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11 PLACER COUNTY DEPUTY SHERIFFS’
ASSOCIATION and NOAH FREDERTIO,

12 Petitioners,

13 vs.

14 COUNTY OF PLACER

15 Respondents.

Case No.: S-CV-0047770

**PETITIONERS’ RESPONSE TO
SEPARATE STATEMENT OF
UNDISPUTED MATERIAL FACTS AND
STATEMENT OF ADDITIONAL FACTS
IN SUPPORT OF OPPOSITION TO
RESPONDENT’S MOTION FOR
SUMMARY JUDGMENT OR, IN THE
ALTERNATIVE, SUMMARY
ADJUDICATION**

Date: January 26, 2023

Time: 8:30 a.m.

Department: 3

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19 **TO THE COURT, RESPONDENTS AND THEIR ATTORNEYS OF RECORD:**

20 Petitioners Placer County Deputy Sheriffs’ Association (PCDSA) and Noah Frederito
21 (collectively “Petitioners”) hereby submit the following Response to Respondent’s County of
22 Placer’s (“Respondent” or “County”) Separate Statement of Undisputed Material Facts in
23 Support of Motion for Summary Judgment.

24 **FIRST CAUSE OF ACTION**

25 **FOR VIOLATION OF CALIFORNIA ELECTIONS CODE SECTION 9125**

26 **ISSUE NO. 1:** The County is entitled to summary adjudication in its favor on the First
27 Cause of Action because Measure F conflicts with, and is preempted by, Article XI, Section 1
28 (b) of the California Constitution. (Code Civ. Proc., § 437c; Cal. Const., art. XI, § 1, subd. (b),

§ 7; *Gates v. Blakemore* (2019) 39 Cal.App.5th 32, 38; *Citizens for Jobs & the Econ. v. County of Orange* (2002) 94 Cal.App.4th 1311, 1326; *Totten v. Bd. of Supervisors of the County of Ventura* (2006) 139 Cal.App.4th 826, 833-34; *County of Riverside v. Superior Court* (2003) 30 Cal.4th 278, 285-90; *Meldrim v. Bd. of Supervisors of Contra Costa County* (1976) 57 Cal.App.3d 341; *Jahr v. Casebeer* (1999) 70 Cal.App.4th 1250.)

<p align="center">RESPONDENT’S UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p align="center">PETITIONERS’ RESPONSE AND SUPPORTING EVIDENCE</p>
<p>1. On November 2, 2976, a ballot initiative entitled “Placer County Sheriff’s Salaries Ordinance Initiative” appeared on the Placer County general election ballot as “Measure F”.</p> <p>[Ronco Decl., Exh. B, ¶¶ 3-5; Second Amended Petition (“SAP”), Exh. H, ¶ 5; Exhs. I and J. See Exhs. F and G (taking judicial notice).]</p>	<p>1. Undisputed.</p>
<p>2. On November 2, 1976, a majority of Placer County voters voted to approve Measure F.</p> <p>[Ronco Decl., Exh. B, ¶ 6; SAP, Exh. H, ¶ 5; Exh. K. See Exhs. F and G (taking judicial notice).]</p>	<p>2. Undisputed.</p>
<p>3. Measure F stated that the Board of Supervisors shall, at least annually, determine the existing maximum salaries for each class of position in the Nevada</p>	<p>3. Undisputed.</p>

<p style="text-align: center;">RESPONDENT’S UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">PETITIONERS’ RESPONSE AND SUPPORTING EVIDENCE</p>
<p>County Sheriff’s Office, the El Dorado County Sheriff’s Office, and the Sacramento County Sheriff’s Office.</p> <p>[SAP, Exh. H, ¶¶ 5, 6; Exh. J.</p> <p>See Exhs. F and G (taking judicial notice).]</p>	
<p>4. Measure F stated that effective January 1, 1977, and January 1 of each year thereafter, the Board of Supervisors shall determine the average salary for each class of position in the Nevada County Sheriff’s Office, the El Dorado County Sheriff’s Office, and the Sacramento County Sheriff’s Office.</p> <p>[SAP, Exh. H, ¶¶ 5, 6; Exh. J.</p> <p>See Exhs. F and G (taking judicial notice).]</p>	<p>4. Undisputed.</p>
<p>5. Measure F stated that the beginning the first pay period following January in each year, the Board of Supervisors shall “fix” the average salary for each class of position in the Placer County Sheriff’s Office at a level</p>	<p>5. Undisputed.</p>

<p style="text-align: center;">RESPONDENT’S UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">PETITIONERS’ RESPONSE AND SUPPORTING EVIDENCE</p>
<p>6. On November 2, 1976, a ballot initiative entitled “Placer County Sheriff’s Salaries Ordinance Initiative” appeared on the Placer County general election ballot as “Measure F”.</p> <p>[Ronco Decl., Exh. B, ¶¶ 3-5; SAP, Exh. H, ¶ 5; Exhs. I and J. See Exhs. F and G (taking judicial notice).]</p>	<p>6. Undisputed.</p>
<p>7. On November 2, 1976, a majority of Placer County voters voted to approve Measure F.</p> <p>[Ronco Decl., Exh. B, ¶ 6; SAP, Exh. H, ¶ 5; Exh. K. See Exhs. F and G (taking judicial notice).]</p>	<p>7. Undisputed.</p>
<p>8. Measure F stated that the Board of Supervisors shall, at least annually, determine the existing maximum salaries for each class of position in the Nevada County Sheriff’s Office, the El Dorado County Sheriff’s Office, and the</p>	<p>8. Undisputed.</p>

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<p style="text-align: center;">RESPONDENT’S UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">PETITIONERS’ RESPONSE AND SUPPORTING EVIDENCE</p>
<p>Sacramento County Sheriff’s Office. [SAP, Exh. H, ¶¶ 5, 6; Exh. J. <i>See Exhs. F and G (taking judicial notice).]</i></p>	
<p>9. Measure F stated that effective January 1, 1977, and January 1 of each year thereafter, the Board of Supervisors shall determine the average salary for each class of position in the Nevada County Sheriff’s Office, the El Dorado County Sheriff’s Office, and the Sacramento County Sheriff’s Office. [SAP, Exh. H, ¶¶ 5, 6; Exh. J. <i>See Exhs. F and G (taking judicial notice).]</i></p>	<p>9. Undisputed.</p>
<p>10. Measure F stated that beginning the first pay period following January in each year, the Board of Supervisors shall “fix” the average salary for each class of position in the Placer County Sheriff’s Office at a level equal to the average of</p>	<p>10. Undisputed.</p>

<p style="text-align: center;">RESPONDENT’S UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">PETITIONERS’ RESPONSE AND SUPPORTING EVIDENCE</p>
<p>of the salaries for comparable positions in the Nevada County Sheriff’s Office, the El Dorado County Sheriff’s Office, and the Sacramento County Sheriff’s Office.</p> <p>[SAP, Exh. H, ¶¶ 5, 6; Exh. J. See Exhs. F and G (taking judicial notice).]</p>	

ISSUE NO. 3: The County is entitled to summary adjudication in its favor on the First Cause of Action because Measure F conflicts with, and is therefore preempted by, the parties’ mutual right and obligation under the Meyers-Milias-Brown Act to meet and confer in good faith over employee wages. (Code Civ. Proc., § 437c; Cal. Const., art. XI, § 7; Gov. Code §§ 3503, 3504, 3505; *Voters for Responsible Ret. v. Bd. of Supervisors of Trinity County* (1994) 8 Cal.4th 765, 780-84; *Pacifica Firefighters Ass’n v. City of Pacifica* (2022) 76 Cal.App.5th 758, 722, *rev. denied* (July 13, 2022).)

<p style="text-align: center;">RESPONDENT’S UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">PETITIONERS’ RESPONSE AND SUPPORTING EVIDENCE</p>
<p>11. On November 2, 1976, a ballot initiative entitled “Placer County Sheriff’s Salaries Ordinance Initiative” appeared on the Placer County general election ballot as “Measure F”.</p>	<p>11. Undisputed.</p>

<p style="text-align: center;">RESPONDENT’S UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">PETITIONERS’ RESPONSE AND SUPPORTING EVIDENCE</p>
<p>[Ronco Decl., Exh. B, ¶¶ 3-5; SAP, Exh. H, ¶ 5; Exhs. I and J. See Exhs. F and G (taking judicial notice.)]</p>	
<p>12. On November 2, 1976, a majority of Placer County voters voted to approve Measure F. [Ronco Decl., Exh. B ¶ 6; SAP, Exh. H, ¶ 5; Exh. K. See Exhs. F and G (taking judicial notice).]</p>	<p>12. Undisputed.</p>
<p>13. Measure F stated that the Board of Supervisors shall, at least annually, determine the existing maximum salaries for each class of position in the Nevada County Sheriff’s Office, the El Dorado County Sheriff’s Office, and the Sacramento County Sheriff’s Office. [SAP, Exh. H, ¶¶ 5, 6; Exh. J. See Exhs. F and G (taking judicial notice).]</p>	<p>13. Undisputed.</p>

**RESPONDENT’S UNDISPUTED
MATERIAL FACTS AND SUPPORTING
EVIDENCE**

**PETITIONERS’ RESPONSE AND
SUPPORTING EVIDENCE**

14. Measure F stated that effective January 1, 1977, and January 1 of each year thereafter, the Board of Supervisors shall determine the average salary for each class of position in the Nevada County Sheriff’s Office, the El Dorado County Sheriff’s Office, and the Sacramento County Sheriff’s Office.

**[SAP, Exh. H, ¶¶ 5, 6; Exh. J.
See Exhs. F and G (taking judicial notice).]**

14. Undisputed.

15. Measure F stated that beginning the first pay period following January in each year, the Board of Supervisors shall “fix” the average salary for each class of position in the Placer County Sheriff’s Office at a level equal to the average of the salaries for comparable positions in the Nevada County Sheriff’s Office, the El Dorado County Sheriff’s Office, and the Sacramento County Sheriff’s Office.

**[SAP, Exh. H, ¶¶ 5, 6; Exh. J.
See Exhs. F and G (taking judicial notice).]**

15. Undisputed.

ISSUE NO. 4: The County is entitled to summary adjudication in its favor on the First Cause of Action because Measure F conflicts with, and is therefore preempted by, the County’s right under the Meyers-Milias Brown Act to impose its last, best, and final offer in the event of an impasse in negotiations after completing statutory impasse procedures. (Code Civ. Proc., § 437c; Cal. Const., art. XI, § 7; Gov. Code §3505.7; *Pacifica Firefighters Ass’n v. City of Pacifica* (2022) 76 Cal.App.5th 758, 772-71, *rev. denied* (July 13, 2022).)

<p align="center">RESPONDENT’S UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p align="center">PETITIONERS’ RESPONSE AND SUPPORTING EVIDENCE</p>
<p>16. On November 2, 1976, a ballot initiative entitled “Placer County Sheriff’s Salaries Ordinance Initiative” appeared on the Placer County general election ballot as “Measure F”.</p> <p>[Ronco Decl., Exh. B, ¶¶ 3-5; SAP, Exh. H, ¶ 5; Exhs. I and J. See Exhs. F and G (taking judicial notice).]</p>	<p>16. Undisputed.</p>
<p>17. On November 2, 1976, a majority of Placer County voters voted to approve Measure F.</p> <p>[Ronco Decl., Exh. B, ¶ 6; SAP, Exh. H, ¶ 5; Exh. K. See Exhs. F and G (taking judicial notice).]</p>	<p>17. Undisputed.</p>
<p>18. Measure F stated that the Board of Supervisors shall, at least annually, determine the existing maximum salaries for each class of position in the</p>	<p>18. Undisputed.</p>

<p style="text-align: center;">RESPONDENT’S UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">PETITIONERS’ RESPONSE AND SUPPORTING EVIDENCE</p>
<p>Nevada County Sheriff’s Office, the El Dorado County Sheriff’s Office, and the Sacramento County Sheriff’s Office. [SAP, Exh. H, ¶¶ 5, 6; Exh. J. See Exhs. F and G (taking judicial notice).]</p>	
<p>19. Measure F stated that the effective January 1, 1977, and January 1 of each year thereafter, the Board of Supervisors shall determine the average salary for each class of position in the Nevada County Sheriff’s Office, the El Dorado County Sheriff’s Office, and the Sacramento County Sheriff’s Office. [SAP, Exh. H, ¶¶ 5, 6; Exh. J. See Exhs. F and G (taking judicial notice).]</p>	<p>19. Undisputed.</p>
<p>20. Measure F stated that beginning the first pay period following January in each year, the Board of Supervisors shall “fix” the average salary for each class of position in the Placer County Sheriff’s Office at a level equal to the average of the salaries for comparable positions in the Nevada County</p>	<p>20. Undisputed.</p>

<p style="text-align: center;">RESPONDENT’S UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">PETITIONERS’ RESPONSE AND SUPPORTING EVIDENCE</p>
<p>Sheriff’s Office, the El Dorado County Sheriff’s Office, and the Sacramento County Sheriff’s Office. [SAP, Exh. H ¶¶ 5, 6; Exh. J. See Exhs. F and G (taking judicial notice).]</p>	
<p>21. The most recent Memorandum of Understanding (“MOU”) between the County and the PCDSA expired June 30, 2018. [Sampson Decl., Exh. C, ¶ 4; SAP, Exh. H, ¶ 23.]</p>	<p>21. Undisputed.</p>
<p>22. In November 2018, the parties agreed to continue to honor the terms of the expired MOU until negotiations over a successor MOU concluded. [Sampson Decl., Exh. C, ¶ 4; SAP, Exh. H, ¶ 24.]</p>	<p>22. Undisputed.</p>
<p>23. The contractual terms of the expired MOU terms included annual salary adjustments for Deputy Sheriffs and Sheriff’s Sergeants pursuant to the formula described in Measure F. [Sampson Decl., Exh. C, ¶ 5; SAP, Exh. H, ¶ 23.]</p>	<p>23. Undisputed.</p>

<p style="text-align: center;">RESPONDENT’S UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">PETITIONERS’ RESPONSE AND SUPPORTING EVIDENCE</p>
<p>24. On December 8, 2020, during collective bargaining negotiations between the County and PCDSA, the County presented the PCDSA with a package proposal that included a salary proposal designated as “County Proposal 13”.</p> <p>[Sampson Decl., Exh. C, ¶ 6; SAP, Exh. H, ¶ 44.]</p>	<p>24. Undisputed.</p>
<p>25. County Proposal 13, as presented on December 8, 2020, offered fixed annual wage increases beginning with a 4.0% increase in 2021.</p> <p>[Sampson Decl., Exh. C, ¶ 7; SAP, Exh. H, ¶ 44.]</p>	<p>25. Undisputed.</p>
<p>26. On February 16, 2021, while negotiations were still ongoing, the County implemented a salary adjustment for County employees represented by the PCDSA consistent with Measure F and the terms of the expired MOU.</p> <p>[Sampson Decl., Exh. C, ¶ 9; Wood Decl. Exh. D, ¶ 3;</p>	<p>26. Undisputed.</p>

<p style="text-align: center;">RESPONDENT’S UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">PETITIONERS’ RESPONSE AND SUPPORTING EVIDENCE</p>
<p>SAP, Exh. H, ¶ 61; Exh. N.]</p>	
<p>27. The February 16, 2021 salary adjustment increased wages for Sheriff’s Deputies and Sergeants by 2.91% and 2.59%, respectively. [Sampson Decl., Exh. C, ¶ 10; Exh. N.]</p>	<p>27. Undisputed.</p>
<p>28. After the PCDSA requested impasse factfinding, the County and PCDSA participated in a factfinding proceeding beginning March 8, 2021. [Sampson Decl., Exh. C, ¶ 8; SAP, Exh. H, ¶¶ 33, 35, 53-55.]</p>	<p>28. Undisputed.</p>
<p>29. The factfinding panel issued its final report on August 25, 2021. [Sampson Decl., Exh. C, ¶ 11; SAP, Exh. H, ¶ 56]</p>	<p>29. Undisputed.</p>
<p>30. On September 14, 2021, the County Board of Supervisors held a public hearing to consider the impasse between the County and the PCDSA. [Sampson Decl., Exh. C, ¶ 12; Wood Decl., Exh. D, ¶ 4;</p>	<p>30. Undisputed.</p>

<p style="text-align: center;">RESPONDENT’S UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">PETITIONERS’ RESPONSE AND SUPPORTING EVIDENCE</p>
<p>SAP, Exh. H, ¶ 59; Exh. O, item 6.A.1.]</p>	
<p>31. On September 14, 2021, after public comment, the Board of Supervisors voted 4-to-1 to adopt Resolution No. 2021-301.</p> <p>[Sampson Decl., Exh. C, ¶ 13; Wood Decl., Exh. D, ¶¶ 5-6; Exh. O, item 6.A.2; Exh. P.]</p>	<p>31. Undisputed.</p>
<p>32. Resolution No. 2021-301 resolved to impose the proposals from the County’s final bargaining position on December 8, 2020.</p> <p>[Sampson Decl., Exh. C, ¶ 13; Wood Decl., Exh. D, ¶¶ 5-6; SAP, Exh. H, ¶ 60; Exh. O, item 6.A.2; Exh. P.]</p>	<p>32. Undisputed.</p>
<p>33. On September 14, 2021, the Board of Supervisors introduced an uncodified ordinance that would increase wages for Sheriff’s Deputies and Sergeants by 1.09% and 1.41% respectively.</p> <p>[Sampson Decl., Exh. C, ¶ 14; Wood Decl., Exh. D, ¶ 8;</p>	<p>33. Undisputed.</p>

1 **RESPONDENT’S UNDISPUTED**
2 **MATERIAL FACTS AND SUPPORTING**
3 **EVIDENCE**

PETITIONERS’ RESPONSE AND
SUPPORTING EVIDENCE

6 **Exh. O, item 6.A.4; Exh. S.]**

8 34. On September 28, 2021, the Board of
9 Supervisors voted 3-to-1 to adopt the
10 uncodified ordinance as Ordinance
11 6105-B, increasing wages for Sheriff’s
12 Deputies and Sergeants by 1.09% and
13 1.41%, respectively.

14 **[Sampson Decl., Exh. C, ¶ 16;**
15 **Wood Decl., Exh. D, ¶ 11;**
16 **SAP, Exh. H, ¶ 61 and “Exhibit H”**
17 **thereto;**
18 **Exh. Q, item 18.A.2; Exh. S.]**

34. Undisputed.

19 35. The wage increases on February 16 and
20 September 28, 2021, amounted to a
21 combined 4.0% wage increase in 2021,
22 as the County offered on December 8,
23 2020.

24 **[Sampson Decl., Exh. C, ¶ 14.]**

35. Undisputed.

25 **ISSUE NO. 5:** The County is entitled to summary adjudication in its favor on the First
26 Cause of Action because Measure F conflicts with, and was legally repealed by, the County
27 Charter approved by the voters of Placer County on November 4, 1980. (Code Civ. Proc., §
28 437c; Placer County Charter § 302, subd. (b), § 604; Cal. Const., art. XI, § 3, subd. (a))

1 ["County charters adopted pursuant to this section shall supersede any existing charter and all
2 laws inconsistent therewith."].)

RESPONDENT'S UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE	PETITIONERS' RESPONSE AND SUPPORTING EVIDENCE
36. On November 2, 1976, a ballot initiative entitled "Placer County Sheriff's Salaries Ordinance Initiative" appeared on the Placer County general election ballot as "Measure F". [Ronco Decl., Exh. B, ¶¶ 3-5; SAP, Exh. H, ¶ 5; Exhs. I and J. See Exhs. F and G (taking judicial notice).]	36. Undisputed.
37. On November 2, 1976, a majority of Placer County voters to approve Measure F. [Ronco Decl., Exh. B, ¶ 6; SAP, Exh. H, ¶ 5; Exh. K. See Exhs. F and G (taking judicial notice).]	37. Undisputed.
38. Measure F stated that the Board of Supervisors shall, at least annually, determine the existing maximum salaries for each class of position in the Nevada County Sheriff's Office, the El Dorado County Sheriff's Office, and the Sacramento County Sheriff's Office.	38. Undisputed.

<p style="text-align: center;">RESPONDENT’S UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">PETITIONERS’ RESPONSE AND SUPPORTING EVIDENCE</p>
<p>[SAP, Exh. H, ¶¶ 5, 6; Exh. J. See Exhs. F and G (taking judicial notice).]</p>	
<p>39. Measure F stated that effective January 1, 1977, and January 1 of each year thereafter, the Board of Supervisors shall determine the average salary for each class of position in the Nevada County Sheriff’s Office, the El Dorado County Sheriff’s Office, and the Sacramento County Sheriff’s Office.</p> <p>[SAP, Exh. H, ¶¶ 5, 6; Exh. J. See Exhs. F and G (taking judicial notice).]</p>	<p>39. Undisputed.</p>
<p>40. Measure F stated that beginning the first pay period following January in each year, the Board of Supervisors shall “fix” the average salary for each class of position in the Placer County Sheriff’s Office at a level equal to the average of the salaries for comparable positions in the Nevada County Sheriff’s Office, the El Dorado County Sheriff’s Office, and the Sacramento County Sheriff’s Office.</p> <p>[SAP, Exh. H, ¶¶ 5, 6; Exh. J.</p>	<p>40. Undisputed.</p>

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<p style="text-align: center;">RESPONDENT’S UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">PETITIONERS’ RESPONSE AND SUPPORTING EVIDENCE</p>
<p><i>See Exhs. F and G (taking judicial notice).]</i></p>	
<p>41. On November 4, 1980, a measure for the proposed adoption of a county charter for the County of Placer appeared on the general election ballot for Placer County, designated as “Measure K”.</p> <p>[Ronco Decl., Exh. B, ¶ 7; SAP, Exh. H, ¶ 7; Exh. L.</p> <p><i>See Exhs. F and G (taking judicial notice).]</i></p>	<p>41. Undisputed.</p>
<p>42. In the election of November 4, 1980, a majority of Placer County voters voted to approve Measure K and adopt the proposed County Charter.</p> <p>[Ronco Decl., Exh. B, ¶ 8; SAP, Exh. H, ¶ 7; Exh. M.</p> <p><i>See Exhs. F and G (taking judicial notice).]</i></p>	<p>42. Undisputed.</p>
<p>43. Section 102 of the County Charter states that the County “has and shall have all the powers which are now or may hereafter be provided by the Constitution and the laws of the State of California and by this Charter.”</p> <p>[Exh. L, page 31K-1.</p>	<p>43. Undisputed.</p>

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**RESPONDENT’S UNDISPUTED
MATERIAL FACTS AND SUPPORTING
EVIDENCE**

**PETITIONERS’ RESPONSE AND
SUPPORTING EVIDENCE**

See Exhs. F and G (taking judicial notice).]

44. Section 103 of the County Charter states that the powers mentioned in Section 102 “shall be exercised only by a Board of Supervisors or through agents and officers acting under its authority or authority conferred by law.”

[Exh. L, page 31K-1.

See Exhs. F and G (taking judicial notice).]

44. Undisputed.

45. Section 201 of the County Charter states “The Board of Supervisors is the governing body of Placer County. The Board consists of five (5) members.”

[Exh. L, page 31K-1.

See Exhs. F and G (taking judicial notice).]

45. Undisputed.

46. Section 301 of the County Charter states that “The Board shall have all the jurisdiction and authority which now or which may hereafter be granted by the Constitution and the laws of the State of California or by this Charter.”

[Exh. L, page 31K-1.

See Exhs. F and G (taking judicial notice).]

46. Undisputed.

**RESPONDENT’S UNDISPUTED
MATERIAL FACTS AND SUPPORTING
EVIDENCE**

**PETITIONERS’ RESPONSE AND
SUPPORTING EVIDENCE**

47. Section 302, subdivision (b) of the County Charter states that the Board of Supervisors shall “Provide, by ordinance, for the number of assistants, deputies, clerks, and other persons to be employed from time to time in the several officers and institutions of the County, and for their compensation.”

[SAP, Exh. H, ¶ 7;

Exh. L, page 31K-2.

See Exhs. F and G (taking judicial notice).]

47. Undisputed.

48. Section 604 of the County Charter states that laws of the County in effect as of the adoption of the Charter shall continue in effect “unless contrary to the provisions of this Charter, or until repealed or modified pursuant to the authority of this Charter or general law.”

[SAP, Exh. H, ¶ 8;

Exh. L, page 31K-3.

See Exhs. F and G (taking judicial notice).]

48. Undisputed.

1 **SECOND CAUSE OF ACTION**

2 **FOR VIOLATION OF PLACER COUNTY CODE SECTION 3.12.040**

3 **ISSUE NO. 6:** The County is entitled to summary adjudication in its favor on the
4 Second Cause of Action because County Ordinance 6105-B, raising wages for Deputy Sheriffs
5 and Sergeants employed by the County, complied with County Code Section 3.12.040 as
6 amended by Ordinance 6104-B. (Code Civ. Proc., § 437c; Placer County Code § 3.12.040.)

RESPONDENT’S UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE	PETITIONERS’ RESPONSE AND SUPPORTING EVIDENCE
<p>7</p> <p>8</p> <p>9</p> <p>10 49. On September 14, 2021, the Placer</p> <p>11 County Board of Supervisors</p> <p>12 introduced an ordinance that would</p> <p>13 amend Section 3.12.040 of the Placer</p> <p>14 County Code to read “Pursuant to</p> <p>15 Article XI, Sections 1, 3, and 4, of the</p> <p>16 California Constitution, Sections 302</p> <p>17 and 604 of the Placer County Charter,</p> <p>18 adopted by the electorate on</p> <p>19 November 4, 1980, and California</p> <p>20 Government Code Sections 3504 and</p> <p>21 3505, the Board of Supervisors shall</p> <p>22 negotiate and set compensation for all</p> <p>23 employees represented by PPEO,</p> <p>24 PCLEMA, and PCDSA.”</p> <p>25 [Wood Decl., Exh. D, ¶ 7;</p> <p>26 Exh. O, item 6.A.3; Exh. R.]</p> <p>27</p>	<p>49. Undisputed.</p>

1 50. On September 14, 2021, the Board of
2 Supervisors introduced an ordinance
3 that would increase wages for Sheriff’s
4 Deputies and Sergeants by 1.09% and
5 1.41% respectively.

6 **[Sampson Decl. ¶ 14;**
7 **Wood Dec., Exh. D, ¶ 8;**
8 **Exh. O, item 6.A.4; Exh. S.]**

50. Undisputed.

9 51. On September 28, 2021, the Board of
10 Supervisors voted 3-to-1 to adopt
11 Ordinance 6104-B, amending Section
12 3.12.040 of the Placer County Code to
13 read “Pursuant to Article XI, Sections
14 1, 3, and 4 of the California
15 Constitution, Sections 302 and 604 of
16 the Placer County Charter, adopted by
17 the electorate on November 4, 1980,
18 and California Government Code
19 Sections 3504 and 3505, the Board of
20 Supervisors shall negotiate and set
21 compensation for all employees
22 represented by PPEO, PCLEMA, and
23 PCDSA.”

24 **[Wood Decl., Exh. D, ¶¶ 9-10;**
25 **SAP, Exh. H, ¶ 62 and “Exhibit I” thereto;**
26 **Exh. Q, item 18.A.1; Exh. R.]**

51. Undisputed.

<p>52. On September 28, 2021, the Board of Supervisors voted 3-to-1 to adopt the uncodified ordinance as Ordinance 6105-B, increasing wages for Sheriff’s Deputies and Sergeants by 1.09% and 1.41%, respectively.</p> <p>[Sampson Decl., Exh. C, ¶ 16; Wood Decl., Exh. D, ¶ 11; SAP, Exh. H, ¶ 61 and “Exhibit H” thereto; Exh. Q, item 18.A.2; Exh. S.]</p>	<p>52. Undisputed.</p>
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**THIRD CAUSE OF ACTION
FOR DECLARATORY RELIEF**

ISSUE NO. 7: The County is entitled to summary adjudication in its favor on the Third Cause of Action because Petitioners cannot establish that the County’s amendment to County Code Section 3.12.040 violated Elections Code section 9125. (Code Civ. Proc., § 437c.).

RESPONDENT’S UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE	PETITIONERS’ RESPONSE AND SUPPORTING EVIDENCE
<p>53. On September 14, 2021, the Placer County Board of Supervisors introduced an ordinance that would amend Section 3.12.040 of the Placer County Code to read “Pursuant to Article XI, Sections 1, 3, and 4 of the California Constitution, Sections 302</p>	<p>53. Undisputed.</p>

**RESPONDENT’S UNDISPUTED
MATERIAL FACTS AND SUPPORTING
EVIDENCE**

**PETITIONERS’ RESPONSE AND
SUPPORTING EVIDENCE**

and 604 of the Placer County Charter, adopted by the electorate on November 4, 1980, and California Government Code Sections 3054 and 3505, the Board of Supervisors shall negotiate and set compensation for all employees represented by PPEO, PCLEMA, and PCDSA.”

[Wood Decl., Exh. D, ¶ 7;
Exh. O, item 6.A.3; Exh. R.]

54. On September 28, 2021, the Board of Supervisors voted 3-to-1 to adopt Ordinance 6104-B, amending Section 3.12.040 of the Placer County Code to read “Pursuant to Article XI, Sections 1, 3, and 4 of the California Constitution, Sections 302 and 604 of the Placer County Charter, adopted by the electorate on November 4, 1980, and California Government Code Sections 3504 and 3505, the Board of Supervisors shall negotiate and set compensation for all employees represented by PPEO, PCLEMA,

54. Undisputed.

**RESPONDENT’S UNDISPUTED
MATERIAL FACTS AND SUPPORTING
EVIDENCE**

**PETITIONERS’ RESPONSE AND
SUPPORTING EVIDENCE**

and PCDSA.”
[Wood Decl., Exh. D, ¶¶ 9-10;
Exh. Q, item 18.A.1; Exh. R.]

ISSUE NO. 8: The County is entitled to summary adjudication in its favor on the Third Cause of Action because Petitioners cannot establish that the County’s actions concerning wages for Sheriff’s Deputies and Sergeants were unlawful. (Code Civ. Proc., § 437c.)

**RESPONDENT’S UNDISPUTED
MATERIAL FACTS AND SUPPORTING
EVIDENCE**

**PETITIONERS’ RESPONSE AND
SUPPORTING EVIDENCE**

55. On September 14, 2021, the Placer County Board of Supervisors introduced an ordinance that would amend Section 3.12.040 of the Placer County Code to read “Pursuant to Article XI, Sections 1, 3, and 4 of the California Constitution, Sections 302 and 604 of the Placer County Charter, adopted by the electorate on November 4, 1980, and California Government Code Sections 3504 and 3505, the Board of Supervisors shall negotiate and set compensation for all employees represented by PPEO,

55. Undisputed.

<p style="text-align: center;">RESPONDENT’S UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">PETITIONERS’ RESPONSE AND SUPPORTING EVIDENCE</p>
<p>PCLEMA, and PCDSA.” [Wood Decl., Exh. D, ¶ 7; Exh. O, item 6.A.3; Exh. R.]</p>	
<p>56. On September 14, 2021, the Board of Supervisors introduced an ordinance that would increase wages for Sheriff’s Deputies and Sergeants by 1.09% and 1.41%, respectively. [Wood Decl., Exh. D, ¶ 8; Exh. O, item 6.A.4; Exh. S.]</p>	<p>56. Undisputed.</p>
<p>57. On September 28, 2021, the Board of Supervisors voted 3-to-1 to adopt Ordinance 6104-B, amending Section 3.12.040 of the Placer County Code to read “Pursuant to Article XI, Sections 1, 3, and 4 of the California Constitution, Sections 302 and 604 of the Placer County Charter, adopted by the electorate on November 4, 1980, and California Government Code Sections 3504 and 3505, the Board of Supervisors shall negotiate and set compensation for all employees represented by PPEO, PCLEMA,</p>	<p>57. Undisputed.</p>

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RESPONDENT’S UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE	PETITIONERS’ RESPONSE AND SUPPORTING EVIDENCE
and PCDSA.” [Wood Decl., Exh. D, ¶¶ 9-10; Exh. Q, item 18.A.1; Exh. R.]	
58. On September 28, 2021, the Board of Supervisors voted 3-to-1 to adopt the uncodified ordinance as Ordinance 6105-B, increasing wages for Sheriff’s Deputies and Sergeants by 1.09% and 1.41%, respectively. [Sampson Decl., Exh. C, ¶ 16; Wood Decl., Exh. D, ¶ 11; SAP, Exh. H, ¶ 61 and “Exhibit H” thereto; Exh. Q, item 18.A.2; Exh. S.]	58. Undisputed.

PETITIONERS' STATEMENT OF ADDITIONAL MATERIAL FACTS

PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE

RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE

1. Section 607 of the County Charter provides "[t]he electors of the county may by majority vote and pursuant to general law ... [e]xercise the powers of initiative and referendum."

[Charter of the County of Placer, Article VI, Sec. 607(a) "Initiative, Referendum, Recall and Charter Change;" Respondent's Exh. L, K-4.]

1.

2. The County did not request to meet and confer over the PCDSA'S request to submit Measure F to the electorate as an initiative.

[Mastagni Decl. Exh. A 24:11-25:10.]

2.

3. The County did not request to meet and confer over the terms of Measure F prior to submitting it to the electorate as an initiative.

[Mastagni Decl. Exh. A 24:11-25:10.]

3.

4. The County did not submit an opposition to Measure F in 1976.

[Mastagni Decl. Exh. A 37:16-39:8 Mastagni Decl. Exh. A 16:24-18:16]

4.

<p style="text-align: center;">PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE</p>
<p>Mastagni Decl. Exh. A, Exh. 2.]</p>	
<p>5. The County Counsel in 1976 had a duty to advise the Board of Supervisors of any concern over the legality of enacting Measure F through a voter initiative.</p> <p>[Mastagni Decl. Exh. A 16:24-18:16; Mastagni Decl. Exh. A 19:23-21:12; Mastagni Decl. Exh. A, Exh. 2.]</p>	<p>5.</p>
<p>6. The County Counsel in 1976 did not raise any concerns over the legality or enforceability of enacting Measure F through a voter initiative.</p> <p>[Mastagni Decl. Exh. A 16:24-18:16; Mastagni Decl. Exh. A 33:18-35:18; Mastagni Decl. Exh. A, Exh. 2.]</p>	<p>6.</p>
<p>7. On the November 2, 1976 ballot, the County Counsel provided an impartial analysis of Measure F which stated in part: "Under state law, the Board of Supervisors is directed to provide for the compensation of all county employees. In addition, state law requires that the Board of Supervisors</p>	<p>7.</p>

<p style="text-align: center;">PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE</p>
<p>meet and confer with all employees in good faith prior to setting changes or making changes in compensation.” [Mastagni Decl. Exh. A 16:23-17:24; Mastagni Decl. Exh. A, Exh. 2.]</p>	
<p>8. On the November 2, 1976 ballot, the County Counsel provided an impartial analysis of Measure F which stated in part: “Instead, there would, as to those salaries be substituted a formula approach tied to salaries paid in the Counties of Nevada, El Dorado, and Sacramento for comparable classes of position.” [Mastagni Decl. Exh. A 16:24-18:16; Mastagni Decl. Exh. A 19:14-21; Mastagni Decl. Exh. A, Exh. 2.]</p>	<p>8.</p>
<p>9. Under Measure F, Deputies and Sergeants receive annual base salary adjustments that are not subject to contract negotiations. [Mastagni Decl. Exh. A 152:9-153:5; Mastagni Decl. Exh. A, Exh. 15.]</p>	<p>9.</p>

<p style="text-align: center;">PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE</p>
<p>10. Under Measure F, Deputies and Sergeants receive annual base salary adjustments that are not subject to the fact-finding impasse procedure. [Mastagni Decl. Exh. A 152:9-153:5; Mastagni Decl. Exh. A, Exh. 15.]</p>	<p>10.</p>
<p>11. Prior to September 21, 2021, Deputies and Sergeants automatically received a salary adjustment every February as determined by the Measure F formula, regardless of the status of negotiations. [Mastagni Decl. Exh. A 152:9-153:5; Mastagni Decl. Exh. A, Exh. 15; Bettencourt Decl. ¶ 10; Mastagni Decl. Exh. C.]</p>	<p>11.</p>
<p>12. Measure F does not alter the factfinding criteria set forth in Government Code § 3505.4(d). [Mastagni Decl. 16:24-18:16; Mastagni Decl. Exh. 2; Gov Code § 3505.4(d).]</p>	<p>12.</p>

<p style="text-align: center;">PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE</p>
<p>13. Measure F does not mandate the imposition of any terms or conditions of employment after any applicable mediation and factfinding procedures have been exhausted.</p> <p>[Gov. Code § 3505.7; Mastagni Decl. Exh. A 16:24-18:16; Mastagni Decl. Exh. A, Exh. 2.]</p>	<p>13.</p>
<p>14. The Board of Supervisors, in 1980, determined that Measure F was compatible with the Charter.</p> <p>[Mastagni Decl. Exh. A 73:1-74:9; Mastagni Decl. Exh. A, Exh. 3; Mastagni Decl. Exh. A 74:11-76:8; Mastagni Decl. Exh. A, Exh. 4; Mastagni Decl. Exh. A 75:21-76:5; Mastagni Decl. Exh. A, Exh. 5; Mastagni Decl. Exh. A 86:5-89:21.]</p>	<p>14.</p>
<p>15. Prior to 2020, the County consistently construed Measure F's salary setting provisions as harmonious with the Charter's general grant of authority to the Board to provide for compensation.</p> <p>[Mastagni Decl. Exh. A 89:16-21;</p>	<p>15.</p>

<p style="text-align: center;">PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE</p>
<p>Mastagni Decl. Exh. C.]</p>	
<p>16. Prior to 2020, the County representatives consistently represented to representatives of the PCDSA that Measure F was binding on the County and that the County could not negotiate base salaries that deviated from Measure F, even when both parties desired to do so.</p> <p>[Mastagni Decl. Exh. A 152:9-153:5; Mastagni Decl. Exh. A, Exh. 15; Bettencourt Decl. ¶ 14, Exh. F; Bettencourt Decl. ¶ 15, Exh. G; Bettencourt Decl. ¶ 16, Exh. H; Bettencourt Decl. ¶ 13, Exh. E; Bettencourt Decl. ¶ 12, Exh. D; Bettencourt Decl. ¶ 7, Exh. A; Topaz Decl. ¶ 9, Exh. B; Mastagni Decl. Exh. C.]</p>	<p>16.</p>
<p>17. Prior to 2020, County officials made representations to the public that Measure F was binding on the County And that the County could not negotiate base salaries that deviated</p>	<p>17.</p>

<p style="text-align: center;">PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE</p>
<p>from Measure F.</p> <p>[Mastagni Decl. Exh. A 229:19-230:13;</p> <p>Mastagni Decl. Exh. A, Exh. 19;</p> <p>Bettencourt Decl. ¶ 8, Exh. B;</p> <p>Bettencourt Decl. ¶ 9, Exh. C;</p> <p>Mastagni Decl. Exh. A 16:23-17:24;</p> <p>Mastagni Decl. Exh. A, Exh. 2;</p> <p>Mastagni Decl. Exh. A 133:25-134:17;</p> <p>Mastagni Decl. Exh. A, Exh. 8;</p> <p>Mastagni Decl. Exh. A 143:25-145:4;</p> <p>Mastagni Decl. Exh. A, Exh. 11;</p> <p>Mastagni Decl. Exh. A 150:5-151:2;</p> <p>Mastagni Decl. Exh. A, Exh. 13.]</p>	
<p>18. Between 2000 and 2010, the County's negotiators informed the PCDSA that it could not agree to provide base salaries that exceed the Measure F calculations unless the voters repeal Measure F.</p> <p>[Mastagni Decl. Exh. A 132:24-133:21;</p> <p>Topaz Decl. ¶ 5.]</p>	<p>18.</p>
<p>19. In 2003, the then County CEO wrote an editorial in which she stated "[t]he public may not be aware that the county must adhere to the voter-</p>	<p>19.</p>

PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE	RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE
<p>approved Proposition F measure that sets salaries... The county is unable to change the Proposition F formula. Only the voters of Placer County can do that.”</p> <p>[Mastagni Decl. Exh. A 229:19-230:13; Mastagni Decl. Exh. A, Exh. 19; Mastagni Decl. Exh. A 230:22-231:14.]</p>	
<p>20. In the early 2000s, the PCDSA and the County met and conferred over submitting a ballot initiative to the voters to repeal Measure F.</p> <p>[Mastagni Decl. Exh. A 59:23-61:23; Bettencourt Decl. ¶ 3.]</p>	<p>20.</p>
<p>21. In 2002, both the County and PCDSA wanted to negotiate a base salary that deviated from the Measure F formula.</p> <p>[Mastagni Decl. Exh. A 133:25-134:17; Mastagni Decl. Exh. A, Exh. 8; Mastagni Decl. Exh. A 128:18-129:19; Mastagni Decl. Exh. A, Exh. 9; Mastagni Decl. Exh. A 128:22-131:14; Bettencourt Decl. ¶ 3.]</p>	<p>21.</p>

<p style="text-align: center;">PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE</p>
<p>22. In 2002, the County's representatives informed the PCDSA that Measure F formula set the base salary.</p> <p>[Mastagni Decl. Exh. A 132:16-23; Bettencourt Decl. ¶ 4.]</p>	<p>22.</p>
<p>23. In 2002, the County agreed to place "Measure R" on the ballot asking the voters whether to repeal Measure F.</p> <p>[Mastagni Decl. Exh. A 126:18-127:16; Mastagni Decl. Exh. A, Exh. 6; Mastagni Decl. Exh. A 133:25-134:17; Mastagni Decl. Exh. A, Exh. 8; Bettencourt Decl. ¶ 5.]</p>	<p>23.</p>
<p>24. The County's impartial analysis of Measure R informed voters "[a] `NO' vote on this measure is a vote to retain the existing ordinance."</p> <p>[Mastagni Decl. Exh. A 133:25-134:17; Mastagni Decl. Exh. A, Exh. 8; Bettencourt Decl. ¶ 5.]</p>	<p>24.</p>
<p>25. In 2002, the electorate voted to retain Measure F.</p> <p>[Mastagni Decl. Exh. A 137:24-139:19; Mastagni Decl. Exh. A, Exh. 7;</p>	<p>25.</p>

<p style="text-align: center;">PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE</p>
<p>Bettencourt Decl. ¶ 5.]</p>	
<p>26. Measure R did not pass. [Mastagni Decl. Exh. A 137:24-139:19; Mastagni Decl. Exh. A, Exh. 7; Bettencourt Decl. ¶ 5.]</p>	<p>26.</p>
<p>27. In 2006, the County placed "Measure A" on the ballot asking the voters whether to repeal Measure F. [Mastagni Decl. Exh. A 140:2-24; Mastagni Decl. Exh. A, Exh. 10; Mastagni Decl. Exh. A 143:25-145:4; Mastagni Decl. Exh. A, Exh. 11; Mastagni Decl. Exh. A 148:3-22; Mastagni Decl. Exh. A, Exh. 12; Mastagni Decl. Exh. A 150:5-151:2; Mastagni Decl. Exh. A, Exh. 13; Bettencourt Decl. ¶ 6.]</p>	<p>27.</p>
<p>28. The County's impartial analysis of Measure A informed voters "[a] `NO' vote on this measure is a vote to retain the existing ordinance." [Mastagni Decl. Exh. A 143:25-145:4; Mastagni Decl. Exh. A, Exh. 11; Bettencourt Decl. ¶ 6.]</p>	<p>28.</p>

<p style="text-align: center;">PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE</p>
<p>29. In 2006, the electorate voted to retain Measure F.</p> <p>[Mastagni Decl. Exh. A 151:4-152:5; Mastagni Decl. Exh. A, Exh. 14; Bettencourt Decl. ¶ 6.]</p>	<p>29.</p>
<p>30. Measure A did not pass.</p> <p>[Mastagni Decl. Exh. A 151:4-152:5; Mastagni Decl. Exh. A, Exh. 14; Bettencourt Decl. ¶ 6.]</p>	<p>30.</p>
<p>31. Between 1977 and 2020, the County adhered to the Measure F formula in setting the salaries for Sheriff's Deputies and Sergeants.</p> <p>[Mastagni Decl. Exh. C; Bettencourt Decl. ¶ 10.]</p>	<p>31.</p>
<p>32. Between 1977 and 2020, the County affirmed and ratified Measure F multiple times through the adoption and modifications of Placer County Code section 3.12.040.</p> <p>[Frederito Decl. ¶ 18, Exh. E; Bettencourt Decl. ¶ 8, Exh. B; Bettencourt Decl. ¶ 9, Exh. C;] Placer County Code § 3.12.040.]</p>	<p>32.</p>

<p style="text-align: center;">PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE</p>
<p>33. Prior to the elections in 2002 and 2006, the County had passed resolutions adopting labor agreements with the DSA which included the base salary setting terms of Measure F.</p> <p>[Frederito Decl. ¶ 23, Exh. G, p. 6 § 5.1; Frederito Decl. ¶ 23, Exh. H, p. 4 § 5.1.]</p>	<p>33.</p>
<p>34. Prior to the elections in 2002 and 2006, the County had enacted the Measure F base salary setting formula in the County Code under the section setting forth the salaries of all represented employees.</p> <p>[Placer County Code § 3.12.040, prior code § 14.3005.]</p>	<p>34.</p>
<p>35. Since its original adoption, the County had enacted County Code Sections applying the Measure F base salary setting formula to employees not represented by the DSA.</p> <p>[Bettencourt Decl. ¶ 8, Exh. B.]</p>	<p>35.</p>
<p>36. After Measure F's passage, the County codified its terms in County Code Section 14.3005.</p>	<p>36.</p>

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<p align="center">PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p align="center">RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE</p>
<p>[Placer County Code § 3.12.040, prior code § 14.3005.]</p>	
<p>37. In 2000, the County passed a resolution renumbering the Measure F terms as Placer County Code Section 3.12.040.</p> <p>[Placer County Code § 3.12.040, prior code § 14.3005.]</p>	<p>37.</p>
<p>38. In 2006, Ordinance 5441-B amended Section 3.12.040 to add the Assistant Sheriff classification.</p> <p>[Bettencourt Decl. ¶ 8, Exh. B.]</p>	<p>38.</p>
<p>39. In 2007, Ordinance 5478-B re-adopted the Personnel Rules in their entirety, including Section 3.12.040.</p> <p>[Bettencourt Decl. ¶ 9, Exh. C.]</p>	<p>39.</p>
<p>40. On January 12, 2021, the Board adopted Ordinance 6060-B amending Section 3.12.040 to remove Undersheriff, Assistant Sheriff, Inspector, Captain, and Lieutenant, but the amended ordinance retained application of the formula for corporals, deputies, and sergeants.</p> <p>[Frederito Decl. ¶ 18, Exh. E.]</p>	<p>40.</p>

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<p align="center">PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p align="center">RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE</p>
<p>41. Between 1977 and 2020, the County and the PCDSA historically incorporated the Measure F formula in their labor agreements.</p> <p>[Frederito Decl. ¶ 23, Exh. G, p. 6 § 5.1; Frederito Decl. ¶ 23, Exh. H, p. 4 § 5.1; Frederito Decl. ¶ 23, Exh. I, p. 4 § 5.1; Frederito Decl. ¶ 23, Exh. J, p. 4 § 5.1; Frederito Decl. ¶ 22, Exh. F, p. 4 § 5.1.]</p>	<p>41.</p>
<p>42. Between 1977 and 2020, Measure F only set base salaries.</p> <p>[Frederito Decl. ¶ 23, Exh. G, p. 6 § 5.1; Frederito Decl. ¶ 23, Exh. H, p. 4 § 5.1; Frederito Decl. ¶ 23, Exh. I, p. 4 § 5.1; Frederito Decl. ¶ 23, Exh. J, p. 4 § 5.1; Frederito Decl. ¶ 22, Exh. F, p. 4 § 5.1; Mastagni Decl. Exh. A 48:15-21; 100:5-6; 114: 21-115:4.]</p>	<p>42.</p>
<p>43. The total compensation the County provides PCDSA members includes base salaries, additional cash compensations based on education, assignment, shifts, pension contributions, and insurances and</p>	<p>43.</p>

<p style="text-align: center;">PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE</p>
<p>benefits. [Frederito Decl. ¶ 22, Exh. F, p.8, Article 8; Mastagni Decl. Exh. A 186:2-22, 188:24- 25, 189:1-2, 189:6-9, 190:6-10, 190:15-24, 191:4-7, 191:13-23, 192:5-9, 196:15-25, 197:18-25, 198:8-12, 198:22-25, 200:3-6, 200:24-25, 201:1-3.]</p>	<p>44.</p>
<p>44. Between 1977 and 2020, the County and the PCDSA negotiated other pays and benefits so the base salary set by Measure F was only about half of compensation. [Mastagni Decl. Exh. A 114:14-19; 120:12- 16.]</p>	<p>44.</p>
<p>45. Since at least 2015, the total compensation the County provides to PCDSA members is approximately double the amount of the base salary provided. [Mastagni Decl. Exh. A 111:14-112:12; Frederito Decl. ¶ 25, Exh. L.]</p>	<p>45.</p>
<p>46. According to the County's 2020 compensation survey, Measure F base salaries only comprise approximately</p>	<p>46.</p>

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<p align="center">PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p align="center">RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE</p>
<p>53.9% of total compensation. [Frederito Decl. Exh. L.]</p>	
<p>47. According to the County's 2020 compensation survey, Measure F base salaries only comprise approximately 74.4% of total cash compensation. [Frederito Decl. Exh. L.]</p>	<p>47.</p>
<p>48. The County can negotiate adjustments to PCDSA members' total cash compensation without deviating from Measure F. [Mastagni Decl. Exh. A 186:2-22, 188:24-25, 189:1-2, 189:6-9, 190:6-10, 190:15-24, 191:4-7, 191:13-23, 192:5-9, 196:15-25, 197:18-25, 198:8-12, 198:22-25, 200:3-6, 200:24-25, 201:1-3; Frederito Decl. ¶ 6.]</p>	<p>48.</p>
<p>49. The County has the ability to set overall cash compensation to PCDSA members without violating Measure F. [Mastagni Decl. Exh. A 113:24 – 114:13, 127:22 – 128:6, 129:24 – 130:7, 172:5 – 7, 178:15 – 18; Frederito Decl. ¶ 6;</p>	<p>49.</p>

<p style="text-align: center;">PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE</p>
<p>Frederito Decl. Exh. A; Frederito Decl. ¶ 22, Exh. F, pp. 8-14; Frederito Decl. ¶ 23, Exh. I, pp. 1-3; Frederito Decl. ¶ 17, Exh. D.]</p>	
<p>50. In the 2000s the County was able to negotiate cash compensation increases that exceed Measure F by offering to provide incentive pays that all or nearly all PCDSA members received.</p> <p>[Mastagni Decl. Exh. A 123:18-127:7.]</p>	<p>50.</p>
<p>51. On or about July 9, 2008, the County submitted a four (4) year contract proposal to the PCDSA that offered “salary” in addition to Measure F in the amount of a 1% POST Basic Pay in 2008, and “effective with Prop. F 2009, the difference between 5% and Prop. F percentage at Deputy Sheriff II, step 5, into POST Basic”, and “effective with Prop. F [for years 2010 and 2011], the difference between 5% and Prop. F percentage at Deputy Sheriff II, step 5, into Cafeteria Plan.”</p> <p>[Topaz Decl. ¶ 9-10, Exh. B;</p>	<p>51.</p>

<p style="text-align: center;">PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE</p>
<p>Bettencourt Decl. ¶ 16, Exh. H.]</p>	
<p>52. In or around 2009, the County was able to reduce PCDSA members' total cash compensation without deviating from Measure F by reducing its Employer Paid Member Contribution (EPMC) paid to CalPERS on behalf of members and reducing incentive pays.</p> <p>[Bettencourt Decl. ¶ 20, Exh. K; Topaz Decl. ¶7-8, Exh. A; Topaz Decl. ¶ 13, Exh. D.]</p>	<p>52.</p>
<p>53. In or around 2010, the County imposed terms on the DSA that reduced the compensation paid to deputies and sergeants without violating Measure F.</p> <p>[Frederito Decl. ¶ 23, Exh. I.]</p>	<p>53.</p>
<p>54. Since at least 2015 through September 14, 2020, in addition to base salary set by Measure F, the County has provided PCDSA members cash compensation for standby pay.</p> <p>[Mastagni Decl. Exh. A 188:1-189:25; Frederito Decl. ¶ 22, Exh. F, p. 8, § 7.4; Frederito Decl. ¶ 24, Exh. K.]</p>	<p>54.</p>

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<p style="text-align: center;">PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE</p>
<p>55. Since at least 2015 through September 14, 2020, in addition to base salary set by Measure F, the County has provided PCDSA members cash compensation for bilingual pay.</p> <p>[Mastagni Decl. Exh. A 189:3-9; Frederito Decl. ¶ 22, Exh. F, p. 8, § 8.1; Frederito Decl. ¶ 24, Exh. K, p. 6, § 9.]</p>	<p>55.</p>
<p>56. Since at least 2015 through September 14, 2020, in addition to base salary set by Measure F, the County has provided PCDSA members cash compensation for “career and education incentives” which includes P.O.S.T. incentive pays.</p> <p>[Mastagni Decl. Exh. A 190:1-191:25; Frederito Decl. ¶ 22, Exh. F, p. 9-10, § 8.3; Frederito Decl. ¶ 24, Exh. K, p. 7-8, § 13.]</p>	<p>56.</p>
<p>57. Since at least 2015 through September 14, 2020, in addition to base salary set by Measure F, the County has provided PCDSA members cash compensation of 12% of base salary of an intermediate P.O.S.T. certificate.</p>	<p>57.</p>

<p style="text-align: center;">PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE</p>
<p>[Mastagni Decl. Exh. A 189:1-190:25; Frederito Decl. ¶ 22, Exh. F, p. 9-10, § 8.3.]</p>	
<p>58. Since at least 2015 through September 14, 2020, in addition to base salary set by Measure F, the County has provided PCDSA members cash compensation of 17% of base salary of an advanced P.O.S.T. certificate.</p> <p>[Mastagni Decl. Exh. A 184:1-185:25; Frederito Decl. ¶ 22, Exh. F, p. 10, § 8.3.]</p>	<p>58.</p>
<p>59. All Placer County non-probationary Deputies and Sergeants must have a basic P.O.S.T. incentive as a condition of employment.</p> <p>[Frederito Decl. ¶ 22, Exh. F, p. 9-10, § 8.3.]</p>	<p>59.</p>
<p>60. Most Deputies and Sergeants possess an intermediate or advanced P.O.S.T. certificate.</p> <p>[Mastagni Decl. Exh. A 190:3-4.]</p>	<p>60.</p>
<p>61. Since at least 2015 through September 14, 2020, in addition to base salary set by Measure F, the County has provided PCDSA members night shift</p>	<p>61.</p>

<p style="text-align: center;">PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE</p>
<p style="text-align: center;">differential of 7.5% of base pay. [Mastagni Decl. Exh. A 199:1-200:25; Frederito Decl. ¶ 22, Exh. F, p. 13, § 8.11; Frederito Decl. ¶ 24, Exh. K, p. 8, § 14.]</p>	
<p>62. Since at least 2015 through September 14, 2020, in addition to base salary set by Measure F, the County has provided PCDSA members cash compensation up to 10% of base salary for longevity pay. [Mastagni Decl. Exh. A 200:7-201:8; Frederito Decl. ¶ 22, Exh. F, p. 13-14, § 8.12; Frederito Decl. ¶ 24, Exh. K, p. 6-7, § 11.]</p>	<p style="text-align: center;">62.</p>
<p>63. Since at least 2015 through September 14, 2020, in addition to base salary set by Measure F, the County has provided PCDSA members cash compensation for college degrees. [Mastagni Decl. Exh. A 190:11-14; Frederito Decl. ¶ 22, Exh. F, p. 10, § 8.3; Frederito Decl. ¶ 24, Exh. K, p. 8, § 13.]</p>	<p style="text-align: center;">63.</p>
<p>64. Since at least 2015 through September 14, 2020, in addition to</p>	<p style="text-align: center;">64.</p>

<p style="text-align: center;">PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE</p>
<p>base salary set by Measure F, the County has provided PCDSA members cash compensation for tuition reimbursement.</p> <p>[Mastagni Decl. Exh. A 190:25 -191:3; Frederito Decl. ¶ 22, Exh. F, p. 10, § 8.4.]</p>	
<p>65. Since at least 2015 through September 14, 2020, in addition to base salary set by Measure F, the County has provided PCDSA members cash compensation for out-of-class pay.</p> <p>[Mastagni Decl. Exh. A 191:10-12; Frederito Decl. ¶ 22, Exh. F, p. 10-11, § 8.5; Frederito Decl. ¶ 24, Exh. K, p. 5-6, § 8.]</p>	<p>65.</p>
<p>66. Since at least 2015 through September 14, 2020, in addition to base salary set by Measure F, the County has provided PCDSA members cash compensation for training officer pay.</p> <p>[Mastagni Decl. Exh. A 197:18-21; Frederito Decl. ¶ 22, Exh. F, p. 12, § 8.8;</p>	<p>66.</p>

<p style="text-align: center;">PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE</p>
<p>Frederito Decl. ¶ 24, Exh. K, p. 6, § 10.]</p>	
<p>67. Since at least 2015 through September 14, 2020, in addition to base salary set by Measure F, the County has provided PCDSA members cash compensation for uniform allowance.</p> <p>[Mastagni Decl. Exh. A 198: 14-21; Frederito Decl. ¶ 22, Exh. F, p. 13, § 8.10.]</p>	<p>67.</p>
<p>68. Since at least 2015 through September 14, 2020, in addition to base salary set by Measure F, the County has provided PCDSA members cash compensation of 5% of base salary for detective assignment pay.</p> <p>[Mastagni Decl. Exh. A 198:2-6; Frederito Decl. ¶ 22, Exh. F, p. 12-13, § 8.9; Frederito Decl. ¶ 24, Exh. K, p. 7, § 12.]</p>	<p>68.</p>
<p>69. Since December of 2017 through September 14, 2020, in addition to base salary set by Measure F, the County has provided PCDSA members cash compensation in the amount of \$875.00 per month when assigned to the Tahoe</p>	<p>69.</p>

<p style="text-align: center;">PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE</p>
<p style="text-align: center;">substation.</p> <p>[Mastagni Decl. Exh. A 191:24–192: 1; Frederito Decl. ¶ 22, Exh. F, p. 11-12, § 8.6; Frederito Decl. ¶ 24, Exh. K, pp. 4-5, § 7.]</p>	
<p>70. Since at least 2015 through September 14, 2020, in addition to base salary set by Measure F, the County has provided PCDSA members cash compensation for assignment to “Special Teams” which includes special enforcements team, the certified divers, the hostage negotiations team, air support team, and the explosive ordnance detail.</p> <p>[Mastagni Decl. Exh. A 196: 6-11; Frederito Decl. ¶ 22, Exh. F, p. 12, § 8.7; Frederito Decl. ¶ 24, Exh. K, p. 11, § 24.]</p>	<p>70.</p>
<p>71. Since at least 2015 through September 14, 2020, in addition to base salary set by Measure F, the County has provided some classic PCDSA members additional net cash compensation by agreeing to pay Employer Paid Member Contribution</p>	<p>71.</p>

<p style="text-align: center;">PETITIONERS’ ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">RESPONDENT’S RESPONSE AND SUPPORTING EVIDENCE</p>
<p style="text-align: center;">(“EPMC”), as a fixed percentage of the PCDSA member’s CalPERS contribution on their behalf.</p> <p>[Mastagni Decl. Exh. A 102:13–103:13; Frederito Decl. ¶ 22, Exh. F, p. 31-32, § 12.2; Frederito Decl. ¶ 24, Exh. K, p. 8-9, § 15; Frederito Decl. ¶ 10.]</p>	
<p>72. The amounts of EPMC paid by the County on behalf of PCDSA has varied and was increased in the September 2021 imposition of terms.</p> <p>[Mastagni Decl. Exh. A 114:3-6; Frederito Decl. ¶ 22, Exh. F, p. 31-32, § 12.2; Frederito Decl. ¶ 24, Exh. K, p. 8-9, § 15; Frederito Decl. ¶ 10.]</p>	<p style="text-align: center;">72.</p>
<p>73. The County has the discretion to negotiate or impose modifications of the cash compensations identified in STATEMENTS 54-72 without violating Measure F.</p> <p>[Mastagni Decl. Exh. A 186: 2-22, 188:24-25 – 189:1-2, 189:6-9, 190:6-10, 190:15-24,</p>	<p style="text-align: center;">73.</p>

PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE	RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE
191:4-7, 191:13-23, 192:5-9, 196:15-25, 197:18-25, 198:8-12, 198:22-25, 200:3-6, 200:24-25 – 201:1-3.]	
<p>74. The County is able to substantially reduce its cash and overall compensation to deputies and sergeants without violating Measure F.</p> <p>[Mastagni Decl. Exh. A 184:12 – 186:22; 195:25 – 196:5; Topaz Decl. ¶ 6; Bettencourt Decl. ¶ 17; Frederito Decl. ¶ 6.]</p>	<p>74.</p>
<p>75. The County could drastically reduce the cash compensation to DSA members without violating Measure F.</p> <p>[Mastagni Decl. Exh. A 184:12 – 186:22, 195:25 – 196:5.]</p>	<p>75.</p>
<p>76. The County would not reduce the overall cash compensation paid to deputies and sergeants to the floor set by Measure F because the County would not be able to hire or retain deputies.</p> <p>[Mastagni Decl. Exh. A 182:25 – 183:9,</p>	<p>76.</p>

<p style="text-align: center;">PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE</p>
<p>116:7 – 117:18, 119:9 – 120: 2.]</p>	
<p>77. Measure F restricts only the amount of cash compensation that is labeled base salary.</p> <p>[Mastagni Decl. Exh. A 21:9-16; 113:19-23.]</p>	<p>77.</p>
<p>78. The County opposes Measure F because it desires to allocate more cash compensation to base salary, rather than other pays.</p> <p>[Mastagni Decl. Exh. A 134:23– 135:4; 214:18 – 215:19; Frederito Decl. ¶ 12, Exh. A; Frederito Decl. ¶ 17, Exh. D; Frederito Decl. ¶ 24, Exh. K.]</p>	<p>78.</p>
<p>79. Measure F does not require the County set overall compensation above the level it deems appropriate.</p> <p>[Mastagni Decl. Exh. A 120:25 – 121:6; 129:24–130:7; 172:5–173:6, 180:14-20.]</p>	<p>79.</p>
<p>80. Measure F does not restrict the ability of the County to determine its budget allocations.</p> <p>[Mastagni Decl. Exh. A 186: 2-22, 188:</p>	<p>80.</p>

<p style="text-align: center;">PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE</p>
<p>25 – 189:1-2, 189:6-9, 190:6-10, 190:15-24, 191:4-7, 191:13-23, 192:5-9, 196:15-25, 197:18-25, 198:8-12, 198:22-25, 200:3-6, 200:24-25 – 201:1-3; Frederito Decl. ¶ 6.]</p>	
<p>81. On July 21, 2020, the County provided the PCDSA with a Last, Best, and Final Offer (“LBFO”). The County’s last, best final offer included raises that temporarily exceeded the salary formula by seven percent (7%). The proposal would effectively freeze any salary adjustment for PCDSA members until the Measure F salary determination had increased at least seven percent.</p> <p>[Mastagni Decl. Exh. A 255: 9-17; Frederito Decl. ¶ 12, Exh. A, p. 12.]</p>	<p>81.</p>
<p>82. On August 27, 2020, the County declared impasse.</p> <p>[Frederito Decl. ¶ 26, Exh. M; Frederito Decl. ¶ 27, Exh. N.]</p>	<p>82.</p>
<p>83. Prior to declaring impasse on August 27, 2020, no County representative</p>	<p>83.</p>

<p style="text-align: center;">PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE</p>
<p>had ever asserted to the PCDSA or the public that Measure F was invalid or unenforceable.</p> <p>[Mastagni Decl. Exh. A 205: 15-206: 23, 207: 8-25, 211: 4-9, 216: 7 – 220: 16; Frederito Decl. ¶ 13.]</p>	
<p>84. On September 12, 2020, after declaring impasse, the County published a public document on its website entitled “Questions and Answers about Contract Negotiations” (“September Q&A”). In this document the County asserted an interpretation of Measure F as only establishing the “minimum salary of various law enforcement positions,” and claimed that “[t]he voters have also given the Board of Supervisors the authority to negotiate higher salaries.”</p> <p>[Respondent’s Exhibit H, Exh. E, p. 7.]</p>	<p>84.</p>
<p>85. Prior to September 12, 2020, the County had never asserted to the PCDSA that Measure F was invalid.</p>	<p>85.</p>

<p style="text-align: center;">PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE</p>
<p>[Mastagni Decl. Exh. A 205:15-206:23, 212:4-18, 226:10-21; Frederito Decl. ¶ 13.]</p>	
<p>86. Prior to September 12, 2020, the County had never asserted to the PCDSA that Measure F was completely unenforceable.</p> <p>[Mastagni Decl. Exh. A 205:23 – 208:25, 212:4-18, 226:10-21; Frederito Decl. ¶ 13.]</p>	<p>86.</p>
<p>87. Prior to September 12, 2020, the County had never asserted to the PCDSA that Measure F was preempted by state law.</p> <p>[Mastagni Decl. Exh. A 35:15 – 37:21, 38: 11-39:5; Frederito Decl. ¶ 13.]</p>	<p>87.</p>
<p>88. The County asserted that Measure F was invalid and unenforceable for the first time after the PCDSA had filed an unfair labor practice charge against the County with PERB.</p> <p>[Mastagni Decl. Exh. A 205: 15 – 208:25, 212:4 – 216:5.]</p>	<p>88.</p>

<p style="text-align: center;">PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE</p>
<p>89. On September 24, 2020, the PCDSA filed an unfair practice charge ("UPC") with PERB alleging the County acted in bad faith by insisting to impasse over a number of illegal proposals, including a salary proposal which violated Measure F.</p> <p>[Frederito Decl. ¶ 15; Frederito Decl. ¶ 28, Exh. O.]</p>	<p>89.</p>
<p>90. On October 26, 2020, the County filed a position statement in response to the allegations in the UPC. For the first time in writing, the County's position statement claimed Measure F was "unconstitutional" and that it has been "void" under its Charter for 40 years.</p> <p>[Frederito Decl. ¶ 16, Exh. C.]</p>	<p>90.</p>
<p>91. On December 8, 2020, the County presented the PCDSA with a new package proposal. As part of that proposal, the County proposed to completely disregard section 3.12.040 and instead provide fixed wage increase amounts for three years. This</p>	<p>91.</p>

<p style="text-align: center;">PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE</p>
<p>December 8 proposal was the first proposal submitted by the County that completely disregarded Measure F.</p> <p>[Frederito Decl. ¶ 17, Exh. D.]</p>	
<p>92. The County's proposal would exceed the Measure F salary adjustment in 2021.</p> <p>[Frederito Decl. ¶ 17.]</p>	<p>92.</p>
<p>93. In March of 2021, the PCDSA and the County participated in factfinding proceedings pursuant to Government Code § 3505.4.</p> <p>[Gov. Code § 3505.4; Frederito Decl. ¶ 30.]</p>	<p>93.</p>
<p>94. On September 28, 2021, the Board adopted Ordinance 6104-B, which effectively amended Section 3.12.040 to repeal the Measure F formula.</p> <p>[Respondent's Exhibit R; Frederito Decl. ¶ 19.]</p>	<p>94.</p>
<p>95. On September 28, 2021, the Board also adopted Resolution 6105-B, increasing deputy and sergeant salaries by 1.09% and 1.41%, respectively, above the amount set</p>	<p>95.</p>

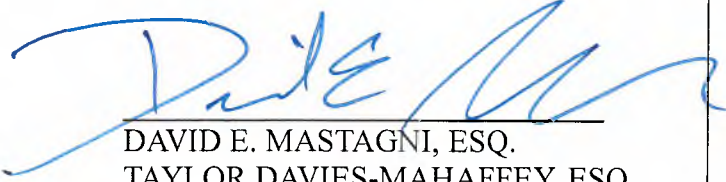
<p style="text-align: center;">PETITIONERS' ADDITIONAL MATERIAL FACTS AND SUPPORTING EVIDENCE</p>	<p style="text-align: center;">RESPONDENT'S RESPONSE AND SUPPORTING EVIDENCE</p>
<p>by Measure F in February of 2021. [Respondent's Exhibit S.]</p>	
<p>96. The Board adopted 6104-B and 6105-B without placing the repeal of the voter-enacted Measure F on the ballot. [Mastagni Decl. Exh. A 235: 13-24; Respondent's Exhibit R; Respondent's Exhibit S; Frederito Decl. ¶ 19.]</p>	<p>96.</p>
<p>97. The County did not implement the Measure F salary adjustment for Sheriff's deputies and sergeants which should have been effective February 16, 2022. [Mastagni Decl. Exh. A 15: 21 – 16: 22, 48: 10-14; Frederito Decl. ¶ 21.]</p>	<p>97.</p>
<p>98. PERB issued a complaint against the County in part for its retaliatory motivation for repealing Measure F. [Frederito Decl. ¶ 20; Frederito Decl. ¶ 29, Exh. P.]</p>	<p>98.</p>

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Dated: January 12, 2023

Respectfully Submitted:

MASTAGNI HOLSTEDT, A.P.C.



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