

CITY COUNCIL

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



INTERIM CITY MANAGER
Fire Chief, Wayne Peabody

CITY CLERK
Natalie Butler

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

CITY COUNCIL REGULAR MEETING AGENDA
November 8, 2016
7:00 p.m.

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

The Brown Act prohibits the Council from taking action on any item not placed on the Agenda in most cases.

Pursuant to Government Code section 54957.5, all non-confidential writings or documents relating to any item on this agenda which have been provided to a majority of the City Council, including those received less than 72 hours prior to the City Council meeting, will be made available for public inspection in the agenda packet located on the table in the lobby at the Willows Civic Center, 201 North Lassen Street, Willows, CA, during normal business hours of 8:00 a.m. to 5:00 p.m. weekdays, excluding holidays. Agendas can also be located on the City's website at www.cityofwillows.org.

Should any speakers wish to distribute materials, or staff wish to distribute any supplemental materials to be evaluated in the decision making process of the legislative body at the meeting, ten (10) copies must be provided to the City Clerk who will distribute them.

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November 8, 2016
7:00 p.m.

1. **CALL TO ORDER** – 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **CEREMONIAL MATTERS (Proclamations, Recognitions, Awards):**
 - a) Presentation of a Veterans Day Proclamation to Barbara LaDoucer of the American Legion Auxiliary.
 - b) Presentation honoring and thanking Council Member Larry Domenighini for his service to the City of Willows. (Upon conclusion of tonight's meeting, the public is welcome to join the Council and Staff for a short reception for Council Member Domenighini at City Hall. Cake and light refreshments will be served).
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 requests, in which event the item will be removed from the consent agenda. It is recommended that the Council:
 - a) Consider approval of general checking, payroll & direct deposit check registers.
 - b) Consider declaring specific Police Department equipment as surplus and direct staff to dispose of said equipment by sealed bid, auction, or other method.

Comments from the public are welcome. The Mayor will allow an opportunity for comments related to Public Hearings and each action item on the agenda. Please limit comments to three minutes per topic, and one comment per person per topic. Once comments conclude, please allow the Council the opportunity to continue its consideration of the item without interruption.

7. **PUBLIC HEARINGS:** None

8. **ORDINANCES:** None

9. **REGULAR BUSINESS AGENDA / ITEMS REQUIRING COUNCIL ACTION:**

- a) Consider adoption of a Resolution Affirming and Updating Cafeteria Plan Terms with the City of Willows and the Willows Employees Association and Willows Public Safety Association.
- b) Consider adoption of a Resolution Affirming and Updating Cafeteria plan Terms with the City of Willows and the City Manager and Eligible Department Heads and Confidential Staff.
- c) Consider adoption of a Resolution adding Chapter 10 entitled "CITY COUNCIL" to the City's Administrative Procedure & Policy (AP&P) Manual; and adopting AP&P Number 10-1 entitled "Code of Conduct for Council Members" and AP&P Number 10-2 entitled "Council Conduct & Communications with City Staff."
- d) By motion, adopt the City Council Protocol Manual as presented.

10. **COUNCIL/STAFF REPORTS/COMMENTS:** Brief reports by members of the Administrative Staff and the Council regarding correspondence, events and/or meetings attended, and upcoming meetings/events. Reports shall be limited to City business and shall not request or lead to action by the Council at this meeting. Any request that requires Council action will be set by the Council for a future agenda or referred to staff.

- a) Staff Comments/Reports
- b) City Council Comments/Reports

11. **EXECUTIVE SESSION:** None

12. **ADJOURNMENT:**

CERTIFICATION: Pursuant to Government Code §54954.2 (a), the agenda for this meeting was properly posted on or before November 4, 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.

The City of Willows is an Equal Opportunity Provider



City of Willows

Veterans Day Proclamation

Whereas, the 11th of November 1918, marked the end of the 'war to end all wars' and the cessation of the most destructive, sanguinary, and far reaching war in human annals and the resumption by the people of the United States of peaceful relations with other nations, which we hope may never again be severed; and

Whereas, it is fitting that the recurring anniversary of this date should be commemorated with thanksgiving and prayer and exercises designed to perpetuate peace through good will and mutual understanding between nations; and

Whereas, on June 1, 1954 Congress declared that Armistice Day should be Veterans Day to honor all who had served in all wars to preserve world peace and on October 8, 1954 President Dwight D. Eisenhower issued the first Veterans Day Proclamation; and

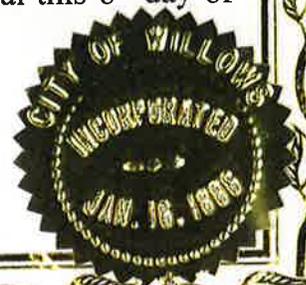
Whereas, to protect the Nation they love, our veterans stepped forward when America needed them most. In conflicts around the world, their sacrifice and resolve helped destroy the enemies of freedom and saved millions from oppression. In answering history's call with honor, decency, and resolve, our veterans have shown the power of liberty and earned the respect and admiration of a grateful Nation; and

Whereas, all of America's veterans have placed our Nation's security before their own lives, creating a debt that we can never fully repay. Our veterans represent the best of America, and they deserve the best America can give them;

Now Therefore; I, Gary Hansen, Mayor of the City of Willows and on behalf of the Willows City Council and the Citizens of Willows, do hereby proclaim November 11, 2016, as Veterans Day and urge all citizens of Willows to recognize the valor and sacrifice of our veterans through ceremonies and prayers.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 8th day of November, 2016.

Gary L. Hansen, Mayor





Period

10/22/2016 TO 11/4/2016

General Checking 34129 TO 34152

Payroll Direct Deposit 207833 TO 207873

Payroll Checks 36434 TO 36463

APPROVAL DATE 11/8/2016

Approved _____

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Payment Information Invoice #	Description
034129	10/25/16	ATT01	A.T. & T.	35.22 86.29	.00 .00	35.22 86.29	706724 B61024	TELEPHONE EXP. RC LIBRARY TELEPHONE EXP. CLETS 9/12
			Check Total.....:	121.51	.00	121.51		
034130	10/25/16	AWA01	AWARDS COMPANY	11.29	.00	11.29	12250	COUNCIL NAMEPLATE
034131	10/25/16	BAK06	BAKER & TAYLOR BOOKS	152.96 584.62	.00 .00	152.96 584.62	713335 1722406	NEW PRINT MAT. LIBRARY NEW PRINT MAT. LIBRARY
			Check Total.....:	737.58	.00	737.58		
034132	10/25/16	CAL01	CALIFORNIA WATER COMPANY	2283.60	.00	2283.60	B61024	WATER EXPENSE 9/14-10/12/
034133	10/25/16	COM16	COMCAST CABLE	150.97	.00	150.97	B61024	INTERNET FD 10/19-11/18/1
034134	10/25/16	CRE01	CREATIVE COMPOSITION	61.03	.00	61.03	93736	BUSINESS CARDS
034135	10/25/16	DAY02	DAY WIRELESS SYSTEMS (04)	498.00	.00	498.00	584226	EQUIPMENT MAINTENANCE NOV
034136	10/25/16	FED00	FEDEX	59.59	.00	59.59	554755596	SHIP NVIH PLANS
034137	10/25/16	GLE05	GLENN CO. FLEET SERVICES	3445.32	.00	3445.32	FL1652	VEHICLE MAINT & REPAIR SE
034138	10/25/16	GRY01	ROBERT GRIFFITH	200.00	.00	200.00	B61024	REIMBURSE PLANNING COMMIS
034139	10/25/16	MEN02	MENDES SUPPLY COMPANY	92.72	.00	92.72	RO1519300	CLEANING SUPPLIES
034140	10/25/16	MTS00	MT SHASTA SPRING WATER CO	27.73	.00	27.73	B61024	WATER PD
034141	10/25/16	NOR18	NORTHERN CALIF. GLOVES	53.43	.00	53.43	195992	PUBLIC WORKS SHOP SUPPLIE
034142	10/25/16	OCL00	OCLC, INC.	72.14	.00	72.14	490758	MONTHLY SUBSCRIPTIO 7/1-6
034143	10/25/16	OFF05	OFFICE DEPOT, INC.	59.67	.00	59.67	5358001	OFFICE SUPPLIES ADMIN
034144	10/25/16	PGE01	PG & E	12146.84	.00	12146.84	B61024	P.G. & E. 9/14-10/12/16
034145	10/25/16	ROC02	ROCKMOUNT RESEARCH &	146.23	.00	146.23	1221235	CHOP SAW BLADE
034146	10/25/16	SAC08	SACRAMENTO VALLEY MIRROR	712.80	.00	712.80	14296	LEGAL ADS ORD/LIBRARY/WAS
034147	10/25/16	SAF03	SAFETY TIRE SERVICE	1140.61	.00	1140.61	29434	#11 LEAF TRUCK REPAIR
034148	10/25/16	VAL14	VALLEY TRUCK & TRACTOR CO	82.51	.00	82.51	660879	FD REPAIR
034149	10/25/16	VER02	VERIZON WIRELESS	100.08	.00	100.08	3339767	TELEPHONE EXP. RC LIBRARY
034150	10/25/16	WAL07	WAL-MART COMMUNITY	345.43	.00	345.43	B61024	SEPTEMBER STMT PER ATTACH
034151	10/25/16	WIL17	WILLDAN	7950.00 5197.10	.00 .00	7950.00 5197.10	712092 2-17219	CONTRACT PLANNING SERVICE NVIH BUILDING PLAN CHECK
			Check Total.....:	13147.10	.00	13147.10		
034152	10/25/16	WILHP	WILLIAMS RADIATOR	55.00	.00	55.00	9454	RAPAIR WATERTANK LEAKS
			Cash Account Total.....:	35751.18	.00	35751.18		
			Total Disbursements.....:	35751.18	.00	35751.18		

AGENDA ITEM

November 8, 2016

TO: Wayne Peabody, Interim City Manager
FROM: Jason Dahl, Chief of Police
SUBJECT: Surplus Property

RECOMMENDATION

Declare, by motion, the attached items as surplus and direct staff to sell or dispose of by sealed bid, auction, or other method.

SUMMARY

The Police Department has identified City property listed in Exhibit A which are no longer used or which have become obsolete or worn out. Pursuant to Willows Municipal Code 3.05.120, staff is requesting the City Council declare the items as surplus and direct staff to sell or dispose of by sealed bid, auction, or other method.

The department requests the proceeds from surplus go back into their budget for equipment replacement and/or repairs.

ALTERNATE ACTIONS

Reject recommendation

RECOMMENDATION

Declare, by motion, the attached items as surplus and direct staff to sell or dispose of by sealed bid, auction, or other method.

Respectfully submitted,



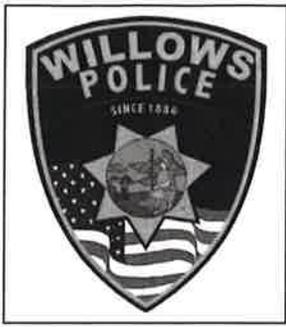
Jason Dahl
Chief of Police

Approved by,



Wayne Peabody
Interim City Manager

Attachments:
Exhibit A



Willows Police Department

Jason Dahl, Chief of Police

201 N Lassen Street * Willows, California 95988 * (530) 934-3456 * FAX: (530) 934-4964

09/17/2016

Chief Dahl,

I am respectfully requesting that the following piece of Willows Police Department equipment be presented to the Willows City Council as surplus equipment eligible for sale.

- (1) Yellow and Black X-26P Taser Serial Number X00-262170
- (2) 25' XP X-26P Cartridges Serial Numbers C4102CMOD and C4102DX63
- (1) Blade Tech X-26 Holster Black in Color No Serial Number

This is the last of the X-26P Taser inventory. With the surplus of this unit and its accessories the Willows Police Department will have made the full transition to the Taser X2 platform. As with the initial surplus X-26P Taser inventory this unit is a Police model with special functionality not available on civilian models and as such cannot be sold to the general public. This unit will be sold to Accredited Security who is authorized to receive this version of the X-26P and will provided us with certificates of transfer.

Respectfully Submitted,

Sgt. Michael Stover

EXHIBIT "A"



AGENDA ITEM

TO: Wayne Peabody, Interim City Manager

FROM: Tim Sailsbery, Finance Director

SUBJECT: Update Cafeteria Plan Terms-Willows Employees Association and Willows Public Safety Association

RECOMMENDATION

Adopt the Resolution Affirming and Updating Cafeteria Plan Terms with the City of Willows and the Willows Employees Association and Willows Public Safety Association

SITUATION (or BACKGROUND):

The City has provided various employee benefits via a cafeteria plan since the late 1990's. Part of the process of maintaining the cafeteria plan is to update the terms and conditions of the plan annually. The attached resolution provides the proper update to the terms, conditions and amounts provided to members of the Willows Employees Association and Willows Public Safety Association through November 30, 2017. As has historically occurred, this resolution is brought to Council on an annual basis as a periodic "housekeeping" item to reflect terms and conditions of the plan.

Please note that, historically, this was handled via consent calendar. However, given that there is a resolution involved, it is place under "New Business" to allow for roll call vote.

FINANCIAL CONSIDERATIONS:

The effect of the Cafeteria Plan Benefit is already factored into the FY 2016-17 Adopted Budget.

NOTIFICATION

N/A

ALTERNATE ACTIONS

1. Adopt resolution as presented
2. Reject affirmation and update
3. Request additional information and postpone authorization consideration to a future date.

RECOMMENDATION

Adopt the Resolution Affirming and Updating Cafeteria Plan Terms with the City of Willows and the Willows Employees Association and Willows Public Safety Association

Respectfully submitted,



Tim Sailsbery
Finance Director

Attached:

- Cafeteria Plan Document
- Resolution

CITY OF WILLOWS' Cafeteria Plan

Willows Employee Association
Willows Public Safety Association

1. **Term of Agreement:** The agreement is for the period beginning December 1, 2016 and ending November 30, 2017.
2. **Continuation of Existing Agreements:** Except as specifically indicated in this Resolution, the terms and conditions contained in the previously approved MOUs and resolutions between the City and the Associations will continue in effect through the duration of this agreement.
3. **Health Insurance:**

Effective December 1, 2016

The City will provide payment for health insurance premiums in the amount of \$128 per employee, per month, towards enrollment in the City's sponsored CalPERS health plan, regardless of the number of dependents the employee has enrolled in the City's sponsored CalPERS health plan.

Employees may choose not to enroll in the City of Willows' sponsored CalPERS health plan. Employees who opt out of enrollment in the City of Willows' sponsored CalPERS health plan will not receive the City's payment for health insurance premiums provided to other employees who are enrolled in the City's sponsored CalPERS health plan. If an employee in this status subsequently elects to be covered by the City's sponsored health plan, they may enter the plan subject to enrollment criteria established by CalPERS.

4. **Employer Contributions to Cafeteria Plan Benefits:**

The City will maintain a Section 125 qualifying Cafeteria Plan which shall provide for the following menu of benefits:

- Balance of premiums for the City's sponsored CalPERS health plan
- AFLAC supplemental insurance
- Dental and vision insurance through Premier Access Dental and Vision
- Deferred Compensation in a Section 457 plan with ICMA or Nationwide

A benefit under the Cafeteria Plan is contingent upon an understanding that the benefit qualifies as a pre-tax benefit pursuant to State and Federal tax laws. If for any reason State or Federal law precludes one or more of the above listed benefits from the

protection of a Section 125 Cafeteria Plan, the City may remove that benefit from the Plan in order to maintain the City's Cafeteria Plan as a Section 125 qualifying plan.

The City will contribute a flexible benefit allowance to all employees eligible to participate in the Cafeteria Plan. Receipt of any flexible benefit allowance to the Cafeteria Plan shall be in addition to the City's contribution that is provided towards the employee's premiums for the City's sponsored health plan as stated above. The City's flexible benefit allowance provided to an employee shall be determined based on the employee's participation level, as follows:

TIER 1: Eligible Employees who opt-out of enrollment in the City's sponsored CalPERS health plan shall receive a Cafeteria Plan allowance of \$481 per month. The allowance is to be used only towards the purchase of those benefits available through the City's Cafeteria Plan. In order to be eligible for this benefit, the employee must provide written proof of other medical insurance coverage.

TIER 2: Eligible employees who elect to enroll in employee-only medical coverage under the City's CalPERS sponsored health plan shall receive a Cafeteria Plan allowance of \$826.51 per month effective December 1, 2016. The allowance is to be used only towards the purchase of those benefits available through the City's Cafeteria Plan.

TIER 3: Eligible employees who elect to enroll in employee-plus-one medical coverage under the City's CalPERS sponsored health plan shall receive a Cafeteria Plan allowance of \$1,781.02 per month effective December 1, 2016. The allowance is to be used only towards the purchase of those benefits available through the City's Cafeteria Plan.

TIER 4: Eligible employees who elect to enroll in employee-plus-two-or-more medical coverage under the City's CalPERS sponsored health plan shall receive a Cafeteria Plan allowance of \$2,353.73 per month effective December 1, 2016. The allowance is to be used only towards the purchase of those benefits available through the City's Cafeteria Plan.

All agreement changes will be memorialized in a resolution of the City of Willows City Council.

RESOLUTION NO. _____

Resolution of the City Council of the City of Willows Affirming and Updating Cafeteria Plan Terms in Agreement With the City of Willows and the Willows Employees Association and the Willows Public Safety Association

WHEREAS, the City endeavors to provide adequate health and welfare benefits for employees and their dependents;

WHEREAS, the City and the Willows Employees Association and the Willows Public Safety Association (“Associations”) believe it to be in the best interest of the City and the Associations’ represented employees to continue to make available quality health insurance, as well as access to other flexible welfare benefits via the City’s Cafeteria Plan; and

WHEREAS, the City and the Associations have met and conferred to discuss the update of the cafeteria plan amounts,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Willows does hereby approve an agreement between the City and the Associations reflecting the following:

1. **Term of Agreement:** The agreement is for the period beginning December 1, 2016 and continue through November 30, 2017.
2. **Continuation of Existing Agreements:** Except as specifically indicated in this Resolution, the terms and conditions contained in the previously approved Memorandums of Understanding and resolutions between the City and the Association will continue in effect through the duration of this agreement.
3. **Health Insurance:**

Effective December 1, 2016

The City will provide payment for health insurance premiums in the amount of \$128 per employee, per month, towards enrollment in the City’s sponsored CalPERS health plan, regardless of the number of dependents the employee has enrolled in the City’s sponsored CalPERS health plan.

Employees may choose not to enroll in the City of Willows’ sponsored CalPERS health plan. Employees who opt out of enrollment in the City of Willows’ sponsored CalPERS health plan will not receive the City’s payment for health insurance premiums provided to other employees who are enrolled in the City’s sponsored CalPERS health plan. If an employee in this status subsequently elects to be covered by the City’s sponsored health plan, they may enter the plan subject to enrollment criteria established by CalPERS.

4. **Employer Contributions to Cafeteria Plan Benefits:**

The City will maintain a Section 125 qualifying Cafeteria Plan which shall provide for the following menu of benefits:

- Balance of premiums for the City's sponsored CalPERS health plan
- AFLAC supplemental insurance
- Dental and vision insurance through Premier Access Dental and Vision
- Deferred Compensation in a Section 457 plan with ICMA or Nationwide

A benefit under the Cafeteria Plan is contingent upon an understanding that the benefit qualifies as a pre-tax benefit pursuant to State and Federal tax laws. If for any reason State or Federal law precludes one or more of the above listed benefits from the protection of a Section 125 Cafeteria Plan, the City may remove that benefit from the Plan in order to maintain the City's Cafeteria Plan as a Section 125 qualifying plan.

The City will contribute a flexible benefit allowance to all employees eligible to participate in the Cafeteria Plan. Receipt of any flexible benefit allowance to the Cafeteria Plan shall be in addition to the City's contribution that is provided towards the employee's premiums for the City's sponsored health plan as stated above. The City's flexible benefit allowance provided to an employee shall be determined based on the employee's participation level, as follows:

TIER 1: Eligible Employees who opt-out of enrollment in the City's sponsored CalPERS health plan shall receive a Cafeteria Plan allowance of \$481.00 per month. The allowance is to be used only towards the purchase of those benefits available through the City's Cafeteria Plan. In order to be eligible for this benefit, the employee must provide written proof of other medical insurance coverage.

TIER 2: Eligible employees who elect to enroll in employee-only medical coverage under the City's CalPERS sponsored health plan shall receive a Cafeteria Plan allowance of \$826.51 per month effective December 1, 2016. The allowance is to be used only towards the purchase of those benefits available through the City's Cafeteria Plan.

TIER 3: Eligible employees who elect to enroll in employee-plus-one medical coverage under the City's CalPERS sponsored health plan shall receive a Cafeteria Plan allowance of \$1,781.02 per month effective December 1, 2016. The allowance is to be used only towards the purchase of those benefits available through the City's Cafeteria Plan.

TIER 4: Eligible employees who elect to enroll in employee-plus-two-or-more medical coverage under the City's CalPERS sponsored health plan shall receive a Cafeteria Plan allowance of \$2,353.73 per month effective December 1, 2016. The allowance is to be used only towards the purchase of those benefits available through the City's Cafeteria Plan.

PASSED AND ADOPTED by the Willows City Council, this 8th day of November, 2016, by the following vote:

AYES:
NOES:
ABSENT:

Gary L. Hansen, Mayor

ATTEST:

Natalie Butler, City Clerk



AGENDA ITEM

TO: Wayne Peabody, Interim City Manager
FROM: Tim Sailsbery, Finance Director
SUBJECT: Update Cafeteria Plan Terms-City Manager and Eligible Department Heads and Confidential Staff

RECOMMENDATION

Adopt the Resolution Affirming and Updating Cafeteria Plan Terms with the City of Willows and the City Manager and Eligible Department Heads and Confidential Staff

SITUATION (or BACKGROUND):

The City has provided various employee benefits via a cafeteria plan since the late 1990's. Part of the process of maintaining the cafeteria plan is to update the terms and conditions of the plan annually. The attached resolution provides the proper update to the terms, conditions and amounts provided to the full-time, benefitted City Manager, Department Head, and Confidential positions through November 30, 2017.

Please note that the positions covered under this resolution had agreed to a reduction of benefit on 7/14/15, and that reduction (80% of coverage) was in place for calendar 2016. However, as part of the deferral of the step increase (slated to go into effect on 1/1/17) and the 5% Department Head furlough, it was requested, at that time to have the cafeteria plan terms established for 2017 such that the "out of pocket" cost to these employees for the health insurance portion be no greater in 2017 that it is in 2016. The financial terms of the plan, as presented, include amounts that achieve this stability. An excerpt from the June 28,2016 outlining the request to maintain stability of "out of pocket" is as follows:

"In addition, those who are subject to the postponed step increase and 5% furlough are also subject to receiving 80% of the cafeteria plan benefit rather than the full benefit. It is requested that the cafeteria benefit for 2017 for this group be set so that the out of pocket contribution is held at 2016 levels rather than resetting at 80% of 2017 amounts."

Please note that, historically, this was handled via consent calendar. However, given that there is a resolution involved, it is placed under "New Business" to allow for roll call vote.

FINANCIAL CONSIDERATIONS:

The effect of the Cafeteria Plan Benefit is already factored into the FY 2016-17 Adopted Budget.

NOTIFICATION

N/A

ALTERNATE ACTIONS

1. Adopt resolution as presented
2. Reject affirmation and update
3. Request additional information and postpone authorization consideration to a future date.

RECOMMENDATION

Adopt the Resolution Affirming and Updating Cafeteria Plan Terms with the City of Willows and the City Manager and Eligible Department Heads and Confidential Staff

Respectfully submitted,



Tim Sailsbery
Finance Director

Attached:

- Cafeteria Plan Document
- Resolution

CITY OF WILLOWS' Cafeteria Plan

City Manager

Eligible, Non-Represented Department Heads and Confidential Employees

1. **Term of Agreement:** The agreement is for the period beginning December 1, 2016 and ending November 30, 2017.
2. **Continuation of Existing Agreements:** Except as specifically indicated in this Resolution, the terms and conditions contained in the previously approved MOUs and resolutions between the City and the Associations will continue in effect through the duration of this agreement.
3. **Health Insurance:**

Effective December 1, 2016

The City will provide payment for health insurance premiums in the amount of \$128 per employee, per month, towards enrollment in the City's sponsored CalPERS health plan, regardless of the number of dependents the employee has enrolled in the City's sponsored CalPERS health plan.

Employees may choose not to enroll in the City of Willows' sponsored CalPERS health plan. Employees who opt out of enrollment in the City of Willows' sponsored CalPERS health plan will not receive the City's payment for health insurance premiums provided to other employees who are enrolled in the City's sponsored CalPERS health plan. If an employee in this status subsequently elects to be covered by the City's sponsored health plan, they may enter the plan subject to enrollment criteria established by CalPERS.

4. **Employer Contributions to Cafeteria Plan Benefits:**

The City will maintain a Section 125 qualifying Cafeteria Plan which shall provide for the following menu of benefits:

- Balance of premiums for the City's sponsored CalPERS health plan
- AFLAC supplemental insurance
- Dental and vision insurance through Premier Access Dental and Vision
- Deferred Compensation in a Section 457 plan with ICMA or Nationwide

A benefit under the Cafeteria Plan is contingent upon an understanding that the benefit qualifies as a pre-tax benefit pursuant to State and Federal tax laws. If for any reason

State or Federal law precludes one or more of the above listed benefits from the protection of a Section 125 Cafeteria Plan, the City may remove that benefit from the Plan in order to maintain the City's Cafeteria Plan as a Section 125 qualifying plan.

The City will contribute a flexible benefit allowance to all employees eligible to participate in the Cafeteria Plan. Receipt of any flexible benefit allowance to the Cafeteria Plan shall be in addition to the City's contribution that is provided towards the employee's premiums for the City's sponsored health plan as stated above. The City's flexible benefit allowance provided to an employee shall be determined based on the employee's participation level, as follows:

TIER 1: Eligible Employees who opt-out of enrollment in the City's sponsored CalPERS health plan shall receive a Cafeteria Plan allowance of \$384.80 per month. The allowance is to be used only towards the purchase of those benefits available through the City's Cafeteria Plan. In order to be eligible for this benefit, the employee must provide written proof of other medical insurance coverage.

TIER 2: Eligible employees who elect to enroll in employee-only medical coverage under the City's CalPERS sponsored health plan shall receive a Cafeteria Plan allowance of \$650.92 per month effective December 1, 2016. The allowance is to be used only towards the purchase of those benefits available through the City's Cafeteria Plan.

TIER 3: Eligible employees who elect to enroll in employee-plus-one medical coverage under the City's CalPERS sponsored health plan shall receive a Cafeteria Plan allowance of \$1,429.04 per month effective December 1, 2016. The allowance is to be used only towards the purchase of those benefits available through the City's Cafeteria Plan.

TIER 4: Eligible employees who elect to enroll in employee-plus-two-or-more medical coverage under the City's CalPERS sponsored health plan shall receive a Cafeteria Plan allowance of \$1,896.15 per month effective December 1, 2016. The allowance is to be used only towards the purchase of those benefits available through the City's Cafeteria Plan.

All agreement changes will be memorialized in a resolution of the City of Willows City Council.

RESOLUTION NO. _____

Resolution of the City Council of the City of Willows Affirming and Updating Cafeteria Plan Terms in Agreement With the City of Willows and the City Manager and Eligible, Non-Represented Department Heads and Confidential Employees

WHEREAS, the City endeavors to provide adequate health and welfare benefits for employees and their dependents;

WHEREAS, the City and the City Manager believe it to be in the best interest of the City to continue to make available quality health insurance, as well as access to other flexible welfare benefits via the City's Cafeteria Plan

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Willows does hereby approve an agreement between the City and the City Manager following:

1. **Term of Agreement:** The agreement is for the period beginning December 1, 2016 and continue through November 30, 2017.
2. **Continuation of Existing Agreements:** Except as specifically indicated in this Resolution, the terms and conditions contained in the previously approved Memorandums of Understanding and resolutions between the City and the City Manager and Eligible Non-Represented Department Heads and Confidential Employees will continue in effect through the duration of this agreement.
3. **Health Insurance:**

Effective December 1, 2016

The City will provide payment for health insurance premiums in the amount of \$128 per employee, per month, towards enrollment in the City's sponsored CalPERS health plan, regardless of the number of dependents the employee has enrolled in the City's sponsored CalPERS health plan.

Employees may choose not to enroll in the City of Willows' sponsored CalPERS health plan. Employees who opt out of enrollment in the City of Willows' sponsored CalPERS health plan will not receive the City's payment for health insurance premiums provided to other employees who are enrolled in the City's sponsored CalPERS health plan. If an employee in this status subsequently elects to be covered by the City's sponsored health plan, they may enter the plan subject to enrollment criteria established by CalPERS.

4. **Employer Contributions to Cafeteria Plan Benefits:**

The City will maintain a Section 125 qualifying Cafeteria Plan which shall provide for the following menu of benefits:

- Balance of premiums for the City's sponsored CalPERS health plan
- AFLAC supplemental insurance
- Dental and vision insurance through Premier Access Dental and Vision
- Deferred Compensation in a Section 457 plan with ICMA or Nationwide

A benefit under the Cafeteria Plan is contingent upon an understanding that the benefit qualifies as a pre-tax benefit pursuant to State and Federal tax laws. If for any reason State or Federal law precludes one or more of the above listed benefits from the protection of a Section 125 Cafeteria Plan, the City may remove that benefit from the Plan in order to maintain the City's Cafeteria Plan as a Section 125 qualifying plan.

The City will contribute a flexible benefit allowance to all employees eligible to participate in the Cafeteria Plan. Receipt of any flexible benefit allowance to the Cafeteria Plan shall be in addition to the City's contribution that is provided towards the employee's premiums for the City's sponsored health plan as stated above. The City's flexible benefit allowance provided to an employee shall be determined based on the employee's participation level, as follows:

TIER 1: Eligible Employees who opt-out of enrollment in the City's sponsored CalPERS health plan shall receive a Cafeteria Plan allowance of \$384.80 per month. The allowance is to be used only towards the purchase of those benefits available through the City's Cafeteria Plan. In order to be eligible for this benefit, the employee must provide written proof of other medical insurance coverage.

TIER 2: Eligible employees who elect to enroll in employee-only medical coverage under the City's CalPERS sponsored health plan shall receive a Cafeteria Plan allowance of \$650.92 per month effective December 1, 2016. The allowance is to be used only towards the purchase of those benefits available through the City's Cafeteria Plan.

TIER 3: Eligible employees who elect to enroll in employee-plus-one medical coverage under the City's CalPERS sponsored health plan shall receive a Cafeteria Plan allowance of \$1,429.04 per month effective December 1, 2016. The allowance is to be used only towards the purchase of those benefits available through the City's Cafeteria Plan.

TIER 4: Eligible employees who elect to enroll in employee-plus-two-or-more medical coverage under the City's CalPERS sponsored health plan shall receive a Cafeteria Plan allowance of \$1,896.15 per month effective December 1, 2016. The allowance is to be used only towards the purchase of those benefits available through the City's Cafeteria Plan.

PASSED AND ADOPTED by the Willows City Council this 8th day of
November, 2016 by the following vote:

AYES:
NOES:
ABSENT:

Gary L. Hansen, Mayor

ATTEST:

Natalie Butler, City Clerk



AGENDA ITEM

TO: Honorable Mayor Hansen and members of the City Council
FROM: Wayne Peabody, Interim City Manager
SUBJECT: City Council Code of Conduct and Council Conduct & Communicating with City Staff.

RECOMMENDATION

It is recommended that the City Council hold a discussion and consider, by motion, adoption of a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS ADDING CHAPTER 10, ENTITLED "CITY COUNCIL" TO THE CITY OF WILLOWS ADMINISTRATIVE PROCEDURE AND POLICY MANUAL; AND ADOPTING AP&P CODE 10-1 ENTITLED "CODE OF CONDUCT FOR COUNCIL MEMBERS" AND AP&P CODE 10-2 ENTITLED "COUNCIL CONDUCT & COMMUNICATIONS WITH CITY STAFF".

SITUATION:

The Council is being provided with two proposed new policies to be added to the City's Administrative Procedure & Policy Manual. If approved, these policies will create a Code of Conduct for Councilmembers as well as set forth how Council will interact with Staff. These policies, if approved by the Council, will become a part of the City's Administrative Procedure and Policy Manual and will also become part of the orientation process for all newly elected Councilmembers.

A draft resolution is provided for Council discussion and consideration of adoption. The Code of Conduct is intended to establish a framework for day-to-day actions and decision-making by Councilmembers in order to increase public confidence in City Government; to assist Councilmembers with decision-making; and to encourage high standards of behavior by Councilmembers.

FINANCIAL CONSIDERATIONS:

Minor, due to city attorney review of documents.

ALTERNATE ACTIONS

Request additional information from, or provide additional direction to, staff.

RECOMMENDATION

It is recommended that the City Council hold a discussion and consider, by motion, adoption of a Resolution entitled **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS ADDING CHAPTER 10, ENTITLED “CITY COUNCIL” TO THE CITY OF WILLOWS ADMINISTRATIVE PROCEDURE AND POLICY MANUAL; AND ADOPTING AP&P CODE 10-1 ENTITLED “CODE OF CONDUCT FOR COUNCIL MEMBERS” AND AP&P CODE 10-2 ENTITLED “COUNCIL CONDUCT & COMMUNICATIONS WITH CITY STAFF”.**

Respectfully submitted,



Wayne Peabody,
Interim City Manager

Attachments:

- Proposed Resolution
 - Proposed Administrative Procedure & Policy #10-01
 - Proposed Administrative Procedure & Policy #10-02
-

RESOLUTION NO. XX-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS ADDING CHAPTER 10, ENTITLED "CITY COUNCIL" TO THE CITY OF WILLOWS ADMINISTRATIVE PROCEDURE AND POLICY MANUAL; AND ADOPTING AP&P CODE 10-1 ENTITLED "CODE OF CONDUCT FOR COUNCIL MEMBERS" AND AP&P CODE 10-2 ENTITLED "COUNCIL CONDUCT & COMMUNICATIONS WITH CITY STAFF"

WHEREAS, the Willows City Council is the duly elected governing body for the City of Willows and it is essential for the effective governing of the City of Willows for the public to have confidence in the integrity of its local government, and its fair, effective, respectful, and courteous operation; and

WHEREAS, the City Council may adopt written procedures and policies as it deems appropriate, including standards of conduct for its members, beyond those procedures specified in the California Government Code or the City Municipal Code; and

WHEREAS, the City Council desires to create Administrative Procedures and Policies to establish 1.) a City Council Code of Conduct Policy and 2.) a Council Conduct & Communications with City Staff Policy, copies of which are attached hereto, for the purpose of establishing a Code of Conduct to increase public confidence in City government, to assist Councilmembers with decision making, and to encourage high standards of behavior by Councilmembers; and

WHEREAS, the Codes of Conduct set forth requirements for the conduct of Councilmembers, and include provisions regarding ethical considerations; general requirements for all Councilmembers; Councilmembers conduct with one-another and with members of staff; procedural considerations, compliance and enforcement; and

WHEREAS, among other things, the Code of Conduct requires that Councilmembers support the maintenance of a positive and constructive work place environment for City staff, private citizens and businesses dealing with the City; that Councilmembers recognize their roles in individual dealings with City staff; and that Councilmembers be responsible for the highest

standards of respect, Council Policies, civility, and honesty in ensuring the effective maintenance of intergovernmental relations; and

WHEREAS, the Codes of Conduct also provide that Councilmembers have the primary responsibility to assure that the Codes of Conduct are followed, and that the Codes of Conduct will be most effective when Councilmembers are thoroughly familiar with them and embrace their provisions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Willows hereby adds **Chapter 10, entitled “City Council” to the City of Willows Administrative Procedure and Policy manual; and adopts AP&P Code 10-1 entitled “Code of Conduct for Council Members” and AP&P Code 10-2 entitled “Council Conduct & Communications with City Staff”;** and

BE IT FURTHER RESOLVED the Council commits to and affirms its intent to act in accordance with these Codes of Conduct for Councilmembers and embrace their provisions.

PASSED & ADOPTED this 8th day of November, 2016 by the following roll-call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Exhibit A: Administrative Procedure & Policies #10-1 & #10-2

EXHIBIT A

CITY OF WILLOWS ADMINISTRATIVE PROCEDURE AND POLICY MANUAL

Subject: CITY COUNCIL CODE OF CONDUCT	Number: 10-1
	Effective Date:
Department(s) Affected: City Council and Administration	Supersedes:
	Authority:
	Resolution: City Council:
File Reference(s):	Approved:
	Willows City Council

I. PURPOSE:

The residents of the City of Willows are entitled to have a fair, ethical, and accountable local government. To this end, the City of Willows has established this City Council Code of Conduct to encourage public confidence in the integrity of local government and its fair and effective operations.

Such a government requires that public officials:

- a. Comply with both the letter and the spirit of the laws and policies affecting operations of the government.
- b. Be independent, impartial and fair in their judgement and actions.
- c. Use their public office for the public good, not for personal gain.
- d. Conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility.

II. CODE OF CONDUCT:

The following Code of Conduct governs the actions and deliberations of the City Council Members so that all deliberations and actions serve the public interest and maintain public confidence in the City of Willows government.

- a. Each member of the City Council shall:
 - 1.) Adhere to a high level of ethical conduct in the performance of public duties.
 - 2.) Represent and work for the common good of the City.
 - 3.) Refuse to accept gifts of favors or promises of future benefits which might compromise or tend to impair independent judgement, and refrain from any actions where there may be a conflict of interest.

- 4.) Provide unbiased fair and equal treatment for all persons and matters coming before the Council whether in person, in writing, on the telephone, or in email communications.
- 5.) Understand and faithfully perform all duties of the office as set forth by State and Federal laws and the City of Willows Municipal Code in the performance of all public duties. The laws include, but are not limited to: the United States and California Constitutions, laws pertaining to conflicts of interest, election campaigns, financial disclosures, open process of government, and City ordinances and policies.
- 6.) Be fully apprised and knowledgeable of the background and purpose of important items of business coming before the Council in order to make informed decisions and facilitate a timely meeting. Council members are encouraged to work with staff prior to meetings on questions or clarifications.
- 7.) Be tolerant of all views expressed at public meetings.
- 8.) Refrain from abusive conduct, verbal or written attacks made upon the character or motives of other members of Council, Boards and Commissions, staff or members of the public.
- 9.) Each member shall respect and adhere to the Council-Manager form of government as outlined in the California Government Code and City of Willows Municipal Code. In this structure, the City Council determines the policies of the City with advice, information and analysis provided by City Staff, boards, commissions, committees, and the public. Council members should not interfere with the administrative functions of the City or the professional duties of the City Staff, nor should they impair the ability of Staff to implement Council policy decisions.
- 10.) Council members are required by State law to take AB 1234 within one (1) year of taking office and every two (2) years thereafter and AB 1825 within six (6) months of taking office and every two (2) years thereafter. Certificates confirming completion of these mandatory trainings shall be turned into the City Clerk as soon as practical upon completion.

111. COMPLIANCE AND ENFORCEMENT:

The City Council Code of Conduct expresses standards of ethical conduct expected for members of the Willows City Council. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

EXHIBIT A

CITY OF WILLOWS ADMINISTRATIVE PROCEDURE AND POLICY MANUAL

Subject: COUNCIL CONDUCT & COMMUNICATIONS WITH CITY STAFF	Number: 10-2
	Effective Date:
Department(s) Affected: City Council and Administration	Supersedes:
	Authority: Resolution: City Council:
File Reference(s): Ordinance #415 adopted 11/9/1964 Willows Municipal Code Title 2, Chapter 2.10	Approved: Willows City Council

I. **PURPOSE:** The City Council hereby establishes a standard protocol governing how the members of the City Council interact and communicate with staff, thereby creating an effective environment for the City Council to provide leadership to the City organization.

II. **CITY COUNCIL GENERAL POWERS AND RESPONSIBILITIES:**

The powers of the City Council are to be utilized for the good of the community and its residents and to provide for the health, safety and general welfare of the citizenry. The City Council is the policy setting body of the City.

a. **Council-Manager Form of Government:** As described in Gov. Code § 34851-34859, and City of Willows Municipal Code Title 2, Chapter 2.10, certain responsibilities are vested with the City Council and City Manager in the prescribed Council-Manager form of government.

The Council acts as a body. Council members act by casting their votes for or against all business that comes before the Council. All directives require an affirmative majority vote of no less than three Council members. No member has any powers beyond those of other members. While the Mayor has some additional ceremonial and presiding officer duties, all Council members are equal in all other respects.

While individual Council members may disagree with decisions of the majority, a decision of the majority binds the City and staff to a course of action. It is then staff's responsibility to ensure the policy or direction of the Council is implemented; it does not reflect any bias against a dissenting Council member.

b. **Staff Roles:** The Council recognizes the primary functions of staff as executing actions taken by the Council, and keeping the Council informed. City staff acknowledges that the City Council is the City's policy-setting body with the City

Manager responsible for implementing all policy directives through efficient and effective operations of the City Departments. Staff and Council work together in a positive, professional relationship, recognizing that staff's role is of a non-political nature.

III. INTERACTION BETWEEN COUNCIL AND STAFF:

Governance of the City relies upon the cooperative efforts of elected officials who set policy, appointed officials who advise the elected, and City staff who implement and administer the Council's policies. Therefore, it is critical that the relationship between Council and staff be well understood by all parties so policies and programs may be implemented successfully.

a. Treat all staff as professional.

Clear, honest communications that respect the abilities, experience and dignity of each individual is expected.

b. Never publicly criticize an individual employee.

Council members shall not express concerns about the performance of a City employee in public or through any form of media including social media, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager or City Attorney, as appropriate and through private correspondence or conversation.

c. Do not get involved in administrative functions.

- 1) The Council is to work through the City Manager when dealing with City Policy.
- 2) Council members shall not become involved in, or attempt to influence personnel matters, directly or indirectly that are under direction of the City Manager
- 3) Council or Council members may at times desire additional information on items of interest and may do so by forwarding those requests to the City Manager
- 4) The City Manager shall take his/her direction from the City Council only when directed in a duly noticed meeting.

d. Do not solicit political support from staff.

Elected officials should not solicit any type of political support from City staff. City employees do not surrender their constitutional rights, and may support political candidates and propositions of their choice, but all such activities must be done away from the workplace.

IV. COMMUNICATIONS BETWEEN COUNCIL AND STAFF:

Effective communication is pivotal in ensuring that both Council and staff have the ability to address an issue comprehensively and in an expedient manner. In addition to regular, comprehensive correspondence provided by the City Manager directly to the Council, additional opportunities exist where information is provided to the Council, either due to individual Council or Council member's requests or when staff needs to update the Council with critical information. However, such communications must be carefully monitored to ensure no violation of the Ralph M. Brown Act occurs.

In order to ensure that requests for information are being responded to in a timely and professional manner, and all requests for information or assistance made by individual Council members, the following guidelines shall apply:

a. Request for Information

Council request for information shall be made through the City's email system and directed to the City manager. The City Manager will forward to the appropriate senior staff member as required.

b. Magnitude of Information Request

Any request which would require more than one hour of staff time to research or prepare a response must be approved by the full Council in order to ensure that staff resources are allocated in accordance with overall Council priorities.

c. Staff Response

Staff responses to individual Councilmember inquires shall be provided via email to all members of the Council. Staff will respond to Council questions as fully and as expeditiously as possible.



AGENDA ITEM

November 8, 2016

TO: Honorable Mayor Hansen and Members of the City Council

FROM: Wayne Peabody, Interim City Manager

SUBJECT: City Council Protocol Manual

RECOMMENDATION:

By Motion, adopt the City Council Protocol Manual as presented

SITUATION (or BACKGROUND):

City staff has prepared a Draft Protocol manual to assist the City Council by documenting accepted practices and clarifying expectation. Administration of the City Council affairs is greatly enhanced by the agreement of the City Council and staff to be bound by these practices, while attempting not to be overly restrictive, procedures are established so the expectations and practices can be clearly articulated to guide Councilmembers in their actions.

This protocol manual provides a summary of important aspects of City Council activities. However. It cannot incorporate all material and information necessary for undertaking the business of the City Council. Many other laws, plans, and documents exist which bind the City Council to certain course of action and practices.

Please note, the attached manual is for narrative content only. Prior to a final document, staff intends to place photos and graphics, as well as overall formatting.

FINCIAL CONSIDERATIONS:

Minor, due to city attorney review of documents.

NOTIFICATION:

None

ALTERNATE ACTIONS:

- 1: Review and recommend changes to the City Council Protocol Manual

2: Direct staff to return with a final revised City Council Protocol Manual at a future meeting

3: Reject staff recommendation

RECOMMENDATION:

By Motion, adopt the City Council Protocol Manual as presented

Respectfully Submitted



Wayne Peabody
Interim City Manager

ATTACHMENT:

A: Draft 2016 City Council Protocol Manual



City of Willows City Council Protocol Manual



CHAPTER ONE

Introduction & Overview

As a City Councilmember, you not only establish important and often critical policies for the community of Willows, you are also a board member of a public corporation having an annual budget of several million dollars. The scope of services and issues addressed by the city organization go well beyond those frequently reported in the newspaper or discussed at City Council meetings.

1.01—Council-Manager Form of Government

The City of Willows has a Council-Manager form of government. As described in the Willows Municipal Code (WMC) and the Government Code of California, certain responsibilities are vested in the City Council and others in the City Manager. Basically, this form of government prescribes that a City Council's role is that of a legislative policy-making body which establishes not only the local laws that regulate community life, but also determines public policy and gives general direction to the City Manager to administer the affairs of the city government in a businesslike and prudent manner. (See, generally, California Government Code §§ 34000, *et seq.*, esp. §§ 34851-34859; and WMC Title 2, Chapter 2.10).

1.02—Purpose of City Council Protocol Manual

The City of Willows has prepared this Protocol Manual to assist the City Council by defining accepted practices and clarifying expectations. Administration of City Council affairs is greatly enhanced by the adherence of the City Council and staff to these practices. While attempting not to be overly restrictive, procedures are established so that expectations and practices are clearly articulated to guide Councilmembers in their actions.

1.03—Overview of Basic Documents

This Protocol Manual provides a summary of important aspects of City Council activities. However, it cannot incorporate all material and information necessary for undertaking the business of the City Council. Many other laws, plans, and documents exist which bind the City and the City Council to certain courses of action and practices. The following is a summary of some of the most notable documents that establish City Council functioning.

Basic City Governing Documents

A. Codes of the State of California

California laws contain many requirements for the operation of city government and administration of meetings of city councils throughout the state. Willows is a “general law city,” which means it operates under applicable general laws of the state. As a general law city of the State of California, Willows is vested with all the powers of incorporated cities as set forth in the California Constitution and applicable California laws. Conversely, there are a number of California cities that are “charter cities” and have adopted local provisions that establish basic governing procedures for local government. (See generally, California Government Code §§ 34000, *et seq.*).

B. Willows Municipal Code

The Municipal Code contains local laws and regulations adopted by the City Council through ordinances. Title 2 of the Code addresses the role of the City Council; describes the organization of City Council meetings; and describes the responsibilities and appointment of certain City staff positions, advisory boards, and commissions. Boards and commissions are also addressed in Title 2. In addition to these administrative matters, the Municipal Code contains a variety of laws including, but not limited to, zoning standards, health and safety issues, traffic regulations, building standards, and revenue and finance issues, and so forth.

C. Council’s Goals & Priority Projects

The City Council sets both long-term and short-term goals for the City. The goal-setting process should include a review of the previous year’s goals - including progress toward completion and updating. The City’s annual budget is then prepared and adopted with the objective of working toward completion of those goals

D. Annual Budget

The annual budget is set for each fiscal year beginning July 1 and ending June 30. It is the primary tool and road map for accomplishing the goals of the City. The budget document, along with capital planning, is the result of one of the most important processes the City undertakes. By adopting the annual budget, the City Council makes policy decisions, sets priorities, allocates resources, and provides the framework for government operations. Study sessions on the budget are generally held in May and public hearings in June with adoption

at the second City Council meeting in June.

i. *Annual Financial Audit*

The annual financial audit includes the financial statements of the City of Willows for the fiscal year. It includes the financial condition of the City as reflected in the balance sheet, the results of operations as reflected in income statements, an analysis of the uses of City funds, and related footnotes. The annual financial audit includes statements for the various groups of funds and a consolidated group of statements for the City as a whole. The City Council is responsible for hiring an independent auditor, and for reviewing and accepting the audit.

ii. *General Plan*

A state-mandated General Plan addresses the City's long-range planning needs relative to land use, transportation, economic development, and other planning elements. The City's General Plan is reviewed on an ongoing basis, but mandatory elements may be revised only four times a year; however, certain amendments necessary for affordable housing development are not subject to this limitation. (California Government Code § 65358).

iii. *Disaster Preparedness Plan (Emergency Organization and Functions)*

The City maintains a disaster preparedness plan that outlines actions to be taken during times of extreme emergency. The City Council is called upon to declare the emergency, and then the City Manager directs all disaster response activities. The City Council may be called upon during an emergency to establish policies related to a specific incident. The chain of command is as follows:

- The City Manager is the Director of Emergency Services
- The City Manager may appoint an Assistant Director of Emergency Services (WMC Chapter 2.55; §2.55.010 et seq.)

Orientation of New Members— 1.04

It is important for the members of the City Council to gain an understanding of the full range of services and programs provided by the City. As new members join the City Council, the following orientation will be provided to each member in a timely manner.

1. The City Manager will host an orientation program to distribute this manual, along with other materials deemed pertinent, outlining City policies and protocols.
2. The City Manager will facilitate a meeting with the City Attorney for conflict-of-interest training, review of current legal matters and review of parliamentary procedure.
3. The City Manager will arrange a meeting with Personnel prior to the first pay period to cover information reviewed with all City employees.
4. The City Manager will arrange meetings with Department Heads to be briefed on current projects within his/her Department and to tour City facilities.
5. The City Manager's office staff will arrange a meeting for a briefing on various aspects of City Hall, including, but not limited to, travel procedures, email, phone service, etc.
6. The City Manager will provide information for attendance at the League of California Cities' New Mayors and Council Members Academy.



CHAPTER TWO

Council General Powers & Responsibilities

2.1—Willows City Council, Generally

Fundamentally, the powers of the City Council are to be utilized for the good of the community and its residents, and to provide for the health, safety, and general welfare of the residents. The City Council is the policy-making and law-making body of the City. State law and local ordinances define the powers and responsibilities of the Council.

It is important to note that the Council acts as a body. No member has any extraordinary powers beyond those of other members. While the Mayor has several additional ceremonial and presiding officer duties as described below, all Council members are equal in all other respects. It is also important to note that policy is established by a majority vote of no less than three (3) members of the Council. While individual members may disagree with decisions of the majority, a decision of the majority binds the City and the Council to a course of action. Councilmembers should respect adopted Council policy. In turn, it is staff's responsibility to ensure the policy and direction set by the Council is upheld.

The actions of staff to pursue the policy direction established by a majority of Council do not reflect any bias against dissenting Councilmembers.

A. Council Non-Participation in Administration

In order to uphold the integrity of the Council-Manager form of government and to provide proper checks and balances, members of the City Council shall refrain from becoming directly involved in the administrative affairs of the City unless directed by a majority of the Council to participate in a directive or project. As the Council is the policy-making body and the maker of local laws, its involvement in enforcement of ordinances and daily operations would lead to confusion, misunderstandings, and dilution of the powers and responsibilities of the Council and City staff.

2.2—Role of Councilmembers

Members of the Willows City Council are collectively responsible for establishing policy, adopting an annual budget, and providing vision and goals to the City Manager. The following outline is a brief description of the various duties of Councilmembers. The description is not intended to be comprehensive, but rather it is an effort to summarize the primary responsibilities of the Council.

Summary of Council Duties and Responsibilities as provided in, but not limited to, State Law

1. Councilmembers, as a group, serve as the:

- a. City Council
- b. City of Willows Joint Powers Financing Authority
- c. Personnel Appellate Board

2. Establish Policy, through motion, resolution or ordinance to, for example:

- a. Adopt annual goals and objectives
- b. Establish priorities for public services
- c. Adopt/amend the operating and capital budgets
- d. Establish all City policies
- e. Establish and amend the Willows Municipal Code.

3. Enact Local Laws

- a. Adopt ordinances

4. Supervise Appointed Officials

- a. Appoint City Manager and City Attorney
- b. Evaluate performance of City Manager and City Attorney
- c. Establish boards, commissions, committees and task forces
- d. Make appointments to such bodies
- e. Provide guidance to advisory bodies

5. Make Decisions, Give Direction

- a. Study problems
- b. Review alternatives
- c. Determine best course of public policy

2.3—Role of the Mayor

A. Presiding Officer

The Council selects the Mayor by a majority vote each year at the first meeting in December. The Mayor shall preside over all meetings of the Council. The agenda shall be prepared by the City Manager in consultation with the Mayor. The Mayor calls all special meetings. The Mayor shall participate in all deliberations of the Council in the same manner as any other member, and is expected to vote in all proceedings unless a conflict of interest exists. During Council proceedings, the Mayor facilitates discussion, gauges direction, and listens for a consensus of the Council prior to calling for a vote on a motion. The Mayor does not possess any power of veto. State law allows the Mayor to move or second a motion. As a matter of Willows tradition, the Mayor typically does not make a motion and will only second a motion in rare and unusual circumstances. (California Government Code §§ 36801–36815.)

(It is a usual and traditional power of the presiding officer to make appointments to committees, boards and commissions. It is also usual and customary for the presiding officer to seek a consensus of the governing body on appointments to boards and commissions, and sometimes committees.)

B. Ceremonial Representative and Other Duties of the Mayor

The responsibility to act as the City Council's ceremonial representative at public events and functions has been assigned to the Mayor. In the Mayor's absence, the Vice-Mayor shall perform the ceremonial role. However, all Councilmembers are encouraged to participate. The Mayor may initiate and execute certificates of appreciation and recognition, and Council approved proclamations.

2.4—Vice-Mayor, Absence of Mayor and Councilmembers

In the absence of the Mayor, the Vice-Mayor shall perform the duties of the Mayor. The Council selects the Vice-Mayor by a majority vote each year at the first meeting in December. When both the Mayor and Vice-Mayor are absent, the Mayor will designate another Councilmember to serve as Acting Mayor who shall, for the term of such absence, have the powers of the Mayor.

2.5—Resignation of Mayor or Vice-Mayor

If the Mayor or Vice-Mayor resigns, the City Council will select a new Mayor or Vice-Mayor.

2.6—Emergency Response

The City Council may proclaim the existence of an emergency. If the City Council is not in session, the Director of Emergency Services may proclaim the existence of an emergency, which proclamation the Council shall ratify within seven (7) days thereafter. (Willows Municipal Code 2.55.060.)

2.07--Appointment of Officers

The City Council is responsible for appointing two positions within the City organization--the City Manager and the City Attorney. The City Manager and the City Attorney serve at the pleasure of the Council. The City Manager is responsible for all personnel within the City organization.

Boards, Commissions, Committees and Task Forces—2.08

A. Appointments Made by the Council

Boards, commissions, committees, and task forces provide a great deal of assistance to the Willows City Council when formulating public policy and transforming policy decisions into action. The City has several standing boards, commissions and committees. In addition, special purpose task forces are often appointed by the City Council to address specific issues of interest on a limited duration basis. These ad hoc committees are dissolved upon completion of the intended task. Committees and task forces are purely advisory to the Council and, in some situations, staff. Commissions have final decision-making authority, subject to appeal to the City Council, but may also serve in an advisory capacity in certain situations.

The procedures established in this Manual reflect the policy of the City Council regarding the appointment of volunteer citizens to the various bodies of the City. The establishment of these procedures ensures that well-qualified, responsible, and willing citizens are given the opportunity to serve the City and participate in the governance of their

community.

The City Council is specifically empowered to create all boards, commissions, committees and task forces, as the Council deems necessary or advisable. In the exercise of this power, it is the desire of the City Council to establish a consistent policy in its decision-making role to fairly and equitably evaluate those citizens of the community who demonstrate a desire to serve on such boards, commissions, committees, or task forces. (Willows Municipal Code, Title 2.)

For full-term vacancies, the filing period is as determined by Ordinance. For all vacancies, the City Clerk will:

- 1.** Advertise vacancies.
- 2.** Invite the incumbents whose terms are expiring to consider being reappointed.
- 3.** Accept applications.
- 4.** Prepare interview packets for Councilmember Subcommittee review prior to the Council Subcommittee interview period, including: 1) A list of current membership; 2) A list of current vacancies and term expirations; 3) A summary of the duties and responsibilities of the vacant position on the Commission or Committee; and 4) The applications.

B. *Council Action*

- 1.** The City Council will appoint a two-person Council Member subcommittee to review applications and conduct interviews of each applicant and make recommendations to the full Council for appointment(s) at an open and noticed meeting of the Council. The Council reserves the right to make appointments without the subcommittee conducting interviews.
- 2.** After each applicant or member is evaluated, the Council will deliberate and reach a decision at its earliest convenience.
- 3.** The City Clerk will notify each applicant of the decision of the Council and provide the new members a copy the City Commission/Committee Handbook (if applicable), along with any other pertinent materials required to serve on the Commission/Committee.

4. All full-Council deliberations and actions to appoint members to boards, committees and commissions are subject to the Ralph M. Brown Act (state open meetings act), and as such, must be noticed and open to the public.

C. Resignations

Vacancies occurring in the middle of a term shall be filled by appointment for the unexpired portion of the term in the same manner provided herein for initial appointment

D. Councilmembers' Roles and Relationships with City Bodies

1. Because the Council has the ability to review decisions made by the commissions and recommendations made by committees and task forces, commissions, committees, or task forces concurrent with their term of office.
2. Unless specifically authorized by a majority vote of a quorum of the Council, no Councilmember shall be authorized to testify before or direct the work of any board, commission, committee or task force of the City.
3. If a Councilmember is testifying in such a capacity pursuant to the above provision, testimony should be undertaken in such a manner as to assure public confidence in the decision-making process and avoid the appearance of bias, prejudice, or improper influence. Toward this purpose, the following protocol should be observed:
 - a. Councilmembers shall not testify in matters pending before any commission, committee, or task force that will receive, or could potentially receive, future appeal or review before the City Council. Violation of this protocol shall require the Council- member to disqualify him- or herself from participating in any appeal or review proceedings before the City Council.
 - b. Except in matters directly involving personal interests, Councilmembers, in their capacity as private residents, should abstain from providing testimony or influencing decisions in matters pending before any City board, commission, committee or task force that will receive,

or could potentially receive, future review or other action before the Council. Where a Councilmember elects to provide such testimony, the following rules shall apply:

- (i) The Councilmember shall declare at the outset and upon the record that the Councilmember is present in his or her private capacity as an interested resident, and not on behalf of or at the request of the City Council.
- (ii) The Councilmember shall refrain from stating or implying that the Council- member's position or opinion is that of the City Council.
- (iii) The Councilmember shall refrain from directing City staff or the advisory body to take any action on behalf of the Councilmember.
- (iv) The Councilmember shall observe any rules of procedure or protocol that apply to any other private resident testifying before the advisory board.
- (v) The Councilmember shall disqualify him or herself from participating in the matter should it come before the Council for review and/or decision.

E. City Board, Commission and Committee Members' Roles and Relationships with other City Bodies.

1. Because commissions and boards may at times review the recommendations of other com- missions and committees, commissioners and board members shall not be appointed to other City boards, commissions or committees concurrent with their terms of office.
2. To assure public confidence in the decision-making process and avoid the appearance of bias, prejudice, or improper influence, members of boards, commissions, committees and task forces shall observe the following protocol:

- a. Ordinarily the decision of a board, commission, committee or task force is conveyed to other City bodies or the City Council through the designated staff liaison to the City's other boards, commissions, committees, and task forces.

If, however, a board, commission, committee or task force believes its decision requires explanation, or will generate questions by the members of the body to which the decision is being referred, that board, commission, committee or task force may, by formal action of the body, designate one of its members to appear as a representative before the body to which the decision is referred. The designated representative will be allowed to deliver the decision of his or her board, commission, committee or task force and answer questions by participating in the delivery of the staff report to the other body.

- b. When an appointed member of a board, commission, committee or task force elects to provide personal testimony to another City body or the City Council, the following rules shall apply:

- (i) The member shall declare at the outset and upon the record that the member is present in his or her private capacity as an interested resident, and not on behalf of or at the request of the body to which he or she is appointed.

- (ii) The member shall refrain from stating or implying that the member's position or opinion is that of the body to which he or she is appointed.

- (iii) The member shall refrain from directing City staff or the body to which he or she is appointed to take any action on behalf of the member.

- (iv) The member shall observe any rules of procedure or protocol that apply to any other private citizen testifying before the City bodies or the City Council.

- (v) Members of boards and commissions who chose to provide personal testimony before other City bodies may be required to disqualify themselves from participating in that matter should it come before his or her board or commission for review and/or decision if issues of bias

would prevent the board or commission from impartial decision-making.

Service on Outside Boards—2.09

Councilmembers are often requested to serve on outside boards, councils, commissions, or committees. This type of representation serves to facilitate communication and provide interaction with other governmental bodies. The City Council appoints members to some of these groups on an as-needed or as-requested basis.

Councilmembers participating in policy discussions at regional meetings will represent the consensus of the Council, except where regional appointment requires regional opinion. Councilmembers may speak before other entities outside the City, but should identify whether they are appearing as a representative of the City. Personal positions, when given, will be identified and not represented as the position of the City. Assignment and direction of staff in relation to regional meetings are at the discretion of the City Manager.

Incompatibility of Offices—2.10

In general, California law prohibits public officials from simultaneously holding more than one public office when the functions or responsibilities of the two offices have the potential for overlapping. This prohibition arises from a concern over the potential clash of two public offices held by a single official. The Legislature may, however, expressly authorize through legislation the holding of two offices notwithstanding the fact that the dual holding would otherwise be prohibited. For example, the Legislature has exempted local agency formation commissions, the Coastal Commission, joint powers agencies, and transportation corridor agencies from this prohibition against holding incompatible offices.



CHAPTER THREE

Support

Provided to City Council

3.1—Staff/Clerical Support

Staff and administrative support to members of the City Council is provided through the City Manager's Office. Secretarial services provided include distributing mail and email, scheduling appointments and receiving messages. All other Council requests for staff services are made by request to the City Manager or Assistant City Manager who will assign the appropriate staff member. Sensitivity to the workload of support staff is appreciated and turnaround time will vary depending on current work assignments.

3.2—Office Equipment

To enhance Councilmembers' service to the community and their ability to communicate with staff and the public, the City offers Councilmembers a "cityofwillows.org" email address and meeting facilities for City business.

It is important to note that all letters, memoranda, and interactive electronic communication (email; text) involving City Councilmembers and members of advisory boards and commissions, the subject of which relates to the conduct of government or the performance of any governmental function, with a few exceptions specified in the Public Records Act, are public records.

A. Business and Personal Use of City Equipment

The City's electronic equipment and information systems are intended for professional business use by a Councilmember in the performance of their duties. Personal use of City equipment is prohibited.

B. Photocopy Machines and Other Equipment

1. Photocopy Machines. Councilmembers are provided use of the photocopier for City business.
2. Other equipment. Except as provided herein, in no event shall a Councilmember take City property to his or her home.

C. Political Use

It is a violation of the law to use public resources for political purposes. "Public resources" includes, but is not limited to, office space, staff time, communications equipment and facilities, office equipment and supplies, and so forth. Government Code § 8314, et seq, and Penal Code § 424, et seq, provide for both civil and criminal penalties for violations, up to and including felonies which could lead to imprisonment.

Meeting Rooms—3.03

Councilmembers may utilize the meeting rooms, including the conference room located at City Hall. Use of the meeting rooms may be scheduled through the City Manager's Office.

Mail Deliveries—3.04

Members of the City Council receive mail and other materials that are delivered primarily through the use of City Council folders located in the City Council's office. The City Manager's staff disseminates mail to individual Council folders. Staff does not open mail addressed to individual Councilmembers. General correspondence addressed to Councilmembers as a whole will be opened, copied and placed in each Councilmember's folder.

Councilmembers are encouraged to check folders often. In addition, City staff will email, telefax or personally deliver time-sensitive materials to a Councilmember's home or office, if appropriate.



CHAPTER FOUR

Financial

Matters

4.01—Council Compensation

The Municipal Code provides for payment of a modest honorarium to members of the City Council. State law sets the level of compensation. (California Government Code § 36516 and Willows Municipal Code, Title 2, Chapter 2.05.010.)

4.02—Budget

The annual City budget includes appropriations for expenses necessary for Councilmembers to perform official City business. Funding provided includes membership in professional organizations, attendance at conferences or educational seminars, and purchase of publications and office supplies.

4.03—Financial Disclosure

Candidates for the office of Councilmember shall file Statements of Economic Interests (Fair Political Practices Commission Form 700) with the City Clerk together with the candidate's nomination papers. (California Government Code §§ 87201 and 87202.) Councilmembers must file Statements of Economic Interests (FPPC Form 700) within 30 days of assuming or leaving office, and every year while in office covering the previous 12 months, or the period since the previous statement was filed under Government Code § 87202 or 87203. (California Government Code § 87201–87204.)

Statements of Economic Interests are available for public inspection.



CHAPTER FIVE

Communications

5.01—Overview

Perhaps the most fundamental role of a Councilmember is communication—communication with the public to assess community opinions and needs; communication to share the vision and goals of the City with constituents; and communication with staff to provide policy direction and to gain an understanding of the implications of various policy alternatives.

Because the City Council performs as a body (that is, acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking for the Council. Equally important, when members are expressing personal views and not those of the Council, the public should be so advised.

5.02—Correspondence from Councilmembers

Members of the City Council will often be called upon to write letters to residents, businesses, or other public agencies. Typically, the Mayor will be charged with transmitting the City's position on policy matters to outside agencies on behalf of the City Council. Individual members of the Council will often prepare letters for constituents in response to inquiries, or to provide requested information. City letterhead is available for this purpose and staff can assist in the preparation of such correspondence.

On occasion, Council members may wish to correspond on an issue on which the Council has yet to take a position, or about an issue for which the Council has no position. In these circumstances, members should clearly indicate that they are not speaking for the City Council as a whole, but for themselves as one member of the Council. City letterhead

and office support may be utilized in these circumstances. It should be noted that California ethics rules require that, in order to render “honest services,” members of governing bodies should retain an open mind on issues coming before the agency. The rules indicate that members should not have their minds made up in advance of the issue being heard by the full Council and, if the member has publicly expressed a position in advance, the member should consider whether he or she can render an unbiased vote or whether disqualification is appropriate.

Councilmembers may occasionally be asked to prepare letters of recommendation for community members seeking employment or appointment. It is inappropriate for Councilmembers to make a recommendation or utilize City letterhead or their Council titles for such letters without approval of the majority of Council.

5.03—Local Ballot Measures

At times, initiatives that affect City Council policy may be placed on the ballot. There are restrictions regarding what actions the City may take on ballot measures. Specifically, state statutes prohibit the City from using its personnel, equipment, materials, buildings, or other resources to influence the outcome of elections. What the City can do is distribute informational reports or pamphlets for the purpose of informing the public of the facts of an issue.

Proclamations—5.04

Proclamations are issued by the City Council as a ceremonial commemoration of an event or issue. Proclamations are not statements of policy. Proclamations are a manner in which the City can make special recognition of an individual, event, or issue.

California Public Records Act—5.05

To ensure that public disclosure of communications submitted to and by elected and appointed officials complies with the California Public Records Act and the Ralph M. Brown Act, the City has the following guidelines:

A. *Communications, Generally*

All letters, memoranda, and electronic communications involving City Councilmembers and members of boards, commissions, committees and task forces, containing information relating to the conduct of the public’s business may be public records

and subject to public disclosure, with a few exceptions as outlined in the Public Records Act. Public requests for copies of such communications are initiated with the City Clerk, who has the responsibility for processing such requests.

B. Written Communications

Written letters and memoranda received by the City referring to a specific agenda item, addressed to a Councilmember or the Council as a body, will be photocopied and provided to all City Councilmembers and the public, and a copy kept according to the City's Records Retention Schedule.

C. Electronic Communications

1. Informal messages that do not contain information relating to the conduct of the public's business and are not prepared, owned, used, or retained by the City do not constitute a public record. Users should delete these messages once their administrative purpose is served.
2. All other messages that relate to the conduct of the public's business constitute a public record. Such records are subject to public inspection and copying unless specifically exempted from disclosure; users may either print a copy of the record and create hard copy file for retention according to the City's Records Retention Schedule, or create an electronic subject folder to retain it in accordance with the City's Records Retention Schedule.
3. Email communications that are intended to be shared among three or more Councilmembers, whether concurrently or serially, must be considered in light of the Ralph M. Brown Act (state open meetings act). If the intended purpose of the email is to create a collective concurrence, the electronic discussion should not occur.
4. Email should be used cautiously when seeking legal advice or to discuss matters of pending litigation or other "confidential" City business. In general, email is discoverable in litigation, and even deleted email is not necessarily removed from the system. Confidential email communications should not be shared with individuals other than the intended recipients or the attorney-client privilege protecting the document from disclosure may be waived.
5. Email between Councilmembers and between Councilmembers and staff shall not be transmitted to the public or news media without the submission of a public records request with the City Clerk.

6. Email shall not be used for personal use since conventional City email addresses include the City's "return address."



CHAPTER SIX

Conflicts of Interest

Ethics, AB 1234 Ethics Training—6.01

The City maintains a commitment to conducting business according to the highest achievable ethical standards. Recognizing that ethical dilemmas may arise and that public officials must make difficult choices after careful consideration of competing public, personal and/or private interests at stake, the Council has adopted a code of ethical conduct within the Administrative Procedure and Policy Manual. (AP&P 10-1.)

State law (California Government Code § 53235, *et seq.*) requires public officials to complete two hours of training in ethics principles and laws every two years.¹ In addition to Councilmembers, Willows requires the training of all of its Planning Commissioners, its City Manager, its department directors, some of its mid-managers, and members of the Economic Development Committee. Additionally, the City Council encourages all other committee and board members to complete the training. Alternatively, the League of California Cities offers AB 1234 training, often in conjunction with League conferences or other training workshops, and online training is offered through the Fair Political Practices Commission. Certificates of course completion are kept on file by the City Clerk.

Conflicts of Interest—6.02

There are numerous sources of conflicts of interest that may require a Councilmember to disqualify himself or herself from participating in decision-making. The Political Reform Act (PRA) controls financial conflicts of interest of public officials. The PRA is one of the most complicated laws affecting local government. This law is implemented and enforced by the Fair Political Practices Commission (FPPC) which has issued comprehensive implementing regulations. To understand the PRA's impact on a Councilmember's actions, it is suggested that members discuss the law and potential conflicts with the City Attorney or a private attorney.

In general, under the PRA, public officials are prohibited from making, participating in or in any way attempting to use their official position to influence a governmental decision in which they know or have reason to know they, or members of their immediate family, have a personal financial interest. (California Government Code § 87100.) A "public official" is defined as including every member, officer, employee or consultant of the state or local government agency. (California Government Code § 82048.)

A. *Conflict of Interest Code*

The City is required to adopt and maintain a Conflict of Interest Code. This code is adopted as Resolution No 45-2008. Under state law, the code must be reviewed every two years and amended as

¹ This Manual cannot fully discuss all conflict of interest rules governing a public servant's service, so all Councilmembers are strongly encouraged to pay special attention to AB 1234-required ethics classes as well as other ethics training that may be available.

circumstances change. The City's code must be consistent with minimum requirements of the PRA. (California Government Code §§ 87300-87313.)

B. Disqualification and Disclosure

When the agenda item is called, a City Councilmember who has a conflict of interest is required to publicly state that a conflict of interest exists, describe the nature of the economic interest giving rise to the conflict, disqualify himself or herself, and leave the room. Ideally, Councilmembers will become familiar enough with the sources of conflicts to determine in advance whether disqualification is necessary. However, if a Councilmember becomes aware of a potential conflict only during the meeting, it is perfectly appropriate for the Councilmember to ask for a break in order to discuss the matter with the City Attorney. If any Councilmember questions a potential conflict of interest related to another Councilmember, a recess may be called at the request of the Councilmember who may have a conflict to allow discussion of the issue with the City Attorney to determine if there is a conflict. If the Councilmember decides a conflict exists, that Councilmember may not participate in any aspect of the decision making, including discussing the matter with City staff. When a conflict of interest arises involving a matter on the consent calendar portion of the agenda, the Councilmember is not required to leave the room, unless that item is pulled from the consent agenda for separate discussion.

C. Legally Required Participation

In the event that a decision cannot be made because a majority of the Council is disqualified due to conflicts of interest, the PRA allows the minimum number of Councilmembers necessary to constitute a quorum to return and participate in the decision to the minimum extent required. The Councilmembers permitted to participate must be chosen through a random process. (California Government Code § 87101.)

D. Advice on Conflict of Interest

The City Attorney may provide advice to a Councilmember about the existence of a conflict of interest. However, advice given by the City Attorney does not protect the Councilmember from an enforcement action by the FPPC. A Councilmember may seek a formal written opinion from the FPPC on a particular set of facts. Such an opinion letter would provide protection from an enforcement action arising under the same set of facts.

E. Other Sources of Conflict

In addition to the PRA, state law prohibits Councilmembers from entering into contracts with the City. (California Government Code § 1090.) In general, this type of conflict is not subject to remedy through the disqualification of the interested Councilmember, but the contract entered into is entirely void. There are, however, numerous exceptions to this provision that would allow the Council to enter into certain contracts after disqualification of the interested Councilmember, and those should be reviewed with the City

Attorney on a case-by-case basis. (California Government Code § 1090.)

F. *Revolving Door Policies*

For a period of one year after leaving office, state law prohibits Councilmembers and chief administrators from acting as an agent or attorney for any other person by appearing formally or informally, orally or in writing, before the Council or any of its commissions, or committees if the appearance or communication is made for the purpose of influencing administrative or legislative action, or influencing any action or proceeding involving the issuance of, amendment to, award of, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property. (California Government Code § 87406.3).

CALIFORNIA FORM 700 <small>STATEMENT OF ECONOMIC INTERESTS A PUBLIC DOCUMENT</small>	STATEMENT OF ECONOMIC INTERESTS COVER PAGE	<small>Major Revision 2013, 2012, 2011, 2010</small>
<small>PLEASE PRINT OR TYPE OR PRINT OR TYPE</small>		
<small>NAME OF FILER</small>	<small>CITY</small>	<small>COUNTY</small>
1. Office, Agency, or Court		
<small>Agency Name</small>		
<small>Division, Board, Department, District, if applicable</small>		<small>Your Position</small>
<small>* Fill in for multiple positions, list titles or an attachment.</small>		



CHAPTER SEVEN

Interaction with City Staff

City Council policy is implemented through dedicated and professional staff. Therefore, it is critical that the relationship between Council and staff be well understood by all parties so policies and programs may be implemented successfully. To support effective relationships, it is important that roles are clearly recognized.

Council-Manager Form of Government—7.02

Willows has a Council-Manager form of government. Under this form, the City Council's role is to establish City policies and priorities. The Council appoints a City Manager to implement those policies and direction, and to undertake the administration of the organization.

The City Manager is appointed by the City Council to enforce its laws, to direct the daily operations of City government, to monitor the principal budget, and to implement the policies and programs initiated by the City Council. The City Manager is responsible to the City Council, rather than to individual Councilmembers, and directs and coordinates the various departments. The City Manager is responsible for appointing all department directors and authorizing all other personnel positions. The City Council authorizes positions through the budget process; based upon that authorization, the City Manager makes the appointments.

The Council-Manager form of government is outlined in the Willows Municipal Code and California Government Code. The powers and duties of the City Manager include:

- Generally supervise over the administrative affairs of the City
- Appoint and remove any department director level position(s), except the City Attorney
- Attend all meetings of the Council at which the Manager's attendance may be required by that body
- See that all laws and ordinances are faithfully executed, subject to the authority which the Council may grant the City Manager to maintain law and order in times of emergency
- Recommend for adoption by the Council such measures as the Manager may deem necessary or expedient
- Prepare and submit to the Council such reports as may be required by that body, or as deemed advisable to be submitted
- Keep the Council fully advised of the financial condition of the City and its future needs

- Submit to the Council a proposed budget for the fiscal year, and be responsible for its administration upon adoption
- Perform such other duties as the Council may determine by ordinance or resolution
- Implement and administer City Council policy

7.03—Non-Interference by City Council

The City Council is to work through the City Manager when dealing with administrative services of the City.

A Councilmember shall not become involved in, directly or indirectly, or attempt to influence personnel matters that are under the direction of the City Manager. No member of the Council shall, by suggestion or otherwise, attempt to influence or coerce the City Manager concerning appointments to City offices or employment. Nor shall the City Council be involved in, or influence, the purchase of any supplies beyond the requirements of the City's procurement code/procedures.

Except for the purpose of inquiry, the Council and its members will deal with the administrative service solely through the City Manager or designee, and neither the Council nor any commission, committee or member of a board shall give an order to, try to influence, coerce or direct, either formally or informally, any subordinate of the City Manager.

Violations of the provisions of this section by any of the above persons, if reported by any staff to the City Manager, will be brought forth to the entire City Council for review. The Council, on a case-by-case basis, will establish what, if any, corrections and/or sanctions are appropriate. See Chapter 9, § 9.03 of this manual.

7.04—City Council/City Manager Relationship

The employment relationship between the City Council and City Manager honors the fact that the City Manager is the chief executive officer of the City. All dealings with the City Manager, whether in public or private, should respect the authority of the City Manager in administrative matters. Disagreements should be expressed in policy terms, rather than in terms that question satisfaction with or support of the City Manager.

The City Manager respects and is sensitive to the policy responsibilities of the City Council and acknowledges that the final responsibility for establishing the policy direction of the City is held by the City Council.

A. *Performance Evaluation*

The City Council is to evaluate the City Manager on no less than an annual basis to ensure that both the City

Council and City Manager are in agreement about performance and goals based upon mutual trust and common objectives. The City Manager's performance is evaluated in the following areas: Leadership, teamwork, job knowledge, attitude, accountability, delegation, communication, problem-solving skills, quality of service, safety/risk-taking, implementation and administration of adopted Council policy.

City Council/City Staff Relationship—7.05

City Councilmember contact with City staff members, inclusive of the City Manager, will be during regular business hours, except in the case of an emergency.

City Council/City Attorney Relationship—7.06

Pursuant to recommendation of the City Manager, the City Council shall make provision for obtaining legal counsel for the City, either by appointment of a City Attorney on a full-time or part-time basis, or by any reasonable contractual arrangement for such professional services. The City Attorney is a contract employee appointed by the City Council. The City Attorney is the legal advisor for the Council, its committees, commissions and boards, the City Manager, and all City officers and employees with respect to any legal question involving an official duty or any legal matter pertaining to the affairs of the City. The general legal responsibilities of the City Attorney are to:

1. Provide legal assistance necessary for formulation and implementation of legislative policies and projects;
2. Represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations, and similar proceedings;
3. Prepare or approve as to form agendas, ordinances, resolutions, contracts, and other legal documents to best reflect and implement the purposes and intentions of the City Council; and
4. Keep City Council and staff apprised of court rulings and legislation affecting the legal interests of the City.

It is important to note that the City Attorney does not represent individual members of the Council, but rather the City itself through the City Council as a whole. Accordingly, with the exception of conflict of interest inquiries, in questions involving pending or upcoming matters, or protocol and procedure, the City Attorney's services are engaged and directed through the majority of the Council. Individual Councilmembers may seek advice or assistance from the City Attorney on other matters while exercising their best judgment on the most efficient and appropriate use of his/her resources. The City Attorney's performance is reviewed as provided by the services retention contract.

A. Council Roles

The full City Council retains the authority to accept, reject, or amend the staff recommendation on policy matters.

Members of the City Council must avoid intrusion into those areas that are the responsibility of staff. Individual Councilmembers may not intervene in staff decision making, the development of staff recommendations, scheduling of work, and executing department priorities without the prior knowledge and approval of the City Council as a whole. This is necessary to protect staff from undue influence and pressure from individual Councilmembers, and to allow staff to execute priorities given by management and the Council as a whole without fear of reprisal. If a Councilmember wishes to influence the actions, decisions, recommendations, workloads, work schedule, or priorities of staff, that member must prevail upon the Council to do so as a matter of Council policy.

B. Access to Information

The City Manager is the information liaison between the Council and City staff. Requests from Councilmembers for information are to be directed to the City Manager and will be responded to promptly. The information requested will be copied to all members of the Council so that each member may be equally informed. The sharing of information with the City Council is one of the City Manager's highest priorities.

There are limited restrictions controlling when information cannot be provided. The City is legally bound not to release certain confidential personnel information. Likewise, certain aspects of police department affairs (e.g., access to restricted or confidential information related to crimes) may not be available to members of the City Council.

C. Staff Roles

The Council recognizes the primary functions of staff as executing Council policy and actions taken by the Council, and keeping the Council informed. Staff is obligated to take guidance and direction only from the City Manager or respective Department Head. This direction follows the policy guidance of the City Council as a whole. Staff is directed to reject any attempts by individual Councilmembers to unduly direct or otherwise pressure them into making, changing, or otherwise influencing recommendations.

City staff will make every effort to respond in a timely and professional manner to all requests for information or assistance made by individual Councilmembers provided that, in the judgment of the City Manager, the request is not of a magnitude, either in terms of workload or policy, that it would be more appropriately assigned to staff through the direction of the full City Council.

Dissemination of Information—7.08

In addition to periodic memoranda written by the City Manager directly to the City Council concerning all aspects of City operations (exclusive of confidential personnel issues), all Councilmembers receive copies of all correspondence received by the City Manager that will assist them in their policy-making role. The City Manager also provides other documents to the Council on an occasional basis, such as status reports, executive summaries, and agendas of all City commission and committee meetings and weekly senior staff meetings.

A variety of methods are used to share information with the Council. Workshops and study sessions are held to provide detailed presentations of matters. The City Manager's open-door policy allows individual Councilmembers to meet with the Manager on an impromptu or one-on-one basis

Magnitude of Information Request—7.09

Any information, service-related needs, or policy positions perceived as necessary by individual Councilmembers that cannot be fulfilled based upon the above guidelines should be considered as an item for the agenda of a City Council meeting. If so directed by an action of the Council, staff will proceed to complete the work within a Council-established timeline.

Staff Relationship to Advisory Bodies—7.10

Staff support and assistance may be provided to the City's boards, commissions, committees and task forces. These bodies, however, do not have supervisory authority over City employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and, ultimately, the City Manager. The members of the commissions, boards, or committees are responsible for the functions of the advisory body. The chairperson is responsible for committee compliance with the municipal code and/or committee bylaws. Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations.

Staff support includes: (1) preparation of a summary agenda and appropriate notice after approval by the chairperson; (2) preparation of reports providing a brief background of the issues, a list of alternatives, recommendations, and appropriate backup materials, if necessary; and (3) preparation of minutes of advisory body meetings. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues.

Advisory bodies wishing to communicate recommendations to the City Council shall do so through adopted Council agenda procedures as outlined in § 8.06(B) of this manual. In addition, when an advisory body wishes to correspond with an outside agency, correspondence shall be reviewed and approved by the City Council.

7.11—Restrictions on Political Involvement by Staff

Willows is a nonpartisan local government. Professional staff formulates recommendations in compliance with Council policy for the good of the community, not influenced by political factors. For this reason, it is very important to understand the restrictions of political involvement of staff.

By working for the City, staff members do not surrender their right to be involved in political activities. Employees may privately express their personal opinions. They may register to vote, sign nominating or recall petitions, and they may vote in any election.



CHAPTER EIGHT

City Council Meetings

The City Council’s collective policy and law-making powers are put into action at the Council meetings. It is here that the City Council conducts its business. The opportunity for citizens to be heard, the availability of local officials to the residents, and the openness of Council meetings all lend themselves to the essential democratic nature of local government.

Meeting Schedule—8.01

Regular City Council meetings are held the second and fourth Tuesdays of each month at 7:00 p.m., in the Council Chamber, 201 N Lassen, Willows.

Public Notice of Meetings and Hearings—8.02

Pursuant to the California Government Code, cities are charged with establishing a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming council meeting. The procedure followed by the City of Willows is as follows:

A. Notices

Except where a specific means of notifying the public of a public hearing is otherwise provided by law or ordinance, notice of upcoming public hearings before the City Council or the City’s boards and commissions shall be given by one publication of a notice containing the time, place, date, subject, and body before whom the hearing is to be held, in the City’s official newspaper consistent with state law.

B. Preliminary Agenda for City Council Meeting

The public shall be notified of the agenda for the forthcoming regular City Council meeting by the posting of a copy of the agenda in the following public places in the City at least 72 hours in advance of a regular meeting and 24 hours in advance of a special meeting:

- Entrance door to Willows City Hall
201 N Lassen St
Willows, California 95988
- On the City’s Website at www.CityofWillows.org

A copy of the agenda will also be made available to the public as follows:

- Willows Public Library
201 N. Lassen St., Willows California

C. Duties of City Clerk

The City Clerk is directed to publish notices, prepare copies, post and distribute agendas as required by the California Government Code.

8.03—Emergency Meetings

State Law permits the Council to hold an emergency meeting without providing advance 24-hour notice when prompt action is necessary due to the disruption or threatened disruption of public facilities during an emergency situation. Emergency situations are those matters immediately affecting the public health, safety and welfare of the community. (California Government Code § 54956.5.)

8.04—Special Meetings

Special meetings may be called by the Mayor or, in the absence of the Mayor, by the Vice-Mayor or Acting Mayor. Additionally, a majority of the members of the Council may call a special meeting, provided that the majority has not engaged in substantive consideration of the proposed special meeting agenda item(s) at a non-noticed meeting. Generally, the City Clerk will prepare a notice of special meeting to be signed by the Mayor, or all members of the majority, calling the special meeting, and will provide written notice as least 24 hours in advance to each member of the Council, local newspaper of general circulation, and radio or television station which has on file with the City a written request to be notified of special meetings. The special meeting notice will also be posted on the City's website. The call and notice shall specify the time and place of the special meeting and the business to be transacted.

The notices provided in this section may be dispensed with in the event a meeting is called to deal with specified types of extreme emergencies when prompt action is necessary due to the disruption or threatened disruption of public facilities.

Public comment is invited during a public hearing before or during consideration of any item on the agenda. Public comment is appropriate during regular meetings on any matter within the jurisdiction of the City Council, but public comment during special meetings is limited to matters on the agenda.

For special meetings, only those items specifically listed on the agenda may be discussed, considered, or decided.

Placing Items on the Agenda—8.05

A. City Council Agenda Planning

Any Councilmember may request that the Mayor placed an item on a future City Council agenda by doing so during a regular, noticed City Council Meeting and there must be a consensus of the Council to place the item on a future agenda. If the Council agrees to the placement of the item on a future agenda, the requesting Councilmember must provide the following information to the City Manager before the item will be placed on an agenda for consideration:

1. A substantive outline or summary of the information that they would like to be presented to the Council;
2. A concise statement of the specific action the Council will be asked to take on the item; and,

All matters to be presented to the City Council at its regular meetings are reviewed by the Mayor and City Manager. The item shall be placed on the agenda as soon as possible with consideration for scheduling issues.

B. Emergency or Other Items Added to the Agenda

Emergency items may be added to an agenda in accordance with state law. The reason(s) for adding an emergency item to the agenda shall be announced publicly at the meeting, and the issue shall be included in the minutes of the meeting. Adding emergency items to an agenda at the meeting requires a 4/5ths vote by the Council after determining that there is need to take immediate action and that the need for action came to the City's attention after posting of the agenda. (California Government Code § 54954.2(b).)

8.07—Development of the Agenda

Staff is required to submit a staff report for each topic of discussion on the City Council agenda. The deadline for submitting these reports and documentation is 3:00 p.m. on Wednesday of the week prior to the date of the meeting for which the item is scheduled.

The agenda packet will usually be available for the Councilmembers, staff, public and media on the Friday prior to the Council Meeting.

8.07.1—Communications Received After Agenda Preparation

All writings, documents, or electronic communications relating to any item on the agenda, received

after distribution of the Council agenda packet and prior to the Council meeting, shall be distributed to the entire City Council and made available for public inspection during normal business hours at Willows City Hall in the agenda binder located in the lobby, and in the City Manager's Office (California Government Code § 54957.5).

Residents providing writings or documents to the City Council during the Council meeting are asked to present at least ten (10) copies of each document to the City Clerk for distribution. Failure to submit the required number of copies may result in the document(s) NOT being distributed to the City Council at that meeting and NOT being placed in the official record.

Council Action—8.08

The City Council exercises legislative authority through a simple motion, an amendment to a motion, adoption of a resolution, or adoption of an ordinance. Depending on the item, staff reports will generally attempt to present appropriate actions, with options, for the Council to make. The City Council is encouraged to review the staff recommendations and use presented options as a template when making a motion. In most situations, a majority of the members present is adequate to adopt a motion, however this is not always the case, and staff will advise the Council when either a super majority or majority of the entire body is required. In addition, in most situations a voice vote is all that is required for Council action; however, staff will advise the Council when a roll call vote is required. Motions should be concise and give clear direction to staff.

Although finality in action is an important principle in government, there may be occasions when the Council wishes to reconsider a motion it has previously passed. In such circumstances, a motion to reconsider may be made either at the meeting where the item was first voted upon, or at the very next meeting of the Council. A motion to reconsider brought forward at the following meeting of the Council will require proper notice on the agenda. A motion to reconsider an item previously voted on can be made only by a Councilmember who voted in the majority.

Legislative and Quasi-Judicial Actions of the Council—8.09

The Council can take both legislative and quasi-judicial action. In general, the Council acts in a legislative capacity when it takes action to adopt policies, plans, and ordinances of general application. In these situations, a Councilmember may rely on any information he or she lawfully obtains when participating in a decision-making process. In contrast, the Council will also act in a quasi-judicial capacity when it acts on matters that implicate constitutionally protected property and liberty interests. These types of actions generally involve land use entitlements and other types of permits, licenses, etc.

The distinction between legislative and quasi-judicial activity is especially important because of the rights that are given to the applicant. Specifically, an applicant in a quasi-judicial matter is entitled to due process of the law. This includes a right to have a decision made on the record by a fair and impartial Council.

In order to ensure these rights are satisfied, the Council must disclose all ex parte communication it receives; that is, information or evidence a Councilmember obtains from outside the Council hearing on the matter. Additionally, Councilmembers may be called upon to answer questions about potential bias.

General Parliamentary Procedure—8.10

Parliamentary procedures set the agreed-upon standard for conducting business. For general guidance, the Council will follow Rosenberg's Rules of Order. Certain processes are subject to state code and must be complied with. The Council will accept direction from the City Manager, City Clerk and the City Attorney on the code. For other matters, the Willows City Council has a tradition that adheres to the common parliamentary practices used by similar institutions to facilitate the orderly processing of the business of its meetings. When necessary to resolve issues that may arise over the process, the Mayor will refer to the City Attorney who will act as the Parliamentarian. Upon such advice, the Council will vote and follow the decision of the majority.

8.11—Presentations at Meetings

The Mayor may establish reasonable time restrictions on presentations from members of the public that take into consideration the complexity of the subject matter, the number of other members of the public wishing to address the Council, and the number of other items on the agenda to which the Council must attend. Members of the public who wish to utilize electronic media in their presentations must coordinate in advance with the City Manager or his/her designee. The City Manager may establish reasonable rules on the public's use of electronic media, to minimize disruption of Council meetings, including the requirement of advance notice and/or submission of presentation data to ensure all compatibility issues are resolved before the Council meeting. Electronic media presentations are subject to time restrictions as established by the Mayor. Subject to any electronic media presentation rules established by the City Manager, the public may use the City's projector in the Council Chamber to assist in making their electronic presentations.



CHAPTER NINE

Protocol Administration

Biennial Review—9.01

The City Council and Staff will review and revise the City Council Protocol Manual as needed.

City Attorney as Protocol Advisor—9.02

The City Attorney shall assist the Mayor and serve as an advisor for interpreting the City Council's adopted Protocol Manual.

Adherence to Non-interference Policy—9.03

The City Council delegates to the City Manager the responsibility to discuss with any Councilmember, on behalf of the full Council, any perceived or inappropriate interference or encroachment of administrative services. The City Manager will discuss with the Councilmember the action and suggest a more appropriate process or procedure to follow. If inappropriate action continues after this discussion, the City Manager will report the concern to the full Council.

Applicability of Protocol Manual—9.04

The City Council Protocol Manual shall apply when the Council is sitting as another entity or agency. When sitting as another entity, the role of Mayor and Vice-Mayor shall be interchangeable with the Chair and Vice-Chair, or President and Vice-President.