



23 June 2021
For Immediate Release:

Sonoma County Deputy Sheriffs Assn. Scores Major Legal Victory Over Board of Supervisors Police Reform Measure "P"

California Labor Board Voids Major Portions of 2020 Voter Approved Measure as Supervisors Failed to Follow Labor Laws

"This is an important victory for the DSA, labor laws, but most importantly for Sonoma Residents," DSA Leaders Say

Santa Rosa—The [Sonoma County Deputy Sheriffs' Association](#) (DSA) announced today that the California State Public Employees Relations Board has voided major labor related portions of the Board of Supervisors' approved Measure 'P' passed by voters in November 2020. ([decision is attached to this email](#)).

"We are pleased the state labor board ruled significant portions of the ballot measure are null and void," said DSA President Mike Vail. "We supported police reform and still do, but the Board of Supervisors rejected the appropriate legal process and squandered an opportunity to accomplish a mutually agreeable set of reforms."

The decision today was a result of an unfair labor practice charge filed by the Sonoma County DSA against the Board of Supervisors for its failure to follow state labor laws.

The [California State Public Relations Employment Board](#) wrote in its opinion that "we find that Measure P's amendments related to investigation and discipline of employees were subject to decision bargaining. We also find that some other amendments were subject to effects bargaining, while still other amendments were not subject to bargaining at all. Because the

County did not provide the Associations notice or opportunity to meet and confer over the amendments subject to decision or effects bargaining before placing Measure P on the ballot, the County violated its obligation under the MMBA (Meyers-Milias-Brown Act) to meet and confer in good faith. We further find that the unlawfully adopted amendments are severable from the remainder of Measure P, and accordingly declare only those amendments void and unenforceable as to employees the Associations represent.”

“The bottom line of today’s victory is that the Deputies trying to protect citizens deserve a seat at the table when the laws impact their labor rights, their safety and the public’s safety,” said [Tim Talbot](#), a principal at the law firm [Rains Lucia Sterns St. Phalle & Silver](#), which represented the Sonoma DSA.

“We are in support of efforts to increase the public’s confidence in the Sheriff’s Office and the lawenforcement services it provides,” Vail said. “However, it takes both parties’ willingness to communicate for a workable partnership and make this mutually-desirable goal a reality. We were never given any notice prior to the Board’s passage of this ordinance. This is what led to our victory today.”

The ruling by PERB, which the County can appeal to the state court of appeal, found that while the BOS’s desire to meet the moment was understandable, the “expediency, convenience, or best interests” served by placing Measure P on the November 2020 ballot did not amount to an emergency that excused the County from its obligation under the MMBA to provide the Associations notice and an opportunity to bargain before doing so...No evidence in the record shows an “imminent need” for the County to have called a special election to place Measure P on the November 2020 ballot.

DSA attorneys Rains Lucia Sterns St. Phalle & Silver twice notified the County in advance of the Board of Supervisor’s rush to get the “Evelyn Cheatham Ordinance Ballot Measure” on last November’s ballot the County failed to meet and confer with the DSA union, as required by state law.

PERB found the County’s failure was a violation of the Meyers-Milias-Brown Act which requires government employers meet and confer in good-faith with labor unions regarding: wages, hours and proposals affecting matters within the scope of representation.

Vail said if “the County had complied with the labor laws, these issues could have been addressed and allowed the ordinance to lawfully proceed for the voters’ consideration. Unfortunately, the County’s disregard of basic legal rights and requirements left the DSA no choice but to pursue formal legal action to enforce our collective bargaining rights with PERB. Today, PERB ruled in our favor.”