



# Willows City Council Meeting Action Minutes February 28, 2023

City Council  
Rick Thomas, Mayor  
David Vodden, Vice-Mayor  
Jeff Williams, Councilmember  
Gary Hansen, Councilmember  
Casey Hofhenke, Councilmember

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

City Manager  
Marti Brown

City Clerk  
Vacant

1. **CALL TO ORDER– 6:00 PM**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

Councilmembers Present: Councilmembers Hofhenke and Williams, Vice-Mayor Vodden, and Mayor Thomas.

Councilmember Absent: Councilmember Hansen

4. **CHANGES TO THE AGENDA**

None

5. **PUBLIC COMMENT & CONSENT CALENDAR FORUM**

**Consent Calendar:**

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

**Moved/Seconded:** Vice Mayor Vodden and Councilmember Hofhenke.

**Yes:** Councilmembers Williams and Hofhenke, Vice Mayor Vodden and Mayor Thomas.

**Absent:** Councilmember Hansen

a. **Register Approval**

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

b. **Minutes Approval**

Action: Approved City Council Minutes of the February 14, 2023, City Council meeting.

c. **Updated and Revised Job Classification – Finance & Human Resources Analyst**

Action: Approve the updated and revised Finance & Human Resources Analyst job classification.

d. **JMCM Consulting Contract to Prepare Safer Grant Application**

Action: Authorize City Manager or designee to execute a contract with JMCM Consulting to

prepare a Staffing for Adequate Fire and Emergency Response (SAFER) Grant application for the Willows Fire Department.

## 6. DISCUSSION & ACTION CALENDAR

### a. Purchase New Fire Department Software

Action: Authorize City Manager or designee to purchase Imagetrend reporting software for Fire Department use.

Moved/Seconded: Councilmembers Williams and Hofhenke.

**Yes:** Councilmembers Hofhenke, Williams, Mayor Thomas, and Vice Mayor Vodden.

**Absent:** Councilmember Hansen

### b. Street Banner Program

Action: Authorize Staff to develop an application for non-profits to submit for the eight (8) remaining banners in the downtown banner program and advertise on social media and other sources.

Moved/Seconded: Vice Mayor Vodden and Councilmember Hofhenke

**Yes:** Councilmembers Hofhenke and Williams, Vice Mayor Vodden and Mayor Thomas **Absent:** Councilmember Hansen

## 7. COMMENTS & REPORTS

### a. City Council Correspondence

-Letter from Mr. Forrest J. Sprague regarding the City's continued refusal to provide Public Information

### a. City Council Comments and Reports

## 8. CLOSED SESSION

### a. Public Employee Appointment (§ 54957)

Title: City Attorney

## 9. OPEN SESSION REPORT FROM CLOSED SESSION

### a. No report

## 10. ADJOURNMENT – 7:15 PM

Dated: March 23, 2023

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Marti Brown, City Manager

# FORREST J. SPRAGUE

801 Applewood Way Willows, CA 95988  
Ph: 530-514-8700 Email: [forsprague@aol.com](mailto:forsprague@aol.com)

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February 28, 2023

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

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**RE: The City's continued refusal to provide Public Information**

Dear Mayor Thomas and Council Members:

City staff continues to embargo documents that are certainly public information. Please review the attached letter, also dated today, addressed to City Clerk Louis Ósémwegie.

As I have said in previous letters to the Council, the Clerk's refusal to comply with the CPRA raises suspicion of the City's administration. Whether City Manager Brown has allowed, or has even encouraged this conduct, it generates distrust in the managing of the City's affairs.

And as I have said before, being recently hired as City Clerk, Mr. Louis Ósémwegie has no obvious motivation for withholding this information. A logical conclusion is that he has been instructed to do so.

In addition to reviewing the Government Code sections that I cited in my letter to the City Clerk, I'll draw your attention to a couple of subsequent sections. These identify other options available to people requesting the documents the City is unlawfully withholding.

6258. Any person may institute proceedings for injunctive or declarative relief or writ of mandate in any court of competent jurisdiction to enforce his or her right to inspect or to receive a copy of any public record or class of public records under this chapter.

6259. (d) The court shall award court costs and reasonable attorney fees to the plaintiff should the plaintiff prevail in litigation filed pursuant to this section.

The costs and fees shall be paid by the public agency of which the public official is a member or employee and shall not become a personal liability of the public official.

Other options can include:

6263. A state or local agency shall allow an inspection or copying of any public record or class of public records not exempted by this chapter when requested by a district attorney.

6264. The district attorney may petition a court of competent jurisdiction to require a state or local agency to allow him to inspect or receive a copy of any public record or class of public records not exempted by this chapter when the agency fails or refuses to allow inspection or copying within 10 working days of a request.

Willows City Council  
Refusal to provide Public Information  
February 28, 2023  
Page two

Section 6264 continues:

The court may require a public agency to permit inspection or copying by the district attorney unless the public interest or good cause in withholding such records clearly outweighs the public interest in disclosure.

I bring these options to the Council's attention in hopes that you will instruct City staff to comply with the California Public Records Act without any further delay.

Regards,

**COPY**  
FORREST J. SPRAGUE

# FORREST J. SPRAGUE

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February 28, 2023

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City of Willows  
201 N. Lassen St  
Willows, CA 95988  
ATTN: Louis Ósémwegie

## RE: The City's continued refusal to provide Public Information

Dear Mr. Ósémwegie

Since December 7, 2022, I have been patiently waiting for copies of certain documents regarding the Council's approval for Cole Huber LLP to enter into the Service Contract Agreement with NBS Government Finance Group. Specifically, I have requested:

1. The City's Request for Proposals that solicited the services ultimately provided by NBS and copies of all other firm's responses;
2. The meeting agenda, the staff report, and meeting minutes during which the Council approved awarding the Contract for the 2021 Wastewater Rate Study to NBS; and
3. The agenda, the staff report, and the minutes of the meeting during which the Council authorized Cole Huber to execute this Agreement with NBS on behalf for the City.

Let me emphasize the clarity of state law. Government Code Sections 6255 and 6257.5 state:

6255. (a) The agency [City] shall justify withholding any record by demonstrating that the record in question is exempt...or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

(b) A response...to a written request for...copies of public records that includes a determination that the request is denied...shall be in writing.

6257.5. This chapter does not allow limitations on access to a public record based upon the purpose for which the record is being requested, if the record is otherwise subject to disclosure.

I ask that you immediately respond accordingly.

Regards,  
COPY  
FORREST J. SPRAGUE

C: Mayor Thomas and Council Members