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January 8, 2018

Kathy Ferguson, Human Resources Director
Employee Relations Officer
County of Lake
255 North Forbes Street
Lakeport, CA 95453

RE: PETITION FOR RECOGNITION BY EMPLOYEE ORGANIZATION

Dear Director Ferguson:

On behalf of the Lake County Sheriffs Management Association (LCSMA), this office is submitting to you a petition for recognition as the exclusively recognized employee organization. The petition encompasses those classifications within the County designated as Law Enforcement/Management pursuant to County Code Chapter 14, Section 14-56.3.

Please use the information above to contact me regarding this matter. I can also be reached by cell phone at 209-210-7127.

Sincerely,



W. Robert Phibbs

WRP/dl

C: LCSMA

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HUMAN RESOURCES

- i. The job classifications of the proposed employee organization consist solely of Sheriff management employees as listed.

Classification/Title	No. of Ees*
Undersheriff	1
Captain	2
Lieutenant	5

* Includes all filled and unfilled positions in proposed classifications

- j. LCSMA has in its possession proof of employee support establishing that a majority of employees in the unit claimed to be appropriate have designated LCSMA to represent them in their employment relations with the County.
- k. It is requested that the Board of Supervisors formally acknowledge petitioner, Lake County Sheriffs Management Association, as the Exclusively Recognized Employee Organization representing the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith.

DECLARATION

I hereby declare under penalty of perjury that this petition, including the proof of employee support and all accompanying documentation is true, correct and complete.

DATED: January 9, 2018



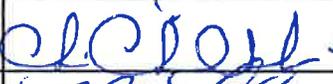
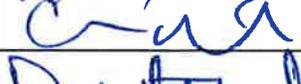
Chris Chwialkowski, President
Lake County Sheriffs Management Association



Chris Macedo, Vice President
Lake County Sheriffs Management Association

LAKE COUNTY SHERIFFS MANAGEMENT ASSOCIATION
Petition for Recognition
Proof of Employee Support

We, the undersigned employees of the County of Lake hereby petition to be recognized as the Lake County Sheriffs Management Association and that the Association be recognized by the County as the exclusively Recognized Employee Organization for the petitioning employees pursuant to Government Code §3500 et.seq. and the Lake County Code of Ordinances, Chapter 14.

Print Name	Job Classification	Signature	Date
CHRIS MACEDO	UNDERSHERIFF		01/09/18
CHRIS CHWIALKOWSKI	CAPTAIN		01/09/18
NORM TAYLOR	LIEUTENANT		01/09/18
COREY PAULICH	LIEUTENANT		01/09/18
RICH WARD	LIEUTENANT		01/09/18

**ARTICLE FOUR
MEMBERSHIP**

- Section A: Non-discrimination: There shall be no discrimination or restriction on membership because of race, color, ancestry, religion or creed, sex, national origin, marital status, age, physical or mental disability or perceived disability, medical condition, pregnancy related condition, sexual orientation, or political affiliation.
- Section B: Membership: There shall be a single class of membership as follows:
1. Active Members
 - a. Active membership shall be limited to paid employees of the County, including those eligible members on leave of absence as approved by the County, who occupy positions in County job classifications that are assigned to this bargaining unit.
 - b. Any member who is terminated or otherwise dismissed by the County and who appeals such termination or dismissal may remain a member in good standing pending the outcome of said appeal, including any judicial review thereof.
 - c. Under no provision of these bylaws shall a non-member be considered an active member. A non-member may not hold office, vote on Association matters or otherwise participate in Association affairs.
- Section C: Member Standing: All members are considered in good standing provided their dues are not more than thirty (30) calendar day's delinquent. The Board of Directors by majority vote may waive the payment of dues for members on leave. Members who are in good standing shall have the right to attend and address the general membership and vote, whereas, members who are not in good standing shall not have this right.
- Section D: Termination of Membership: Membership in the Association shall terminate for the following reasons:
1. Death, resignation or termination from County service, or
 2. Termination from County service subject to the provisions of Article Four Section B.1.b.

**ARTICLE FIVE
APPLICATION, DUES AND ASSESSMENTS**

- Section A: Application: No fee shall be charged for making application for membership in the Association.
- Section B: Dues Rates – Active Members: Dues and assessments for each active member of the Association shall be in an amount as determined by resolution of the Board of Directors.
- Section C: Professional Representation Dues: Each regular member of the Association shall pay dues toward the professional representation plan provided by the Association

Association. The activities and affairs of the Association shall be conducted and all powers shall be exercised by or under the direction of the Board. The Board of Directors shall have all powers necessary to carry out all purposes of the Association including entering contractual agreements for purposes of providing professional services for the benefit of the members.

Section B: Access to Association Records: All active members have the right to inspect standing rules, minutes, financial records and membership lists during normal business hours. Records not immediately available to the Secretary will be made available within thirty (30) calendar days of a written request being received by the Secretary, for purposes reasonably related to the person's interest as a member. Directors have an absolute right to inspect and copy any record of the Association at reasonable times.

Section C: Appointive Officers and Committees: The President may designate such appointive offices and establish such committees as deemed in the best interest of the Association, and the same shall serve at the pleasure of the President of the Association. The appointment of officers to office, as well as dismissal and the establishment or disestablishment of committees must be with the concurrence of a majority of the Board of Directors. Dismissal of an appointive officer can be for any cause whatsoever and need not be for dereliction of duty or malfeasance in office. The President may fill the vacancy of any appointive office in the same manner as an original appointment. The term of office of all appointive officers shall expire upon the installation of a new President and in no event shall an appointive officer hold office for more than two (2) years unless re-appointed to the office.

Section D: Board Duties: Generally.

1. Member Assistance: In all cases of disciplinary action by the County against a member of which the Board becomes aware, the President or another officer at his direction shall inform the member of the availability of professional assistance. Representation shall be provided to the member in accordance with the agreement between the Association and the provider of professional assistance.
2. Emergency Action: The Board shall in matters they deem as urgent or of an emergency nature, take immediate action on any and all matters that adhere to the avowed purposes of the Association, unless otherwise stated by these Bylaws.
3. Members Best Efforts: Each member of the Board of Directors shall:
 - a. Be familiar with the bylaws of this Association;
 - b. Be familiar with the Association's Memorandum of Understanding with the County;
 - c. Be familiar with the terms and conditions of any contracts to which the Association is a party;
 - d. Devote his/her energies to promote the purpose of this Association; and

tempore from their membership who, while so acting, shall possess all the powers of that office.

2. Vice-President: The Vice-President shall:
 - a. Provide direction for committees in cooperation with the chairman;
 - b. Insure that committee chairpersons submit timely reports in accordance with the bylaws;
 - c. Contact all new eligible employees and explain the requirements of eligibility for membership, the objectives of the Association, how to become members of the Association, and shall explain to all new members their duties and obligations to the Association; and
 - d. Perform such other duties as are delegated to him/her by these Bylaws or the President.
3. Secretary: When serving as Secretary, the Secretary/Treasurer shall:
 - a. Maintain all books and records of the Association;
 - b. Keep the roll of the members;
 - c. Promptly prepare and log the minutes of all meetings of the general membership and meetings of the Board of Directors and distribute to each member of the Board of Directors a printed copy of the minutes following a meeting;
 - d. Establish and maintain an accurate filing system for recall of all reports, minutes and correspondence pertaining to Association business as needed;
 - e. Attend to all correspondence and issue all notices, documents and communications not otherwise provided for and necessary in the transaction of the business of the Association and as provided by the bylaws;
 - f. Keep at all times an inventory of the contents of any safe deposit box;
 - g. Collect and disseminate all Association mail;
 - h. Acknowledge all correspondence and maintain copies of all acknowledgements;
 - i. Direct the distribution, collection and tabulation of all ballots, and to record the results of all voting and elections concerning this Association; and
 - j. Submit all books, records, papers, documents, etc. under the control of or in possession of the Secretary for an audit whenever directed by the Board of Directors.
 - k. The Secretary shall notify the general membership and the Board of Directors of all regular and special meetings of the Board and the Association stating, as a minimum, the time, date and location of the meeting, as well as any special items that are to be brought before the membership in accordance with the bylaws.
 - l. At the expiration or sooner termination of the Secretary's tenure of office, the Secretary shall deliver to his/her successor all books, documents, files, papers, equipment electronic or computerized files and/or other matters belonging to the Association or to the office of Secretary.
 - m. The Secretary shall perform such other duties as may be required by the office or by the Board of Directors.

2. The candidate elected to the positions of Vice President shall serve a term beginning the date of election through the balance of calendar year 2018.
3. This Section C of Article Seven shall expire by its own terms on December 31, 2019.

**ARTICLE EIGHT
ELECTION OF OFFICERS AND DIRECTORS**

- Section A: Nominating Committee: At the September meeting of the Board of Directors, the President shall appoint a nominating committee from the ranks of the active members to solicit and/or nominate candidates for the offices of Board of Directors which are subject to election for that year. At the October meeting of the Board of Directors, the nominations shall be presented to the membership present at the meeting. Additional nominations may be received from the floor.
- Section B: Election: Following the October meeting, election of Board of Directors shall be by secret or mail ballot as provided for in Article Thirteen. The Board of Directors at the October meeting shall make the determination of the type of ballot.
- Section C: Unopposed Candidate: No election shall be required for a position on the Board of Directors if a candidate is unopposed and the candidate meets the eligibility for office as required by Article Nine.
- Section D: Lack of Nominations: In the event that there are no nominations for any Board seats, the current Board member will be seated in that position. If that Board member does not wish to keep that seat then the seat will be filled in accordance with Article Eleven, Section D.
- Section E: Assumption of Office: Those Directors elected by a majority of the returned ballots shall assume office as of January 1. The Directors elected shall be seated as the first order of new business at the subsequent January meeting of the Board of Directors.

**ARTICLE NINE
ELIGIBILITY FOR OFFICE**

- Section A: Minimum Requirements: Except as otherwise provided by these bylaws, active members of the Association shall be eligible for any office in the Association and may be nominated in accordance with these bylaws, if they meet the following requirements:
1. Each candidate shall be an active member of the Association.
 2. Each candidate for Director shall submit a statement that the member will accept the position, if elected.
 3. Eligibility requirements for write-in candidates shall be the same as the requirements for an otherwise nominated candidate.

The ballot shall contain the name of the officer who is being subjected to recall, the office held, and the question: "Shall the above-named officer be recalled? Yes_ No_." The committee shall collect all secret ballots and, in the presence of each other and the President of the Association, or the Vice-President if the President is subject to recall and one (1) member chosen by the officer subjected to the recall, open each ballot separately and tally the same. The recall shall fail unless a majority vote of all active members carried on the roster of the Association shall vote in the affirmative.

Section E: Removal From the Board of Directors for Cause:

1. Charges against any Officer or Directors may be filed in writing with the Board of Directors at any Board meeting by a member of the Association in good standing. Said charges shall be referred to a committee made up of two (2) members of the Board of Directors appointed by the President and one (1) member selected by the two (2) Directors from the general membership. If the charges are against the President, the Secretary will appoint the two (2) members of the committee in lieu of the President. No members of the Board of Directors against who charges are made or member bringing such charges will be a member of the committee.
2. A two-third (2/3) vote of the entire Board of Directors of the Association will be necessary to impose any action on a member found guilty of any wrongdoing.
3. The Board may remove a officer for cause only if the officer is:
 - a. Declared of unsound mind by a court;
 - b. Convicted of a felony;
 - c. Found by final court order to have breached his/her statutory duty of care;
 - d. Is absent for two (2) consecutive Board Meetings, unless his/her absence is excused by a majority vote of the Board of Directors, or
 - e. Found to be in violation of the bylaws or the avowed purpose of the Association in a manner deemed detrimental to the good of the Association.
4. Within five (5) business days, the removed Director may request an appeal to the Association of the vote of the Board of Directors. At the next General or Special meeting of the membership, the issue shall be presented to the membership by the President on behalf of the Association and the appealing Board member on their own behalf. If the Association, by a majority vote of those present, affirms the action of the Board, the action of the Board shall stand. After such affirmation, such member's position on the Board of Directors shall be declared vacant and filled like any other vacancy.

**ARTICLE ELEVEN
FILLING VACANCY OF OFFICE**

Section A: Presidency: If the office of the President is vacated, the Vice President shall fill the office.

Section B: Board of Directors:

ARTICLE THIRTEEN VOTING RIGHTS

Section A: Voting Rights: This is a membership organization having but one class of membership for purposes of voting and transaction of Association business. Each active member has equal voting rights.

Section B: Voice Vote: All voting or balloting by this Association shall be by voice vote only, except in the case of amendment to the bylaws, election or recall of officers, ratification of a Memorandum of Understanding between the Association and the County, or in such other matters as are deemed appropriate by a majority of the Board of Directors.

Section C: Secret Ballots: When a voice vote is not permitted, a secret ballot may be used. Secret ballots shall be prepared at the direction of the Secretary with the assistance of the Association's counsel. It shall be the duty of the Secretary to direct the distribution of the ballot and to provide for accessible and secure ballot boxes for the return of the ballots. Ballots must be returned within the time established by the Executive Board for that election. A secret ballot may be either a mail ballot or a paper ballot.

Section D: Mail Ballots: When a voice vote or secret ballot is not permitted or desired, the Board of Directors may designate a mail ballot. When a mail ballot is utilized, at least fifteen (15) calendar days prior to the next regular or special membership meeting, the Secretary shall:

1. Cause a ballot package to be mailed to each active member's current mailing address on file with the Association, or
2. Cause a ballot package to be personally delivered to each active member at his or her work location.

If a mail ballot package is used, it shall include the ballot and a first class postage prepaid, self-addressed stamped envelope for return to the address designated by the Secretary. On the backside of the return envelope, an area shall be clearly marked or labeled for the member to print and sign their name for voting eligibility verification. The envelope containing a returned ballot must be signed by the member to be valid. Any ballots may be returned to the Secretary at any time prior to the start of the designated meeting.

Section E: Secret Paper Ballots: When a voice vote is not permitted, the Board of Directors may designate a secret paper ballot. When a secret paper ballot is utilized, at least ten (10) calendar days prior to the next regular or special membership meeting, the Secretary shall cause a ballot package to be delivered to each eligible voter. The ballot package shall include the ballot and a return envelope. On the backside of the return envelope, an area shall be clearly marked or labeled for the member to print or sign their name for voting eligibility verification. Ballots not returned to a designated ballot box may be returned to the Secretary at any time prior to the start of the designated meeting.

matter of any guest addressing the membership. Guest speakers will make their presentation prior to the Association conducting other business. All other business at any regular or special meeting shall be restricted to matters relating to bargaining unit members only.

- Section F: Non-Bargaining Unit Members: Individuals not represented by the bargaining unit and individuals who are not active members shall not participate in discussions or vote on matters relating to wages, hours, or other terms and conditions of employment and may not be present in the meeting hall when such matters are under discussion.
- Section G: Quorum: Those present at a general and/or special meeting shall constitute a quorum for that meeting provided that notice of the meeting has been duly posted in accordance with these bylaws.
- Section H: Conduct of Business: The Association's bylaws and Robert's Rules of Order shall govern the conduct of the Association business. In the event of a conflict, the bylaws will prevail. The President may declare restrictions on the time and subject matter of a member speaking at any meeting.
- Section I: Voting: Any member in good standing may vote on any issue properly before the membership.
- Section J: Parliamentarian: The Parliamentarian, if appointed, shall be well versed in the rules and bylaws under which the Association conducts business, and shall attend all meetings of the Board of Directors and the General Membership. The Parliamentarian will have no voting power on the Board of Directors.
- Section K: Order of Business:
1. Call to order and roll call of the Board of Directors.
 2. Guest Speakers.
 3. Approval of the minutes of previous general membership meeting(s) and Board of Directors meetings held since the last general membership meeting.
 4. Secretary's report of correspondence.
 5. Treasurer's Report.
 6. Standing or Special Committee Reports.
 7. President's Report.
 8. Vice President's Report.
 9. Counsel/Representative's Report.
 10. Unfinished Business.
 11. New Business.
 12. Good of the Association and Member Comments.
 13. Adjournment.
- Section L: Responsibilities of Members: It shall be the responsibility of all members to attend all general and special membership meetings and to keep themselves informed regarding the proceedings of all membership meetings. It is the

counsel or representatives present, to discuss matters of litigation, employee personnel issues or the possibility of sanctions against members. No action binding upon the Association may be taken at a closed meeting. Items discussed in a closed meeting may be brought before the Board of Directors or the General Membership during the regularly scheduled open meeting.

Section G: Challenge of Board of Directors Action by Membership: Upon the written request of twenty percent (20%) of the Association in good standing, and delivered to any Board Member of the Association, a Special Meeting shall be called by the Secretary, in accordance with these bylaws, for the purpose of determining the propriety of action at any Board of Directors meeting held within the prior thirty (30) calendar days of delivery of such written request.

Section H: Quorum: At least two (2) members of the Board of Directors shall be present to constitute a quorum for a meeting of the Board.

Section I: Majority Vote: Except as otherwise required by these bylaws, a majority vote of the entire Board of Directors shall govern.

Section J: Agenda: The Board of Directors shall adhere to the following agenda at each meeting. No action shall be taken on an item not properly on the agenda unless a majority of the Board present deems the matter to be of an urgent or emergency nature.

1. Call to order and roll call of the Board of Directors.
2. Guest Speakers.
3. Approval of minutes of the previous meeting.
4. Treasurer's Report.
5. Committee reports.
6. President's Report.
7. Vice President's Report
8. Counsel/Representative's Report.
9. Unfinished business.
10. New business.
11. Any matter which any Director wishes to bring before the Board.
12. Any matter which any member wishes to bring before the Board.
13. Designation of the next meeting date and adjournment.

Section K: Minutes and Agendas: In addition to any other postings or distribution of minutes, agendas or notices required by these Bylaws, the Secretary shall cause to be delivered to each member of the Board of Directors:

1. Within seven (7) days following any Board of Directors meeting or any Special or General Membership meeting, a copy of the previous meeting's minutes.
2. No less than five (5) days before any Board of Directors meeting or any Special or General Membership meeting, the agenda for the next meeting.
3. Upon posting, a copy of any Association notice.

emergency expenditure of the Association, provided that said expenditure must not exceed the surplus funds of the Association. In such cases, a special finding shall be made and shall be recorded in the minutes that such expenditure is in the best interest of the Association.

Section I: Budget Expenditures: The Board of Directors shall at all times be authorized to approve the allocation of any sum falling within the adopted budget.

Section J: Account Signatures:

1. Except as provided in subsection 2 below, disbursement of Association funds shall require two signatures. On all accounts maintained by the Association in a financial institution, the signature of the Treasurer and the President or the Vice-President in the absence of the President, shall be required for the transfer or withdrawal of funds, or as signatories on checks or other drafts issued by the Association.
2. Payment of ordinary and budgeted expenses shall only require the signature of one of the authorized officers listed in subsection 1 above.
3. No personal expense funds shall be drawn without the submission of an expense statement indicating the date and reason for such expense and approved by the Board of Directors.

Section K: A financial review of the Treasurer's books and accounts shall be conducted by an Audit Committee appointed by the President prior to the installation of the new Treasurer or at least once annually. Special audits may be ordered at any time by the President or pursuant to a majority vote of the members.

Section L: Errors and Omissions Insurance: The Board of Directors may secure an Errors and Omissions Insurance Policy covering the acts or omissions of the Officers and Directors of the Association during the exercise of their duties and responsibilities under these bylaws.

ARTICLE SEVENTEEN EXPENSE AUTHORIZATION AND REIMBURSEMENT

Section A: Board Authorization: The Board of Directors may authorize travel and related expenses by Association members for the purpose of attending functions on behalf of the Association. Expenses authorized through the annual budget process for attendance at conferences or training seminars do not require additional authorization. Receipts are required for all reimbursable expenses.

Section B: Expenses Advances: The Board of Directors may authorize expense advances for travel, meals and lodging. Requests shall be submitted to the Treasurer. Following the event for which an advanced has been given, receipts shall be submitted. Unused funds shall be repaid to the Association.

Section C: Emergency Expenditures: In the event an emergency arises requiring expenditure of funds, the President may authorize the expenses subject to Article Sixteen, Section H.

Section D: Changes Proposed by the Board of Directors: A majority of the Board of Directors may propose to the membership a change in these bylaws.

Section E: Voting on Amendments: At least fifteen (15) calendar days prior to the next regularly scheduled or special meeting of the Association, the Secretary shall cause to be mailed to each member qualified to vote, a copy of the proposed amendment together with a secret or mail ballot as determined by the Board of Directors as provided for in Article Thirteen. At the meeting, the returned ballots shall be counted and the results made known to the membership during the meeting. Of the eligible voting members submitting ballots, a majority affirmative vote of the ballots returned shall be required for any amendment.

**ARTICLE TWENTY-ONE
SAVINGS CLAUSE**

Section A: Savings Clause: If any provision of these bylaws shall be held invalid by operation of law or by any court of competent jurisdiction, the remainder of these bylaws shall not be mitigated, and will remain in full force and effect until revised according to due process.

**ARTICLE TWENTY-TWO
EFFECTIVE DATE**

Section A: Ratification and Adoption: These bylaws shall become effective immediately upon ratification and adoption by a majority vote of members present at a regular or special meeting of the membership.

Section B: Future Amendments: Future amendments made pursuant to Article Twenty shall become effective immediately upon ratification and adoption as provided for in Article Twenty.