
**ACTION MINUTES OF THE WILLOWS CITY COUNCIL
SPECIAL MEETING-SEWER RATE ADJUSTMENT MEETING CONTINUANCE IN
ACCORDANCE WITH PROPOSITION 218 HELD JUNE 28, 2019**

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.

Mayor Hansen called the meeting to order at 6:00 p.m.

The meeting opened with the Pledge of Allegiance led by Council Member Mello.

Roll Call:

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

Council Members Absent:

Staff Present: Interim City Manager Wayne Peabody, Administrative Services Director Tim Sailsbery, City Attorney Robert Hunt, City Clerk Tara Rustenhoven

Continuation of Consideration of Proposed Sewer User Fee Adjustment Resolution

City Attorney Robert Hunt went over the validation process and protest letter results.

Public Comment/ Written Communications:

Members of the public took the opportunity to speak at this time.

Action:

Motion: Mayor Hansen/Second: Mello

Moved that proposed sewer fee increase now pending before the council be rejected, and direct staff to review the Sewer Enterprise's finances and come back with more palatable proposal sewer fees.

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

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

NOES:

ABSENT:

ABSTAIN:

Adjournment:

The Meeting was adjourned at 6:31 p.m.

Dated: July 1, 2019

Tara Rustenhoven, City Clerk

Mayor Hanson,

Due to an unforeseen family situation I am unable to attend the continued meeting in regards to the proposed Sewer Rate Proposition 218. I would respectfully request that my letter be read into record at the meeting. I will admit to have failed my due diligence in educating myself to the Proposition 218 process and becoming familiar with the law that spells out those logistics. I do not claim to be a legal scholar, but find a great deal of concern with the conduct of The City of Willows and counsel alike. There are a couple critical elements that I would like to address.

1. Access to Protest Ballots- Persons have been denied access to such records including information as to what information was used to determine the weight of each ballot.

53753(e)(2)

The governing body of the agency may, if necessary, continue the tabulation at a different time or location accessible to the public, provided the governing body announces the time and location at the hearing. The impartial person may use technological methods of tabulating the assessment ballots, including, but not limited to, punchcard or optically readable (bar-coded) assessment ballots. During and after the tabulation, the assessment ballots and the information used to determine the weight of each ballot shall be treated as disclosable public records, as defined in Section 6252, and equally available for inspection by the proponents and the opponents of the proposed assessment. The ballots shall be preserved for a minimum of two years, after which they may be destroyed as provided in Sections 26202, 34090, and 60201.

2. Legitimacy of Protest Ballot- There has been information shared that City of Willows is discounting protest ballots from a tenant.

53755(b)

One written protest per parcel, filed by an owner or tenant of the parcel, shall be counted in calculating a majority protest to a proposed new or increased fee or charge subject to the requirements of Section 6 of Article XIII D of the California Constitution.

There are some actions by the City Council, such as scheduling a continued meeting on a Friday evening during summertime vacation when many people leave town and denying access to the assessment ballots and the information used to determine the weight of each ballot which shall be treated as disclosable public records. These actions create a greater distrust in the process and many actions seem in direct conflict with the law. Interpretation of law is necessary when things are not expressly written into the law. Interpretation of the law that serves a specific purpose is legal opportunism at its finest.

I appreciate the opportunity to address some ongoing concerns about the validity of this Proposition 218 process hope that the City Council represents its constituents. I appreciate the service from each council member and understand some of the challenges that present.

Respectfully,

Janelle Kelly, Willows City Resident

Property Owners Opposed to Unfair Taxes

We keep people informed

June 28, 2019

Dear Mayor Hansen and City Council members:

Personal plans prevent me from attending tonight's meeting regarding the proposed sewer rate increase. Therefore, I ask that this letter be entered into the public record. Further, I respectfully request that Mayor Hansen read the comments below during the public hearing. Thank you in advance for that courtesy.

We have attempted to reason with the City of Willows on the matter of the highly suspect sewer rate increase you are considering. It is our sense that the public's concerns have been ignored and that meetings behind closed were held to formulate a strategy to impose the increase in sewer fees anyway.

Our attitude is best supported by the Resolution before you tonight beginning with the last "whereas" statement. **Enough protests were received to invalidate the rate increase** had the City not dealt from the bottom of the deck.

Before the City mailed its rate increase notices, the City had to know that dozens of Willows property owners formerly lived in Paradise. In addition to the Notices not received in Paradise, another 68 other Notices were returned as undeliverable because of changed addresses. However, the City had no way of knowing that because the City selected bulk mail, which does **NOT forward or return undeliverable mail**.

We used the same mailing list as did the City. In the two weeks following our Notice to property owners, more than eleven hundred protests were sent back because we rightly sent our Notices by first class mail. Over the next few days after the June 12 deadline, other 30-plus protests were received, so they won't be counted.

So if the total of undeliverable notices were deducted from the total number of parcels, and if the protests received after the deadline were counted, the 50% threshold to overturn the fee increase would certainly have been met.

We also take issue with two "be it resolved" statements in the Resolution. As discussed below, items 3 and 4 are clearly false declarations. The revenues collected by the City **do, in fact, exceed the cost of providing the services**, and the revenues have **clearly been used for other purposes** for which they were collected.

As most of you know, I have held seats on the Willows Planning Commission, the Glenn County Planning Commission, and the Glenn County Board of Supervisors. For seven years I was the chief of staff for a state senator and a consultant to several senate committees.

3. The City staff purposely failed to announce in a conspicuous place and in plain language that a majority protest would result in abandonment of the proposed increases. Instead, the City deliberately misled readers by saying that a majority protest vote would only cause the City Council to “reconsider” the rate increase.
4. The City made no provision for limited English proficient ratepayers in its notification, effectively disenfranchising many of its over 30% Latino citizens. By state law, if 5% of the City’s population is considered to be in the Limited English Proficiency category, information was required to be provided in their language.

VIOLATIONS OF THE LAW IN BUDGET IMPROPRIETIES

1. Under the heading of “General Administration” in the proposed budget for rate increase, in the past the City’s accountant has siphoned \$77,234 of sewer service funds into the general fund, without explanation.
2. The City provided unreliable and bloated budget numbers in support of the rate increase.
3. The City’s budget exceeds the cost of providing services; for example, the allowance of \$14,000 for vehicle fuel represents a 56,000 mile trip taken *twice around the world*.

In other words, this would mean that city vehicles would have to drive every street, running north, south, east, and west within the sewer district at least five times a day, for five days a week, for every week of the year. *Do you expect a judge to swallow that one?*

VIOLATION OF THE LAW IN CITY AGENCY EXEMPTION

1. The City has failed to assess the 31 City-owned parcels for sewer fees.

VIOLATIONS OF THE LAW IN HEARING PROCEDURES

1. The City failed to provide an interpreter for Limited English Proficient ratepayers in its protest hearing, again effectively disenfranchising many of its over 30% Latino citizens.
2. During its hearing, the City Council refused to permit all protests to be heard, cutting off speakers at an arbitrary and insufficient three minutes, regardless of how many important points they had to make.

VIOLATIONS OF THE LAW IN PROTEST COUNTING PROCEDURES

1. The City has not proportionately weighed the financial burden imposed on those with multiple users on one sewer connection, compared to those with just one user on a single sewer connection.

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Willows City Council

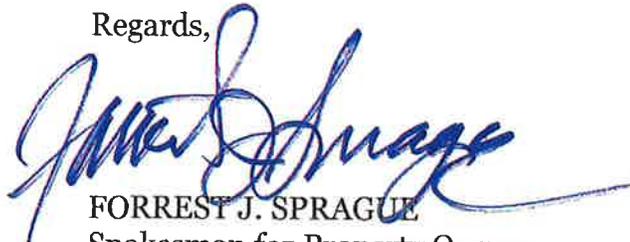
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2. The City excluded and refused to count ratepayers who provided written requests for a representative to serve as their proxy protest.
3. The City twice switched the method of counting the protest letters, starting by counting the number of parcels, then changing that to number of actual sewer connections, and now to recorded owner of each parcel.

Now that you are informed of these facts, I hope you will vote while thinking of your constituents, who trust you to ensure the City conduct its business with honesty, integrity, and transparency.

Regards,



FORREST J. SPRAGUE
Spokesman for Property Owners
Opposed to Unfair Taxes