

**RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF  
SAN BERNARDINO RECOGNIZING THE SAN BERNARDINO POLICE  
MANAGEMENT ASSOCIATION AS THE MAJORITY REPRESENTATIVE FOR THE  
POLICE MANAGEMENT UNIT**

**WHEREAS**, the City of San Bernardino received a Petition for Recognition from the San Bernardino Police Management Association of the City of San Bernardino requesting that the Mayor and Common Council recognize the San Bernardino Police Management Association as a separate bargaining unit to negotiate terms and conditions of employment for unit members with the City; and

**WHEREAS**, in accordance with the City's Employer/Employee Relations policy as set forth in Resolution Nos. 10584 and 10585, the subject Petition for Recognition has been found by the designated City Representative to be in compliance with Section 9(A) of Resolution No. 10584 and the proposed unit is an appropriate unit; and

**WHEREAS**, the designated City Representative has given notice of such request for formal recognition to the employees in the unit and took no action on said request for 30 days thereafter; and

**WHEREAS**, no other employee organization is seeking formal recognition in an overlapping unit; and

**WHEREAS**, the written proof submitted by the San Bernardino Police Management Association establishes that it represents more than 50% of the employees in the proposed unit;

and

**WHEREAS**, the City is bringing forward this resolution to formally recognize the San Bernardino Police Management Association in accordance with applicable statutes and City policy;

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**NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON  
COUNCIL OF THE CITY OF SAN BERNARDINO AS FOLLOWS:**

**SECTION 1.** The City hereby finds that the Petition for Recognition is in compliance with the requirements for such petition and that the proposed unit, comprised solely of full-time peace officers in the P-4 (Lieutenant) and P-5 (Captain) classifications, is an appropriate unit.

**SECTION 2.** The City hereby formally recognizes the San Bernardino Police Management Association, consisting of the classifications set forth in Section 1 of this Resolution, as the majority representative of the employees in such bargaining unit for purposes of representing them in their employment relations with the City.

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I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the Mayor and Common Council of the City of San Bernardino at a joint regular meeting thereof, held on the 17th day of November, 2008, by the following vote, to wit:

COUNCILMEMBERS:	AYES	NAYES	ABSTAIN	ABSENT
ESTRADA	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
BAXTER	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
BRINKER	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
DERRY	<u>      </u>	<u>      </u>	<u>      </u>	<u>X</u>
KELLEY	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
JOHNSON	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
MC CAMMACK	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>

*Rachel G. Clark*  
Rachel G. Clark, City Clerk

The foregoing Resolution is hereby approved this 18th of November, 2008.

*Patrick J. Morris*  
Patrick J. Morris, Mayor  
City of San Bernardino

Approved as to form:

JAMES F. PENMAN,  
City Attorney

By: *James F. Penman*



**San Bernardino Police Management Association**  
710 N D Street  
San Bernardino, California 92401  
(909) 384-5626

President: Brian Boom  
Vice President: David Harp  
Secretary/Treasurer: Gwendolyn Waters

**PETITION**

**FOR**

**RECOGNITION**

RECEIVED  
2008 MAY 14 AM 8:43  
HUMAN RESOURCES  
CITY OF SAN BERNARDINO



**San Bernardino Police Management Association**  
710 N D Street  
San Bernardino, California 92401  
(909) 384-5626

President: Brian Boom  
Vice President: David Harp  
Secretary/Treasurer: Gwendolyn Waters

May 13, 2008

Linn Livingston  
Human Resources  
300 N. "D" Street  
San Bernardino CA 92418

RE: Petition for Recognition

The San Bernardino Police Management Association of the City of San Bernardino is requesting that the Mayor and Common Council recognize the employee organization as a separate bargaining unit. This application is made under all provisions provided in the City Codes, as well as California Government Code, 3500 et. seq., specifically section Government Code 3508.

This petition for recognition is so submitted this 13<sup>th</sup> day of MAY 2008 by President Brian Boom.

A handwritten signature in cursive script that reads "B Boom".

Brian Boom, President  
San Bernardino Police Management Association of the City of San Bernardino

A handwritten signature in cursive script that reads "D. Harp".

David Harp, Vice President  
San Bernardino Police Management Association of the City of San Bernardino

Attachments:

- Petition for Recognition
- Bylaws



*San Bernardino Police Management Association*  
710 N D Street  
San Bernardino, California 92401  
(909) 384-5626

President: Brian Boom  
Vice President: David Harp  
Secretary/Treasurer: Gwendolyn Waters

**PETITION FOR RECOGNITION:**

1. Name – The name of this organization shall be the “San Bernardino Police Management Association of the City of San Bernardino”.

Address – 710 N. “D” Street, San Bernardino, CA, 92401

2. Titles of Officers – President, Brian Boom. Vice President, David Harp. Treasurer/Secretary, Gwendolyn Waters.

3. Organization Representatives – President, Brian Boom. Vice President, David Harp.

4. The San Bernardino Police Management Association of the City of San Bernardino, has as one of its primary purposes to represent employees and their employment relations with the City of San Bernardino.

5. The San Bernardino Police Management Association of the City of San Bernardino is affiliated with:  
PORAC, 4010 Truxel Road, Sacramento, CA, 95834  
CalPERS, Lincoln Plaza North, 400 Q St, Sacramento, CA 95811

6. Certified copy of the employee organizations by-laws. The organization operates under by-laws only. (attachment).

7. Designated Persons – Brian Boom, 710 N. “D” Street, San Bernardino 92401  
David Harp, 710 N. “D” Street, San Bernardino, CA, 92401.

8. The San Bernardino Police Management Association of the City of San Bernardino recognizes that the provisions of Section 923 of the Labor Code are not applicable to City employees.

9. Membership – The San Bernardino Police Management Association of the City of San Bernardino shall have no restrictions based on race, color, creed, sex, or national origin.

10. Job Classifications – The San Bernardino Police Management Association of the City of San Bernardino shall be open to management safety members of the police department according to the following City Charter, Section 186 classifications: P4 – Lieutenant and P5 – Captain.

11. On May 7, 2008, an election was held of the members of the San Bernardino Police Management Association of the City of San Bernardino in voting to petition the City to be recognized as a bargaining unit and have chosen President Brian Boom as the employee designated representative.
  12. The San Bernardino Police Management Association of the City of San Bernardino requests that the mayor and common council recognize the employee organization as the majority representative of the employees in the unit claim to be appropriate for the purpose of meeting and conferring in good faith in all matters within the scope of representation.
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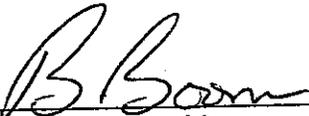
**San Bernardino Police Management Association**  
710 N D Street  
San Bernardino, California 92401  
(909) 384-5626

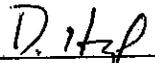
President: Brian Boom  
Vice President: David Harp  
Secretary/Treasurer: Gwendolyn Waters

May 13, 2008

Linn Livingston  
Human Resources  
300 N. "D" Street  
San Bernardino CA 92418

The attached bylaws of the San Bernardino Police Management Association of the City of San Bernardino is a true and accurate copy as certified by the President and Vice President of the San Bernardino Police Management Association of the City of San Bernardino.

  
\_\_\_\_\_  
Brian Boom, President  
San Bernardino Police Management Association of the City of San Bernardino

  
\_\_\_\_\_  
David Harp, Vice President  
San Bernardino Police Management Association of the City of San Bernardino

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# San Bernardino Police Manager's Association BY-LAWS

Article I. Name - The name of this organization shall be the "San Bernardino Police Management Association of the City of San Bernardino".

Article II. Membership - Membership shall be open to management safety members of the Police Department according to the following City Charter Section 186 classifications:

P-4 (lieutenant), P5 (captain)

Other than the above requirements, this organization shall have no restrictions on membership based on race, color, creed, sex or national origin.

There shall be only one form of membership, that of a full dues paying member.

Article III. Organizational Objectives - The purpose of this organization shall be for the following reasons:

- A. To reorganize the common needs and responsibilities of the City of San Bernardino police safety management personnel as distinct from other management personnel because of their respective specialties.
- B. To improve communications among the professional police safety management personnel in both formal and informal dialogue.
- C. To foster a team concept among the city's professional police safety management personnel for broader based and unified approaches to citywide goals, thereby achieving efficiency and economy.
- D. To promote the professional image of the police safety management personnel within city government as well as the general public, and thereby enhance the total image of the city.
- E. To seek and promote educational and training opportunities to improve the skills and performance of the professional police safety management team in their public service roles, through in-house instruction and the use of outside resources.

- F. To assist in defining the requirements and responsibilities of the professional safety management personnel, evaluating their performance and determining equitable and competitive compensation and benefits.
- G. To conduct programs concerning the delivery of public services and to provide a forum for the consideration of and solution to possible future public problems.
- H. Representation of its members in employment relations with the City of San Bernardino pursuant to California Government Code Section 3500 et seq. Which shall include but not be limited to:
  - 1. Wages and benefits
  - 2. Terms and conditions of employment
  - 3. Grievance resolution
  - 4. Legal defense of its members
- I. Interaction with the political body (elected officials) for social/educational purposes.

**Article IV. Executive Board -** The Executive Board shall consist of a President, a Vice President and a Secretary/Treasurer, who shall be elected at-large from the membership and shall be the principal officers of the organization.

- A. **President -** The President shall be the chief executive officer of the organization and shall have direct supervisory responsibilities of the organization. In addition, the President may appoint members to committees as needed, and shall serve as ex-officio member of all committees. Subject to any exceptions contained herein, the President shall be the sole Association member authorized to communicate on behalf of and in the name of the Association, with any entities, whether they be partnerships, municipalities, boards, commissions, individuals, or other entities. The President can expressly delegate such authority to any member of the Association. Further, the President shall, when present, preside at all meetings of the Association, decide all questions of order, act as judge of and declare the results of all elections and direct other members of the Executive Board.
- B. **Vice President -** The Vice President shall serve in the absence of the President and shall perform other duties and directed by the President.
- C. **Secretary/Treasurer -** The Secretary/Treasurer shall be responsible for the minutes of all meetings and for the general

upkeep of all records associated with the organization. In addition, the Secretary/Treasurer shall be responsible for the handling of all monies within the organization and shall keep concise and clear records of all revenues and expenditures of the organization. All expenditures by check will require the signature of the Secretary/Treasurer and one other principal officer.

Article V. Executive Board Functions

- A. The Executive Board will be composed of the three elected principal officers (President, Vice President and Secretary/Treasurer).
- B. Quorum of the Executive Board - A majority of the Executive Board shall constitute a quorum for the transaction of business.
- C. Power of the Executive Board - Subject to the limitations of other sections of these by-laws and of California law, the Executive Board shall have the power to conduct, manage and control all business and affairs of the Association and to make rules and regulations that are consistent with these by-laws or California law.
- D. Meetings - Meetings of the Executive Board may be called at the request of the President or by two (2) other members of the Executive Board.
- E. Any Executive Board member who is absent for three (3) consecutive meetings, without first obtaining prior permission from the President may be removed from their respective office by a majority vote of the members of the Association.

Article VI. Special Committees - The President shall have the power to appoint special committees for the purpose of carrying out functions of the Association as needed. Chairpersons of special committees will serve as non-voting members of the Executive Board during the term of their committee.

Article VII. Elections - The election of principal officers shall commence in December and term of office shall be for a two year period beginning January.

A. Election guidelines

- 1. Nominations of Executive Board members shall take place in November of odd numbered years. If nominated for more than one position, acceptance of only one position will be allowed.

2. Immediately after the agreed upon close of nominations, elections will take place in the following manner:
  - a. An election committee will be established consisting of a chairperson and two (2) members from the Safety Management Association.
  - b. Election will be by secret written ballot.
  - c. In the event of a tie vote, the winner will be declared by a random drawing of names.

Article VIII. General Membership Meetings - General membership meetings will be held on a quarterly basis.

- A. Other than the quarterly general membership meetings, special meetings may be called by the President or by a majority of the Executive Board.
- B. Simple majority vote shall govern the affairs of this Association. In the event of a tie vote, the outcome will be determined by random drawing.
- C. Parliamentary Authority - Robert's Rules of Order (revised) in the latest edition shall govern the Association in all cases to which it can be applied and in which it is not inconsistent with the by-laws of this Association.

Article IX. Membership Dues - The current PORAC/LDF rate plus \$10.00 per month, collected bi-monthly through payroll deduction.

Article X. Amendments to the By-Laws - These by-laws, or any amendments to the by-laws, shall be in full force and effective immediately upon adoption by a majority vote of members present at a noticed meetings.

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