



SPECIAL MEETING OF THE MADERA CITY COUNCIL

205 W. 4th Street, Madera, California 93637

NOTICE AND AGENDA

Wednesday, May 10, 2023
7:00 p.m.

Council Chambers
City Hall

The Madera City Council meetings are open to the public. This meeting will also be available for public viewing and participation through Zoom. Members of the public may also observe the live streamed meeting on the City's website at www.madera.gov/live. Members of the public may comment on agenda items at the meeting or remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: 828 5241 5137#. Comments will also be accepted via email at citycouncilpubliccomment@madera.gov or by regular mail at 205 W. 4th Street, Madera, CA 93637.

CALL TO ORDER:

ROLL CALL: Mayor Santos Garcia
Mayor Pro Tem Elsa Mejia, District 5
Councilmember Cece Gallegos, District 1
Councilmember Jose Rodriguez, District 2
Councilmember Steve Montes, District 3
Councilmember Anita Evans, District 4
Councilmember Artemio Villegas, District 6

INVOCATION:

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

PUBLIC COMMENT:

Members of the public shall have an opportunity to address the City Council regarding matters on this Agenda at the time the agenda item is called. Speakers should limit their comments to three (3) minutes.

A. CONSENT CALENDAR:

A-1 Letter of Support for the League of California Cities regarding Fentanyl Crisis

Recommendation: Approve a Minute Order Approving a Letter of Support for the League of California Cities' Call for Legislative Action on the Ongoing Fentanyl Crisis (Report by Arnaldo Rodriguez)

B. PETITIONS, BIDS, RESOLUTIONS, ORDINANCES, AND AGREEMENTS:

B-1 City Attorney Services

Recommendation: Request for direction regarding obtaining City Attorney Services due to the pending retirement of current City Attorney (Report by Wendy Silva)

ADJOURNMENT:

UPCOMING MEETING DATES:

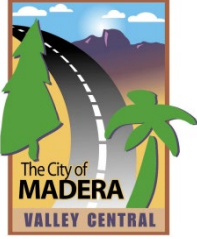
- Wednesday, May 17, 2023
- Wednesday, June 7, 2023

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- The meeting room is accessible to the physically disabled. Requests for accommodations for persons with disabilities such as signing services, assistive listening devices, or alternative format agendas and reports needed to assist participation in this public meeting may be made by calling the City Clerk's Office at (559) 661-5405 or emailing cityclerkinfo@madera.gov. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service. Requests should be made as soon as practicable as additional time may be required for the City to arrange or provide the requested accommodation. Requests may also be delivered/mailed to: City of Madera, Attn: City Clerk, 205 W. 4th Street, Madera, CA 93637. At least seventy-two (72) hours' notice prior to the meeting is requested but not required. When making a request, please provide sufficient detail that the City may evaluate the nature of the request and available accommodations to support meeting participation. Please also provide appropriate contact information should the City need to engage in an interactive discussion regarding the requested accommodation.
 - The services of a translator can be made available. Please contact the City Clerk's Office at (559) 661-5405 or emailing cityclerkinfo@madera.gov to request translation services for this meeting. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service. Requests should be submitted in advance of the meeting to allow the City sufficient time to provide or arrange for the requested services. At least seventy-two (72) hours' notice prior to the meeting is requested but not required.
 - Please silence or turn off cell phones and electronic devices while the meeting is in session.
 - Regular meetings of the Madera City Council are held the 1st and 3rd Wednesday of each month at 6:00 p.m. in the Council Chambers at City Hall.
 - A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (559) 661-5405 or by email at cityclerkinfo@madera.gov.
 - Questions regarding the meeting agenda or conduct of the meeting, please contact the City Clerk's Office at (559) 661-5405.
 - Para asistencia en español sobre este aviso, por favor llame al (559) 661-5405.

I, Alicia Gonzales, City Clerk for the City of Madera, declare under penalty of perjury that I posted the above agenda for the Special Meeting of the Madera City Council for May 10, 2023, near the front entrances of City Hall and on the City's website www.madera.gov at 2:45 p.m. on May 9, 2023.



Alicia Gonzales, City Clerk



REPORT TO CITY COUNCIL

Approved by:

Arnaldo Rodriguez, City Manager

Council Meeting of: May 10, 2023

Agenda Number: A-1

SUBJECT:

Letter of Support for the League of California Cities regarding Fentanyl Crisis

RECOMMENDATION:

Approve a Minute Order approving a Letter of Support for the League of California Cities' call for legislative action on the ongoing fentanyl crisis.

SUMMARY:

On May 5, 2023, the City received a request from the League of California Cities (Cal Cities) for a letter supporting their participation in an upcoming informational hearing hosted by the State Assembly Committee on Public Safety regarding the ongoing fentanyl crisis and the need for legislative action. Prior to this, Cal Cities released an action alert request for support for critical fentanyl-related legislation, which will be the topic of discussion in the informational hearing. This report intends to provide contextual information on these Assembly Bills, which will serve as the foundation of Cal Cities' stance on the matter.

BACKGROUND:

Communities throughout California are struggling with an evolving opioid crisis, which is now driven by the increase in synthetic opioid-related deaths, primarily fentanyl. According to the Centers for Disease Control and Prevention, 71,000 people died from a synthetic opioid-related overdose in the United States in 2021, of which 7,000 deaths occurred in California. In response, Cal Cities has recently called on lawmakers to take action on four key pieces of legislation to help address the fentanyl crisis that is spreading throughout the state.

DISCUSSION:

Pharmaceutical fentanyl is a synthetic opioid approved for treating severe pain, typically advanced cancer or post-surgical pain. It is prescribed as transdermal patches or lozenges, which slowly dissolve in the mouth, and it is 50 times stronger than heroin and 100 times more potent than morphine. While opioid overuse initially stemmed from over-prescribing legal opioid drugs,

the most recent cases of fentanyl-related harm, overdose, and deaths are linked to illicitly made fentanyl. This fentanyl is sold through illegal drug markets for its heroin-like effect. It is often mixed with heroin, methamphetamine, or cocaine as a combination product—with or without the user’s knowledge. Rates of overdose deaths involving illicit fentanyl and fentanyl analogs have increased dramatically over the last several years. Fentanyl overdoses accounted for one in five deaths among people ages 15 to 24 in California in 2021, with figures expected to increase in 2022. Drug overdoses nationwide have claimed more than 100,000 lives annually since 2020, with about two-thirds fentanyl-related.

In response to the growing number of fentanyl overdoses, lawmakers have developed several Assembly Bills (AB) recently heard at April 27, 2023, Public Health Committee meeting and are scheduled to be discussed at future hearings, not yet announced. Because of the delay in legislative action, Cal Cities has requested the opportunity to participate in the hearings and is seeking letters of support from local municipalities, affirming their support for more stringent laws related to fentanyl overdose, prevention, penalties, and restrictions. The following summarizes the Assembly Bills that form the basis of Cal Cities’ stance.

1. AB 33 (Bains) Fentanyl Addiction and Overdose Prevention Task Force
 - Would establish the Fentanyl Addiction and Overdose Prevention Task Force to undertake various duties relating to fentanyl abuse.
 - The Task Force would collect and analyze data on the extent of fentanyl abuse and identify sources of legal and illicit activity.
 - The Task Force would evaluate the progress and efficacy of the State’s education, outreach, prevention, treatment, and enforcement efforts concerning fentanyl abuse.
 - The Task Force would be cochaired by the Attorney General and the Surgeon General or their designees.
 - Would require the task force’s first meeting to occur no later than March 1, 2024, with a meeting to be held at least once every two months.
 - Task Force would report any findings and recommendations to the Governor and the Legislature by January 1, 2024.
 - This Bill was recently passed on April 27, 2023, by the Public Safety Committee and can be found [here](#).

2. AB 367 (Maienschein) Controlled Substances: Enhancements.
 - Would clarify that the “great bodily injury” sentence enhancement applies when a person sells or otherwise provides fentanyl to someone who subsequently suffers a significant physical injury from using the substance.
 - This sentencing enhancement would not apply to juvenile offenders.
 - This Bill aims to deter people who illegally sell, furnish, administer, or give away fentanyl and are caught by atomically applying a 3- or 5-year term when the recipient dies or suffers a severe bodily injury after using it.

- This Bill was recently heard on April 27, 2023, by the Public Safety Committee and initially rejected before reconsideration was granted to be heard at a future meeting. Assembly Bill 367 can be found [here](#).
3. AB 474 (Rodriguez) State Threat Assessment Center: Transnational Criminal Organizations.
- Would require the State Threat Assessment Center (STAC) and the California Office of Emergency Services to prioritize, to the greatest extent possible, cooperation with state and local efforts to disrupt and dismantle criminal networks trafficking opioid drugs that pose a threat to California.
 - STAC would be required to prepare and share intelligence products for public safety entities and analyze tactics and trends of Transnational Criminal Organizations (TCOs) operating in California.
 - STAC would be required to share this information with policymakers and state and local public safety officials, the extent to which TCOs are trafficking opioids in California.
 - This Bill was unanimously passed at the April 27, 2023, Public Safety Committee meeting and can be found [here](#).
4. AB 955 (Petrie-Norris) Controlled Substances
- Would make the sale of fentanyl on a social media platform in California punishable by imprisonment in a county jail for 3, 6, or 9 years.
 - Existing law establishes the term of imprisonment for the above-listed crimes as 2, 3, or 4 years.
 - This Bill was unanimously passed at the April 27, 2023, Public Safety Committee meeting and can be found [here](#).

The impact of fentanyl is not outside of Madera's purview. In February of this year, the Madera Police Department highlighted the impact fentanyl has had on the community; three fentanyl-related overdoses were treated within 48 hours. A month prior, a Madera resident was sentenced to seven years in prison for possession with intent to distribute fentanyl after providing 7,000 fake oxycodone pills containing fentanyl to a distributor in Placer County. In November 2022, Madera County Sheriff and other local law enforcement agencies produced the most significant drug seizure in County history and made nearly 30 arrests as part of Operation Trifecta. The seizure led to confiscating of 1,300 pounds of methamphetamine, four kilograms of heroin, and two kilograms of fentanyl, occurring in several places throughout the state.

Several Assembly committees will hold joint informational hearings in May and June 2023 to discuss the fentanyl crisis and possible legislative solutions. Cal Cities has issued a statement of its intent to participate in the hearings and to share the experiences of communities most impacted by fentanyl-related deaths. To support their discussion, Cal Cities has requested letters of support highlighting the critical need for legislation to stop the spread of fentanyl usage and to increase intervention efforts, educational awareness, and access to overdose treatment throughout California.

FINANCIAL IMPACT:

The signing of the Letter of Support has no direct economic impact on the City.

ALTERNATIVES:

Council may elect to decline the submittal of the support letter.

ATTACHMENTS:

1. Letter of Support



May 8, 2023

The Honorable Anthony Rendon
Speaker, California State Assembly
1021 O Street, Suite 8330
Sacramento, CA 95814

The Honorable James Gallagher
Republican Leader, State Assembly
1021 O Street, Suite 4740
Sacramento, CA 98514

RE: Action Needed on Fentanyl and Substance Use-Related Legislation

Dear Speaker Rendon and Assembly Republican Leader Gallagher,

The City of Madera supports the League of California Cities (Cal Cities) request to participate in the upcoming informational hearing on fentanyl and urges the Legislature to take further action this year to address the fentanyl crisis.

Cities are committed to enacting legislative solutions that strike an appropriate balance between community justice and public safety. However, delaying additional legislative action another year will undoubtedly result in many more preventable lives lost. Constituents throughout California are relying on their legislators to act swiftly.

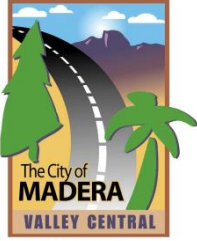
Fentanyl poisonings and the rising death toll illustrate a complex issue that requires a multi-faceted and collaborative approach. Cal Cities supports additional funding and resources to address the substance use crisis through appropriate prevention and intervention efforts, educational awareness campaigns, and increased access to life-saving overdose treatment aids such as naloxone.

Cities not only welcome increased collaboration with our state and federal partners, but we truly require it in order to meaningfully address the fentanyl crisis facing our communities.

For these reasons, the City of Madera calls on the Legislature to thoughtfully deliberate on and provide solutions for one of the most pressing issues of our time. If you have any questions or would like to discuss this further, please contact Elisa Arcidiacono at earcidiacono@calcities.org or Caroline Cirrincione at ccirincione@calcities.org.

Sincerely,

Santos Garcia
Mayor



REPORT TO CITY COUNCIL

Approved by:

Wendy Silva
Wendy Silva, Director of Human Resources

Arnoldo Rodriguez
Arnoldo Rodriguez, City Manager

Council Meeting of: May 10, 2023

Agenda Number: B-1

SUBJECT:

City Attorney Services

RECOMMENDATION:

Request for direction regarding obtaining City Attorney Services due to the pending retirement of current City Attorney

SUMMARY:

The City Attorney is a direct report of the City Council. The City currently contracts with Montoy Law Corporation, and specifically Hilda Cantú Montoy, to provide City Attorney services. Ms. Montoy has announced her retirement, with City Attorney services to the City of Madera ceasing June 30, 2023. At staff's request, Ms. Montoy has agreed to continue until July 15, 2023, to allow for sufficient time to complete the recruitment process. She has also offered to assist after that date with the transition to a new City Attorney; however, she will no longer act in the capacity of City Attorney for Madera. At this time, staff is requesting direction from Council regarding next steps in securing City Attorney services due to Ms. Montoy's retirement.

DISCUSSION:

Prior to 2019, the City utilized an in-house City Attorney service delivery model. Over time, this model consisted of one to two attorneys on staff and one paralegal. In 2019, the City moved to a contract service delivery model for City Attorney services. The services have been provided by Montoy Law Corporation, with Hilda Cantú Montoy designated as City Attorney for the City of Madera. Ms. Montoy has advised the City Council of her intent to retire. She has provided the City written notice that she will cease as the City of Madera City Attorney after June 30, 2023. At this time, staff is requesting direction from the City Council regarding next steps in securing services to commence upon Ms. Montoy's retirement.

Contract Services

The City Council may desire to continue to obtain City Attorney services through the contract model that is currently in place. Under this model, the City Attorney is not an employee of the City but is a contractor providing service. The services may be provided by a single attorney or firm depending on the final provider selected and approved by the City Council.

Under the City's purchasing ordinance, a Request for Proposals (RFP) is optional when considering contracting for professional services, such as legal advice and related services. However, an RFP is generally best practice for receiving competitive bids and an understanding of the proposed services from each potential bidder. The City utilized an RFP process when services were contracted out in 2019, and it is staff's recommendation that if Council desires to seek proposals for contract City Attorney services, an RFP process be utilized. The process would consist of the following steps:

- Staff will develop and publish an RFP outlining the City's day-to-day needs for legal services. Staff's recommendation is to publish the RFP for approximately four (4) weeks.
- Proposals received will be initially screened to ensure the proposed services meet the scope of work as outlined in the RFP and that the proposal contains all requested information.
- All proposals will be reviewed with the City Council, including any deemed incomplete or insufficient along with the reason why it was incomplete or insufficient.
- The City Council will direct staff regarding which proposers to invite to interview.
- The City Council will interview the candidates and/or firms and provide direction to staff on their preferred service provider.
- Staff will conduct reference checks of the potential provider or providers. Such references will be reviewed with the City Council.
- The City Council will provide staff final direction regarding negotiating terms and conditions of a service delivery contract.
- Any contract developed will be agendaized for consideration by Council in open session at a City Council meeting.

If Council directs staff to proceed with this process, an RFP will be developed and published as quickly as possible as the timeline is tight to ensure continuity of services.

In-house City Attorney Services

The City Council may desire to revert back to the in-house City Attorney model where the City has at least one and potentially two attorneys on staff, along with at least one paralegal. Under this model, the City Attorney is an at-will employee of the City, directly reporting to the City Council in the same manner as the City Manager and City Clerk. Any support staff such as a paralegal will be a Civil Service position. There are also office space considerations and costs

related to re-opening a legal office that will need to be evaluated. If Council desires to pursue this service delivery model, the process would consist of the following steps:

- Council would give direction to staff to conduct the City Attorney recruitment in-house or to obtain the services of a recruiting firm. The City recently entered into an agreement with CPS HR Consulting Services for recruitment of two director-level positions, and could likely use this agreement to have the firm conduct a City Attorney recruitment. Council could also direct staff to publish a new RFP for recruiting services specific to the City Attorney position.
- Staff would research and evaluate the potential salary ranges to be assigned to the City Attorney, any potential Deputy City Attorney, and any legal support staff.
- Salary information would be reviewed with Council; Council would provide direction to staff regarding potential salary ranges. Any represented positions would require meet and confer with the appropriate bargaining unit.
- An updated salary schedule would be agendaized for consideration by Council in open session at a City Council meeting.
- Concurrently, a recruitment brochure would be developed based on input from the City Council regarding the ideal candidate profile.
- The recruitment would generally be open for thirty (30) days.
- All applications would be reviewed with the City Council.
- The City Council would provide staff direction regarding which applicants they would like to interview.
- Council would interview the selected candidates and provide direction to staff on their candidate of choice.
- The selected candidate would complete a reference check, criminal history check, and pre-employment physical and drug screen.
- Council would negotiate terms and conditions of an employment agreement consistent with the published salary schedule and typical City benefit offerings.
- Any employment agreement would be agendaized for consideration of adoption by the Council at a City Council meeting.
- Concurrently, a Civil Service recruitment would be conducted for any support positions, such as paralegal, and a list established of eligible hires.
- Once a new City Attorney began employment, he or she would be able to interview and select from paralegal candidates on the Civil Service list.
- Additionally, during this time, staff would work to ensure appropriate office space, furniture, and equipment are established and/or procured for the new staff members.

The timeline of the above process will likely exceed the timeframe in which Ms. Montoy will continue acting as City Attorney for Madera. For this reason, staff recommends that if Council

desires to return to in-house City Attorney services, staff be directed to publish an RFP to identify interim City Attorney contract services while the hiring processes are completed.

FINANCIAL IMPACT:

At this time, staff is requesting direction regarding the method of service delivery for City Attorney services following Ms. Montoy's retirement. Either proposed model will have a financial impact, however it will not be know what that impact is until either a final contract is negotiated with a service provider or salary ranges are set for in-house positions.

ALTERNATIVES:

Staff is seeking direction from Council as the City Attorney position is a direct report of Council.

ATTACHMENTS:

None