



Willows City Council Regular Meeting

March 9, 2021
Willows City Hall
7:00 p.m.

City Council
Larry Domenighini, Mayor
Gary Hansen, Vice Mayor
Kerri Warren, Council Member
Joe Flesher, Council Member
Jeff Williams, Council Member

Interim City Manager
Wayne Peabody

City Clerk
Tara Rustenhoven

201 North Lassen Street
Willows, CA 95988
(530) 934-7041

Agenda

NOTICE:

Pursuant to N-25-20 issued by Governor Gavin Newsom suspending portions of the Brown Act, the March 9, 2021 Willows City Council meeting will be OPEN to the public. We will be limiting the number of members of the public physically present in Council chambers at City Hall in order to observe recommended social distancing practices. Members of the public who choose to attend in person must wear a mask or other face covering, and to wash their hands and use hand sanitizer frequently, in addition to maintaining at least six feet of distance between themselves and any others who are not members of their household to minimize the possibility of transmission of the COVID-19 virus. For those members of the public who are at high-risk or prefer not to attend in-person, the City is also providing a mechanism through which they may attend the meeting telephonically by following the instructions below.

1. **CALL TO ORDER- 7:00 p.m.**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **PUBLIC COMMENT/WRITTEN COMMUNICATIONS**

- a. **Public Comments:**

Members of the public wishing to address the Council on any item(s) not on the agenda may do so at this time when recognized by the Mayor/Vice Mayor; however, no formal action will be taken unless a majority consensus of the Council directs staff to place the item on a future agenda. Public is advised to limit discussion to one presentation per individual. While not required, please state your name and address for the record. (Oral communications will be limited to three minutes)

5. 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 Council Member requests, in which event the item will be removed from the consent agenda. It is recommended that the Council:

- a. Approval of general checking, payroll & direct deposit check registers Z44760-Z44787, 38840-38849, 050921-050957.
- b. Approval of minutes of the Regular City Council Meeting held on February 23, 2021.
- c. By motion, consider reading by title only, passage of the second reading and adoption of an Ordinance entitled; **“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS, REPEALING WILLOWS MUNICIPAL CODE CHAPTER 17, ARTICLE IV (“CONSTRUCTION OF IMPROVEMENTS”) AND CHAPTER 17, ARTICLE IX (“STANDARD DETAILS”) AND ADOPTING A NEW WILLOWS MUNICIPAL CODE CHAPTER 17, ARTICLE IV (“PUBLIC WORKS DESIGN AND CONSTRUCTION STANDARDS”)**

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

6. REGULAR BUSINESS AGENDA/ITEMS REQUIRING COUNCIL ACTION

- a. Receive Second Quarter Financial Report, review, and provide direction to staff.

7. COUNCIL/ STAFF REPORTS/COMMENTS

- a. Staff Reports/Comments:
- b. Council Reports/Comments:

8. CLOSED SESSION

- a. PUBLIC COMMENT: Pursuant to Government Code Section §54954.3, the public will have an opportunity to directly address the legislative body on the item below prior to the Council convening into closed session. Public Comments are generally restricted to three minutes.
- b. CONFERENCE WITH LEGAL COUNCIL-ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Gov. Code Section §54956.9:
Number of Cases: 2

- c. CONFERENCE WITH LABOR NEGOTIATORS: Pursuant to Gov. Code §54957.6
Agency Designated Representatives: David G. Ritchie, Wayne Peabody
Employee Organization: Willows Public Safety Association, Willows Employee
Association, Management and Confidential.

9. ADJOURNMENT

This agenda was posted on March 04, 2021



Tara Rustenhoven, City Clerk

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. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132). 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



CONSENT AGENDA



PERIOD

02/23/2021 TO 03/02/2021

Payroll Direct Deposit 244760 TO 244787

General Checking 38840 TO 38849

Check Register 050921 TO 050957

APPROVAL DATE 03/09/2021

APPROVED _____

Invoice No	Description	Invoice Actual		Discount	Gross	Discount	Net	
		Date	Period					
		Due Date	Fiscal Yr	G/L	Account No	Amount	Amount	
Check #: 050921 Check Date.: 02/23/21		Vendor I.D.: ABO00 (STEVE ABOLD)						
C10217-	TOOL ALLOWANCE FOR FEB 2021	02/17/21 02/23/21	02-21 08-21			200.00	.00	200.00
Check #: 050922 Check Date.: 02/23/21		Vendor I.D.: AME02 (AMERIPRIDE UNIFORM SVCS.)						
110249578-	CLEANING UNIFORMS	02/16/21 02/23/21	02-21 08-21			96.54	.00	96.54
Check #: 050923 Check Date.: 02/23/21		Vendor I.D.: BAR01 (BARCELOUX BROTHERS AUTO)						
594610-	AIR FILTER & OIL	02/10/21 02/23/21	02-21 08-21	A		27.01	.00	27.01
594650-	FUSE HOLDER	02/10/21 02/23/21	02-21 08-21	A		5.03	.00	5.03
594801-	BRUSH HEAD, MEGUIARS CAR WASH & UNI WOODEN HANDLE	02/12/21 02/23/21	02-21 08-21	A		29.14	.00	29.14
595301-	NAPA AIR FILTER W.F.D.	02/18/21 02/23/21	02-21 08-21	A		43.94	.00	43.94
595321-	FUSES	02/18/21 02/23/21	02-21 08-21	A		10.70	.00	10.70
595411-	BRAKE PADS	02/19/21 02/23/21	02-21 08-21	A		46.37	.00	46.37
595479-	FUEL OIL MIX	02/19/21 02/23/21	02-21 08-21	A		40.48	.00	40.48
** Vendor's Subtotal ----->						202.67	.00	202.67
Check #: 050924 Check Date.: 02/23/21		Vendor I.D.: BID01 (BIDWELL H2O)						
8973-	POU COOLER RENT FOR DEC, JAN & FEB	02/20/21 02/23/21	02-21 08-21			135.00	.00	135.00
Check #: 050925 Check Date.: 02/23/21		Vendor I.D.: CAL01 (CALIFORNIA WATER SERVICE CO.)						
C10218-	120 HARVEST DR 1-7-21 TO 2-4-21	02/05/21 02/23/21	02-21 08-21	A		645.69	.00	645.69
Check #: 050926 Check Date.: 02/23/21		Vendor I.D.: CAR21 (JOSHUA CARLSON)						
C10217-	JOSH CARLSON YEARLY BOOT ALLOWANCE	02/12/21 02/23/21	02-21 08-21			100.00	.00	100.00
Check #: 050927 Check Date.: 02/23/21		Vendor I.D.: COM20 (COMP INC)						
32161-00-	QUENTIN FICHTER OUTSTANDING INVOICE	04/10/20 02/23/21	02-21 08-21			213.00	.00	213.00
Check #: 050928 Check Date.: 02/23/21		Vendor I.D.: CUR01 (L.N. CURTIS & SONS)						
463923-	NOSE CUP MEDIUM	02/12/21 02/23/21	02-21 08-21	A		40.76	.00	40.76
463925-	NOSE CUP MEDIUM	02/12/21 02/23/21	02-21 08-21	A		49.79	.00	49.79
464073-	RUBBER FIREFIGHTER BOOTS	02/12/21 02/23/21	02-21 08-21	A		211.68	.00	211.68
** Vendor's Subtotal ----->						302.23	.00	302.23
Check #: 050929 Check Date.: 02/23/21		Vendor I.D.: DEM01 (DEMCO, INC.)						
6906951-	BOOKS FOR LIB.	02/10/21 02/23/21	02-21 08-21	A		459.07	.00	459.07
Check #: 050930 Check Date.: 02/23/21		Vendor I.D.: GLE09 (GLENN CO. OFFICE OF EDUCATION)						
2021210-	LIVE SCANS	02/10/21 02/23/21	02-21 08-21	A		80.00	.00	80.00

Invoice No	Description	Invoice Date	Actual Period	Discount G/L Account No	Gross Amount	Discount Amount	Net Amount
		Due Date	Fiscal Tm				
Check #: 050931 Check Date.: 02/23/21 Vendor I.D.: HIW00 (HIWAY TRUCK & AUTO)							
2100150-	FUEL WATER SEPERATOR AND FUEL FILTER E-3	02/10/21	02-21		133.23	.00	133.23
		02/23/21	08-21				
Check #: 050932 Check Date.: 02/23/21 Vendor I.D.: LIF01 (LIFE ASSIST)							
1076497-	MICRODOT CTRA GLUCOMETER WITH CASE	02/16/21	02-21 A		37.54	.00	37.54
		02/23/21	08-21				
Check #: 050933 Check Date.: 02/23/21 Vendor I.D.: NEC00 (NEC FINANCIAL SERVICES LLC)							
2379292-	PHONE SYSTEM	02/05/21	02-21		562.97	.00	562.97
		02/23/21	08-21				
Check #: 050934 Check Date.: 02/23/21 Vendor I.D.: ORL08 (ORLAND SAW & MOWER)							
039262-	AIR FILTER	02/17/21	02-21		32.28	.00	32.28
		02/23/21	08-21				
039263-	MCLEOD TOOL	02/17/21	02-21		193.93	.00	193.93
		02/23/21	08-21				
** Vendor's Subtotal ----->					226.21	.00	226.21
Check #: 050935 Check Date.: 02/23/21 Vendor I.D.: PEA00 (WAYNE PEABODY)							
C10217-	TECHNOLOGY ALLOWANCE FOR FEB 2021	02/17/21	02-21		200.00	.00	200.00
		02/23/21	08-21				
Check #: 050936 Check Date.: 02/23/21 Vendor I.D.: RGS01 (REGIONAL GOVERNMENT SERVICES)							
11737-	CONTRACT SERVICE FOR JAN	01/31/21	02-21		10071.40	.00	10071.40
		02/23/21	08-21				
11809-	ACCOUNT MANAGER POSITION SEARCHES	01/31/21	02-21		800.00	.00	800.00
		02/23/21	08-21				
** Vendor's Subtotal ----->					10871.40	.00	10871.40
Check #: 050937 Check Date.: 02/23/21 Vendor I.D.: SAC08 (SACRAMENTO VALLEY MIRROR)							
112-	CLASSIFIED AD- 16 LINES LEAF COLLECTION 1/2	02/07/21	02-21 A		32.64	.00	32.64
		02/23/21	08-21				
C10222-	VALLEY MIRROR 1 YEAR SUBSCRIPTION	02/22/21	02-21 A		81.00	.00	81.00
		02/23/21	08-21				
** Vendor's Subtotal ----->					113.64	.00	113.64
Check #: 050938 Check Date.: 02/23/21 Vendor I.D.: SUN07 (SUN LIFE FINANCIAL)							
C10218-	BILLING PERIOD 1-1-21 TO 1-31-21	02/10/21	02-21		81.83	.00	81.83
		02/23/21	08-21				
Check #: 050939 Check Date.: 02/23/21 Vendor I.D.: TES00 (TESCO CONTROLS, INC)							
0072782-	EMASS MAINT. AGREEMENT JULY 1 2021- JUNE 30 2022	02/17/21	02-21		5000.00	.00	5000.00
		02/23/21	08-21				
Check #: 050940 Check Date.: 02/23/21 Vendor I.D.: VAL14 (VALLEY TRUCK & TRACTOR CO.)							
1057982-	SWITCH FOR #14 BACKHOE	02/11/21	02-21		70.76	.00	70.76
		02/23/21	08-21				
1058382-	AIR FILTER AND OIL FILTER	02/12/21	02-21		20.78	.00	20.78
		02/23/21	08-21				
** Vendor's Subtotal ----->					91.54	.00	91.54

Invoice No	Description	Invoice		Discount	Gross	Discount	Net
		Date	Actual Period				
		Due Date	Fiscal Yr	Account No	Amount	Amount	Amount
Check #: 050941 Check Date.: 02/23/21		Vendor I.D.: VER02 (VERIZON WIRELESS)					
C10223-	Telephone Exp.	01/26/21	02-21		165.51	.00	165.51
		02/23/21	08-21				
Check #: 050942 Check Date.: 02/23/21		Vendor I.D.: WAL10 (WALBERG)					
6112-	SEWER TREATMENT PLANT AIR LINE REPAIR	02/05/21	02-21		18500.00	.00	18500.00
		02/23/21	08-21				
Check #: 050943 Check Date.: 02/23/21		Vendor I.D.: WILHD (WILLOWS HARDWARE, INC.)					
238922-	LOCK & REKEY	02/12/21	02-21	A	25.00	.00	25.00
		02/23/21	08-21				
239928-	SYCAMORE SPRINKLER SUPPLIES	02/16/21	02-21	A	16.46	.00	16.46
		02/23/21	08-21				
244866-	STAPLES AND MASKS	02/18/21	02-21	A	27.34	.00	27.34
		02/23/21	08-21				
** Vendor's Subtotal ----->					68.80	.00	68.80
Check #: 050944 Check Date.: 02/23/21		Vendor I.D.: WILHI (WILLOWS ACE HARDWARE)					
064719-	HEAT GUN, MISC FASTENERS & TORCH HEAD	02/10/21	02-21		88.87	.00	88.87
		02/23/21	08-21				
064746-	VALVE, ELBOW PVC, PIPE AND ADAPTER	02/11/21	02-21		64.32	.00	64.32
		02/23/21	08-21				
064757-	CMNT PVC RD HOT LOVOC 8OZ	02/11/21	02-21		6.96	.00	6.96
		02/23/21	08-21				
** Vendor's Subtotal ----->					160.15	.00	160.15
Check #: 050945 Check Date.: 02/23/21		Vendor I.D.: ZOL01 (ZOLL MEDICAL CORP.)					
3226455-	ASSY HARNESS AND USB SERIAL ADAPTER	02/05/21	02-21		63.21	.00	63.21
		02/23/21	08-21				
** Total Checks Paid ----->					38710.23	.00	38710.23

Invoice No	Description	Invoice Date		Actual Period		Discount G/L	Account No	Gross Amount	Discount Amount	Net Amount
		Due Date	Fiscal	Tm						
Check #.: 050946 Check Date.: 02/25/21 Vendor I.D.: ATT01 (A.T.& T.)										
C10223-	Telephone Exp. 1-19-21 TO 2-18-21	02/19/21	02-21	A				1122.04	.00	1122.04
		02/25/21	08-21							
Check #.: 050947 Check Date.: 02/25/21 Vendor I.D.: CLE03 (CLEARWAY ENERGY LLC)										
481810-	KWH CHARGES	02/17/21	02-21					4451.90	.00	4451.90
		02/25/21	08-21							
Check #.: 050948 Check Date.: 02/25/21 Vendor I.D.: COA00 (COASTLAND CIVIL ENGINEERING)										
50457-	REVISED TENTATIVE MAP PROCESSING	01/31/21	02-21					43.75	.00	43.75
		02/25/21	08-21							
50476-	PLAN CHECK 3	01/31/21	02-21					170.00	.00	170.00
		02/25/21	08-21							
50477-	CONSTRUCTION SUPPORT	01/31/21	02-21					87.50	.00	87.50
		02/25/21	08-21							
50480-	BACKGROUND SEWER INFOR TO RC	01/31/21	02-21					131.25	.00	131.25
		02/25/21	08-21							
50488-	SENIOR BUILDING INSPECTOR	01/31/21	02-21					2730.00	.00	2730.00
		02/25/21	08-21							
50554-	DEVELOPMENT SERVICES	01/31/21	02-21					9438.00	.00	9438.00
		02/25/21	08-21							
50562-	FIRE SPRINKLER PLAN REVIEW	01/31/21	02-21					303.75	.00	303.75
		02/25/21	08-21							
50563-	SPD KITCHEN REMODEL PLAN REVIEW	01/31/21	02-21					198.75	.00	198.75
		02/25/21	08-21							
** Vendor's Subtotal ----->								13103.00	.00	13103.00
Check #.: 050949 Check Date.: 02/25/21 Vendor I.D.: COL08 (COLE HUBER LLP)										
36491-	GENERAL COUNSEL SERVICES NO 10581.	02/16/21	02-21					6592.50	.00	6592.50
		02/25/21	08-21							
36492-	ADVICE COUNSEL- FINANCE POLICY REVISIONS	02/16/21	02-21					7135.31	.00	7135.31
		02/25/21	08-21							
36493-	FINANCE REVIEW AND OVERSIGHT SERVICES NO10581.006	02/16/21	02-21					23596.08	.00	23596.08
		02/25/21	08-21							
36494-	650 N BUTTE ST NO. 10521.008	02/16/21	02-21					1499.50	.00	1499.50
		02/25/21	08-21							
** Vendor's Subtotal ----->								38823.39	.00	38823.39
Check #.: 050950 Check Date.: 02/25/21 Vendor I.D.: COR02 (CORBIN WILLITS SYSTEMS)										
C10202-	ADDING PERS MODULE	02/15/21	02-21	A				390.00	.00	390.00
		02/25/21	08-21							
00C10115-	W2 AND 941 PAPERS	01/15/21	02-21	A				357.50	.00	357.50
		02/25/21	08-21							
00C10215-	ENHANCEMENT AND SERVICE FEES	02/15/21	02-21	A				424.35	.00	424.35
		02/25/21	08-21							
** Vendor's Subtotal ----->								1171.85	.00	1171.85
Check #.: 050951 Check Date.: 02/25/21 Vendor I.D.: FGL00 (FGL ENVIRONMENTAL)										
170887A-	COLIFORM- COLILERT- P/A	02/15/21	02-21					22.00	.00	22.00
		02/25/21	08-21							
Check #.: 050952 Check Date.: 02/25/21 Vendor I.D.: MAT01 (MATSON & ISOM TECHNOLOGY CONSULTING INC)										
77819-	CLEARIT PARTNER PROGAM MEMBERSHIP	02/18/21	02-21					2311.00	.00	2311.00
		02/25/21	08-21							
77866-	BACK UP 190 SERVICE	02/18/21	02-21					100.00	.00	100.00
		02/25/21	08-21							
** Vendor's Subtotal ----->								2411.00	.00	2411.00

Invoice No	Description	Invoice Date	Actual Period	Discount G/L	Account No	Gross Amount	Discount Amount	Net Amount
Check #: 050953 Check Date.: 02/25/21		Vendor I.D.: NOR18 (NORTHERN CALIF. GLOVES)						
537045-	LATEX PF HIRISK GLOVES	02/16/21	02-21			208.07	.00	208.07
		02/25/21	08-21					
Check #: 050954 Check Date.: 02/25/21		Vendor I.D.: PGE01 (PG & E)						
C10224-	Utility-Electri 1-13-21 TO 2-13-21	02/14/21	02-21	A		8502.60	.00	8502.60
		02/25/21	08-21					
Check #: 050955 Check Date.: 02/25/21		Vendor I.D.: RAY03 (RAY MORGAN COMPANY)						
3235673-	WATER SYSTEM/ 3IRB	02/18/21	02-21	A		63.28	.00	63.28
		02/25/21	08-21					
Check #: 050956 Check Date.: 02/25/21		Vendor I.D.: SAC08 (SACRAMENTO VALLEY MIRROR)						
127-	LEGAL ADVERTISING- NOTICE OF HEARING	02/19/21	02-21	A		57.40	.00	57.40
		02/25/21	08-21					
130-	LEGAL ADVERTISING- MODIFYING MUNICIPAL CODE	02/19/21	02-21	A		57.40	.00	57.40
		02/25/21	08-21					
131-	LEGAL ADVERTISING- MULTIFAMILY HOUSING	02/19/21	02-21	A		98.40	.00	98.40
		02/25/21	08-21					
** Vendor's Subtotal ----->						213.20	.00	213.20
Check #: 050957 Check Date.: 02/25/21		Vendor I.D.: WAL07 (WAL-MART COMMUNITY)						
C10223-	STATEMENT CLOSING 2-16-21	02/16/21	02-21			468.40	.00	468.40
		02/25/21	08-21					
** Total Checks Paid ----->						70560.73	.00	70560.73

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**ACTION MINUTES OF THE WILLOWS CITY COUNCIL
REGULAR MEETING HELD FEBRURY 23, 2021**

Meeting audio is available at the City of Willows website. This is not a live feature. Audio recordings are posted the succeeding business day following the scheduled City Council Meeting.

Please visit www.cityofwillows.org for free PodBean recordings.

1. Mayor Domenighini called the meeting to order at 7:00 p.m.
2. The meeting opened with the Pledge of Allegiance led by Council Member Williams.

3. Roll Call:

Council Members Present: Council Members Williams, Flesher, Warren, Vice Mayor Hansen, Mayor Domenighini

Council Members Absent:

Staff Present: Interim City Manager Wayne Peabody and Community Services Director Royce Cunningham, City Attorney David Ritchie, City Clerk Tara Rustenhoven

4. Public Comment/ Written Communications: Written Communication was sent in by Forrest J. Sprague regarding the Brown Act on the sewer funds. See the attached 14 page letter.

5. Consent Agenda:

- a. Approval of general checking, payroll & direct deposit check registers Z44740-Z44759, 38835-38839, 050849-050886 and 050887-050920.
- b. Approval of minutes of the Regular City Council Meeting held on January 26, 2021.
- c. Approval of minutes of the Regular City Council Meeting held on February 9, 2021.

Action:

Motion: Council Member Hansen/Second: Council Member Williams

Moved to approve items 5a and 5b of the Consent Agenda as presented above and the following item(s).

The motion passed unanimously 5/0 carried by the following voice vote:

AYES: Williams, Flesher, Warren, Vice Mayor Hansen, Mayor Domenighini

NOES:

ABSENT:

ABSTAIN:

Action

Motion: Council Member Williams/Second: Council Member Warren

Moved to approve item 5c, minutes of February 9, 2021 as amended.

The motion passed unanimously 5/0 carried by the following voice vote:

AYES: Williams, Flesher, Warren, Vice Mayor Hansen, Mayor Domenighini

NOES:

ABSENT:

ABSTAIN:

6. Public Hearing:

- a. Conduct a public hearing and consider reading by title only and passage of the first reading of the attached ordinance entitled; **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS REPEALING WILLOWS MUNICIPAL CODE CHAPTER 17, ARTICLE IV (“CONSTRUCTION OF IMPROVEMENTS”) AND CHAPTER 17, ARTICLE IX (“STANDARD DETAILS”) AND ADOPTING A NEW WILLOWS MUNICIPAL CODE CHAPTER 17, ARTICLE IV (“PUBLIC WORKS DESIGN AND CONSTRUCTION STANDARDS”).**

Opened public hearing at 7:09 p.m.

Closed public hearing at 7:09 p.m.

Action:

Motion: Council Member Warren/Second: Vice Mayor Hansen

Moved to read the following item by title only.

The motion passed unanimously 5/0 carried by the following roll call vote:

AYES: Williams, Flesher, Warren, Vice Mayor Hansen, Mayor Domenighini

NOES:

ABSENT:

ABSTAIN:

Action:

Motion: Council Member Warren/Council Member Flesher

*Moved to approve the passing of the first reading of an ordinance entitled; **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS REPEALING WILLOWS MUNICIPAL CODE CHAPTER 17, ARTICLE IV (“CONSTRUCTION OF IMPROVEMENTS”) AND CHAPTER 17, ARTICLE IX (“STANDARD DETAILS”) AND ADOPTING A NEW WILLOWS MUNICIPAL CODE CHAPTER 17, ARTICLE IV (“PUBLIC WORKS DESIGN AND CONSTRUCTION STANDARDS”).***

The motion passed unanimously 5/0 carried by the following roll call vote:

AYES: Williams, Flesher, Warren, Vice Mayor Hansen, Mayor Domenighini

NOES:

ABSENT:

ABSTAIN:

- b. Conduct a public hearing and consider adoption of a resolution entitled; **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS APPROVING THE ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY OF MULTI-FAMILY HOUSING REVENUE BONDS FOR THE WILLOW OAKS APARTMENTS.**

Opened public hearing at 7:18 p.m.

Closed public hearing at 7:19 p.m.

Action:

Motion: Vice Mayor Hansen/Second: Council Member Flesher

*Moved to adopt a resolution entitled; **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS APPROVING THE ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY OF MULTI-FAMILY HOUSING REVENUE BONDS FOR THE WILLOW OAKS APARTMENTS.***

The motion passed unanimously 5/0 carried by the following roll call vote:

AYES: Williams, Flesher, Warren, Vice Mayor Hansen, Mayor Domenighini

NOES:

ABSENT:
ABSTAIN:

7. Regular Business:

a. By motion, approve the Corbin Willits Bid for financial reporting and processing service Bid and authorize the Interim City Manager to execute the agreement.

Action:

Motion: Vice Mayor Hansen/Second: Council Member Warren

Moved to approve the Corbin Willits Bid for financial reporting and processing services Bid and authorize the Interim City Manager to execute the agreement.

The motion passed unanimously 5/0 carried by the following voice vote:

AYES: Williams, Flesher, Warren, Vice Mayor Hansen, Mayor Domenighini

NOES:

ABSENT:

ABSTAIN:

b. Consider options for a potential sidewalk repair program and provide guidance to staff.

Discussion between council and staff. Staff will do some more research and by consensus, council will bring this subject back to a future meeting.

8. Council/Staff Reports/Comments:

a. Staff Reports/Comments:

- Peabody brought to Council the upcoming new Waste Management agreement. The beginning of April, Waste Management will be sending Willows residents letters regarding the correct way to recycle, eliminate overages in bins and how to avoid charges.
- Recruitment for hiring staff is still underway for the Community Services Director position. Peabody wanted to thank Royce for his time and expertise.
- March 7th is the Willows Fire Department tri tip and bean feed.
- Council Member Williams announced he and his wife celebrated their 40th anniversary.

b. City Council Reports Comments: Council gave comments/reports on activities and various meetings they attended.

Mayor Domenighini removed item 9 from the agenda due to no reportable action.

9. Adjournment:

The Meeting was adjourned at 8:24 p.m.

Dated: March 2, 2021

Tara Rustenhoven, City Clerk

Forrest J. Sprague

Attachment

February 18, 2021



To the Willows City Council

Dear Mayor and Council Members:

During your next meeting, I formally ask that you read my comments into the public record. The current City Attorney is either ignorant of or has misinformed the Council as to the true intent of the Brown Act. There is no wording within the Act that prohibits you from broadcasting to the general public pertinent comments received from your other constituents...*during a public meeting.*

To not read a person's opinions is a violation of the Act. Its wording makes it clear that the City Council "...shall not prohibit public criticism of the policies, procedures, programs or services..." of the City. Restricting the reading of any written public comments is an act of deliberate censorship.

In my view, the City Attorney's advice to you in this matter is a violation of Rule 3-600 of the State Bar's Rules of Profession Conduct. That Rule makes it clear that the "client" of the City Attorney is the city at large...*not individual officers or employees of the City.* Therefore, he should act in the best interests of the public and not prevent your constituents from hearing about any misconduct of individual city council members or city staff.

In view of evidence to the contrary, Mr. Hansen's boisterous claim of "open government and transparency" is laughable and intellectually dishonest. Opposition to the audit is an indication of prior knowledge, approval of and culpability for the inappropriate expenditures from the Sewer Fund. To borrow from Shakespeare, Mr. Hansen protests too much.

Your responses to the request of an audit of the Sewer Fund will certainly reveal the authenticity of your pledges to the public and whether you take your fiduciary obligations seriously. In the public's best interest, I encourage you to resolve this matter the right way. As one council member suggested, an audit of the Sewer Fund might restore some of the City's credibility.

I have enclosed documents containing language that supports comprehensive audits. Highlighted are the more salient points for your sober consideration.

First is a press release announcing the State Controller's detailed review of the City of Baldwin Park, which "...found a serious deficit of financial control measures..." in that city's accounting practices. You might notice that my email list disseminating the Controller's report included the past Willows Finance Director. While a consultant to the State Senate, on occasion my research and reporting prompted more in-depth investigations of several state agencies.

Second is a narrative from the State Auditor's web site outlining her office's authority to conduct audits "...that enhance transparency [and] accountability..." She acknowledges her responsibility for oversight of the use and misuse of public funds.

Below is an excerpt from Government Code Section 54956.75. Clearly, this Code Section indicates that the City Council can obtain an audit conducted by a state agency.

(a) Nothing contained in this chapter shall be construed to prevent the **legislative body of a local agency** that has received a confidential final draft **audit report from the Bureau of State Audits** from holding closed sessions to discuss its response to that report. (my emphasis added)

Third are copies of the February 14, 2017 Minutes of the Town of Apple Valley City Council and the newspaper report of the lawsuit following the misuse of the Town's sewer fund "...to bankroll expenses unrelated to the sewer service..." very similar to what Willows has done. The Private Attorney General Law allows these types of lawsuits.

You will recall that this information and other documents were provided by me to the City Council prior to the closed session that was followed by Mr. Tim Sailsbery's abrupt departure last year.

Fourth is June 2016 Legal Alert published by a law firm that reports on the misuse of public funds and other similar matters. This article recounts a California Supreme Court decision finding a school superintendent culpable of the "...misuse of public funds and resources and the manipulation of public accounts..." He was charged and convicted of violating the California Penal Code 424. Moreover, the Court held that law applies to every person with "some control over public funds."

As fire chief, Mr. Peabody apparently allowed the prohibited and unethical use of public facilities and equipment to promote favorable support of Measure H, which would have increased the local sales tax. This too, may have been a misuse of public funds.

Last is a copy of the Penal Code 424 referred to in the above-mentioned Legal Alert. This penal code outlines the responsibilities of city employees who are charged with the receipt and disbursement of public moneys. A review of this court decision and this penal code might send chills up and down the spines of Mr. Hansen, Mr. Salisbury and Interim City Manager Peabody.

Recognizing my emphasis, I would draw the Council's attention to the following Code Sections:

425.

Every officer charged with the receipt...disbursement of public moneys, who neglects or fails to keep...the same in the manner prescribed by law, is guilty of felony.

426.

The phrase "**public moneys,**" as used in Sections 424 and 425, includes all moneys belonging to... any city, ...district, or public agency...and **all moneys...received or held by... district, city...or public agency officers in their official capacity.**

440.

Every officer charged with the collection, receipt, or **disbursement of any portion of the revenue...who, upon demand, fails or refuses to permit the Controller or Attorney General to inspect his books...and records pertaining to his office is guilty of a misdemeanor.**

In closing, I fully support a deep-dive, third party audit of the Sewer Fund. You all know that I have studied and reported on the matter at great length. I am very willing to divulge the years of data that I have collected to whomever the City selects for an audit or whatever state agency is appropriate.

Sincerely,



FORREST J. SPRAGUE

From: forsprague@aol.com,

To: [REDACTED]

[REDACTED], tsallsbe@cityofwillows.org,

Subject: California Controller Finds Questionable Accounting and Spending Practices in City of Baldwin Park

Date: Fri, Jun 19, 2020 8:39 am

Good morning all,

The below came over my email transom this morning from a friend who knows what we are dealing with here in Willows. He monitors these types of issues statewide. Depending upon the topic, I still work with him on occasion.

If you click onto the "detailed review" button, you will see a good example of the type of reports and studies our office generated while I worked at the State Capitol.

Some were financial audits similar to this one, which focused on how state agencies mishandle taxpayer funds.

Some were performance audits like ones I personally oversaw that dealt the permitting processes at the Office of Public School Construction and the Department of Fish and Game.

Some audits blended both aspects like one we did on the Department of General Services that detailed their sloppy bidding process and the lack of construction oversight of state buildings.

Tedious work to be sure, but fun too, because the outcomes always benefited the public.

Forrest J. Sprague
Land Use and Government Relations Consultant
801 Applewood Way
Willows CA 95988
530.514.8700

Begin forwarded message:

From: SCO Communications <SCOComm@SCO.CA.GOV>

Date: June 18, 2020 10:37:00 AM PDT

To: COM_SM00@LISTSERV.SCO.CA.GOV

Subject: California Controller Finds Lax Accounting Practices and Questionable Spending in City of Baldwin Park

Reply-To: SCO Communications <SCOComm@SCO.CA.GOV>



Controller Betty T. Yee
California State Controller's Office

6/18/2020

(916) 324-
2709

California Controller Finds Tax Accounting Practices and Questionable Spending in City of Baldwin Park

SACRAMENTO – State Controller Betty T. Yee today published her team's detailed review of the City of Baldwin Park, which found a serious deficit of internal financial control measures, resulting in poor contracting and accounting practices and a questionable pay increase for a top city official.

Baldwin Park is a 6.8-square-mile city in Los Angeles County's San Gabriel Valley with a population of just over 75,000 at the last census. Among the State Controller's most significant findings for Fiscal Years 2016-17 and 2017-18:

- The city authorized \$279,020 for construction plans for a park project, eventually spending \$507,176 only to cancel the project after three years with no identifiable public benefit for those expenditures.
- Baldwin Park terminated its chief of police in September 2016. It then rehired him in May 2017 and – in the year leading up to his retirement – raised his salary by \$41,233 more than the maximum allowed for the position at the time, giving the impression of "pension spiking."
- The city entered into an on-call service contract for projects up to \$120,000 without additional approval, despite a city municipal code requiring city council approval for projects of \$25,000 and up. It then exceeded the improper \$120,000 limit by an additional \$22,639.
- Baldwin Park officials commonly approved or extended contracts without competitive bidding, and vendors of commonly available products were designated improperly as sole-source contractors to circumvent purchasing policies and procedures.
- Monthly bank reconciliations, which are effective at detecting fraud or errors when performed in a timely manner, were conducted up to 98 days late.

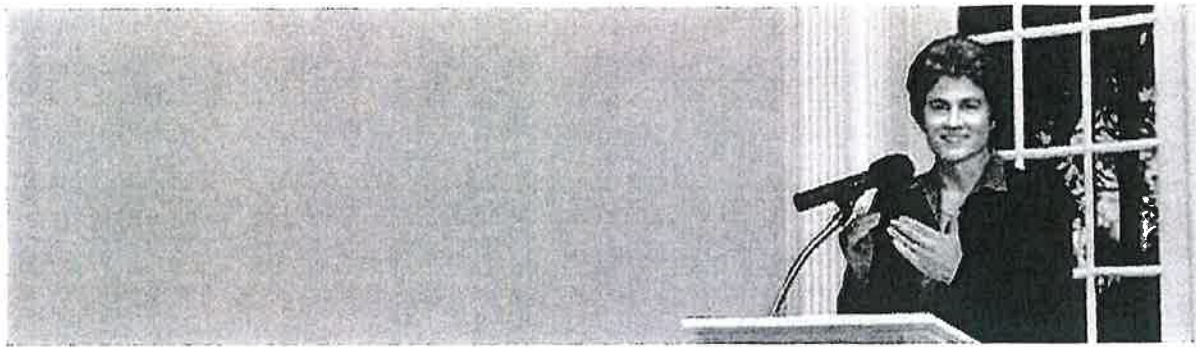
Of the 48 fundamental components, principles, and attributes of effective internal control systems – as established by the federal Government Accountability Office – the City of Baldwin Park demonstrated only 26 were present and functioning (54 percent). Five were not present, while 17 were present but not functioning. Controller Yee has requested a progress update in six months.

With a commitment to government transparency and accountability, Controller Yee and her Audits team have identified more than \$4.89 billion in waste, fraud, and abuse of public funds since January 2015.

As the chief fiscal officer of California, Controller Yee is responsible for accountability and disbursement of the state's financial resources. The Controller has independent auditing authority over government agencies that spend state funds. She is a member of numerous financing authorities, and fiscal and financial oversight entities including the Franchise Tax Board. She also serves on the boards for the nation's two largest public pension funds. Elected in 2014 and reelected in 2018, Controller Yee is the tenth woman elected to a statewide office in California's history. Follow the Controller on Twitter at [@CACController](#) and on Facebook at [California State Controller's Office](#).

To be removed from this mailing list, please:
[Send an email to Unsubscribe](#)





A Message From the California State Auditor

We recognize that the citizens and the government rely on us to ensure the effective and efficient administration and management of public funds and programs. It is our job to help make sure that California government stays one step ahead. As the State's independent external auditor, we provide nonpartisan, accurate, and timely assessments of California government's financial and operational activities in compliance with generally accepted government auditing standards.

I hope you find the results of our efforts useful and informative.

Sincerely,

Elaine M. Howle

ELAINE M. HOWLE, CPA
California State Auditor

Mission, Philosophy, and Values

Our Mission

The California State Auditor's Office provides objective evaluations and effective solutions that enhance the transparency, accountability, and performance of California government for the people it serves.

Our Philosophy

The staff of the California State Auditor understand and respect the importance of their position as the State's independent auditors. They conduct their reviews in a nonpartisan manner, free from outside influence, including that of the Legislature, Governor, and the subjects of their audits and investigations. California State Auditor staff base their findings, conclusions, and recommendations upon reliable evidence and will not allow preconceived notions or personal opinions to influence their work. The staff strictly adheres to the standards of the auditing profession and exercises the highest standards of ethics. The California State Auditor's Office and the staff lead by example, holding the organization and themselves to the same or higher standards that they use to evaluate others.

Our Core Values:

- **Integrity**
We are an unbiased and trustworthy resource.
- **Commitment**
We are committed to the success of the organization and each other.
- **Leadership**
We are leaders at the forefront of promoting accountability and transparency in government.

GOVERNMENT CODE - GOV

TITLE 5. LOCAL AGENCIES [50001 - 57607]

(Title 5 added by Stats. 1949, Ch. 81.)

DIVISION 2. CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 55821]

(Division 2 added by Stats. 1949, Ch. 81.)

PART 1. POWERS AND DUTIES COMMON TO CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 54999.7]

(Part 1 added by Stats. 1949, Ch. 81.)

CHAPTER 9. Meetings [54950 - 54963]

(Chapter 9 added by Stats. 1953, Ch. 1588.)

54956.75.

(a) Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency that has received a confidential final draft audit report from the Bureau of State Audits from holding closed sessions to discuss its response to that report.

(b) After the public release of an audit report by the Bureau of State Audits, if a legislative body of a local agency meets to discuss the audit report, it shall do so in an open session unless exempted from that requirement by some other provision of law.

(Added by Stats. 2004, Ch. 576, Sec. 4. Effective January 1, 2005.)

TOWN OF APPLE VALLEY
TOWN COUNCIL/SUCCESSOR AGENCY

REGULAR MEETING

MINUTES – February 14, 2017

CALL TO ORDER:

Mayor Nassif called to order the regular session of the Apple Valley Town Council and the Successor Agency at 6:30 p.m.

Roll call was taken with the following members present:

Roll Call

Present: Council Members Cusack; Emick; Stanton Mayor Pro Tem Bishop; Mayor Nassif

Absent: None

OPENING CEREMONIES

INVOCATION: Pastor Josh Gerbracht, First Assembly of God

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Council Member Emick.

PRESENTATIONS: Proclamation - Healthy Heart Month - presented to Lena Quinonez, Apple Valley Parks and Recreation and Kevin Mahany, St. Mary's Medical Center.

PUBLIC COMMENTS

Kristi Sedlack, Apple Valley, expressed concern regarding loose dogs in her neighborhood.

Gwen Gollmeyer, Apple Valley, stated that she and the group in attendance were present with a desire to become more involved in the community and to show their support for tolerance.

Sharon Gollmeyer, Apple Valley, expressed concern regarding the change in billing cycles for trash in sewer payments. She stated that the explanations given regarding the issue were technical in nature and she believed that responsibility should have been taken. She noted that she also stood united with the members in the audience regarding tolerance.

John Laraway, Apple Valley, urged the Town Council not to fall prey to Agenda 21 giving up control of its freedoms. He also spoke against tolerance with other countries such as Islam and requested that the Town of Apple Valley disallow construction of any mosques.

COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

Council Member Cusack commented on committee meetings and events that he attended.

Council Member Emick commented on committee meetings and events that he attended.

- E. Negotiations with Real Property Negotiator – Parcel Number: 3112-181-01 located at Highway 18, between Dale Evans Parkway & Rancherias Road, Apple Valley; Negotiating Parties: 360 Apple West, LLC; Town Negotiator(s) - Town Manager. Negotiations involve both price and terms.
- F. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1517935 - Apple Valley Ranchos Water Company vs. Town of Apple Valley Et Al.
- G. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1600180 – Town of Apple Valley vs. Apple Valley Ranchos Water Company Et Al.
- H. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No. CIVDS160498 – Christina Lopez – Burton vs. Town of Apple Valley.
- I. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1507221 – Leane Lee vs. Town of Apple Valley.
- J. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1517800 – Krause, Kalfayan, Benink & Slavens, LLP vs. Town of Apple Valley.
- K. Negotiations with Real Property Negotiator – Parcel Number: 3087-351-23. Negotiating Party: Town Negotiator - Town Manager. Negotiations involve both price and terms.

Upon returning from Closed Session at 9:14 p.m., Mayor Nassif announced that there was the following reportable action taken:

The Town Council, in order to avoid costs and expenditures of protracted litigation, has unanimously approved a settlement agreement resolving a lawsuit filed against the Town from 2016 involving Apple Valley resident, Christina Lopez-Burton. As part of that settlement the Town will conduct a periodic wastewater study to develop its user fees and charges. The Town will also transfer the sum of \$798,000 from its General Fund to the Wastewater Fund to fund Wastewater Capital Improvement Projects and will pay statutory attorney's fees in exchange for dismissal of Christina Lopez-Burton's lawsuit.

Apple Valley will return \$798K to Wastewater Fund after Prop 218 settlement

By Matthew Cabe
Staff Writer

Posted Feb 15, 2017

APPLE VALLEY — A lawsuit filed last year alleging town officials violated Proposition 218 by illegally transferring nearly \$7 million from its Wastewater to its General Fund to bankroll expenses unrelated to sewer service has been settled.

The suit — filed March 28, 2016, by town resident Christina Lopez-Burton — also claimed Prop 218 violations related to flawed sewer rate increases that exceeded the cost of providing service, disproportionate rates among customers and failure to provide proper notice of rate increases.

Per the settlement, the town will pay Lopez-Burton's attorney fees totaling \$75,000 and transfer \$798,000 into a reserve account within the Wastewater Fund for capital improvement projects to the sewer system.

The town will also conduct a periodic wastewater rate study — Lopez-Burton alleged a study had not been done in "at least two decades" — to develop user fees and charges, as well as reset the monthly wastewater rate for some 22,000 customers to \$31.43 from the current \$35.04.

The reset is effective March 1, according to the settlement.

In March 2013, according to the suit, the Town Council approved raising the sewer rate by more than 15 percent. Then, in June 2014, another approval raised the rate by a total of 48 percent through Fiscal Year 2018-19.

The increases came after Victor Valley Wastewater Reclamation Authority, which treats the town's wastewater, increased treatment costs by 14.9 percent in 2012, according to the suit.

Town attorneys told the Daily Press on Wednesday the town was "simply imposing the charges set forth by VVWRA," but the suit alleged violations due to the lack of a rate study.

An additional term stipulated the Council's announcement of the settlement, which was made by Mayor Scott Nassif during Tuesday's regular meeting following closed session.

"The Town Council, in order to avoid costs and expenses of protracted litigation, has unanimously approved a settlement agreement resolving (the lawsuit)," Nassif said before stating the terms.

According to the suit, the town's alleged illegal transfer of wastewater funds began in FY 2012-13 when officials moved \$1,668,538 to the General Fund.

JUN 21, 2016

California Supreme Court Clarifies Who is Liable for Prosecution for Misuse of Public Funds

Determining If Someone is “Charged” with Fiscal Responsibility is Key

A public official need not be in charge of public funds to be convicted of misappropriating them, the California Supreme Court has decided. In an opinion issued late last week, the Court found that a public school district superintendent’s conviction should stand because he was responsible for “the receipt, safekeeping, transfer or disbursement of public moneys.”

An appellate court had sided with the official, who argued he lacked the authority to make any decisions about expenditures without approval from the school board.

As the superintendent of the Beverly Hills Unified School District, Jeffrey Hubbard oversaw the “business side” of the school district. Without required board approval, Hubbard ordered the Human Resources Department and the head of payroll to increase the then-director of planning and facilities’ monthly car allowance and provide her a \$20,000 stipend.

At issue in the case is California Penal Code section 424, which centers on misuse of public funds and resources and the manipulation of public accounts. The law covers everything from theft or embezzlement of public funds, to filing false claims for pay or vacation time, to misuse of public resources whether employees or equipment.

The statute does not require “specific intent,” (which theft does), only knowledge or criminal negligence of the relevant legal authority and duty to act in a particular fashion. The law can also apply to people other than public officials, and extends to any person charged with the receipt of public moneys.

Thus, a private person or company that receives public funds earmarked for a particular public purpose can be criminally liable under the statute for the misuse or misappropriation of those funds. The offense is a felony punishable by up to four years in state prison and permanent disqualification from holding office.

Hubbard was charged with violating section 424 and a jury convicted him for directing the payments without board approval. However, the appellate court overturned his convictions, accepting Hubbard’s argument that he lacked the formal authority to approve such payments — as only the board had such authority — so he was not charged with the disbursement of such funds.

The appellate court also rejected the Attorney General’s alternative argument that, because Hubbard was an “officer,” he was liable under the statute, regardless whether he was “charged” with control over public moneys.

In a decision issued June 16, the state Supreme Court reversed the appellate court and re-instated Hubbard's convictions. The Court did agree with Hubbard's argument that, because the law was designed to protect the public funds, its application was limited to those in a position to place public funds at risk — those with "some measure of responsibility over public funds," whether a "person" or an "officer."

However, the Court did ultimately agree with an alternative argument advanced by the Attorney General, namely that, even if the statute required the officer be "charged" with the disbursement of public funds, Hubbard was so "charged." And it is in this conclusion that the Court truly spelled out the reach of the law.

The Court held that the term "charged" in the law applies broadly to every person with "some control over public funds." Such control need not be the officer's or person's "primary responsibility." Additionally, the officer or person need not have physical control over the funds and, most importantly, the legal authority to spend public moneys need not be vested with the person.

"Charged" comes down to a case-by-case determination of "actual function," not necessarily "formal title," although both can factor into the analysis. Under this standard, the Court found that Hubbard, as superintendent, as a matter of title and its attendant responsibilities, and as a matter of "actual managerial authority," was "charged" with the disbursement of public funds.

If you have any questions about this opinion or how it may impact your agency, please contact the attorney author of this Legal Alert listed to the right in the firm's Municipal Law practice group, or your BB&K attorney.

PENAL CODE [424 - 440]

TITLE 12. OF CRIMES AGAINST THE REVENUE AND PROPERTY OF THIS STATE (Title 12 enacted 1872.)

424.

(a) Each officer of this state, or of any county, city, town, or district of this state, and every other person charged with the receipt, safekeeping, transfer, or disbursement of public moneys, who either:

1. Without authority of law, appropriates the same, or any portion thereof, to his or her own use, or to the use of another; or,
2. Loans the same or any portion thereof; makes any profit out of, or uses the same for any purpose not authorized by law; or,
3. Knowingly keeps any false account, or makes any false entry or erasure in any account of or relating to the same; or,
4. Fraudulently alters, falsifies, conceals, destroys, or obliterates any account; or,
5. Willfully refuses or omits to pay over, on demand, any public moneys in his or her hands, upon the presentation of a draft, order, or warrant drawn upon these moneys by competent authority; or,
6. Willfully omits to transfer the same, when transfer is required by law; or,
7. Willfully omits or refuses to pay over to any officer or person authorized by law to receive the same, any money received by him or her under any duty imposed by law so to pay over the same;—

Is punishable by imprisonment in the state prison for two, three, or four years, and is disqualified from holding any office in this state.

(b) As used in this section, "public moneys" includes the proceeds derived from the sale of bonds or other evidence or indebtedness authorized by the legislative body of any city, county, district, or public agency.

(c) This section does not apply to the incidental and minimal use of public resources authorized by Section 8314 of the Government Code.

(Amended by Stats. 2003, Ch. 62, Sec. 227. Effective January 1, 2004.)

425.

Every officer charged with the receipt, safe keeping, or disbursement of public moneys, who neglects or fails to keep and pay over the same in the manner prescribed by law, is guilty of felony. *(Enacted 1872.)*

426.

The phrase "public moneys," as used in Sections 424 and 425, includes all bonds and evidence of indebtedness, and all moneys belonging to the state, or any city, county, town, district, or public agency therein, and all moneys, bonds, and evidences of indebtedness received or held by state, county, district, city, town, or public agency officers in their official capacity. *(Amended by Stats. 1987, Ch. 828, Sec. 29.)*

428.

Every person who willfully obstructs or hinders any public officer from collecting any revenue, taxes, or other sums of money in which the people of this State are interested, and which such officer is by law empowered to collect, is guilty of a misdemeanor.

(Enacted 1872.)

429.

Any provider of telecommunications services in this state that intentionally fails to collect or remit, as may be required, the annual fee imposed pursuant to Section 431 of the Public Utilities Code, the universal telephone service surcharge imposed pursuant to Section 879 or 879.5 of the Public Utilities Code, the fee for filing an application for a certificate of public convenience and necessity as provided in Section 1904 of the Public Utilities Code, or the surcharge imposed pursuant to subdivision (g) of Section 2881 of the Public Utilities Code, whether imposed on the provider or measured by the provider's service charges, is guilty of a misdemeanor.

(Amended by Stats. 2012, Ch. 162, Sec. 124. (SB 1171) Effective January 1, 2013.)

431.

Every person who uses or gives any receipt, except that prescribed by law, as evidence of the payment of any poll tax, road tax, or license of any kind, or who receives payment of such tax or license without delivering the receipt prescribed by law, or who inserts the name of more than one person therein, is guilty of a misdemeanor.

(Enacted 1872.)

432.

Every person who has in his possession, with intent to circulate or sell, any blank licenses or poll tax receipts other than those furnished by the Controller of State or County Auditor, is guilty of felony. *(Enacted 1872.)*

436.

Every person who acts as an auctioneer in violation of the laws of this State relating to auctions and auctioneers, is guilty of a misdemeanor. *(Enacted 1872.)*

439.

Every person who in this State procures, or agrees to procure, any insurance for a resident of this State, from any insurance company not incorporated under the laws of this State, unless such company or its agent has filed the bond required by the laws of this State relating to insurance, is guilty of a misdemeanor. *(Enacted 1872.)*

440.

Every officer charged with the collection, receipt, or disbursement of any portion of the revenue of this State, who, upon demand, fails or refuses to permit the Controller or Attorney General to inspect his books, papers, receipts, and records pertaining to his office, is guilty of a misdemeanor. *(Enacted 1872.)*

AGENDA ITEM

TO: Honorable Mayor Domenighini and Members of the City Council
FROM: John Wanger, City Engineer
SUBJECT: Adoption of Revised Public Works Design and Construction Standards

RECOMMENDATION

By motion, consider reading by title only, passage of the second reading and adoption of an Ordinance entitled **“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS, REPEALING WILLOWS MUNICIPAL CODE CHAPTER 17, ARTICLE IV (“CONSTRUCTION OF IMPROVEMENTS) AND CHAPTER 17, ARTICLE IX (“STANDARD DETAILS”) AND ADOPTING A NEW WILLOWS MUNICIPAL CODE CHAPTER 17, ARTICLE IV (“PUBLIC WORKS DESIGN AND CONSTRUCTION STANDARDS”)**

BACKGROUND:

Willows last updated its design and construction standards in 2005. Due to increased interest in development, changes in design and construction materials, and new State and Federal regulations affect infrastructure, revised design and construction standards have been prepared. The revised standards are found in the attached document entitled “Willows Design and Construction Standards”, dated September 2017 (“Revised Standards”).

The City’s current standards for the design and construction of public infrastructure are codified in the Willows Municipal Code in Chapter 17. The current standards for the design of public improvements are found in Municipal Code Chapter 17, Article IV (Municipal Code Sections 17.55.280 through 17.55.330). The current standard details for the construction of public improvements are found in Municipal Code Chapter 17, Article IX (Municipal Code Sections 17.55.490 through 17.55.920).

The subject Ordinance would adopt these Revised Standards. To eliminate conflict between these and previous design and construction standards, the Ordinance also repeals conflicting sections of the current Municipal Code. Additionally, the Ordinance allows for future revisions to the Revised Standards to be made by Resolution, streamlining the process by which the City can maintain up-to-date design and construction standards. If adopted, these Revised Standards will be available on the City’s website and in printed form.

FINANCIAL CONSIDERATIONS:

The Revised Standards are expected to help reduce the cost of infrastructure maintenance and replacement. The costs to publish these Revised Standards will be recovered by the sale of all printed copies.

NOTIFICATION

Public Hearing Noticed.

ALTERNATE ACTIONS

1. Approve (by motion)
2. Approve (by motion) As amended...
3. Request additional information from staff.
4. Reject the recommendation and/or direct an item be returned at a later date.

RECOMMENDATION

By motion, consider reading by title only, passage of the second reading and adoption of an Ordinance entitled **“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS, REPEALING WILLOWS MUNICIPAL CODE CHAPTER 17, ARTICLE IV (“CONSTRUCTION OF IMPROVEMENTS) AND CHAPTER 17, ARTICLE IX (“STANDARD DETAILS”) AND ADOPTING A NEW WILLOWS MUNICIPAL CODE CHAPTER 17, ARTICLE IV (“PUBLIC WORKS DESIGN AND CONSTRUCTION STANDARDS”)**

Respectfully submitted,

/s/ John Wanger

John Wanger
City Engineer

Attachments:

1. Willows Design and Construction Standards dated September 2017.
<https://www.cityofwillows.org/assets/resources/Willows-Design-Const-Std-Full-Set-Sept-2017-003.pdf>
2. Ordinance of the City Council of the City of Willows Repealing Willows Municipal Code Chapter 17, Article IV (“Construction of Improvements) and Chapter 17, Articles IX (“Standard Details”) and Adopt a New Willows Municipal Code Chapter 17, Article IV (“Public Works Design and Construction Standards”).



REGULAR BUSINESS



**REGIONAL
GOVERNMENT
SERVICES**

SERVING PUBLIC AGENCIES SINCE 2002

AGENDA ITEM

TO: City Council Members, Wayne Peabody, Interim City Manager

FROM: Elizabeth Mariano Senior Advisor, RGS
Glenn Lazof, Director of Finance Services, RGS

SUBJECT: Second Quarter Financial Report

RECOMMENDATION

Receive report, review, and provide direction to staff.

Background

This report is a status report as of 12/31/2020.

Now that the format and necessary data extracts from MOM, the system of record, have been created, the council can expect regular reports for each quarter. These will usually occur at the second regular meeting following the end of the quarter.

Comments:

There are several areas which are currently the subject of further research some of which are noted below. Issues will continue to be illuminated in future and ongoing reports, such as the upcoming Midyear budget review at your next meeting.

It should be noted that apparently there have been no bank reconciliations in the system of record since July 2018. We assume that reconciliations have been done, but offline. The City Consultant with Corbin Willits has been making progress with reconciliation. As that is analyzed over the next weeks, it may result in some adjustments to these reports.

Traditionally, the Council has set the level of budget authority at the Departmental Level, this is displayed in the first spreadsheet. This spreadsheet represents all City Funds, not

available at the midpoint. Recommended Mid-year adjustments are anticipated to address as few as 9 or as many as 17 departments. Recommendations at that time may include reducing prospective expenditures, re-allocation from under expended departments, recognition of unanticipated revenue, or increased use of reserves.

The italicized figure under planning contains \$1,807,436 representing projected revenue that the City received on July 1, but did not include in the budget, plus the approved \$44,492 Planning Budget. This has been added to offset the expenditure, which was made, *but remains to approved at midyear review*. RGS chose to display in this manner because failure to include such a large amount of actual revenue might be misleading regarding the City's finances. The corresponding expenditure was a pass through of CDBG Home Funds. The revenue increase shown will be recommended for approved at the Midyear budget review.

The City Attorney expenditures, reflects unanticipated legal costs, including the RGS contract expenditures, other than HR support after which are reflected in the contract expense line item. The line item will be recommended for increase as part of the mid-year review. Many of the RGS expenditures are eligible for reimbursement to the General Fund due to inclusion in the closing costs of Bonds and allocation between other special funds.

The Capital Outlay expense is being researched, to determine if this is indeed an expense not reflected in the adopted budget.

The second tab is General Fund revenue.

Property tax was received late this year, in January. Normally a little more than half is received in the first disbursement, with the balance received in May. The City received \$508,334 in January, which is more than on track, to exceed the budget projections by year end. The first Motor Vehicle in lieu revenue was also disbursed late. These will be reflected in the Mid-year reports.

Two other Major revenue sources, Sales Tax and Transient Occupancy Tax also are on track to exceed budget amounts.

Restricted revenue represents the CARES Act (Aka Covid grant).

The lack of reported unemployment expenses has also merited further examination, as we anticipate that at least one quarter should have been paid by December 31. This is being researched.

The Vehicle tires expense is a miscoded legal expense. RGS has recommended that City Finance Consultants make the correction.

FINANCIAL CONSIDERATIONS

None at this time. The report is informational, and still preliminary in many respects. A midyear budget review is planned next month. The council will have the opportunity to make necessary budget adjustments at that time. Adjustments can also be made by Council any time of the year, including after the end of the year.

RECOMMENDATION

Receive report, review, and provide direction to staff.

Respectfully submitted,

/s/ Glenn Lazof

RGS Director of Finance Services

Attachments:

Expenditures All Funds by Department
General Fund Revenues
Projected Reserve Fund

CITY OF WILLOWS

EXPENDITURE SUMMARY REPORT BY DEPARTMENT-OPERATING AND CAPITAL IMPROVEMENT PROJECTS
ALL FUNDS

JULY 1, 2020 THROUGH DECEMBER 31, 2020

DEPARTMENT NAME	ADOPTED BUDGET	ACTUAL DECEMBER 2020	YTD ACTUAL	BALANCE AVAILABLE	PERCENT AVAILABLE
010 City Council	8,403.00	4.29	2,363.67	6,039.33	71.87%
020 City Attorney	40,000.00	15,891.81	108,122.32	(68,122.32)	-170.31%
030 City Manager	44,035.00	109.00	11,651.52	32,383.48	73.54%
050 Finance	262,247.00	6,388.77	162,036.69	100,210.31	38.21%
060 Planning	1,852,365.00	613.02	1,819,187.90	33,177.10	1.79%
070 General Office	167,369.00	11,998.73	82,401.67	84,967.33	50.77%
075 Comm.Activities	105,454.00	-	26,108.11	79,345.89	75.24%
080 Civic Center	29,174.00	1,688.27	11,657.32	17,516.68	60.04%
090 Building Dept	183,897.00	10,136.41	74,292.97	109,604.03	59.60%
100 Police Dept	1,727,044.00	176.27	437,556.84	1,289,487.16	74.66%
110 Engineering	12,000.00	-	8,535.20	3,464.80	28.87%
120 Library	318,027.00	11,775.86	114,357.57	203,669.43	64.04%
121 Bayliss Library	7,500.00	893.40	3,365.23	4,134.77	55.13%
122 Elk Creek Lib.	10,500.00	557.52	3,570.78	6,929.22	65.99%
130 Recreation	83,891.00	53.83	15,666.62	68,224.38	81.33%
135 Swim Pool	19,731.00	279.57	3,783.25	15,947.75	80.83%
138 Parks/Pub. Wks	411,111.00	14,663.35	164,036.93	247,074.07	60.10%
140 Parks Dept	48,838.00	3,039.41	30,545.36	18,292.64	37.46%
145 Mall Maint.	8,800.00	628.08	4,070.90	4,729.10	53.74%
146 Museum Maint.	2,500.00	-	895.59	1,604.41	64.18%
150 Fire Department	752,236.00	53,838.23	337,354.28	414,881.72	55.15%
160 Public Works St	157,849.00	4,329.18	56,089.76	101,759.24	64.47%
161, 162, 163 L&L District	157,649.00	333.80	1,295.20	156,353.80	99.18%
162	-	108.55	604.14	(604.14)	0.00%
163	-	107.15	1,665.02	(1,665.02)	0.00%
170 Storm Drains	7,451.00	100.54	4,295.53	3,155.47	42.35%
180 Sewer Maint	1,715,271.00	79,955.98	594,589.56	1,120,681.44	65.34%
200 Water Enterpris	-	1,038.42	3,004.81	(3,004.81)	0.00%
216 Program Income	-	1,860.00	22,399.80	(22,399.80)	0.00%
300 Trust Funds	-	25.48	68,198.81	(68,198.81)	0.00%
400 Capital Outlay	497,257.00	1,500.00	1,002,564.11	(505,307.11)	-101.62%
GRAND TOTAL-ALL FUNDS	8,630,599.00	222,094.92	5,176,267.46	3,454,331.54	40.02%

CITY OF WILLOWS
STATEMENT OF ACTUAL AND ESTIMATED REVENUE BY ACCOUNT
GENERAL FUND
JULY 1, 2020 THROUGH DECEMBER 31, 2020

REVENUE ACCOUNT DESCRIPTION	ADOPTED BUDGET	ACTUAL DECEMBER 2020	YTD ACTUAL	PERCENT COLLECTED
3001 Property Tax	805,000.00	11,906.80	71,098.76	8.83%
3002 PG&E Franchise	52,000.00			0.00%
3003 Water Franchise	47,000.00	-	45,677.64	97.19%
3004 Cable Tv Franchise	34,000.00	-	18,336.45	53.93%
3005 Garbage Franchise	62,000.00	5,200.00	32,680.08	52.71%
3006 Sales Tax	1,148,000.00	211,232.31	614,286.40	53.51%
3008 Transfer Tax	19,000.00	2,990.35	7,402.44	38.96%
3010 Occupancy Tax	325,000.00	-	295,373.30	90.88%
3011 Business Licenses	20,000.00	945.57	1,330.03	6.65%
3013 Building Permits	50,000.00	1,666.22	37,754.11	75.51%
3014 Encroachment Permits	4,000.00	388.00	1,552.00	38.80%
3015 Vehicle Fines	5,000.00	194.50	1,572.15	31.44%
3016 Other Fines	-	251.32	1,738.39	0.00%
3017 General Interest	12,500.00	90.99	13,280.95	106.25%
3018 Rent	27,000.00	1,372.50	17,398.00	64.44%
3020 Motor Vehicle In Lieu	600,000.00			0.00%
3025 Planning Fees	6,000.00	-	1,337.00	22.28%
3027 Public Works	-	121.00	121.00	0.00%
3029 Plan Checking	30,000.00	2,685.83	9,287.68	30.96%
3031 Fire Department	40,000.00	15.00	2,582.73	6.46%
Sewer Admin Fee	39,440.00	-	-	0.00%
3034 Other Refunds	6,000.00	-	12,307.84	205.13%
3035 Weed Abatement	3,500.00	2,279.02	4,928.70	140.82%
3037 Booking Fees	500.00	474.72	603.17	120.63%
3039 Booking Fees	3,936.00			0.00%
3044 Dif Administration	1,500.00	19.32	5,136.74	342.45%
3047 Transaction Fee Revenue	-	46.69	135.42	0.00%
3051 Swim Pool Receipts	10,000.00	-	(170.00)	-1.70%
3052 Public Safety Sales Tax Augmen	17,500.00	1,697.41	7,917.99	45.25%
3095 Misc Revenue	-	-	195.98	0.00%
3501 Restricted Revenue	-	8,673.02	66,877.90	0.00%
GRAND TOTAL-GENERAL FUND	3,368,876.00	252,250.57	1,270,742.85	37.72%

General Fund Reserve			
	Budget	Projection	Note
Beginning Balance	\$ 1,136,000	\$ 1,136,000	Reflects Budget Projection pending audited close for FY 20
GF Revenue and Transfers	\$ 3,395,376	\$ 3,718,468	Jan Prop Tx Motor Vehicle in Lieu, less one time CARES Act
GF Expenditures	\$ 3,916,841	\$ 3,916,841	Conservative Assumption 100% of Budget Expenditures
Change in Reserve	-\$521,465.00	-\$198,373.39	
Ending Reserve Balance	\$ 614,535	\$ 937,627	