



Happy New Year!!

I hope all of you had a safe and happy holiday season.

The start of a new year always provides many with a sense of renewed energy and inspiration to reach those resolutions.

At the FDSA, January is also a time to reflect on the fallen officers who were killed in the Line of Duty in 2013. In May of 2014, during Police Week in Sacramento and Washington DC, we will honor their families and their memory.

These are the fallen officers in the State of California in 2013:

- Officer Kevin Tonn – Galt Police Dept EOW January 15, 2013
- Officer Michael Crain – Riverside Police Dept EOW February 7, 2013
- Deputy Jeremiah MacKay – San Bernardino SO EOW February 12, 2013
- Sergeant Loran "Butch" Baker Jr – Santa Cruz Police Dept EOW February 26, 2013
- Officer Elizabeth Butler – Santa Cruz Police Dept EOW February 26, 2013
- Officer Jon Coutchie – Laguna Beach Police Dept EOW September 21, 2013
- Correctional Deputy Jeremy Meyst – Tulare County SO EOW December 24, 2013

### **New Developments in City of San Jose 'Vested Rights Doctrine'**

There have been some new rulings in the ongoing labor dispute in San Jose. Below is an article from Jennifer Sloughton, partner at Carroll, Burdick, McDonough, the law firm who represents the FDSA and San Jose POA who fought this ballot initiative head on. It's informative and important to follow.

### **Court Strikes City's Attempt to Increase Employee Pension Contributions and Decrease Retirement Benefits, as Violating the "Vested Rights Doctrine"**

A Santa Clara County Superior Court judge has declared unconstitutional the City of San Jose's attempt to increase employee pension contributions and reduce retirement benefits because this would unconstitutionally impair employees' contractual rights under the "vested rights doctrine." Judge Patricia M. Lucas's tentative decision, if made final, would invalidate the key components of "Measure B," which was put before the San Jose electorate by San Jose Mayor Chuck Reed in a politically-motivated attack on public employees. The lead plaintiff, the San Jose Police Officers Association, is represented by Carroll, Burdick & McDonough.

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Labor Partner Gregg Adam was assisted by Appellate Partner Gonzalo Martinez and Labor Associate Amber West.

The court ruled that the City of San Jose cannot impair the vested rights of its employees based on "reservation of rights" language in the City Charter. It further ruled against the City's attempt to saddle employees with the costs of its unfunded pension liabilities, striking language that would have required employees to contribute to the unfunded liability of the City's general pension fund. The judge also ruled in the employees' favor in the protection of Cost of Living Adjustments. In addition, she ruled against the City's attempt to force employees to pay more for their current pension plan or be forced into one with more limited benefits.

According to the court, certain changes — such as modification to disability retirement benefits — were permissible as modifications not disturbing rights of employees to enjoy a "substantial or reasonable pension." Also, although the court upheld the "poison pill" language in the measure, which states that the City can initiate pay cuts if any portion of the measure is ruled invalid, the City gains nothing with this. SJPOA members are being informed that this ruling cannot touch their wages based on protections under a two-year Memorandum of Understanding.

It remains to be seen whether the outcome of this case will dissuade Mayor Reed from continuing to pursue his "Pension Reform Act," which is intended to eliminate vested pension rights by amending the California Constitution. But Judge Lucas's rationale for upholding the vested rights of San Jose employees in this case would certainly seem to pour some cold water on such politically-motivated aspirations.

### **Fresno County Elections 2014 Preview**

We are watching closely several different elections in Fresno County. For the first time in quite a while, we have two Board of Supervisors who are vacating their seats.

District 1 Supervisor, Phil Larson is not seeking his 4<sup>th</sup> term as Fresno County Supervisor. Phil has done an outstanding job for Fresno County and has been a great friend to the Fresno Deputy Sheriff's Association.

Supervisor Judy Case is also not seeking what would be her 5<sup>th</sup> term as Fresno County Supervisor. Judy has been an asset to the County of Fresno in a variety of capacities over the last 16 years. She has been instrumental in keeping her word when it comes to the importance of public safety in this County, and knows the citizens rely on the Fresno County Sheriff's Office as their last stop.

### **District 1 Supervisor Seat**

The FDSA has endorsed Brian Pacheco who is seeking the current seat held by Phil Larson.

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Brian Pacheco is a fourth-generation family farmer and dairyman in Fresno County. His great-grandfather began dairying in the early 1900s. Brian manages the 1,300 cow dairy and oversees a diversified farm that grows Thompson vines, almonds, alfalfa, corn silage, and winter forage.

As an elected member of the Kerman Unified School District Board of Trustees, Brian is responsible for a \$30 million dollar yearly budget and 600 employees. He is a strong advocate of public education and excellence in our local schools. Pacheco also serves as a member of the Community Regional Medical Center Board of Directors.

Pacheco graduated in 1991 from the University of California, Davis, where he earned a bachelor's degree in agricultural economics and a minor in rhetoric and communication. He was the commencement speaker at his class graduation and is a recipient of UC Davis College of Agricultural and Environmental Sciences Award of Distinction.

Brian is the past President of the Fresno County Farm Bureau and member of numerous community organizations, including Mothers Against Drunk Driving, the Fresno and Kerman Chambers of Commerce and the Nisei Farmers League.

Brian's commitment to the Sheriff's Office is to work as a Supervisor to bring the department's staffing levels up to where they need to be. Brian has been a county resident his entire life, and recognizes the value of the Sheriff's Office in rural communities. Brian has taken the time through ride a longs, jail tours, and many conversations with the FDSA to understand the issues facing the county in regards to law enforcement and the issues both labor and management face at the Sheriff's Office.

#### **District 4 Supervisor Seat**

The Fresno Deputy Sheriff's Association has endorsed Ernest "Buddy" Mendes for the District 4 Supervisor seat.

Buddy farms cotton, wheat, alfalfa, corn and pistachios and has land on both the Valley's east and west sides. He also has a long history of public service, including the Riverdale Unified School Board (since 1993), the Southwest Transportation Agency Board (since 1996), and the Riverdale Public Utility District (since 1994). In 2011, he also served on the county's Redistricting Task Force.

Buddy brings a very common sense approach to the table when it comes to dealing with issues. He has a lot of support in the District on both the east and west sides.

Like Brian, Buddy has been on ride a longs, toured the Fresno County Jail, and has met on many occasions with FDSA to see how we can work together to improve the Fresno

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County Sheriff's Office. Buddy understands the staffing needs here, and wants to make a difference in that area.

District 4 covers the southern part of Fresno County, including the towns of Sanger, Coalinga, Selma, Kingsburg, Huron, Orange Cove and Reedley, among others.

### **District Attorney**

District Attorney Elizabeth Egan is seeking re-election as Fresno County District Attorney. Elizabeth A. Egan was elected the District Attorney of Fresno County in November 2002, becoming the first woman District Attorney in the history of the county. She ran unopposed in both 2006 and 2010. As Fresno County's top prosecutor, Egan has earned a reputation for tough, fair enforcement of the law. She is a champion for the rights of crime victims and for her tough anti-gang stance.

District Attorney Egan has focused her efforts on serious crime by beefing up the county's Homicide, Sexual Assault and Gang Prosecution units. A strong supporter of the state's 'Three Strikes Law', she created a unit to ensure criminals sentenced to life terms remain in prison. Egan established an Elder Abuse Unit, expanded the Consumer Protection Division and added Real Estate Fraud and Identity Theft units. District Attorney Egan is a believer in "Vertical Prosecution," and continues to place attorneys in these units to deal with the specific cases.

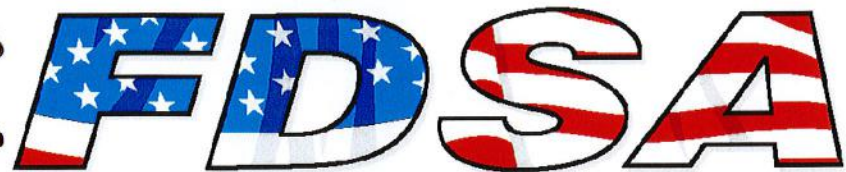
District Attorney Egan is the Chairman of the Multi-Agency Gang Enforcement Consortium (M.A.G.E.C.) and a board member of the Marjaree Mason Center. She is also a member of the Eastern District United States Attorney's Executive Committee, the Central Valley HIDTA Executive Board, the California Narcotics Officers Association and the National District Attorney's Association, among others.

District Attorney Egan has always made herself accessible to the Fresno Deputy Sheriff's Association when issues arise where we would cross paths. An example would be after her last election we met and discussed the number of filings being returned back to detectives. We saw it as a problem and tried to find a solution. Egan responded through her office by creating an actual filing team as an assignment, rather than just getting a random DA to file a criminal case.

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**FRESNO DEPUTY SHERIFF'S ASSOCIATION**

The FDSA has been working side by side with Egan during the tough budget years the County of Fresno has been facing. The consequence to her was the loss of deputy DA's and Investigators. Egan fights hard for every dollar to fund her Office.

During those uncertain economic times, Egan had to cut her Officer Involved Shooting team back because she needed attorneys in the courtroom. A couple years later during pre-budget talks, the money was allocated back to her office, and she reinstated the OIS team followed by a County Wide OIS protocol/policy for all agencies to outline the roll of the DA OIS team. Those are decisions made by elected officials showing their commitment to the public and law enforcement for complete transparency.

There is opposition this election cycle from a former Deputy DA, Lisa Sondergaard.

Based on Egan's track record and continued support over the years from the FDSA to her and from her towards law enforcement, the FDSA continued its support of DA Egan as our Fresno County District Attorney.

There will be more information to follow as the election gets closer regarding endorsements the FDSA Board has made in other elected offices in Fresno County and throughout the California Districts representing Fresno County.

In closing, the FDSA continues to push the need for more staff and continues to work hard securing all of your pay, benefits and working conditions. Always remember I am a phone call away and will always make myself available and accessible to each and every one of you.

Stay safe,

Eric

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