



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

# Willows City Council Meeting Action Minutes September 13, 2022

City Council  
Larry Domenighini, Mayor  
Gary Hansen, Vice Mayor  
Jeff Williams, Council Member  
Robert Griffith, Council Member  
Vacant, Council Member

City Manager  
Marti Brown

City Clerk  
Vacant

## 1. CALL TO ORDER – 6:01 PM

## 2. PLEDGE OF ALLEGIANCE

## 3. ROLL CALL

Councilmembers Present: Council Members Williams, Griffith, Vice-Mayor Hansen, and Mayor Domenighini

## 4. CHANGES TO THE AGENDA

Agenda Item 6a. postponed until September 27, 2022.

## 5. PUBLIC COMMENT CONSENT CALENDAR FORUM

Public Comment:

Lorri Pride – City Swimming Pool. Letter Attached.

Forrest Sprague – City Manager Performance Evaluation (written correspondence only).  
Letter attached.

Consent Calendar:

**Passed** a motion to adopt the Consent Calendar in one motion.

**Action:** Moved/Seconded: Vice-Mayor Hansen, Councilmembers Griffith

**Yes:** Mayor Domenighini, Vice-Mayor Hansen, and Councilmembers Griffith and Williams

### a. Register Approval

**Action:** Approved general checking, payroll, and direct deposit check registers.

### b. Minutes Approval

**Action:** Approved minutes of the August 9 and 23, 2022, City Council meetings.

## 6. PRESENTATION

- a. Building Division Update – Bringing Inspections and Code Enforcement Back Inhouse, Recent Improvements, and Future Plans.

**Action:** Postponed to September 27 City Council meeting.

## 7. DISCUSSION & ACTION CALENDAR

- a. **USDA Community Facilities Grant**

**Action:** Authorized the City Manager, or her designee, to enter into an agreement with the United States Department of Agriculture (USDA) to accept a \$100,000 reimbursable Community Facilities grant to purchase radios, station alerting, wildland gear and other fire department related equipment as necessary.

**Action:** Moved/Seconded: Vice-Mayor Hansen, Councilmember Griffith

**Yes:** Vice-Mayor Hansen, Mayor Domenighini, Councilmembers Griffith and Williams

- b. **USDA Rural Business Development Grant (RBDG)**

**Action:** Authorized the City Manager, or her designee, to partner and execute an agreement with 3Core and the Cities of Orland and Corning to participate in a USDA grant funded feasibility study and technical analysis of infrastructure and development costs for commercial expansion and business opportunities along Interstate 5 and contribute a 'local match' of \$15,000 to the project.

**Action:** Moved/Seconded: Councilmember Williams, Councilmember Griffith

**Yes:** Vice-Mayor Hansen, Mayor Domenighini, Councilmembers Griffith and Williams

## 8. CLOSED SESSION

Public Comment: Roberta Asbury

- a. **Public Employee Performance Evaluation (§ 54957)**

Title: City Manager

- b. **Conference with Labor Negotiators (§54957.6)**

Agency Designated Representatives:

Marti Brown, City Manager and David Ritchie, City Attorney

Employee Organization: WEA, Willows Fire, All Employees

**Action:** No report.

**9. COMMENTS & REPORTS**

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

**10. ADJOURNMENT – 8:34 PM**

Dated: September 22, 2022



Marti Brown, City Manager

September 13, 2022

To: Mayor and Members of the City Council

RE: Willows City Pool

I have recently learned that the City of Willows is in discussion with the Willows Unified School District (WUSD) to partner and provide funds to them to make repairs and upgrades to the pool at the Willows High School.

I questioned whether this was a short term solution while working to address the needs of our swimming pool and was left with the distinct impression that this would be a long term solution.

I am only here before you tonight because I sense that there may be a proposal before you in the not too distant future to commit funds to WUSD.

I do not agree with this approach for the following reasons, many of which you have heard before:

1. The Willows HS pool is an all concrete area with no grass, trees or shade. There are no facilities for very small children, and no restrooms or showers. I am not aware if restrooms and showers would become more available in a long term partnership or not.
2. The available time period every year for the use of the pool is minimal.
3. I confirmed with a school board member that the location of the school pool would remain the same, they are discussing only to what extent they would be making repairs or upgrades.
4. The city would still have our pool which would need to be addressed ... repair/replace/dispose.

After reviewing the May 2022 report on the condition of our City pool, and related quote, I believe that it would be far wiser, and a much more acceptable long term solution, to do the following:

1. Obtain a 2<sup>nd</sup> opinion inspection and quote on the condition and repair needs of the city pool.
2. Assess grant opportunities for funding the needed repairs and/or improvements. Grants are available through USDA and the City of Orland was getting some information for me on grants that they were aware of for pools "in dire need" of repair. Other citizens have also put together resources for financing not only repairs, but for on-going maintenance and staffing. Apparently the city has funding available for the pool as there is discussion about helping to fund the school pool repairs. This money can be used as match funding.
3. Continue the discussions with WUSD to partner, however shift the focus to making the investment in the City pool instead. This partnership could leverage school grant funds and possibly even future maintenance funds.
4. Consider the cost and viability of improvements to the pool which would allow for a longer pool "season" ... for example adding solar to heat the pool for extended use and making modifications to allow for swim meets. Increased uses and swim meets can help to generate income as well.

I totally understand that there is a price tag associated with not only bringing the pool back into use, but also with future maintenance needs, staffing and long term capital improvements. I believe that this community has consistently demonstrated a commitment to the pool, and that fundraising would be a part of the overall discussion. The pool should also be central to a plan to make recreation a priority for the council.

Thank you for your time.

  
517-0792

# FORREST J. SPRAGUE

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

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September 13, 2022



Willows City Council  
201 N. Lassen Street  
Willows, CA 95988  
Hand Delivered

**REF: Performance Evaluation of  
City Manager Marti Brown**

Dear Mayor Domenighini and Council Members:

As you adjourn into Closed Session during tonight's Regular City Council meeting, I respectfully ask that you consider the information in the five pages included with this letter. Furthermore, I ask that the Council follow your new procedures and attach this letter and its enclosures to the minutes of tonight's meeting.

As you are all aware, there is public controversy over whether the City Council should assess City Manager Marti Brown's performance or enter into a contract for an outside firm to conduct her job evaluation.

While it is not the overarching reason for the public rancor, it is a contributing factor. Specifically, it is the language within the City Manager's Employment Agreement entered into when she was first hired as the Interim City Manager in July 2021. Under the heading of Performance Review the Agreement clearly states, "The City Council shall...review the performance of the Interim City Manager."

Students of Contract Law understand that the word "shall" is used to impose duties on the parties to the contract. "Shall" implies that the maker of the contract (the City Council) has an obligation to perform a certain action. Use of the term "shall" reflects the seriousness of the obligation and likens it to a command; an action that is mandatory or imperative.

So when the Council considered the notion that an outside consulting firm be hired to conduct the evaluation of Ms. Brown, your constituents became understandably alarmed. This unease became exacerbated when it was discovered that the people chosen to complete the review had close political ties with both the City Attorney and City Manager. The appearance of impropriety quickly became the primary concern.

And that matter is worsened because of the missing information in the Agenda Packet created for the November 23, 2021, Regular City Council meeting. Near the end of that meeting a new Employment Agreement to elevate Ms. Marti Brown to a permanent City Manager was presented to the Council. During City Attorney's introduction of the matter, Mr. Ritchie referred to his staff report, the resolution and the contract. Since Mr. Ritchie announced that documents were also "available on the counter," it is clear that they were and still should be available to the public.

Willows City Council  
September 13, 2022  
Page two

But the fact is that the paperwork that Mr. Ritchie referred to has been omitted from or was never included in the otherwise complete Agenda Packet available on the City's website. As you review the five pages included with this letter, you will see that the staff report, the resolution and the contract were not included between the documents supporting the previous and following agenda items.

First you will see a snippets from the July 13, 2021 Regular Meeting Agenda and the first City Manager's Employment Agreement. Please note that the City Council "shall" review the performance of the Interim City Manager and that the "Council shall establish any new goals and objectives of the Interim City manager."

Next you find screen shots of the November 23, 2021, Regular Meeting Agenda during which Ms. Brown was elevated to permanent City Manager. You will see that the City Manager's contract was brought up as Action Item #10d. The City Attorney opened by telling the Council that before them were his Staff Report, a Resolution, and the Employment Agreement. However, all of the paperwork the City Attorney refereed to are missing from the Council's Agenda Packet.

On pages 3 and 4 of my enclosures are screen shots of the Agenda Packet of the November 23 meeting. Those screen shots range from page 184 to 187. You can see that the paperwork associated with Item 10c and Item 10e appear in the Agenda Packet. However, the documents to support Item 10d are missing.

So the public records do not show the paperwork presented to the Council the night of November 23, 2021. Instead, what is available for review is the signed Employment Agreement. But as you can see on page five of my attachments, the language regarding the Performance Evaluation is changed from the July 13, 2021, Agreement.

Note that "may" is substituted for "shall" regarding establishing "mutually-agreed-upon" objectives for the City Manager. And instead of the City Council's duty to complete the City Manager's Performance Evaluation, now the "Council shall discuss the results" with her. Can this former requirement of the Council now be delegated to another entity?

But again the main concern is, why is the paperwork concerning the City Manager's Employment Agreement not included in November 23, 2021 Agenda Packet for the public's scrutiny?

Respectfully submitted,

  
FORREST J. SPRAGUE

Enclosures: Five pages





# Willows City Council Regular Meeting

July 13, 2021

Willows City Hall  
7:00 p.m.

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

Interim City Manager  
Wayne Peabody

City Clerk  
Tara Rustenhoven

201 North Lassen Street  
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(530) 934-7041

## Agenda

### 6. REGULAR BUSINESS AGENDA/ITEMS REQUIRING COUNCIL ACTION

- d. By motion, adopt a resolution entitled; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS, APPOINTING A NEW INTERIM CITY MANAGER AND APPROVING A RELATED INTERIM CITY MANAGER EMPLOYMENT AGREEMENT.

Regular Business Item 6d

#### WILLOWS CITY COUNCIL STAFF REPORT

TO: MAYOR AND CITY COUNCIL MEMBERS  
FROM: DAVID G. RITCHIE, CITY ATTORNEY  
WAYNE PEABODY, INTERIM CITY MANAGER  
RE: CONSIDERATION OF RESOLUTION NO \_\_\_\_ - 2021, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS, APPOINTING A NEW INTERIM CITY MANAGER AND APPROVING A RELATED INTERIM CITY MANAGER EMPLOYMENT AGREEMENT  
DATE: JULY 13, 2021

*Snippet from the first City Manager's Employment Agreement.  
Note that the City Council "shall" review the performance of...*

3. Compensation and Benefits.  
A. Compensation. City agrees to pay the Employee for their services rendered hereunder as Interim City Manager an annual base salary of One Hundred Forty Thousand Dollars and Zero Cents (\$140,000.00) payable in installments at the same time and manner as other employees of the City.  
5. Performance Review / Appraisal. The City Council shall, from time-to-time and at least on an annual basis, review the performance of the Interim City Manager. As part of any performance appraisal of the Interim City Manager's annual evaluation, the Council shall also, as it deems appropriate, establish any new goals and objectives of the Interim City Manager, and may also review and set the level of compensation and benefits payable to the Interim City Manager.



# Willows City Council Regular Meeting

November 23, 2021

Willows City Hall  
6:00 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  
Robert Griffith, Council Member

Interim City Manager  
Marti Brown

City Clerk  
Tara Rustenhoven

*Discussion of the City Manager's Employment Agreement was recorded between the dialogue over action Items #10c and #10e.*

*However, the City Attorney's Staff Report, a Resolution and the Employment Agreement are all missing from the public records.*

### 10. 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

→ c. Submit Grant Application to Assistance to Firefighters Grant (AFG) Program  
Recommended Action: Staff recommends applying for a regional AFG grant in order to replace Self-Contained Breathing Apparatus (SCBAs). Total cost to the City would not exceed \$14,000, which includes the cost to contract with JMCM Consulting to prepare the grant as well as the required local match for the grant application. The total value of the grant is \$126,000.

Contact: Nathan Monck, Fire Chief, [nmonck@cityofwillows.org](mailto:nmonck@cityofwillows.org)

→ d. City Manager Contract

Recommended Action: Adoption of a resolution of the City Council of the City of Willows, appointing a City Manager, authorizing the Mayor to execute an employment agreement with selected candidate and setting the salary thereof.

Contact: David Ritchie, City Attorney, [dritchie@colehuber.com](mailto:dritchie@colehuber.com)

→ e. Cancel Regular City Council Meeting of December 28, 2021

Recommended Action: Approve the cancellation of the December 28, 2021 Regular City Council Meeting and, instead, hold a Special Study Session on the status of the City's budget starting at 1:00 pm.

Contact: Marti Brown, Interim City Manager, [mbrown@cityofwillows.org](mailto:mbrown@cityofwillows.org)




*Below are screen shots of the City Council's Agenda Packet of the November 23, 2021 meeting.*

*This series of snippets starts with page 184, which displays Item #10c as a grant application.*

184 / 190 | 114% +

**Agenda Item# 10c**



**Date:** November 23, 2021  
**To:** City Council Members  
**From:** Nathan Monck, Fire Chief  
**Subject:** Submit Grant Application to Assistance to Firefighters Grant (AFG) Program

*Page 185 shows more information regarding Item #10c*

185 / 190 | 114% +

would be the host agency for this regional grant partnering with the following local jurisdictions: Willows Rural Fire Protection District, Orland City Fire Department, Glenn Codora Fire Protection District, and Bayliss Fire Protection District. All partner agencies will be responsible for their respective costs incurred by the grant.

JMCM Consulting is a professional grant preparation firm with a proven track record in Glenn and Colusa Counties. Contracting with JMCM Consulting will increase the likelihood of a successful grant application and award.

The regional grant proposal between the agencies previously listed, increases the likelihood of a successful grant award. Glenn County Fire Departments are working together more now than ever, the need for uniform SCBAs will drastically improve fire ground safety, emergency response capacity and interoperability.

**Discussion & Analysis:**

*Page 186 has an attachment for Item #10c*

186 / 190

114%



ATTACHMENT

City of Willows  
Resolution xx-2021

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS AUTHORIZING THE CITY MANAGER, OR HER DESIGNEE, TO SUBMIT AN ASSISTANCE TO FIREFIGHTERS GRANT (AFG) APPLICATION AND EXECUTE AN AGREEMENT BETWEEN JMCM CONSULTING FOR GRANT PREPARATION SERVICES.**

**WHEREAS, the City recognizes that each year hundreds of thousands of dollars in damage, injuries and death to City residents occurs because of fire related incidents; and**

*Note page 187 goes from Item # 10c directly to Item #10e.*

*City Attorney David Ritchie opened Item #10d saying, "You have before you a staff report, resolution and agreement..."*

*The Agenda Packet (a public record) has NO written information for Item #10d concerning the City Manager's Agreement.*

*Instead, Agenda Item #10e appears next in the Agenda Packet.*

187 / 190

114%



Agenda Item# 10e

Date: November 23, 2021  
To: City Councilmembers  
From: Marti Brown, Interim City Manager  
Subject: Cancel Regular City Council Meeting of December 28, 2021

*The City Manager's Agreement was discussed and acted upon.*



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

**d. City Manager Contract**

City Attorney, David Ritchie, presented the item.

**Action:**

Motion: Council Member Griffith /Second: Vice Mayor Hansen

Moved to approve a resolution entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS APPOINTING A CITY MANAGER, APPROVING RELATED CITY MANAGER EMPLOYMENT AGREEMENT AND SETTING THE BASE SALARY FOR CITY MANAGER.

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

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

NOES: Williams

*Snippet from second Employment Agreement on City's website.*  
*Note changes in the salary and "may" is substituted for "shall."*

**7. Compensation and Annual Evaluation:**

A. Base Salary. Manager's initial annual Base Annual Salary shall be **One-Hundred Forty-five Thousand Dollars (\$145,000.00)** payable in equal installments at the same time and in the same manner as other employees of the City are paid. The salary shall be subject to withholding.

B. Annual Performance Reviews. At least annually the City, by the City Council, and Manager may set mutually-agreed-upon objectives for each year under this Agreement. These objectives shall coincide with the City Council's completion of a public employee performance evaluation of the City Manager in April of each year, the Council shall discuss the results of the evaluation with Manager ("Annual Evaluation").

*The Agreement was signed ten days after the Council meeting.*

This Agreement is entered into this 23rd day of November, 2021.

CITY OF WILLOWS

CITY MANAGER

By:   
Larry Domenighini, Mayor

By:   
Marti Brown

APPROVED AS TO FORM:

  
David G. Ritchie, City Attorney  
Cole Huber LLP