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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF PLACER

11 PLACER COUNTY DEPUTY
SHERIFFS' ASSOCIATION and NOAH
FREDERITO,

12 Petitioners,

13 v.

14 COUNTY OF PLACER,

15 Respondent.
16

Case No.: S-CV-0047770

Petition Filed: December 21, 2021
FAP Filed: January 21, 2022

**ANSWER TO SECOND AMENDED
VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
DECLARATORY RELIEF**

(*Exempt from filing fees pursuant to Gov.
Code, § 6103.)

17
18 Respondent COUNTY OF PLACER ("Respondent" or "County") hereby answers the
19 Second Amended Verified Petition for Writ of Mandate and Complaint for Declaratory Relief
20 ("SAP") filed by Petitioners PLACER COUNTY DEPUTY SHERIFFS' ASSOCIATION
21 ("DSA") and NOAH FREDERITO (collectively, "Petitioners") as follows:

22 **ANSWER**

23 1. Responding to the allegations in Paragraph 1 of the SAP, Respondent admits that
24 the DSA is the exclusive labor representative of County employees in the Sheriff's Deputy
25 classification. Except as expressly admitted, Respondent is without sufficient information or
26 belief to admit or deny the allegations in this paragraph, and on that basis denies the allegations in
27 this paragraph.

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1 2. Responding to the allegations in Paragraph 2 of the SAP, Respondent admits the
2 allegations in this paragraph.

3 3. Responding to the allegations in Paragraph 3 of the SAP, Respondent admits that
4 the County is and at all times relevant to this action was a political subdivision and public agency
5 organized and existing under the laws of the State of California. Respondent further admits that
6 the County currently is organized and existing under the Charter of the County of Placer, and has
7 been so organized since the adoption of the Placer County Charter in the election of 1980.
8 Respondent further admits that the County is, and at all times relevant to this action was, a public
9 agency within the meaning of Government Code section 3501(c). Respondent asserts that the
10 remainder of Paragraph 3 of the SAP consists of legal conclusions to which no response is
11 required. To the extent facts are alleged, and except as specifically admitted herein, Respondent
12 denies all allegations and implications in this paragraph.

13 4. Responding to the allegations in Paragraph 4 of the SAP, Respondent admits that
14 the cited language is quoted from California Elections Code section 9125. Respondent further
15 asserts that the statute speaks for itself and no response is required.

16 5. Responding to the allegations in Paragraph 5 of the SAP, Respondent admits that a
17 ballot initiative designated as “Measure F” appeared on the general election ballot for Placer
18 County in 1976 and that the Placer County electorate voted to approve the measure. Respondent
19 further admits that language mirroring Measure F was later codified as Section 3.12.040 of the
20 Placer County Code. Respondent further asserts that the ordinance speaks for itself and no
21 response is required. Except as expressly admitted here, Respondent denies all other allegations
22 and implications in Paragraph 5.

23 6. Responding to the allegations in Paragraph 6 of the SAP, Respondent admits that
24 the provisions of Measure F, as it appeared on the ballot in 1976, purported to require the Board
25 to: annually determine the maximum salaries for corporals, sergeants, and deputies in the
26 Sheriff’s Officers of Nevada County, El Dorado County, and Sacramento County; determine the
27 average salary of each class; and fix the average salary of each class of positions in the Placer
28 County sheriff’s office at a level equal to the average salaries in the comparable positions in those

1 counties. Respondent specifically *denies* that these requirements are legally valid and enforceable.
2 Respondent further asserts that the allegations in Paragraph 6 of the SAP state legal conclusions
3 to which no response is required. To the extent facts are alleged, and except as specifically
4 admitted herein, Respondent denies all allegations and implications in paragraph 6 of the SAP.

5 7. Responding to the allegations in Paragraph 7 of the SAP, Respondent admits that
6 the voters of Placer County enacted the Placer County Charter in 1980. Respondent further admits
7 that the Placer County Charter is published alongside the County Code. Respondent further
8 asserts that Paragraph 7 states legal conclusions to which no response is required and the cited
9 charter provision speaks for itself. To the extent facts are alleged, and except as expressly
10 admitted herein, Respondent denies the allegations in this paragraph.

11 8. Responding to the allegations in Paragraph 8 of the SAP, Respondent asserts that
12 Paragraph 8 states legal conclusions to which no response is required and the ordinance speaks
13 for itself. To the extent facts are alleged, Respondent denies the allegations in this paragraph.

14 9. Responding to the allegations in Paragraph 9 of the SAP, Respondent denies the
15 allegations in this paragraph.

16 10. Responding to the allegations in Paragraph 10 of the SAP, Respondent denies the
17 allegations in this paragraph.

18 11. Responding to the allegations in Paragraph 11 of the SAP, Respondent is without
19 sufficient information or belief to admit or deny the allegations in this paragraph, and on that
20 basis denies the allegations.

21 12. Responding to the allegations in Paragraph 12 of the SAP, Respondent admits that
22 a ballot initiative designated “Measure R,” a copy of which is attached to the SAP as Exhibit A,
23 appeared on the ballot in 2002, and that Measure R did not pass. Except as expressly admitted
24 here, Respondent denies all other allegations and implications in Paragraph 12 of the SAP.

25 13. Responding to the allegations in Paragraph 13 of the SAP, Respondent admits that
26 in 2003 the County’s County Executive Officer wrote an editorial, a copy of which is attached to
27 the SAP as Exhibit B. Respondent further asserts that Paragraph 13 of the SAP states legal

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1 conclusions to which no response is required and the referenced article speaks for itself. Except as
2 expressly admitted here, Respondent denies the allegations in this paragraph.

3 14. Responding to the allegations in Paragraph 14 of the SAP, Respondent admits that
4 a ballot initiative designated “Measure A,” a copy of which is attached to the SAP as Exhibit C,
5 appeared on the ballot in 2006, and that Measure A did not pass. Except as expressly admitted
6 here, Respondent denies all other allegations and implications in Paragraph 14 of the SAP.

7 15. Responding to the allegations in Paragraph 15 of the SAP, Respondent is without
8 sufficient information or belief to admit or deny the allegations in this paragraph, and on that
9 basis denies the allegations.

10 16. Responding to the allegations in Paragraph 16 of the SAP, Respondent is without
11 sufficient information or belief to admit or deny the allegations in this paragraph, and on that
12 basis denies the allegations.

13 17. Responding to the allegations in Paragraph 17 of the SAP, Respondent admits that
14 the DSA and County have negotiated prior labor contracts that incorporated the Measure F formula
15 for base pay as a matter of contract. Respondent further admits that the parties’ labor contracts have
16 historically included various compensation items and benefits in addition to base pay. Except as
17 expressly admitted here, Respondent is without sufficient information or belief to admit or deny
18 the allegations in this paragraph, and on that basis denies the allegations.

19 18. Responding to the allegations in Paragraph 18 of the SAP, Respondent denies the
20 allegations in this paragraph.

21 19. Responding to the allegations in Paragraph 19 of the SAP, Respondent denies the
22 allegations in this paragraph.

23 20. Responding to the allegations in Paragraph 20 of the SAP, Respondent admits that
24 on or around January 12, 2021, the County’s Board of Supervisors adopted Ordinance 6060-B, a
25 copy of which is attached to the SAP as Exhibit D. Respondent further asserts that Paragraph 20
26 states legal conclusions to which no response is required and the cited ordinance speaks for itself.
27 Except as expressly admitted, Respondent denies the allegations in this paragraph.

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1 21. Responding to the allegations in Paragraph 21 of the SAP, Respondent denies the
2 allegations in this paragraph.

3 22. Responding to the allegations in Paragraph 22 of the SAP, Respondent denies the
4 allegations in this paragraph.

5 23. Responding to the allegations in Paragraph 23 of the SAP, Respondent admits that
6 the DSA and the County were parties to an MOU that expired June 30, 2018, and which provided
7 annual wage increases according to the Measure F formula as a matter of contract.

8 24. Responding to the allegations in Paragraph 24 of the SAP, Respondent admits the
9 allegations in this paragraph.

10 25. Responding to the allegations in Paragraph 25 of the SAP, Respondent admits the
11 allegations in this paragraph.

12 26. Responding to the allegations in Paragraph 26 of the SAP, Respondent denies the
13 allegations in this paragraph.

14 27. Responding to the allegations in Paragraph 27 of the SAP, Respondent denies the
15 allegations in this paragraph.

16 28. Responding to the allegations in Paragraph 28 of the SAP, Respondent denies the
17 allegations in this paragraph.

18 29. Responding to the allegations in Paragraph 29 of the SAP, Respondent admits that
19 during negotiations, DSA representatives objected to the County's salary proposals on the
20 grounds that the proposals deviated from the Measure F formula. Respondent further asserts that
21 the allegations in Paragraph 29 are compound and state legal conclusions to which no response is
22 required. To the extent facts are alleged, and except as expressly admitted, Respondent denies the
23 allegations in this paragraph.

24 30. Responding to the allegations in Paragraph 30 of the SAP, Respondent denies the
25 allegations in this paragraph.

26 31. Responding to the allegations in Paragraph 31 of the SAP, Respondent admits that
27 on July 12, 2020, the County provided the DSA with a bargaining proposal that included a one-
28 time 7% wage increase. Respondent further asserts that Paragraph 31 states legal conclusions to

1 which no response is required. To the extent facts are alleged, and except as expressly admitted,
2 Respondent denies the allegations in Paragraph 31.

3 32. Responding to the allegations in Paragraph 32 of the SAP, Respondent admits the
4 allegations in this paragraph.

5 33. Responding to the allegations in Paragraph 33 of the SAP, Respondent admits the
6 allegations in this paragraph.

7 34. Responding to the allegations in Paragraph 34 of the SAP, Respondent admits that
8 following the parties' participation in mediation the County believed the parties had broken
9 impasse. Except as expressly admitted, Respondent denies the allegations in this paragraph.

10 35. Responding to the allegations in Paragraph 35 of the SAP, Respondent admits the
11 allegations in this paragraph.

12 36. Responding to the allegations in Paragraph 36 of the SAP, Respondent admits that
13 on September 12, 2020, it published a document on the County website, a copy of which is
14 attached to the SAP as Exhibit E. Respondent further asserts that Paragraph 36 states legal
15 conclusions to which no response is required and that the cited document speaks for itself. To the
16 extent facts are alleged, and except as expressly admitted, Respondent denies the allegations in
17 this paragraph.

18 37. Responding to the allegations in Paragraph 37 of the SAP, Respondent asserts that
19 Paragraph 37 states legal conclusions to which no response is required and that the cited
20 document speaks for itself. To the extent facts are alleged, and except as expressly admitted,
21 Respondent denies the allegations in this paragraph.

22 38. Responding to the allegations in Paragraph 38 of the SAP, Respondent asserts that
23 Paragraph 38 of the SAP states legal conclusions to which no response is required. To the extent
24 facts are alleged, Respondent denies the allegations in this paragraph.

25 39. Responding to the allegations in Paragraph 39 of the SAP, Respondent denies the
26 allegations in this paragraph.

27 40. Responding to the allegations in Paragraph 40 of the SAP, Respondent admits the
28 allegations in this paragraph.

1 41. Responding to the allegations in Paragraph 41 of the SAP, Respondent denies the
2 allegations in this paragraph. Respondent affirmatively alleges that the County filed a position
3 statement in response to the DSA’s unfair practice charge on October 26, 2020.

4 42. Responding to the allegations in Paragraph 42 of the SAP, Respondent admits that
5 its position statement asserted that Measure F was void and unenforceable because – among other
6 reasons – it violates the California Constitution and was legally superseded by the County
7 Charter. Except as expressly admitted herein, the County denies the allegations in this paragraph.

8 43. Responding to the allegations in Paragraph 43 of the SAP, Respondent asserts that
9 Paragraph 43 of the SAP states legal conclusions to which no response is required. To the extent
10 any facts are alleged, Respondent denies the allegations in this paragraph.

11 44. Responding to the allegations in Paragraph 44 of the SAP, Respondent admits that
12 on December 8, 2020, the County presented the DSA with a package proposal that would provide
13 fixed annual wage increases for three years. Respondent further asserts that Paragraph 44 of the
14 SAP states legal conclusions to which no response is required. To the extent facts are alleged, and
15 except as expressly admitted, Respondent denies the allegations in this paragraph.

16 45. Responding to the allegations in Paragraph 45 of the SAP, Respondent admits that
17 the County proposed fixed wage increases that were higher than what the Measure F formula
18 would be likely to indicate. Except as expressly admitted, Respondent denies the allegations in
19 this paragraph.

20 46. Responding to the allegations in Paragraph 46 of the SAP, Respondent admits that
21 it reached a labor agreement with the Law Enforcement Managers Association that included fixed
22 future wage increases. Respondent further admits that the Board of Supervisors amended County
23 Code section 3.12.040 in January of 2021 to remove references to classifications represented by
24 the Law Enforcement Managers Association. Except as expressly admitted, Respondent denies
25 the allegations in this paragraph.

26 47. Responding to the allegations in Paragraph 47 of the SAP, Respondent admits the
27 allegations in this paragraph.

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1 48. Responding to the allegations in Paragraph 48 of the SAP, Respondent admits the
2 allegations in this paragraph.

3 49. Responding to the allegations in Paragraph 49 of the SAP, Respondent denies the
4 allegations in this paragraph. Respondent affirmatively alleges that on February 11, 2021, the
5 County sent the DSA notice of its preliminary intent to repeal or amend County Code
6 section 3.12.040 and offering to meet and confer over the proposed action.

7 50. Responding to the allegations in Paragraph 50 of the SAP, Respondent admits that
8 the County asserted its legal position that Measure F was void and unenforceable. Respondent
9 further asserts that Paragraph 50 states legal conclusions to which no response is required. To the
10 extent facts are alleged, and except as expressly admitted, Respondent denies the allegations in
11 this paragraph.

12 51. Responding to the allegations in Paragraph 51 of the SAP, Respondent admits that
13 the County never affirmatively sought a superior court adjudication over Measure F prior to the
14 filing of the instant lawsuit. Except as expressly admitted, Respondent denies the allegations in
15 this paragraph.

16 52. Responding to the allegations in Paragraph 52 of the SAP, Respondent admits that
17 the County and DSA met and conferred on March 15, 2021, and that the County proposed to
18 amend County Code section 3.12.040. Except as expressly admitted, Respondent denies the
19 allegations in this paragraph.

20 53. Responding to the allegations in Paragraph 53 of the SAP, Respondent admits the
21 allegations in this paragraph.

22 54. Responding to the allegations in Paragraph 54 of the SAP, Respondent admits the
23 factfinding panel took the proposed repeal of County Code section 3.12.040 under submission.
24 Except as expressly admitted, Respondent denies the allegations in this paragraph.

25 55. Responding to the allegations in Paragraph 55 of the SAP, Respondent admits that
26 the factfinding panel continued to deliberate throughout April, May, and June of 2021. Except as
27 expressly admitted, Respondent denies the allegations in this paragraph.

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1 56. Responding to the allegations in Paragraph 56 of the SAP, Respondent admits that
2 the factfinding report was issued on August 25, 2021 and that the factfinding report speaks for
3 itself. Except as expressly admitted, Respondent denies the allegations in this paragraph.

4 57. Responding to the allegations in Paragraph 57 of the SAP, Respondent admits that
5 the quoted language is a partial excerpt from the factfinding report. Respondent further asserts
6 that Paragraph 57 states legal conclusions to which no response is required and the factfinding
7 report speaks for itself.

8 58. Responding to the allegations in Paragraph 58 of the SAP, Respondent asserts that
9 Paragraph 58 of the SAP states legal conclusions to which no response is required and the
10 factfinding report speaks for itself. Except as expressly admitted, Respondent denies the
11 allegations in this paragraph.

12 59. Responding to the allegations in Paragraph 59 of the SAP, Respondent admits that
13 the Board of Supervisors held a public hearing on September 14, 2021, over a proposed ordinance
14 amending County Code section 3.12.040 and over its proposal to enact fixed wage increases for
15 Sheriff's Deputies. Except as expressly admitted, Respondent denies the allegations in this
16 paragraph. Specifically, but without limitation, Respondent denies the implication that Measure F
17 imposed any "mandate."

18 60. Responding to the allegations in Paragraph 60 of the SAP, Respondent denies the
19 allegations in this paragraph. Respondent further affirmatively alleges that the County Board of
20 Supervisors adopted Resolution No. 2021-301 on September 14, 2021. Respondent further asserts
21 that Paragraph 60 of the SAP states legal conclusions to which no response is required and the
22 cited resolution speaks for itself.

23 61. Responding to the allegations in Paragraph 61 of the SAP, Respondent admits that
24 on September 28, 2021, the Board of Supervisors adopted Ordinance 6105-B, a copy of which is
25 attached to the SAP as Exhibit H. Respondent further admits that Ordinance 6105-B enacted
26 wage increases for Sheriff's Deputies and Sheriff's Sergeants of 1.09% and 1.41%, respectively,
27 above the prior wage increases enacted by agreement between the parties in February 2021.
28 Except as expressly admitted, Respondent denies the allegations in this paragraph.

1 62. Responding to the allegations in Paragraph 62 of the SAP, Respondent admits the
2 allegations in this paragraph.

3 63. Responding to the allegations in Paragraph 63 of the SAP, Respondent admits the
4 allegations in this paragraph.

5 64. Responding to the allegations in Paragraph 64 of the SAP, Respondent asserts that
6 Paragraph 64 states legal conclusions to which no response is required and the cited ordinance
7 speaks for itself. To the extent facts are alleged, Respondent denies the allegations in this
8 paragraph.

9 65. Responding to the allegations in Paragraph 65 of the SAP, Respondent admits that
10 Ordinance 6104-B was enacted without submission to the general electorate. Except as expressly
11 admitted, Respondent denies the allegations in this paragraph. Specifically, but without limitation,
12 Respondent denies the allegation that Ordinance 6104-B repealed a voter-enacted ballot measure.

13 66. Responding to the allegations in Paragraph 66 of the SAP, Respondent asserts that
14 Paragraph 66 consists of legal conclusions to which no response is required. To the extent any
15 facts are alleged, Respondent denies the allegations in this paragraph.

16 67. Responding to the allegations in Paragraph 67 of the SAP, Respondent admits that
17 the quoted language is a partial excerpt of the agenda for the September 14, 2021 Board of
18 Supervisors meeting, a copy of which is attached to the SAP as Exhibit J. Except as expressly
19 admitted, Respondent denies the allegations in this paragraph.

20 68. Responding to the allegations in Paragraph 68 of the SAP, Respondent asserts that
21 Paragraph 68 consists of legal conclusions to which no response is required. To the extent any
22 facts are alleged, Respondent denies the allegations in this paragraph.

23 69. Responding to the allegations in Paragraph 69 of the SAP, Respondent admits that
24 the Board of Supervisors has always had authority to set wages for County employees represented
25 by the DSA. Except as expressly admitted, Respondent denies the allegations in this paragraph.

26 70. Responding to the allegations in Paragraph 70 of the SAP, Respondent admits the
27 allegations in this paragraph.

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1 71. Responding to the allegations in Paragraph 71 of the SAP, Respondent asserts that
2 Paragraph 71 consists of legal conclusions to which no response is required. To the extent any
3 facts are alleged, Respondent denies the allegations in this paragraph.

4 72. Responding to the allegations in Paragraph 72 of the SAP, Respondent asserts that
5 Paragraph 72 consists of legal conclusions to which no response is required. To the extent any
6 facts are alleged, Respondent denies the allegations in this paragraph.

7 73. Responding to the allegations in Paragraph 73 of the SAP, Respondent
8 incorporates its responses to paragraphs 1 through 72 of the SAP, inclusive, as though set forth
9 here in full.

10 74. Responding to the allegations in Paragraph 74 of the SAP, Respondent asserts that
11 Paragraph 74 consists of legal conclusions to which no response is required. To the extent any
12 facts are alleged, Respondent denies the allegations in this paragraph.

13 75. Responding to the allegations in Paragraph 75 of the SAP, Respondent asserts that
14 Paragraph 75 consists of legal conclusions to which no response is required. To the extent any
15 facts are alleged, Respondent denies the allegations in this paragraph.

16 76. Responding to the allegations in Paragraph 76 of the SAP, Respondent asserts that
17 Paragraph 76 consists of legal conclusions to which no response is required. To the extent any
18 facts are alleged, Respondent denies the allegations in this paragraph.

19 77. Responding to the allegations in Paragraph 77 of the SAP, Respondent asserts that
20 Paragraph 77 consists of legal conclusions to which no response is required. To the extent any
21 facts are alleged, Respondent denies the allegations in this paragraph.

22 78. Responding to the allegations in Paragraph 78 of the SAP, Respondent
23 incorporates its responses to paragraphs 1 through 77 of the SAP, inclusive, as though set forth
24 here in full.

25 79. Responding to the allegations in Paragraph 79 of the SAP, Respondent asserts that
26 Paragraph 79 consists of legal conclusions to which no response is required. To the extent any
27 facts are alleged, Respondent denies the allegations in this paragraph.

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1 80. Responding to the allegations in Paragraph 80 of the SAP, Respondent asserts that
2 Paragraph 80 consists of legal conclusions to which no response is required. To the extent any
3 facts are alleged, Respondent denies the allegations in this paragraph.

4 81. Responding to the allegations in Paragraph 81 of the SAP, Respondent asserts that
5 Paragraph 81 consists of legal conclusions to which no response is required. To the extent any
6 facts are alleged, Respondent denies the allegations in this paragraph.

7 82. Responding to the allegations in Paragraph 82 of the SAP, Respondent asserts that
8 Paragraph 82 consists of legal conclusions to which no response is required. To the extent any
9 facts are alleged, Respondent denies the allegations in this paragraph.

10 83. Responding to the allegations in Paragraph 83 of the SAP, Respondent asserts that
11 Paragraph 83 consists of legal conclusions to which no response is required. To the extent any
12 facts are alleged, Respondent denies the allegations in this paragraph.

13 84. Responding to the allegations in Paragraph 84 of the SAP, Respondent asserts that
14 Paragraph 84 consists of legal conclusions to which no response is required. To the extent any
15 facts are alleged, Respondent denies the allegations in this paragraph.

16 85. Responding to the allegations in Paragraph 85 of the SAP, Respondent asserts that
17 Paragraph 85 consists of legal conclusions to which no response is required and the quoted
18 County Charter provision speaks for itself. To the extent any facts are alleged, Respondent denies
19 the allegations in this paragraph.

20 86. Responding to the allegations in Paragraph 86 of the SAP, Respondent asserts that
21 Paragraph 86 consists of legal conclusions to which no response is required. To the extent any
22 facts are alleged, Respondent denies the allegations in this paragraph.

23 87. Responding to the allegations in Paragraph 87 of the SAP, Respondent admits that
24 Measure R appeared on the ballot in 2002 and that Measure R proposed to repeal County Code
25 Section 3.12.040. Except as expressly admitted herein, Respondent denies the allegations in
26 Paragraph 87 of the SAP.

27 88. Responding to the allegations in Paragraph 88 of the SAP, Respondent asserts that
28 Paragraph 88 states legal conclusions to which no response is required and the quoted document

1 speaks for itself. To the extent any facts are alleged, Respondent denies the allegations in this
2 paragraph.

3 89. Responding to the allegations in Paragraph 89 of the SAP, Respondent admits that
4 the Placer County electorate voted “no” on Measure R. Except as expressly admitted herein,
5 Respondent denies the allegations in this paragraph.

6 90. Responding to the allegations in Paragraph 90 of the SAP, Respondent admits that
7 Measure A appeared on the ballot in 2006 and that Measure A proposed to repeal County Code
8 Section 3.12.040. Except as expressly admitted herein, Respondent denies the allegations in
9 Paragraph 90 of the SAP.

10 91. Responding to the allegations in Paragraph 91 of the SAP, Respondent asserts that
11 Paragraph 91 is vague and ambiguous and Respondent is therefore without sufficient information
12 or belief to admit or deny the allegations in this paragraph, and on that basis denies the allegations
13 in this paragraph

14 92. Responding to the allegations in Paragraph 92 of the SAP, Respondent admits that
15 the Placer County electorate voted to reject Measure A. Except as expressly admitted herein,
16 Respondent denies the allegations in this paragraph.

17 93. Responding to the allegations in Paragraph 93 of the SAP, Respondent asserts that
18 Paragraph 93 states legal conclusions to which no response is required. To the extent any facts are
19 alleged, Respondent denies the allegations in this paragraph. Specifically, but without limitation,
20 Respondent denies that a vote of the electorate to reject a ballot measure constitutes an “exercise
21 of initiative powers.”

22 94. Responding to the allegations in Paragraph 94 of the SAP, Respondent asserts that
23 Paragraph 94 states legal conclusions to which no response is required. To the extent any facts are
24 alleged, Respondent denies the allegations in this paragraph.

25 95. Responding to the allegations in Paragraph 95 of the SAP, Respondent asserts that
26 Paragraph 95 states legal conclusions to which no response is required. To the extent any facts are
27 alleged, Respondent denies the allegations in this paragraph.

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1 96. Responding to the allegations in Paragraph 96 of the SAP, Respondent asserts that
2 Paragraph 96 states legal conclusions to which no response is required. To the extent any facts are
3 alleged, Respondent denies the allegations in this paragraph.

4 97. Responding to the allegations in Paragraph 97 of the SAP, Respondent asserts that
5 Paragraph 97 states legal conclusions to which no response is required. To the extent any facts are
6 alleged, Respondent denies the allegations in this paragraph.

7 98. Responding to the allegations in Paragraph 98 of the SAP, Respondent admits that
8 the County has enacted amendments to Section 3.12.040 adding or removing references to
9 specific employee classifications. Except as expressly admitted herein, Respondent denies the
10 allegations in Paragraph 98.

11 99. Responding to the allegations in Paragraph 99 of the SAP, Respondent admits that
12 the County amended County Code section 3.12.040 in January 2021 to remove references to
13 certain employee classifications not represented by the DSA, and admits that the new ordinance
14 enacted in January 2021 contained references to the DSA-represented classifications of Sheriff's
15 Deputy and Sergeant. Except as expressly admitted herein, Respondent denies the allegations in
16 Paragraph 99.

17 100. Responding to the allegations in Paragraph 100 of the SAP, Respondent admits
18 that, since 1976, the County has voted to ratify multiple labor contracts with the DSA that
19 incorporate the Measure F formula as a matter of contract. Respondent further asserts that
20 Paragraph 100 states legal conclusions to which no response is required. Except as expressly
21 admitted herein, Respondent denies the allegations in Paragraph 100.

22 101. Responding to the allegations in Paragraph 101 of the SAP, Respondent asserts
23 that Paragraph 101 states legal conclusions to which no response is required. To the extent facts
24 are alleged, Respondent denies the allegations in this paragraph.

25 102. Responding to the allegations in Paragraph 102 of the SAP, Respondent asserts
26 that Paragraph 102 states legal conclusions to which no response is required. To the extent facts
27 are alleged, Respondent denies the allegations in this paragraph.

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1 103. Responding to the allegations in Paragraph 103 of the SAP, Respondent asserts
2 that Paragraph 103 states legal conclusions to which no response is required. To the extent facts
3 are alleged, Respondent denies the allegations in this paragraph.

4 104. Responding to the allegations in Paragraph 104 of the SAP, Respondent asserts
5 that Paragraph 104 states legal conclusions to which no response is required. To the extent facts
6 are alleged, Respondent denies the allegations in this paragraph.

7 105. Responding to the allegations in Paragraph 105 of the SAP, Respondent asserts
8 that Paragraph 105 states legal conclusions to which no response is required. To the extent facts
9 are alleged, Respondent denies the allegations in this paragraph.

10 106. Responding to the allegations in Paragraph 106 of the SAP, Respondent asserts
11 that Paragraph 106 states legal conclusions to which no response is required. To the extent facts
12 are alleged, Respondent denies the allegations in this paragraph.

13 107. Responding to the allegations in Paragraph 107 of the SAP, Respondent asserts
14 that Paragraph 107 states legal conclusions to which no response is required. To the extent facts
15 are alleged, Respondent denies the allegations in this paragraph.

16 108. Responding to the allegations in Paragraph 108 of the SAP, Respondent asserts
17 that Paragraph 108 states legal conclusions to which no response is required. To the extent facts
18 are alleged, Respondent denies the allegations in this paragraph.

19 109. Responding to the allegations in Paragraph 109 of the SAP, Respondent asserts
20 that Paragraph 109 states legal conclusions to which no response is required. To the extent facts
21 are alleged, Respondent denies the allegations in this paragraph.

22 110. Responding to the allegations in Paragraph 110 of the SAP, Respondent asserts
23 that Paragraph 110 states legal conclusions to which no response is required. To the extent facts
24 are alleged, Respondent denies the allegations in this paragraph.

25 111. Responding to the allegations in Paragraph 111 of the SAP, Respondent asserts
26 that Paragraph 111 states legal conclusions to which no response is required. To the extent facts
27 are alleged, Respondent denies the allegations in this paragraph.

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1 112. Responding to the allegations in Paragraph 112 of the SAP, Respondent asserts
2 that Paragraph 112 states legal conclusions to which no response is required. To the extent facts
3 are alleged, Respondent denies the allegations in this paragraph.

4 113. Responding to the allegations in Paragraph 113 of the SAP, Respondent asserts
5 that Paragraph 113 states legal conclusions to which no response is required. To the extent facts
6 are alleged, Respondent denies the allegations in this paragraph.

7 114. Responding to the allegations in Paragraph 114 of the SAP, Respondent asserts
8 that Paragraph 114 states legal conclusions to which no response is required. To the extent facts
9 are alleged, Respondent denies the allegations in this paragraph.

10 115. Responding to the allegations in Paragraph 115 of the SAP, Respondent
11 incorporates its responses to paragraphs 1 through 114 of the SAP, inclusive, as though set forth
12 here in full.

13 116. Responding to the allegations in Paragraph 116 of the SAP, Respondent asserts
14 that Paragraph 116 states legal conclusions to which no response is required. To the extent facts
15 are alleged, Respondent denies the allegations in this paragraph.

16 117. Responding to the allegations in Paragraph 117 of the SAP, Respondent asserts
17 that Paragraph 117 states legal conclusions to which no response is required. To the extent facts
18 are alleged, Respondent denies the allegations in this paragraph.

19 118. Responding to the allegations in Paragraph 118 of the SAP, Respondent asserts
20 that Paragraph 118 states legal conclusions to which no response is required. To the extent facts
21 are alleged, Respondent denies the allegations in this paragraph.

22 119. Responding to the allegations in Paragraph 119 of the SAP, Respondent asserts
23 that Paragraph 119 states legal conclusions to which no response is required. To the extent facts
24 are alleged, Respondent denies the allegations in this paragraph.

25 120. Responding to the allegations in Paragraph 120 of the SAP, Respondent asserts
26 that Paragraph 120 states legal conclusions to which no response is required. To the extent facts
27 are alleged, Respondent denies the allegations in this paragraph.

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1 California Government Claims Act (Cal. Gov. Code, § 810 *et. seq.*) and the Meyers-Milias-
2 Brown Act (Cal. Gov. Code, § 3500 *et. seq.*).

3 **FIFTH AFFIRMATIVE DEFENSE**

4 **(Res judicata)**

5 5. The Petition, and all causes of action alleged therein, are barred by the doctrines
6 of res judicata and/or collateral estoppel.

7 **SIXTH AFFIRMATIVE DEFENSE**

8 **(Statute of Limitation)**

9 6. The Petition, and all causes of action alleged therein, are barred by the applicable
10 statutes of limitation.

11 **SEVENTH AFFIRMATIVE DEFENSE**

12 **(Laches)**

13 7. The Petition, and all causes of action alleged therein, are barred by the doctrine of
14 laches.

15 **EIGHTH AFFIRMATIVE DEFENSE**

16 **(Good Faith)**

17 8. Respondent properly exercised its decision-making, and such decisions by
18 Respondent were undertaken for fair and honest reasons, comporting with good faith under the
19 circumstances then existing, and were privileged and justified.

20 **NINTH AFFIRMATIVE DEFENSE**

21 **(Equitable Estoppel)**

22 9. The Petition, and all causes of action alleged therein, are barred by the doctrine of
23 equitable estoppel.

24 **TENTH AFFIRMATIVE DEFENSE**

25 **(Unclean Hands)**

26 10. The Petition, and all causes of action alleged therein, are barred by the doctrine of
27 unclean hands.

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ELEVENTH AFFIRMATIVE DEFENSE

(Waiver)

11. The Petition, and all causes of action alleged therein, are barred by waiver.

TWELFTH AFFIRMATIVE DEFENSE

(No Attorneys' Fees)

12. Petitioners' claims fail to state facts sufficient to claim attorneys' fees under any theory of recovery.

THIRTEENTH AFFIRMATIVE DEFENSE

(No Failure to Perform Ministerial Duty)

13. Respondent has not failed to perform an act that the law specifically requires or enjoins, as a duty resulting from an office, trust, or station.

FOURTEENTH AFFIRMATIVE DEFENSE

(Bad Faith)

14. This action is barred because Petitioners brought it in bad faith.

FIFTEENTH AFFIRMATIVE DEFENSE

(Full Performance)

15. Respondent has fully performed any and all contractual, statutory, and other duties that may be or have been owed to Petitioners, if any, and Petitioners are estopped from asserting any claim against Respondent.

SIXTEENTH AFFIRMATIVE DEFENSE

(Preemption)

16. The relief sought is barred by the doctrine of preemption under federal, state, or local law.

SEVENTEENTH AFFIRMATIVE DEFENSE

(Reservation of Rights)

17. Respondent reserves the right to amend this Answer should Respondent discover additional facts demonstrating the existence of further affirmative defenses.

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PRAYER

WHEREFORE, Respondent prays for judgment as follows:

1. That Petitioners' Petition for Writ of Mandate be denied;
2. That Petitioners' Complaint and each cause of action therein be dismissed with prejudice;
3. That Petitioners take nothing by way of the Petition and Complaint;
4. That judgment be awarded in favor of Respondent and against Petitioners on all causes of action set forth in the Petition and Complaint;
5. That Respondent be awarded its attorneys' fees and costs of suit incurred herein;
6. For such other and further relief as the Court deems just and proper.

Dated: June 30, 2022

LIEBERT CASSIDY WHITMORE

By: 
Michael D. Youril
Lars T. Reed
Attorneys for Respondent
COUNTY OF PLACER

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF PLACER

I am employed in the County of Sacramento, State of California. I am over the age of 18 and not a party to the within action; my business address is: **400 Capitol Mall, Suite 1260, Sacramento, CA 95814.**

On **June 30, 2022**, I served the foregoing document(s) described as **ANSWER TO SECOND AMENDED VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY RELIEF** in the manner checked below on all interested parties in this action addressed as follows:


Mr. David Mastagni
Mastagni Holstedt, A.P.C.
1912 I Street
Sacramento, CA 95811

email: davidm@mastagni.com
tdavies-mahaffey@mastagni.com

- (BY U.S. MAIL)** I am “readily familiar” with the firm’s practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Sacramento, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- (BY ELECTRONIC SERVICE)** By electronically mailing a true and correct copy through Liebert Cassidy Whitmore’s electronic mail system from lsossaman@lcwlegal.com to the email address(es) set forth above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

Executed on **June 30, 2022**, at Sacramento, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



Lauren Sossaman