

CITY COUNCIL

Vince Holvik, Mayor  
Jeff Cobb, Vice Mayor  
Gary Hansen, Council Member  
Terry Taylor-Vodden, Council Member  
Jim Yoder, Council Member

CITY MANAGER  
Steve Holsinger

CITY CLERK  
Natalie Butler



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Willows, CA 95988  
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[www.cityofwillows.org](http://www.cityofwillows.org)

**CITY COUNCIL REGULAR MEETING AGENDA**

**Tuesday, September 25, 2012**

**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 25, 2012, Agenda.
5. Presentations & Proclamations: None.
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*).
  - a) Mayor Holvik's written responses to questions that were submitted to the Council by Rose Marie Thrailkill at the City Council meeting held on September 11, 2012. INFORMATIONAL ONLY.
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 Check Register.
  - b) Consider approval of Payroll & Direct Deposit Check Registers.
  - c) Consider approval of the minutes of the August 28, 2012, Regular City Council Meeting.
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*).
  - a) Conduct a Public Hearing, and upon conclusion, by motion, consider the proposed allocation of 2012/2013 Supplemental Law Enforcement Service Funds.
9. Ordinances: NONE

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

- a) Recreation Director Carol Lemenager will give the Council an update on the Willows Police Activities League (PAL).

11. New Business:

- a)
  - 1) Consider, by motion, authorizing the Chief of Police to accept the COPS II Grant on behalf of the City of Willows.
  - 2) Consider, by motion, adoption of a Resolution approving a proposed MOU Side-Letter Benefit Concession Agreement between the Willows Public Safety Association and the City of Willows through June 30, 2017 and authorize the City Manager to sign on the City's behalf.

12. Council Member Reports:

13. Adjournment:

CERTIFICATION: Pursuant to Government Code §54954.2 (a), the agenda for this meeting was properly posted on or before September 20, 2012.

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](http://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.

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Rose Marie Thraikill:

Here are my responses to your questions from September 11, 2012. I am sending this to you as a courtesy as I will be out of state (scheduled since 7/13/2012) for the next Council Meeting. These will also be part of the Council Meeting packet for the next Council Meeting on 9/25/12. If, as you stated at the meeting "perhaps at the next meeting you can come back with the answers..." you mean me personally the best I can do is these written answers unless you want me to do it personally at the council meeting of 10/9/12.

1. Staff reports for meetings are always done by department heads or city manager, never by a council member. Why did you elect to do the one last week? Were you asked to do it by anyone? Did you confer with anyone on the matter? Did you seek legal council on the matter?

A. I respectfully disagree with this assertion. Staff reports are typically provided by staff members in support of certain subject matters, however they are not specifically restricted to staff. Our city/council meeting items are put out in accordance with the Willows Municipal Code (WMC section 2.05.090) and State Law. The Code clearly requires the Mayor's involvement. The City Manager has been instructed by the city council to adhere closely to this provision. Therefore the Mayor (or Vice-Mayor in the Mayor's absence) regularly has input and discretion over authorization of the agenda publication and distribution.

As the Mayor and Chair of the Budget Development Sub-Committee, I felt it was my responsibility to express my opinion regarding the business necessity of reaching the FY 2012/2013 budget goal of a balanced budget. I believe it was a necessary business decision required in attempt to achieve this goal as previously established by the council. I am solely responsible for the introduction of this item to the city council. I did confer with both the City Manager and the City Attorney before placing the item on the agenda.

2. Personnel issues are usually reserved for closed session meetings. Why did you do this in open session? Was the Chief of Police notified of your intent before the agenda was posted?

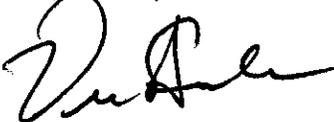
A. Through extensive consultation with the City Attorney, the contract issue clearly required a discussion with the council and therefore required public discussion. I.e.: it could not be done in closed session. Because the City Attorney was very familiar with the issue, the contractual requirement to provide notice of non-renewal and the complexities often associated with employment contracts, it was agreed the City Attorney should attend this meeting and be available to advice the council concerning any legal questions or concerns as necessary. In hindsight, I probably should have contacted the Police Chief regarding my intention to put this item on the council agenda.

3. Gary Krup is the City Attorney and does not come to regular meetings. He is usually only used for closed sessions on litigation. He was at staff table the whole last meeting. Why was he there? Who asked him to be there? What did it cost for all that time? Could we afford to have him there?
  - A. Some of this was answered in #2 above. As of this response the cost for the City Attorney's involvement in that meeting has not been invoiced to the city and is not currently available. Once the invoice is available the information can be disclosed upon request to the Finance Department. We budget general fund legal expense each year in anticipation of expenses in conjunction for City Attorney services. This FY we have budgeted \$12,000 for legal services. Over the past two fiscal years we budgeted \$12K & \$18K respectively. In FY 11/12 expenses totaled \$9,569 and in FY 10/11 expenses totaled \$15,426. We anticipate similar results this fiscal year.
  
4. Very little was mentioned about reserves what was the reserve dollar amount for the beginning years 2009 thru 2012?
  - A. Once again I respectfully disagree that we have not discussed GF reserves. This topic has been frequently discussed by the city council throughout the entire budget development process. In fact discussion about GF reserves for FY 12/13 commenced July 2011 with creation of the Budget Development sub-committee and the ultimate adoption of the 12/13 fiscal year budgeting goal a few weeks later. This past February during the Mid-Year budget review, the city manager provided a thorough review of historical budgeting trends including the yearly impacts to the General Fund reserves. He informed the council that budget decisions made since FY 05/06 would ultimately lead to bankruptcy without action by the city council to correct the trend. A graphic chart depiction was provided and it is attached here for your review. It clearly shows the Reserve Balance in 05/06 at \$2.1MM and projected in 11/12 to be \$1,036,346 or as I have mentioned many times, as loss of just over one million dollars during the past six years ( or an average of \$178K per year). The Graph still indicates expenses are greater than revenues and requires the council to make very tough decisions to stop the annual drain on the city's fiscal reserves. This topic has been front & center in regular council meeting discussions for well over a year. Our goal of a zero net deficit will remain so throughout the balance of this fiscal year.
  
5. I believe I once read that the elimination of the Police Chief would save \$320 K over a 2 year period. Where did that come from? What was the exact figures? Was there a line item breakdown for that amount?
  - A. I cannot answer a question based upon something you believe you saw somewhere and I'm not aware of any city documents connected to an analysis in conjunction with elimination of the Chief of Police position. We did not eliminate the Chief's position. We provided a notice of non-renewal as required by the employment agreement between the city and Chief Spears. The estimated savings will be approximately \$86K in FY12/13 and the salary savings will be applied to reduce the projected budget deficit in the current fiscal year.
  
6. Why is the City Manager still getting \$300 a month as a travel allowance. This was increased from \$200 a month when he was hired years ago, as he was commuting from his former residence. He soon became a resident of Willows. \$300 is payment for about 500 to 600 miles

a month. Does he travel out of town that much on city business? Is this an unnecessary expense that should be looked at?

- A. The city manager is paid in accordance with the provisions and requirements within his employment contract. The only exception is that he is voluntarily participating in furlough program along with all other management and administrative support staff. His contract is a public record and is available for review upon request. The city council will be addressing the performance of the city manager as specified within his contract and may address the issue of auto allowance at that review scheduled for October 9, 2012.
7. What is the base salary for a Police Chief compared to a City Manager. As the old saying goes, "Where do you get the most bang for your buck"?
- A. The base salary for both Chief of Police and City Manager are included in their respective employment contracts. Here is the base pay reported by the Finance Director: At full employment the City Manager is paid \$8,367 per month and the Police Chief \$7,941 per month. Salaries at 10% furlough for the City Manager is \$7,530.30 per month and the Police Chief is \$7,146.90 per month. The Chief of Police salary level is at 95% of the City Managers salary. Both positions are critical elements of our city management structure and operational strategy.
8. I think this Council will eventually see that they made a VERY GRAVE ERROR IN JUDGMENT with last meetings decision. We all hope this can be rectified before more damage is done.
- A. Once again I respectfully disagree and stand behind the decision of the City Council. For further clarification, please refer to my answers to number 1 & 4 above.

Respectively,



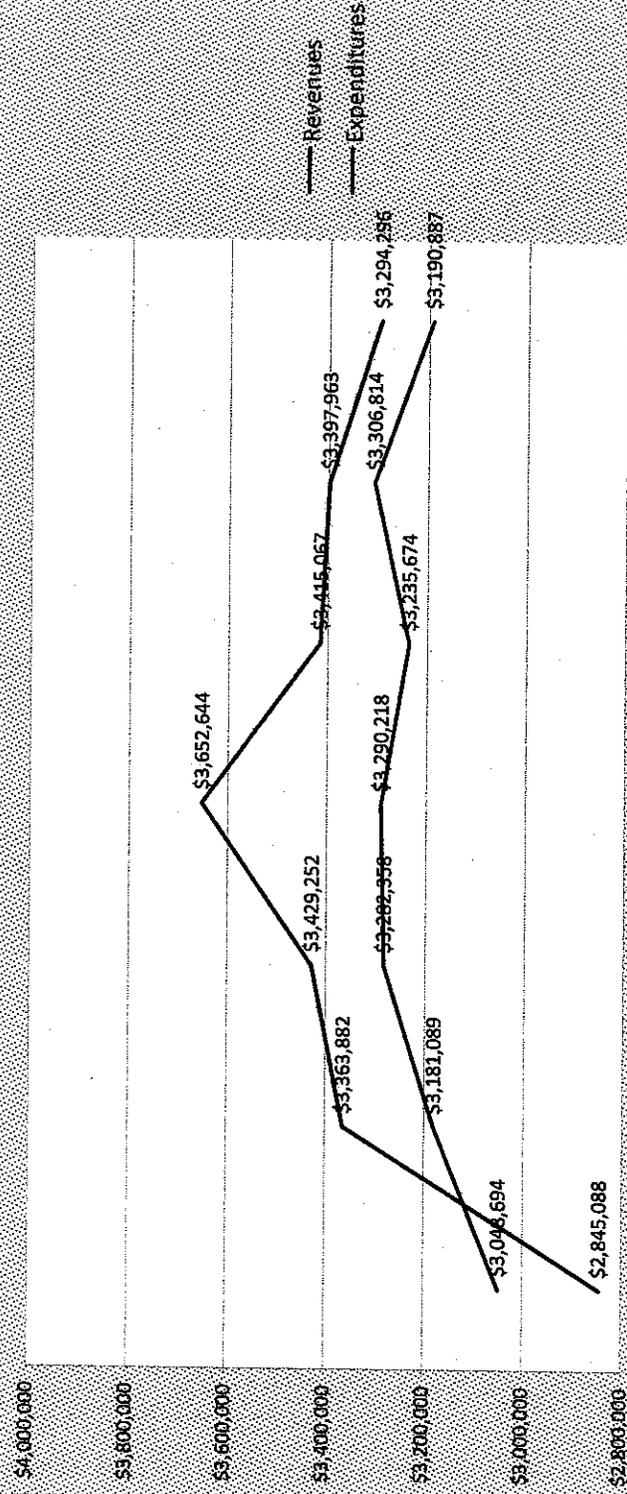
Vince Holvik

Mayor – City of Willows

GENERAL FUND REVENUE, EXPENDITURES AND FUND BALANCE

	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12 (PROJ.)
Revenues	\$3,048,694	\$3,181,089	\$3,282,358	\$3,290,218	\$3,235,674	\$3,306,814	\$3,190,887
Expenditures	\$2,845,088	\$3,363,882	\$3,429,252	\$3,652,644	\$3,415,067	\$3,397,963	\$3,294,296
revenue	base	4%	3%	0%	-2%	2%	-4%
expense	base	18%	2%	7%	-7%	-1%	-3%
				108%			97%
				128%			90%

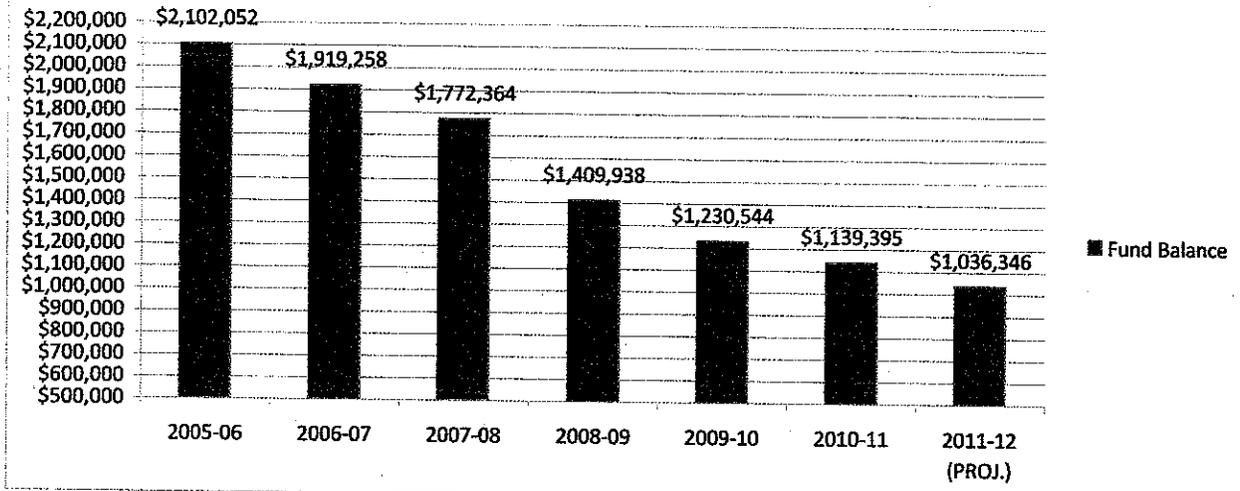
General Fund Revenue/Expenditures 2005-06 through 2011-12



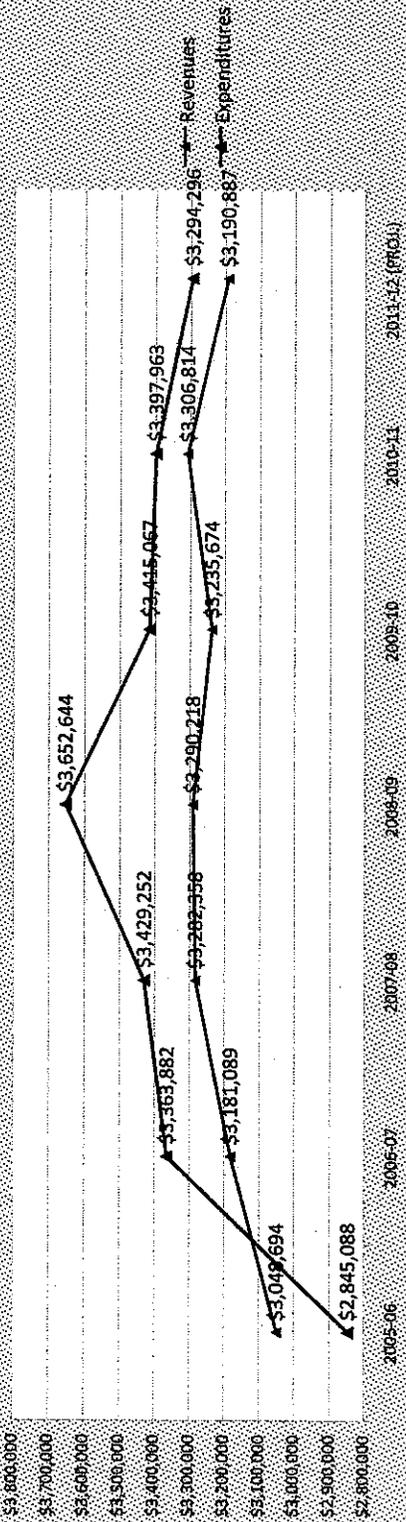
ANNEX A-10

	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12 (PROJ.)
Fund Balance	\$2,102,052	\$1,919,258	\$1,772,364	\$1,409,938	\$1,230,544	\$1,139,395	\$1,036,346

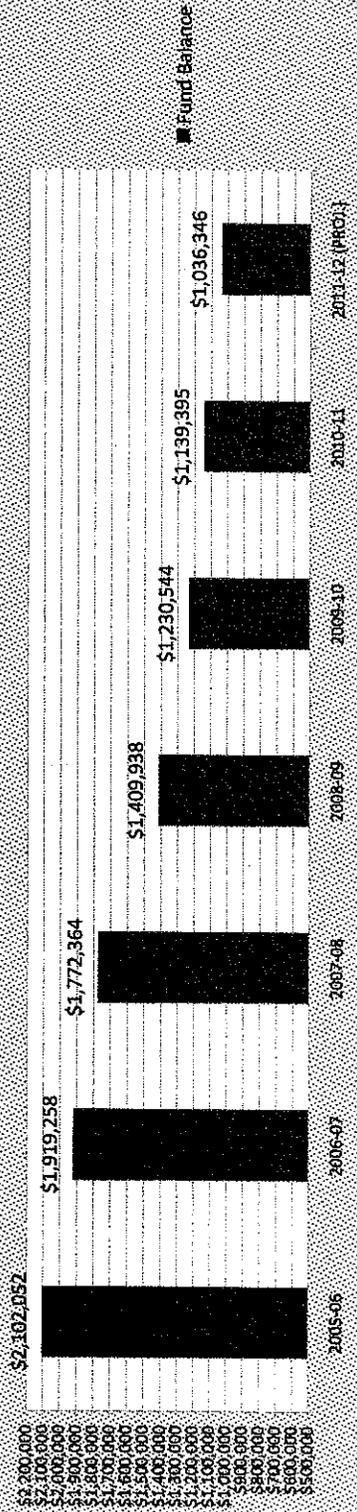
### General Fund Reserve 2005-06 to 2011-12



### General Fund Operations 2005-06 to 2011-12



### General Fund Reserve 2005-06 to 2011-12



\$2,102,052	\$182,794	06/07	\$182,794
\$1,919,258	\$146,894	07/08	\$146,894
\$1,772,364	\$362,426	08/09	\$362,426
\$1,409,938	\$179,394	09/10	\$179,394
\$1,230,544	\$91,149	10/11	\$91,149
\$91,149	\$103,049	11/12	\$103,049
\$1,139,395	\$1,036,346	Total	\$1,065,706
\$1,036,346		Average	\$177,618

GENERAL FUND REVENUE, EXPENDITURES AND FUND BALANCE

	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12 (PROJ.)
Revenues	\$3,048,694	\$3,181,089	\$3,282,358	\$3,290,218	\$3,235,674	\$3,306,814	\$3,190,887
Expenditures	\$2,845,088	\$3,363,882	\$3,429,252	\$3,652,644	\$3,415,067	\$3,397,963	\$3,294,296
Fund Balance	\$2,102,052	\$1,919,258	\$1,772,364	\$1,409,938	\$1,230,544	\$1,139,395	\$1,036,346

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

**August 28, 2012**

1. The meeting was called to order at 7:03 p.m. by Mayor Holvik.
2. **PLEDGE OF ALLEGIANCE:** Council Member Hansen led the Pledge of Allegiance.

3. **ROLL CALL:**

Present: Council Members Yoder, Cobb, Taylor-Vodden, Hansen, & Mayor Holvik  
Absent: None

4. **Agenda Review:** It was **moved** by Council Member Yoder and **seconded** by Council Member Hansen to accept the August 28, 2012, City Council Meeting agenda as presented. The motion unanimously passed.
5. **Presentations & Proclamations:** Barbara LaDoucer of the American Legion Auxiliary presented a Certificate of Appreciation to the Mayor and City Council for their yearly acknowledgment of "Poppy Days".

6. **Public Comment:**

Andrew Baird spoke and asked the City to consider possibly taking back the Water System from Cal-Water Service by using Eminent Domain procedure. He stated that \$80.00 per month for water is a lot to pay and he would like to see the City operate their own water system.

Rose Marie Thrailkill gave an update of past and upcoming Chamber of Commerce and Community events. She also requested that the Council Members speak into their microphones at the dais because the audience has a lot of trouble hearing what is being said.

Dennis James presented Police Chief Bill Spears and the City Council with Certificates of Appreciation for their service and assistance which contributed to the advancement of the American Legion Auxiliary programs and activities.

Karen Roberts stated that the VFW Ladies Auxiliary will be holding a candlelight vigil in remembrance of the events of 9/11/2001. The event will take place at Willows Veterans Memorial Hall at 525 W. Sycamore Street on Tuesday, September 11 at 7:30 p.m. Mayor Holvik stated that the City Council meeting that is scheduled to take place that evening would have a start time of 6:00 p.m. instead of the normal 7:00 p.m. in hopes of adjourning in time to be able to attend the event.

Rosanna Marino, local district manager for California Water Service reported that California Water Service is interested in offering a presentation to the City Council at a future meeting in order to answer or address concerns of the Council or the community regarding some issues that have recently come up with regards to water rate increases. She asks that any questions be put into writing and given to the City Manager prior to the meeting. She also gave a reminder that

California Water Service will be hosting a General Rate Case Workshop on October 3 at 6:00 p.m. at the Monday Afternoon Club.

Michael Keen stated that his water bill has been \$150/month this summer just for him to water his lawn and to shower. He stated that \$150 is getting to be a bit much and it has come to a point where he may have to consider discontinuing watering his lawn and if he does that his neighbors' homes will likely drop in value. He suggests that perhaps the Council should consider adopting an ordinance to disallow lawsuits in the event that people stop watering their lawns and their neighbors threaten to file suit against them. Being on a very limited income, he and others just can't continue to spend that much money to water the lawn.

Jeff Williams stated that at the last Council Meeting he asked a question that the Council couldn't answer which was whether there was any authorization by the city to allow an employee from Chico to commute to and from work in a City-owned vehicle and he wondered if that question has been looked into. The City Manager stated that the use of the vehicle was approved through the negotiating process and was agreed upon as a condition of employment between the employee and the City. Mr. Williams also had a complaint about the City Manager, claiming that he made a threat to him about going to his boss, Shon Harris of the California Highway Patrol, to tell him about his repeated requests for audios from City Council Meetings. He stated that the City Manager condemned him for wasting the Clerk's time by frequently asking for the audio of Council Meetings. He has previously spoken to Council Member Taylor-Vodden and Mayor Holvik about his complaints. It is his belief that if anybody shows any difference of opinion than the City Manager's that they are scolded. Mayor Holvik advised Mr. Williams that the City is currently in the process of looking at a program that will allow the audio of the meetings to be placed onto the City's website.

Alan Schauer stated that it is bad that the City does not have an existing contract with California Water Service. He also announced that he would be contacting Fish & Game about the snowy egrets and night herons that have taken over Memorial Park and other areas around the City. He would like to find a way to get rid of the birds and keep them from nesting in the City.

7. **Consent Agenda:**

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

- a) Approval of General Check Register (24959-25022).
- b) Approval of Payroll & Direct Deposit Check Registers (No direct deposit and no payroll checks have been issued since the last City Council Meeting).

8. **Public Hearings:** None

9. **Ordinances:** None

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

**11. New Business:**

- a) Council will consider providing written notice of non-renewal in conformity with the requirements of the Employment Agreement between the City of Willows and William R. Spears, Police Chief.

Mayor Holvik began by stating that he is the person that asked that this item be placed on the agenda. Willows and other Cities throughout California are going through some very difficult times. Income sources have been reduced, and expenses, such as pensions and health care costs continue to rise. In 2006 the City had approximately 2 million dollars in savings, however over the course of the last six years the City has had to use approximately 1 million dollars just to provide current services as they are today. Many of these reductions and cuts did not directly effect members of the general public and many of them went unnoticed. These cuts and reductions include four Public Works positions, Police Officer and a Community Services Officer, Administrative Finance Analyst, sharing a Library director, cutting back on Planning and Engineering services, deferred salaries, Administrative furloughs, and numerous operating expenses. Even with these reductions, the Council still finds themselves facing a \$200K budget deficit during the 2012/2013 Fiscal Year. If Council leaves a Police Officer position frozen, the deficit would go down to approximately \$112K. All department budgets are at a minimum and any future cuts will be painful, no matter where the cuts come from. Having a surplus budget like the City did prior to 2006 was so much more easy to work with and to manage; however, it is now time for the City to face the reality of the current financial picture and make some tough choices and decisions. There does not seem to be any immediate relief in sight or a near end to this financial problem. It should also be noted that if Proposition 30 does not pass in the November election, the City stands to lose even more money from the Police Department budget. In this year's budget, the Council decided to take a stand and have a balanced General Fund budget. As part of the Budget subcommittee, Mayor Holvik has been evaluating each and every potential expenditure reduction and saw that the Police Chief's contract was due to expire at the end of 2012. Even the cost savings, if that contract is not renewed, will not even balance the budget but it will make an impact. Even the County has taken the stand of downsizing in order to try to balance their budget. Mayor Holvik's fear is that he expects the City to have another deficit budget every year for the next few years. This is not a one time deficit budget and the Council must do something now. In these unprecedented economic times, it is imperative that as a Council and as a Community, we all work together to make sure we can get through in as good a shape as possible. If we don't do something now, it's just going to get worse next year and the following year and so on. The city is currently down to bare bones and that is why this agenda item is up for discussion this evening. Mayor Holvik stated that he knows that there are several people present at the meeting who wish to comment on this item and he asked for people to please step to the microphone and state their name and make their comments. The Mayor asked that order be maintained and that there be no disputes or clapping during the public comment portion. He also stated that he would like to limit discussions, not to try to censor anybody, but

in order to keep the comments from becoming repetitive or redundant. Mayor Holvik then opened up the public comment portion.

Speakers in favor of the Council renewing Chief Spears' Employment Agreement were Mike O'Brien, Glendon Roger Boothe, Andrew Baird, Gloria Baldwin, Vern Roberts, Mike Donnelly, Stephanie Southam, Jana Smith, Robert Pellazarri, Carl Walter, Joe Hinton, Rose Marie Thraillkill, Patsy Carter, Cynthia Roach, Jana Adamson, Summer Berglund, Dan Gupton, Kevin Nelson, Gail Green, Gladys Bettencourt, Nancy Salsido, Gabriela Robles, Todd Miller, Michelle Thomas, Bud Brackensick, John Zimmerman, Dennis James, Patti Fumasi, Keith Parrish, Lisa Hill, Linda Corbin, Larry Bowman, Vern Roberts, Barb LaDoucer, Stacey Rokay, Jeff Williams, Ted Crandell, & Angela Parisio.

Speakers in favor of the Council not renewing Chief Spears' Employment Agreement were Heather Baker.

Speakers that didn't specifically state their preference or position for or against the renewal, but had inquiries about the plan moving forward if the Chief's Employment Agreement was not renewed were Sherri Brott and Bobbie LaCross. Doug Ross had a legal question regarding the statutory requirements to have a Police Chief. Candis Woods indicated that no matter what the Council's decision was tonight, she has a lot of confidence in the City's Police Department.

Chief Spears then thanked the members of the audience who came out in support of him. He then addressed the Council stating that he was surprised and disappointed that there were no previous negotiations and no contact was made with him regarding his contract renewal and no discussions or negotiations ever took place. He never said he was unwilling to negotiate and he offered to give 15% of his current wage back to the City right now if they renewed his contract. This would be a savings of roughly \$23,200 per year. He stated that he has always tried to find ways to save the City money by means of seeking out grants, buying the lowest priced products, etc. He wondered when the budget subcommittee meetings took place and why the committees were holding secret meetings without his being noticed or informed. He said that he has never experienced this type of treatment in his 40 years of public service, in that he claimed he was never made aware that his contract was going to be up for review and discussion until the meeting agenda was distributed last Thursday.

After Chief Spears wrapped up his comments, Mayor Holvik called for a brief recess at 9:33 p.m. Mayor Holvik reconvened the meeting at 9:47 p.m. and he reported that he had failed to mention earlier in the meeting that two letters of support for Chief Spears were received by the Council. Those letters were from former Willows Police Officer Jon Meek and from James Bettencourt.

City Attorney Gary Krup stated that he has reviewed the Chief's Employment Agreement and stated that according to the terms of the agreement, the agreement would automatically renew for another two years effective December 31, unless the Council took an action to not renew the agreement. If it is the intent of the Council to not renew the agreement, they must take a formal action to not renew the contract, which includes directing staff to provide the Chief with a written notice of non-renewal within 90 days of the agreement automatically renewing.

Mayor Holvik then stated that Council discussion on this item would be held in alphabetical order, beginning with Council Member Cobb. Council Member Cobb stated that he had no comments at this time. Council Member Hansen thanked all the citizens that showed up this evening to express their opinions on this item. Pertaining to this agenda item, Council Member Hansen believes that it would be fiscally irresponsible of the Council if they did not seize this cost savings opportunity, so he stated that he concurs with the Mayor's recommendation to not renew the Employment Agreement.

Council Member Taylor-Vodden stated that she did receive a copy of the Chief's employment agreement and reviewed it, and she is happy that the City Attorney specified that the Council has the right, for any reason, to not renew the Contract. She believes that Chief Spears signed the employment agreement with that knowledge that it was a two year contract that renewed every two years, or could be non-renewed for any non-specific reason. She asked Chief Spears if that was correct. Chief Spears stated at the time he signed the contract he did understand the two year terms, however, he believes there could have been some negotiations to alter and replace or modify the existing contract. Council Member Taylor-Vodden stated that as a member of the Public Safety Subcommittee, she was at a meeting with Chief Spears and she said she did not ever hear that offer from Chief Spears. Council Member Taylor-Vodden just wanted to make it known that she had met with the Chief officially as a subcommittee member, and that was not part of the discussion. She considered that meeting a part of their negotiations and she is just surprised that the Council can be accused of anything and everything, and not have the opportunity to respond, or are hampered in their ability to respond. She is happy that the Council has been able to review the employment agreement and they now have the opportunity to vote on non-renewal and she too agrees with the Mayor's recommendation to not renew the agreement.

Council Member Yoder then stated that he has struggled with this issue for some time and early on in the budget process he asked the City Clerk to provide him with all contracts that the City has and he reviewed each one of them. This is one of those areas that the Council is continuously going to look at to try to bring the budget back into balance because that is the objective that the Council has. The deficit budget is not going to be erased off of this one item and the Council needs to continue to be fiscally responsible. This is strictly a fiscal issue and the Council needs to do what is in the best interest of the City. The Police Department will continue to exist and the Chief himself has publicly stated that he has the utmost confidence in his staff to run operations. Council Member Yoder stated that he looks at this from the perspective of being a fiscal issue only and this would be a savings to the City. For the last six years the City has gone into a fiscal spiral and at some point the City needs to spend the money they have and not continue to go further into debt. He believes the Council is on the right track on trying to balance the budget while at the same time keeping the City intact.

Mayor Holvik stated that there was a lot said tonight during the public comment portion of this item and some things that were said were a bit questionable as to content. He stated that this is one of the toughest times that he has ever faced while serving on the Council, and this is also one of the toughest decisions he has ever had to make as a Council Member. He asked if there was any further discussion of the Council, and hearing no additional comments, he asked the pleasure of the Council. It was then **moved** by Council Member Cobb and **seconded** by Council Member

Taylor-Vodden to authorize the City Manager to direct staff to provide written notice of non-renewal, in accordance with the requirements of the Employment Agreement between the City of Willows and William R. Spears, Police Chief. The Mayor then called for an alphabetical roll call vote and the vote was unanimous 5/0 to direct staff to provide the Police Chief with written notice of non-renewal of his Employment Agreement.

**12. Council Member Reports:**

Council Member Hansen reported that he attended the most recent Transportation & Transit Committee Meeting. He also attended the most recent Waste Management meeting.

**13. Executive Session: None**

**14. Adjournment: Mayor Holvik adjourned the meeting at 10:10 p.m.**

Dated: August 28, 2012

NATALIE BUTLER

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City Clerk

The City of Willows is an Equal Opportunity Provider

SEPTEMBER 25, 2012

**AGENDA ITEM**

**TO:** Steve Holsinger, City Manager  
**FROM:** William Spears, Chief of Police  
**SUBJECT:** **2012/ 2013 Supplemental Law Enforcement Service Fund (SLESF) Program Funding**

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**RECOMMENDATION**

Staff recommends council hold public hearing, and approves, by motion, the proposed allocation of 2012/2013 Supplemental Law Enforcement Service Funds.

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**SITUATION**

The City of Willows is slated to receive Supplemental Law Enforcement Service Funding (SLESF) for 2011-2012 from the State of California. We have been authorized \$83,000 for this fiscal year. Please note that we received \$117,011 in 2011-12, but we had anticipated receiving \$100,000, and only expended \$100,000. As such, the \$17,011 remaining will be combined with the anticipated \$83,000 to be received in 2012-13 to create a proposed allocation of \$100,011.

Government Code Section 30062 requires that the Chief of Police submit a spending plan to the City Council for approval after a public hearing that must be held each year.

The legislative intent remains the same this year, as in past years, and that is for the continuation of the Supplemental Law Enforcement Services Fund for local agencies for the foreseeable future. The legislative desire for the use of these funds likewise remains the same, in that personnel should be the priority for local agencies.

The plan approved by the Council for 11/12 SLESF Funds, called for using the money to fund a police officer position (\$98.6K) along with \$1.4K in project/supply funds.

***This year's proposal, is to be the primary funding source for a police officer position (General Fund is used for the remaining personnel cost of the position) and to provide project/supply funds***

**A recap of actual 2010/11 and 2011/12 activity, as well as the proposal for 2012/13 is as follows:**

	<u>FY 10/11</u> ACTUAL	<u>FY 11/12</u> ACTUAL	<u>FY12/13</u> PROPOSED
<b>Police Officer – Patrol</b>	<b>\$ 26,947</b>	<b>\$ 98,646</b>	<b>\$ 98,657</b>
<b>School Resource Match</b>	<b>\$ 68,348</b>	<b>\$ 0</b>	<b>\$ 0</b>
<b>Sp Project/OT/Equipment</b>	<b>\$ 4,705</b>	<b>\$ 1,354</b>	<b>\$ 1,354</b>
<b>TOTAL</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>\$100,011</b>

### FINANCIAL CONSIDERATIONS

The City of Willows is slated to be the recipient of \$83,000 from the State of California for the Supplemental Law Enforcement Service Funds Grant. Council must hold a public hearing and approve an allocation for the use of such funds to accept the grant.

### NOTIFICATION

None

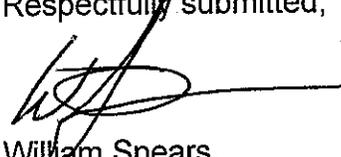
### ALTERNATE ACTIONS

1. Hold public hearing and approve, by motion, the proposed allocation of 2012/2013 Supplemental Law Enforcement Service Funds.
2. Hold public hearing and approve, by motion as amended, the proposed allocation of 2012/2013 Supplemental Law Enforcement Service Funds
3. Not hold public hearing nor approve allocation of 2012/2013 Supplemental Law Enforcement Service Funds and thereby reject stating SLESF funds.

### RECOMMENDATION

Staff recommends council hold public hearing, and approves, by motion, the proposed allocation of 2012/2013 Supplemental Law Enforcement Service Funds

Respectfully submitted,

  
William Spears,  
Chief of Police

Approved by,

  
Steve Holsinger,  
City Manager

Attachments: None

**AGENDA ITEM**

**TO:** Willows City Council  
**VIA:** Steve Holsinger, City Manager  
**FROM:** William Spears, Chief of Police  
**SUBJECT:** ACCEPTANCE OF COPS II GRANT

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**RECOMMENDATION**

By motion, authorize the Chief of Police to accept the COPS II Grant on behalf of the City of Willows

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**SITUATION**

Council previously authorized the Chief of Police to seek the COPS II Grant. The department submitted the grant to the U.S. Department of Justice. On June 25, 2012 the Willows Police Department was notified that we were successful for selection for awarding of the COPS II Grant.

The specifics of the grant requirements were reviewed with the City Council during the August 14, 2012 meeting. It was the direction of the City Council to table the item at that time and have staff meet with the Willows Public Safety Association (WPSA) to seek consideration for a collaborative funding alternative. Those negotiations have been completed; with a tentative agreement reached between the City and the WPSA; which is intended to provide adequate funding to cover those expenses anticipated to be in excess of the initial \$50,000 dollar match required under the grant. A companion item in conjunction with this topic will seek Council Ratification of the proposed agreement between the City and WPSA over the four year period associated with the Grant funding obligation.

**FINANCIAL CONSIDERATIONS**

The City of Willows would receive \$195,450.00 funding for a police officer position. As previously stated the initial match for the grant period is \$50,000. The City has determined that the actual city obligation for the life of the grant term is anticipated to be \$209K. Therefore a funding gap of approximately \$159,000 exists for the balance of the grant period. The WPSA has offered benefit concessions by way of assuming increased payments in conjunction with PERS contributions; which were previously paid by the City of Willows on behalf of WPSA members. In exchange for this benefit concession, the WPSA is seeking a four year extension to the current term of the existing MOU between the City and the WPSA. The proposed benefit concessions are projected to reduce the City contributions to PERS by approximately \$162,000 during

the term of the MOU extension, thereby achieving sufficient funding required under the terms of the grant.

The City Finance Director has presented his analysis and it is attached to this staff report for your review.

**NOTIFICATION**

WPSA

**RECOMMENDATION**

By motion, authorize the Chief of Police to accept the COPS II Grant on behalf of the City of Willows

Respectfully submitted,

Approved by,

William Spears,  
Chief of Police

Steve Holsinger,  
City Manager

---

Attachments:

EXHIBIT A: Analysis of Proposed WPSA Benefit Concessions.

City of Willows  
 Schedule of Cost Savings  
 WPSA PERS Cost Share  
 8/30/2012

Estimated Annual WPSA PERS Employee Cost Covered by City \$ 41,220  
 Based Upon City Paying 7% of the Employee Contribution

	Year 1	Year 2	Year 3	Year 4	Year 5	Total
	10/01/12- 6/30/2013	07/01/13- 6/30/2014	7/1/2014- 6/30/2015	07/01/15- 6/30/2016	7/1/2016 6/30/2017	Estimated Over 5 Yrs.
	3%	5%	7%	7%	7%	
10/1/2012 \$	13,249	\$ 29,443	\$ 41,220	\$ 41,220	\$ 41,220	\$ 166,352
Start						

	Year 1	Year 2	Year 3	Year 4	Year 5	Total
	1/01/13- 6/30/2013	07/01/13- 6/30/2014	7/1/2014- 6/30/2015	07/01/15- 6/30/2016	7/1/2016 6/30/2017	Estimated Over 5 Yrs.
	3%	5%	7%	7%	7%	
1/1/2013 \$	8,833	\$ 29,443	\$ 41,220	\$ 41,220	\$ 41,220	\$ 161,936
Start						

**EXHIBIT A**

**AGENDA ITEM**

**TO:** Honorable Mayor Holvik and Members of City Council

**FROM:** Steve Holsinger, City Manager

**SUBJECT:** Consideration of approval of an MOU side-letter agreement with the Willows Public Safety Association.

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**RECOMMENDATION**

By resolution, approve the proposed (MOU) – Side Letter Benefit Concession Agreement between the Willows Public Safety Association and the City of Willows through June 30, 2017 and authorize the City Manager to sign on the City's behalf.

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**SITUATION**

The City of Willows relies on a number of skilled and diverse employee positions to enhance the delivery of city services to our residential, business and visiting customers in the community. The Willows Public Safety Association is one of two bargaining units that comprise the Willows workforce. This Association represents employees providing vital emergency response and law enforcement services to our citizens in distress.

Unlike the majority of other routine city services, these vital personnel function on an irregular business work schedule, and are available twenty-four/seven; working during every weekend, Holiday and every time a citizen of our community needs emergency assistance. They are a valued part of the city's overall service delivery team.

Special negotiations to address a "unique" wage & conditions-of-employment circumstances, identified early in the 2012/2013 fiscal year, concerning concession concurrence to facilitate personnel funding obligations in conjunction with acceptance of the CHRP II Grant have resulted in a tentative agreement between the two parties. The proposed agreement conforms to the direction of City Council concerning benefits, staffing and other resource allocations approved in the city's current fiscal work plan.

Staff is recommending ratification by the city council through the adoption of the attached resolution.

**FINANCIAL CONSIDERATIONS**

This 'Agreement' required acceptance of the COPS II Hiring Grant in FY 2012/13, as approved by the council under the preceding Agenda Item. Therefore, the City of

Willows will receive \$195,450 in funding for a police officer position. As previously stated the initial match for the grant period is \$50,000. The City has determined that the actual city obligation for the life of the grant term is anticipated to be \$209K. Therefore a funding gap of approximately \$159,000 existed for the balance of the grant period. The WPSA has offered benefit concessions by way of assuming increased payments in conjunction with PERS contributions; which were previously paid by the City of Willows on behalf of WPSA members. In exchange for this benefit concession, the WPSA is seeking a four year extension to the current term of the existing MOU between the City and the WPSA. The proposed benefit concessions are projected to reduce the City contributions to PERS by approximately \$162,000 during the term of the MOU extension, thereby achieving sufficient funding required under the terms of the grant.

The City Finance Director has presented his analysis and it is attached to this staff report for your review.

**NOTIFICATION**

Willows Public Safety Association

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**RECOMMENDATION**

By resolution, approve the proposed (MOU) – Side Letter Benefit Concession Agreement between the Willows Public Safety Association and the City of Willows through June 30, 2017 and authorize the City Manager to sign on the City's behalf.

Respectfully submitted,

Stephen A Holsinger  
City Manager

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**Attachments:**

Resolution authorizing the Execution of a Side-Letter Agreement the Willows Public Safety Association.

Exhibit "A" – Tentative Agreement document between City of Willows and the Willows Public Safety Association

Resolution No \_\_\_\_\_

**A Resolution of the City Council of the City Of Willows  
Amending the existing Memorandum of Understanding between the  
Willows Public Safety Association and the City of Willows by extending the term  
of the Agreement through June 30, 2017 and defining specific Benefit Concession**

**WHEREAS**, the Willows City Council during its regular meeting for August 14, 2012 directed staff to negotiate certain terms & conditions identified with the MOU between Willows Public Safety Association and the City of Willows; and

**WHEREAS**, the city has met and conferred with the Willows Public Safety Association; and

**WHEREAS**, the results of these negotiations are attached as Exhibit "A" (Public Safety Association Tentative Agreement) and made a part of this resolution.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF WILLOWS:** authorizes the City Manager to execute the amendments to the Memorandum of Understanding with the Willows Public Safety Association effective September 25, 2012 and extending the term of this Agreement through June 30, 2017

It is hereby certified that the foregoing Resolution No. \_\_\_\_\_ was duly introduced and duly adopted by the City Council of the City of Willows at its regular meeting held on this 25th day of September 2012, by the following Roll Call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

Approved

Attested

\_\_\_\_\_  
Vince Holvik, Mayor

\_\_\_\_\_  
Natalie Butler, City Clerk

Steve Holsinger, City Manager  
City of Willows  
201 N. Lassen St.  
Willows, CA 95988

Mr. Holsinger,

As of Monday September 17, 2012, the Willows Public Safety Association has approved the WPSA Benefit Concession Agreement (draft) document presented to the WPSA as of September 13, 2012 (attached herein for reference).

Representatives of the WPSA will be available to sign the sideletter agreement upon its approval by the Willows City Council.

Regards,

 9-19-12

Carl Walter  
President, Willows Public Safety Association

# EXHIBIT A

Willows Public Safety Association  
FY 2012/2013 Side-Letter Agreement  
between

Willows Public Safety Association & City of Willows

- i. The parties shall mutually agree this side-letter agreement shall not impact the terms & conditions of the existing MOU and/or terms & conditions for any successor MOU beyond the June 30, 2017 extended term.
- ii. This side-letter agreement was formally developed to address a "unique" wage & conditions-of-employment circumstances, identified early in the 2012/2013 fiscal year, concerning concession concurrence to facilitate personnel funding obligations in conjunction with acceptance of the CHRP II Grant in 2012.
- iii. The City of Willows shall agree to formally accept the COPS Hiring Grant #2012UMWX0022 awarded to the city by official U.S. Dept of Justice notice, dated July 10, 2012 and shall comply fully with all conditions therein required; including City Council approval of acceptance; tentatively scheduled for council approval on September 25, 2012.
- iv. Effective January 1, 2013 all members of the WPSA shall agree to a benefit concession as follows:
  - i. Employee members shall make an additional contribution to the Employee portion of PERS Retirement System equal to three percent (3%) of earnings paid by the city; bringing the total contribution paid by each member employee to five percent (5%) of earnings.
- v. Effective July 1, 2013 all members of the WPSA shall agree to a benefit concession as follows:
  - ii. Employee members shall make an additional contribution to the Employee portion of PERS Retirement System equal to two percent (2%) of earnings paid by the city; bringing the total contribution paid by each member employee to seven percent (7%) of earnings.
- vi. Effective July 1, 2014 all members of the WPSA shall agree to a benefit concession as follows:
  - iii. Employee members shall make an additional contribution to the Employee portion of PERS Retirement System equal to two percent (2%) of earnings paid by the city; bringing the total contribution paid by each member employee to nine percent (9%) of earnings.

- vii. The City and WPSA acknowledge the California Public Employees' Pension Reform Act (PEPRA), signed into law by Governor Brown on September 12, 2012, may create PERS conflicts for "New Members" hired by the City after January 1, 2013. It is therefore mutually agreed, any such conflicts will be resolved in compliance with the requirements of PEPRA with or without the obligatory meet & confer process as may be mandated in compliance with PEPRA as adopted, amended or upheld by any court of competent jurisdiction hereafter.
- viii. The WPSA and City of Willows agree to continue to meet frequently during budget development workshops to collaborate on staffing levels.
- ix. All other terms, covenants, conditions, and provisions of the Memorandum of Understanding shall remain intact and shall bind each of the parties accordingly.

For the City of Willows

For the Willows Public Safety  
Association

\_\_\_\_\_  
Steve Holsinger, City Manager

\_\_\_\_\_  
Carl Walter, Employee  
Representative

\_\_\_\_\_  
Troy McIntyre, Employee  
Representative

\_\_\_\_\_  
Lance Chapman, Employee  
Representative

Dated \_\_\_\_\_

Dated \_\_\_\_\_

City of Willows  
 Schedule of Cost Savings  
 WPSA PERS Cost Share  
 8/30/2012

Estimated Annual WPSA PERS Employee Cost Covered by City \$ 41,220  
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