the Mayor and City Council for their yearly acknowledgment of "Poppy Days".
6. **Public Comment:**

Andrew Baird spoke and asked the City to consider possibly taking back the Water System from Cal-Water Service by using Eminent Domain procedure. He stated that \$80.00 per month for water is a lot to pay and he would like to see the City operate their own water system.

Rose Marie Thraikill gave an update of past and upcoming Chamber of Commerce and Community events. She also requested that the Council Members speak into their microphones at the dais because the audience has a lot of trouble hearing what is being said.

Dennis James presented Police Chief Bill Spears and the City Council with Certificates of Appreciation for their service and assistance which contributed to the advancement of the American Legion Auxiliary programs and activities.

Karen Roberts stated that the VFW Ladies Auxiliary will be holding a candlelight vigil in remembrance of the events of 9/11/2001. The event will take place at Willows Veterans Memorial Hall at 525 W. Sycamore Street on Tuesday, September 11 at 7:30 p.m. Mayor Holvik stated that the City Council meeting that is scheduled to take place that evening would have a start time of 6:00 p.m. instead of the normal 7:00 p.m. in hopes of adjourning in time to be able to attend the event.

Rosanna Marino, local district manager for California Water Service reported that California Water Service is interested in offering a presentation to the City Council at a future meeting in order to answer or address concerns of the Council or the community regarding some issues that have recently come up with regards to water rate increases. She asks that any questions be put into writing and given to the City Manager prior to the meeting. She also gave a reminder that

California Water Service will be hosting a General Rate Case Workshop on October 3 at 6:00 p.m. at the Monday Afternoon Club.

Michael Keen stated that his water bill has been \$150/month this summer just for him to water his lawn and to shower. He stated that \$150 is getting to be a bit much and it has come to a point where he may have to consider discontinuing watering his lawn and if he does that his neighbors' homes will likely drop in value. He suggests that perhaps the Council should consider adopting an ordinance to disallow lawsuits in the event that people stop watering their lawns and their neighbors threaten to file suit against them. Being on a very limited income, he and others just can't continue to spend that much money to water the lawn.

Jeff Williams stated that at the last Council Meeting he asked a question that the Council couldn't answer which was whether there was any authorization by the city to allow an employee from Chico to commute to and from work in a City-owned vehicle and he wondered if that question has been looked into. The City Manager stated that the use of the vehicle was approved through the negotiating process and was agreed upon as a condition of employment between the employee and the City. Mr. Williams also had a complaint about the City Manager, claiming that he made a threat to him about going to his boss, Shon Harris of the California Highway Patrol, to tell him about his repeated requests for audios from City Council Meetings. He stated that the City Manager condemned him for wasting the Clerk's time by frequently asking for the audio of Council Meetings. He has previously spoken to Council Member Taylor-Vodden and Mayor Holvik about his complaints. It is his belief that if anybody shows any difference of opinion than the City Manager's that they are scolded. Mayor Holvik advised Mr. Williams that the City is currently in the process of looking at a program that will allow the audio of the meetings to be placed onto the City's website.

Alan Schauer stated that it is bad that the City does not have an existing contract with California Water Service. He also announced that he would be contacting Fish & Game about the snowy egrets and night herons that have taken over Memorial Park and other areas around the City. He would like to find a way to get rid of the birds and keep them from nesting in the City.

7. **Consent Agenda:**

It was **moved** by Council Member Taylor-Vodden and **seconded** by Council Member Hansen to approve Consent Agenda as presented. The motion unanimously passed and the following items were approved/adopted:

- a) Approval of General Check Register (24959-25022).
- b) Approval of Payroll & Direct Deposit Check Registers (No direct deposit and no payroll checks have been issued since the last City Council Meeting).

8. **Public Hearings:** None

9. **Ordinances:** None

10. **Items introduced by City Council or Administrative Staff for discussion purposes only:** None

11. **New Business:**

- a) Council will consider providing written notice of non-renewal in conformity with the requirements of the Employment Agreement between the City of Willows and William R. Spears, Police Chief.

Mayor Holvik began by stating that he is the person that asked that this item be placed on the agenda. Willows and other Cities throughout California are going through some very difficult times. Income sources have been reduced, and expenses, such as pensions and health care costs continue to rise. In 2006 the City had approximately 2 million dollars in savings, however over the course of the last six years the City has had to use approximately 1 million dollars just to provide current services as they are today. Many of these reductions and cuts did not directly effect members of the general public and many of them went unnoticed. These cuts and reductions include four Public Works positions, Police Officer and a Community Services Officer, Administrative Finance Analyst, sharing a Library director, cutting back on Planning and Engineering services, deferred salaries, Administrative furloughs, and numerous operating expenses. Even with these reductions, the Council still finds themselves facing a \$200K budget deficit during the 2012/2013 Fiscal Year. If Council leaves a Police Officer position frozen, the deficit would go down to approximately \$112K. All department budgets are at a minimum and any future cuts will be painful, no matter where the cuts come from. Having a surplus budget like the City did prior to 2006 was so much more easy to work with and to manage; however, it is now time for the City to face the reality of the current financial picture and make some tough choices and decisions. There does not seem to be any immediate relief in sight or a near end to this financial problem. It should also be noted that if Proposition 30 does not pass in the November election, the City stands to lose even more money from the Police Department budget. In this year's budget, the Council decided to take a stand and have a balanced General Fund budget. As part of the Budget subcommittee, Mayor Holvik has been evaluating each and every potential expenditure reduction and saw that the Police Chief's contract was due to expire at the end of 2012. Even the cost savings, if that contract is not renewed, will not even balance the budget but it will make an impact. Even the County has taken the stand of downsizing in order to try to balance their budget. Mayor Holvik's fear is that he expects the City to have another deficit budget every year for the next few years. This is not a one time deficit budget and the Council must do something now. In these unprecedented economic times, it is imperative that as a Council and as a Community, we all work together to make sure we can get through in as good a shape as possible. If we don't do something now, it's just going to get worse next year and the following year and so on. The city is currently down to bare bones and that is why this agenda item is up for discussion this evening. Mayor Holvik stated that he knows that there are several people present at the meeting who wish to comment on this item and he asked for people to please step to the microphone and state their name and make their comments. The Mayor asked that order be maintained and that there be no disputes or clapping during the public comment portion. He also stated that he would like to limit discussions, not to try to censor anybody, but

in order to keep the comments from becoming repetitive or redundant. Mayor Holvik then opened up the public comment portion.

Speakers in favor of the Council renewing Chief Spears' Employment Agreement were Mike O'Brien, Glendon Roger Boothe, Andrew Baird, Gloria Baldwin, Vern Roberts, Mike Donnelly, Stephanie Southam, Jana Smith, Robert Pellazari, Carl Walter, Joe Hinton, Rose Marie Thrailkill, Patsy Carter, Cynthia Roach, Jana Adamson, Summer Berglund, Dan Gupton, Kevin Nelson, Gail Green, Gladys Bettencourt, Nancy Salsido, Gabriela Robles, Todd Miller, Michelle Thomas, Bud Brackensick, John Zimmerman, Dennis James, Patti Fumasi, Keith Parrish, Lisa Hill, Linda Corbin, Larry Bowman, Vern Roberts, Barb LaDoucer, Stacey Rokay, Jeff Williams, Ted Crandell, & Angela Parisio.

Speakers in favor of the Council not renewing Chief Spears' Employment Agreement were Heather Baker.

Speakers that didn't specifically state their preference or position for or against the renewal, but had inquiries about the plan moving forward if the Chief's Employment Agreement was not renewed were Sherri Brott and Bobbie LaCross. Doug Ross had a legal question regarding the statutory requirements to have a Police Chief. Candis Woods indicated that no matter what the Council's decision was tonight, she has a lot of confidence in the City's Police Department.

Chief Spears then thanked the members of the audience who came out in support of him. He then addressed the Council stating that he was surprised and disappointed that there were no previous negotiations and no contact was made with him regarding his contract renewal and no discussions or negotiations ever took place. He never said he was unwilling to negotiate and he offered to give 15% of his current wage back to the City right now if they renewed his contract. This would be a savings of roughly \$23,200 per year. He stated that he has always tried to find ways to save the City money by means of seeking out grants, buying the lowest priced products, etc. He wondered when the budget subcommittee meetings took place and why the committees were holding secret meetings without his being noticed or informed. He said that he has never experienced this type of treatment in his 40 years of public service, in that he claimed he was never made aware that his contract was going to be up for review and discussion until the meeting agenda was distributed last Thursday.

After Chief Spears wrapped up his comments, Mayor Holvik called for a brief recess at 9:33 p.m. Mayor Holvik reconvened the meeting at 9:47 p.m. and he reported that he had failed to mention earlier in the meeting that two letters of support for Chief Spears were received by the Council. Those letters were from former Willows Police Officer Jon Meek and from James Bettencourt.

City Attorney Gary Krup stated that he has reviewed the Chief's Employment Agreement and stated that according to the terms of the agreement, the agreement would automatically renew for another two years effective December 31, unless the Council took an action to not renew the agreement. If it is the intent of the Council to not renew the agreement, they must take a formal action to not renew the contract, which includes directing staff to provide the Chief with a written notice of non-renewal within 90 days of the agreement automatically renewing.

Mayor Holvik then stated that Council discussion on this item would be held in alphabetical order, beginning with Council Member Cobb. Council Member Cobb stated that he had no comments at this time. Council Member Hansen thanked all the citizens that showed up this evening to express their opinions on this item. Pertaining to this agenda item, Council Member Hansen believes that it would be fiscally irresponsible of the Council if they did not seize this cost savings opportunity, so he stated that he concurs with the Mayor's recommendation to not renew the Employment Agreement.

Council Member Taylor-Vodden stated that she did receive a copy of the Chief's employment agreement and reviewed it, and she is happy that the City Attorney specified that the Council has the right, for any reason, to not renew the Contract. She believes that Chief Spears signed the employment agreement with that knowledge that it was a two year contract that renewed every two years, or could be non-renewed for any non-specific reason. She asked Chief Spears if that was correct. Chief Spears stated at the time he signed the contract he did understand the two year terms, however, he believes there could have been some negotiations to alter and replace or modify the existing contract. Council Member Taylor-Vodden stated that as a member of the Public Safety Subcommittee, she was at a meeting with Chief Spears and she said she did not ever hear that offer from Chief Spears. Council Member Taylor-Vodden just wanted to make it known that she had met with the Chief officially as a subcommittee member, and that was not part of the discussion. She considered that meeting a part of their negotiations and she is just surprised that the Council can be accused of anything and everything, and not have the opportunity to respond, or are hampered in their ability to respond. She is happy that the Council has been able to review the employment agreement and they now have the opportunity to vote on non-renewal and she too agrees with the Mayor's recommendation to not renew the agreement.

Council Member Yoder then stated that he has struggled with this issue for some time and early on in the budget process he asked the City Clerk to provide him with all contracts that the City has and he reviewed each one of them. This is one of those areas that the Council is continuously going to look at to try to bring the budget back into balance because that is the objective that the Council has. The deficit budget is not going to be erased off of this one item and the Council needs to continue to be fiscally responsible. This is strictly a fiscal issue and the Council needs to do what is in the best interest of the City. The Police Department will continue to exist and the Chief himself has publicly stated that he has the utmost confidence in his staff to run operations. Council Member Yoder stated that he looks at this from the perspective of being a fiscal issue only and this would be a savings to the City. For the last six years the City has gone into a fiscal spiral and at some point the City needs to spend the money they have and not continue to go further into debt. He believes the Council is on the right track on trying to balance the budget while at the same time keeping the City intact.

Mayor Holvik stated that there was a lot said tonight during the public comment portion of this item and some things that were said were a bit questionable as to content. He stated that this is one of the toughest times that he has ever faced while serving on the Council, and this is also one of the toughest decisions he has ever had to make as a Council Member. He asked if there was any further discussion of the Council, and hearing no additional comments, he asked the pleasure of the Council. It was then **moved** by Council Member Cobb and **seconded** by Council Member

Taylor-Vodden to authorize the City Manager to direct staff to provide written notice of non-renewal, in accordance with the requirements of the Employment Agreement between the City of Willows and William R. Spears, Police Chief. The Mayor then called for an alphabetical roll call vote and the vote was unanimous 5/0 to direct staff to provide the Police Chief with written notice of non-renewal of his Employment Agreement.

12. Council Member Reports:

Council Member Hansen reported that he attended the most recent Transportation & Transit Committee Meeting. He also attended the most recent Waste Management meeting.

13. Executive Session: None

14. Adjournment: Mayor Holvik adjourned the meeting at 10:10 p.m.

Dated: August 28, 2012

NATALIE BUTLER

City Clerk

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