

**CITY OF MERCED
DISCRIMINATION, HARASSMENT, AND
RETALIATION PREVENTION POLICY
COMPLAINT FORM**

COMPLAINANT INFORMATION:

NAME: Bertha Perez WORK PHONE: 209-385-6203
DIVISION / UNIT: City Council OFFICE LOCATION:
District 3
IMMEDIATE SUPERVISOR: Stephanie Dietz

Please describe the conduct that you believe violates the Discrimination, Harassment or Retaliation Prevention Policy. In your narrative, describe: (1) What happened to you; (2) Why you believe you are being discriminated, harassed, or retaliated against, including the reason or evidence you have to support your belief, and; (3) When the acts of discrimination, harassment, or retaliation occur (attach additional pages if needed). If you require assistance with completing this form as a reasonable accommodation, please contact the EEO officer.

Please review Attachment A as our official complaint.

ATTACHMENT 1



Attachment A – Discrimination, Harassment, and Retaliation Prevention Policy Complaint Form
September 13, 2021

To:

Ms. Stephanie Dietz

City of Merced Manager

I am making a formal complaint against City Council Woman Bertha Perez. I have forwarded to you a copy of Council Woman Perez's email to my Service Manager, Weston Boeding. (Please see Attachment B)

In the email she makes a character assault on me individually and uses language that is totally unacceptable. Her email very clearly identifies her as City Council Woman Bertha Perez and includes a City of Merced email address. She also makes an offensive and disparaging comment about the RAZZARI TEAM.

Council Woman Perez also elects to make negative comments about different Merced business enterprises while in a City Council Meeting. She makes these comments from the City Council Dais.

I believe City Council Woman Perez should be sanctioned & disciplined. She speaks as a representative of the City of Merced. Her comments are crass, rude and in very poor taste.

I am also requesting that Council Woman Perez be recused from any and all matters that have anything to do with Tim Razzari, the members of my family or any of my business enterprises as she is prejudice and biased.

Thank you for providing the City of Merced Discrimination, Harassment, and Retaliation Prevention Policy Complaint Form.

Sincerely,

Tim Razzari



DODGE

CHRYSLER

Jeep



Razzari Ford
1234 Auto Center Drive
Merced, CA 95340
PH 209.383.3673

Razzari Dodge / Chrysler / Jeep / Ram
1605 Auto Center Drive
Merced, CA 95340
PH 209.722.7407

Razzari Nissan
1675 Auto Center Drive
Merced, CA 95340
PH 209.383.0100

Attachment B

7:53



< All Inboxes



BERTHA PEREZ

7:51 AM

To: Weston Boeding >

Re: An important reminder for your Ram

Razzari Sucks

First they never fix my truck right , then they broke out windows in my truck while left over night to fix in your shop under your care and I was told basically to bad , so fuck razzari he is a crap person in my opinion.

Fuck Razzari they suck!!!!

Council Woman
Bertha Perez
(209)285-8979
Bperez@afscme3299.org
Perezb@cityofmerced.org
AFSCME3299
City of Merced

ORGANIZER/**UCSF**

On Sep 5, 2021, at 9:00 AM,
wboeding@razzari.com wrote:



Fw: Bertha Perez encounter.

From: Terry Ruscoe (terry@mercedyoosemite.com)

To: dietzs@cityofmerced.org; floresk@cityofmerced.org

Cc: serrattom@cityofmerced.org

Date: Wednesday, September 15, 2021, 04:47 PM PDT

This morning, Merced Police Department (Officer Stewart) instructed me that it may be best to report to our City Manager an event at our worksite in Merced. At approximately 9:30 a.m. this morning, I met with my plumber, superintendent, and two other employees to debrief after a successful city inspection (Yeah!) of the new duplex we are building at 345-347 West 23rd street.

During my team debriefing, being held on the soon-to-be front lawn of the new homes, a vehicle pulled up. It stopped in the eastbound lane, and the person driving it began yelling at us. The driver (a female) targeted me by stating, "the one in the white shirt." She said something to the effect: "Yes, you in the white shirt, you laughed at me, and nobody fucking laughs at me. You'll be sorry. You're going to be sorry." This unknown woman was cursing and screaming very loudly from her vehicle. Our meeting fell silent as we were concerned that someone perhaps was preparing for a violent encounter. I angled to get a peek from behind one of our trucks to see who and how many may be in the vehicle when she opened her door, and I saw what appeared to be only one middle-aged lady. She then yelled that she was "on the Merced City Council and that I laughed at the wrong fucking person."

At this time, I recognized that the woman yelling at us was Council member Bertha Perez. I recognized her from two recent City Council meetings I had attended. The council meetings had items related to real estate matters that I felt compelled to share my personal and professional opinions on during the public comment periods. I have never met her directly nor indirectly, and I thought she must simply be joking in a bizarre manner. However, it quickly became clear she wasn't joking as her vulgar diatribe continued. I asked her to please move on, as I wasn't interested in engaging with anyone in this manner. She continued her rant, eventually giving me the finger as she drove away.

The construction workers around me, seemingly shocked at the event, asked: "who the hell" she was. After she drove off, I told them it was one of our City Council members. I had to repeat this a couple of times, as they thought that I was joking. The fact that the altercation and her threats happened at my job site put me and my business in a very difficult position as the supervisor/general. Her strange and aggressive behavior toward myself and my team, I felt, required a call to the police (case #21-55987).

I cut our work meeting short and made the call to the police department. During my discussion with the officer Stewart, Bertha Perez approached those of us remaining at the site a second time. This time she was on foot and was pointing her phone at us while continuing her nasty assault (presumably to get us riled for her camera to record). I politely informed her I was on the phone with the Merced Police Department and asked if she would like to speak with them. Councilmember Perez left the immediate area, heading toward the corner store located on K and West 23rd.

I ended the call with the officer and headed to my car to leave the site. One of my team directed

my attention to Councilmember Perez, who was pointing at us from across the street as she spoke to a younger lady near the store. The lady quickly approached us as Councilmember Perez went into the store. The younger lady approached me and said that the lady (Councilmember Perez) just told her she had to be a witness for her because we were harassing her. The young lady stated that she told Councilmember Perez that she "had no idea what she was talking about." The young lady continued to say that Councilmember Perez demanded her information to use her as her witness. The younger lady also said Councilmember Perez told her she was a city councilwoman, presumably in an effort to intimidate her into providing her information. I told the younger lady that we were building a couple of new affordable homes there (pointing at our job site), and it makes some folks mad. The younger lady laughed but seemed interested in the new homes. She then walked back to the store and got into a vehicle, and left.

I did not get the younger lady's name, but she is someone whom I have seen over at the store a couple of times previously while I was at the job site. My son took a picture of Bertha Perez pointing her camera at us, and all the workers at the site should be able to testify to this incident. Neighbors around the job site may also be able to verify as Councilmember Perez was very loud and disruptive. This area being a residential district with children living in the neighboring homes, I am sure parents would disapprove of the vulgarities Councilmember Perez chose to speak at great volume.

Footnote

The City Council meeting Ms. Perez was alluding to, I can only assume, was the meeting on 9/7/2021 when myself and others spoke on item J1.

At the job site in question, we are building what is certainly classified as affordable housing in an area of Merced that is overdue for investment. Where a previously deserted building leaned, blighted, and filled with dangerous artifacts like spent needles and raw sewage, there will soon be beautiful new housing due to our work. During this project, we have made allies of the neighbors who now call us directly should they witness something onsite, like people taking materials. The neighbors appreciate these new homes being built and the overall improvement we are making to the neighborhood. The areas of Merced needing the most investment and attention are often Opportunity Zones like this one. With the proper encouragement and education, locations within these zones can lead to many new and affordable homes for Merced residents.

It is ironic and discouraging that we were attacked by our city. We were attacked by a member of our council, no less. A council member that publicly proclaims the importance of such projects; yet today, Councilmember Perez chose to condemn the very citizens of Merced that are carrying out the mission of creating more housing over what can only be assumed to be a personal vendetta resulting from the exercise of our right to participate in the political process.

Further, I would like to note that I am concerned for myself and any other member of the public that wants to come and exercise their right to speak at a council meeting. We must now fear retribution and attack from elected officials who disagree with our opinions or our participation in this very important venue for democratic process.

Thank you, City Manager Dietz, Officer Stewart, and all the folks that get it.

...*) ...*)
(...*) (...*) ...*)
Terry Ruscoe

***Better Homes and Gardens,
Everything Real Estate (Lic. 02092689)
Merced Yosemite Realty Construction & Property Management Services
General Contractors (Lic. 1006497)
Everything Real Estate, a California Corporation***