

**MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD**

**November 27, 2012**

1. The meeting was called to order at 7:01 p.m. by Mayor Holvik.
2. **PLEDGE OF ALLEGIANCE:** Council Member Yoder led the Pledge of Allegiance.
3. **ROLL CALL:**  
  

<u>Present:</u>	Council Members Yoder, Cobb & Mayor Holvik
<u>Absent:</u>	Council Member Taylor-Vodden & Hansen
4. **Agenda Review:** It was **moved** by Council Member Yoder and **seconded** by Council Member Cobb to accept the November 27, 2012, City Council Meeting agenda. The motion unanimously passed.
5. **Certify Election Results and Swearing in of newly elected Council Members:**
  - a) Pursuant to Election Code §10263 it was **moved** by Council Member Yoder and **seconded** by Council Member Cobb to adopt a Resolution Confirming Canvass of Returns and Results of Election Held November 6, 2012, and authorizing the City Clerk to administer the Oath of Office to Elected Officials. **\*\***(Special Note: Council Member Elect William "Bill" Spears has informed the City that he will defer acceptance of a Council seat).
  - b) Pursuant to Election Code §10265, City Clerk, Natalie Butler administered the Oath of Office to newly-elected Council Members; Larry Domenighini and Larry Mello and both new members took their seats at the dais and outgoing Council Member Yoder and Mayor Holvik stepped down from their seats.
  - c) Due to the fact that Police Chief and now City Council Member Elect Bill Spears has chosen to defer acceptance of taking the oath of office, the Council was asked to consider adoption of a Resolution for retaining Council Member Gary Hansen in accordance with Government Code §36503, which states in part "City officers holding elective city office shall hold office for their prescribed terms from the date of the installation of officers following adoption by the Council of the official canvass of their election and until their successors are elected and qualified". Although Chief Spears has been elected, he is technically not qualified until he takes the oath of office. Because of this, the Council will only have a four-member body for an indefinite period of time, which could be potentially paralyzing to City business if there were to be 2/2 vote splits. Because Council Seats are elected "at-large" and not elected by district, it was explained that any one of the outgoing Council Members could have been qualified to continue to hold office until Chief Spears is sworn in. Due to Council Member Yoder's not running for re-election, he indicated that he does not desire to remain in his seat. Outgoing Mayor Holvik has also expressed that he did not desire to remain in his seat. Therefore, by process of elimination of the other qualified candidates to remain seated, Council Member Hansen indicated his desire to remain seated until such time as Chief Spears is sworn in as a Council Member. Essentially, what the Council is doing this evening is confirming their desire to comply with state government code. This is not an item that needed to even be placed on an agenda, but for purposes of transparency and just so there would be no question on the part of the public why Council Member Hansen would remain as a seated Council

Member, it was suggested that this be placed on the agenda merely as a formality. Council discussion ensued. Council Member Domenighini addressed Chief Spears and inquired whether he would be taking the Oath of Office at tonight's meeting. Chief Spears declined, stating that he was under a contractual obligation to remain as the Chief of Police for the City until the end of 2012. Council Member Mello inquired whether it would be possible to conduct City business with only a four-member Council. The City Manager stated that the City could continue to conduct business with only a four-person Council. Once discussions ceased, it was **moved** by Council Member Domenighini and **seconded** by Vice Mayor Cobb to adopt a Resolution in accordance with Government Code regulations affirming retaining incumbent Council Member Gary Hansen on the Willows City Council until a successor is seated. The motion passed 2/1, with Council Member Domenighini and Vice Mayor Cobb voting aye and Council Member Mello voting nay.

6. **Presentations & Proclamations:** None

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

Jana Adamson, Representative of 'Glenn Communities Working Together' and the 'Citizens for Senior Housing' shared a copy of a letter that she gave to Mayor Holvik before tonight's meeting. The letter thanked Mayor Holvik for representing the City of Willows on the Citizens for Senior Housing steering committee and on the collaborative task force with the HRA and the County Planning Department, which resulted in the Glenn County Senior Housing Needs survey. Ms. Adamson stated that Mayor Holvik's interest and experience was very helpful and his presence affirmed that the City of Willows supported their groups' efforts. Ms. Adamson stated that she hopes he will still continue to serve on both groups and she thanked Mayor Holvik again for all that he has done.

Forrest Sprague asked for clarification on the outcome of the passage of the Resolution to retain Council Member Hansen, as he didn't think a 2/1 vote would be considered to have passed because the entire body of the Council consists of five members and he thought the motion was required to pass by a majority of the members of the whole body. Attorney Bob Hunt stated that the motion only needed to pass by a majority of those Council Members present and voting and not by a majority of the membership of the whole Council.

Brian Ramos of the 'Friends of the Library' announced some upcoming events that the Library and Friends of the Library would be taking part in. He expressed his appreciation to the Council and the Community for their continued support of the Library.

Stephanie Southam stated that she still believe the Council has time to retain Chief of Police Bill Spears before his contract expires at the end of the year. Vice Mayor Cobb referred to Attorney Bob Hunt for his input on whether it is appropriate for the Council to respond to this. Mr. Hunt advised that there is a strong potential for a Brown Act violation if the Council were to even discuss or take any action at all on this topic since it was not on the agenda. Vice Mayor Cobb asked Ms. Southam if she had any other comments that she would like to make. She stated that she just still feels it is in the best interest of the community to retain Chief Spears as the Chief.

8. **Consent Agenda:**

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

- a) Approval of General Check Register (25335-25376).
- b) Approval of Payroll & Direct Deposit Check Registers (No Payroll or Direct Deposits).
- c) Waive second reading, except by title only, and adoption of an Ordinance entitled "**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS, AMENDING SECTION 3.25.030 OF THE WILLOWS CITY CODE**".
- d) Adoption of a Resolution approving an amendment to the Joint Powers Agreement to provide transportation services.

9. **Public Hearings:** None

10. **Ordinances:** Action taken under consent agenda item 8 (c).

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

The City Manager announced that the New Mayors and Council Members Academy will be held in Sacramento on January 16 – 18 and any Council Members who would like to attend should contact the City Clerk to register. He also stated that the annual Economic Forecast Summit will take place in Oroville on January 17. Finally, he announced that just prior to opening the Council Meeting scheduled for December 11, there will be a photographer present to take group pictures and individual pictures of the Council Members so he asked the Council Members to arrive a little bit early to the meeting.

12. **Council Member Reports:**

Council Member Domenighini encouraged everybody to attend the open house at the Library next week.

13. **Executive Session:** Pursuant to Government Code 54950 et seq., the City Council held a closed session on the following item:

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE – Pursuant to Government Code 54957

Prior to the Council entering into Executive Session, Forrest Sprague stated that it is his experience that the member or the employee that is being evaluated for discipline, dismissal or release is usually identified on the agenda and he asked if this was an oversight. Vice Mayor Cobb referred to Attorney Bob Hunt for clarification. Mr. Hunt stated that under this particular section of the Brown Act (54957) the employee is actually not identified because the employee's privacy rights trump the public's right to know their identity, and the City must protect the employee's privacy rights in this case.

Council then entered into Executive Session at 7:36 p.m.

14. **Report out from Executive Session:** The Council reconvened into open session at 8:47 p.m. Vice Mayor Cobb stated that no reportable action was taken by the Council and direction was provided to Staff.

15. **Adjournment:** Vice Mayor Cobb adjourned the meeting at 8:48 p.m.

Dated: November 27, 2012

NATALIE BUTLER

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City Clerk

The City of Willows is an Equal Opportunity Provider