

AGENDA

BOARD OF COMMISSIONERS HOUSING AUTHORITY OF THE COUNTY OF MERCED

Regular Meeting
Tuesday, February 21, 2023
12:00 p.m.

Closed session immediately following

Housing Authority of the County of Merced
Administrative Building
405 "U" Street
Board Room – Building B (Second Floor)
Merced, CA 95341
(209) 386-4139

Rick Osorio, Chairperson
Hub Walsh, Vice-Chair
Evelyn Dorsey
Robert Dylina
Diana Odom Gunn
Margaret Pia

All persons requesting disability related modifications or accommodations may contact the Housing Authority of the County of Merced at (209) 386-4139, 72 hours prior to the public meeting.

All supporting documentation is available for public review in the office of the Clerk of the Board located in the Housing Authority Administration Building, Second Floor, 405 "U" Street, Merced, CA 95341 during regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday.

The Agenda is available online at www.merced-pha.com

Use of cell phones, pagers, and other communication devices is prohibited while the Board Meeting is in session. Please turn all devices off or place on silent alert and leave the room to use.

I. CALL TO ORDER AND ROLL

II. UNSCHEDULED ORAL COMMUNICATION

NOTICE TO THE PUBLIC –

This portion of the meeting is set aside for members of the public to comment on any item within the subject-matter jurisdiction of the Commission, but not appearing on the agenda. Items presented under public comment may not be discussed or acted upon by the Commission at this time.

For items appearing on the agenda, the public is invited to comment at the time the item is called for consideration by the Commission. Any person addressing the Commission under Public Comment will be limited to a 3-minute presentation.

All persons addressing the Commission are requested to state their name and address for the record. Public comments must not interfere with orderly discussion or otherwise disrupt the meeting (CA Gov. Code 54957.9, SB 1100 (2022)). Slanderous, profane, threatening remarks or disorderly conduct that disrupts the meeting are prohibited (CA Gov. Code 36813, White v. City of Norwalk, 900 F.2d 1421 (1990)). Disruptive conduct may be grounds for removal from the meeting.

III. COMMISSIONER and/or AGENCY ADDITIONS/DELETIONS TO THE AGENDA

(M/S/C): ___ / ___ / ___



IV. APPROVAL OF THE FOLLOWING MEETING MINUTES

- 1. January 17, 2023, Regular Meeting (M/S/C): ____/____/____

V. CONSENT CALENDAR

- 1. Rent Delinquency Report January 2023
- 2. Financial Reports for January 2023
- 3. Public Housing Occupancy/Vacancy Report
- 4. HCV Program Counts

(M/S/C): ____/____/____

VI. INFORMATION/DISCUSSION ITEM(S)

None

VII. EXECUTIVE DIRECTOR REPORT

VIII. WRITTEN CORRESPONDENCE

None

IX. RESOLUTION ITEM(S)

- 1. **Resolution No. 2023-03:** Approving the Public Housing Operating Fund Grant submission for Calendar Year 2023.

(M/S/C): ____/____/____

- 2. **Resolution No. 2023-04:** Approving extending the Emergency Shelter Program License Agreement at the Felix Torres Farmworker Housing Center.

(M/S/C): ____/____/____

- 3. **Resolution No. 2023-05:** Awarding the Asphalt Replacement in Dos Palos and Atwater contract to Garcia Paving, Inc. and authorize the Executive Director, Rosa Vazquez, to sign or take any other action necessary to carry out the completion of the work.

(M/S/C): ____/____/____

- 4. **Resolution No. 2023-06:** Approving and authorizing the Executive Director to execute a Right of Way Contract – Temporary Easement with the California Department of Transportation for Parcel No. 17517-1 at Elgin Street and RTE 33 in Dos Palos, CA.

(M/S/C): ____/____/____

X. ACTION ITEM(S)

None

XI. COMMISSIONER’S COMMENTS



XII. CLOSED SESSION ITEM(S)

1. Pursuant to Government Code §54957.6
Union Negotiations
David Ritchie, Legal Counsel
Rosa Vazquez, Executive Director
Bruce Milgrom, Finance Officer
Maria F. Alvarado, Human Resources Manager

XIII. ADJOURNMENT

(M/S/C): ____/____/____



MINUTES
BOARD OF COMMISSIONERS
HOUSING AUTHORITY OF THE COUNTY OF MERCED

Regular Meeting
Tuesday, January 17, 2023

- I. The meeting was called to order by Chairperson Osorio at 12:05 p.m. and the Secretary was instructed to call the roll.

Commissioners Present:

Rick Osorio, Chairperson
Hub Walsh, Vice-Chairperson
Robert Dylina
Margaret Pia

Commissioners Absent:

Diana Odom Gunn
Evelyne Dorsey

Chairperson Osorio declared there was a quorum present.

Staff Present:

Rosa Vazquez, Executive Director/Board Secretary
David Ritchie, Legal Counsel
Blanca Arrate, Director of Housing Programs
Tracy Jackson, Director of Housing Programs
Melina Frederick, Director of Procurement & Asset Management
Bruce Milgrom, Finance Officer

Others Present:

Iris Gunther-Battles, Behavioral Health & Recovery Services
Mary McWatters, AFSCME

II. UNSCHEDULED ORAL COMMUNICATION

Mrs. Gunther-Battles from Behavioral Health and Recovery Services inquired about the waiting list requirements of the Project-Based Voucher program, specifically, The Retreat. Mrs. Gunther-Battles was instructed to contact Executive Director Vazquez for further information.

III. COMMISSIONER and/or AGENCY ADDITIONS/DELETIONS TO THE AGENDA

An emergency resolution was added to IX. Resolution Items. The resolution relates to the Emergency Services Shelter at the Felix Torres Farmworker Housing Center.

(M/S/C): Commissioner Dylina/Commissioner Pia/Motion Passed



IV. APPROVAL OF THE FOLLOWING MEETING MINUTES

1. December 20, 2022, Regular Meeting

(M/S/C): Commissioner Pia/Commissioner Walsh/Motion Passed

V. CONSENT CALENDAR

1. Rent Delinquency Report for December 2022

(M/S/C): Commissioner Pia/Commissioner Walsh/Motion Passed

2. Financial Reports for December 2022

(M/S/C): Commissioner Walsh/Commissioner Pia/Motion Passed

3. Public Housing Occupancy/Vacancy Report

(M/S/C): Commissioner Walsh/Commissioner Pia/Motion Passed

4. HCV Special Program Counts

(M/S/C): Commissioner Pia/Commissioner Walsh/Motion Passed

VI. INFORMATION AND DISCUSSION ITEM(S)

1. Legal Counsel – Protocol for Board Member Interaction

This item was tabled and will be reviewed and discussed at a later meeting. Questions from Board members are welcomed and may be submitted for a response.

VII. EXECUTIVE DIRECTOR REPORT

1. Executive Director Vazquez notified the Board that Authority properties were not impacted by the floods. This includes public housing and migrant center sites. Some Housing Choice Vouchers residents were impacted and they have been notified of what the Authority can and cannot assist with.
2. The Authority was contacted on January 14, 2023, by Becki Meyer, the Regional Director of Field Operations regarding the Emergency Shelter Program for the City of Planada and its residents. It was determined that due to the state of emergency, the Authority would utilize the Felix Torres Farmworker Housing Center and begin procuring space heaters for the units. Forty (40) evacuated families were moved in the very next day.

VIII. WRITTEN CORRESPONDENCE

None



IX. RESOLUTIONS ITEM(S)

- 1. **Resolution No. 2023-01:** Awarding a Legal Services contract to Cole Huber, LLP, Thomas E. Lewis, and Liebert Cassidy Whitmore and authorize the Executive Director, Rosa Vazquez, to sign or take any other action necessary to carry out the completion of the work.

(M/S/C): Commissioner Walsh/Commissioner Pia/Motion Passed

- 2. **Resolution No. 2023-02:** Approving entering into an Emergency Shelter Program License Agreement at the Felix Torres Farmworker Housing Center and set-aside funds.

(M/S/C): Commissioner Walsh/Commissioner Pia/Motion Passed

X. ACTION ITEM(S)

None

XI. COMMISSIONER’S COMMENTS

The Board thanked the agency for assisting flood evacuees of the City of Planada.

CLOSED SESSION ITEM(S)

The Board of Commissioners went into closed session at 12:52 p.m. The following people were present:

Board Members

Rick Osorio, Chairperson
Hub Walsh, Vice-Chair
Robert Dylina
Margaret Pia

Others Present

Rosa Vazquez, Executive Director/Board Secretary
David Ritchie, Legal Counsel
Bruce Milgrom, Finance Officer

- 1. Pursuant to Government Code(§ 54957.6 – Union Negotiations

The Board returned to Regular Session at 2:11 p.m., and no reportable action direction was given to staff.

XII. ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 2:11 p.m.

Chairperson Signature

Date: February 20, 2023

Secretary Signature

Date: February 20, 2023



Aged Receivables Report as for 01/2023 - As of 02-09-2023

Property	0 - 30 days	31-60 days	61 - 90 days	Over 90 days	Total Unpaid Charges	Balance
AMP 1						
ca023001 PH - Merced	6,824.18	0.00	4,199.00	19,016.80	30,039.98	30,039.98
ca023010 PH - Merced	4,937.68	0.00	3,252.71	13,458.84	21,649.23	21,649.23
ca023013 PH - Merced Sr	510.70	0.00	160.00	2,597.35	3,268.05	3,268.05
ca023021 PH - Acquisition	0.00	0.00	0.00	0.00	0.00	0.00
ca023023 PH - Acquisition	458.00	0.00	458.00	1,403.00	2,319.00	2,319.00
AMP 1 TOTALS	12,730.56	0.00	8,069.71	36,475.99	57,276.26	57,276.26
AMP 2						
CA023003 PH - Atwater - Cameo	1,494.00	0.00	794.00	1,182.00	3,470.00	3,470.00
ca023006 PH - Livingston	6,572.60	0.00	3,007.00	5,246.91	14,826.51	14,826.51
012a PH - Atwater	1,468.18	0.00	755.00	6,822.91	9,046.09	9,046.09
012b PH - Winton	23.00	0.00	0.00	0.00	23.00	23.00
AMP 2 TOTALS	9,557.78	0.00	4,556.00	13,251.82	27,365.60	27,365.60
AMP 3						
ca023002 PH - Los Banos	921.59	0.00	724.00	3,301.00	4,946.59	4,946.59
ca023004 PH - Los Banos - Abby, B, C & D	1,872.00	0.00	416.59	236.79	2,525.38	2,525.38
ca023005 PH - Dos Palos - West Globe	1,842.00	0.00	1,024.21	1,226.00	4,092.21	4,092.21
ca023011 PH - Los Banos - J & K St	1,570.24	0.00	572.92	374.00	2,517.16	2,517.16
012c PH - Dos Palos - Alleyne	1,242.46	0.00	0.00	0.00	1,242.46	1,242.46
012d PH - Dos Palos - Globe	382.00	0.00	0.00	-82.00	300.00	300.00
AMP 3 TOTALS	7,830.29	0.00	2,737.72	5,055.79	15,623.80	15,623.80
AMP 4						
ca023024 PH 1st Street	359.73	0.00	109.00	-710.00	-241.27	-241.27
AMP 4 TOTALS	359.73	0.00	109.00	-710.00	-241.27	-241.27
VALLEY VIEW						
atw Atwater Elderly	0.00	0.00	0.00	0.00	0.00	0.00
dp Dos Palos Elderly	0.00	0.00	0.00	0.00	0.00	0.00
mid Midway	0.00	0.00	0.00	200.00	200.00	200.00
pbc - atw	668.00	0.00	22.00	-274.51	415.49	415.49
pbc - dp	930.28	0.00	241.00	-191.72	979.56	979.56
pbc - mid	3,498.00	0.00	2,178.00	14,240.81	19,916.81	19,916.81
VALLEY VIEW TOTALS	5,096.28	0.00	2,441.00	13,974.58	21,511.86	21,511.86
FELIX TORRES YEAR ROUND						
ft.yr Felix Torres Year Round Center	4,389.00	0.00	3,337.82	11,145.00	18,871.82	18,871.82
FELIX TORRES YEAR ROUND TOTALS	4,389.00	0.00	3,337.82	11,145.00	18,871.82	18,871.82
HOUSING AUTHORITY TOTALS						
	39,963.64	0.00	21,251.25	79,193.18	140,408.07	140,408.07

Housing Authority of the County of Merced

Financial Statement - AMP 1 (.fs-amp1)

Budget Comparison

Period = Oct 2022-Dec 2022

	YTD Actual	YTD Budget	Variance	% Var	Annual
			Fav/-Unfav	Fav/-Unfav	
Revenue & Expenses					
INCOME					
NET TENANT INCOME (1,2)	212,085	182,643	29,442	16	730,567
TOTAL GRANT INCOME (3)	173,572	159,282	14,290	9	637,125
TOTAL INCOME	385,657	341,925	43,732	13	1,367,692
EXPENSES					
TOTAL ADMINISTRATIVE EXPENSES (4,5)	91,891	107,904	15,013	22	431,612
TOTAL TENANT SERVICES EXPENSES	364	426	62	15	1,700
TOTAL UTILITY EXPENSES (6)	56,485	60,669	4,184	7	242,674
TOTAL MAINTENACE EXPENSES (7,8)	70,269	94,629	24,360	26	378,499
TOTAL GENERAL EXPENSES (9,10)	40,377	33,633	-6,744	-20	134,544
TOTAL HOUSING ASSISTANCE PAYMENTS	1,157	1,251	94	8	5,000
TOTAL FINANCING EXPENSES	9,999	9,999	0	0	40,000
TOTAL NON-OPERATING ITEMS	9,429	9,429	0	0	37,716
TOTAL EXPENSES	279,971	317,940	36,969	25	1,271,745
NET INCOME	105,686	23,985	6,763	25	95,947

- (1) Tenant Rents up +\$29K over Budget
- (2) Tenant Legal Fees +\$21K -(Not Included above - Costs charged to 7 tenants)
- (3) Grant Inc. up +\$14K
- (4) Salary and Benefit Exp +\$13K
- (5) Mangement Fees +\$2K
- (6) Sewer - timeing on invoices +\$ 2K
- (7) Maint. Costs Supplies +\$12K - timing on order supplies
- (8) Contract Costs +\$12K - timing on repairs and servcies
- (9) Payments in Lieu of Taxes up - \$3K (higher income)
- (10) Ins. Prem. Higher -\$4K

Housing Authority of the County of Merced

Financial Statement - AMP 2 (.fs-amp2)

Budget Comparison

Period = Oct 2022-Dec 2022

	YTD Actual	YTD Budget	Variance	% Var	Annual
			Fav/-Unfav	Fav/-Unfav	
Revenue & Expenses					
INCOME					
NET TENANT INCOME (1,2,3)	153,751	148,095	5,656	4	592,378
GRANT INCOME					
HUD PHA Operating Grants/Subsidy	110,721	101,598	9,123	9	406,391
TOTAL GRANT INCOME	110,721	101,598	9,123	9	406,391
TOTAL INCOME	351,168	249,693	101,475	41	998,769
EXPENSES					
TOTAL ADMINISTRATIVE EXPENSES (5)	63,837	75,309	11,472	15	301,227
TOTAL TENANT SERVICES EXPENSES	72	399	327	82	1,600
TOTAL UTILITY EXPENSES (6)	57,254	55,647	-1,607	-3	222,595
TOTAL MAINTENACE EXPENSES (7,8,9)	66,562	78,645	12,083	15	314,552
TOTAL GENERAL EXPENSES (10)	28,639	25,449	-3,190	-13	101,801
TOTAL HOUSING ASSISTANCE PAYMENTS	579	282	-297	-105	1,125
TOTAL FINANCING EXPENSES	4,785	4,785	0	0	19,145
TOTAL NON-OPERATING ITEMS (11)	0	17,844	17,844	100	71,372
TOTAL EXPENSES	221,728	258,360	36,632	14	1,033,417
NET INCOME	129,440	-8,667	64,843	748	-34,648

- (1) Tenant Rents +\$5K
- (2) Tenant Legal Fees (+\$19K - Not Included above - Costs charged to 6 tenants)
- (3) Misc. Tenant Inc. (Not Included above - \$67,204.25 - Work Order and Labor for Restoration est. fire damage)
- (4) HUD PHA Subsidy +\$ 9K
- (5) Salary & Benefit Exp. +\$9K, Legal Exp. - \$1K, Other Admin Exp. +\$2K
- (6) Water & Sewer +\$ 5K, Electricity/Gas -\$ 7K
- (7) Maint. Salary Exp +\$ 2k, Benefits Exp. -\$ 4K, On Call Serv. -\$ 3K
- (8) Material Exp. +\$ 7K - Timing on ordering supplies
- (9) Contract Costs +\$ 10K - timing on repairs and maintenance
- (10) Property Ins. Rate increase -\$ 3K
- (11) Fully depreciated at 9/2022, not a cash item +\$17K

Housing Authority of the County of Merced

Financial Statement - AMP 3 (.fs-amp3)

Budget Comparison

Period = Oct 2022-Dec 2022

	YTD Actual	YTD Budget	Variance	% Var	Annual
			Fav/-Unfav	Fav/-Unfav	
Revenue & Expenses					
INCOME					
NET TENANT INCOME (1,2)	158,887	150,156	8,731	6	600,630
TOTAL GRANT INCOME (3)	116,614	107,019	9,595	9	428,073
TOTAL INCOME	275,501	257,175	18,326	7	1,028,703
EXPENSES					
TOTAL ADMINISTRATIVE EXPENSES (4,5)	71,137	82,857	11,720	14	331,431
TOTAL TENANT SERVICES EXPENSES	266	273	7	3	1,100
TOTAL UTILITY EXPENSES (6)	39,752	45,522	5,770	13	182,080
TOTAL MAINTENACE EXPENSES (7,8,9)	47,766	84,897	37,131	44	339,592
TOTAL GENERAL EXPENSES (10)	30,840	26,739	-4,101	52	106,956
TOTAL HOUSING ASSISTANCE PAYMENTS	1,018	375	-643	-171	1,500
TOTAL FINANCING EXPENSES	4,251	4,251	0	0	17,000
TOTAL NON-OPERATING ITEMS (11)	0	14,607	14,607	100	58,425
TOTAL EXPENSES	195,030	259,521	64,491	25	1,038,084
NET INCOME	80,471	-2,346	82,817	3,530	-9,381

- (1) Tenant Rent +\$8K
- (2) Tenant Legal +\$4K (Not Included above - One tenant)
- (3) Grant Subsidy +\$9K
- (4) Salary +\$ 7K and Benefits +\$3K
- (5) Legal +\$2K
- (6) Water & Sewer +\$ 5K, Electricity/Gas +\$ 1K
- (7) Maintenance Salary +\$ 11K & Benefits Lower +\$2K
- (8) Supplies Maintenance Lower +\$15K - Timing of repairs and Maint.
- (9) Contract Costs Lower +\$8K, Timing of Contract repairs and Maint.
- (10) Property Ins. Rate increase -\$ 4K
- (11) Fully depreciated at 9/2022, not a cash item +\$15K

Housing Authority of the County of Merced

AMP4 - 1st Street, Merced (.fs-amp4)

Budget Comparison

Period = Oct 2022-Dec 2022

	YTD Actual	YTD Budget	Variance	% Var	Annual
			Fav/-Unfav	Fav/-Unfav	
Revenue & Expenses					
INCOME					
NET TENANT INCOME (1)	6,534	4,512	2,022	45	18,051
TOTAL GRANT INCOME	6,745	6,192	553	9	24,767
TOTAL INCOME	13,279	10,704	2,575	24	42,818
EXPENSES					
TOTAL ADMINISTRATIVE EXPENSES	2,534	3,075	541	18	12,372
TOTAL UTILITY EXPENSES	1,657	2,004	347	17	8,023
TOTAL MAINTENACE EXPENSES	1,696	1,659	-37	-2	6,667
TOTAL GENERAL EXPENSES	1,162	840	-322	-38	3,341
TOTAL HOUSING ASSISTANCE PAYMENTS	0	24	24	100	100
TOTAL FINANCING EXPENSES	249	249	0	0	1,000
TOTAL NON-OPERATING ITEMS	11,939	11,940	1	0	47,757
TOTAL EXPENSES	19,238	19,791	553	3	79,260
NET INCOME	-5,959	-9,087	3,128	34	-36,442

(1) Tenant Rent +\$2K

Housing Authority of the County of Merced

All HCV Properties with Sub (.fs-hcvs)

Budget Comparison

Period = Oct 2022-Dec 2022

	YTD Actual	YTD Budget	Variance	% Var	Annual
			Fav/-Unfav	Fav/-Unfav	
Revenue & Expenses					
INCOME					
TOTAL GRANT INCOME (1)	5,838,318	6,079,260	-240,942	-4	24,317,038
TOTAL OTHER INCOME	299	378	-79	-21	1,500
TOTAL INCOME	5,838,617	6,079,638	-241,021	-4	24,318,538
EXPENSES					
TOTAL ADMINISTRATIVE EXPENSES (2,3,4,5,6)	402,175	478,572	76,397	16	1,914,309
TOTAL TENANT SERVICES EXPENSES	824	0	-824	N/A	0
TOTAL UTILITY EXPENSES	0	60	60	100	250
TOTAL MAINTENACE EXPENSES (7)	831	6,018	5,187	86	24,075
TOTAL GENERAL EXPENSES (8)	12,975	17,052	4,077	24	68,213
TOTAL HOUSING ASSISTANCE PAYMENTS (9)	5,247,709	5,536,761	289,052	5	22,147,040
TOTAL FINANCING EXPENSES	18,138	18,138	0	0	72,550
TOTAL EXPENSES	5,682,651	6,056,601	373,950	7	24,226,437
NET INCOME	155,965	23,037	132,928	577	92,101

- (1) Lower HAP from HUD -\$241K
- (2) Lower Salaries +\$ 46K & Benefits Less Temp Costs +\$15K
- (3) Lower Management and Bookkeeping Fees +\$28K
- (4) No inspections costs during the month +\$19K
- (5) Higher Temp. Labor Exp. -\$ 43K**
- (6) Misc. Admin. Exp. Section 8, -\$ 12K - not budgeted**
- (7) Lower Contract Costs +\$ 5K, Timing of Contract repairs and Maint.**
- (8) Lower Port-out admin fees & OPEB +\$ 3K
- (9) Lower HAP issued +\$ 289K

Housing Authority of the County of Merced

Central Office Cost Center (cocc)

Budget Comparison

Period = Oct 2022-Dec 2022

	YTD Actual	YTD Budget	Variance	% Var	Annual
			Fav/-Unfav	Fav/-Unfav	
Revenue & Expenses					
INCOME					
TOTAL OTHER INCOME (1,2)	237,105	321,279	-84,174	-26	1,285,110
TOTAL INCOME	237,105	321,279	-84,174	-26	1,285,110
EXPENSES					
TOTAL ADMINISTRATIVE EXPENSES (3,4,5,6)	303,620	257,760	-45,860	-17	1,031,052
TOTAL TENANT SERVICES EXPENSES	467	0	-467	N/A	0
TOTAL UTILITY EXPENSES	11,310	12,147	837	7	48,581
TOTAL MAINTENACE EXPENSES (7)	11,088	21,552	10,464	49	86,200
TOTAL GENERAL EXPENSES (8)	8,541	7,137	-1,404	-20	28,548
TOTAL FINANCING EXPENSES	18,750	18,750	0	0	75,000
TOTAL NON-OPERATING ITEMS	1,968	1,968	0	0	7,873
TOTAL EXPENSES	355,744	319,314	-36,430	-4	1,277,254
NET INCOME	-118,639	1,965	-95,944	-4,883	7,856

- (1) Lower Mgmt and Bookkeeping Fees from HCV -\$19K
- (2) Admin Fee to be booked as Cap Projects are completed -\$41K
- (3) Admin Salary -\$ 4K and Benefits Higher -\$ 12K
- (4) Legal Fees Higher -\$43K
- (5) Admin Misc. Exp Lower +\$ 9K
- (6) Admin Other Exp Lower +\$4K
- (7) Lower Contract Labor Costs +\$11K, Timing of Contract repairs and Maint.**
- (8) Higher Property Ins. Prem. -\$ 1K

Housing Authority of the County of Merced

Langdon Villas (langdon)

Budget Comparison

Period = Oct 2022-Dec 2022

	YTD Actual	YTD Budget	Variance	% Var	Annual
			Fav/-Unfav	Fav/-Unfav	
Revenue & Expenses					
INCOME					
NET TENANT INCOME	18,091	17,646	445	3	70,588
TOTAL OTHER INCOME (1)	67,696	70,260	-2,564	-4	281,046
TOTAL INCOME	85,787	87,906	-2,119	-2	351,634
EXPENSES					
TOTAL ADMINISTRATIVE EXPENSES (2,3)	26,682	19,656	-7,026	-36	78,610
TOTAL UTILITY EXPENSES	68	402	334	83	1,600
TOTAL MAINTENACE EXPENSES (4)	0	2,919	2,919	100	11,682
TOTAL GENERAL EXPENSES	5,416	5,283	-133	-3	21,148
TOTAL FINANCING EXPENSES	38,499	38,499	0	0	154,000
TOTAL NON-OPERATING ITEMS	860	858	-2	0	3,438
TOTAL EXPENSES	71,525	67,617	-3,908	-6	270,478
NET INCOME	14,262	20,289	-6,027	-30	81,156

(1) Management Fee Lower -\$ 3K

(2) Salary Exp. Higher, -\$ 2K

(3) Consultant fees Higher -\$ 6K

(4) Contract Cost Lower +\$ 2K, Timing of Contract repairs and Maint.

Housing Authority of the County of Merced

Obanion Learning Center (obanion)

Budget Comparison

Period = Oct 2022-Dec 2022

	YTD Actual	YTD Budget	Variance	% Var	Annual
			Fav/-Unfav	Fav/-Unfav	
Revenue & Expenses					
INCOME					
NET TENANT INCOME (1,2)	53,478.06	51,084.00	2,394.06	4.69	204,331.00
TOTAL INCOME	53,478.06	51,084.00	2,394.06	4.69	204,331.00
EXPENSES					
TOTAL ADMINISTRATIVE EXPENSES	5,588.73	5,571.00	-17.73	-0.32	22,283.00
TOTAL UTILITY EXPENSES (3)	23,674.97	21,633.00	-2,041.97	-9.44	86,539.00
TOTAL MAINTENACE EXPENSES	9,922.60	9,309.00	-613.60	-6.59	37,220.00
TOTAL GENERAL EXPENSES	1,478.00	711.00	-767.00	-107.88	2,844.00
TOTAL NON-OPERATING ITEMS	13,450.06	13,449.00	-1.06	-0.01	53,800.00
TOTAL EXPENSES	54,114.36	50,673.00	-3,441.36	-6.79	202,686.00
NET INCOME	-636.30	411.00	-1,047.30	-254.82	1,645.00

(1) Tenant Rents -lower -\$ 2K

(2) Tenant Owed Utilities +\$ 4K

(3) Utility Costs Higher - Sewer -\$ 5K, Garbage +\$ 2K

Housing Authority of the County of Merced
 Property = atw dp mid vv-bond pbc-b-atw pbc-b-dp pbc-b-mid

Budget Comparison

Period = Oct 2022-Dec 2022

	PTD Actual	PTD Budget	Variance	% Var	Annual
			Fav/-Unfav	Fav/-Unfav	
Revenue & Expenses					
INCOME					
NET TENANT INCOME (1,2)	219,584	152,925	66,659	44	611,709
TOTAL INCOME	219,584	152,925	66,659	44	611,709
EXPENSES					
TOTAL ADMINISTRATIVE EXPENSES (3,4)	26,056	44,094	18,038	41	176,365
TOTAL UTILITY EXPENSES (5)	25,327	29,124	3,797	13	116,504
TOTAL MAINTENACE EXPENSES (6)	39,588	42,174	2,586	6	168,682
TOTAL GENERAL EXPENSES	10,162	9,408	-754	-8	37,626
TOTAL FINANCING EXPENSES	17,124	17,124	0	0	68,500
TOTAL NON-OPERATING ITEMS	0	10,131	10,131	100	40,519
TOTAL EXPENSES	118,257	152,055	33,798	22	608,196
NET INCOME	101,328	870	100,458	11,547	3,513

- (1) Higher Tenant Assistance Payments +\$ 74K, Lower Tenat Rents -\$ 6K
- (2) Lower Other Tenant Inc. -\$ 2K
- (3) Vacant staff positions +\$ 9K, Lower Benefit costs +\$ 3K
- (4) Legal Exp Lower +\$4K
- (5) Invoices not received +\$4K
- (6) Supplies lower +\$2K
- (7) Fully depreciated at 9/2022, not a cash transaction +\$ 10K

Housing Authority of the County of Merced

Felix Torres Year Round (.fs-fty)

Budget Comparison

Period = Oct 2022-Dec 2022

	YTD Actual	YTD Budget	Variance	% Var	Annual
			Fav/-Unfav	Fav/-Unfav	
Revenue & Expenses					
INCOME					
NET TENANT INCOME	121,806	141,633	-19,827	-14	566,530
TOTAL OTHER INCOME	30	0	30	N/A	0
TOTAL INCOME	121,836	141,633	-19,797	-14	566,530
EXPENSES					
TOTAL ADMINISTRATIVE EXPENSES (2)	11,962	22,746	10,784	47	90,977
TOTAL UTILITY EXPENSES	22,232	25,296	3,064	12	101,175
TOTAL MAINTENACE EXPENSES (5,6)	20,027	26,673	6,646	25	106,679
TOTAL GENERAL EXPENSES	9,494	7,137	-2,357	-33	28,553
TOTAL FINANCING EXPENSES	5,001	5,001	0	0	20,000
TOTAL NON-OPERATING ITEMS	48,868	48,867	-1	0	195,471
TOTAL EXPENSES	117,582	135,720	18,138	13	542,855
NET INCOME	4,253	5,913	-1,660	-28	23,675

(1) Vacancies -\$ 20K

(2) Benefits costs -\$ 3K, Other Admin -\$ 1K

(3) Telephone expenses +\$4K

(4) Utilities Lower +\$ 3K - seasonal fluctuations

(5) Lower Salary +\$ 3K, Higher Gas/oil -\$ 2K

(6) Lower supplies and contract work +\$ 4K, Timing of Contract repairs and Maint.

Housing Authority of the County of Merced

Financial Stmt - Migrant (.fs-mig)

Budget Comparison

Period = Jul 2022-Dec 2022

	YTD Actual	YTD Budget	Variance	% Var	Annual
			Fav/-Unfav	Fav/-Unfav	
Revenue & Expenses					
INCOME					
Total - Grant Income (1)	654,574	754,500	-99,926		1,509,064
TOTAL INCOME					
EXPENSES					
Total - Center Personnel (2)	253,602	356,406	102,804	29	712,800
Total - Operating Expenses (3)	283,601	223,914	-59,687	-27	447,900
Total - Maintenance Expenses (4)	10,088	35,328	25,240	71	70,650
Total - Contractor Administration (5)	65,840	63,648	-2,192	-3	127,315
Total - Debt Service and Replacement (6)	41,443	75,204	33,761	45	150,402
TOTAL EXPENSES	654,574	754,500	-99,926	13	1,509,067

(1) Zero budget, offset to variance in expenses -\$100K

(2) All positions not fully staffed Salary +\$ 53K, Benefits +\$ 49K

(3) Continued higher utilities in 2nd year of contract -Elect. -\$ 60K, Prop. Ins. -\$ 14K

(4) General lower supplies and contract expenses +\$25K, Timing of Contract repairs and Maint. Supplies

(5) Timing of expense compared to budget - Audit -\$ 2K

(6) Timing of payments, total yearend expected to be per budget +\$34K

Total Number of Public Housing Units: 421
 Number of Occupied Units: 414
 Number of Vacant Units: 7

Unit ID	Prospective Resident	Move - In Date	Security Deposit Amount
296	NO	250 Selected From Waitinglist / Pending unit turnover	\$500.00
80	YES	Pending unit turnover	\$500.00
432	NO	250 Selected From Waitinglist / Pending unit turnover	\$500.00
222	YES	Pending unit turnover	\$500.00
411	YES	Pending unit turnover	\$500.00
352	YES	Pending unit turnover	\$500.00
473	YES	Pending unit turnover	\$300.00

Special Program Voucher Counts

Voucher Program Name	Allocation	Voucher Under HAP	Vouchers Searching	Referrals Pending Review/ Documentation	Packets needed to fully HAP
Veterans Affairs Supportive Housing (VASH)	123	112	11	0	0
Emergency Housing Voucher (EHV)	68	32	24	2	10
Mainstream (MS5)	26	9	0	0	17
Shelter Plus Care (SPC)	8	4	1	0	3
Independent Living Program (ILP)	10	7	1	0	2
Family Unification Program (FUP)	27	22	1	1	3
Corrdinated Entry System (CES)	150	110	22	8	10
Adult Protective Services (APS)	10	5	3	1	1
Human Services Agency (HAS)	50	0	1	1	48
Tenant Based Vouchers (HCV)	2721	2540	225	N/A	N/A
Funding for all special programs is through the Department of Housing & Urban Development (HUD).					

STAFF REPORT

TO: Board of Commissioners,
Housing Authority of the County of Merced

FROM: Rosa Vazquez, Executive Director

DATE: February 21, 2023

SUBJECT: Recommendation to adopt **Resolution No. 2023-03**, approving the Public Housing Operating Fund Grant submission for Calendar Year 2023.

The Department of Housing and Urban Development (HUD) provides Operating Fund (OpFund) grants for public housing at the project level on a calendar year basis. HUD provides operating subsidies to Public Housing Authorities (PHAs) to help them meet operating and management expenses. A PHA can use operating funds for operating and management costs, including administration, routine maintenance, anti-crime and anti-drug activities, resident participation in management, insurance costs, energy costs, and costs, as appropriate, related to the operation and management of mixed finance projects and repayment of debt service to finance rehabilitation and development of public housing units.

PHAs must electronically submit separate OpFund grant calculations for each project identified in HUD's Inventory Management System - Public and Indian Housing (PIH) Information Center (IMS-PIC). PHAs submit this information using electronic versions of the forms HUD-52722 and HUD-52723. The Authority is currently working on completing this forms/reports.

In addition to HUD-52722 and HUD-52723, PIH Notice 2020-04 requires that the Authority Board pass a Resolution (the form HUD-52574) approving the PHA's operating budget and that resolution and form must be submitted to the appropriate FO prior to the beginning of the Authority's fiscal year.

RECOMMENDATION

I hereby recommend that the Board of Commissioners of the Housing Authority of the County of Merced adopt **Resolution No. 2023-03**, approving the Public Housing Operating Fund Grant submission for Calendar Year 2023.

RESOLUTION NO. 2023-03

**HOUSING AUTHORITY OF THE COUNTY OF MERCED BOARD
RESOLUTION APPROVING THE PUBLIC HOUSING OPERATING FUND
GRANT SUBMISSION FOR CALENDAR YEAR 2023**

See preprinted Form HUD – 52574 (Exp. 6/30/2022)

The foregoing resolution was introduced at the February 21, 2023 Board meeting of the Board of Commissioners of the Housing Authority of the County of Merced and adopted by the following vote:

Motion: Second:

Ayes:

Nays:

Absent:

Abstain:

Chairperson, Board of Commissioners
Housing Authority of the County of Merced

Dated: February 21, 2023

PHA Board Resolution
Approving Operating Budget

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing -
Real Estate Assessment Center (PIH-REAC)

OMB No. 2577-0026
(exp. 06/30/2022)

Public reporting burden for this collection of information is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This information is required by Section 6(c)(4) of the U.S. Housing Act of 1937. The information is the operating budget for the low-income public housing program and provides a summary of the proposed/budgeted receipts and expenditures, approval of budgeted receipts and expenditures, and justification of certain specified amounts. HUD reviews the information to determine if the operating plan adopted by the public housing agency (PHA) and the amounts are reasonable, and that the PHA is in compliance with procedures prescribed by HUD. Responses are required to obtain benefits. This information does not lend itself to confidentiality.

PHA Name:PHA Code:

PHA Fiscal Year Beginning:Board Resolution Number:

Acting on behalf of the Board of Commissioners of the above-named PHA as its Chairperson, I make the following certifications and agreement to the Department of Housing and Urban Development (HUD) regarding the Board's approval of (check one or more as applicable):

DATE

- Operating Budget approved by Board resolution on:
- Operating Budget submitted to HUD, if applicable, on:
- Operating Budget revision approved by Board resolution on:
- Operating Budget revision submitted to HUD, if applicable, on:

I certify on behalf of the above-named PHA that:

1. All statutory and regulatory requirements have been met;
2. The PHA has sufficient operating reserves to meet the working capital needs of its developments;
3. Proposed budget expenditure are necessary in the efficient and economical operation of the housing for the purpose of serving low-income residents;
4. The budget indicates a source of funds adequate to cover all proposed expenditures;
5. The PHA will comply with the wage rate requirement under 24 CFR 968.110(c) and (f); and
6. The PHA will comply with the requirements for access to records and audits under 24 CFR 968.110(i).

I hereby certify that all the information stated within, as well as any information provided in the accompaniment herewith, if applicable, is true and accurate.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012.31, U.S.C. 3729 and 3802)

Print Board Chairperson's Name:	Signature:	Date:
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STAFF REPORT

TO: Board of Commissioners,
Housing Authority of the County of Merced

FROM: Rosa Vazquez, Executive Director

DATE: February 21, 2023

SUBJECT: Emergency Shelter Program Extension Request – Felix Torres
Farmworker Housing Center

As reported and approved at the January 17, 2023, Board of Commissioners meeting, the Authority entered into a License Agreement with the Department of Housing & Community Development for the use of the Felix Torres Farmworker Housing Center as an Emergency Services Shelter for families and individuals severely impacted by the floods.

The initial license agreement term is set to expire on February 28, 2023. The evacuees and all involved agencies were notified of this initial term on January 15, 2023. A reminder of the expiration of the agreement was provided to families on Friday, February 3, 2023.

Due to the level of devastation and the pace in which aid is being provided to the residents of the City of Planada, the Authority has submitted a request to extend the license agreement period to March 15, 2023. As a result of the extension request the Authority must provide a resolution approving the extension of the agreement.

The Authority continues to fully fund the costs of the initial and extended shelter term by utilizing the previously approved set-aside funds.

RECOMMENDATION:

It is hereby recommended that the Board of Commissioners of the Housing Authority of the County of Merced adopt **Resolution No. 2023-04**, approving extending the Emergency Shelter Program License Agreement at the Felix Torres Farmworker Housing Center.

RESOLUTION # 2023-02

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE COUNTY OF MERCED, CALIFORNIA, AUTHORIZING THE HOUSING AUTHORITY TO REQUEST THE COUNTY OF MERCED / CITY OF PLANADA TO DECLARE A STATE OF LOCAL EMERGENCY, AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A LICENSE AGREEMENT WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT TAKE ANY OTHER CERTAIN ACTIONS NECESSARY TO COOPERATE WITH FEDERAL AND STATE EMERGENCY SERVICES AGENCIES RELATING TO THE FLOOD DISASTER

WHEREAS, on January 9, 2023, President Joseph R. Biden approved an Emergency Declaration for certain California Counties, including the County of Merced; and,

WHEREAS, California Government Code Section 8550 et. seq. confers upon local government agencies, (Cities and Counties) but not Special Districts the ability to declare local emergencies in situations that involve natural disasters such as flooding events; and

WHEREAS, Merced County Office of Emergency Services is currently providing assistance and has declared and maintained evacuation warnings and evacuation orders in the area of the City of Planada, CA, within the geographic boundaries of the Housing Authority of the County of Merced (Authority); and

WHEREAS, the Department of Housing and Community Development, a public agency of the State of California, has requested assistance through the provisioning of the Felix Torres Farmworker Housing Center property for use in the Emergency Shelter Program; and,

WHEREAS, the Authority may incur costs associated with funding expenses for ineligible displaced families who are temporarily housed at the Migrant Center;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Housing Authority of the County of Merced hereby finds and determines the following:

1. The above recitals are true and correct.
2. The Board of Commissioners hereby authorizes the Executive Director to execute an extended License Agreement for the use of the Felix Torres Center and other Authority properties for use in the Emergency Shelter Program, commencing on January 15, 2023, through March 15, 2023, and to otherwise cooperate with Federal, State and Local agencies responding to the flooding disaster / emergency declaration issued by the Federal Government on January 9, 2023.
3. The Executive Director is hereby authorized to request the issuance of local state of emergency declarations by the City of Planada and County of Merced pursuant to California Government Code Section 8550 et. seq. if not already issued.
4. The Executive Director was authorized to expend up to \$70,000 in unbudgeted expenses to provide assistance for displaced families housed at the Felix Torres Center, and is further authorized to seek reimbursement for these costs through from Federal, State and Local funding sources as applicable.

PASSED AND ADOPTED by the Board of Commissioners of the Housing Authority of the County of Merced this 21st day of February, 2023, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Rick Osorio, Chairperson

ATTEST:

Maria Alvarado
Clerk of the Board

STAFF REPORT

TO: Board of Commissioners,
Housing Authority of the County of Merced

FROM: Melina Frederick, Director of Procurement and Asset Management

DATE: February 21st, 2023

SUBJECT: Recommendation to Award Contract: Asphalt Replacement in Dos Palos and Atwater

The Housing Authority of the County of Merced (Authority) has procured for a project to replace several asphalt parking lots in both Dos Palos and Atwater developments. In compliance with the Authority's Procurement Policy, an Invitation for Bids (IFB) was issued on February 1st, 2023 to solicit for sealed bids.

The Authority is required by the procurement policy to seek sealed bids. The Authority advertised by calling and/or emailing twenty-five (33) CSLB registered asphalt contractors, forwarded the IFB package to the Valley Builders Exchange, and made it available on the Authority website.

Bids were due on February 15th, 2023 and opened publicly via a virtual video conference held online on February 15th, 2023. The Authority received 2 bids that were opened alphabetically with the following results:

Contractor Name and City that they are from	Bid Price
Garcia Paving, Inc. – Fresno, CA	\$372,427.39
Kroeker, Inc. – Fresno, CA	\$465,000.00

The bid submitted by Garcia Paving, Inc. is responsive and complete. Housing and Urban Development (HUD) required background research did not result in any disbarments, limited participation and/or other disqualifications. Garcia Paving, Inc. is both a certified Minority Business Enterprise as well as a certified small business with the California Department of General Services. All of the most recent projects done by Garcia Paving, Inc. for CalTrans in the past year were completed on time and within budget.

RECOMMENDATION:

It is hereby recommended that the Board of Commissioners of the Housing Authority of the County of Merced adopt **Resolution No. 2023-05**, awarding the Asphalt Replacement in Dos Palos and Atwater contract to Garcia Paving, Inc. and authorize the Executive Director, Rosa Vazquez, to sign or take any other action necessary to carry out the completion of the work.

RESOLUTION NO. 2023-05

APPROVING THE AWARD OF CONTRACT FOR REPLACEMENT OF ASPHALT AT DOS PALOS AND ATWATER DEVELOPMENTS AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO CONTRACT

WHEREAS, the Housing Authority of the County of Merced budgeted Capital Funds for replacement of asphalt parking lots at the developments on Globe Ave. in Dos Palos and Cameo Ct., Kelso Ct., and Crest Rd. in Atwater, using some of the Capital Fund grant for 2021; and

WHEREAS, the project was advertised in compliance with the Housing Authority of the County of Merced procurement policy and notices were sent to the Valley Builders Exchange and were obtained by State/National database construction companies. Emails were also sent to thirty-three (33) CSLB-certified asphalt companies, and

WHEREAS, two (2) bids were received by the Housing Authority of the County of Merced by the due date of February 15th, 2023; and

WHEREAS, the lowest, most responsive bid was submitted by Garcia Paving, Inc., Fresno, California in the amount of \$372,427.39;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Housing Authority of the County of Merced hereby:

1. Adopt Resolution No. 2023-05 awarding a construction contract to Garcia Paving, Inc., Fresno, California.
2. Approves the expenditure of funds in the amount of \$372,427.39 for the replacement of asphalt parking lots at 2 developments located in Dos Palos and Atwater.
3. Non-compliance of the contract will result in the disqualification of Garcia Paving, Inc.

BE IT FURTHER RESOLVED, that the Board of Commissioners of the Housing Authority of the County of Merced does hereby approve awarding the contract to Garcia Paving, Inc. in the amount of \$372,427.39, and does hereby authorize the Executive Director, to sign or take any other action necessary to ensure compliance of the contract.

The foregoing resolution was introduced at the February 21st, 2023 Board of Commissioners meeting and adopted by the following vote:

Motion:

Second:

Ayes:

Nays:

Absent:

Abstain:

Chairperson, Board of Commissioners
Housing Authority of the County of Merced

Dated: February 21, 2023

STAFF REPORT

TO: Board of Commissioners,
Housing Authority of the County of Merced

FROM: David G. Ritchie, Counsel

DATE: February 21, 2023

SUBJECT: CONSIDERATION OF A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE COUNTY OF MERCED, CALIFORNIA, APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A RIGHT OF WAY CONTRACT – TEMPORARY EASEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR PARCEL NO. 17517-1 AT ELGIN STREET AND RTE 33 IN DOS PALOS, CA.

The Housing Authority are owners of a property located on Parcel 17517-1 in Dos Palos, proximate to the intersection of Elgin St. and RTE 33 in Dos Palos, CA. The State Department of Transportation has requested that the Authority grant an easement on approximately 40 sq. feet of this property until the end of May 2025 for the purposes of completing work required to be performed for the State to adhere to ADA (“Americans with Disabilities Act) standards (for access needed to complete their work.

The State proposes to compensate the Housing Authority (“Grantor”) at fair market value in an amount of \$2,100.00 along with an additional payment of \$1,000.00 for expeditious approval and execution of the Right-of-Way Contract. The affected property will be restored by the Department to a similar condition (vegetation) as it is in at present once their work is concluded.

RECOMMENDATION

Staff recommends approval.

ALTERNATIVES

The Board could decline to approve.

ATTACHMENTS:

Right of Way Contract – Temporary Easement
Payee Data Record Form (State of California)
Appraisal Summary Statement
Resolution No. - 23

RESOLUTION NO. 2023-06

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE COUNTY OF MERCED, CALIFORNIA, APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A RIGHT OF WAY CONTRACT – TEMPORARY EASEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR PARCEL NO. 17517-1 AT ELGIN STREET AND RTE 33 IN DOS PALOS, CA.

WHEREAS, the Housing Authority of the County of Merced (“Authority”) are owners of a parcel located at the intersection of Elgin Street and RTE 33 in Dos Palos, CA (Parcel No 17517-1) (the “Property”); and

WHEREAS, the Department of Transportation has requested a temporary easement for purposes of access to perform certain improvements and repairs necessary for compliance with the Americans with Disabilities Act (ADA); and

WHEREAS, The Parties wish to execute an agreement, to grant the Department a Right-of-Way Contract for a temporary easement upon the Property for the purposes of these activities through the end of May 2025;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Housing Authority of the County of Merced hereby finds and determines the following:

1. The above recitals are true and correct.
2. The Board of Commissioners hereby authorizes the Executive Director to execute the A Right of Way Contract and Temporary Easement, attached hereto as Exhibit “A”.
3. The Board of Commissioners further authorizes the Executive Director to execute any other related documents necessary to give effect to the Right-of-Way Contract
4. This Resolution shall take effect immediately upon adoption of the Board of Commissioners.

PASSED AND ADOPTED by the Board of Commissioners of the Housing Authority of the County of Merced this 21st day of February, 2023 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Rick Osorio, Chairperson

ATTEST:

Maria Alvarado
Clerk of the Board

CONFIDENTIAL
 This document contains personal information and pursuant to Civil Code 1798.21, it shall be kept confidential in order to protect against unauthorized disclosure.

Dist.	Co.	Rte.	P.M.	Parcel No.	Federal Aid Project No.	Date
10	MER	33	1.11	17517-1	N/A	01/23/2023

Owner: Housing Authority of the County of Merced

Date Acquired: Over 5 years ago

Property Address: Corner of Elgin/SR33 & Almond Street

Property to be acquired: Part All

Locale: Dos Palos, CA 93620
 Merced County

Total Property Area: .58 acre

Including Access Rights Yes No

STATUTORY BASIS OF VALUATION

The market value for the property to be acquired by the State is based upon an appraisal prepared in accordance with accepted appraisal principles and procedures.

Code of Civil Procedure Section 1263.320 defines Fair Market Value as follows:

- a) The fair market value of the property taken is the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available.
- b) The fair market value of property taken for which there is no relevant, comparable market is its value on the date of valuation as determined by any method of valuation that is just and equitable.

Code of Civil Procedure Section 1263.321 defines the Value for Nonprofit, Special Use Property as follows:

A just and equitable method of determining the value of nonprofit, special use property for which there is no relevant, comparable market is as set forth in Section 824 of the Evidence Code, but subject to the exceptions set forth in subdivision © of Section 824 of the Evidence Code.

The market value for the property to be acquired by the State is based upon Code of Civil Procedure Section 1263.320 as defined above.

BASIC PROPERTY DATA

Interest valued: Temporary Construction Easement and Fee

Date of valuation: Original Updated

Applicable zoning: P-I (Public Institutional)

Area to be acquired: Parcel 17517-1: 40 sq. ft (TCE)

Highest and best use: C-2 (General-Commercial)

Current use: P-I (Public Institutional)

AREAS WITHIN THE RIGHT OF WAY

Sub-parcel
17517-1

Area
40 sq. ft (TCE)

Total Area = 40 sq. ft

IMPROVEMENTS WITHIN THE RIGHT OF WAY

Item	Size
Miscellaneous vegetation/landscape	Minor

Lump Sum Total = \$1,000

APPRAISAL SUMMARY STATEMENT (Cont.)
(Form #)

Value of the Entire Property- Land Only \$ _____ N/A

Value of the property being acquired including the following improvements:
40 sq. ft. x \$13.91 sq. ft. x 10% x 26/12 = 120.55

Land (TCE) \$ 120.55

Improvements \$ 1.000

\$ _____ 1,120.55

Value of the remainder as part of the whole before the State's acquisition

\$ _____ N/A

Value of the remainder as a separate parcel (cured)

\$ _____ N/A

Severance Damages (see page 4):

Cost to Cure Damages: \$ _____ 0.00

Incurable Damages: \$ _____ 0.00

Total Damages: \$ _____ 0.00

Benefits (see page 4): \$ _____ N/A

Net Damages: \$ _____ 0.00

The amount of any other compensation: \$ _____ N/A

JUST COMPENSATION FOR ACQUISITION \$ _____ \$1,120.55

Rounded To \$ _____ **\$1,100**

Construction Contract Work \$ _____ N/A

SEVERANCE DAMAGES

COST TO CURE DAMAGE ITEMS

Item	Size
None	

Lump Sum Total \$0.00

INCURABLE DAMAGES

Lump Sum Total 0.00

TOTAL DAMAGES \$0.00

BENEFITS

(Narrative Explanation, & calculations, if applicable)

Lump Sum Total N/A

NET DAMAGES (Total Damages less Benefits) \$0.00

CONSTRUCTION CONTRACT WORK ITEMS

THE FOLLOWING INFORMATION IS BASED ON A PARTIAL ACQUISITION

1.	The Sales Comparison approach is based on the consideration of comparable land and improved sales. Indicated value by Sales Comparison Approach See attached sheet for principal transactions.	\$ <u>13.91 sq. ft</u>
2.	The cost approach is based in part on a replacement cost new of improvements less depreciation. Cost information was obtained from cost service publications and/or knowledgeable vendors. Total Replacement Cost New Depreciation from all causes Value of Improvements in Place	\$ <u>N/A</u> \$ <u>(N/A)</u> \$ <u>N/A</u>
	Land (estimated by direct sales comparison) Indicated value by Cost Approach	\$ <u>N/A</u> \$ <u>0.00</u>
3.	The income approach is based on an analysis of income and expenses to the property. Overall Capitalization Rate Net Operating Income Indicated value by Income Approach	N/A \$ <u>N/A</u> \$ <u>N/A</u>
4.	Other Indicated value	\$ <u>N/A</u>

SUMMARY OF THE BASIS FOR JUST COMPENSATION

The Sales Comparison Approach to value was used to appraise the land value of the larger parcel and acquisition since this approach is the most reliable indicator of the value of agricultural land. There are no building improvements on the property that were affected by the acquisition, therefore, the cost approach was not utilized. The income approach to value was not applied as it is generally not used for the valuation of vacant land.

Because the State requires a partial acquisition of the subject, an analysis of damages and benefits to the remainder was made. There are no curable or incurable damages to the remainder as a result of the proposed project. Likewise, there are no benefits accruing to the remainder as a result of the construction of the project.

LIST OF PRINCIPAL TRANSACTIONS – VACANT

ADDRESS: 5th Street between K & L Streets
APN: 040-033-008
SALE DATE: 01/04/2021
SALE PRICE: \$2,000
LOT SIZE: 0.23 acre

ADDRESS: 1637 California Ave, Dos Palos, CA 93260
APN: 012-142-016
SALE DATE: 06/07/2021
SALE PRICE: \$33,000
LOT SIZE: 0.24 acre

ADDRESS: 1508 Center Ave, Dos Palos, CA 93260
APN: 012-144-027
SALE DATE: 03/22/2022
SALE PRICE: \$80,000
LOT SIZE: 0.13 acre

PAYEE DATA RECORD

(Required when receiving payment from the State of California in lieu of IRS W-9 or W-7)

STD 204 (Rev. 03/2021)

Section 1 – Payee Information

NAME (This is required. Do not leave this line blank. Must match the payee's federal tax return)	
Housing Authority Company of Merced	
BUSINESS NAME, DBA NAME or DISREGARDED SINGLE MEMBER LLC NAME (If different from above)	
MAILING ADDRESS (number, street, apt. or suite no.) (See instructions on Page 2)	
405 U Street	
CITY, STATE, ZIP CODE	E-MAIL ADDRESS
Merced, CA 95341	

Section 2 – Entity Type

Check one (1) box only that matches the entity type of the Payee listed in Section 1 above. (See instructions on page 2)	
<input type="checkbox"/> SOLE PROPRIETOR / INDIVIDUAL <input type="checkbox"/> SINGLE MEMBER LLC <i>Disregarded Entity owned by an individual</i> <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> ESTATE OR TRUST	CORPORATION (see instructions on page 2) <input type="checkbox"/> MEDICAL (e.g., dentistry, chiropractic, etc.) <input type="checkbox"/> LEGAL (e.g., attorney services) <input type="checkbox"/> EXEMPT (e.g., nonprofit) <input type="checkbox"/> ALL OTHERS

Section 3 – Tax Identification Number

<p>Enter your Tax Identification Number (TIN) in the appropriate box. The TIN must match the name given in Section 1 of this form. Do not provide more than one (1) TIN. The TIN is a 9-digit number. Note: Payment will not be processed without a TIN.</p> <ul style="list-style-type: none"> For Individuals, enter SSN. If you are a Resident Alien, and you do not have and are not eligible to get an SSN, enter your ITIN. Grantor Trusts (such as a Revocable Living Trust while the grantors are alive) may not have a separate FEIN. Those trusts must enter the individual grantor's SSN. For Sole Proprietor or Single Member LLC (disregarded entity), in which the sole member is an individual, enter SSN (ITIN if applicable) or FEIN (FTB prefers SSN). For Single Member LLC (disregarded entity), in which the sole member is a business entity, enter the owner entity's FEIN. Do not use the disregarded entity's FEIN. For all other entities including LLC that is taxed as a corporation or partnership, estates/trusts (with FEINs), enter the entity's FEIN. 	<p>Social Security Number (SSN) or Individual Tax Identification Number (ITIN)</p> <p style="text-align: center;">_____ - _____ - _____</p> <p style="text-align: center;">OR</p> <p>Federal Employer Identification Number (FEIN)</p> <p style="text-align: center;">_____ - _____ - _____</p>
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Section 4 – Payee Residency Status (See instructions)

<input checked="" type="checkbox"/> CALIFORNIA RESIDENT – Qualified to do business in California or maintains a permanent place of business in California.
<input type="checkbox"/> CALIFORNIA NONRESIDENT – Payments to nonresidents for services may be subject to state income tax withholding.
<input type="checkbox"/> No services performed in California <input type="checkbox"/> Copy of Franchise Tax Board waiver of state withholding is attached.

Section 5 – Certification

<i>I hereby certify under penalty of perjury that the information provided on this document is true and correct. Should my residency status change, I will promptly notify the state agency below.</i>		
NAME OF AUTHORIZED PAYEE REPRESENTATIVE	TITLE	E-MAIL ADDRESS
Rosa Vazquez	Executive Director	
SIGNATURE	DATE	TELEPHONE (include area code)

Section 6 – Paying State Agency

Please return completed form to:			
STATE AGENCY/DEPARTMENT OFFICE		UNIT/SECTION	
California Department of Transportation		4698	
MAILING ADDRESS		FAX	TELEPHONE (include area code)
1976 East Dr. Martin Luther King Jr. Blvd.			
CITY	STATE	ZIP CODE	E-MAIL ADDRESS
Stockton	CA	95206	kaitlyn.mcginnis@dot.ca.gov

PAYEE DATA RECORD

(Required when receiving payment from the State of California in lieu of IRS W-9 or W-7)
STD 204 (Rev. 03/2021)

GENERAL INSTRUCTIONS

Type or print the information on the Payee Data Record, STD 204 form. Sign, date, and return to the state agency/department office address shown in Section 6. Prompt return of this fully completed form will prevent delays when processing payments.

Information provided in this form will be used by California state agencies/departments to prepare Information Returns (Form 1099).

NOTE: Completion of this form is optional for Government entities, i.e. federal, state, local, and special districts.

A completed Payee Data Record, STD 204 form, is required for all payees (non-governmental entities or individuals) entering into a transaction that may lead to a payment from the state. Each state agency requires a completed, signed, and dated STD 204 on file; therefore, it is possible for you to receive this form from multiple state agencies with which you do business.

Payees who do not wish to complete the STD 204 may elect not to do business with the state. If the payee does not complete the STD 204 and the required payee data is not otherwise provided, payment may be reduced for federal and state backup withholding. Amounts reported on Information Returns (Form 1099) are in accordance with the Internal Revenue Code (IRC) and the California Revenue and Taxation Code (R&TC).

Section 1 – Payee Information

Name – Enter the name that appears on the payee's federal tax return. The name provided shall be the tax liable party and is subject to IRS TIN matching (when applicable).

- Sole Proprietor/Individual/Revocable Trusts – enter the name shown on your federal tax return.
- Single Member Limited Liability Companies (LLCs) that is disregarded as an entity separate from its owner for federal tax purposes - enter the name of the individual or business entity that is tax liable for the business in section 1. Enter the DBA, LLC name, trade, or fictitious name under Business Name.
- Note: for the State of California tax purposes, a Single Member LLC is not disregarded from its owner, even if they may be disregarded at the Federal level.
- Partnerships, Estates/Trusts, or Corporations – enter the entity name as shown on the entity's federal tax return. The name provided in Section 1 must match to the TIN provided in section 3. Enter any DBA, trade, or fictitious business names under Business Name.

Business Name – Enter the business name, DBA name, trade or fictitious name, or disregarded LLC name.

Mailing Address – The mailing address is the address where the payee will receive information returns. Use form STD 205, Payee Data Record Supplement to provide a remittance address if different from the mailing address for information returns, or make subsequent changes to the remittance address.

Section 2 – Entity Type

If the Payee in Section 1 is a(n)...	THEN Select the Box for...
Individual • Sole Proprietorship • Grantor (Revocable Living) Trust disregarded for federal tax purposes	Sole Proprietor/Individual
Limited Liability Company (LLC) owned by an individual and is disregarded for federal tax purposes	Single Member LLC-owned by an individual
Partnerships • Limited Liability Partnerships (LLP) • and, LLC treated as a Partnership	Partnerships
Estate • Trust (other than disregarded Grantor Trust)	Estate or Trust
Corporation that is medical in nature (e.g., medical and healthcare services, physician care, nursery care, dentistry, etc.) • LLC that is to be taxed like a Corporation and is medical in nature	Corporation-Medical
Corporation that is legal in nature (e.g., services of attorneys, arbitrators, notary publics involving legal or law related matters, etc.) • LLC that is to be taxed like a Corporation and is legal in nature	Corporation-Legal
Corporation that qualifies for an Exempt status, including 501(c) 3 and domestic non-profit corporations.	Corporation-Exempt
Corporation that does not meet the qualifications of any of the other corporation types listed above • LLC that is to be taxed as a Corporation and does not meet any of the other corporation types listed above	Corporation-All Other

Section 3 – Tax Identification Number

The State of California requires that all parties entering into business transactions that may lead to payment(s) from the state provide their Taxpayer Identification Number (TIN). The TIN is required by R&TC sections 18646 and 18661 to facilitate tax compliance enforcement activities and preparation of Form 1099 and other information returns as required by the IRC section 6109(a) and R&TC section 18662 and its regulations.

Section 4 – Payee Residency Status

Are you a California resident or nonresident?

- A corporation will be defined as a "resident" if it has a permanent place of business in California or is qualified through the Secretary of State to do business in California.
- A partnership is considered a resident partnership if it has a permanent place of business in California.
- An estate is a resident if the decedent was a California resident at time of death.
- A trust is a resident if at least one trustee is a California resident.
 - For individuals and sole proprietors, the term "resident" includes every individual who is in California for other than a temporary or transitory purpose and any individual domiciled in California who is absent for a temporary or transitory purpose. Generally, an individual who comes to California for a purpose that will extend over a long or indefinite period will be considered a resident. However, an individual who comes to perform a particular contract of short duration will be considered a nonresident.

For information on Nonresident Withholding, contact the Franchise Tax Board at the numbers listed below:

Withholding Services and Compliance Section: 1-888-792-4900

E-mail address: wscs.gen@ftb.ca.gov

For hearing impaired with TDD, call: 1-800-822-6268

Website: www.ftb.ca.gov

Section 5 – Certification

Provide the name, title, email address, signature, and telephone number of individual completing this form and date completed. In the event that a SSN or ITIN is provided, the individual identified as the tax liable party must certify the form. Note: the signee may differ from the tax liable party in this situation if the signee can provide a power of attorney documented for the individual.

Section 6 – Paying State Agency

This section must be completed by the state agency/department requesting the STD 204.

Privacy Statement

Section 7(b) of the Privacy Act of 1974 (Public Law 93-579) requires that any federal, state, or local governmental agency, which requests an individual to disclose their social security account number, shall inform that individual whether that disclosure is mandatory or voluntary, by which statutory or other authority such number is solicited, and what uses will be made of it. It is mandatory to furnish the information requested. Federal law requires that payment for which the requested information is not provided is subject to federal backup withholding and state law imposes noncompliance penalties of up to \$20,000. You have the right to access records containing your personal information, such as your SSN. To exercise that right, please contact the business services unit or the accounts payable unit of the state agency(ies) with which you transact that business.

All questions should be referred to the requesting state agency listed on the bottom front of this form.

STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY CONTRACT - STATE HIGHWAY – TEMPORARY EASEMENT

RW 8-4 (REV 06/1995)

DISTRICT 10	COUNTY MER	ROUTE 33	POSTMILE 1.11	EXP AUTH/PROJ ID 10-1G250/1018000276
			DATE	
GRANTOR(S): Housing Authority of the County of Merced				

THIS DOCUMENT NO., **Parcel 17517-1**, in the form of a **TEMPORARY EASEMENT**, covering the property particularly described in Clause 3 below has been executed and delivered to **Kaitlyn McGinnis**, Right of Way Agent for the State of California.

In consideration of which, and the other considerations hereinafter set forth, it is mutually agreed as follows:

1. The parties have herein set forth the whole of their agreement. The performance of this agreement constitutes the entire consideration and shall relieve the State of all further obligation or claims on this account, or on account of the location, grade or construction of the proposed public improvement.
2. The State shall pay the undersigned grantor(s) the sum of **\$2,100** for this Temporary Easement.
3. In addition to the Fair Market Value, it is agreed by and between the parties hereto that the amount in clause 2 above includes the sum of **\$1,000.00** as an incentive to the grantors for the timely signing of this Right of Way Contract. This incentive payment offer expires sixty (60) days from the Initiations of Negotiations beginning .
4. Permission is hereby granted to the State or its authorized agent to enter upon grantor’s land where necessary within that certain area outlined in orange on the map marked “Exhibit A” attached hereto and made a part hereof, for the purpose of upgrades that are needed meet current ADA standards. The TCE is required for access to the construction area.
5. This Temporary Easement shall terminate upon completion of the project known as MER 140 Americans with Disabilities Act (ADA) Upgrade on **May 01, 2025** or upon completion of the work, whichever occurs first. Project is set to begin on **March 21, 2023**.
6. The undersigned grantor(s) warrant(s) that they are the owners(s) in fee simple of the property affected by these Temporary Easement(s) as described in Clause 3 above and that they have the exclusive right to grant this Temporary Easement.
7. The undersigned Grantor(s) hereby agree(s) and consent(s) to the dismissal of any eminent domain action in the Superior Court wherein the herein described land is included and waive(s) any and all claims to any money that may now be on deposit in said action.
8. It is agreed between the parties hereto that the State is not assuming responsibility for payment or cancellation of any assessments. Assessments remain the obligation of the Grantor(s), and payment for the property acquired under this transaction is made upon the basis that the Grantor(s) retain(s) his (their) obligation to the levying body respecting any assessments.
9. Any and all monies payable under this contract, subject to the demands made by superior lienholders, up to and including the total amount due on financing statements, if any, shall, upon demand, be made payable to

RIGHT OF WAY CONTRACT-STATE HIGHWAY

RW 8-3 (Rev. 6/1995)

the holder thereof, said holder to furnish debtor with good and sufficient receipt showing said monies credited against the indebtedness secured by said Financing Statement.

10. In consideration of the State's waiving any defects and imperfections in all matters of record title, the undersigned Grantor(s) covenant(s) and agree(s) to indemnify and hold the State of California harmless from any and all claims that other parties may make or assert on the title to the premises. The Grantors' obligation herein to indemnify the State shall not exceed the amount paid to the Grantor(s) under this Contract.
11. The acquisition price of the property being acquired in this transaction reflects the fair market value of the property without the presence of contamination. If the property being acquired is found to be contaminated by the presence of hazardous waste which requires mitigation under Federal or State law, the State may elect to recover its cleanup costs from those who caused or contributed to the contamination.
12. It is understood and agreed by and between the parties hereto that payment in Clause (2) above includes, but is not limited to, payment for the following items, which are considered to be part of the realty and are being acquired by the State in this transaction:
 - Miscellaneous landscape and vegetation
13. It is understood and agreed by and between the parties hereto that included in the amount payable under Clause (2) above is payment in full to compensate Grantor(s) for the expense of performing the following work on the remainder:
 - Reestablish miscellaneous landscape and vegetation
14. At no expense to the Grantor(s) and at the time of highway construction, State shall perform the following work:
 - Any existing/impacted driveway(s) will be perpetuated as part of Construction Contract Work by the State's contractor at no cost to the grantor.
 - Note: When alternative access is not available while conducting construction activities, the State's contractor will, where possible, work with the grantor to maintain convenient access to driveways, houses, and buildings during construction.
15. Permission is hereby granted to State or its authorized agent to enter upon Grantor's property, where necessary, to perform the above construction work. Grantor(s) understand(s) and agree(s) that after completion of the work described in Clause 14, said facilities will be considered as Grantor's sole property and Grantor(s) will be responsible for their maintenance and repair.
16. It is understood and agreed by and between the parties hereto, that escrow will close, and payment will be made to the Grantor(s) after execution of this Right of Way Contract unless the current economic conditions of the State Budget necessitate that payment be deferred or the Contract cancelled.
17. This transaction will be handled through an internal escrow by the State of California, Department of Transportation, Right of Way Department, District 10 Office, 1976 East Dr. Martin Luther King Jr. Boulevard, Stockton, CA 95205 (Mailing Address: P.O. Box 2048, Stockton, CA 95201).
18. The Parties to this Contract shall, pursuant Section 21.7(a) of Title 49, Code of Federal Regulations, comply with all elements of Title VI of the Civil Rights Act of 1964. This requirement under Title VI and the Code of Federal Regulations is to complete the USDOT- Non-Discrimination Assurance requiring compliance with Title VI of the Civil Rights Act of 1964, 49 C.F.R. Part 21 and 28 C.F.R. Section 50.3.

RIGHT OF WAY CONTRACT-STATE HIGHWAY

RW 8-3 (Rev. 6/1995)

19. No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that is the subject to of this contract.

In Witness Whereof, the Parties have executed this agreement the day and year first above written.

RIGHT OF WAY CONTRACT-STATE HIGHWAY

RW 8-3 (Rev. 6/1995)

Grantor(s): Housing Authority of the County of Merced

Dated: _____

By: _____
HOUSING AUTHORITY
Executive Director

Dated: _____

By: _____

Recommended for Approval:

Approved:

By: _____
KAITLYN MCGINNIS
Right of Way Agent

STATE OF CALIFORNIA
Department of Transportation

By: _____
JAMES D. GONZALEZ
Assistant Chief – Stockton Office
District 10 Right of Way

By: _____
CHRISTOPHER CIERO
Acquisition Chief – Stockton Office
District 10 Right of Way

NO OBLIGATION OTHER THAN THOSE SET FORTH HEREIN WILL BE RECOGNIZED

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.