



Willows City Council Regular Meeting

September 14, 2021
Willows City Hall
7:00 p.m.

Agenda

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

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

Interim City Manager
Marti Brown

City Clerk
Tara Rustenhoven

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **CHANGES TO THE AGENDA**
5. **PUBLIC COMMENT & CONSENT CALENDAR FORUM**

All matters on the Consent Calendar are considered routine and are approved by one motion and vote, unless Councilmembers or the City Manager first requests that a matter be removed for separate discussion and action. Individuals wishing to address the City Council concerning Consent Calendar items or regarding matters that are not already on the agenda are invited to make oral comments of up to three minutes at this time. Please address your comments to the Mayor and Councilmembers, and not to staff and/or the audience. By State law, the Council is not permitted to undertake any action or discussion on any item not appearing on the posted agenda. If you have any documentation that you would like distributed to the City Council, please mail it to the City Clerk at 201 North Lassen Street, Willows, CA 95988 or email it to: trustenhoven@cityofwillows.org.

a. **Register Approval**

Recommended Action: Approve general checking, payroll and direct deposit check registers Z45142-Z45174, 38959-38974, and 051435-051494.

Contact: Marti Brown, Interim City Manager, mbrown@cityofwillows.org

b. **Minutes Approval**

Recommended Action: Approve minutes of the Regular City Council Meeting held on August 10, 2021, the Special City Council Sewer Rate Adjustment meeting held on August 12, 2021, the Special Joint City Council and Planning Commission Meeting held on August 18, 2021 and the Regular City Council meeting held on August 24, 2021.

Contact: Tara Rustenhoven, City Clerk, trustenhoven@cityofwillows.org

c. **Appointment of Director to NCCSIF**

Recommended Action: Appoint Interim City Manager Marti Brown to the Northern California Cities Self-Insurance Fund (NCCSIF).

Contact: Marti Brown, Interim City Manager, mbrown@cityofwillows.org

6. **DISCUSSION & ACTION CALENDAR**

All matters in this section of the Agenda are discussed and will be acted on individually. Individuals wishing to address the City Council concerning any of these items are invited to make oral comments of up to three minutes at this time. Please address your comments to the Mayor and Councilmembers, and not to staff and/or the audience. When the Mayor calls for public comment, please raise your hand to be acknowledged. While not required, the City requests that you please state your name clearly for the audio recording. By State law, the Council is not permitted to undertake any action or discussion on any item not appearing on the posted agenda. If you have any documentation that you would like distributed to the City Council, please mail it to the City Clerk at 201 North Lassen Street, Willows, CA 95988 or email it to: trustenhoven@cityofwillows.org.

a. **Vacant City Council position, Appointment Process**

Recommended Action: City Council consider options for the process of filling a vacant City Council seat and provide direction to staff.

Contact: David Ritchie, City Attorney, mbrown@cityofwillows.org

b. **Resolution of Intent to evaluate districting pursuant to the Voting Rights Act**

Recommended Action: Consider beginning the process of evaluating a transition from an at-large electoral system to a district-based electoral system for members of the City Council pursuant to California Elections Code Section 100.10.

Contact: David Ritchie, City Attorney, mbrown@cityofwillows.org

c. **Change Council Meeting Start Time**

Recommended Action: Adopt the motion to commence Regular City Council Meetings at 6:00 p.m., starting with the November 9, 2021 City Council meeting.

Contact: Marti Brown, Interim City Manager, mbrown@cityofwillows.org

d. **Close City Hall on Fridays**

Recommended Action: By motion, authorize Interim City Manager to close City Hall on Friday's effective October 1, 2021 (until further notice.)

Contact: Marti Brown, Interim City Manager, mbrown@cityofwillows.org

7. COMMENTS & REPORTS

- a. City Council Comments & Reports
- b. Interim City Manager's Report

8. CLOSED SESSION

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.

CONFERENCE WITH LEGAL COUNSEL

Public Employment §54957, City Manager

9. ADJOURNMENT

This agenda was posted on September 9, 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

08/24/2021 TO 09/03/2021

Payroll Direct Deposit 245142 TO 245174

General Checking 38959 TO 38974

Check Register 051435 TO 051494

APPROVAL DATE 09/14/2021

APPROVED _____

REPORT.: 08/31/21
RUN...: 08/31/21 Time: 10:35
Run By.: Katie Butler

CITY OF WILLOWS
Check Register

Check Number	Date	Payroll Date	**Employee** Num	Name	Actual Period	Fiscal Period	Gross Amount
Z45142	09/03/21	08/29/21	BRO01	Brown, Martha	09-21	03-22	5484.62
Z45143	09/03/21	08/29/21	BUT01	BUTLER, KATIE LEEANN	09-21	03-22	1934.31
Z45144	09/03/21	08/29/21	RUS01	RUSTENHOVEN, TARA L	09-21	03-22	2221.85
Z45145	09/03/21	08/29/21	EHO00	EHORN, MARIA ANNETTE	09-21	03-22	2205.23
Z45146	09/03/21	08/29/21	BOW00	BOWERS, LINDA S	09-21	03-22	252.00
Z45147	09/03/21	08/29/21	BRI00	BRIONES, BRENDA VALENZU	09-21	03-22	252.00
Z45148	09/03/21	08/29/21	DUN00	DUNCAN , ROSE A	09-21	03-22	1556.31
Z45149	09/03/21	08/29/21	ESP00	Espeland, Sam Kinsey	09-21	03-22	259.00
Z45150	09/03/21	08/29/21	OLI00	OLIVER, LINDA F	09-21	03-22	322.00
Z45151	09/03/21	08/29/21	RAN00	RANDOLPH, ABIGAIL S	09-21	03-22	168.00
Z45152	09/03/21	08/29/21	SIL00	SILVA, EMILY M	09-21	03-22	112.00
Z45153	09/03/21	08/29/21	SPE02	SPEENCE, KYLIEGH C	09-21	03-22	259.00
Z45154	09/03/21	08/29/21	VAR00	Vargas, Giovanni	09-21	03-22	518.00
Z45155	09/03/21	08/29/21	HUT04	HUTSON, KRISTINA RENEE	09-21	03-22	583.05
Z45156	09/03/21	08/29/21	ABO00	ABOLD, STEVEN B	09-21	03-22	1856.72
Z45157	09/03/21	08/29/21	MCM00	MCMAHON, SHARON M	09-21	03-22	188.16
Z45158	09/03/21	08/29/21	SEN00	SENGMANY, SITKAY	09-21	03-22	640.00
Z45159	09/03/21	08/29/21	VAS01	VASQUEZ, PEDRO CEASAR	09-21	03-22	2499.79
Z45160	09/03/21	08/29/21	ENO00	ENOS, KYLE	09-21	03-22	2729.71
Z45161	09/03/21	08/29/21	PEA04	PEABODY, ROBERT WAYNE	09-21	03-22	5105.72
Z45162	09/03/21	08/29/21	PET02	PETERSEN, MATTHEW	09-21	03-22	1848.93
Z45163	09/03/21	08/29/21	CAR03	CARLSON, JOSHUA D	09-21	03-22	1572.46
Z45164	09/03/21	08/29/21	MIN00	MINGS, MICHAEL E	09-21	03-22	1572.46
Z45165	09/03/21	08/29/21	PFY00	PFYL, NATISA N	09-21	03-22	2536.89

36678.21

REPORT.: 09/01/21
RUN...: 09/01/21 Time: 14:43
Run By.: Katie Butler

CITY OF WILLOWS
Check Register

Check Number	Date	Payroll Date	**Employee** Num	Name	Actual Period	Fiscal Period	Gross Amount
Z45166	09/03/21	08/29/21	DOM00	DOMENIGHINI, LARRY A	09-21	03-22	250.00
Z45167	09/03/21	08/29/21	HAN02	HANSEN, GARY L	09-21	03-22	250.00
Z45168	09/03/21	08/29/21	WAR02	WARREN, KERRI LYNN	09-21	03-22	250.00
Z45169	09/03/21	08/29/21	WIL02	WILLIAMS, JEFF	09-21	03-22	250.00
Z45170	09/03/21	09/30/21	GRI02	GRIFFITH, ROBERT	09-21	03-22	50.00
Z45171	09/03/21	09/30/21	HAN06	HANSEN, JOSE	09-21	03-22	50.00
Z45172	09/03/21	09/30/21	MUL00	MULLER, HILGARD N	09-21	03-22	50.00
Z45173	09/03/21	09/30/21	WOO00	WOODS, CANDIS K	09-21	03-22	50.00
Z45174	09/03/21	08/29/21	HOB00	BOBADILLA, PEDRO D	09-21	03-22	50.00
							1250.00

REPORT.: 08/30/21
RUN ON.: 08/30/21 Time: 13:44
RUN BY.: Katie Butler

CITY OF WILLOWS

PAGE: 001
ID #: SPVR
CTL.: WIL

Vendor Check Register Print

Number	Date	Vendor/Organization	Invoice Id	Date	Description/Reference	Period	Amount	Amount Paid
38959	08/30/21	AFL01 AFLAC- FLEX ONE	C10831	08/31/21	OTHER - AFLAC	08-21	629.86	629.86
38960	08/30/21	CYP00 CYPRESS ANCILLARY BENEFITS	C10831	08/31/21	DENTAL\VISION	08-21	1467.83	1467.83
38961	08/30/21	GOL01 GOLDEN STATE RISK MANAGEME	C10831	08/31/21	MEDICAL	08-21	11905.00	11905.00
38962	08/30/21	UNI17 UNITED PUBLIC EMPLOYEES AS	C10831	08/31/21	PUBLIC SAFETY DUES	08-21	87.68	87.68
38963	08/30/21	WIL01 WILLOWS EMPLOYEES ASSOC.	C10831	08/31/21	EMPLOYEES ASSOC.DUES	08-21	10.00	10.00
TOTAL DISBURSED...							14100.37	14100.37

REPORT.: 09/01/21
 RUN ON.: 08/31/21 Time: 11:22
 RUN BY.: Katie Butler

CITY OF WILLOWS
 Vendor Check Register Print

PAGE: 001
 ID #: SPVR
 CTL.: WIL

Number	Date	Vendor/Organization	Invoice Id	Date	Description/Reference	Period	Amount	Amount Paid	
38964	09/01/21	EDD01 EMPLOYMENT DEVELOP.DEPT.	C10831	08/31/21	STATE INCOME TAX	09-21	841.09	841.09	
38965	09/01/21	EDD02 EMPLOYMENT DEVELOPMENT DEP	C10830	08/30/21	SDI TARA RETRO CHECK	09-21	1.08		
38965	09/01/21	EDD02 EMPLOYMENT DEVELOPMENT DEP	C10831	08/31/21	SDI	09-21	428.17	429.25	
38966	09/01/21	ICM01 ICMA RETIREMENT TRUST 457	C10831	08/31/21	DEFERRED COMP - ICMA	09-21	411.11	411.11	
38967	09/01/21	NAT00 NATIONWIDE RETIREMENT SOLU	C10831	08/31/21	USCM DEF. COMP.	09-21	1514.92	1514.92	
38968	09/01/21	PER01 P.E.R.S.	C10830	08/30/21	TARA RETRO CHECK PERS	09-21	12.89		
38968	09/01/21	PER01 P.E.R.S.	C10831	08/31/21	PERS PAYROLL REMITTANCE	09-21	5467.66	5480.55	
38969	09/01/21	UMP00 UMPQUA BANK	C10831	08/31/21	DIRECT DEPOSIT	09-21	24546.65	24546.65	
38970	09/01/21	UMP01 UMPQUA BANK - MYTAXPAYER	C10830	08/30/21	TARA RETRO CHECK	09-21	13.74		
38970	09/01/21	UMP01 UMPQUA BANK - MYTAXPAYER	C10831	08/31/21	FEDERAL INCOME TAX	09-21	2674.74		
38970	09/01/21	UMP01 UMPQUA BANK - MYTAXPAYER	1C10831	08/31/21	FICA	09-21	4424.44		
38970	09/01/21	UMP01 UMPQUA BANK - MYTAXPAYER	2C10831	08/31/21	MEDICARE	09-21	1034.74	8147.66	
TOTAL DISBURSED								41371.23	41371.23

REPORT.: 09/01/21
RUN ON.: 09/01/21 Time: 14:50
RUN BY.: Katie Butler

CITY OF WILLOWS

PAGE: 001
ID #: SPVR
CTL.: WIL

Vendor Check Register Print

Number	Date	Vendor/Organization	Invoice Id	Date	Description/Reference	Period	Amount	Amount Paid
38971	09/01/21	EDD01 EMPLOYMENT DEVELOP.DEPT.	C10901	09/01/21	STATE INCOME TAX	09-21	.00	.00
38972	09/01/21	EDD02 EMPLOYMENT DEVELOPMENT DEP	C10901	09/01/21	SDI	09-21	3.00	3.00
38973	09/01/21	UMP00 UMPQUA BANK	C10901	09/01/21	DIRECT DEPOSIT	09-21	1141.52	1141.52
38974	09/01/21	UMP01 UMPQUA BANK - MYTAXPAYER	C10901	09/01/21	FEDERAL INCOME TAX	09-21	9.81	
38974	09/01/21	UMP01 UMPQUA BANK - MYTAXPAYER	1C10901	09/01/21	FICA	09-21	155.00	
38974	09/01/21	UMP01 UMPQUA BANK - MYTAXPAYER	2C10901	09/01/21	MEDICARE	09-21	36.34	201.15
TOTAL DISBURSED...							1345.67	1345.67

Invoice No	Description	Invoice Date	Actual Period	Tm	G/L	Discount Account No	Gross Amount	Discount Amount	Net Amount
		Due Date	Fiscal						
Check #: 051435 Check Date.: 08/24/21 Vendor I.D.: AME02 (AMERIPRIDE UNIFORM SVCS.)									
102589185-	CLEANING UNIFORMS	08/17/21	08-21				102.22	.00	102.22
		08/24/21	02-22						

Check #: 051436 Check Date.: 08/24/21 Vendor I.D.: BAK06 (BAKER & TAYLOR BOOKS)									
203612688-	New Print Mat. Willows Lib.	08/06/21	08-21				409.30	.00	409.30
		08/24/21	02-22						

Check #: 051437 Check Date.: 08/24/21 Vendor I.D.: BAR01 (WILLOWS AUTO PARTS)									
610290-	RESISTOR	08/10/21	08-21	A			41.51	.00	41.51
		08/24/21	02-22						
610325-	RESITOR & BLOWER MOTOR	08/10/21	08-21	A			9.98	.00	9.98
		08/24/21	02-22						
610506-	SUPPLIES FOR PICKUP #2	08/12/21	08-21	A			74.09	.00	74.09
		08/24/21	02-22						
610611-	WIPER FLUID RESERVOIR	08/13/21	08-21	A			64.18	.00	64.18
		08/24/21	02-22						
611136-	SUPPLIES FOR CAT GENERATOR	08/19/21	08-21	A			218.71	.00	218.71
		08/24/21	02-22						
611202-	BALL JOINT - FRONT UPPER	08/19/21	08-21	A			50.97	.00	50.97
		08/24/21	02-22						
		** Vendor's Subtotal ----->					459.44	.00	459.44

Check #: 051438 Check Date.: 08/24/21 Vendor I.D.: CAL01 (CALIFORNIA WATER SERVICE CO.)									
C10812-	Water & Sewer	08/12/21	08-21	A			94.30	.00	94.30
		08/24/21	02-22						

Check #: 051439 Check Date.: 08/24/21 Vendor I.D.: COL08 (COLE HUBER LLP)									
37777-	GENERAL COUNSEL SERVICES	08/11/21	08-21				36055.46	.00	36055.46
		08/24/21	02-22						
37778-	ADVICE COUNSEL- FINANCE POLICY REVISIONS	08/11/21	08-21				5062.50	.00	5062.50
		08/24/21	02-22						
		** Vendor's Subtotal ----->					41117.96	.00	41117.96

Check #: 051440 Check Date.: 08/24/21 Vendor I.D.: CUR01 (L.N. CURTIS & SONS)									
515268-	HOSE- CABLE ASSEMBLY	08/06/21	08-21	A			401.12	.00	401.12
		08/24/21	02-22						

Check #: 051441 Check Date.: 08/24/21 Vendor I.D.: DEN00 (DE NOVO PLANNING GROUP)									
3192-	FOR PROFESSIONAL SERVICES THROUGH 8-9-21	08/09/21	08-21				9567.00	.00	9567.00
		08/24/21	02-22						

Check #: 051442 Check Date.: 08/24/21 Vendor I.D.: GAL06 (CENGAGE LEARNING INC/GALE)									
74706180-	PAPERBACK BOOKS	07/16/21	08-21				904.16	.00	904.16
		08/24/21	02-22						

Check #: 051443 Check Date.: 08/24/21 Vendor I.D.: GAN01 (GANDY-STALEY OIL CO.)									
C10812-	PUBLIC WORKS MONTHLY STATEMENT	07/31/21	08-21	A			2338.72	.00	2338.72
		08/24/21	02-22						

Check #: 051444 Check Date.: 08/24/21 Vendor I.D.: ITF01 (INDUSTRIAL TRUCK & FARM)									
575901-	PARTS FOR PARK PUMPS	08/20/21	08-21	A			30.50	.00	30.50
		08/24/21	02-22						

Check #: 051445 Check Date.: 08/24/21 Vendor I.D.: KNI03 (KNIFE RIVER CONSTRUCTION)									
256747-	WET PATCH AND ENVIRONMENTAL FEE	08/10/21	08-21				316.98	.00	316.98
		08/24/21	02-22						

Invoice No	Description	Invoice Date	Actual Period	Discount G/L	Account No	Discount Amount	Gross Amount	Discount Amount	Net Amount
Check #: 051446 Check Date.: 08/24/21 Vendor I.D.: NEC00 (NEC FINANCIAL SERVICES LLC)									
2426686-	PHONE SYSTEM	08/07/21	08-21				268.08	.00	268.08
		08/24/21	02-22						

Check #: 051447 Check Date.: 08/24/21 Vendor I.D.: NSW00 (NSWTS)									
0142-	MONTHLY WATER SERVICE	08/13/21	08-21				130.00	.00	130.00
		08/24/21	02-22						

Check #: 051448 Check Date.: 08/24/21 Vendor I.D.: PGE01 (PG & E)									
C10812-	UTILITY ELECTRIC FOR ACCOUNT ENDING 3795	08/05/21	08-21	A			44.81	.00	44.81
		08/24/21	02-22						

Check #: 051449 Check Date.: 08/24/21 Vendor I.D.: RAM01 (RAMSEY'S GLASS)									
17063-	INSTALL OF NEW WINDOW	08/19/21	08-21	A			240.00	.00	240.00
		08/24/21	02-22						

Check #: 051450 Check Date.: 08/24/21 Vendor I.D.: RGS01 (REGIONAL GOVERNMENT SERVICES)									
12347-	REIMBURABLE EXPENSES FOR RANDOLPH POLLARD	07/31/21	08-21				295.00	.00	295.00
		08/24/21	02-22						

Check #: 051451 Check Date.: 08/24/21 Vendor I.D.: THR00 (3CORE)									
20204-	MEMBERSHIP RENEWAL 2021-22	07/12/21	08-21				7500.00	.00	7500.00
		08/24/21	02-22						

Check #: 051452 Check Date.: 08/24/21 Vendor I.D.: USA02 (UNDERGROUN SERVICE ALERT)									
132720202-	2021 MEMBERSHIP FEE	07/20/21	08-21	A			572.63	.00	572.63
		08/24/21	02-22						

Check #: 051453 Check Date.: 08/24/21 Vendor I.D.: WILHD (WILLOWS HARDWARE, INC.)									
252612-	SUPPLIES FOR MUSEUM	08/16/21	08-21	A			74.99	.00	74.99
		08/24/21	02-22						
258190-	VELCO & SPADE BIT 7/8	08/13/21	08-21	A			17.02	.00	17.02
		08/24/21	02-22						
258848-	S/C BLUE	08/23/21	08-21	A			6.42	.00	6.42
		08/24/21	02-22						
259684-	100 HOSE	07/12/21	08-21	A			72.92	.00	72.92
		08/24/21	02-22						
						** Vendor's Subtotal ----->			
						171.35	.00	171.35	

Check #: 051454 Check Date.: 08/24/21 Vendor I.D.: WILHI (WILLOWS ACE HARDWARE)									
72256-	M18 BL DRL/DRV KT	08/13/21	08-21				214.49	.00	214.49
		08/24/21	02-22						
72444-	UTILITY LIGHTER 2 PK	08/18/21	08-21				8.14	.00	8.14
		08/24/21	02-22						
72555-	PARTS FOR PARKS PUMPS	08/20/21	08-21				119.56	.00	119.56
		08/24/21	02-22						
						** Vendor's Subtotal ----->			
						342.19	.00	342.19	
						** Total Checks Paid ----->			
						65305.76	.00	65305.76	

Invoice No	Description	Invoice Date	Actual Period	Tm	Discount G/L	Account No	Gross Amount	Discount Amount	Net Amount	
										Due Date
Check #: 051455 Check Date.: 08/26/21 Vendor I.D.: AME02 (AMERIPRIDE UNIFORM SVCS.)										
000001847-	CLEANING UNIFORMS	08/24/21	08-21				99.95	.00	99.95	
		08/26/21	02-22							
Check #: 051456 Check Date.: 08/26/21 Vendor I.D.: ATT01 (A.T.& T.)										
C10826-	Telephone Exp.	08/19/21	08-21	A			1213.02	.00	1213.02	
		08/26/21	02-22							
Check #: 051457 Check Date.: 08/26/21 Vendor I.D.: CAL01 (CALIFORNIA WATER SERVICE CO.)										
C10826-	Water & Sewer	08/12/21	08-21	A			6163.25	.00	6163.25	
		08/26/21	02-22							
Check #: 051458 Check Date.: 08/26/21 Vendor I.D.: CAL04 (CALIFORNIA DEPT. OF JUSTICE)										
524269-	FED LVL VOLTEER- BILLED	08/12/21	08-21				15.00	.00	15.00	
		08/26/21	02-22							
Check #: 051459 Check Date.: 08/26/21 Vendor I.D.: CLE03 (CLEARWAY ENERGY LLC)										
562827-	JUNE 2021 KWH CHARGES	07/16/21	08-21				12767.72	.00	12767.72	
		08/26/21	02-22							
580022-	JULY 2021 INVOICE	08/17/21	08-21				12761.46	.00	12761.46	
		08/26/21	02-22							
							** Vendor's Subtotal ----->	25529.18	.00	25529.18
Check #: 051460 Check Date.: 08/26/21 Vendor I.D.: COA00 (COASTLAND CIVIL ENGINEERING)										
51552-	CONSTRUCTION SUPPORT, PRO. SERVICES	06/30/21	08-21				1793.75	.00	1793.75	
		08/26/21	02-22							
51653-	4404 648 N MURDOCK- 3 CAR GARAGE	07/31/21	08-21				125.00	.00	125.00	
		08/26/21	02-22							
51654-	4415 1201 W WOOD ST - APT COMPLEX	08/05/21	08-21				570.00	.00	570.00	
		08/26/21	02-22							
51666-	4455 1250 W WOOD ST- CHEVRON SIGN	07/31/21	08-21				176.25	.00	176.25	
		08/26/21	02-22							
51674-	PROFESSIONAL SERVICES	07/31/21	08-21				43.75	.00	43.75	
		08/26/21	02-22							
51680-	LEGAL & PLAT CHECK	07/31/21	08-21				43.75	.00	43.75	
		08/26/21	02-22							
51683-	4425 219 N VENTURA STORAGE BLDG REVIEW	08/26/21	02-22				248.75	.00	248.75	
		07/31/21	08-21							
51692-	4434 120N LASSEN- COM TO RES	08/26/21	02-22				248.75	.00	248.75	
		07/31/21	08-21							
51715-	4424 251 S CRAWFORD - PATIO COVER	07/31/21	08-21				176.25	.00	176.25	
		08/26/21	02-22							
51750-	4339 547 FRENCH STREET	07/31/21	08-21				140.00	.00	140.00	
		08/26/21	02-22							
51783-	4439 BUILDING A AND B	08/26/21	02-22				280.00	.00	280.00	
		07/31/21	08-21							
51784-	GENERAL ADMINISTRATION	08/26/21	02-22				1485.00	.00	1485.00	
		07/31/21	08-21							
51785-	BILLING GROUP	08/26/21	02-22				2383.75	.00	2383.75	
		07/31/21	08-21							
							** Vendor's Subtotal ----->	7715.00	.00	7715.00
Check #: 051461 Check Date.: 08/26/21 Vendor I.D.: COR02 (CORBIN WILLITS SYSTEMS)										
00C10815-	Cont.Serv. Finance	08/15/21	08-21	A			1860.00	.00	1860.00	
		08/26/21	02-22							
00C108151-	Cont.Serv. Finance	08/15/21	08-21	A			432.84	.00	432.84	
		08/26/21	02-22							
							** Vendor's Subtotal ----->	2292.84	.00	2292.84

Invoice No	Description	Invoice Date		Actual Period		Discount G/L Account No	Gross Amount	Discount Amount	Net Amount
		Due Date	Fiscal Tm						
Check #: 051462 Check Date.: 08/26/21 Vendor I.D.: MAT01 (MATSON & ISOM TECHNOLOGY CONSULTING INC)									
21823-	STANDARD LAPTOP AND SUPPLIES	08/23/21	08-21				2341.52	.00	2341.52
		08/26/21	02-22						
21832-	LICENSE RENEWAL & ESSENTIALS SUPPORT	08/23/21	08-21				177.00	.00	177.00
		08/26/21	02-22						
79974-	AGREEMENT CLEARIT MANAGED PARTNER	08/10/21	08-21				2529.00	.00	2529.00
		08/26/21	02-22						
80020-	AGREEMENT BARRACUDA BU 190	08/10/21	08-21				100.00	.00	100.00
		08/26/21	02-22						
** Vendor's Subtotal ----->							5147.52	.00	5147.52
Check #: 051463 Check Date.: 08/26/21 Vendor I.D.: OFF05 (OFFICE DEPOT, INC.)									
189363735-	LABELS	08/13/21	08-21	A			30.93	.00	30.93
		08/26/21	02-22						
189363783-	PAPER	08/13/21	08-21	A			247.76	.00	247.76
		08/26/21	02-22						
** Vendor's Subtotal ----->							278.69	.00	278.69
Check #: 051464 Check Date.: 08/26/21 Vendor I.D.: PGE01 (PG & E)									
C10824-	UTILITY-ELECTRIC FOR ACCT 2874	08/04/21	08-21	A			24.65	.00	24.65
		08/26/21	02-22						
C10826-	UTILITY ELECTRIC FOR AUGUST 2021	08/17/21	08-21	A			12997.30	.00	12997.30
		08/26/21	02-22						
** Vendor's Subtotal ----->							13021.95	.00	13021.95
Check #: 051465 Check Date.: 08/26/21 Vendor I.D.: RAY03 (RAY MORGAN COMPANY)									
3423898-	WATER SYSTEMS	08/18/21	08-21	A			63.28	.00	63.28
		08/26/21	02-22						
Check #: 051466 Check Date.: 08/26/21 Vendor I.D.: RGS01 (REGIONAL GOVERNMENT SERVICES)									
12362-	RECRUITMENT ACCTS MGR	07/31/21	08-21				328.75	.00	328.75
		08/26/21	02-22						
12363-	CONTRACT SERVICE FOR JULY- HR	07/31/21	08-21				275.00	.00	275.00
		08/26/21	02-22						
** Vendor's Subtotal ----->							603.75	.00	603.75
Check #: 051467 Check Date.: 08/26/21 Vendor I.D.: SAC08 (SACRAMENTO VALLEY MIRROR)									
384-	LEGAL ADVERTISING - USE PERMIT	08/13/21	08-21	A			49.20	.00	49.20
		08/26/21	02-22						
Check #: 051468 Check Date.: 08/26/21 Vendor I.D.: SKI00 (GERALD SKINNER - LOCK & ROLL KEY SERV)									
0103-	FIRE KING LOCK INSTALL	08/13/21	08-21				314.00	.00	314.00
		08/26/21	02-22						
Check #: 051469 Check Date.: 08/26/21 Vendor I.D.: THR00 (SCORE)									
1233-	CDBG CONTRACT	07/31/21	08-21				2812.50	.00	2812.50
		08/26/21	02-22						
Check #: 051470 Check Date.: 08/26/21 Vendor I.D.: WAL10 (WALBERG)									
6597-	MANHOLE COLLAR	08/18/21	08-21				2400.00	.00	2400.00
		08/26/21	02-22						
Check #: 051471 Check Date.: 08/26/21 Vendor I.D.: WILHI (WILLOWS ACE HARDWARE)									
72659-	TOILET FLAPPER	08/24/21	08-21				8.14	.00	8.14
		08/26/21	02-22						
** Total Checks Paid ----->							67727.27	.00	67727.27

Invoice No	Description	Invoice Date		Actual Period		Discount G/L	Account No	Gross Amount	Discount Amount	Net Amount	
		Due	Date	Fiscal	Tm						
Check #.: 051472 Check Date.: 09/03/21 Vendor I.D.: AIR00 (AIRGAS NCN)											
911672358-	OXYGEN	08/20/21	09-21	09/03/21	03-22			151.27	.00	151.27	
Check #.: 051473 Check Date.: 09/03/21 Vendor I.D.: AME02 (AMERIPRIDE UNIFORM SVCS.)											
00006878-	CLEANING UNIFORMS	08/31/21	09-21	09/03/21	03-22			99.95	.00	99.95	
102589207-	CLEANING SUPPLIES FOR FIRE STATION	08/17/21	09-21	09/03/21	03-22			194.59	.00	194.59	
								** Vendor's Subtotal ----->	294.54	.00	294.54
Check #.: 051474 Check Date.: 09/03/21 Vendor I.D.: BAR01 (WILLOWS AUTO PARTS)											
611346-	BLUE DEF AND OIL TRAY	08/20/21	09-21	09/03/21	03-22	A		62.59	.00	62.59	
611601-	BRAKE ROTOR HUB	08/24/21	09-21	09/03/21	03-22	A		354.76	.00	354.76	
612048-	BLOWER MOTOR AND ROD CLAMP	08/30/21	09-21	09/03/21	03-22	A		115.63	.00	115.63	
612408-	ADAPTER, COUPLING AND AIR BRAK UNION	09/02/21	09-21	09/03/21	03-22	A		54.78	.00	54.78	
								** Vendor's Subtotal ----->	587.76	.00	587.76
Check #.: 051475 Check Date.: 09/03/21 Vendor I.D.: COL08 (COLE HUBER LLP)											
37882-	650 N BUTTE- ABATEMENT	08/25/21	09-21	09/03/21	03-22			619.50	.00	619.50	
37883-	141 N CRAWFORD - ABATEMENT	08/25/21	09-21	09/03/21	03-22			9443.08	.00	9443.08	
								** Vendor's Subtotal ----->	10062.58	.00	10062.58
Check #.: 051476 Check Date.: 09/03/21 Vendor I.D.: COM16 (COMCAST CABLE)											
C10901-	AUG 19- SEPT 18 2021 ACCT ENDING 6196	08/14/21	09-21	09/03/21	03-22			150.94	.00	150.94	
Check #.: 051477 Check Date.: 09/03/21 Vendor I.D.: COR10 (CORNING LUMBER WILLOWS)											
174966-	GROUT BAG ANS CHAIN	09/02/21	09-21	09/03/21	03-22			22.96	.00	22.96	
Check #.: 051478 Check Date.: 09/03/21 Vendor I.D.: CUR01 (L.N. CURTIS & SONS)											
517837-	SPERIAN PARTS	08/17/21	09-21	09/03/21	03-22	A		17.33	.00	17.33	
520312-	SUPREME PULL- ON STRUCTRUAL BOOTS	08/23/21	09-21	09/03/21	03-22	A		510.00	.00	510.00	
								** Vendor's Subtotal ----->	527.33	.00	527.33
Check #.: 051479 Check Date.: 09/03/21 Vendor I.D.: DEM01 (DEMCO, INC.)											
6988917-	LABELS, VISTAFOIL, EASEL	08/11/21	09-21	09/03/21	03-22	A		726.60	.00	726.60	
Check #.: 051480 Check Date.: 09/03/21 Vendor I.D.: GAN01 (GANDY-STALEY OIL CO.)											
C10902-	FUEL FOR PUBLIC WORKS FOR AUGUST 2021	08/31/21	09-21	09/03/21	03-22	A		2147.26	.00	2147.26	
C10903-	WILLOWS FD FUEL FOR AUGUST 2021	08/31/21	09-21	09/03/21	03-22	A		524.26	.00	524.26	
								** Vendor's Subtotal ----->	2671.52	.00	2671.52

Invoice No	Description	Check #.	Check Date.	Vendor I.D.	Tm	Invoice		G/L	Discount Account No	Gross Amount	Discount Amount	Net Amount
						Date	Fiscal Period					
Check #.: 051481 Check Date.: 09/03/21 Vendor I.D.: INT16 (INTERSTATE BATTERY SYSTEM OF REDDING)												
30059796-	SUPPLIES FOR FLAT BED #4					08/24/21	09-21			137.15	.00	137.15
						09/03/21	03-22					

Check #.: 051482 Check Date.: 09/03/21 Vendor I.D.: ITP01 (INDUSTRIAL TRUCK & FARM)												
576186-	SUPPLIES FOR PARKS PUMP REPAIR				A	08/26/21	09-21			16.44	.00	16.44
						09/03/21	03-22					

Check #.: 051483 Check Date.: 09/03/21 Vendor I.D.: MEN02 (MENDES SUPPLY COMPANY)												
53387-	BLK LINER AND BATH TISSUE					08/31/21	09-21			180.10	.00	180.10
						09/03/21	03-22					

Check #.: 051484 Check Date.: 09/03/21 Vendor I.D.: NOR18 (NORTHERN CALIF. GLOVES)												
542192-	LATEX HIRISK XL					08/18/21	09-21			222.92	.00	222.92
						09/03/21	03-22					

Check #.: 051485 Check Date.: 09/03/21 Vendor I.D.: NOR43 (ACCESS)												
8964222-	40" SECURITY CONSOLES					08/31/21	09-21			83.80	.00	83.80
						09/03/21	03-22					

Check #.: 051486 Check Date.: 09/03/21 Vendor I.D.: OFF05 (OFFICE DEPOT, INC.)												
190626781-	CALL BOOKLET				A	08/24/21	09-21			10.50	.00	10.50
						09/03/21	03-22					
190627480-	PAPER, MANILLA FOLDERS, PENS				A	08/24/21	09-21			65.93	.00	65.93
						09/03/21	03-22					
						** Vendor's Subtotal ----->				76.43	.00	76.43

Check #.: 051487 Check Date.: 09/03/21 Vendor I.D.: RAY03 (RAY MORGAN COMPANY)												
3429590-	STAPLES REFILL FOR PRINTER				A	08/25/21	09-21			71.94	.00	71.94
						09/03/21	03-22					

Check #.: 051488 Check Date.: 09/03/21 Vendor I.D.: SAF03 (SAFETY TIRE SERVICE)												
49126-	FLAT REPAIR FOR SWEEPER TRUCK					08/16/21	09-21			40.00	.00	40.00
						09/03/21	03-22					

Check #.: 051489 Check Date.: 09/03/21 Vendor I.D.: SUC01 (SUCCESS PRINTING)												
6658-	PATIENT INFORMATION BOOKLET					08/27/21	09-21			109.40	.00	109.40
						09/03/21	03-22					

Check #.: 051490 Check Date.: 09/03/21 Vendor I.D.: USB04 (U.S. BANK CORPORATE PAYMENT SYSTEMS)												
C10902-	AUGUST 2021 MONTHLY STATEMENT					08/31/21	09-21			2166.01	.00	2166.01
						09/03/21	03-22					

Check #.: 051491 Check Date.: 09/03/21 Vendor I.D.: WAL07 (WAL-MART COMMUNITY)												
C10902-	AUGUST 2021 BILL					08/31/21	09-21			367.06	.00	367.06
						09/03/21	03-22					

Check #.: 051492 Check Date.: 09/03/21 Vendor I.D.: WIL17 (WILLDAN)												
713422-	PRINCIPAL PLANNER					08/27/21	09-21			8595.21	.00	8595.21
						09/03/21	03-22					

Check #.: 051493 Check Date.: 09/03/21 Vendor I.D.: WILHD (WILLOWS HARDWARE, INC.)												
252631-	PAD LOCK				A	08/01/21	09-21			25.63	.00	25.63
						09/03/21	03-22					
254389-	FUEL				A	08/20/21	09-21			27.87	.00	27.87
						09/03/21	03-22					
259440-	PAD LOCK				A	09/02/21	09-21			12.82	.00	12.82
						09/03/21	03-22					
261851-	FLASH LIGHT AND EPOXY				A	08/30/21	09-21			13.92	.00	13.92
						09/03/21	03-22					
						** Vendor's Subtotal ----->				80.24	.00	80.24

Invoice No	Description	Invoice	Actual	Tm	G/L	Discount Account No	Gross Amount	Discount Amount	Net Amount
		Date	Period						
		Due Date	Fiscal						
Check #: 051494 Check Date.: 09/03/21		Vendor I.D.: WILHI (WILLOWS ACE HARDWARE)							
72563-	SOAP DISPENSER	08/20/21	09-21				21.44	.00	21.44
		09/03/21	03-22						
72683-	3" PVC SCH40 CAP	08/25/21	09-21				3.72	.00	3.72
		09/03/21	03-22						
72739-	CMNT PVC RDHOT * CHECK VALVE, ECT	08/26/21	09-21				100.90	.00	100.90
		09/03/21	03-22						
72755-	6" PVC VAN STONE FLANGE	08/26/21	09-21				57.74	.00	57.74
		09/03/21	03-22						
72883-	MISC IRRIGATION	08/30/21	09-21				306.57	.00	306.57
		09/03/21	03-22						
72927-	3" PVC MALE ADAPTER	08/31/21	09-21				10.30	.00	10.30
		09/03/21	03-22						
** Vendor's Subtotal ----->							500.67	.00	500.67
** Total Checks Paid ----->							27842.87	.00	27842.87



ACTION MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD AUGUST 10, 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 7:02 p.m.
2. The meeting opened with the Pledge of Allegiance led by Council Member Warren.

3. Roll Call:

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

Council Members Absent: Council Member Flesher

Staff Present: Interim City Manager Wayne Peabody Interim City Manager Wayne Peabody and City Clerk Tara Rustenhoven

4. Public Comment/ Written Communications:

Richard Harriman, asked council if Item 6a and 6b could be broken into 4 sections and start with item 6b.

RaeAnn Titus, wanted to know how the mailing list was sent out for the sewer rate notices. She did not receive a notice for all of the properties owned.

Lisa Davis in the past she received a notice for all 3 of properties. This year she only received one.

Dennis Asbury did not receive a notice for any of his properties owned.

Richard Harriman wanted to object to the council's ruling in the lack of availability of the public records act request of the list of the names of the parcels of potential voters. The reason for the objection is, this is a public document and should be publicly available.

Forrest Sprague had comments on the sewer rate mailing list.

Jeff Williams wanted to know if NBS did the mailer and how many were mailed.

Written Communication Letters will be attached to the minutes.

5. Consent Agenda:

- a. Approval of general checking, payroll & direct deposit check registers Z45070-Z45116, 38939-38951, 051374-051392.
- b. Approval of minutes of the Regular City Council Meeting held on July 27, 2021.

Action:

Motion: Vice Mayor Hansen/Second: Council Member Williams

Moved to approve the Consent Agenda as presented above and the following item(s).

The motion passed unanimously 4/0 carried by the following voice vote:

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

NOES:

ABSENT: Flesher

ABSTAIN:

A member of the public requested council to switch item 6a and 6b.

Action:

Motion: Council Member Williams/Second: Council Member Warren

Moved to change the agenda to switch items 6a and 6b.

The motion passed unanimously 4/0 carried by the following voice vote:

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

NOES:

ABSENT: Flesher

ABSTAIN:

6. Regular Business:

b. Recission of Council Action accepting the City of Willows Comprehensive Wastewater Rate Study 2021 taken at the June 22, 2021 Regular Council Meeting, and consideration of an action of Council accepting the City of Willows Comprehensive Wastewater Rate Study 2021 Report (Action Item).

Jeff Williams asked Mr. Ritchie when the Rate Study was done. He also wanted to know if there was an RFP.

Forrest Sprague had comments regarding his letter regarding the letter he submitted to council.

Richard Harriman requested that council follow the direction of the City Attorney that they cure and correct by resending the action.

Action:

Motion: Vice Mayor Hansen/Second: Council Member Warren

Moved to accept the recission of Council action of accepting the City of Willows Comprehensive Wastewater Rate Study 2021.

The motion passed 4/0 carried by the following voice vote:

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

NOES:

ABSENT: Flesher

ABSTAIN:

Richard Harriman asked council to not take action at this time and proceed to item 6a. Once they take action on 6a, then come back to take action on the second part of 6b.

Roberta Asbury had comments and statements that were made at the June 22nd meeting.

Forrest Sprague had questions and comments on the timecards of Public Works Department.

Dennis Asbury asked council again, what the actual cost was for the study.

Council Member Williams made a motion to move to item 6a come back to item 6b after the presentation.

Council Member Williams motion to request to move to item 6a was denied due to lack of a second from council.

Action:

Motion: Vice Mayor Hansen/Second: Council Member Warren

Moved to approve the City of Willows Comprehensive Wastewater Rate Study 2021 taken at the June 22, 2021 Regular City Council Meeting.

The motion passed 3/1 carried by the following voice vote:

AYES: Warren, Vice Mayor Hansen, Mayor Domenighini

NOES: Williams

ABSENT: Flesher

ABSTAIN:

Mr. Ritchie asked for a 5-minute recess to allow the Interim City Manager to return to the meeting after having to leave for a personal matter.

Recess from open session at 7:48 p.m.

Reconvened back into session at 7:58 p.m.

a. Receive a presentation from NBS regarding the Cost Allocation Plan and Full Cost Iteration (July 19, 2021) and Alternative Scenarios for Sewer Rate Study (July 21, 2021) and consideration to accept the Reports (Presentation and Action Item).

Council Member Williams wanted to know where he got his information to complete the Cost Allocation Plan. He also wanted to point out his concerns with some of the cost allocations for certain departments.

Doug Ross, resident of Willows had a couple questions. The first being, is the council constrained to propose a particular percentage of the increase? And second, can the city adopt an ordinance to show what departments can and cannot be paid from the sewer funds.

Sharon Ponciano had a few clarification questions on the study.

Forrest Sprague gave his opinion on Proposition 218 and the Cost Allocation Plan.

Roberta Asbury asked Mayor Domenighini if knew the cost of the Cost Allocation Plan.

Richard Harriman had questions for NBS regarding the monthly residential rate. He also had questions for staff.

Jim Fruit, local property owner, wanted to point out and had questions for council and staff, on the presentation from the June 22, 2021.

Council Member Williams had questions on the how NBS determined the standard charges for multi-family residence compared to a single-family residence.

Council Member Williams made the motion to decline the Cost Allocation Plan and Study Report.

Motion was denied due to no second

Action:

Motion: Vice Mayor Hansen/Second: Council Member Warren

Moved to accept the Presentation Cost Allocation Plan and Full Cost Iteration (July 19, 2021) and the Alternative Scenarios for Sewer Rate Study (July 21, 2021) and to accept the reports.

The motion passed 3/1 carried by the following voice vote:

AYES: Warren, Vice Mayor Hansen, Mayor Domenighini

NOES: Williams

ABSENT: Flesher

ABSTAIN:

7. Council/Staff Reports/Comments:

a. Staff Reports/Comments:

- Interim City Manager provided FAQ regarding the sewer rate adjustment and wanted to let the people know it will also be placed on the website. He also wanted to thank NBS for coming to tonight's meeting.

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

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 COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Gov. Code Section §54956.9

Number of Cases: 1

Entered into closed session at 9:56 p.m.

Reconvened into open session at 10:48 p.m.

Announcement of any action taken in closed session:

No reportable action and direction was given to staff.

9. Adjournment:

The Meeting was adjourned at 10:48 p.m.

Dated: August 25, 2021

Tara Rustenhoven, City Clerk

ORIGINAL

Law Offices of
Richard L. Harriman
1078 Via Verona Drive
Chico, California 95973-1031
Telephone: (530) 343-1386
Email: richardharrimanattorney@gmail.com



August 10, 2021

COPY

Willows City Council
City of Willows
201 N. Lassen Street
Willows, CA 95988

Re: City Council Agenda Items 6.a. and 6.b.
City of Willows Sewer Rate Study and
Acceptance of Cost Allocation Plan and
Full Cost Iteration (July 19, 2021) and
Alternative Scenarios for Sewer Rate
Study (July 21, 2021) and Consideration
re Acceptance of Reports
Rescission of Council Action Accepting
The Comprehensive Wastewater Rate
Study 2021 Rate Study Report
Comments and Objections of Forrest Sprague
Date of Hearings: August 10 and August 12, 2021

Dear Mayor Domenighini and Council Members:

Forrest Sprague is a resident of the City of Willows, an owner of property in the City of Willows, a taxpayer of the City of Willows, and a customer and rate payer of the City of Willows Sewer Services District. As such, Mr. Sprague has a legal interest in the above-referenced proceedings and proposed actions referred to above.

Mr. Sprague has retained the undersigned and other associated legal counsel to represent him and his interests in these proceedings and other legal issues raised in these proceedings, individually, and, also, as a representative of the public interest on behalf of other similarly situated property owners, residents,

taxpayers, and rate-payers of the City and its Sewer Services District. He has standing to serve as a private attorney general, pursuant to California Code of Civil Procedure section 1021.5.

Introduction

At the outset, in order to set the following Comments and Objections in proper context, I have attached copies of letters, regarding the subject matter of Agenda Items 6.a. and 6.b. submitted by Mr. Sprague to your Council, dated July 21, 2021 and July 27, 2021, for the record of these proceedings.

By including these letters and attachments to them in the record of proceedings, Mr. Sprague hereby submits each and every issue and evidentiary point raised therein to be brought to the attention of you're the City of Willows and its Council for your information, discussion, consideration, and deliberation of the evidence and arguments presented at this hearing and by your consideration, decisions, and actions made and taken as raised in Agenda Items 6.a. and 6.b.

Procedural issues and Objections

In reviewing Agenda Items 6.a. and 6.b. before the Council at this evening's meeting, my client and I have want to raise two procedural issues for consideration for amendment of these Agenda Items.

Most important, it appears that Agenda Item 6.b. involves two separate action items:

1) Rescission of Council action accepting the City of Willows Comprehensive Wastewater Rate Study 2021 taken at the June 22, 2021 Regular Council Meeting; and

2) Consideration of an action of the Council accepting the City of Willows Comprehensive Wastewater Rate Study 2021 Report (Action item)

Mr. Sprague requests that Item 6.b.1 be agendized before Item 6.a., because the "cure and correct" action by the Council should be considered and taken by the Council before the presentation and consideration of the final Cost Allocation Plan and Full Cost Iteration, which were previously considered and accepted by the Council, identified in Item 6.a. Also, Item 6.b.2 should be heard after the items in

6.a., so that they will be approved in the proper sequence.

Second, please note that Item 6.a. includes two separate action items:

1) Receive a presentation regarding the Cost Allocation Plan and a Full Cost Iteration (July 19, 2021), and Alternative Scenarios for Sewer Rate Study (July 21, 2021); and

2) Consideration to accept the Reports (Presentation and Action item).

Given the fact that the presentation includes at least two separate issues and actions; to-wit, receiving and accepting two separate documents, the public should have an opportunity to comment on both of these items separately, because the first item contemplates an action to accept two separate items from two separate dates.

Finally, the public should have an opportunity to be heard on each of the four (4) separate action items as set forth in Agenda Item 6.a. and 6.b., as set forth above.

Therefore, Mr. Sprague respectfully requests your Council to make these amendments to the Agenda, prior to hearing and considering Agenda Item 6, accordingly. The reason for this is so that Mr. Sprague and other members of the public will be provided their right, pursuant to the Ralph M. Brown Opening Meeting Law to have reasonable opportunity to comment on each action item in open session.

The Council's Duty of Disclosure to the Public and to the City's Agents, Financial Consultants, and Regulatory Agencies

From a review of the documents prepared by and/or provided by the former acting City Manager, the present Interim Manager, and City Attorney, it appears that relevant information, facts, and events known to the City Council and Staff may not have been provided to the City's agents, financial consultants, and/or the public in their Staff Reports and/or in the documents presented for acceptance and/or approval under Agenda Item 6.a. and 6.b.

To the extent that the City Council members have such information and/or knowledge of material facts that would be relevant and material to the taxpayers and rate-payers in their consideration, deliberation, and decisions regarding your approval or rejection of the City of Willows Comprehensive Wastewater Rate Study 2021 Report, the City Council members have a duty, as Public Trustees, to the City's residents, property owners, tax-payers, and rate-payers to direct the City's Staff, employees, agents, and consultants to disclose such relevant and material facts and other information to the public, tax-payers, and rate-payers, in the interest of openness, transparency, and ethical governance and decision-making.

While Mr. Sprague and his counsel understand that the City Attorney may advise the Council not to disclose confidential attorney-client communications, this well-recognized principle does *not* properly encompass facts and other information regarding the *actions* taken by City Staff and factual information regarding such *actions* and/or financial facts regarding the City Budget, Capital Improvement Plan, transfers of funds between actions which have been memorialized by City Council resolutions and administrative actions, and/or other documents that memorialize such *actions* which are taken to implement City written transactions and/or accounts and records thereof.

In other words, City Council members and Staff are not lawfully allowed to Interfere with the public's right to know what the City is doing, irrespective of any *threat* of litigation. Anticipation of litigation does not justify abridgement of the public's rights pursuant to the California Public Records Action and/or the Ralph M. Brown Open Meeting Law. Moreover, neither the City Council nor its Staff has a legal right to stonewall the public and to deny their constituents of their right to access to public information, communications, documents, or other records regarding the financial condition of the City and transactions involving the expenditure of public funds,

Similarly, California Code of Civil Procedure section 526a, which implements the constitutional prohibition against the gift of public funds or assets (California Constitution, Article 6, section 16), specifically prohibits the gift of public funds by the improvident and imprudent expenditure of public funds.

Therefore, it is the **duty** of publicly elected officials of the City of Willows to disclose to the public and its consultants, financial advisors, and other agents

and employees who are retained to market and sell municipal bonds and other publicly traded securities, including Certificates of Participation, true and accurate facts and information regarding the expenditure of taxpayers' funds for the City's Sewer Services and/or such information that is known to the City Council and/or Staff, employees, and other independent contractors who will be providing representations to the public regarding the true financial condition and accounting of the City's financial affairs.

In other words, if the City Council and/or Staff misrepresent the financial condition of the City its financial advisors and/or other consultants, or fail to disclose material facts and information that is to be relied upon by its municipal bond broker-dealers and/or the public, such conduct can expose the City to significant risk of liability.

Summary of Issues and Points Raised by Mr. Sprague

Attached to this letter are previous letters transmitted to the City Council by Mr. Sprague, including, letters dated July 21, 2021, regarding "Demand to Cure and Correct the City's violations of the Brown Act," and July 27, 2021, regarding "Sewer Rate Violations." [Each letter also includes attachments, which are incorporated herein, as well.]

Mr. Sprague's letters are included for the record and set forth the comments, arguments, and procedural objections to the City's failure to proceed as required by law in its efforts to comply with the provisions of California Government Code, (Gov't Code), Article 4.6, Proposition 218 Omnibus Implementation Act, Sections 53750-53758.

To summarize the points made in Mr. Sprague's letters, the City has failed to comply with the requirements of Gov't Code section 53753, subd. (b), as follows.

1. The City's notice of the proposed assessment required to be given on June 22, 2021, fails to give the current accurate and final information regarding the total amount of the proposed assessment amount chargeable to the record owner's parcel, because the correct amounts were not finally determined and will not be determined until after the hearing this evening.

2. The City has failed to give the required notice by mail at least 45 days prior to the date of the public hearing upon the proposed assessment, which is currently set for Thursday, August 12, 2021.

3. The City has failed to accept the final Cost Allocation Plan and Full Cost Iteration Plan and to adopt and provide a copy of the final Comprehensive Wastewater Rate Study 2021 Report set for hearing this evening as required, prior to the transmission of the Notice of Hearing, referred to in No. 1 above.

4. The City has failed to provide a translation into Spanish of the final Cost Allocation Plan and Full Cost Iteration and Alternative Scenarios for the Final Sewer Rate Study 2021, which is set for hearing this evening.

5. The City's Notice of the proposed assessment and the hearing on the proposed assessment fails to provide notice of the location where the Final Cost Allocation Plan, Final Full Cost Iteration, Alternative Scenarios for Sewer Rate Study, and Final Comprehensive Wastewater Rate Study 2021 Report can be inspected and reviewed by the property owners.

In addition, Gov't Code section 53753, subd. (c) provides, in relevant part:

“(c) Each notice given pursuant to subdivision (b) shall contain an assessment ballot that includes...and his or her support or opposition to the proposed assessment.”

The ballot provided by the City fails to include a place for the recipient to indicate his/her opposition to (or “protest” of) to the proposed assessment.

Conclusion

For the foregoing reasons and others set forth in the letters from Mr. Sprague attached hereto, and all others to be presented at this evening's hearing, Mr. Sprague, on behalf of himself and the residents, property owners, taxpayers, and rate-payers of the City of Willows, supports the action item in 6.b. rescinding the Council Action accepting the City of Willows Comprehensive Wastewater Rate Study 2021 taken at the June 22, 2021 Regular Council Meeting, and requests that that item be heard as Agenda Item 6.a.

In addition, Mr. Sprague requests that the Agenda Item 6.a. and b. be changed as set forth above, so that public comment may be heard, separately, on each action.

Finally, respectfully requests that the Council re-schedule the Public Hearing on the proposed assessment and vote on the assessment until no sooner than 45 days from today's date, in order to comply with the provisions of Gov't Code section 53753, subd. (b) and (c), as requested above.

Thank you for the opportunity to submit these comments and objections on behalf of Mr. Sprague and the other interested parties referred to above.

Very truly yours,


RICHARD L. HARRIMAN

Attachments: Sprague Letters of
7/21/21 & 7/27/21

cc: Forrest Sprague
Sacramento Valley Mirror

RLH/hr

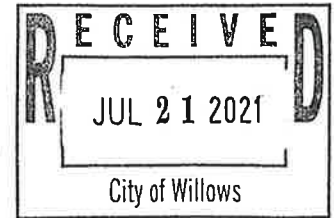
FORREST J. SPRAGUE ATTACHMENT TO MINUTES B

801 Applewood Way Willows, CA 95988
Ph: 530-514-8700 Email: forsprague@aol.com

July 21, 2021

Willows City Council
City of Willows
201 N. Lassen St
Willows, CA 95988

COPY ORIGINAL



RE: Demand to Cure and Correct the City Council's violations of the Brown Act



Dear Mayor Domenighini and Council Members:

This letter has two purposes. First, with regard to the Willows Wastewater Rate Study, actions taken by the City Council during the June 22, 2021, Regular Meeting were in clear violation of the Brown Act.

The Act is explicit. At least 72 hours prior to any regular meeting, the City must post an agenda containing a general description of each item to be acted upon by the Council during the meeting. Although they may be briefly described, all action items must appear plainly and accurately on the Council's agenda.

According to a 2003 California Attorney General's report on the Brown Act, "The purpose of the brief general description is to inform interested members of the public about the matter under consideration so that they can determine whether to monitor or participate in the meeting" of the City Council. But the June 22, 2021, meeting agenda failed to comply with this basic rule.

In the June 22, 2021, meeting agenda, Item 6a unambiguously designates the Wastewater Rate Study as a "presentation." This is misleading and completely inadequate to show the whole scope of the City's plan to raise sewer fees, and it fails the standard described in the 2003 Attorney General's report. Because of that failure, I am challenging this and all the Council's subsequent related actions.

For your review, I have highlighted the salient points on the enclosed copies of:

- Pages 1 and 2 of the June 22, 2021, Willows City Council Regular Meeting Agenda;
- Another page identifying the Agenda's attachment; and
- Page 1 of the "Action Minutes" of the Regular Meeting held on June 22, 2021.

During the meeting held on June 22, 2021, the City Council's action violated the Brown Act on at least these four points:

First, Interim City Manager Wayne Peabody has said that the cost of the Wastewater Rate Study was discussed, and I am concerned that the contract for the Study may have been awarded *during a City Council's closed session.*

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Second, on July 1, 2021, the City received my formal 10-day Request for Public Information asking for copies of the agenda and minutes of the Council's regular meeting wherein the proposal of completing the Wastewater Rate Study was first presented and approved. At the writing of today's letter, *20 days later*, the City Attorney has withheld that information.

Third, no finding of fact was made by the Council that an urgent action was essential due to any unforeseen circumstances at the time the June 22, 2021 agenda was posted.

Fourth and most important. No newspaper notice was published or adequate wording was printed within the June 22, 2021, meeting agenda advising the public that the City Council would be voting to move forward with the first steps to implement sewer rate hikes.

The defects within the June 22, 2021, Regular Meeting Agenda and its minutes are evident:

- Item #6a *on the agenda* places the Rate Study under the heading of PRESENTATIONS, and then further describes it as a "presentation NBS." There is no indication on the agenda that this item would call for a vote or even allow any other action to be taken on this item by the Council.
- Item #8 *on the agenda* correctly lists several other items that needed the Council's action. But there is no language within that list which would have permitted any action by the City Council incidental to the Wastewater Rate Study.
- Item #6a *on the meeting minutes* records that a motion was made to accept the Rate Study and to move forward to "provide notice" of the sewer fee increase. The illegitimate motion passed even though item #6a was described only as a presentation and it was not identified as an action item.
- The attachment page of the meeting agenda says that materials, most likely the Rate Study, would be available at City Hall the day of the Council's meeting. The 44-page Study was not made available to the public at any time prior to the June 22 meeting.
- The Brown Act explicitly mandates that a meeting agenda notify and inform the public with a "brief description" of each item to be discussed and/or acted upon during a City Council meeting. The June 22, 2021, City Council Regular Meeting Agenda utterly failed to comply with this *legal* requirement.

So there are several questions that must be answered by the City Council:

First, why didn't city staff properly identify on the June 22, 2021, meeting agenda that an action would be taken concerning the Wastewater Rate Study?

Second, why did city staff then falsely record that the "presentation" was also an *action item* in the minutes of the June 22, 2021, Council meeting?

Third, Government Code section 54954.2 is clear. No action can be taken on any item not appearing on the posted agenda unless a two-thirds vote of the Council determines that the need to take action arose *after the posting of the agenda*. Where is a record of that determination?

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Fourth, who will be held accountable for these false entries? Will that person be the City Attorney, the City Manager, or the City Clerk?

The defects in the June 22, 2021, meeting agenda and its minutes are not typographical errors.

Instead, these statements appear to be deliberately falsified and then put into the permanent public records by those charged with the responsibility of ensuring the records are accurate. What's worse—*these misrepresentations were approved by the City Council.*

Now to the second purpose of this letter: The Council's unlawful action renders its effort to raise the sewer fees illegitimate. Because of these violations, if the City Council were to implement ANY new rate increase, the end result could be likened to the fruit of a poisoned tree, so to speak. Therefore, the City should abandon this attempt to unlawfully raise sewer rate. Otherwise, the City could be exposed to litigation for violations of Proposition 218 process, too.

The June 22, 2021, meeting agenda defects alone should invalidate the 45-day Notification letter announcing the August 12, 2021, public protest hearing. (In a subsequent letter to the Council, I will enumerate even more violations within the Notification of the rate increase itself.)

Government Code Section 54954.6 is very clear. Before the City is allowed to raise fees, it must comply with the following.

Prior to adopting any new or increased sewer assessment fees, the City Council must hold at least one public meeting to allow sewer ratepayers adequate opportunity for involvement concerning the proposed new or increased assessment. That *public meeting must be held in addition to* and before the *public protest hearing*, during which the Council may vote whether to accept or reject the proposed rate increase.

By law, the City Council is required to provide the notice for the *public meeting* at the same time and in the very same document announcing the *public hearing*. Moreover, the joint notice of both the required *public meeting* and the *public hearing* must be included in a minimum one-eighth page advertisement in a newspaper of general circulation for no less than three weeks.

In addition, the *public meeting must take place* no earlier than 10 days after the first publication of the joint notice. And the *public hearing must not take place* any earlier than seven days after the *public meeting*. The informational *meeting must occur prior* to the *public protest hearing*.

Granted, this code section says that the joint notice need not include a notice of the *public meeting*, *but only if that meeting had already occurred*. I am sure the Council and staff had hoped that the June 22 regular council meeting would suffice for the *meeting* that must take place before the *protest hearing*. However, that June 22 meeting failed to comply with the law.

The June 22, 2021, Council meeting was not properly noticed, and the action taken was not identified on the meeting's agenda as mandated by law. Therefore, the City Council failed to fulfill the requirements of the law.

As result, the City simply does not have time to legally comply with the Proposition 218 mandates before the already scheduled August 12, 2021, protest hearing.

Willows City Council
Demand to Cure and Correct
July 21, 2021, page four

In summary: The Brown Act allows a lawful remedy to resolve the Council's illegal actions—specifically, the judicial invalidation of those actions upon proper findings of facts identifying the violations of the law.

To support this Demand to Cure and Correct, I cite Government Code Section 54952.6, which defines an “action taken” for the purposes of the Brown Act. An action is essentially defined as a collective decision made by a majority of the members of the City Council to make a positive or negative decision by actually voting upon a previously stated motion. *Pretty simple wording.*

So pursuant to Government Code Section 54960.1, I demand that the Willows City Council cure and correct its unlawful actions taken during its June 22, 2021, meeting by doing the following:

First, the City Council must acknowledge that the June 22, 2021, meeting agenda failed to make the ratepayers aware of, and thereby deprived them of their opportunity to comment on and to ask questions about, the proposed sewer rate increase before the hearing already set for August 12. Therefore, the challenged action taken during the June 22, 2021, meeting should be declared invalid by the City Council.

Second, the City Council's June 22, 2021, *illegitimate* decision to move forward with the sewer rate notice is prohibited by law. Therefore, the City Council should abandon its current attempt to increase the sewer rate until such time as a legitimate notification and a transparent, above-board meeting process is completed.

As provided by Section 54960.1, the Council has 30 days from receipt of this demand to cure or correct the challenged action or inform me of its decision, and its reasons not to do so.

If the City Council fails to cure or correct the Brown Act violation as I have demanded, such inaction may leave me no choice but to seek a judicial invalidation of the challenged action pursuant to Government Code Section 54960.1.

Furthermore, if the City Council fails to cure or correct as I have demanded, I will also ask the court to order the City to pay my court costs and reasonable attorney fees in this matter, pursuant to Government Code Section 54960.5.

Respectfully,
COPY
FORREST J. SPRAGUE

C: Golden State Risk Management
Enclosures

FORREST J. SPRAGUE

ATTACHMENT TO MINTUES C

801 Applewood Way Willows, CA 95988
 Ph: 530-514-8700 Email: forsprague@aol.com

July 27, 2021

City of Willows
 201 N. Lassen St
 Willows, CA 95988

ATTN: Tara Rustenhoven

RE: Sewer Rate Violations

Dear Tara,

Please provide this letter and the enclosed documents to members of the City Council ahead of tonight's meeting. And please ensure that all of these submittals become attached to the minutes of the meeting.

Dear Mayor Domenighini and Council Members:

As I promised in my Demand to Cure and Correct delivered to you last week, below is a list of the law violations within the Notice of August 12, 2021, Public Hearing incidental to the proposed sewer rate increase.

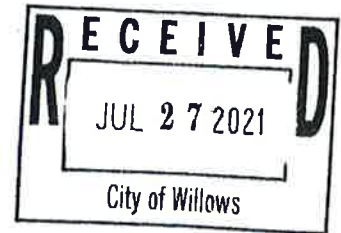
For your review, I have provided copies of both the August 12, 2021, Hearing Notice and the March 27, 2020, Notification of the May 21, 2020, sewer adjustment public hearing. Please compare the differences as you contemplate the cure and correct demand during your closed session tonight. I have made some handwritten comments in the margins of the letters.

First, according government codes, the more recent 2021 letter should have been sent as a "joint notice" announcing a "public meeting" that was to be held before the "public hearing." However, the 2021 notice does not mention the City allowing for such a public meeting.

In contrast, please review the enclosed agenda for the March 9, 2020, Special Town Hall Meeting. That meeting was properly announced to comply with the law. Please note that under the heading for a Presentation, a proper description of the meeting's true purpose was clearly stated. This is in stark contrast to the recent June 22, 2021, Council meeting agenda. You'll notice too, that the agenda for that 2020 town hall meeting even included a list of meeting rules.

During the June 22, 2021, Regular Meeting of the Willows City Council, there was a "presentation" that unveiled the Waste Water Rate Study. Nevertheless, that meeting hardly complied with Prop 218 as a "public meeting" that is to precede the "public (protest) hearing." Moreover, according to the local newspaper's editor, this meeting was NOT preceded by any public notices or a 1/8 page advertisement, as required by law.

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The second violation is that there is NO "conspicuous disclaimer" clearly stating that the City Council "must reject" or "abandon" or "shall not impose" the fee if enough protests are received by the City. Several code sections provide very clear examples for how that "disclaimer" is to be worded. Only the last sentence of the last paragraph on page three of the Notification mentions this aspect at all, but it is inadequate to be in lawful compliance.

The third violation deals with the fact that 30-plus percent of the population living in Willows are Hispanic. While the Notice narrative is rightly published in Spanish, the Sewer Rate Schedule is printed only in English.

While the dollar figures can be understood by the Hispanic reader, the description of the ratepayer (either residential, commercial, or multi-family) appears only in English. Thus, the Notice fails to provide the Spanish speaking ratepayer the same and complete information that it gives to English literate people.

The fourth mistake is that the Notice does NOT include the name and number of someone for ratepayers to contact for more information, as required by law. And there is no mention of a physical location where people can view the Waste Water Rate Study or have access to it by an internet link.

Overarching all of this is that the Rate Study itself is inherently flawed. While the notice says the City is in compliance with the Proposition 218 Omnibus Implementation Act, the City is in gross violation with the Act.

Instead of using actual costs to provide sewer service as the law requires, the 2021 notice makes reference to "the financial model to complete the sewer rate." I believe City Attorney David Ritchie has said that the rates were based on "industry standards." It's reported that another city official has claimed that new rates are in line with "USDA standards."

However, the 218 Omnibus Implementation Act mandates that the City MUST prove "by a preponderance of the evidence that a levy, charge, or other exaction imposed for a specific benefit or specific government service, that the amount is no more than necessary to cover the reasonable costs to provide the specific service." But the City has not and cannot do this.

On the contrary, I can prove the City misused sewer funds for general fund purposes, in direct violation of the law and the State Constitution. Therefore, it is the best interests of everyone that the current effort to raise sewer fees is set aside until a proper rate study is completed and an above-board process is completed.

Regards,



FORREST J. SPRAGUE



ACTION MINUTES OF THE WILLOWS CITY COUNCIL SPECIAL SEWER RATE ADJUSTMENT MEETING HELD AUGUST 12, 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 5:30 p.m.
2. The meeting opened with the Pledge of Allegiance led by Vice Mayor Hansen.

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, City Attorney David Ritchie and City Clerk Tara Rustenhoven

4. Public Comment/ Written Communications:

Written Communication from Mary Wade, Susan Rosenquist, James D. Fruit, Forrest Sprague, Richard Harriman, a letter dated August 10th with an illegible signature. All written communication will be added to the minutes.

5. Public Hearing

- a. The City Council will open and conduct a public hearing regarding: **Proposed 5-year Rate Increase Program for the City of Willows Sewer Enterprise Fund.**

Open public hearing at 5:41 p.m.

Members of the community came up and spoke to give their concerns and oppositions on the sewer rate increase.

Close public hearing at 6:47 p.m.

6 Recess:

- a. Ballot Count

Mayor Domenighini selected two members of the public to observe the counting of the ballots.

Recessed for counting of ballots at 6:54 p.m.

Reconvened into open session from recess at 1:15 a.m. on August 13, 2021.

City Attorney David Ritchie presented the results of the Protest Ballots.

8. Council Discussion and Possible Action of Resolution entitled:

- a. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS ESTABLISHING SEWER USER FEES.**

Council Member Williams made a motion to postpone the hearing for another 45 days.

Motion was denied due to no second from Council.

Discussion was made between Council.

Council Member Williams resubmitted a motion to postpone the hearing for another 45 days.

Motion was denied due to no second from Council.

Action:

Motion: Vice Mayor Hansen/Second: Council Member Warren

*Moved to adopt the resolution entitled; **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS ESTABLISHING SEWER USER FEES.***

The motion passed 4/1 carried by the following roll call vote:

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

NOES: Williams

ABSENT:

ABSTAIN:

8. Adjournment:

The Meeting was adjourned at 2:09 a.m. on 8/13/2021

Dated: September 3, 2021

Tara Rustenhoven, City Clerk



August 9, 2021

To whom it may concern; Council Members

This is the 3rd protest letter. Do you really think citizens of Willows can afford this extreme fee hike. There are alot of other in this town. While at the same time you give corporations a fee reduction, not fair!

There should not be a fee increase until you get the sewer budget fixed you need to get auditors close to Willows so they have access to all the records I don't understand why this hasn't been done or don't you care!

This should be put to a vote. Are you trying to ram this thru before the Interim City Manager comes on board?

You need to get a finance manager that knows what they are doing

I still say 5 members of the community should not be able to decide on how to spend our monies with your poor accountabilities

Mary Wade

August 10, 2021

Dear City of Willows,

This is my protest letter in regards to the Sewer Rate increase. I am writing this letter because it appears the sewer money was misappropriated to the General Fund and was never replaced. I don't think the property owners should have to pay the 85% sewer rate increase over the next five years. This is unfair to the property owners because we already paid these fees and they were not used for the sewers. Now we are being punished by having to pay this enormous rate increase because someone working for the City of Willows placed this money in the wrong Fund. This misappropriate of money should be investigated and the people responsible for this money should be punished. There seems to be this big cover up as to who is responsible. In addition to this rate increase, it sounds like the owners of the four largest Willows apartment owners will not have to pay their fair share.

Thank you,

B. A. Arman



August 10, 2021

Dear City of Willows,

This is my protest letter in regards to the Sewer Rate increase. I am writing this letter because it appears the sewer money was misappropriated to the General Fund and was never replaced. I don't think the property owners should have to pay the 85% sewer rate increase over the next five years. This is unfair to the property owners because we already paid these fees and they were not used for the sewers. Now we are being punished by having to pay this enormous rate increase because someone working for the City of Willows placed this money in the wrong Fund. This misappropriate of money should be investigated and the people responsible for this money should be punished. There seems to be this big cover up as to who is responsible. In addition to this rate increase, it sounds like the owners of the four largest Willows apartment owners will not have to pay their fair share.

Thank you,



Susan Rosenquist



Sewer Rate Study Review Commentary

Based on NBS study done for City of Willows with document dated "June 2021"
 Electronic file downloaded from City of Willows website is titled "County of Marin"

August 12, 2021

Reviewed by:

James D. Fruit, Architect



Introduction:

This commentary is intended to show all who read the text that the sewer rate study document referenced above has significant issues with compliance to Proposition 218 and the omnibus implementation act. In my opinion, that is supported by the following findings, the sewer rate study done by NBS needs correction and resubmittal with issues resolved prior to using the document as a basis for increasing sewer rates to property owners.

Issues:

A. The City of Willows bears the burden of proof per the California Constitution [Article XIII C, § 1, subd (e)] to prove by a preponderance of evidence that the sewer rate increase is not a tax, the amount is no more than necessary to cover the reasonable costs of providing sewer service, and the manner in which those costs are allocated to property owners are fair and are directly related to providing sewer service. The City is required to provide the preponderance of evidence and should make the evidence documents available for review by "stakeholders" for the customary 45 days.

The listed documentation below needs to be provided so means and methods for the calculation tables and the rate structure can be reviewed based on the supporting documents as a guide.

1. Water Environment Federation; Financing and Charges for Wastewater Systems Manual of Practice 27. (Water Environment Federation is a dues or fee based professional organization that requires membership prior to purchasing documents. Since the sewer rate increase is a public process in a legislation authorized City Corporation, the documents used to prepare the "rate system" need to be publicly available for the legislative process).
2. The planned capital improvement sewer system projects (CIP) are only described by a table list. The full "Engineers Report" for those projects needs to be included with the sewer rate analysis documents to provide the evidence needed for justifying the increase to sewer rates. The Engineers Report must include the CIP and rate increase general and special benefits calculated along with the reasons for major repairs or replacements.
3. All applicable City of Willows budget pages used as primary information for the rate increase study and associated means/methods.
4. Reserve accounts are referenced as components of sewer rates over time. The standards or financial practice document needs to be included that justifies the 90 days O&M reserves and the 3% of "net assets" reserves.
5. The wastewater strength data for the various customer class types need to be included with the rate increase study by the authorship or source document.
6. The "Cal Water" tabulations of customer connections and customer classes needs to be included with the rate increase study to verify accuracy and application to the rate study. Of particular interest are the numerous public owned commercial type facilities that are grouped as a separate customer class.

B. Use of the Cal Water meter readings for January through March 2020 to establish a ratio for how much a particular customer class is responsible for overall sewer system costs has a major flaw in data and reasoning that needs better data reflecting the actual winter conditions where outdoor irrigation and other outdoor uses are presumed at zero use. The data flaw is weather that has been so dry and typically warmer causing trees, shrubbery, and lawns to come out of dormancy early February and significant irrigation

B. continued...

happened throughout the water delivery system. Data needs to be gathered that reflects zero irrigation and other outdoor water uses if the water delivery analysis will be used for allocating costs across customer classes. Currently the data is skewed resulting in single family customers paying a higher cost for service than a justifiable reasonable portion.

C. The global cost allocation system used to determine the amount of administrative costs to be borne by the Sewer Fund is flawed in reasoning and application. The tables show there are costs tabulated that have no direct relationship to providing sewer services. A direct empirical system should be used so ordinary Citizens, and potentially judicial personnel, can readily understand the system and it's application to how sewer fees were calculated.

D. The anticipated budget expenditures need to be reviewed with a critical eye to how those expenditures are directly related to providing sewer services. For example; the amounts for vehicle related expenses appear too high as there is very little vehicle use for providing sewer services.

E. The number of City staff being paid from the Sewer Fund is not proportionate to the actual staff required to operate and maintain the system. Since the plant operations staff are employed by a services contract, the 3 personnel assigned in the budget are for maintenance and possibly some administration. Historic records for actual work ever performed for maintenance on the sewer system by Public Works personnel is only a few hours per year. A reasonable amount of staff position equivalence is prudent to charge for expected and known work effort; but 3 full time staff paid from the sewer fund IS IN DIRECT VIOLATION of California Constitution Article XIII D, § 6, subd (b) that requires revenues derived from fees cannot be used for any other purpose.

Conclusions:

The issues above are just the beginning to make the sewer rate study a useable document to justify sewer rates be they too high, adequate, or too low.

It can be reasonably inferred from the sewer study information presented that; if proper administrative overhead costs and proper staff maintenance costs are employed in the rate study then there is sufficient money in the operation income to accomplish the capital improvements

If City Council continues to accept a flawed sewer rate study then votes to approve sewer rate increases based on those flaws fully knowing they are voting to violate the State of California Constitution, then it appears there may be criminal liability at hand for the City Council to consider before taking any further action on increasing sewer rates for City of Willows.



Law Offices of
Richard L. Harriman
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Chico, California 95973-1031
Telephone: (530) 343-1386
Email: richardharrimanattorney@gmail.com

August 12, 2021

Willows City Council
City of Willows
201 N. Lassen Street
Willows, CA 95988

Re: Sprague/City of Williams
City Council Agenda Items No. 5 and 7
Proposed 5-Year Rate Increase Program for the
City of Willows Sewer Enterprise Fund
Summary of Objections and Comments
Hearing Date: August 12, 2021

Dear Mayor Domenighini and Council Members:

As stated in my letter to the City Council, dated August 10, 2021, this office represents Forrest Sprague, who is a resident of the City of Willows, an owner of property in the City of Willows, a taxpayer of the City of Willows, and a customer and rate payer of the City of Willows.

Mr. Sprague has retained the undersigned and other associated legal counsel to represent him and his interests in these proceedings and other legal issues raised in these proceedings, individually, and, also, as a representative of the public interest on behalf of other similarly situated property owners, residents, taxpayers, and rate-payers of the City and its Sewer Services District. He has standing to serve as a private attorney general, pursuant to California Code of Civil Procedure section 1021.5.

Incorporation by Reference of Letter Dated August 10, 2021

Mr. Sprague incorporates herein his letter, dated August 10, 2021, which was entered into the record of proceedings on that date, including the copies of Mr. Sprague's letters previously submitted to your Council, dated July 21, 2021 and July 27, 2021, that are attached to his letter of August 10, 2021, in the record of these proceedings.

In addition, by including Mr. Sprague's letter of August 10, 2021, and all attachments to it, and this letter of August 12, 2021, in the record of proceedings, Mr. Sprague hereby submits each and every issue and evidentiary point raised therein to be brought to the attention of you're the City of Willows and its Council for its information, discussion, consideration, and deliberation of the evidence and arguments presented at this hearing and by your consideration, decisions, and actions made and taken as raised in Agenda Item 7 in this Agenda for the Council meeting of this meeting on August 12, 2021.

Summary of Objections and Comments

1. Rescission and the Approval of the Comprehensive Wastewater Treatment Report by The City Council

By rescinding the City's action taken on June 22, 2021, action accepting the City of Willows Comprehensive Wastewater Rate Study 2021 taken at the June 22, 2021 Regular Council Meeting, the Council has further reinforced Mr. Sprague's objections set forth in the letter of August 10, regarding the City's violation of Government Code section 53753(b), which requires at least 45 days notice of the Public Protest Hearing, which is set for this evening, August 12, 2021.

Specifically, since the rescission of the acceptance of the Wastewater Rate Study 2021 required the re-adoption of the Comprehensive Wastewater Study, the 45-day noticing requirement was triggered by the curing of the violation of the Ralph M. Brown Open Meeting Law. As a result, the effective date of acceptance of the Wastewater Study was on August 10, 2021, thereby rendering the prior acceptance a nullity. Therefore, the City is required, as a matter of law, to re-notice to Protest Hearing and the counting of the ballots for a date no sooner than 45 days from August 10, 2021, which would be September 24, 2021.

By rescinding its previous action on June 22, 2021, because the City Council violated the Ralph M. Brown Act, or not, the legal effect of the Council's action of rescission resulted in "un-doing" its prior action. This action, coupled with its *new* and separate action accepting the Comprehensive Wastewater Report on August 10, 2021, resulted in a *new* date from which the Council must notice the Protest Hearing and counting of the ballots.

Therefore, neither the Protest Hearing nor the balloting counting may proceed at this evening's Council Meeting.

2. The Notice of the Protest Hearing Was Legally Defective

The City's notice of the proposed assessment given on June 22, 2021, failed to give the current accurate and final information regarding the total amount of the proposed assessment amount chargeable to the record owner's parcel, because the correct amounts were not finally determined until after the consideration and acceptance of the Cost Allocation Plan and Full Cost Iteration Reports on August 10, 2021.

Thus, the City has failed to accept the final Cost Allocation Plan and Full Cost Iteration Plan and to adopt and provide a copy of the final Comprehensive Wastewater Rate Study 2021 Report set for hearing this evening as required, prior to the transmission of the Notice of Hearing, referred to in No. 1 above.

The grounds for this objection are that the rate-payers could not, and did not, know the final determination made by the City Council regarding the Alternative Scenarios until August 10, 2021, when they were finally adopted. Therefore, the property owners, tax-payers and rate-payers were voting for a final alternative that had not been approved and accepted until two days before the Protest Hearing.

3. The City Failed to Provide Translation of All Documents In Spanish and Failed to Provide Interpreter at All Public Hearings of this Matter for Limited-English Speaking Persons of Hispanic and Asian Heritage

As set forth in Mr. Sprague's letter of August 10, the City has failed to provide a translation into Spanish of the final Cost Allocation Plan and Full Cost Iteration and Alternative Scenarios for the Final Sewer Rate Study 2021. In

addition, there was no Spanish interpreter present, nor were accommodations offered or provided for Spanish or Hmong residents, property owners, tax-payers and rate-payers at the Council meetings at which these matters were heard. Mr. Sprague's attorney also raise this objection at the public hearing, over the objection of the Mayor and City Attorney. [The hearing transcript will reflect this attempt.]

Approximately one-third of the residents of the City of Willows are of Hispanic origin. [United States Census Bureau, "Quick Facts, Willows, California. [Printout attached hereto and incorporated herein.] Also, almost ten percent (9.9 %) are Asians, and 5.4 % are of two or more races. [U.S. Census Bureau attachment.] Having worked as an employee of the Glenn County Superior Court in Willows, for over three years (2011-2014), I have personal knowledge there is a substantial proportion of non-English-speaking residents in the City of Willows, who are persons of Limited English Proficiency.

An Executive Order was given by President Trump on March 12, 2019 to federal agencies addressing this issue. Pursuant to 24 CFR section 570.486), in accordance with federal regulations, the State of California requires local governments to meet federal citizens participation and noticing requirements. [See copy of summary attached]

"The required citizen participation activities include holding accessible public hearings after proper notice. Local governments must meet the needs of limited-English speaking persons where significant numbers exist. All hearings should be noticed as widely as possible and held at a time and place convenient to the public, with accommodations made for persons with disabilities. **Where a significant number of limited-speaking persons can reasonably be expected to participate, the notice must be in the appropriate language(s)** and provision must be made for interpreters at the hearing...." (Emphasis in original)

There is no evidence that the City provided any translation into Hmong or other Southeast Asian language notices or documents or interpreters for Spanish, Hmong, or other Southeast Asian persons. Willows has almost a population of 43% of Hispanic and Hmong persons. The fact that there were **no** persons of Hispanic or Asian heritage at most of the City Council hearings on this matter is, at least, circumstantial evidence of the City's lack of compliance with the federal and state requirements set forth above. This is especially true for

persons of these origins, many of whom are low-income and will be directly impacted by the significant projected increases in the proposed assessments, whether directly or indirectly.

5. There was Substantial Credible Evidence that Ballots were Either Defective or Not Received

A number of witnesses testified at the hearing that they either did not receive ballots for all of their properties or did not receive ballots at all. There is no substantial evidence in the record of written documentation or affidavits that verify that all ballots for all properties affected were transmitted to the property owners and that listed all affected properties. This defect must be remedied with the next mailing of ballots for the proposed assessments after proper notice is given, pursuant to Gov't Code section 53753(b).

6. The City Failed to Disclose Relevant and Material Information Regarding the Transfer of Trust Fund Assets From the Sewer Services Trust Account in Cost Allocation Plan and Full Cost Iteration

At the hearing on August 10, 2021, Mr. Sprague's counsel queried the City's Interim City Manager about the required documentation of the City Council's Resolution and evidence of indebtedness for the transfer of Trust Fund assets to the City for a development project for which the City used Sewer Trust Funds to support a project that was not directly beneficial to the property owners and rate-payers.

In addition, there was no evidence provided in the documentation in the record of a loan or other evidence of indebtedness from the non-Trust Fund account to the Sewer Trust account. This evidence is material and relevant to the property owners and rate-payers in their review of the proposed assessment, because the funds that were transferred to the non-Sewer Trust account were Reserve Funds that were restricted for the purpose of protecting the fiscal integrity and financial stability and sustainability of the City's Sewer Enterprise Fund and sewer operations.

Therefore, the facts and information that was improperly omitted from the disclosure documents were material and relevant to the property owners, residents, and rate-payers in determining whether to support or protest the proposed

assessments. Therefore, the disclosure documentation for the proposed assessment should be revised and amended to provide the material and relevant facts and information to the property owners, taxpayers, and rate-payers at least 45 days prior to the Protest Hearing and election, and to the financial advisors and underwriters at such time as the assessment is approved by a proper election, as required by the provisions of Gov't Code section 53753 and the Constution of the State of California, Article XIID.

7. The City Council is Barred by the California Constitution and Government Code Section 53753 from Approving the Proposed Assessment Unless and Until it Provides the Evidence Required By California Constitution Article XIIC, section 1, subd.(e)

At the hearing on August 10, 2021, Mssrs. Sprague and James D. Fruit objected to the City's violation of the provisions of Proposition 218.

Mr. Sprague is a former employee of the State Legislature, who testified to his substantial experience in the adoption of the Proposition 218 Omnibus Implementation Act, Government Code sections 53750-53758. He raised objections to the failure of the documentation relied upon the City Council to comply with the requirements of Proposition 218, both procedurally, and substantively.

Specifically, he objected to the violation of procedures required by Gov't Code section 53753(b) and, also, the lack of compliance with the provisions of California Constitution, Art. XIII C and D, based on the lack of substantial evidence establishing and supporting the special benefit asserted to be provided by the proposed assessment. He also objected to the payment of fees to the City for public services that do not provide a specific benefit to the property owners for expenses incurred for library facilities, and other City expenses that are not directly related to and/or adequately supported by specific costs, rather than indefinitely identified and supported by substantial credible evidence. He specifically referred to the inaccurate assertion that multifamily residents discharge less sewage than single-family residents. Mr. Sprague has experience in the design and building of both SFR and multi-family structures.

Finally, Mr. Sprague joins in the testimony of Mr. Fruit which is attached hereto and incorporated herein addressing the other issues that will be discussed at this evening's meeting.

Conclusion

For the foregoing reasons and others set forth in the letters from Mr. Sprague attached hereto, and all others to be presented at this evening's hearing, Mr. Sprague, on behalf of himself and the residents, property owners, taxpayers, and rate-payers of the City of Willows

Finally, respectfully requests that the Council re-schedule the Public Hearing on the proposed assessment and vote on the assessment until no sooner than 45 days from today's date, in order to comply with the provisions of Gov't Code section 53753, subd. (b) and (c), as requested above.

Thank you for the opportunity to submit these comments and objections on behalf of Mr. Sprague and the other interested parties referred to above.

Very truly yours,


RICHARD L. HARRIMAN

Attachments

cc: Forrest Sprague
Sacramento Valley Mirror

RLH/hr



ACTION MINUTES OF THE JOINT CITY COUNCIL AND PLANNING COMMISSION SPECIAL MEETING HELD AUGUST 18, 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 2:00 p.m.
2. The meeting opened with the Pledge of Allegiance led by Vice Mayor Hansen.

3. Roll Call:

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

Planning Commissioners Present: Planning Commissioners Woods, Griffith, Vice Chair Hansen, Chair Muller

Council/Planning Members Absent: Council Member Flesher, Commissioner Bobadilla

Staff Present: Interim City Manager Marti Brown, Principal Planner Karen Mantele and City Clerk Tara Rustenhoven

4. Public Comment/ Written Communications: No public comments or written communications.

5. Presentation:

- a. Presentation of Draft General Plan and Existing Conditions Report 2020 by De Novo Planning Group.

6. Regular Business Agenda/Public Hearing:

- a. Discuss and give direction to staff for current and future projects.

Discussion was had between City Council and Planning Commission.

Doug Ross had a couple questions for Mr. Ritchie

Ben Ritchie with De Novo Planning Group will make a few changes to the draft and will bring back at a later meeting.

7. Adjournment:

The Meeting was adjourned at 3:49 p.m.

Dated: September 7, 2021

Tara Rustenhoven, City Clerk



ACTION MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD AUGUST 24, 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 7:01 p.m.
2. The meeting opened with the Pledge of Allegiance led by Council Member Flesher.

3. Roll Call:

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

Council Members Absent:

Staff Present: Interim City Manager Marti Brown, City Attorney David Ritchie Via Zoon, Fire Chief Wayne Peabody and City Clerk Tara Rustenhoven

Mayor Domenighini announced that item 9, closed session will be removed from the agenda.

4. Ceremonial Matters (Proclamations, Recognitions, Awards:

- a. Reading of a Proclamation "A Day to Remember"

Mayor Domenighini presented Barbara LaDoucer with the "A Day to Remember" proclamation.

5. Public Comment/ Written Communications:

Kathy Baker-wanted to make comments regarding the sewer rate adjustment. She also wanted to know if City Council members each have a department that they over-see.

6. Consent Agenda:

- a. Approval of general checking, payroll & direct deposit check registers Z45117-Z45141, 38952-38958, 051393-051434.
- b. By motion, adopt a resolution entitled; **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS ESTABLISHING FY 2021-22 APPROPRIATION LIMIT.**
- c. By motion, adopt a resolution entitled; **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS, STATE OF CALIFORNIA, TO APPROVE AN AMENDMENT TO THE JOINT POWERS AGREEMENT TO PROVIDE TRANSPORTATION SERVICES.**

Council Member Williams wanted to pull item 6b for discussion.

Action:

Motion: Council Member Hansen/Second: Council Member Warren

Moved to approve the Consent Agenda items 6a and 6c as presented above and the following item(s).

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: Vice Mayor Hansen/Second: Council Member Warren

Moved to approve the Consent Agenda item 6b as presented above and the following item(s).

The motion passed unanimously 3/2 carried by the following roll call vote:

AYES: Warren, Vice Mayor Hansen, Mayor Domenighini

NOES: Williams, Flesher

ABSENT:

ABSTAIN:

7. Regular Business:

a. By motion, authorize the Interim City Manager, or her designee, to execute a two-year contract with Andy Heath, Finance Consultant, not to exceed \$75,000 for financial consulting services to the City of Willows.

Council Member Williams wanted to point out a couple concerns and comments he has with the contract to hire the above finance consultant.

Jeannie Hanks wanted to know who is currently helping with the finances and how many hours a week do they help per week.

Ardythe Brandon, had questions about the fees that are being paid to the City Attorney.

Peggie White, wanted to if there was an RFP for the position.

Theresa suggested raising the salary to hire a full-time Finance Manager.

Jeannie Hanks asked Interim City Manager the hours and pay for the finance

Theresa Stewart had comments/questions on item 6b and questions regarding the sewer fees.

Keith Corum, district 4 supervisor, wanted to point out that the County is in the same situation as the City when it comes to trying to find new employees.

Casey Hofhenke shared that he believes the city isn't going to benefit in hiring a contract finance consultant in the community when it comes to our tax dollars. Suggested coming up with a better plan.

Doug Ross, resident of Willows suggested forming a citizens advisory committee.

Tom Brandon 105 S Marshall-wanted to say it was wrong that the chamber room was not set up with enough seating to fit all the community members at tonight's meeting.

Williams had a few more comments regarding the hiring of a finance manager.

There was discussion between Council and staff.

Mayor Domenighini asked for a 10-minute recess.

Went into recess at 8:02 p.m.

Reconvened into open session at 8:14 p.m.

Action:

Motion: Vice Mayor Hansen/Second: Council Member Warren

Moved to authorize the Interim City Manager, or her designee, to execute a two-year contract with Andy Heath, Finance Consultant, not to exceed \$75,000 for financial consulting services to the City of Willows.

The motion passed unanimously 4/1 carried by the following voice vote:

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

NOES:

ABSENT:

ABSTAIN:

b. Consideration by City Council of the City of Willows for censure of Council Member Jeff Williams for inappropriate conduct toward city staff.

Mr. Williams was appreciative of everyone that came on his behalf and wanted to read a statement.

Public Comments:

Various members of the community wanted to speak on behalf of Council Member Williams.

Williams wanted to thank everyone for all comments that were made.

Action:

Motion: Vice Mayor Hansen/Second: Council Member Warren

Moved to approve the censure of Council Member Williams for inappropriate conduct toward city staff in the four specific findings identified in the report; sustained item 1) Did Williams greet ___ by calling her "little lady"; sustained item 2) Did Williams tell ___ he "was waiting for her to be alone" and the he "didn't want to leave a paper trail"; sustained item 3) Did Williams ask ___ how she could think about having children if she didn't follows politics, sustained item; 4) Did Williams ask about her relation to___ and tell her she shouldn't tell people of their association?

The motion passed 3/2 carried by the following roll call vote:

AYES: Warren, Vice Mayor Hansen, Mayor Domenighini

NOES: Flesher

ABSENT:

ABSTAIN: Williams

8. Council/Staff Reports/Comments:

a. Staff Reports/Comments: None

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

10. Adjournment:

The Meeting was adjourned at 10:03 p.m.

Dated: September 8, 2021

Tara Rustenhoven, City Clerk



Date: September 14, 2021
To: City Council
From: Marti Brown, City Manager
Subject: Appointment of Interim City Manager to NCCSIF Board of Directors

Recommendation:

Approve appointment of the Interim City Manager, Marti Brown, to the Northern California Cities Self Insurance Fund (NCCSIF) Board of Directors to represent the City's insurance interests.

Rationale for Recommendation:

Typically, the City's Finance Director would be appointed to represent the City's interests at the NCCSIF. However, in the absence of finance personnel, staff recommends appointing the City Manager to the NCCSIF Board of Directors. Furthermore, the NCCSIF requires that the appointment be a permanent employee.

Background:

The City is a member of the NCCSIF. Membership requires a City employee be appointed to the Board of Directors to represent the City's insurance interests. Previously, former Interim City Manager/Fire Chief Wayne Peabody represented the City on the Board of Directors. With Chief Peabody's recent resignation, there will be no City representation on the Board after September 17, 2021 unless another City employee is appointed.

Fiscal Impact:

There is no fiscal impact to approving this recommendation.

Attachment:

Attachment 1: Resolution No. ____ - 2021



ATTACHMENT

**City of Willows
Resolution XX-2021**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS
APPOINTING A DIRECTOR AND ALTERNATE TO THE
NORTHERN CALIFORNIA CITIES SELF-INSURANCE FUND (NCCSIF)**

IN WITNESS WHEREOF, the following persons have been designated as the Northern California Cities Self Insurance Fund (NCCSIF) Director and alternate for the City of Willows.

Director: Marti Brown, Interim City Manager

Alternate: Vacant

The foregoing resolution was duly introduced and adopted by the City Council of the City of Willows at their regular meeting held on September 14, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTESTED:

Larry Domenighini, Mayor

Tara Rustenhoven, City Clerk

APPROVED AS TO FORM:

David G. Ritchie, City Attorney



DISCUSSION & AGENDA CALENDAR



Date: September 14, 2021
To: City Council
From: David G. Ritchie, City Attorney
Subject: Vacant City Council position, Appointment Process

Recommendation:

Consider the process and options to fill a vacant City Council seat and provide direction to staff.

Rationale for Recommendation:

Former Councilmember Joe Flesher recently resigned his position as a City of Willows City Councilmember necessitating that the vacancy be filled.

Background:

The City of Willows (City) has received notice from Councilmember Flesher of his decision to step down from the City Council, effective Monday August 30, 2021. According to Government Code Section 36512(b)(Gov. C.), "If a vacancy occurs in an elective office, the council shall, within 60 days of the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy."

Should the council wish to call a special election, it shall be held on the next regularly established election date not less than 114 days from the call of the special election (Gov. C. 36512(b)(1). A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent. Should the Council fill the vacancy by appointment in the second half of a term of office, the person appointed to fill the vacancy shall hold office for the unexpired term of the former incumbent (Gov. C. 36512(b)(2)(B).

Discussion & Analysis:

Consistent with Government Code Section 36512(b), the City Council has 60 days from the commencement of the vacancy on August 30, 2021 to choose one of the following courses of action:

(1) Appoint someone to fill the vacancy; or

(2) Call a special election to be held on the date of the next regularly scheduled election, which in this case would be June 7, 2022. The County Elections office has notified us that they are

unable to provide an estimate for the cost of holding a special election at the June 7, 2022 date due to significant changes in equipment anticipated to be in use at that time.

Council Appointment Process:

It is Council's discretion to determine the process by which an appointment is made to a vacant Council seat. Some options may include the following:

1. Accept nominations and appointing someone from that process;
2. Appoint the next highest vote getter from the last election;
3. Invite applications from those who ran for Council seats in the last election; and
4. Initiate an open call for applications to all eligible and interested parties and appoint someone from that process.

In the event of a call for applications and in order to adhere to the timeline established in Government Code Section 36512(b) for filling council vacancies, a proposed timeline and process for the appointment process is as follows:

1. September 15-23, 2021 - Solicit applications
2. September 28, 2021 - City Council to review the submitted applications and consider the following options:
 - Appoint one of the applicants based on a discussion and review of the applications;
 - Identify the top 3-5 applicants to interview at a subsequent City Council meeting; and
 - Decide to interview all applicants at a subsequent City Council meeting.
3. October 12, 2021 - Special City Council Meeting to conduct interviews, review and discuss applicants and select preferred candidate.
4. October 12, 2021 - Seat newly appointed Councilmember (Regular Meeting).

Fiscal Impact:

The City would incur costs for a special election if it chose not to fill the vacancy by appointment. The Glenn County Elections office was unable to provide an estimate of the cost for such an election due to a transition to new equipment.

Attachments:

Attachment 1: Proposed Draft Application

Application For: Willows City Council (expires December 2022)

Application Requirements: 1. Application 2. Proof of Residency Documents (2 Required) - Sample documents include a Driver's License/State Identification Card, Utility Bill, Internet/Cable Bill, etc. Please bring the application and proof of residency documents to: City Clerk's Office. ***

Name:

Full Address:

E-mail Address:

Primary Phone Number:

Secondary Phone Number:

Are you a registered voter? Yes No

Have you previously attended a City Council meeting? Yes No

Present Employer: Job Title:

Previous Governmental Bodies/ Elective Offices Applicant has served:

Position/ Office Held:	Dates:

Civic or Charitable Organizations to which Applicant has belonged:

Position(s) Held: Dates:

Special Interests, Hobbies or Talents:

College, Professional, Vocational Schools attended:

Major Subject:

Degree/Dates:

Special awards or recognition received:

Please attach a statement explaining the reasons why you want to become a member of this City Council, including what specific objectives you would be working toward as a member of this Council.

Any other information which you feel would be useful to the City Council in reviewing your application:

Are you associated with any Organization/Employment that might be deemed a conflict of interest in performing your duties if appointed to this position?

Yes No Unsure

If yes, please name the Organization or Employment.

City policy and state law directs all Council members not to vote on matters where there exists a potential conflict of interest. Would you be willing to abstain from voting if such a conflict arises?

Yes No

Signature of Applicant:

Date Signed:

By signing you are confirming that you are the person listed in this application, and that all information provided is truthful and correct. You can submit the completed application with proofs of residency to the City Clerk's Office, 201 N. Lassen St. Willows, CA 95988. All information provided will be public information. **Applications are due to the City Clerk's Office by Thursday September 23 at 4:30 p.m.**

*** Add additional, numbered pages as needed.



Date: September 14, 2021
To: City Council
From: David G. Ritchie, City Attorney
Subject: Consider a Resolution of Intent to evaluate districting pursuant to the Voting Rights Act

Recommendation:

Consider beginning the process to evaluate a transition from an at-large electoral system to a district-based electoral system for members of the City Council pursuant to California Elections Code Section 10010.

Rationale for Recommendation:

Background:

The City of Willows (City) currently elects its City Council through an "at-large" electoral system in which each Councilmember can reside anywhere in the Willows city limits and is elected by the entire electorate to provide citywide representation.

A district-based electoral system is one in which a city is physically divided into separate districts, each with one Councilmember who resides in the district and is chosen by the voters residing in that particular district. In a district-based electoral system, voters within each district may only vote for one candidate every four years.

Discussion & Analysis:

State-wide, public entities have been receiving threat letters from a select few predatory law firms. These threat letters have been sent to a large number of jurisdictions including Cities and a range of Special Districts challenging their "at-large" electoral systems. These letters frequently allege that the "at-large" model in a particular jurisdiction violates the California Voting Rights Act (CVRA) and are accompanied with alleged evidence of "polarized voting" and a litigation threat if the jurisdiction's governing body declines to adopt a district-based electoral system.

The CVRA, proscribes an extremely light burden on a plaintiff to establish a violation, proven solely on evidence of racially-polarized voting under Elections Code Section 14027. "Polarized voting" occurs when there is a difference between the choice of candidates preferred by voters in a protected class and the choice of candidates preferred by voters in the rest of the electorate. The Elections Code defines a "protected class" broadly as a class of voters who are members of a race, color or language minority group (EC 14626[d]). While it may seem counter-intuitive, the CVRA does *not* require a showing that the

minority group is sufficiently large and geographically compact that it would form a majority in any single member district (EC 14028[c]) nor does it require the plaintiffs to establish discrimination has occurred in the totality of the circumstances (EC 14028[e]). Plaintiffs DO have to establish “dilution” as separate and distinct from the racially polarized voting element. It is not yet settled what quantum or method of proof will be required to establish that “dilution” has occurred as this is new law and a petition for review of this question has been granted by the Court of Appeal (“The petition for review is granted. The parties are ordered to brief the following issue: What must a plaintiff prove in order to establish vote dilution under the California Voting Rights Act? On the Court's own motion, the Court of Appeal's Opinion is ordered de-published”). (Pico Neighborhood Ass'n v. City of Santa Monica, 474 P.3d 635 (Cal. 2020)).

Notably, a quick review of the preliminary demographic data from the U.S. Census Bureau indicates that the City of Willows has a 2019 estimated division of population 70.7% white, 33.1% Hispanic or Latino, 9.9% Asian (note that these figures *exceed 100%*, as the percentage responding that they are white (alone) is 49.2% - meaning some proportion in the above race categories are multi-racial).

The CVRA *does* contain an attorney fees provision, whereby a prevailing plaintiff is entitled to an award of reasonable attorney fees and litigation costs, including the cost of any experts used to establish polarized voting allegations. For Cities opting to attempt to defend their at-large systems once a litigation threat has been received, be forewarned, the cost of defending such a suit typically range from a minimum of \$100,000 to \$400,000 or more and *additional* attorney fee awards for the prevailing party have been awarded in the \$millions (for example, City of Escondido (\$385,000), City of Santa Barbara (\$800,000 (settlement)), City of Modesto (\$3 Million), City of Palmdale (\$4.5 Million)). One (only one) city has successfully defended it's at-large voting system (Santa Monica) at the Court of Appeal level. Some Cities have, as is recommended by staff here, moved proactively to begin an analysis of a move toward district-based elections as a strategy for avoiding the costs of litigation if their at-large election models are challenged (such as the City of Roseville). Even if litigation is avoided, the CVRA provides a means for a “safe harbor” limit on recoverable costs by law firms that send demand letters that prompt a jurisdiction to switch from at-large to districted elections. If a jurisdiction received a demand letter it has exposure to up to \$30,000 in costs to the firm making the demand so that it can recover its costs incurred up to that point.

Why not wait until the City receives a demand letter? There are several advantages to starting discussions now, including:

- New demographic data have just become or will become available in the near future based on the 2020 Census, which CVRA advocates will review and potentially use as part of their tactics to demand districting.
- Should the Council wish to move forward with districting, there is ample time for a robust process using the new demographic data to consider district boundary options well in advance of the next regular election cycle, providing potential candidates more time to prepare and understand the new format and requirements.

- The City's ability to avoid the additional cost of the one-time payment of up to \$30,000 to one or more law firms sending demand letters, as well as exposure to potential litigation costs if the issue is not resolved at the demand letter stage.

Fiscal Impact:

The fiscal impact of evaluating the move to districted elections instead of at-large elections could range between \$35,000 and \$85,000, inclusive of the cost for a demographer to draw district lines, holding the multiple public hearings required, and any additional cost to the County for handling the next district-based rather than at-large election. This amount is considerably less than if the City were to wait and defend against a CVRA lawsuit and/or attorney fee awards under the safe harbor language of the CVRA

Attachment:

Attachment 1: Resolution No. ____ - 2021

RESOLUTION NO. ___-2021

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS
DECLARING ITS INTENTION TO BEGIN CONSIDERATION TO
TRANSITION FROM AT-LARGE ELECTIONS TO DISTRICT-BASED
ELECTIONS PURSUANT TO ELECTIONS CODE SECTION 10010**

WHEREAS, the City Council of the City of Willows (City) are currently elected in at-large elections, in which each member is elected by the registered voters of the entire City; and

WHEREAS, Government Code Section 34886, in certain circumstances, authorizes the legislative body of a city of any population to adopt an ordinance to change its method of election from an "at-large" system to a "by-district" system; and

WHEREAS, the City has not as of the date of this resolution received a demand from any party, containing allegations or evidence of any claim that the City's at-large electoral system violates the California Voting Rights Act (CVRA) or one threatening litigation if the City declined to adopt a district-based electoral system; and

WHEREAS, the City denies that its election system violates the CVRA or any other provision of law and asserts that the City's electoral system is legal in all respects and further denies any wrongdoing whatsoever in connection with the manner in which it has conducted its City Council elections; and

WHEREAS, the City's commitment to diversity and inclusiveness reflect established qualities of the Willows community; and

WHEREAS, the City's interest in preserving the integrity of its established neighborhoods as communities of interest dictates that the City take proactive action to evaluate and study the composition of its communities and potentially to create districts under the CVRA; and

WHEREAS, prior to the City Council's consideration of any ordinance to establish boundaries for a district-based electoral system, Elections Code Section 10010 requires all of the following at a minimum:

- 1) Prior to drawing a draft map or maps of the proposed boundaries of the districts, the City shall hold a least two (2) Public Hearings over a period of no more than thirty (30) days, at which the public will be invited to provide input regarding the composition of the districts.
- 2) After all draft maps are drawn, the City shall publish and make available for release at least one draft map and, if members of the City Council will be elected in their districts at different times to provide for staggered terms of office, the potential sequence of the elections shall also be published.
- 3) The City Council shall also hold at least two (2) additional Public Hearings over a period of no more than forty-five (45) days, at which the public shall be invited to provide input

regarding the content of the draft map or maps and the proposed sequence of elections, if applicable.

4) The first version of a draft map shall be published at least seven (7) days before consideration at a Public Hearing. If a draft map is revised at or following a Public Hearing, it shall be published and made available to the public for at least seven (7) days before being adopted.; and

WHEREAS, the adoption of a district-based electoral system will not affect the terms of any sitting Councilmember, each of whom will serve out his or her current term.

NOW, THEREFORE, BE IT RESOLVED THAT:

SECTION 1. Based upon the true and correct recitals above which are incorporated herein by this reference, the City Council hereby resolves and states its intention to begin the process of evaluating a change from at-large to by-district elections, including consideration of an ordinance requiring elections by district pursuant to California Government Code section 34886, for use in the City's next General Municipal Election, scheduled for November 2022.

SECTION 2. In the event that a district-based electoral system is adopted, it is the City Council's desire and intention that City resources will continue to be prioritized based on the greatest citywide need and benefit, and that the City Council will work cooperatively with one another for the benefit of the entire City.

SECTION 3. The City Council directs the Interim City Manager to evaluate and engage a professional demographer and further directs the City Manager or designees to work with said demographer and other appropriate consultants as needed, to provide a detailed analysis of the City's current demographics and any other information or data necessary to prepare presentation to council of the process and that are preliminary to the drafting of a draft map that divides the City of Willows into voting districts in a manner consistent with the intent and purpose of the CVRA and the Federal Voting Rights Act.

SECTION 4. In adopting this Resolution, the City Council has determined that it will gather and study demographic data, secure the broadest and deepest community involvement in this process that can be achieved, and create CVRA-compliant districts that best serve the City as a whole. The number and form of the districts will be determined after extensive consultation with Willows residents, business leaders and other interested persons.

SECTION 5. The City Council directs the Interim City Manager or designee to post all information about the proposed transition to a district-based electoral system on the City's website, including maps, notices, agendas and other information as soon as practicable after the information becomes available.

SECTION 6. If any provision or clause of this Resolution is held invalid, unconstitutional, or otherwise repealed by act of law, such invalidity shall not affect any other provisions or clauses

of the same which can be given effect without the invalid provision, clause, or application. To this end, the provisions and clauses of this Resolution hereto are declared to be severable.

SECTION 8. This Resolution shall take effect immediately upon adoption.

SECTION 9. City Council hereby finds that a transition from at-large to district-based elections is exempt from environmental review under the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 et seq.) pursuant to State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) sections 15061(b)(3), 15320, and 15378(b)(3). Adoption of this Resolution is an organizational and administrative activity of the City, does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment, and is therefore not a project for purposes of CEQA. (State CEQA Guidelines, §§ 15061(b)(3); 15378(b)(5).)

PASSED AND ADOPTED by the Willows City Council this 14th day of September, 2021 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

ATTESTED:

Larry Domenighini, Mayor

Tara Rustenhoven, City Clerk



Date: September 14, 2021
To: City Council
From: Marti Brown, Interim City Manager
Subject: Change Regular City Council Meeting Start Time

Recommendation:

Adopt a motion to commence Regular City Council meetings at 6:00 pm (instead of 7:00 pm) starting with the November 9, 2021 City Council meeting.

Rationale for Recommendation:

By starting City Council meetings at 6:00 pm (instead of 7:00 pm), the City would achieve cost savings by reducing the overtime of non-exempt employees and the presentation wait time of contract employees and other contractors who present before the City Council. Since most cities in the California Central Valley start Regular City Council meetings at 6:00 pm, changing the Council start time would be consistent with the rest of the region.

Background:

Most cities in the region and Central Valley start Regular City Council meetings at 6:00 pm. For example, the following cities in the region start their Regular City Council meetings before 7:00 pm:

Regular City Council Meeting Start Times of Nearby Cities

- City of Orland – 6:00 PM
- City of Red Bluff – 6:00 pm
- City of Williams – 6:00 pm
- City of Colusa – 6:00 pm
- City of Anderson – 6:00 pm
- City of Redding – 6:00 pm
- City of Chico – 6:00 pm
- City of Corning – 6:30 pm
- City of Oroville – 4:30 pm
- City of Yuba City – 6:00 pm
- City of Marysville – 6:00 pm

Discussion & Analysis:

In addition to regional consistency, moving the City's Council start time to 6:00 pm would achieve the added benefit of reducing overtime expense for non-exempt staff, the potential additional cost to the City for contract employees and contractors on special projects (e.g., waiting to present to the Council). While some contract employees flex their time and do not charge the City for "waiting to present to the Council" on specific agenda items, the City is still losing productivity and their time to work on City projects by working an extended, flex time schedule.

Fiscal Impact:

It is difficult to assess the full fiscal impact of starting the City Council meetings at 6:00 pm. As contract consultants at various hourly rates present before the City Council, there will be additional savings over time. However, it is not possible to calculate those savings at this time.



Date: September 14, 2021
To: City Council
From: Marti Brown, Interim City Manager
Subject: Close City Hall on Fridays

Recommendation:

Authorize the Interim City Manager to close City Hall on Fridays effective October 1, 2021 (until further notice).

Rationale for Recommendation:

City Hall is very short staffed. Frequently, there is only one employee working the front counter and/or answer phones for all or part of the workday on Fridays making it difficult or impossible for the employee to take a lunch break, as well as the State required 15-minute morning and afternoon break. In addition, there is a general concern for employee safety (e.g., one employee working all day alone in a public building).

Background:

There is a "skeleton crew" on duty on Fridays at City Hall. Frequently, due to vacation time and other appointments, there is only one person on duty all or part of the day on Fridays.

Discussion & Analysis:

While eliminating the City's 9/80 schedule is a possibility and would result in more employee presence at City Hall on Fridays, management strongly recommends maintaining this program in an effort to buoy employee morale. In addition, there is not sufficient counter and/or phone activity at City Hall to warrant keeping the doors of City Hall open on Fridays and eliminating the 9/80 employee scheduling option. For example, on average, there are no more than a half dozen phone calls received and even fewer in person encounters at the front counter.

Since City Hall re-opened on Fridays and in the two months prior to employee furloughs, the Building Department received applications for and/or issued 17 building permits out of 17 Fridays or four months averaging one permit application or issuance per Friday. In addition, since July 1, 2021, the City has only received three business license applications on a Friday.

Should the City Council approve City Hall closure on Fridays, management further proposes and recommends that staff continue to work at City Hall on closed Fridays catching up on deferred maintenance-related work (e.g., record keeping, filing, archiving, cleaning up files, general organization).

During the rest of the week, City Hall would continue to be open Monday through Thursday from 8:00 to 5:00 pm, as well as during the noon lunch hour.

Fiscal Impact:

There is no known fiscal impact resulting from the recommended action.