



ACTION MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD NOVEMBER 9, 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 6:00 p.m.
2. The meeting opened with the Pledge of Allegiance led by Council Member Griffith.

3. Roll Call:

Council Members Present: Council Members Williams, Griffith, Warren, Vice Mayor Hansen (arrived at 6:28 p.m.) Mayor Domenighini

Council Members Absent:

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

4. Changes to the Agenda: No changes were made.

5. Public Comment & Consent Calendar:

Public Comment

Forrest Sprague-801 Applewood, submitted a letter regarding the previous complaint against former Interim City Manager and City Attorney David Ritchie and wanted to know how the City Council was going to resolve this complaint.

RaeAnn Titus asked if there is a policy/process in place to handle public comment questions or complaints that are made towards the city/city employees.

Consent Calendar

- a. Approval of general checking, payroll & direct deposit check registers Z45263-Z45288, 39011-39029, 051630-051670.
- b. Approval of minutes of the Regular City Council Meeting held on October 26, 2021.

Action:

Motion: Council Member Warren/Second: Council Member Griffith

Moved to approve the Consent Calendar 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: Hansen

ABSTAIN:

6. Public Hearing:

a. Review and provide comments on the Draft 2021-2029 Housing Element Update prepared by Housing Tools and adopt and forward to State Department of Housing and Community Development for review and final approval.

Open public hearing at 6:39 p.m.

Closed public hearing at 6:45 p.m.

Doug Ross had comments on this item.

Kellie Wilson had questions regarding the types of housing comparing with the jobs within the City.

Action:

Motion: Council Member Williams/Second: Council Member Warren

Moved to adopt a resolution entitled; A resolution of the City Council of the City of Willows adopting the 2021-2029 draft Housing Element Update.

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

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

NOES:

ABSENT:

ABSTAIN:

Council Member Griffith recused himself from the vote due to being on the planning commission at the time this was adopted at a planning commission meeting.

7. Discussion & Action Calendar:

a. Authorize the Interim City Manager, or her designee, to execute a contract with Smith & Newell CPA's for budget auditing services for Fiscal Year 2020-21 in an amount not to exceed \$42,000.

Action:

Motion: Vice Mayor Hansen/Second: Council Member Williams

Moved to authorize the Interim City Manager, or her designee, to execute a contract with Smith & Newell CPA's for budget auditing services for Fiscal Year 2020-21 in an amount not to exceed \$42,000.

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

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

NOES:

ABSENT:

ABSTAIN:

b. Authorize the Interim City Manager, or her designee, to execute and agreement with The Lew Edwards Group for a Customer Satisfaction Survey and Community Engagement Services in an amount not to exceed \$40,000.

RaeAnn Titus asked the Mayor if the survey was being used to go for a future sales tax measure down the road. She also had a suggestion for the use of Covid Relief funds to be used for better recording for City Council meetings, such as better recording materials and video.

Action:

Motion: Council Member Griffith/Second: Vice Mayor Hansen

Moved to adopt a resolution entitled; a resolution of the City Council of the City of Willows authorizing the Interim City Manager, or her designee, to enter an agreement with The Lew Edwards Group for customer satisfaction survey, planning, communications and community engagement services for an amount not to exceed \$40,000.

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

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

NOES: Williams

ABSENT:

ABSTAIN:

c. Approve the proposed schedule to recruit and appoint one Planning Commissioner to fill the vacant position on the Willows Planning Commission.

Action:

Motion: Vice Mayor Hansen/Second: Council Member Warren

Moved to approve the proposed schedule to recruit and appoint one Planning Commission to fill the vacant position on the Willows Planning Commission.

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

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

NOES:

ABSENT:

ABSTAIN:

8. Comments & Reports:

a. City Council Comments & Reports

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

a. City Manager's Report:

- Will be attending the Glenn County Farm Bureau Dinner
- The Street Banner Program is going forward to the Planning Commission to select an Ad-Hoc Committee.

11. Closed Session:

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.

- a. Public Employee Appointment, City Manager (§54957)

Council recessed into closed session at 7:26 p.m.

Council reconvened into open session at 7:54p.m.

Announcement of any action taken in closed session:

Mayor Domenighini reported no reportable action and direction was given to staff.

10. Adjournment:

The Meeting was adjourned at 7:55 p.m.

Dated: November 17, 2021

Tara Rustenhoven, City Clerk

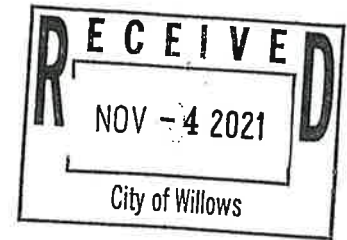
FORREST J. SPRAGUE

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 Ph: 530-514-8700 Email: forsprague@aol.com

November 4, 2021

City of Willows
 201 N. Lassen St
 Willows, CA 95988
 Attn: Interim City Manager Marti Brown

COPY



RE: Formal Complaint against City staff

Dear Ms. Brown:

The 2013 ethics guide published by the Institute for Local Government advises all public officials to frequently ask themselves whether it would be a good or bad thing for their conduct to be reported on the front page of the local newspaper. If you have not read the last two editions of the *Valley Mirror*, may I encourage you to do so.

As you know, during the October 26 council meeting, I asked the status of my formal complaint to the City regarding the unlawful use of city property by displaying political signs that promote a "YES" vote on Measure H, a November 2020 ballot measure intended to raise the local sales tax. (The enclosed photo of the fire department clearly shows one flagrant violation.)

The complaint identifies inarguable violations both of the City Council's own Protocol Manual and of state law. Past City Manager Wayne Peabody apparently allowed the unlawful signs. When this was brought to the attention of City Attorney David Ritchie, he failed to address the issue.

Mayor Domenighini's response to my inquiry on the 26th was that the Fair Political Practices Commission (FPPC) had dismissed my complaint. I am sure the Mayor had hoped that this somehow implied that the FPPC exonerated Mr. Peabody and Mr. Ritchie from wrongdoing. His inference was both inaccurate and intellectually dishonest.

I first exposed these election violations to the Council on March 9th. When it became obvious that they chose to ignore the problem, I submitted a formal complaint to the Council on April 5th. (Both of those submittals can be found in the minutes of the March and April Council meetings.)

I am a person who tries to cover all his bases. Having failed to raise the slightest interest from our City officials in election violations committed right under their collective noses, I forwarded my complaint also to the FPPC, on April 12th.

They declined to pursue an enforcement action in this matter, *but not because the complaint was unfounded*. FPPC staff had notified me that the law violations I cited within my complaint were not under the FPPC jurisdiction. Instead, FPPC staff suggested that I contact the State Attorney General Office with my allegations. Which, of course, I did.

The guidance from the California State Attorney General's Office was unambiguous:

"For complaints against city employees...address your complaint to the head of the city...the city attorney's office, the mayor's office, and...the city council." I did all of this, as well.

As the Mayor in 2016, Gary Hansen himself presided over the adoption of a document titled *Willows City Council's Protocol Manual* during a public council meeting.

The expressed purpose in the staff report supporting the Manual accurately says, "The residents of the City of Willows are entitled to have a fair, ethical and accountable local government." Another stated propose is "...to encourage public confidence in the integrity of local government and its fair and effective operations."

Those purposes become laughable unless the City Council takes action against the former Fire Chief and Interim City Manager Wayne Peabody and City Attorney David Ritchie for their violations of the Protocol Manual and of state laws.

The City Council's Protocol Manual further says that Willows "operates under the general laws of the state." Moreover, the Manual clearly states, "The City Manager is appointed by the City Council to enforce its laws" and to "...see that all laws and ordinances are faithfully executed."

That person is now you, Ms. Brown. And when it comes to local ballot initiatives like Measure H, the Protocol Manual is even more succinct:

"There are restrictions regarding what actions the City may take on ballot measures. Specifically, state statutes prohibit the City from using its...equipment...buildings...to influence the outcome of elections."

The Protocol Manual refers to state statutes that say it is unlawful for any elected local officer, employee, or consultant (such as Mr. Ritchie), to use or permit to use public resources for a campaign activity. That statute also defines "public resources" as any property owned by the City including its buildings, equipment and vehicles.

A publication produced by the League of California Cities advises that City Managers and City Attorneys must balance their performance by sorting through questions of duty, principle, truth, and justice, all in submission to the City Council.

According to the attorneys at the League of Cities, city managers must always perform their duties in strict conformance to the law. And that city managers have the duty to appoint, discipline and remove all officers and employees of the city—*except for the city attorney.*

Because the city manager and the city attorney both report directly to them, the Willows City Council has good reason for this serious matter to be decided during a public council meeting. And they should resolve my complaint just as vigorously and enthusiastically as they recently did for the allegations against Councilman Jeff Williams, which had far less supporting evidence.

Thank you in advance for keeping me informed as to what the Council intends to take resolve my complaint. They have a sworn duty to do so. In turn, I will keep the public informed.

Sincerely,
COPY
FORREST J. SPRAGUE

