

CITY COUNCIL

Jeffrey T. Cobb, Mayor
Terry Taylor-Vodden, Vice Mayor
Larry Domenighini, Council Member
Lawrence Mello, Council Member
Vacant, Council Member

CITY MANAGER
Steve Holsinger

CITY CLERK
Natalie Butler



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

CITY COUNCIL REGULAR MEETING AGENDA

Tuesday, September 10, 2013

7:00 p.m.

1. Call to Order Willows City Council Regular Meeting - 7:00 p.m.
2. Pledge of Allegiance
3. Roll Call
4. **Agenda Review:** (Requested Changes by Council or Staff).
 - a) Consider acceptance, by motion, of City Council September 10, 2013, Agenda.
5. **Presentations & Proclamations:**
 - a) "A Day to Remember" – A proclamation honoring those who died on September 11, 2001.
 - b) Proclamation declaring September 20, 2013 "National POW/MIA Recognition Day".
6. **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 placed on a future agenda. (*Public Comment is generally restricted to three minutes*).
7. **Consent Agenda:** Consent items are considered to be routine by the City Council and will be enacted in one motion. There will be no separate discussion on these items unless a Councilperson or citizen requests, in which event the item will be removed from the consent agenda.
 - a) Consider approval of General, Payroll & Direct Deposit Check Registers.
8. **Public Hearings:**
(Persons wishing to speak on a Public Hearing item are asked to approach the microphone to address the Council and limit comments to three minutes. Although not required, it is also requested that you please state your name for the record).
9. **Ordinances:** None
10. **Items introduced by City Council or Administrative Staff for discussion purposes only:**

11. New Business:

- a) City Council Vacancy – Council will hold a discussion of the options regarding filling a City Council vacancy and direct staff accordingly.

12. Council Member Reports:

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

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

- a) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to Government Code § 54956.9 (d) (4)

- b) PERFORMANCE EVALUATION – Pursuant to Government Code § 54957 (b) (1), which states:

“Subject to paragraph (2), nothing contained in this chapter shall be construed to prevent the legislative body of a local agency from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session.”

TITLE: City Manager

14. Report-Out from Executive Session:

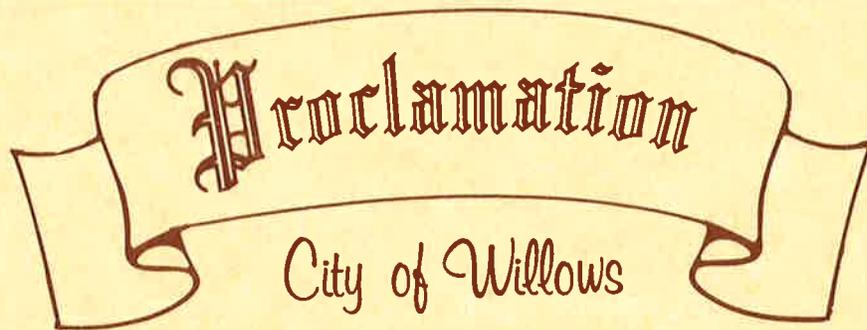
15. Adjournment:

CERTIFICATION: Pursuant to Government Code §54954.2 (a), the agenda for this meeting was properly posted on or before September 5, 2013.

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



Proclamation
City of Willows

“A DAY TO REMEMBER”

WHEREAS, the unprovoked attacks of September 11, 2001, upon America by foreign terrorists have thrust the United States and other countries into a war it never envisioned, militarily or diplomatically; and

WHEREAS, the challenges facing all the civilized people of the world as they relate to the war on terrorism will not end until those fanatics responsible are eliminated or brought to justice; and

WHEREAS, America is fully committed to ensure our freedoms remain unfettered and sovereign for all generations, now and forever; and

WHEREAS, world opinion needs to remain focused upon the eradication of these inhuman acts perpetrated around the globe; and

WHEREAS, one way to accomplish this is to NEVER FORGET that those innocent victims did not die in vain; and

WHEREAS, America can fight back by reminding the world that the deaths of these people will always be remembered, and they will be forever loved; and

WHEREAS, a noble and appropriate way to accomplish this is through the annual celebration of their living; and

WHEREAS, this commemoration should be held each September 11 throughout the land to include:

- The promotion of global peace and goodwill;
- The demonstration of America’s resolve and perseverance to win the war on terrorism;
- The advancement of responsible citizenship;
- The encouragement of patriotism and love of county; and
- The poignant remembrance of those innocent victims who died on September 11 as heroes, one and all.

NOW, THEREFORE, BE IT PROCLAIMED that the City Council of the City of Willows issues this Proclamation to memorialize those men, women, and children who lost their lives; and

BE IT FURTHER PROCLAIMED that this Proclamation be publicized for all to see, and know that the citizens of Willows remember with eternal respect those lives which were suddenly, without cause, and pointlessly taken on September 11, 2001--**May They Forever Rest in Peace and Abide in our Memories.**

PROCLAIMED this 10th day of September, 2013.

JEFFREY COBB, *Mayor*



**NATIONAL POW/MIA RECOGNITION DAY
SEPTEMBER 20, 2013**

WHEREAS, in 1979, Congress passed a resolution authorizing observance of National POW/MIA Recognition Day; and

WHEREAS, that national observance now takes place annually on the third Friday of September – this year on September 20; and

WHEREAS, throughout American history, generations of patriots have bravely served in our military and sacrificed much to protect our country and preserve democracy around the world; and

WHEREAS, some of those brave men and women who answered the call to service were captured in conflict and imprisoned by our enemies; some never returned from the battlefield; and

WHEREAS, today and every day, we pay tribute to the American men and women who have not returned to the country they so valiantly defended, and we express profound gratitude to those who returned after facing unimaginable hardships; we will never forget the sacrifices they made to keep this nation free; and

WHEREAS, observances of National POW/MIA Recognition Day are held across the country on military installations, ships at sea, state capitols, veterans facilities; and

WHEREAS, we urge the Government of the United States to continue the quest to fully account for every service member still classified as missing.

NOW, THEREFORE, BE IT PROCLAIMED that the City Council of the City of Willows, California, does hereby declare September 20, 2013, as "POW/MIA Recognition Day," never forgetting the sacrifices they made.

Proclaimed this 10th day of September, 2013.

JEFFREY COBB, *Mayor*

AGENDA ITEM

**City Council
September 10, 2013**

TO: Honorable Mayor Cobb and Members of City Council
FROM: Natalie Butler, City Clerk
SUBJECT: CITY COUNCIL VACANCY

RECOMMENDATION

It is recommended the City Council review and discuss the options regarding filling the City Council vacancy, and select the desired method for filling the vacancy and direct staff accordingly.

BACKGROUND

On September 3, 2013, the City received notice of Councilmember Bill Spears' early resignation from his term on the City Council. His resignation became effective August 31, 2013 at midnight. California State law establishes a 60-day time frame for the City Council to take action to fill a vacancy on the City Council. This report sets forth the options contained in the California Government Code governing the filling of a midterm vacancy on the City Council and discusses alternative procedures the Council may want to consider.

FINDINGS

Government Code Section 36512 addresses the filling of vacancies in municipal offices. The code mandates that, within 60 days from the commencement of the vacancy, the City Council shall either fill the vacancy by appointment or call a special election to fill the vacancy. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent, which in this case would be November 2016.

If the City Council chooses to hold a special election, the special election shall be held on the next regularly established election date not less than 114 days from the call of the special election.

There are two potential disadvantages to the election option. They involve the increased cost of conducting an election, and the delay in restoring the City Council to its full membership.

If the City Council wishes to fill the vacancy by appointment, it must appoint a City resident and registered voter by October 30, 2013, by a majority vote of the City Council. This could be done at a regularly scheduled meeting or special meeting between now and October 30, 2013

State law does not prescribe any procedure for the selection of an appointee. Therefore, the City Council may choose any selection method it desires.

Should the City Council decide to fill the vacancy via appointment, one method of doing so would be the following:

1. Direct the City Clerk to use the City's communication methods to inform residents about the vacancy and the appointment process. Applications could be made available for residents interested in being appointed to the vacant City Council seat. Eligible applicants must be registered voters, 18 years of age or older, a U.S. citizen and a resident of the City of Willows.
2. Direct that applications and/or statements of qualifications must be submitted to the City Clerk's Office by 4:30 p.m. on September 30, 2013.
3. Schedule interviews of selected applicants.
4. After the interviews of selected applicants, the City Council may then make an appointment to fill the vacant City Council position at the October 8, 2013, City Council meeting and direct the City Clerk to administer the Oath of Office.

RECOMMENDATION

It is recommended the City Council review and discuss the options regarding filling the City Council vacancy, and select the desired method for filling the vacancy and direct staff accordingly.

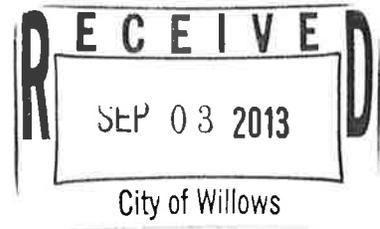
Respectfully submitted,



Natalie Butler
City Clerk

August 30, 2013

TO: Mayor Jeff Cobb,
City Council Members,
Residents of Willows,
FROM: William Spears, City Council Member
REF: Letter of Resignation



After much thought and carefully weighing my options, I have decided to resign my position as a member of the Willows City Council. This has been a very difficult decision but one that I had to make. I make this resignation in that we will be moving from the City of Willows because of personal issues and commitments. I make this resignation effective August 31, 2013 at midnight.

It has been my intent since being elected to provide positive changes sought by those who elected me. The people of Willows had spoken that they wanted changes to local government most specifically more transparency and accountability. There is tremendous resistance to these changes. To that end, the effort has just begun.

Since my acceptance to office, I have attempted to stay the course as directed by the people of Willows as their representation. Unfortunately, I can no longer carry this banner. My family is faced with serious personal issues that must be attended to. I cannot satisfactorily do both. Our family needs are such that my choice is clear.

I want to thank each and every Willows resident for the opportunity to be your police chief for six years. I hope we were able to make positive accomplishments to maintain your safety and quality of life. I want to further thank those who supported me on our quest to change city government. I again thank you for your support and trust.

I will miss Willows and wish each and every one of you a successful future.

Sincerely,

Bill Spears