

**MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD**  
**October 9, 2012**

1. The meeting was called to order at 7:02 p.m. by Mayor Holvik.
2. **PLEDGE OF ALLEGIANCE:** City Clerk Natalie Butler led the Pledge of Allegiance.
3. **ROLL CALL:**

Present: Council Members Cobb, Taylor-Vodden, Hansen & Mayor Holvik  
Absent: Council Member Yoder

4. **Agenda Review:** It was **moved** by Council Member Yoder and **seconded** by Council Member Hansen to accept the October 9, 2012, City Council Meeting agenda as presented. The motion unanimously passed.
5. **Presentations & Proclamations:** None
6. **Public Comment/Written Communications:**

Todd Miller presented the Mayor with a formal written complaint against the City Manager alleging that the City Manager lied during the special meeting of the City Council held on September 28, 2012. The letter stated that if the Mayor is not willing to conduct an investigation into his complaint, he will turn the complaint over to the Glenn County Grand Jury to investigate his allegation.

Rose Marie Thraillkill gave an update on upcoming Chamber of Commerce and community events and activities.

Vern Roberts read a letter on behalf of Dennis and Alice James who couldn't be present at tonight's meeting. The letter was a request of the people of Willows to not hold the spouses of the City's elected officials accountable for the decisions that the Council is making concerning Chief Spears and/or City Manager Steve Holsinger and they asked that people take their vote to the ballot box.

Keith Parrish informed the Council that he will be attempting to contact somebody to come to Willows in the near future to talk about the new "fire tax" that was recently passed by the state legislature. He stated he will update the Council when he confirms a date, time and place that the informational meeting will take place.

Susan Parisio presented a survey of 43 Willows City Council meetings that took place from January 2011 through August 2012. Ms. Parisio stated that in 77 percent of the meetings there wasn't a single dissenting vote. She wondered how a group of people could all agree with one-another 77 percent of the time. She stated that the people in the community are not happy with the decisions that are being made by the Council and that is why they have been voicing their opinions.

Bud Brackensick stated that he read a recent article about Mayor Holvik in the newspaper and in that article the Mayor talked about how many years have gone by without any staffing level increases to the Fire Department as opposed to the Police Department. Although he doesn't dispute that, he stated that the Police Department doesn't have as many volunteers assisting them as the Fire Department does.

Gail Green stated that she has been coming the Council Meetings recently because she is interested that the Council is trying to get rid of the Police Chief, which she believes is far more important than a City Manager. She stated that she also read the Mayor's article in the newspaper and he mentioned that "a few concerned citizens" have been attending the meetings. She stated that when she attends the meetings there have been times when there are quite a few people in attendance and other meetings where there are only a handful of people. With the recent issues going on, the Chamber has been full and overflowing, so there are more than a "few" concerned citizens. She also stated that if the Council agrees 77 percent of the time, that tells her that the Council is getting together somewhere outside of the Chamber and making their decisions prior to the meetings. She said the Council proved that to her when they voted not to renew the contract for Chief Spears.

Jeff Williams stated that it was brought to his attention by a member of city staff that at one of the staff meetings the City Manager made a comment along the lines of "for those of you that backed me, thank you very much, and for the rest of you, you can get the hell out". Mr. Williams asked the Council if they knew that to be a factual statement. Mayor Holvik stated that he has not heard it as a fact but he has heard of it a couple of times. Mr. Williams asked if the Council could ask the City Manager if he made that statement and the Mayor indicated that he does not believe that would be appropriate.

Todd Miller then asked the Council didn't they think to inquire whether a statement like that was made by the City Manager? He stated that it is going around the community that this this is a statement that might have been made, and doesn't the Council think they might want to put an end to it? He asked the Council if they don't follow through with these types of things? He stated that the Council just allows the City Manager to run amuck and said it is no wonder the Council has the problems they have and that the citizens are so irritated with them.

Mayor Holvik then asked the City Manager if he remembers making such a statement. The City Manager stated he doesn't recall specifically making that comment. He stated that he did make a comment similar to that nature. He typically tries to refrain from using profanity, particularly during staff meetings. Staff meetings are held among a group of individuals that he holds with very high esteem. He thinks they are all very qualified and professional individuals that are the leadership core of the organization, and they all accept the freedom to speak freely among themselves. There is an understanding, although unwritten, that the communications that take place in the staff room should remain within the staff room. He has no qualms at the fact that there has been a reported comment made by him. There was a comment that he made of a very similar nature, but he just doesn't recall what the specific statement was.

Mike Donnelly asked Council Member Taylor-Vodden whether she ever made the statement that the Police Officer should have shown professional courtesy when the City Manger's wife was

pulled over and arrested, and that the Officer should not have placed her under arrest. Council Member Taylor-Vodden stated that she did not make that statement. She stated that is aware that Mr. [Forrest] Sprague has put out a statement that has quoted her as having made that statement. Mr. Sprague came to meet with her right after she was appointed to the Council to lobby very hard for his project that he was working on at the time and she agreed to meet with him at her office. What she and Mr. Sprague discussed was that she has lived here her whole life and in the past she knew many people that used to go to the old Blue Gum restaurant for lunch, and there was an old joke that some people may need an escort back to their offices after their lunch. There was an idea at that time that if somebody wanted to target someone, it was very well known where people go and where social occasions were happening. Since that time the rules have tightened up, as they well should. But in the past there had been some times when people were sent on their way rather than be arrested in some situations, going back some fifty years or more. That was the topic of the conversation she and Mr. Sprague were having, and she mentioned that it's too bad that things have gotten to the point where everything is so black and white. Mr. Donnelly stated that he has lived in Willows for nearly thirty years and he has seen "the good old boys club". Council Member Taylor-Vodden stated that she thought Mr. Donnelly, during a previous Council Meeting that he attended, spoke very movingly about Chief Spears regarding an incident where he was stopped and the Chief stepped in and gave him a little help and took some extra care and ultimately assisted in making sure that things worked out. Mr. Donnelly also asked about the \$80,000 that the City spent a few years ago to hire an unlicensed contractor from outside of the area to perform the City's Weed Abatement program. Mayor Holvik stated that 95 percent of that money was recovered. The Mayor further explained that in any given year the city never recovers the full amount spent for weed abatement, no matter who the Contractor is.

Keith Parrish stated that he has recently attended several City Council Meetings and he has left many of the meetings feeling as though many of the decisions made at the meetings were actually decided in advance. He stated that he believes there have been several Brown Act Violations. He stated that he finds himself in conflict, because although he likes the individual Council Members personally, as a team, he believes they have dropped the ball. He believes the Council has lost focus on the tasks in front of them and they have spent more time in the recent past trying to defend their poor decisions, than they have spent on issues of great importance. He asked those Council Members who are running for re-election to end their campaigns. He stated that the City Council is broken and it's time to get more eyes on the City's problems. He stated that the Tea Party has started a campaign against re-electing the incumbents in November and are looking into an effort to recall certain members after the election if the Council doesn't change their ways.

Patsy Carter said she admires the Council for being able to listen to the people and face all of the negativity that is out there, but she said she feels there are areas where the Council could be conservative in their decisions. She said that she is a member of the Tea Party and there is a movement out there that is seriously considering recalling the Council Members because they believe the Council is not doing their job in representing the people. Mrs. Carter concluded her comments by asked the people in the meeting to show the Council why they were present. Several people in the audience then held up signs that read "Holsinger Must Go" and "It ain't Mayberry without Andy".

Rose Marie Thrailkill stated that she and the other 40 plus people who have been attending the Council meetings recently are a special interest group, in that they are interested in the welfare of the community. Having been a former Council Member, she understands the difficult decisions that have to be made by the Council and she knows they too are interested in the welfare of the community. She said she doesn't think the Council understands the magnitude of how wide-spread this is. She stated that when she goes to the drug store or the grocery store, people are constantly approaching her and asking her questions about what is going on with the City and it does not look good. She stated that she really feels for the Council, but she believes the thing they need to realize is that no members of their special interest groups believes that [the non-renewal of Chief Spears' contract] was a budget issue.

John Hursey was concerned with some things that are happening. He stated that during the last Special Meeting of the Council, there were very fine lines in what the audience could speak about, but he didn't understand why it was acceptable for Council Members Hansen and Taylor-Vodden to go into lengthy explanations of how their financial background makes them qualified to make a decision on getting rid of Chief Spears. He thinks the Council made a poor decision in getting rid of Chief Spears, but he hopes to see the Council make the same decision when it comes to the City Manager.

Stephanie Southam asked the Council that when members of the public come before them to share their views, opinions and ideas, she wonders what the Council does with that. The public gives their opinions and she sees the Council writing things down, but she is curious how they take these opinions and views into consideration or if it is more of a formality because the Brown Act requires that the public be allowed to speak. She stated that she is respectfully asking this because she is just curious if people are just wasting their time speaking. Mayor Holvik stated that the Council took an oath to do what they think is best, and in order to do that the Council needs the input of the Citizens. He said that they do listen to the comments but they can't always vote the way that every citizen wants them to because there are 6000 citizens and they are not all going to like every decision that the Council makes. Mrs. Southam then asked if there was anything that anybody could have said pertaining to the non-renewal of the Police Chief's contract that would have steered the Council's decisions, because it seems apparent to her that the decision was already made in each of the Council Member's minds and she is just wondering if there was anything anybody could have possibly said to have changed their minds. Mayor Holvik pointed out that in a few months, the Council will be starting the budget process for the next fiscal year and they will be holding a mid-year budget review for the current fiscal year. He stated that these are open meetings that anybody can attend and give their opinions about the budget and voice what the community wants. At the mid-year budget review, the Council may need to make some adjustments and/or cuts, good or bad, at that time in order to try to achieve their ultimate goal of a balanced budget. He suggests that people attend these meetings and get involved. Mrs. Southam then asked if when the Council members arrive to the meetings, and they know what is on the agenda, can the Mayor honestly tell her that the Council has already made their decision? Mayor Holvik responded no, that the Council has not already made a decision prior to the meetings. Council Member Hansen then added that he takes a lot of notes during the meeting while he is listening to people speak and he likes hearing the public and their ideas. He takes all public comments very seriously. Mrs. Southam then asked that if the Council

take notes and listens to the public, why, at the August 28 meeting when the Council heard some 40 plus people speak in favor or renewing the Chief's contract, did the Council hold no discussion and immediately vote to not renew the contract? Council Member Taylor-Vodden stated that for her it was strictly a budgetary decision. She recognizes that this is an emotional issue for people. Beyond it being strictly a budgetary decision on her part, she simply can't answer to the emotional side of the issue. She also stated that as far as anything being said to have changed her decision, if somebody could have come to her three months ago and stated that they had a guaranteed way to constructively come up with \$200,000 in revenue to be used specifically for Public Safety, it may have caused her to vote differently.

Mike Donnelly stated that at the meeting on August 28, the Council would not allow anybody to discuss the budget. Mayor Holvik stated that was correct, and that is why he is trying to clarify what Council Member Taylor-Vodden was saying. She was talking about three to four months prior to August if somebody had come forward and offered to get a tax initiative going. Mr. Donnelly asked if that was brought up during any of those meetings. Mayor Holvik stated that it was brought up and that the City conducted a survey to possibly place a sales tax measure on the ballot. The Council heard rumblings from the people about a tax measure and were told they wouldn't support it because there were also a number of other State tax initiatives which would be appearing on the ballot. The Council discussed this and the feedback that they got indicated that a sales tax measure very likely would not be supported by the voters this year. Mr. Donnelly stated that he would like to know how the Council can sit and listen to every single person in the building - with the exception of one person - tell them they were wrong for letting the Police Chief go, and then not even discuss it amongst themselves before they voted affirmatively to not renew the contract. He believes that is absolutely ridiculous, especially if the Council can't even tell the Citizens anything that the City Manager has done for the City except cost it money. Mayor Holvik stated that the Council would be discussing the City Manager's performance later in this meeting.

Gloria Baldwin stated that after having listened to several of the past meetings, she said it reminded her of a classroom where she hears a lot of excuses and mistruths. She feels a lack of integrity and a lot of negative stuff is going on with this Council. She stated that if she was a member of this current Council, she would bow out gracefully and allow other people to take their places, because she believes this is a broken situation. She stated that she believes the City needs a Chief of Police to protect the City.

Trudi DeVoss stated that she appreciates everybody's opinions and believes they are valid and she hopes that everybody comes out on the night of October 18 to watch Candidate's Night, and to be sure to vote on November 6. She stated that if people want change, November 6 is where they will make a difference.

Gail Green stated that the Council generally holds the Budget meetings during the day when everybody works. She asked if the Council could consider holding the meetings in the evening when more people could attend. She also asked why Chief Spears was never notified ahead of time before the agenda was distributed for the August 28 meeting, that his contract renewal would be up for discussion during that meeting. Mayor Holvik stated that he would like to look into changing the times of the budget meetings and try to spread them out so more people can

attend. He also stated that in hind-sight, he knows he should have spoken to Chief Spears ahead of time regarding his contract review being placed on the agenda for possible non-renewal.

Todd Miller stated that tonight has been cleansing for him, in that the Mayor has admitted that he was discourteous, Council Member Taylor-Vodden has admitted that professional courtesy should be given to drunk drivers, and the City Manager has admitted that he said something inappropriate in a staff meeting.

Angela Parisio stated that when she heard Mr. Jeff Williams ask the City Manager about how he treats his staff in the Staff Meetings, the City Manager commented that he tries not to use profanity in the Staff Meetings. She stated that she finds that very unprofessional and she stated that as a Manager or a Supervisor, you should never use profanity or be disrespectful to your staff. She also commented about Council Member Taylor-Vodden's comments about drinking and driving and how [the Police Officers] used to drive people home back in the day. She stated she remembers that is how it was, but that was a long time ago and it is no longer like that anymore and it hasn't been that way for a long time. Council Member Taylor-Vodden explained that she was just putting into context her private conversation that took place between her and Mr. Sprague, and that conversation was not about the particular situation of the City Manager's wife's DUI arrest. She further stated that for Mr. Sprague 's assertion that she said that she thought that is what should have happened in that particular situation is unkind and untrue. Ms. Parisio then stated that she believes that the budget meetings need to be held in the evenings and not during the day. She also stated that speaking on behalf of both herself and her mother Barbara Parisio, as lifetime Willows residents and active registered voters, they want to express their extreme disappointment in the current City Council. They are both requesting that the City Manager's contract be terminated at this time Mayor Holvik stated that it would be appropriate for Ms. Parisio to talk about the City Manager's contract at the time that item comes up for discussion later in the meeting.

John Hursey stated that there was a violation of the Brown Act [at the August 28 meeting], so the Council subsequently held a special meeting [on September 28] in order to cure and correct the violation. During that cure and correct, nobody seemed to know what was being cured and corrected, so there was an allegation that there was a violation of the Brown Act again. His concern is that if the Council violated the Brown Act again, how can the City move forward on the non-renewal of Chief Spears' contract. The Mayor stated that it has not been determined that any Brown Act Violation had occurred. He explained that the lawyers are currently talking about whether there was a violation, but as it stands right now, the actions taken by the Council at the September 28 meeting are still in force and lawful.

Bud Brackensick stated that when the Council began budget discussions, the way he figures it is that the Council was offered about \$110,000 by the Unions to continue to defer their wages. Then the Council voted to not renew the Police Chief's contract, which in his opinion will not be a savings because it is a requirement to have a Police Chief so the City will need to pay somebody to replace him. He said the math just doesn't add up and it doesn't make any sense.

Monty Carter asked the Council if it would be feasible to have a Chief of Police also serve as the City Manager, perhaps on a part-time basis. Mayor Holvik stated that is something that has been done in other cities.

Julie Price asked for clarification on where it is stated on the agenda that the public will have an opportunity to speak about the City Manager's evaluation. Mayor Holvik pointed out that it was located under item 13 on the agenda where Council will be discussing the City Manager's evaluation.

Hearing no further comments from the public, the Mayor moved onto the next item on the agenda.

**7. Consent Agenda:**

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

- a) Approval of General Check Register (25145-25228).
- b) Approval of Payroll & Direct Deposit Check Registers (Z03778-Z03808 & 32113-32156).
- c) Approval of the Minutes of the September 11, 2012 City Council Regular Meeting.
- d) Approval of the minutes of the September 25, 2012 City Council Regular Meeting.
- e) Adoption of a Resolution authorizing the City Manager to sign a notice of completion for the 2012 Slurry Seal Project.

**8. Public Hearings: None**

**9. Ordinances: None**

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

Council Member Hansen said that he was recently approached by a Representative of the Human Resource Agency about possibly having the Center for Nutrition and activity Promotion come to a future Council Meeting and conduct a 15 to 20 minute presentation about a new program launched by the National League of Cities Institute for Youth, Education & Families to help local elected officials address the policy and environmental factors that impact childhood obesity. He presented the Mayor with some written materials about the program.

Recreation Director Carol Lemenager personally invited each of the individual Council Members to come out from 9:00 a.m. – 2:30 p.m. during the next five Saturdays to watch the youth soccer games.

Police Chief Spears announced that the 2012 Toys for Tots and Cans 2 Cops programs will be starting up in the very near future.

11. **New Business:** None

12. **Council Member Reports:**

Council Member Hansen reported that he will be attending next week's Transportation Transit Commission meeting.

Council Member Taylor-Vodden reported that on September 26 she attended a meeting with 3Core to discuss Economic Development.

Hearing no additional Council Member Reports, Mayor Holvik called for a short recess at 8:21 p.m. The meeting reconvened at 8:35 p.m.

13. **EXECUTIVE SESSION:** Pursuant to California Government Code Sections 54950 et seq., the City Council held a Closed Session. More specific information regarding this closed session is indicated below:

**PERFORMANCE EVALUATION** – Pursuant to Government Code § 54957 (b) (1).

**TITLE:** City Manager

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

Prior to allowing public comments and discussions on this closed session item, Mayor Holvik first outlined the evaluation process. He stated that after hearing numerous comments about the Council not listening to the voters, he thought he would try something different this year for the City Manager's evaluation process, as he believes it deserves input from voters and better representation by City employees. The Council will be evaluating the City Manager's performance since his last performance review on September 7, 2011. This is not a termination action, unless the review indicates some level, such as dereliction of duty, missed goals and objectives outlined during his last evaluation, or violation of any other contractual obligations. If so, then a proper notice of action will be scheduled for the future. This process is designed to be thorough, fair, and will be conducted confidentially as required by law. Due to the nature of what the Council is trying to accomplish, the Mayor does not anticipate this evaluation being completed this evening. The Mayor stated that the public is invited to participate in this process. Since the City Manager and the City Council only have jurisdiction within the City of Willows, in order to participate in this process, one must be a citizen and a registered voter in the City of Willows. Those who are interested and wish to participate in this process must submit their name and contact information to the City by the close of business on October 22, 2012. At the Council Meeting on October 23, the Council Members will draw random citizen names – two per Council Member – to be interviewed for the City Manager evaluation process. At the same Council Meeting, each Council Member will draw two random names of employees, or direct Business Associates of the City Manager, and they will also be contacted to schedule an evaluation meeting of the City Manager.

The City Manager's employment contract agreement will be reviewed, and as always, is subject to amendment upon mutual agreement between the two parties. At the conclusion of this evaluation process, thorough public disclosure will be made, including all information and materials that are not considered confidential record under State Law. The Council Members will take all information that is gathered by the members of the public and the employees that are interviewed and get together after tabulation of the results, and formalize their evaluation of the City Manager. At that point the Council will report out the results of that action. With that, Mayor Holvik opened up public comments pursuant to this item, prior to the Council entering into Executive Session. He stated that he will be restricting the comments to three minutes.

Keith Parrish stated that he no longer wants the City Manager in the City's employ.

Mayor Holvik then stated that he noticed many of the people in the audience had signs and he asked them to please hold them up so the Council could see them. Those in possession of signs held them up and they read "Holsinger Must Go" and "It ain't Mayberry without Andy".

Vern Roberts presented the City Clerk with a list of ninety-some names/signatures of people that signed a document that stated "We the below signed, hereby express that we are unsatisfied with the performance of Mr. Stephen Holsinger as our City Manager. We further understand that City is in fiscal crisis and feel his position should be cut immediately as a cost savings measure. We therefore direct the City Council to immediately take all steps in the release of Mr. Holsinger from his contract and terminate his employment immediately".

Susan Parisio wondered how many people present at the meeting were in support of keeping the City Manager. She stated that she doesn't want a show of hands because that wouldn't go well. She stated that when people are involved in anything to do with politics, every person who is an elected politician knows that one person who wrote a letter, or one person who shows up at assembly to protest, that any person that takes the time to actually show up or put their signature on a piece of paper or pen a letter, represents a lot of other people who feel the same way. She wonders how many people who showed up at tonight's meeting are not supportive of keeping a City Manager at all, even if it weren't Mr. Holsinger. She believes that there are a number of people present that just don't see the need for a City Manager at all, period. She stated that she is one of those people and that she doesn't see that there is much of a City to manage. There are a lot of competent people that can do it without a Manager at the helm. She wonders even if the City Manager passes his performance review with flying colors, which he very well might - because she doesn't fully understand exactly what is all involved - is this town going to continue to function, is this City going to grow, and is this going to happen with as much animosity as there seems to be here? She stated that there is a lot of frustration on everybody's part, and for a lot of different reasons. She said to look at the percentages, and to look at all of people present that are holding up a sign to keep the City Manager, or to keep Mr. Holsinger, because she doesn't see it.

Gail Green stated every department in the City has a department head, and that the five City Council Members have been elected to take care of the City Council and she doesn't see any need to have a City Manager here because the City has the five City Council Members. It looks like what happened here is the City Manager manages the Council. The Council doesn't manage

him, which has been very evident in the things that have been transpiring lately. She believes the City could do without a City Manager and save that money, and that the department heads, if they have problems, could come to the Council and the Council could solve their problems because they are already here and could do away with the City Manager.

Mike Donnelly stated that the Mayor danced around an earlier question that he was asked about whether a Chief of Police could also be a City Manager and the Mayor had stated it had been done in other cities before. Mr. Donnelly stated that in fact, it has been done in many cities. He stated that the City Manager doesn't have any respect from anybody that he has talked to in this City, and he would like to know what the City Manager has done to bring money into this City, instead of having money go out.

Mayor Holvik responded that the City Manager is not rated on how many dollars he brings in to the City, but he is rated on his effort to bring businesses in and to work with them. Mr. Donnelly asked what new businesses have come in and Mayor Holvik indicated there haven't been any. Council Member Cobb disagreed and stated that there have been new businesses that have come into the City.

Patsy Carter inquired about the City Manager's compensation & benefit package and how much he earns. The City Manager responded that he makes somewhere around \$90K in wages annually, plus his benefits. City Finance Director Tim Sailsbery clarified that the City Manager makes somewhere in the range of approximately \$130K - \$140K annually in salary and benefits combined. Mrs. Carter stated that is quite a bit more than the \$86K that the City was trying to save with the [non-renewal of the contract of the Police] Chief. Mayor Holvik stated that the \$86K in savings was only for a six-month period and not annually. Mrs. Carter then asked what is the criteria for the City Manager's performance. Mayor Holvik shared that the criteria is as follows:

- Assisting the Council in their policy making role, including providing information and providing advice.
- Internal administration, which includes financial management, personnel management and getting the job done.
- External relations, citizen relations and inter-governmental relations. Personal characteristics around communications and management style, and the like.

Forrest Sprague presented the City Clerk with a letter and he went on to say that he was recently going over some old files and came across a newspaper article from four and a half years ago where he was quoted as having said that the City Manager was not a good fit for the City of Willows. Regarding tonight's evaluation of the City Manager, since he was hired, Mr. Sprague stated that the Council has heard many complaints of when Mr. Holsinger has ruled over the public and other City employees with his bully-like tactics of humiliation, intimidation and threats. Recently, and in clear contrast, the Council has listened to multiple accolades of how [Police] Chief Spears has managed his operations by positive example and with integrity. Nevertheless, the City Council has decided to terminate Chief Spears. Mayor Holvik interjected, stating that the Council did not terminate Chief Spears, but rather, did not renew his contract. Mr. Sprague continued, stating that he believes that the Council's excuse for not renewing Chief

Spears' contract is intellectually dishonest. If the City has a Police force, State Law requires that they have a Police Chief, however, a City is not required to have a City Manager; yet the law does allow a Police Chief to fill the City Manager's position at the same time. Mr. Sprague believes that certainly that option would be much more cost effective and beneficial to the City than terminating Chief Spears.

Mr. Sprague stated that about a decade ago, the Orland City Council fired their ineffective, high-handed City Manager and elevated their Police Chief to the top Executive position. Soon, budgets were balanced, employee morale was restored, and the public's confidence in their local government was increased. Therefore, Mr. Sprague stated that many hope that tonight will be the very last evaluation of this City Manager by this City Council. He stated that many at this meeting tonight will finally hope that the Council will admit that Mr. Holsinger is not now, that he has never been, nor will he ever be a good fit for the City of Willows. Many hope tonight that the Council will terminate the City Manager, that they will soon renew the employment contract of Chief Spears, and that they will consider installing Chief Spears as the City Manager too.

Mr. Sprague concluded his comments by stating that what the Council is proposing to do with having citizen input, as opposed to just having people coming before the Council at the meetings to express their sincere opinions, is a good idea. He stated that he would like to give kudos to whoever came up with that idea. He likes the idea of having a panel that includes City employees and members of the public – and not just the five Council Members - to take a look at the City Manager's performance. Mr. Sprague stated that there are two faces to the City Manager – those that the Council sees, and those that the public sees - and the Council needs to hear from all of those people. Mr. Sprague inquired whose idea this was. Mayor Holvik stated that Mr. Sprague would not like to hear the answer to that question, but the answer is that it was the City Manager's idea.

Jeff Williams stated that earlier in the meeting he asked about a comment that the City Manager was alleged to have made during a [staff] meeting and that the City Manager danced around the answer. He stated that he believed that there were two employees present at tonight's meeting that were at that particular meeting and could verify what exactly the City Manager did say and that he would like to hear from them as to what the exact comment was. Mayor Holvik stated that it would be more appropriate to wait until the Council Members interview the employees and that he doesn't want to put any employee on the spot to answer that question. Mr. Williams stated that it seems to him that the City Manager, by his own earlier admission, creates a hostile work environment. He claims to have had personal issues himself with the City Manager, where he asserts that the City Manager has belittled him and has made implied threats, and he wanted that to be known to the Council.

Joe Hinton stated that in regards to the Police picking on [the City Manger], as has been referred to in the past, he believes that the Police were very lenient with the City Manager that day, because they could have arrested the City Manager right along with his wife, but the Police chose not to. [Council Member] Jim Yoder took him home when the California Highway Patrol took [the City Manager's wife] to have her booked. Mr. Hinton claims that this is just one example where [the City Manager] has had a break and then comes out and tries to sabotage the Police Department. This is just one of the incidences of the City Manager and some of the things

he has done, and his attitude is the main thing, and Mr. Hinton believes that is enough to get the City Manager fired.

John Hursey stated that he fully endorses the idea to do away with the City Manager position and to allow the Police Chief to perform double-duties of being the Police Chief and the City Manager and he believes that would be a wise decision for the community.

Angela Parisio stated that on behalf of herself and her mother, Barbara Parisio, she wanted to finish what she started to say earlier in the meeting on their behalf. She stated that they are both life-long Willows residents and active voters, and would like to express their extreme disappointment in the current City Council and their choices. She stated that she likes them all as individuals and she knows it has to be a tough job, but when the Council decided not to renew Chief Spear's contract, she was very much against that, as was her mother. They are both requesting that the Mayor answer why the Council had just renewed the City Manager's position right before the Council decided not to renew Chief Spears' contract. Ms. Parisio stated that when this topic came up at a prior meeting, the Mayor had stated that the City Manager's contract was "open-ended" and "at-will" and that any time it could be cancelled, for any reason, and not just for evaluation purposes. Mayor Holvik concurred that is, in fact, true. Ms. Parisio then stated that she and her mother believe that terminating the City Manager's contract would be the appropriate action at this time. She stated that it has become apparent that Mr. Holsinger creates conflict within the community and is just not a team player and doesn't fit in. Ms. Parisio stated that she has not had any major conflicts with the City Manager directly, but she has just heard, and there is so much. She stated that each person at the meeting tonight represents many.

Mayor Holvik stated that he doesn't believe that people fully understand the analysis that the Council has done with respect to looking at both the contracts of the Police Chief and the City Manager. Chief Spears' contract has a specific renewal date, whereas the City Manager has an open-ended contract. Therefore, when he realized that the Chief's contract renewal date was approaching at the end of December, the Council was put in a position where they needed to act quickly to review the contract and consider it if there would be a cost savings to the City if the contract was not automatically renewed for an additional two years. There was only a small window of opportunity for the Council to do this because of legal noticing requirements. It was determined that there would be a savings of approximately \$86K in fiscal year 2012/2013 if the contract was not renewed. This savings covers a six month period from January 2013 – June 30, 2013.

The City Manager's contract is not time-specific and the Council could terminate the contract at any time. The same holds true for Chief Spears' contract in that Council could also terminate his contract for any reason and without cause and at any time outside of the "window" of the renewal or non-renewal of the contract, but to do so would have cost the City approximately \$75K pursuant to the terms of the contract. With the City Manager's contract, there is no "window" in which to renew or not renew the contract, so one of the things the Council looked at is the cost associated with not renewing the City Manager's contract, and that cost to the City would be over \$100K. So, the Council had a choice to save \$86K or to spend \$100K, and the Council believes they made the responsible choice at the time in order to save money by choosing to save the \$86K. Now the Council will perform the City Manager's evaluation and see where that falls and see where the City's budget would come in at the end of the fiscal year.

It was never a matter of the Police Chief's contract versus the City Managers contract, because they are not equal. He stated that there was never an opportune time to close the contract of the City Manager without their being a financial sacrifice to the City or finding wrongdoing.

Ms. Parisio then stated that right now then, the City is in the position of finding wrongdoing on the part of the City Manager or it will cost the City \$100K, but it will cost the City \$140K each year to keep the City Manager. Ms. Parisio still maintains her position that the Council should get rid of the City Manager.

Patsy Carter stated that she is a registered voter and a tax paying citizen, and she asks that the Council not renew Mr. Holsinger's contract because she thinks it is pretty evident from what she has observed during the last few meetings that there is a no confidence vote for him in this community. She doesn't feel that he can serve this community with that kind of attitude.

Bud Brackensick stated that the Police Chief makes \$86K plus benefits annually. Mayor Holvik corrected Mr. Brackensick and stated that the \$86K was the approximate savings for just six months of the Chief's salary with the non-renewal of his contract. Mr. Brackensick then inquired about what it costs the City to employ the Chief for an entire year. The Finance Director stated that Chief Spears, like many other members of management, is currently under a 10 % furlough. With that furlough being included, the total annual cost of the Police Chief, including retirement and benefits, is approximately \$165K. Mr. Brackensick then inquired about the annual cost of the City Manager, including benefits. The Finance Director stated that number was roughly between \$135K - \$140K annually. Mr. Brackensick then suggested that the City gets rid of the \$135K City Manager and keeps the \$165K Police Chief, and give the City Manager \$10 or \$15K to get rid of him and he thinks that's a heck of a deal.

Mike Donnelly just wanted to clarify what the Finance Director just stated. He asked if he was saying that Chief Spears makes more money than the City Manager. The Finance Director stated that the City Manager's base salary is more, however, with the total compensation package, and the very expensive cost of retirement paid by the City for Public Safety Personnel, as opposed to non-Public Safety Personnel, the total out-the-door annual salary, benefits and retirement paid by the City for the Police Chief is more than that of the City Manager.

Karen Roberts stated that as a cost saving to the City she would like to see the City Manager either be eliminated or go to part-time. Since he has been here, there has been a big conflict with the businesses. About three or four years ago there was a meeting that lasted until almost midnight and the City Manager talked down to most of the business owners at that meeting and many people were frustrated with him. Many business owners have quit coming to the Council Meetings because they say that the City Council doesn't listen to them and that the City Manager is very negative. She stated that she is very disappointed with the City Manager and questioned what he has done for the City.

Todd Miller said that if he understands the Council correctly, there is a \$100K exit cost on the City Manager's position. Mayor Holvik stated that it would be least \$100K. Mr. Miller inquired if that is a severance pay. Mayor Holvik affirmed that there would be severance pay, retirement, unemployment and other costs associated with the City ending the contract. Mr. Miller asked if

those costs would be waived if the Contract was ended if there was found to be cause. Mayor Holvik stated that was true and the City would not have to pay if there was found to be cause. Mr. Miller stated that he believes that he gave the Council cause earlier, or at least he hopes he did. He stated there have been Brown Act Violations and performance violations and that he is very serious about the investigation that he requested to be conducted, and it is something the Council needs to investigate. He claims that integrity is always a cause for termination. Mr. Miller stated that he has never seen so many people so disgruntled and he has never seen a City Manager bring so much controversy. He claims that he has been dealing with City Councils and City Managers for well over twenty years and has seen controversies come in that have been resolved, but he has never seen a City Manager bring so much conflict into a City and so much criticism of a City and its government and bringing into question of the Council's integrity. Mr. Miller stated that this is something that is just unheard of. Council Member Taylor-Vodden assured him that this is not the first time something like this has happened in the City and the City will survive this, just as it survived a past, and very similar, issue when members of the Council were facing recall because the Police Department was upset over the Council's choice on who they hired to be the Police Chief, the City Manager was told he would lose his job. Once this situation eventually subsided, the City Manager continued to work for the City for another 20 plus years. It was a very similar situation to what the City is facing currently, and the City survived it then and it will survive it now.

Angela Parisio asked to clarify something with Mayor Holvik. She asked about the money that the City would have to pay to get rid of the City Manager, and she asked if those are all costs that the City would have to pay the City Manager regardless of whether they keep him or if they don't? Mayor Holvik stated that a person could look at it that way.

Mike Donnelly wanted to clarify what Ms. Parisio was just saying. He stated that if the City Manager's contract is given up, then it will cost the City \$100K or more, but if there is just cause for his release, the City would not have to pay anything, he asked if that is correct. Mayor Holvik confirmed that was true. Mayor Holvik asked people to please understand that in the State of California it takes quite a bit to show and prove cause for termination. .

Once all public comments concluded, Mayor Holvik thanked everybody who spoke and stated he appreciated their comments and their candor in stepping forward. He stated that he made some good notes and that he appreciates the discussion and just getting to the dollars and cents of this issue was a good discussion and an eye-opener. With that, Mayor Holvik stated the Council will be entering into Executive Session and they will be discussing the City Manager's performance evaluation. He stated that the Council will not be making a decision tonight because of the process the Council intends to go through, to include the voters in the evaluation. The Council then entered into Executive Session at 9:22 p.m.

14. **Report-Out from Closed Session:** Mayor Holvik stated that no reportable action was taken by the Council.
15. **Adjournment:** Mayor Holvik adjourned the meeting at 10:42 p.m.

Dated: October 9, 2012

NATALIE BUTLER

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City Clerk

The City of Willows is an Equal Opportunity Provider