

CITY COUNCIL

Gary L Hansen, Mayor
Jim Yoder, Vice Mayor
Larry Domenighini, Council Member
Lawrence Mello, Council Member
Jeff Williams, Council Member



CITY MANAGER

Scott Taylor

CITY CLERK

Natalie Butler

201 North Lassen Street
Willows, CA 95988
(530) 934-7041
www.cityofwillows.org

CITY COUNCIL REGULAR MEETING AGENDA
Tuesday, February 9, 2016
7:00 p.m.

1. **Call to Order Willows City Council Regular Meeting – 7:00 p.m.**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Presentations & Proclamations:**
 - a) Students Working Against Tobacco (SWAT), under the direction of the Glenn County tobacco education program, will be presenting a power point presentation about tobacco related debris in and around the City and will request that the Council consider prohibiting smoking in City Parks. **(No action can be taken on this item tonight. Council may direct staff as to their desire to place this item on a future agenda for consideration).**
5. **Public Comment / Written Communications:** Members of the public wishing to address the Council on any item(s) *not on the agenda* may do so at this time when recognized by the Mayor/Vice Mayor; however, no formal action will be taken unless a majority consensus of the Council directs staff to place the item on a future agenda. **(Public Comment is generally restricted to three minutes).**
6. **Consent Agenda:** Consent items are considered to be routine by the City Council and will be enacted in one motion. There will be no separate discussion on these items unless a Councilperson or citizen requests, in which event the item will be removed from the consent agenda. It is recommended that the Council:
 - a) Approve General Checking, Payroll Checks & Payroll Direct Deposit Registers.
 - b) Approval of the Minutes of the Regular City Council Meeting held on January 12, 2016.
 - c) Review the City's current Conflict of Interest Code and confirm it as presented without any changes.
 - d) Accept the Treasurer's Report Schedule of Cash and Investments as of December 31, 2015.
7. **Public Hearings:** None Scheduled.

8. Ordinances:

It is recommended that the Council:

- a) Approve, by motion, second reading by title only and adoption of Ordinance # 720-2016 entitled “**An Ordinance of the City Council of the City of Willows Amending Title II Section 2.10.100 of Chapter 2.10; City Manager, of the Willows Municipal Code**”.
- b) Approve, by motion, second reading by title only and adoption of Ordinance # 721-2016 entitled “**An Ordinance of the City Council of the City of Willows Amending Title IX Section 9.15.010 of Chapter 9.15; Curfew Hours, and Repealing Title IX Section 9.15.040 of Chapter 9.15 of the Willows Municipal Code**”.
- c) Discussion and direction to staff regarding AB 21 and its impact on the City’s Marijuana Ordinance. (City Attorney).
- d) Consider, by motion, reading by title only and passage of first reading of an Ordinance entitled “**An Ordinance Repealing Title IX Section 9.05.010 of Chapter 9.05 of the Willows Municipal Code**”.

9. Items introduced by City Council or Administrative Staff for discussion purposes only:

10. New Business:

It is recommended that the Council:

- a) Approve, by motion, the awarding of the City’s Banking Relationship to Umpqua Bank; Authorize the City Manager to Sign Agreements, and authorize the City Manager, Finance Director and City Clerk to serve as Signatories on the accounts.
- b) Approve, by motion, the CALIFA-Willows Public Library Agreement for high-speed, fiber delivered, internet service; Authorize the City Manager to sign the finalized agreement, and appropriate \$4790 in California State Library Delivery Funds (Fund 352) and \$10,000 in Library Development Impact Fees (Fund 364) for up front expenditures.

11. Council Member Reports:

12. Executive Session: Council will convene into Executive Session pursuant to California Government Code Sections 54950 et seq. More specific information regarding the closed session item(s) is indicated below:

PUBLIC COMMENT: Pursuant to Government Code Section 54954.3, the public will have an opportunity to directly address the legislative body on the item(s) below prior to the Council convening into Closed Session. Public Comments are generally restricted to three minutes.

- a) PUBLIC EMPLOYEE PERFORMANCE EVALUATION, pursuant to Gov. Code § 54957
Title: City Manager

13. Report out from Executive Session:

14. Adjournment:

CERTIFICATION: Pursuant to Government Code §54954.2 (a), the agenda for this meeting was properly posted on or before February 12, 2016.

A complete agenda packet, including staff reports and back-up information, is available for public inspection during normal work hours at City Hall or the Willows Public Library at 201 North Lassen Street in Willows or on the City’s website at www.cityofwillows.org.

In compliance with the Americans with Disabilities Act, the City of Willows 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 at 934-7041 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Period

1/21/2016 TO 2/3/2016

General Checking 30519 TO 30545

Payroll Direct Deposit 207011 TO 207045

Payroll Checks 34544 TO 34567

APPROVAL DATE 2/9/2016

Approved _____

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
030519	01/21/16	AIR00	AIRGAS NCN	113.13	.00	113.13	163498	OXYGEN
030520	01/21/16	ATT01	A.T. & T.	86.25 34.60	.00 .00	86.25 34.60	A60121 B60121	TELEPHONE EXP. JAIL 12/12/ TELEPHONE EXP. EC LIBRARY
			Check Total.....	120.85	.00	120.85		
030521	01/21/16	BAK06	BAKER & TAYLOR BOOKS	413.30	.00	413.30	472648	NEW PRINT MAT. LIBRARY
030522	01/21/16	CAL01	CALIFORNIA WATER COMPANY	1700.07	.00	1700.07	B60121	WATER EXPENSE 15/15/15-1/
030523	01/21/16	CAL18	CALIFORNIA BUILDING STAND	118.00	.00	118.00	B60121	BUILDING STANDARDS FEE OC
030524	01/21/16	DEP01	DEPT. OF CONSERVATION	352.93	.00	352.93	B60121	SMIP FEE OCT-DEC 2015
030525	01/21/16	EMP00	EMPLOYERS INVESTIGATIVE S	1097.75	.00	1097.75	5050038	BACKGROUND INVESTIGATION
030526	01/21/16	ENL00	ENLOR MEDICAL CENTER	282.00	.00	282.00	B60121	PATIENT TRANSACTION
030527	01/21/16	FRI00	FRESHEN COMPUTER COMPANY	42.95	.00	42.95	6040	NETWORKING CABLE
030528	01/21/16	GAM01	GANDY-STALEY OIL CO.	1355.37	.00	1355.37	B60121	DISC STATE FEE ATTACHED
030529	01/21/16	GLE05	GLENN CO. FLEET SERVICES	4658.68 1006.70	.00 .00	4658.68 1006.70	FL1602 FL1605	DISC VEHICLE RENTAL & MAIN EXPEDITION-ADD'L SET-UP
			Check Total.....	5665.38	.00	5665.38		
030530	01/21/16	GLE50	GLENN COUNTY K-9 ASSOCIAT	3000.00	.00	3000.00	B60121	CANINE/CANINE EQUIPMENT D
030531	01/21/16	HUN01	HUNT & SONS, INC.	1770.14	.00	1770.14	47830	FUEL OCT-DEC PD/BUILDING
030532	01/21/16	JER00	JEREMY'S PEST STOMPERS	30.00	.00	30.00	1191620	PEST CONTROL PD
030533	01/21/16	KNI03	KNIFE RIVER CONSTRUCTION	216.72	.00	216.72	166204	WET PATCH
030534	01/21/16	LAW03	LANNIE'S SEPTIC TANK SERV	191.35	.00	191.35	194807	PORTABLE TOILET RENTAL
030535	01/21/16	MAT01	MATSON & ISOM TECHNOLOGY	3159.00	.00	3159.00	52907	MANAGED PARTNER AGREEMENT
030536	01/21/16	OCL00	OCLC, INC.	70.01	.00	70.01	437747	MONTHLY SUBSCRIPTION
030537	01/21/16	OFF05	OFFICE DEPOT, INC.	71.58	.00	71.58	517001	OFFICE SUPPLIES ADMIN
030538	01/21/16	ORL07	ORLAND POLICE DEPARTMENT	105.00	.00	105.00	B60120	FIRST AID/CPR TRAINING
030539	01/21/16	SAC08	SACRAMENTO VALLEY MIRROR	81.00	.00	81.00	13808	LEGAL AD MARIJUANA/FACADE
030540	01/21/16	SEV00	SEVERN TRINT ENVIRONMENTA	49116.10	.00	49116.10	A2082030	WILLOWS OPERATION DEC 201
030541	01/21/16	SHE01	SHELBY'S PEST CONTROL	33.00	.00	33.00	119337	BUILDING MAINT FIRE DEBAT
030542	01/21/16	SUN04	SUNRISE ENVIRONMENTAL	455.84	.00	455.84	58176	CLEANING PRODUCTS
030543	01/21/16	SWR01	SWRCH PERS	800.00	.00	800.00	B60120	SMALL WATER SYSTEM FEES 7
030544	01/21/16	UNI02	UNIFORMS, TUXEDOS & MORE	44.88	.00	44.88	142527	UNIFORM
030545	01/21/16	WILHN	SHAWN WILLIAMS	30.00	.00	30.00	B60121	PARKING EXPENSE
			Cash Account Total.....	70436.35	.00	70436.35		
			Total Disbursements.....	70436.35	.00	70436.35		

MINUTES OF THE WILLOWS CITY COUNCIL
REGULAR MEETING HELD January 12, 2016

1. Mayor Hansen called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE:** Dan Roach led the Pledge of Allegiance.
3. **ROLL CALL:**

Present: Domenighini, Mello, Williams, Yoder & Mayor Hansen.
Absent: None

At this time, Mayor Hansen indicated that he wished to table item 7 (b), which is to “Conduct a Public hearing and introduce by title only an Ordinance entitled “Medical Marijuana” to the Willows Municipal Code”. Mayor Hansen, hearing no objections from the remaining members of the Council, tabled this item to the January 26, 2016 City Council Meeting.

4. **Presentations & Proclamations:**

- a) Brian Tharp, Exalted Ruler of the Willows Elks Lodge #1786, presented the City Council with a \$1000 donation to go toward the City’s Swim Pool. The donation was made on behalf of the Elks National Foundation.
- b) Mayor Hansen presented former Planning Commissioner Kerri Warren with a certificate of appreciation for her eight years of voluntary service as a City Planning Commissioner.

5. **Public Comment/Written Communications:**

- Willows resident Mark Fowler stated that he opposed the growth of medical marijuana in the outdoor areas within the City limits but that he would favor an indoor secure co-op growth facility that was tightly regulated.
- Dan Roach, of the Glenn County Veterans, informed the Council that “The Wall That Heals” will be visiting Willows Memorial Park from Thursday, February 25 through Sunday, February 28. The wall is a half-size replica of the Vietnam Memorial in Washington D.C.
- Willy Beaver, Willows citizen and owner of The Health Habit, stated that he is in favor of the growth, cultivation and legal sale of Medical Marijuana in the City.

6. **Consent Agenda:**

M/S –Mello/Yoder to approve the Consent Agenda as presented. The motion unanimously passed 5/0 and the following items were approved/adopted:

- a) Approval of General Checking, Payroll Checks & Payroll Direct Deposit Registers (30337-30450; Z06889-Z06974; 34483-34528).
- b) Approval of City Council Minutes for the Regular Meeting held on December 8, 2015.

- c) Adoption of a Resolution authorizing a Maintenance Agreement with CalTrans for a public improvement project at 301 East Wood Street.
- d) Declaring certain items in the Police Department as surplus and allowing staff to dispose of said items.

7. **Public Hearings:**

- a) 2015 / 2016 Appropriation Limit for the City and adopt a Resolution establishing said limit:

Annually the City is required to establish its appropriation limit by Council resolution. The appropriation limitation imposed by Propositions 4 and 111 creates the restriction on the amount of revenue that can be appropriated in any fiscal year. The limit is based on the actual appropriations during the 1978-79 fiscal year and is increased each year using the growth of population and inflation. Not all revenues are restricted by the limit; only those that are designated as “proceeds of taxes” are included.

The City’s appropriation limit for fiscal year 2015-2016 is \$8,670,883. With qualified proceeds of taxes \$3,171,813 for the year, the City is \$5,499,070 under the limit. Staff is recommending that the Mayor conduct the public hearing and upon conclusion, adopt a resolution establishing said limit.

Mayor Hansen opened the public hearing at 7:24 p.m. and hearing no comments from the public, subsequently closed the public hearing at 7:24 p.m. **M/S – Mello/Domenighini** to adopt a resolution establishing the 2015/2016 Appropriation Limit. All ayes and the motion unanimously passed 5/0 on a roll call vote.

- b) Conduct a Public Hearing and upon conclusion, introduce by title only and pass first reading of an Ordinance adding Chapter 9.20 entitled “Medical Marijuana” to the Willows Municipal Code – **THIS PUBLIC HEARING WAS CONTINUED to the City Council Meeting to be held January 26, 2016.**

8. **Ordinances:** Action taken under item 7 (b).

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

11. **New Business:** None

- a) Consider adoption of a resolution awarding a construction contract to Omni Pipeline Inc.

The City was recently awarded an EDA Grant for construction improvements in the southerly part of the City, primarily associated with the South Willows Commercial Development project. The improvements to be partially funded by the grant include

roadway, flood control, sewer, and water improvements. Basin Street Development, developer of the South Willows Commercial project, are contributing funds and have funded the engineering associated with the project. The City is projecting that the project improvements will be placed out to bid sometime during the summer of 2016. Construction of the improvement will most likely take 4-5 months. If work begins in late summer, construction could be completed around January 2017. As Basin Street has Rumiano Cheese wanting to begin construction on a new facility in the proposed commercial development, timing of completing the improvements is critical.

One of the components of the project is the construction of a new sewer line that connects to a manhole in the driveway to the Wastewater Treatment Plant, extends under Lateral 26-2 GCID Canal, under the railroad to Tehama Street, then proceeds northerly to connect to the proposed Basin Street development projects. The initial part of the sewer main construction must go under Lateral 26-2 GCID Canal. Due to the location of existing sewer facilities and the railroad tracks, the line must be open cut (trenched) and cannot use a jack and bore method under the existing irrigation canal. Open cutting a trench across the GCID canal presents some significant time constraints to the overall project. GCID lowers the water in their canals around the Willows area from the beginning of January for approximately 6 weeks. All other times of the year the irrigation channels run full of water. Accordingly, if construction of the sewer line crossing under the canal does not coincide with the dewatering of the canal, construction is delayed an entire year.

Taking this critical timing under consideration, staff determined in mid-December that in order to make this year's window of opportunity to construct the sewer line under Lateral 26-2, a project needed to be bid to construct a small segment of the proposed sewer system to get under the GCID canal this year, so it won't hold up overall construction and delay the EDA project. As the engineering for this segment had already been completed, staff was able to split out a small project for this work quickly and place the project out to seek bids. Please note that the realization that this small segment of the overall project had to take place now was determined after the Council meeting in December. Staff felt it was essential that this project move forward and took the necessary action to allow this to happen. Staff advertised the project for public bid in accordance with Public Contract Code; with a bid opening Date of January 5, 2016.

Bids were opened on January 6, 2016. Six bids were received ranging from \$29,815 to \$103,870. The lowest responsible responsive bidder was Omni Pipelines, Inc. Based on the bids received, staff has completed a check of the Omni Pipelines, Inc. bid and found that their contractor's license is active and valid, that they possess a Class A license as required by the bid documents, that Omni Pipelines, Inc. and their proposed subcontractor are registered with the Department of Industrial Relations (as required by the recently passed

legislation), that the bid submitted is mathematically correct and that the bid contained the required information per the bid documents.

Based on the information contained in Omni Pipeline's bid, staff has determined that it satisfies the bidding requirements for the project and accordingly, staff is recommending that the Council adopts a resolution awarding the construction contract to Omni Pipelines Inc.

Brief discussion ensued and Vice Mayor Yoder asked whether GCID is on board with this project because a few years back the City did a similar project that included boring through the canal which caused a breach and many other problems. He wanted to be sure the Irrigation District was informed and is ok with this project. City Manager Taylor informed Vice Mayor Yoder that GCID is aware and well-informed of the project and they have every bit of confidence in the work of Omni Pipelines, Inc.

M/S – Yoder/Domenighini to adopt a Resolution awarding a construction contract for the South Willows Sewer Project to Omni Pipelines, Inc. in the amount of \$29,815.00, and that an overall budget of \$32,797 be established for this project and an appropriation, by motion, of \$32,797 be made from Fund 318 Sewer Maintenance Enterprise Fund. All ayes and the motion unanimously passed 5/0 by a roll call vote.

b) Establish date and time for 2015/2016 Special Mid-Year Budget Review Workshop:

The consensus of the Council was to hold the Special Mid-Year Budget Review Workshop on February 18, 2016 at 6:00 p.m.

11. Council Member Reports:

- Mayor Hansen reported that he attended a LAFCO meeting yesterday and he also attended the December 17 Transit and Transportation meetings. He stated that the Willows Rotary has expressed an interest in building a few bus shelters in the City. He also attended the December 17 Waste Management meeting and he toured a Materials Recovery Facility in Sunnyvale on December 29 at the request and invitation from members of the KVB "Waste to Energy" project. He attended the City Selection Committee Meeting on January 4 and also attended the swearing in ceremony for the newest Police Officer, Joshua Van Eck, yesterday.

12. Executive Session:

PUBLIC COMMENT: Pursuant to Government Code Section 54954.3, the public was given an opportunity to directly address the legislative body on the item(s) below prior to the Council convening into Closed Session. No members of the public

spoke and the council convened into Executive Session at 7:49 p.m. pursuant to California Government Code Sections 54950 et seq. to discuss the following items:

- a) **CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION,**
pursuant to Gov. Code section 54957
One Case: Kelly Kuwata v. City of Willows.
Glenn County Superior Court case no. 14CV01380

13. Reconvene to Open Session & Report out, if any, on Closed Session:

The Council reconvened into open session at 8:11 p.m. Mayor Hansen reported that the City Council unanimously approved a settlement agreement with Kelly Kuwata.

- 14. Adjournment:** Mayor Hansen adjourned the meeting at 8:12 p.m.

Dated: January 12, 2016

NATALIE BUTLER

City Clerk

The City of Willows is an Equal Opportunity Provider

February 9, 2016

AGENDA ITEM

TO: Honorable Mayor Hansen and City Council Members

FROM: Natalie Butler, City Clerk

SUBJECT: Biennial Review of City's Conflict of Interest Code

RECOMMENDATION:

Review the Attached Resolution showing the City's current Conflict of Interest Code and confirm it as presented and without changes.

SITUATION (or BACKGROUND)

The Political Reform Act, Government Code Section 81000 et. Seq. requires state and local government agencies to adopt a conflict of interest code and to review the code in even-numbered years to ensure that it is current.

The Conflict of Interest Code identifies officials, employees, committees/commissions and consultants who are required to file a Statement of Economic Interest Form 700 when assuming office, on an annual basis, and upon leaving office. Designated individuals must disqualify themselves when conflicts of interest occur.

The City's Conflict of Interest Code was last amended on October 28, 2008, by Resolution Number 45-2008. Government Code Section 87300, et seq., requires agencies to review the Conflict of Interest Code on a biennial basis. Staff has reviewed the City's Conflict of Interest Code and does not recommend any changes at this time. A copy of the Resolution has been attached for Council's review.

FINANCIAL CONSIDERATIONS

None

ALTERNATE ACTIONS

1. None recommended.

RECOMMENDATION:

Review the Attached Resolution showing the City's current Conflict of Interest Code and confirm it as presented and without changes.

Submitted by:



Natalie Butler,
City Clerk

Attachments:

- * Copy of Resolution 45-2008 showing the City's current Conflict of Interest Code

RESOLUTION NO.45-2008

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS
ADOPTING REVISIONS TO ITS CONFLICT OF INTEREST CODE**

WHEREAS, The Political Reform Act, Government Code Section 81000 et. seq. requires state and local government agencies to adopt conflict of interest codes and to review those codes in even-numbered years to ensure that they are current; and

WHEREAS, the Conflict of Interest Code now in effect in the City of Willows has been reviewed and there are revisions needed to reflect current conditions in view of changes in employee titles and positions;

NOW, THEREFORE, BE IT RESOLVED that the list of designated employees required to file statements of economic interest is hereby amended to include all those officers and employees set forth in Appendix "A", which is attached hereto and incorporated herein by this reference; and

BE IT FURTHER RESOLVED that the Disclosure Categories are hereby set forth as Appendix "B", which is attached hereto and incorporated herein by this reference; and

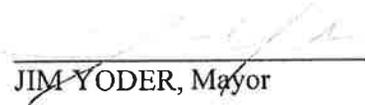
BE IT FURTHER RESOLVED that only those officers and employees who are designated in the City's Conflict of Interest Code for the first time, if any, are required to file an initial statement as defined in the Code.

BE IT FURTHER RESOLVED that the City of Willows Conflict of Interest Code; attached hereto as Appendix 'A' and Appendix 'B' shall be effective immediately and supersede any previously adopted Code requirements and any and all conflicting resolutions are hereby rescinded.

PASSED AND ADOPTED by the City Council of the City of Willows this 28th day of October, 2008, by the following vote:

AYES: Baker, Holvik, Towne, Thraikill & Yoder
NOES: None
ABSENT: None
ABSTAIN: None

APPROVED:



JIM YODER, Mayor

ATTEST:



NATALIE BUTLER, City Clerk

CONFLICT OF INTEREST CODE OF THE CITY OF WILLOWS

The Political Reform Act (Government Code Section 80111 et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes.

The Fair Political Practices Commission ("FPPC") has adopted a regulation (Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code, and which may be amended by the FPPC to conform to amendments in the Political Reform Act, following public notice and hearings.

Therefore, the terms of Cal. Code of Regs. 18730 and any amendments to it duly adopted by the FPPC are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the Conflict of Interest code for the City of Willows.

Designated employees, shall file statements of economic interest with the City of Willows. The agency shall make all statements available for public inspection and reproduction, pursuant to Government Code Section 81008.

APPENDIX A

TO THE CONFLICT OF INTEREST CODE OF THE CITY OF WILLOWS

<u>Designated Position or Employee Categories</u>	<u>Disclosure</u>
City Clerk	2
Deputy City Clerk	2
Chief of Police	All
Police Sergeant	2,3
Fire Chief	All
Fire Captain	2,3
Building Official	All
Building Inspector	2,3
Public Works Director	All
Public Works Superintendent	2,3
Recreation Director	2
Library Director	2
Library Board of Directors	2
Consultants*	All

* Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following:

The City Manager may determine in writing that a particular consultant is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements in this section.

Although listed below, the following positions do not fall into the category of "designated employee" because they are positions identified in California Government Code Section 87200, and the Government Code itself specifies the filing requirements for these positions:

City Council Members
Planning Commissioners
City Attorney
City Manager
City Finance Director/Treasurer

APPENDIX B

TO THE CONFLICT OF INTEREST CODE OF THE CITY OF WILLOWS

Category 1:

All investments, business positions in, and income from sources located in or doing business in the jurisdiction. Interest in real property located in the jurisdiction. Interest in real property located in the jurisdiction, including property located within a two mile radius of the jurisdiction or of any property owned or used by the City. This category applies to officials and employees whose duties are broad and indefinable.

Category 2:

All investments, business positions in, and income sources of the type which provide services, supplies, materials, machinery or equipment of the type utilized by the City. This category applies to officials and employees whose duties involve contracting or purchasing.

Category 3:

All investments, business positions in, and sources of income which are subject to the regulatory, permit or licensing authority of the City. This category applies to officials of agencies with regulatory powers.

City of Willows
Treasurer's Report
Schedule of Cash and Investments
As of December 31, 2015

Pursuant to Government Code Section 53646, listed below is a schedule of Cash and Investments held by the City of Willows.

Par	Description of Security/ Financial Institution	Investment Policy Category	Coupon Rate	Maturity Date	Adjusted Cost Basis	Weighted Average Yield To Maturity	Current Market (Over 12 Mos.)
N/A	Petty Cash Held on Hand	N/A	N/A	N/A	\$ 200.00	N/A	\$ 200.00
N/A	General Checking Account/ Bank of America	N/A	N/A	N/A	\$ 646,645.48	N/A	\$ 646,645.48
N/A	Cash Account Edward Jones Investments	N/A	N/A	N/A	\$ 51,883.23	N/A	\$ 51,883.23
N/A	Cash Account Stifel Nicolaus	N/A	N/A	N/A	\$ 0.32	N/A	\$ 0.32
N/A	Local Agency Investment Fund/ Office of the Treasurer, State of California	C	0.37%	Var.	\$ 1,826,071.32	Var.	\$ 1,824,586.66
N/A	Program Income Money Market Account/ Umpqua Bank	D	0.40%	N/A	\$ 544,494.10	N/A	\$ 544,494.10
\$ 502,000.00	Negotiable Certificates of Deposit Edward Jones Investments-Custodian	B	0.90-2.05%	12/14/16- 9/19/2017	\$ 502,000.00	1.84%	\$ 503,489.17
\$ 600,000.00	Negotiable Certificates of Deposit Stifel Nicolaus-Custodian	B	1.90-2.35%	10/11/18- 10/28/2020	\$ 600,000.00	2.09%	\$ 600,045.00
\$ 150,000.00	US Government Agency Term Notes Federal Home Loan Bank (\$150,000) Stifel Nicolaus-Custodian	E	1.68%	2/27/2019	\$ 150,000.00	1.68%	\$ 149,632.50
Total						\$4,321,294.45	\$ 4,320,976.46

I certify that this report reflects all Government Agency cash and pooled investments and is in conformity with the Investment Policy of the City of Willows as stated in the annual investment policy approved by the City Council. A copy of the investment policy is available at the Office of the Finance Director. The Investment Program herein provides sufficient cash flow liquidity to meet the estimated expenditures for the next 180 days.

Submitted: _____
Finance Director

ORDINANCE NO. 720-2016

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS
AMENDING TITLE II SECTION 2.10.100 OF CHAPTER 2.10; CITY
MANAGER, OF THE WILLOWS MUNICIPAL CODE**

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF WILLOWS
DOES ORDAIN AS FOLLOWS:**

SECTION 1. Chapter 2.10 of the Willows Municipal Code is hereby amended to read as follows:

2.10.100 - Appointment, removal, etc., of employees.

It shall be the duty of the city manager to, and he shall, appoint, remove, promote, and demote any and all officers and employees of the city, except the city attorney and city treasurer. All such duties shall be performed in accordance with the personnel system of the city from time to time existing. All promotions, appointments and demotions shall be subject to the approval of the city council, and such action shall be temporary until such action is approved by order or resolution of the city council. The city manager shall inform the city council of such appointments, promotions or demotions at the next regular or special meeting of the city council following the action by the city manager.

SECTION 2: It is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in accordance with all legal requirements, and the Codified Ordinances of the City Council.

SECTION 3: The City of Willows City Council may make rules or regulations and from time to time may amend, revoke, or add rules and regulations, not consistent with this Section, as they may deem necessary or expedient in respect to establishing the time, place and frequency of its regular meetings.

SECTION 4. Severability. Should any provision of this ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this ordinance or the application of this ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 5. Effective Date. This ordinance shall take effect and be in force thirty (30) days after its adoption as provided by Government Code Section 36937.

SECTION 6. Certification. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published in accordance with State Law.

I HEREBY CERTIFY that the foregoing ordinance was introduced at a regular meeting of the City Council of the City of Willows on the 26th day of January 2016 and passed and adopted at a regular meeting thereof, held on 9th day of February, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

ATTESTED:

Gary Hansen, Mayor

Natalie Butler, City Clerk

ORDINANCE NO 721-2016

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS
AMENDING TITLE IX SECTION 9.15.010 OF CHAPTER 9.15, CURFEW HOURS,
AND REPEALING TITLE IX SECTION 9.15.040 OF CHAPTER 9.15 OF THE
WILLOWS MUNICIPAL CODE**

WHEREAS, the City Council of the City of Willows hereby intends to and does and amend Section 9.15.010 of the Willows Municipal Code, and

WHEREAS, the City Council of the City of Willows hereby intends to and does repeal Section 9.15.040 of the Willows Municipal Code, and

WHEREAS, the Willows Police Department expressed concern relative to convoluted and confusing verbiage within the existing ordinance; and

WHEREAS, the Willows Police Department expressed concern that the current language of the ordinance creates confusion and difficulty in enforcement; and

WHEREAS, amending the language and verbiage of the ordinance will provide clearer understanding for the citizens and young people of Willows; and

WHEREAS, amending the ordinance will improve delivery of police services and provide improved understanding for the people of Willows; and

WHEREAS, repealing section 9.15.040 eliminates archaic language and allows for enforcement discretion inherent in law enforcement services; and

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF WILLOWS DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 9.15.010 of the Willows Municipal Code is hereby amended to read as follows:

Curfew Hours means:

The period of time commencing at ten p.m. on each day of the week, including Friday and Saturday, and terminating at six a.m. of the next following day.

~~(a) For minors under the age of 16 years:~~

~~(i) 9:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday, until 6:00 a.m. of the following day; and~~

~~(ii) 11:00 p.m. Friday and Saturday until 6:00 a.m. on any Saturday and Sunday.~~

(b) For minors between the ages of 16 and 18:

(i) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and

(ii) 12:30 a.m. until 6:00 a.m. on any Saturday or Sunday.

SECTION 2: Chapter 9.15, **Section: 9.15.040** of the Willows Municipal Code is hereby repealed in its entirety.

SECTION 3: It is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in accordance with all legal requirements, and the Codified Ordinances of the City Council.

SECTION 4: The City of Willows City Council may make rules or regulations and from time to time may amend, revoke, or add rules and regulations, not consistent with this Section, as they may deem necessary or expedient in respect to establishing the time, place and frequency of its regular meetings.

SECTION 5. Severability. Should any provision of this ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this ordinance or the application of this ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 6. Effective Date. This ordinance shall take effect and be in force thirty (30) days after its adoption as provided by Government Code Section 36937.

SECTION 7. Certification. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published in accordance with State Law.

I HEREBY CERTIFY that the foregoing ordinance was introduced at a regular meeting of the City Council of the City of Willows on the 26th day of January 2016 and passed and adopted at a regular meeting thereof, held on 9th day of February, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

ATTESTED:

Gary Hansen, Mayor

Natalie Butler, City Clerk

AGENDA ITEM

February 9, 2016

TO: Honorable Mayor Hansen and Members of City Council

FROM: Scott Taylor, City Manager

SUBJECT: Consideration and possible adoption of an Ordinance repealing Title IX, Section 9.05.010 of the Willows Municipal Code as archaic, unconstitutional, unnecessary, and redundant.

RECOMMENDATION

Staff is recommending Council read by title only and pass first reading repealing Section 9.05.010 of the Willows Municipal Code as archaic, unconstitutional, and unnecessary.

SUMMARY

This ordinance is introduced to address an archaic, unnecessary ordinance within the Willows Municipal Code that currently is realistically unenforceable. Periodically, as situations arise or ordinances in need of modification or repeal come to staff's attention, we address those accordingly. This is one such ordinance.

A review of Section 9.05.010 revealed the ordinance to be archaic, unconstitutional, and unnecessary. Currently, section 9.05.010 makes it unlawful for a person to:

"...insult, annoy or publicly ridicule any woman or child, or, in the presence of any woman or child, to use vulgar, profane or obscene language, or to publicly apply vulgar, profane or obscene epithets to or concerning any woman or child.

It shall be unlawful for any person upon the streets or in any public place, wantonly or willfully to attempt to direct public attention to or concerning any woman or girl in a manner intended or likely to expose her to ridicule or unusual notice, or to cause her annoyance or mortification, or to against her will or consent quarrel with, attempt to quarrel with, or accompany her." (see WMC §9.05.010).

This ordinance violates free speech protections provided for within the U.S. Constitution. Further, the ordinance, in a real world application, is arguably unenforceable. Given our current culture, many persons including women and children spanning a wide range of ages, utilize "*vulgar, profane, or obscene epithets*" as part and parcel of their everyday language and communications. This form of speech occurs amongst and between men, women, and children on a regular basis. In many instances, such language may be utilized as a form of emphasis as opposed or intended to "*annoy, insult or publicly ridicule*" people in general including women and children.

Moreover, the California Penal Code provides remedies for aggressive or threatening behavior promulgated toward persons regardless of gender or age. (see Cal. Pen. Code §§ 422, 646, 653 et seq.).

Council has previously requested periodic review of City ordinances and introduction of any necessary corrections. Section 9.05.010 is archaic, unconstitutional and unnecessary.

Staff is recommending approval of the repeal of ordinance section 9.05.010 in its entirety.

FINANCIAL CONSIDERATIONS

None.

RECOMMENDATION

Staffs is recommending Council read by title only and pass first reading of an Ordinance repealing, in its entirety, Section 9.05.010 of the Willows Municipal Code.

Respectfully submitted,

Scott Taylor
City Manager

C: Draft Proposed Ordinance

ORDINANCE NO XXX-2016

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS
REPEALING TITLE IX SECTION 9.05.010 OF CHAPTER 9.05 OF THE
WILLOWS MUNICIPAL CODE**

WHEREAS, the City Council of the City of Willows hereby intends to and does repeal Section 9.05.010 of the Willows Municipal Code, and

WHEREAS, the City Council finds Section 9.05.010 to be in violation of U.S. Constitutional Free Speech protections.

WHEREAS, the California Penal Code provides ample remedies for enforcement of harassing and threatening behavior.

WHEREAS, repealing Section 9.05.010 will correct Constitutional infringements afforded the people of Willows.

WHEREAS, repealing section 9.05.010 eliminates archaic outdated language and allows for enforcement discretion inherent in law enforcement services.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WILLOWS DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 9.05, **section 9.05.010** of the Willows Municipal Code is hereby repealed in its entirety.

SECTION 2: It is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in accordance with all legal requirements, and the Codified Ordinances of the City Council.

SECTION 3: The City of Willows City Council may make rules or regulations and from time to time may amend, revoke, or add rules and regulations, not consistent with this Section, as they may deem necessary or expedient in respect to establishing the time, place and frequency of its regular meetings.

SECTION 4. Severability. Should any provision of this ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this ordinance or the application of this ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 5. *Effective Date.* This ordinance shall take effect and be in force thirty (30) days after its adoption as provided by Government Code Section 36937.

SECTION 6. *Certification.* The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published in accordance with State Law.

I HEREBY CERTIFY that the foregoing ordinance was introduced at a regular meeting of the City Council of the City of Willows on the 9th day of February, 2016 and passed and adopted at a regular meeting thereof, held on 23rd day of February, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTESTED:

Gary Hansen, Mayor

Natalie Butler, City Clerk

AGENDA ITEM

TO: Scott Taylor, City Manager
FROM: Tim Sailsbery, Finance Director
SUBJECT: Selection of Banking Relationship

RECOMMENDATION

Approve, by Motion, the Awarding of the City's Banking Relationship to Umpqua Bank, Authorize the City Manager to Sign Agreements, and Authorize the City Manager, Finance Director, and City Clerk to Serve as Signatories on the Accounts

SITUATION (or BACKGROUND):

Bank of America recently sold several north valley branches to Redding Bank of Commerce. The Willows branch was among those included in the sale. In addition, the City's long-standing relationship with Bank of America has become quite costly over the past couple of years, with the City currently paying \$600-\$800 per month in various banking fees, and the quality of service was not in line with the costs.

As a result of these issues (please note that the City accounts were not terminated by Bank of America as has been the case with a number of other Public Agencies in the area), the timing was appropriate to seek bids for the City's banking relationship. Three entities, Redding Bank of Commerce, Tri Counties Bank, and Umpqua Bank, were solicited for bids. All three returned with proposals and online banking demonstrations for the City Finance Staff.

Following receipt of the proposals and the demonstrations, a review and analysis of each Bank's performance was completed (see following document), and, as a result, Umpqua Bank, having put together the best combination of cost, online demonstration, and demonstration of service capability, is the recommended Bank for the City's banking relationship.

Please note that it is the intent of the Finance Staff to begin the process of opening the accounts with Umpqua immediately. However, it will take some time to complete the transition (notifying electronic depositors and withdrawers, checks clearing, etc.) that there will be a 30-60 day period where the Bank of America accounts will remain open.

FINANCIAL CONSIDERATIONS:

Up to \$600-800 per month savings

NOTIFICATION

All three Banks have been notified of Staff recommendation

ALTERNATE ACTIONS

1. Accept by motion
2. Request additional information from staff
3. Reject staff recommendation and/or direct item to be returned at later date.

RECOMMENDATION

Approve, by Motion, the Awarding of the City's Banking Relationship to Umpqua Bank, Authorize the City Manager to Sign Agreements, and Authorize the City Manager, Finance Director, and City Clerk to Serve as Signatories on the Accounts

Respectfully submitted,



Tim Sailsbery
Finance Director

Approved,



Scott Taylor
City Manager

Attachment

-Banking Proposal Review and Analysis

City of Willows

Banking Proposals

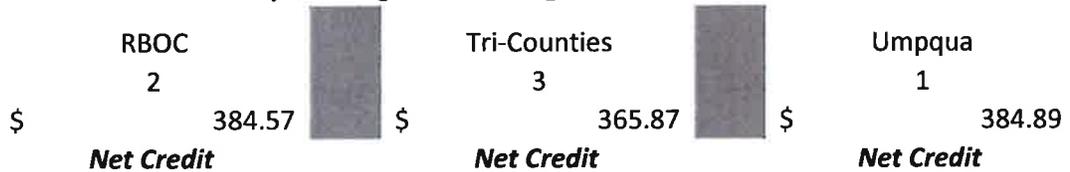
Review and Analysis

Recommendation-Umpqua Bank

**City of Willows
Banking Relationship
Recommendation Matrix**

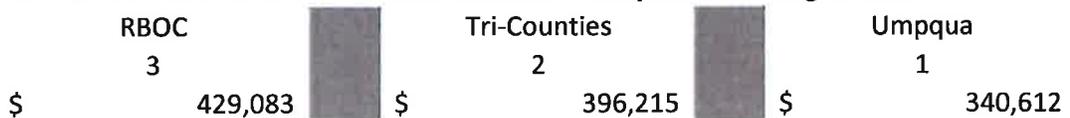
The Participating Banks are ranked , 1 to 3, based upon the categories noted below.
1 will be the highest ranking, and 3 will be the lowest.
Lowest Total Score =Recommended Bank

Cost Effectiveness-Net Analysis Charges vs. Earnings Credit of Balances



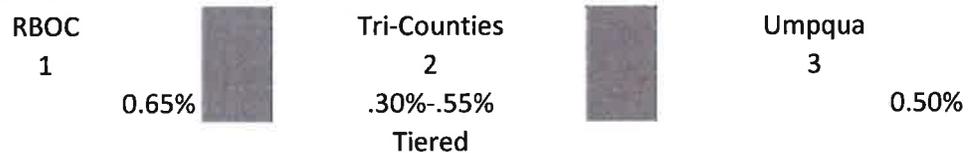
The cost vs. earnings structure differences are very negligible. In any of the three cases, based upon our current activity, we would likely not be paying analysis charges unless we significantly drained our checking account or added enhanced services. Please keep in mind that we do not receive net earnings credit as interest revenue. It provides a gauge regarding the ability to utilize additional services or to minimize our checking account balance.

Cost Effectiveness-Minimum Balance to Break-Even- Analysis vs. Earnings Credit



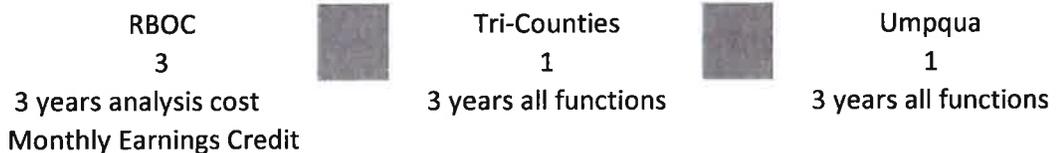
Probably the more effective measure is how much do we need to "tie-up" in the checking account to have a net \$-0- cost vs. earnings status. Again, there is not an enormous difference between the three.

Earnings Credit Rate



While this is a factor in the overall cost structure, and is worth noting, comparison to analysis cost is necessary to look at the entire picture. Tri-Counties has been rated above Umpqua, but it could have gone the other way as , at lower balances, Umpqua would provide a higher earnings level.

Length of Commitment



RBOC's monthly change in earnings credit creates too many variabilities.

History with Municipal/Special District Work

RBOC		Tri-Counties		Umpqua
3		1		2

Tri-Counties and Umpqua both showed the ability to "talk shop" on issues and had similar, more solid understanding of public sector banking clients than RBOC. RBOC appeared to lack experience in this sector.

Online Banking Services

RBOC		Tri-Counties		Umpqua
3		1		1

Again, Tri Counties and Umpqua offer quite user friendly products. Based upon demos, Finance Staff is comfortable with either group. RBOC's online product appeared very piecemeal, and it appeared that a number of items would need to be "tailored" to work for us.

Service Team

RBOC		Tri-Counties		Umpqua
3		2		1

Tri-Counties fell a bit short of Umpqua on this. We were delayed a bit in receiving the online demo from Tri-Counties, which appeared to be caused by a limited number of Tri-Counties staff available to support the online product. Umpqua did a more solid job of presenting "layers" of service assistance.

"Going the Extra Mile"

RBOC		Tri-Counties		Umpqua
3		2		1

Umpqua offered, up front, a \$750 credit toward the purchase of a scanner for remote check deposit and \$350 credit for purchasing new check and deposit slip stock. Further, as we go through the transition from one bank to another Umpqua waived all analysis charges for 60 days. It may be important as balances will build during the transition period. Would the other two have been willing to match? We don't know, but, Umpqua offered this up front.

Total Recommendation Score

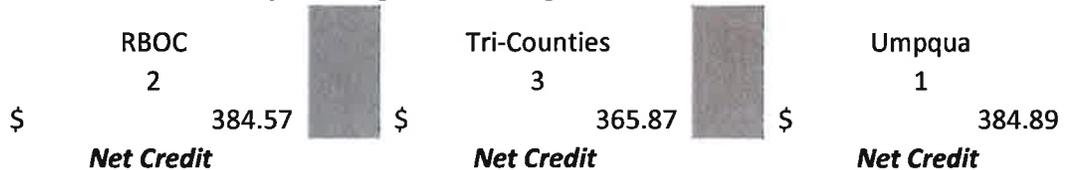
RBOC		Tri-Counties		Umpqua
21		14		11

Based on the criteria noted, the recommendation is to go with Umpqua Bank.

**City of Willows
Banking Relationship
Recommendation Matrix**

The Participating Banks are ranked , 1 to 3, based upon the categories noted below.
1 will be the highest ranking, and 3 will be the lowest.
Lowest Total Score =Recommended Bank

Cost Effectiveness-Net Analysis Charges vs. Earnings Credit of Balances



The cost vs. earnings structure differences are very negligible. In any of the three cases, based upon our current activity, we would likely not be paying analysis charges unless we significantly drained our checking account or added enhanced services. Please keep in mind that we do not receive net earnings credit as interest revenue. It provides a gauge regarding the ability to utilize additional services or to minimize our checking account balance.

Cost Effectiveness-Minimum Balance to Break-Even- Analysis vs. Earnings Credit



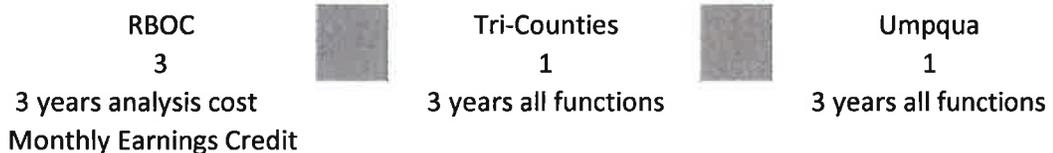
Probably the more effective measure is how much do we need to "tie-up" in the checking account to have a net \$-0- cost vs. earnings status. Again, there is not an enormous difference between the three.

Earnings Credit Rate



While this is a factor in the overall cost structure, and is worth noting, comparison to analysis cost is necessary to look at the entire picture. Tri-Counties has been rated above Umpqua, but it could have gone the other way as , at lower balances, Umpqua would provide a higher earnings level.

Length of Commitment



RBOC's monthly change in earnings credit creates too many variabilities.

History with Municipal/Special District Work

RBOC		Tri-Counties		Umpqua
3		1		2

Tri-Counties and Umpqua both showed the ability to "talk shop" on issues and had similar, more solid understanding of public sector banking clients than RBOC. RBOC appeared to lack experience in this sector.

Online Banking Services

RBOC		Tri-Counties		Umpqua
3		1		1

Again, Tri Counties and Umpqua offer quite user friendly products. Based upon demos, Finance Staff is comfortable with either group. RBOC's online product appeared very piecemeal, and it appeared that a number of items would need to be "tailored" to work for us.

Service Team

RBOC		Tri-Counties		Umpqua
3		2		1

Tri-Counties fell a bit short of Umpqua on this. We were delayed a bit in receiving the online demo from Tri-Counties, which appeared to be caused by a limited number of Tri-Counties staff available to support the online product. Umpqua did a more solid job of presenting "layers" of service assistance.

"Going the Extra Mile"

RBOC		Tri-Counties		Umpqua
3		2		1

Umpqua offered, up front, a \$750 credit toward the purchase of a scanner for remote check deposit and \$350 credit for purchasing new check and deposit slip stock. Further, as we go through the transition from one bank to another Umpqua waived all analysis charges for 60 days. It may be important as balances will build during the transition period. Would the other two have been willing to match? We don't know, but, Umpqua offered this up front.

Total Recommendation Score

RBOC		Tri-Counties		Umpqua
21		14		11

Based on the criteria noted, the recommendation is to go with Umpqua Bank.

City of Willows
Schedule of Analysis Cost
Redding Bank of Commerce
Three Month Analysis

Note: The City of Willows maintains two checking accounts (General Checking and Employee Funded Unreimbursed Medical and Dependent Daycare). The analysis below covers both accounts rather than a per account basis.

	September	October	November	
Monthly Account Maintenance	\$ 24.00	\$ 24.00	\$ 24.00	
Depository Services				
Deposits Posted	\$ 1.80	\$ 2.40	\$ 1.65	
Checks Paid	\$ 24.45	\$ 25.80	\$ 21.90	
ACH Credits				
ACH Debits				
Deposit Items	\$ 11.20	\$ 5.44	\$ 10.72	
Returned Items/Stop Payment	\$ 10.00	\$ 40.00	\$ 10.00	
Currency Transactions	\$ 4.00	\$ 4.00	\$ 3.00	
ACH Services				
ACH Maintenance-Online	\$ 20.00	\$ 20.00	\$ 20.00	
ACH Transactions Originated	\$ 49.10	\$ 59.85	\$ 49.10	
ACH Debits				
Imaging Services	\$ 19.95	\$ 19.95	\$ 19.95	
Payroll Tax Payment Services				
Monthly Maintenance Per Transaction	\$ 7.00	\$ 7.00	\$ 7.00	
Online Banking Service Fee				
Remote Deposit Services	\$ 50.00	\$ 50.00	\$ 50.00	
<hr/>				
				Average
Analysis Charges	\$ 221.50	\$ 258.44	\$ 217.32	\$ 232.42
Deposit Earnings @ .65% Earnings Rate on Investable funds	\$ 711.91	\$ 598.06	\$ 541.01	\$ 616.99
<hr/>				
Net Analysis Charges	\$ -0-	\$ -0-	\$ -0-	
Net Earnings Credit	\$ (490.41)	\$ (339.62)	\$ (323.69)	\$ (384.57)
Investible Balance	\$ 1,283,656.03	\$ 1,314,302.20	\$ 998,795.18	
Break Even Balance	\$ 408,923.08	\$ 477,120.00	\$ 401,206.15	\$ 429,083.08

City of Willows
 Schedule of Analysis Cost
Tri Counties Bank
 Three Month Analysis

Note: The City of Willows maintains two checking accounts (General Checking and Employee Funded Unreimbursed Medical and Dependent Daycare). The analysis below covers both accounts rather than a per account basis.

	September	October	November	
Monthly Account Maintenance	\$ 30.00	\$ 30.00	\$ 30.00	
Depository Services				
Deposits Posted				
Checks Paid	\$ 14.00	\$ 6.10	\$ 10.50	
ACH Credits	\$ 7.50	\$ 5.00	\$ 3.75	
ACH Debits	\$ 19.37	\$ 21.84	\$ 20.54	
Deposit Items				
Returned Items/Stop Payments	\$ 10.00	\$ 27.50	\$ 10.00	
Currency Transactions	\$ 5.00	\$ 3.75	\$ 3.75	
ACH Services				
ACH Maintenance-Online	\$ 25.00	\$ 25.00	\$ 25.00	
ACH Transactions Originated				
ACH Debits				
Imaging Services				
Payroll Tax Payment Services				
Monthly Maintenance				
Per Transaction				
Online Banking Service Fee				
Remote Deposit Services	\$ 50.00	\$ 50.00	\$ 50.00	
				Average
Analysis Charges	\$ 160.87	\$ 169.19	\$ 153.54	\$ 161.20
Deposit Earnings (Variable*)	\$ 613.94	\$ 515.76	\$ 451.51	\$ 527.07
Earnings Rate on Investable funds				
<hr/>				
Net Analysis Charges	\$-0-	\$-0-	\$-0-	
Net Earnings Credit	\$ (453.07)	\$ (346.57)	\$ (297.97)	\$ (365.87)
Investible Balance	\$ 1,314,302.20	\$ 1,104,110.04	\$ 998,795.18	
Break Even Balance	\$ 395,405.13	\$ 415,850.59	\$ 377,388.01	\$ 396,214.58

* Tri Counties Bank offers a tiered earnings credit structure:

Balances	\$	-	to	\$ 99,999.99	0.30%
	\$	100,000.00	to	\$ 499,999.99	0.35%
	\$	500,000.00	to	\$ 999,999.99	0.45%
	\$	1,000,000.00	on		0.55%

City of Willows
 Schedule of Analysis Cost
Umpqua Bank
 Three Month Analysis

Note: The City of Willows maintains two checking accounts (General Checking and Employee Funded Unreimbursed Medical and Dependent Daycare). The analysis below covers both accounts rather than a per account basis.

	September	October	November	
Monthly Account Maintenance	\$ 15.00	\$ 15.00	\$ 15.00	
Depository Services				
Deposits Posted	\$ 3.00	\$ 2.00	\$ 1.50	
Checks Paid	\$ 8.22	\$ 9.66	\$ 8.76	
ACH Credits	\$ 0.18	\$ 0.36	\$ 0.24	
ACH Debits	\$ 0.72	\$ 0.42	\$ 0.72	
Deposit Items	\$ 8.40	\$ 3.66	\$ 6.30	
Returned Items (Bounced Checks)	\$ 5.00	\$ 5.00	\$ 5.00	
Currency Transactions	\$ 6.15	\$ 4.95	\$ 3.45	
ACH Services				
ACH Maintenance-Online	\$ 15.00	\$ 15.00	\$ 15.00	
ACH Transactions Originated	\$ 10.00	\$ 10.00	\$ 10.00	
ACH Debits	\$ 6.00	\$ 6.32	\$ 5.92	
Imaging Services	\$ 10.00	\$ 10.00	\$ 10.00	
Payroll Tax Payment Services				
Monthly Maintenance	\$ 5.00	\$ 5.00	\$ 5.00	
Per Transaction	\$ 4.00	\$ 4.00	\$ 4.00	
Online Banking Service Fee	\$ 20.00	\$ 20.00	\$ 20.00	
Remote Deposit Services	\$ 25.00	\$ 25.00	\$ 25.00	
				Average
Analysis Charges	\$ 141.67	\$ 136.37	\$ 135.89	\$ 137.98
Deposit Earnings @ .50% Earnings Rate on Investable funds	\$ 586.14	\$ 517.00	\$ 465.47	\$ 522.87
				<hr/>
Net Analysis Charges	\$-0-	\$-0-	\$-0-	
Net Earnings Credit	\$ (444.47)	\$ (380.63)	\$ (329.58)	\$ (384.89)
Investible Balance	\$ 1,283,656.03	\$ 1,095,702.18	\$ 986,486.96	
Break Even Balance	\$ 333,610.00	\$ 368,226.00	\$ 319,999.03	\$ 340,611.68

AGENDA ITEM

TO: Scott Taylor, City Manager

FROM: Jody Meza, Library Director
Tim Sailsbery, Finance Director

SUBJECT: Agreement for High Speed Internet Services-Library

RECOMMENDATION

Approve, by Motion, the CALIFA-Willows Public Library Agreement for High Speed, Fiber Delivered, Internet Service, Authorize the City Manager to Sign the Finalized Agreement, and Appropriate \$4,790 in California State Library Delivery Funds (Fund 352) and \$10,000 in Library Development Impact Fees (Fund 364) for up front expenditures

SITUATION (or BACKGROUND):

The California State Library, via the CALIFA Group, is offering discounted high speed, fiber delivered internet services to eligible Public Libraries in California. On an ongoing basis, this internet service costs approximately \$1,230 per month, but, through the after the fact discount reimbursements via this program, that cost will be reduced to approximately a net cost of \$123 per month.

The current cost of DSL internet in the Library is approximately \$55 per month. As noted, the net cost of the higher speed internet will be \$123 per month, but the Library Director is utilizing California State Library Funds for the internet service, and there is enough funding in this source to cover the higher monthly cost as well.

Part of this agreement, though is that the first year of service is to be paid, up front, at a non-discounted rate (\$1232.50 per month x 12=\$14,790). The discount will be returned via CALIFA/E-Rate in the year following. It is desirable to utilize the discount return funds to then pay the ongoing rate down, and utilize the CA State Library Funds to pay the net \$123 per month.

To fund the up front costs, Staff recommends the appropriation of \$4,790 in available California State Library Funds and \$10,000 from Library Development Impact Fees (\$96,000 currently in this fund). Please note that while internet service is not specifically stated as a use of Library Development Impact Fees, public use computers is listed as eligible, and the City, via approval of the Library Board, utilized other funds

(primarily endowment trust funds) to enhance the bank of public use computers in the Willows Public Library in the 2014-15 fiscal year. Staff believes it would be appropriate use of Impact Funds to backfill the public use computer costs via the internet service purchase.

FINANCIAL CONSIDERATIONS:

\$4,790 California State Library Funds
\$10,000 Library Development Impact Fee Funds

NOTIFICATION

None

ALTERNATE ACTIONS

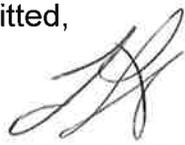
1. Approve by motion
2. Request additional information from staff
3. Reject staff recommendation and/or direct item to be returned at later date.

RECOMMENDATION

Approve, by Motion, the CALIFA-Willows Public Library Agreement for High Speed, Fiber Delivered, Internet Service, Authorize the City Manager to Sign the Finalized Agreement, and Appropriate \$4,790 in California State Library Delivery Funds (Fund 352) and \$10,000 in Library Development Impact Fees (Fund 364) for up front expenditures

Respectfully submitted,


Jody Meza
Library Director


Tim Sailsbery
Finance Director

Approved,

Scott Taylor
City Manager

Attachment

- CALIFA Agreement for Provision, Installation, and Maintenance of Service
- Note Outlining Program and Upfront Cost
- Excerpt of Library Board Minutes of 12/11/15, Endorsing the Program

**AGREEMENT BETWEEN WILLOWS PUBLIC LIBRARY AND
CALIFA
FOR THE PROVISION, INSTALLATION AND MAINTENANCE OF
ADVANCED NETWORK (DATA) SERVICES**

This Agreement, hereinafter referred to as "Agreement", is entered into as of DDDD, 2015 by and between Califa Group, a California public benefit corporation, hereinafter referred to as "Califa" and the Willows Public Library hereinafter referred to as "Library". Califa and Library are sometimes referred to in this Agreement individually as "Party" and collectively as "Parties". All written communications between the parties shall be addressed as follows unless and until amended in writing by the respective party.

Willows Public Library
Jody Meza
Library Director
201 N. Lassen Street
Willows CA, 95988

Califa
Susan H. Hildreth
Executive Director
2471 Flores Street
San Mateo, CA 94403

WITNESS THAT

WHEREAS, Califa, on behalf of the California State Library, has contracted with CENIC to provide high speed networking to libraries in California; and

WHEREAS, Library desires to contract with Califa to obtain one or more data circuits to connect Library to the CENIC high speed broadband fiber network, CalREN, and, if specified in appendix #1, attached, to connect Library to other library sites as identified in said appendix for the purpose of connecting to CalREN.

NOW THEREFORE, Library and Califa enter into this Agreement:

1. Relationship between the Parties

It is the purpose of this Agreement to set forth the terms and conditions applicable to the provision of communications and related network services to Library.

2. Services to be Provided

The primary communications infrastructure provided by CENIC is the California Research and Education Network ("CalREN"). Among the services that CENIC will provide to Libraries

are use of CalREN and contracting for and provision of data circuits supplied by network service providers.

Califa, on behalf of Library, will contract with CENIC for such data circuits. Specific circuits and their costs are included in the appendix attached. Califa will assure that CENIC notifies the Library of installation requirements and necessary maintenance instructions. Neither CENIC nor Califa shall be responsible for operating or maintaining software, equipment or cabling that connects equipment not provided by CENIC for the services unless specifically agreed to in writing by CENIC.

3. Term and Termination of this Agreement

- (a) **TERM OF THIS AGREEMENT.** This Agreement shall be in effect from DDDD through June 30, 2017. This agreement will automatically renew unless one party notifies the other at least 60 days in advance of June 30, 2017 and each June 30 of each renewal period.
- (b) **TERMINATION.** Termination prior to the end date stated above shall result in Library having to pay any circuit telecommunications carrier termination charges resulting from early termination of the Service.
- (c) Library may terminate this agreement if non recurring, onetime costs for all circuits included in appendix 1 are increased from the amount shown in appendix 1. See footnote for non recurring charges in appendix 1 for more information.

4. Payment

Payment for services shall be due within thirty (30) days of receipt of a Califa invoice reflecting provision of the services for which the invoice is sent; or as otherwise agreed to by Library and Califa. Except for non recurring costs, if any, costs in Appendix I shall only begin upon installation of circuit(s). Library will put forth reasonable efforts to make payments within thirty (30) days after receipt of invoice.

5. Miscellaneous

- (a) **CONDITIONS OF USE.** Library agrees to conform to the CENIC Appropriate Use Policy located at <http://www.cenic.org/p=2081/> and to any specific conditions of use imposed by subcontractors providing communications services to CENIC as may be in force at the time such services are made available per an Addendum to this Agreement. If such conditions of use are modified and Library believes it can no longer conform to their requirements, Library shall have one hundred eighty (180) days to terminate the affected service without penalty. If Library does not elect to terminate the service, Library must conform to the revised conditions of use or be subject to termination of the service by CENIC.
- (b) **CONFLICTING CLAUSES.** If any clause in this Master Agreement is in conflict with a clause in an Addendum to this Agreement, the language in the Addendum shall take precedence but only for the service defined in that Addendum.

- (c) **FORCE MAJEURE.** Neither party will be responsible for performance of its obligations hereunder where delayed or hindered by war, riots, embargoes, strikes involving third parties, acts of Local Access Providers or of its vendors, or suppliers, acts of unrelated third parties, accidents, cable cuts, act(s) of God or any other event beyond its reasonable control.
- (d) **GOVERNING LAW.** The laws of the State of California shall govern this Agreement.
- (e) **NON LIBRARY USES:** Library understands that this agreement covers only library use of CalREN and of circuits provided hereunder and Library agrees that no other uses will be made of the services provided herein.

6. Entire Agreement

This Agreement and any Addenda contemporaneously or subsequently executed by the parties constitute the entire Agreement between the parties regarding the subject matter of this Agreement and supersede all prior written or oral agreements with respect to such. This Agreement may not be modified orally, and no modification shall be binding unless in writing and signed by authorized representatives of both parties.

7. General Provisions

7.1 Nondiscrimination:

- (a) During the performance of this Contract, Califa and its subcontractors shall not deny the Contract's benefits to any person on the basis of religion, color, ethnic group identification, sex, age, physical or mental disability, nor shall they discriminate unlawfully against any employee or applicant for employment because of race, religion, color, national origin, ancestry, physical handicap, mental disability, medical condition, marital status, age (over 40) or sex. Califa shall insure that the evaluation and treatment of employees and applicants for employment are free of such discrimination.

7.2 It is expressly agreed and understood by the parties hereto that if any provision of this Agreement is held to be or invalid under any applicable statute or rule of law, it is deemed to that extent to be omitted. However, the balance of the Agreement shall remain in full force and effect.

7.3 Rights and Remedies: The rights and remedies of Library provided herein shall not be exclusive and are in addition to any other rights and remedies provided by law.

8. Indemnification. Library shall indemnify Califa, its trustees, officers, agents and employees harmless from and against any and all liability, loss, expenses (including reasonable attorneys' fees), or claims for injury or damages arising out of the performance of this Agreement, but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of Library its officers, agents, or employees.

Califa shall indemnify Library, its trustees, officers, agents and employees harmless from and against any and all liability, loss, expenses (including reasonable attorneys' fees), or claims for injury or damages arising out of the performance of this Agreement, but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of Califa, its officers, agents, or employees.

9. Dispute Resolution. All disputes between the parties hereto with respect to their rights and duties hereunder, excepting only indemnity claims, shall be resolved through binding arbitration pursuant to Code of Civil Procedure Section 1280, with the non-prevailing party responsible for the arbitrators' fee but in all other respects with each side bearing its own costs and attorneys fees.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective duly authorized representatives.

For Library

for Califa

Signature

Signature

Name

Susan H. Hildreth

Name

Title

Executive Director

Title

Date

Date

Appendix #1
Provision, Installation and Maintenance
Of Advanced Network (Data) Services:
Reimbursement of Circuit Costs

This Appendix lists the circuits contracted for by CENIC on behalf of Califa and the Library for connecting CENIC's fiber optic backbone to Library and for library connections that are not direct connections to CENIC's fiber optic backbone, e.g. direct connections between libraries. Library understands that CENIC will bill Califa, and Califa will bill Library, for actual costs of circuits charged by network service providers, including taxes and surcharges and without markup. Prior to approval of CENIC's Library consortium E-rate application by the FCC's E-rate contractor, not all applicable E-rate and CTF discounts will be reflected on invoices. After the E-rate application for any given year is approved, the network service provider will coordinate with CENIC to provide appropriate credits and such credits will be passed from CENIC to Califa and from Califa to the Library. Such credits are typically issued sometime during the fiscal year after the year in which the circuits are installed and services are first provided. In subsequent years, credits continue to be issued in the fiscal year after the year for which services have been provided. Library further understands that the exact discounted cost of circuits will not be known until after the E-rate consortium application is approved. The actual start date of the service, and therefore of circuit costs, will be dependent on coordination among CENIC, the Library and the network service provider. Any one time (Non recurring or NRC) costs included below are typically invoiced by carriers prior to circuit installation and will be invoiced to Library upon receipt of invoice to CENIC from carrier.

The circuit being provided by the network service provider is a switched "cloud" circuit, with two billed elements, or links.

Willows Public Library					
AT&T (5 year term)					
		1G to CalREN			
Summary Totals		Pre Discount Costs (not including Taxes & Surcharges)		Estimated Net Costs, after discounts applied (not including Taxes & Surcharges)	
		NRC*	Monthly	NRC*	Monthly
		\$ -	\$ 1,232.50	\$ -	\$ 123.25
Note1: Design is for a 1G circuit from Willows Public Library to a CalREN Hub site.					
1G Circuit to CalREN					
Connection to HUB	Disc %	Pre Discount Costs		Estimated Net Costs, after discounts applied	
E-rate Discount for Willows Public**:	0.8				
CTF Discount****:	0.5				
		NRC*	Monthly	NRC*	Monthly
Connection to CalREN Hub at Willows Public					
Link 1: 1G to CalREN Hub		\$ -	\$ 1,232.50	\$ -	\$ 123.25
Taxes & Surcharges on links		<i>Varies</i>			
Library Equipment		Willows Public is responsible to provide a router with a 1 Gbps interface and at least one LAN interface. This router should support BGP and NAT. An upgraded Firewall appliance may also be needed to support 1 Gbps data streams.			

Note 1: These numbers do not include early termination fees that might be required from current provider(s), nor equipment the library may need to purchase to support these circuits, nor Taxes &

Surcharges on the circuits.

Note 2: E-rate and CTF discounts are dependent upon the continued funding of these programs. CENIC/Califa cannot guarantee the E-rate and CTF discounts, and these discounts are subject to change.

Definitions

*NRC - Non-Recurring Charges. These costs could be subject to change should a telecommunications provider determine during circuit engineering prior to circuit installation that additional costs are required. Should this occur, the library may cancel the circuit with NRC, or if all circuits are to be charged additional costs as compared to those in this agreement library may cancel this entire agreement or ask whether another circuit(s) with lower NRC but potentially higher on going monthly costs is (are) available.

**E-rate discount: percent discount indicated is an estimate based on data available at the time the quote was generated. Actual discount percentage will be identified by the E rate authorities at a later point.

***Collector Circuit - a multi-site aggregation or trunk circuit between the main site and the CalREN backbone

****CTF discount - percent discount of amount after E rate discount is applied.

Tim Sailsbery

From: Jody Meza <jodymeza@gmail.com>
Sent: Wednesday, January 06, 2016 3:46 PM
To: Scott Taylor; Tim Sailsbery
Subject: Library
Attachments: Califa - Willows Public Library Agreementv2-1.docx

Hi guys,

We have been approached by the CA State Lib about an opportunity to receive high-speed, fiber-delivered internet. They are trying to bring all CA public Libraries on board. lots of info here:

<https://www.library.ca.gov/lds/broadband.html>

Our tech folks, Chris from M&I and Eric Reimer, have participated in the meetings w/ the State Lib staff to discuss how feasible the project would be for the Willows Lib and both have indicated it sounds like a good option.

After e-rate and ctf discounts are applied it will cost \$1,479.50/year but the library would need to pay the undiscounted full price for CENIC service (1232.50/month) from July 1, 2016 (or whenever CENIC service starts for the library) through June 30, 2017, and then, on or around July 1, 2017, the library receives E-rate reimbursements for the whole previous year in one check (or may be "paid forward" and applied to the next year's bill) so for the first year at least the cost will initially be higher (\$14,790).

We currently pay, and can continue to do so, our internet bill from the ILL account 352.4030.120. We receive those funds from the State Lib via the coop system (they give us about \$4000/year) and with the check we just received the balance should be around \$7000 which might make it a little bit easier to pay that initial cost.

The contract is attached and if we decide to move forward it needs to be signed and returned by March 1.

thanks,

--

Jody Meza
Library Director
Orland Free Library
Willows Public Library
(530) 865-1640
(530) 934-5156

NEW BUSINESS:

Review new library card format: The library has no more cards so it was a good time to look at new formats. The new cards that Jody selected are more user friendly and can be used on keychain, wallet, etc and are cheaper than the old format. They are on order with the Willows Library Logo.

Action Item: Accept CENIC/Califa quote for broadband upgrade and recommend approval of service/contract to City Council: The actual contract is not ready at the time of meeting so Jody was asking for the approval of the quote. She shared that she applied as part of a statewide project to upgrade fiber for libraries if they met the requirements of location and feasibility which Willows did. Because of location, Bayliss wasn't eligible and Elk creek will get it but through a different way. The basic quote is \$1232/month and after discounts it would be about \$123/month. There are 4 different levels but the price difference is slight so it makes sense to go with the fastest speed. There will be no "downloading" wait. There will have to be a discussion with city on how to handle the billing as it is charged at \$1232 up front and then reimbursement at end of year. Dawn George approved the quote of CENIC/Califa. It was seconded by Bob Griffith. All ayes and no nays.

Comments by Board Members: Bob Griffith said he would be unable to attend the January meeting as he is traveling.

Meeting adjourned at 11:45

NEXT BOARD MEETING: Tentatively scheduled for January 14, 2016 at 11am. at the Willows Public Library.

Submitted by Lisa Kennedy, Secretary