

Deputy Sheriffs' Association of San Diego County
Minutes of the meeting of the Board of Directors
held at the association headquarters

1 President David Leonhardi called the Meeting of the Board of Directors to order on September 24, 2020
2 at 1:01 p.m.

3
4 **ROLL CALL OF DIRECTORS:**

5 **Present:** Benjamin, Castillo, Fifita, Gardenhire, McCurdy, Morabe, Leonhardi, Rinder, Shawcroft
6 **Absent:**

7
8 Upon motion by Gardenhire, Second by Castillo, and passed by unanimous vote, the September 24,
9 2020 meeting of the Board of Directors entered into closed session at 4:02 p.m. for confidential
10 communications to include Rachel Parrott, Alex Heckman, Jon Cadieux, and Fern Steiner.

11
12 1) Discussion:

- 13 a) Civil Service Appeal
14 b) DSA Legal Update
15 i) Leonhardi, McCurdy, Morabe, Parrott, Rinder, and Steiner recused.

16
17 MOTION/Gardenhire, SECOND/Fifita to come out of closed session at 5:33 p.m. Motion unanimously
18 carries

19
20 2) **CONSENT CALENDAR:**

- 21 a) Minutes from September 10, 2020
22 b) Retirements
23 i) Joel Couch- 26 years membership- \$6,300
24 ii) Malcolm Horst- 28 years membership- \$6,900
25 iii) Ginger Jeffries- 18 years membership- \$3,900
26 iv) Lena Lovelace-16 years membership- \$3,300
27 v) Rosalina Troche- 19 years membership- \$4,000
28 vi) David Weldon- 32 years membership- \$8,400
29 c) Affiliate Membership
30 i) Manuel Guerrero

31
32 MOTION/Castillo, SECOND/Fifita to approve the consent calendar. Motion unanimously carries.
33

34 3) **LEGAL UPDATE:** Steiner

- 35 a) Steiner asked the board for their position on Addendum F and P&P 2.22 to report back to the
36 department.
37 b) Based on feedback by legal counsels, language ambiguity, and unnecessary procedural
38 changes, Morabe recommended that the DSA not sign off on Addendum F or P&P 2.22. She
39 stated that, while the department made requested changes under addendum F, it is too
40 ambiguous and that having to put a saturated spit sock into evidence is unreasonable.
41 c) There was no board direction to sign off on either policy.
42

43 4) **PRESIDENT'S REPORT:** Leonhardi

- 44 a) HDSA Museum
45 i) President Leonhardi opened discussion on the potential purchase of the HDSA museum.
46 Leonhardi was informed that the HDSA museum may be coming up for sale for
47 approximately \$2.1 million.
48 ii) UBS Financial Advisor Mark Sikorski discussed payment and line of credit options for the
49 DSA if the board was to move forward with the purchase. The DSA would qualify for over \$6
50 million in credit with an interest rate of approximately 2.15%.
51 iii) Director Benjamin asked if the interest rate was variable. Sikorski advised that it is a variable
52 interest rate, but it is a London Interbank Overnight rate and rates of this type rarely fluctuate.

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- 1 iv) Director Castillo asked if UBS would be a lien holder on the property. Sikorski advised that
2 UBS would not be lien holders and the lien for the loan would be placed against the
3 investments that the DSA has with UBS.
- 4 v) Leonhardi opened discussion to directors.
- 5 vi) Director Fifita stated that he believed purchasing real estate in Old Town would be a great
6 investment. However, due to the amount of money, he would like to get a member vote on
7 the purchase. He stated that, while he likes the museum and is supportive of it, he is hesitant
8 to make that decision with members money.
- 9 vii) Director Shawcroft stated that he agrees the real estate portion is a good investment;
10 however, from a business perspective, it has been a flop. He would like to see a detailed
11 business plan.
- 12 viii) Director Gardenhire discussed the operational needs if the DSA were to take on the museum
13 and asked if the DSA was ready to take on this type of project with unique staffing needs.
- 14 ix) Leonhardi acknowledged and agreed with the concerns of the directors. He stated that he
15 believes the DSA could be successful in the endeavor and a business plan would be created
16 and proposed prior to moving forward. However, currently, he is still gauging interest from
17 directors prior to moving forward with business plans.
- 18 x) Director Morabe stated that she does not think it is a good idea to move forward with a line of
19 credit and circumvent the buying process and forgo the formal inspection process. She stated
20 that the preliminary inspection had a couple of issues. She also stated that there has not
21 been a full financial audit. She stated that if it is something the board wants to consider, there
22 should be a full and detailed inspection done on the building. She stated that the museum
23 has operated at a loss between the years of 2013 and 2019 for a total of \$476,645.49. She
24 asked if Director's had to spend their own money, would they still think it to be a fiduciary
25 prudent idea.
- 26 xi) Leonhardi responded that per his and CAO Rachel Parrott's analysis of the profit and loss
27 statements, the reason the museum was in the red was largely due to budgeting and
28 mismanagement. Leonhardi also agreed that getting a building inspection was a good idea.
29 He stated that while he doesn't believe the DSA will turn the museum into a money maker, he
30 believes the DSA can be successful in operating the museum while creating a positive
31 member benefit and other community relations benefits for the DSA.
- 32 xii) Director Gardenhire echoed the sentiments of wanting to receive member input prior to
33 moving forward.
- 34 xiii) Director Castillo stated that he believes it could bring value to the members by having
35 functions, fundraisers, and other events there. He stated that through his experience in
36 owning multiple properties, investing in real estate would be positive for the DSA and the
37 membership.
- 38 xiv) Director McCurdy agreed that owning property in the Old Town area would be beneficial. He
39 asked if there was a time frame or timeline for how this was expected to unfold.
- 40 xv) Leonhardi responded that the HDSA has not officially reached out, but his understanding is
41 the property will be listed in the beginning of October if approved. Leonhardi also stated that
42 while he is happy to get an understanding of the members' position, the board has been
43 elected to educate themselves on these types of decisions and make educated votes on
44 behalf of the members. The potential timeline would not allow for a member vote.
- 45 xvi) Morabe stated that right now the board is not a position to decide as there has been no
46 detailed inspection done, no financial audit, and the board does not know the liabilities on the
47 building.
- 48
- 49 b) Sergeants' Pay
- 50 i) Leonhardi discussed the department's desire to adjust the LE sergeant pay to begin at Step 8
51 in order to increase the number of deputies who take the sergeant's test. There are currently
52 80 sergeants who are below step 8. All sergeants would be moved up to step 8 to prevent
53 any senior sergeants from being bypassed in pay by newer sergeants. When Leonhardi met
54 with the department, he discussed the belief that detentions sergeants and law enforcement
55 sergeants are not treated equally. Leonhardi stated that the department's response was that

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- 1 detentions sergeants do not take a pay cut upon promotion like some of their law
2 enforcement counterparts. The department committed to addressing the problem if it did ever
3 become an issue on the detentions side. Leonhardi then heard word from the department that
4 they would be adjusting detentions sergeants to start at Step 4 rather than Step 1, along with
5 the adjustments to the law enforcement scale. There are currently 19 detentions sergeants
6 between Steps 1 and 3, and each of them would immediately advance to Step 4. This would
7 give most detentions deputies a 20% pay increase upon promotion. The department advised
8 that they need the county to sign off on the Letter of Understanding (LOU), and because the
9 issue is not present on the detentions side, it will be difficult to get them to sign off. Leonhardi
10 stated that while the board makes valid arguments as to why they should, those might not be
11 reasonable arguments to persuade the county. Leonhardi acknowledged the willingness of
12 the department to compromise with the DSA and advocate for the detentions sergeants.
- 13 ii) Director Castillo advised of the pay discrepancies between detentions sergeants and law
14 enforcement sergeants. A top-step detentions sergeant would see a 7% increase and a top-
15 step LE sergeant would see a 15% increase.
- 16 iii) Director Fifita addressed how beneficial this would be for the members, as a decrease in pay
17 and loss of a take-home ride hinders deputies from wanting to test. Fifita believes that the
18 department doing something for the detentions sergeants is amazing. If the department can't
19 incentivize people to take the sergeant's exam, they will be forced to do mandatory rotation,
20 which is extremely unpopular among deputies. Fifita stated it is a great benefit for both sides.
- 21 iv) Director Benjamin discussed the different premiums deputies qualify for, as well as a take-
22 home car, which result in a substantial financial loss upon promotion for some members.
- 23 v) Director Shawcroft stated that there are many incentives for law enforcement deputies,
24 including POST incentives, that detentions deputies do not receive. He addressed the pay
25 discrepancies and varying percentages between detentions deputies and sergeants and their
26 law enforcement counterparts. Shawcroft stated that, while all law enforcement deputies
27 receive their advanced POST, detentions deputies only receive the chance at an education
28 incentive but must pay for and complete a degree to qualify. He recommended creating time
29 constraints on law enforcement positions to incentivize people to take the test and avoid
30 having to go back to patrol. He stated that the pay discrepancy between detentions and law
31 enforcement was too great and he's working towards closing the gaps between the
32 classifications. Shawcroft stated that the changes need to be fair and equal to both sides and
33 that having mere discussions about the detentions side was not enough. He also addressed
34 the 54 law enforcement deputies who took the sergeant's test and asked if they would
35 receive special acknowledgement or placed at the top of the list, since they tested without the
36 incentive. Shawcroft asked if they could move detentions sergeants to start at Step 8 as well,
37 because when you look at the numbers, percentages, and pay scales, detentions is taking a
38 huge hit again and he is not going to agree to it.
- 39 vi) Labor Attorney Fern Steiner advised that the board would have to figure out what the DSA
40 wants to do. She stated that they could stop the law enforcement sergeants from getting it, or
41 that they could move forward with the best possible scenario where everyone is given
42 something. She stated that the department can implement without the DSA's agreement; it
43 just makes getting the county to agree more difficult. She addressed her concern leaving the
44 initial meeting with the department that they would not include any incentive for the
45 detentions sergeants and was pleased to see them listen to the concerns of the DSA and
46 make an adjustment. She stated that this is not a legal decision; it is a political decision.
- 47 vii) Director Morabe asked Steiner to clarify her previous explanations related to unfair labor
48 practices as it related to a recent individual sergeant compensation differing from current
49 contract language.
- 50 viii) Steiner advised that it is not a violation of the contract, as it is not part of the MOA, but rather
51 the county compensation ordinance. She advised that the DSA has agreed when the
52 department and county have done equitable salary adjustments and that it would qualify as
53 such.

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- 1 ix) Morabe asked for clarification on if every single sergeant on the department would be at Step
2 8 or Step 4 after the LOU. Morabe stated that the Undersheriff made a different comment
3 during his briefing presentation.
- 4 x) Leonhard advised that was why he is advocating for a LOU, so there isn't a discrepancy if
5 there are future changes in leadership, as the department has to abide by the LOU and
6 therefore future issues could be avoided.
- 7 xi) Fifita advised that, during his time in backgrounds and recruiting, a major selling point for the
8 San Diego Sheriff's Department law enforcement side is the lack of mandatory rotation. Only
9 SDSA and SDPD allow for deputies and officers to stay in their positions without a mandatory
10 rotation.
- 11 xii) Shawcroft stated that some deputies get locked into a specialized position for 32 years and
12 never allow the position to open to someone who might produce better work and that a lack
13 of mandatory rotation has a downside. He stated that there are deputies who aspire to those
14 positions and are not given a chance.
- 15 xiii) Fifita stated that is part of the reason some deputies are staying in their specialized positions;
16 there is not incentive to promote to sergeant. He stated that taking a pay cut, losing a take-
17 home car, and going back to shift work all play a major role in personal life decisions.
- 18 xiv) Shawcroft responded that detentions deputies don't get the opportunities that law
19 enforcement deputies do and are not awarded the same premiums.
- 20 xv) Fifita discussed the premiums and stated that those are addressed during contract
21 negotiations, not during the LOU process. He stated that if the department is willing to give
22 deputies something, it makes it easier to negotiate for other things during the contract
23 negotiations. He stated that the end goal is everybody getting more money.
- 24 xvi) Castillo stated that things are not equitable across classifications, but we are getting more
25 money for more members. He stated that the same occurs during contract negotiations when
26 some members and deputies receive more money because of the contract than others.
27 Castillo addressed his concern that as a union, we are here for member benefits and legal
28 representation, and the DSA currently can get more pay for our members. If the DSA does
29 not support it, we would make deputies lose out on starting at a higher step and topping out a
30 quicker rate. He stated that we need to represent all the members collectively and for the
31 DSA to say no, we would be doing a disservice to the members. Castillo discussed the
32 different classifications and the response from the county, stating that the county will not care
33 if it is equitable.
- 34 xvii) Shawcroft stated that since they are doing a LOU, if the law enforcement sergeants are
35 getting a 16% increase, detentions sergeants should receive the same.
- 36 xviii) Leonhardi advised that the department does not believe they can accomplish that, as
37 there is not the same issue on the detentions side when it comes to the promotion process.
38 He stated that the department believes this is already going to be difficult to get passed
39 through and increasing the steps on either side will make it even more difficult.
- 40 xix) Shawcroft asked if the same were to happen at the next detentions sergeants exam, would
41 the DSA and the Undersheriff advocate and fight for the detentions side. He asked if the DSA
42 fights for the detentions classification or if they pick sides.
- 43 xx) Leonhardi stated that the DSA would support detentions deputies. He stated that the lack of
44 participation in the sergeant promotional process has been an issue for years in the law
45 enforcement classification. It was not until recently that command began to see that deputies
46 were taking pay cuts upon promoting to sergeant. Leonhardi advised of the many issues the
47 DSA has resolved for detentions deputies. He stated that there were over 40 detentions
48 deputies who received equitable salary adjustments after more senior deputies were
49 bypassed in pay after the last contract.
- 50 xxi) Director Benjamin stated that the current issue is that law enforcement deputies are taking
51 major pay cuts when they are promoting, so getting a raise versus taking a pay cut is a major
52 issue. She stated that when you have a life you are living at your current pay, getting a pay
53 cut is something you must factor in when making a promotional decision.
- 54 xxii) Shawcroft stated that detentions are always below, and the pay detentions deputies are
55 trying to live off is always less than law enforcement.

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1 xxiii) Benjamin responded that wanting more money and increasing detentions pay overall was
2 a contract negotiations issue and not something that can be handled currently. She stated
3 that the department is trying to offer a benefit to members and that trying to threaten deputies
4 into wanting to promote by mandatory rotation is not a viable solution.

5 xxiv) Steiner addressed the overall issue when it comes to the separate classifications. Steiner
6 stated that the department and county created it for one purpose only, and that was to pay
7 people in the jail less money and they were clear that they were doing it for cost-saving
8 purposes. She stated that detentions deputies do not have POST incentive, because they do
9 not take POST classes. She stated that some directors have been trying to change or fix
10 things and there is no incentive for the county to fix them because they have two different
11 classifications as a cost-savings measure and those things cannot be changed. She stated
12 that most of the issues Director Shawcroft brings up will need to be handled during formal
13 bargaining, but the county has no incentive to address them.

14 xxv) Director Gardenhire stated that he fails to see what the significant problem is with the
15 promotional process on the law enforcement side.

16 xxvi) Leonhardi responded that only 54 out of 700 eligible employees took the test, and that
17 the deputies who are qualified and whom the department want to test, are not taking the test.

18 xxvii) Gardenhire stated that deputies who do not want to take the test are not taking the test
19 because they don't want to. He stated that throwing more incentives in will not fix the problem
20 and the proposal seemingly suggests the 54 deputies who are taking the test are undesirable
21 candidates.

22 xxviii) Leonhardi asked for board direction to support the department's plan and the department
23 will have to go to the county and negotiate it.

24
25 AYES: Benjamin, Fifita, Rinder, Castillo, McCurdy, Gardenhire, Shawcroft, Morabe
26

27 c) ASTREA Premium

28 i) ASTREA deputies reached out to Leonhardi to discuss their premiums being included in their
29 overtime pay. Currently, per the contract, their premiums are not included in the calculations
30 of their overtime.

31 ii) ASTREA was informed of a case with another agency where they filed an FLSA lawsuit to
32 include their premiums and won. Leonhardi advised that they are talking about bringing a
33 lawsuit against the county. Steiner advised that this is not a violation of the contract, but they
34 are claiming an FLSA lawsuit. FLSA lawsuits are not covered by the DSA.

35 iii) Morabe asked if that affected all deputies or just ASTREA deputies.

36 iv) Leonhardi discussed the potential of Bomb/Arson being included but does not have a
37 confirmed answer yet.

38 v) Castillo reviewed the language in the MOA and said it excludes overtime.

39 vi) Steiner stated that a union cannot file an FLSA lawsuit. The union can pay for it, but an
40 individual(s) must file it. If the DSA were to fund the lawsuit, the DSA would have to be ready
41 to fund other FLSA claims in the future.
42

43 5) VICE PRESIDENT'S REPORT: Morabe

44 a) Legal Defense Update

45 i) Morabe addressed when and if the DSA directs members to contact the DSA. Morabe stated
46 that, although members can call the attorneys directly on administrative matters, in the case
47 of critical incidents, the member will still need to call PORAC LDF to have a case number
48 generated. Morabe clarified that ultimately members are going to have to call PORAC LDF.
49 Morabe stated that it makes more sense to educate our members to call PORAC LDF
50 directly. Morabe stated that she believes it is unreasonable to have DSA administrative staff
51 answering calls after hours.
52

53 6) SECRETARY/TREASURER REPORT: McCurdy

54 a) UBS Update

55 i) Year to date, the DSA investments are down 1.62% and currently valued at \$8.4 million.

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1
2 7) **COMMITTEE REPORT**

- 3 a) **FINANCE/BUDGET:** McCurdy
4 i) Budget Adjustments
5 (1) Utilities increase by \$2,500
6 (2) Auto Insurance increase by \$1,500
7 (3) DROS fees offset increase by \$6,000
8 (4) Computers and Data Processing increase by \$4,000
9

10 MOTION/McCurdy, SECOND/Castillo to adjust the budget as listed above. Motion unanimously
11 carries.
12

- 13 b) **PORAC:** Morabe
14 i) Update
15 (1) Morabe advised that PORAC is currently meeting in person, and upon advice of legal
16 counsel, they are doing a release of risk and liability so they can meet in person.
17 (2) Steiner said she is aware of employers trying to do that for employees to come to work,
18 however there are legal issues with this and may not be legally binding.
19 (3) Morabe would like to see us try to meet in person. If some don't want to and they are
20 more comfortable meeting via Zoom, they can call in.
21 ii) Trustee Ballots
22 (1) Morabe inquired about whether the PORAC LDF trustee ballot came in.
23 (2) CAO Parrott advised it came in the mail yesterday and is on Leonhardi's desk to be
24 completed.
25 c) **POLITICAL ACTION:** Leonhardi
26 i) CCLEA 78 Donation
27 (1) CCLEA would like to partner to for some advertising to help get Tasha Boerner-Horvath
28 re-elected. They are asking for approval for \$15,000.
29

30 MOTION/Castillo, SECOND/Fifita to create an independent expenditure for the 76th Assembly
31 District with \$15,000. Motion unanimously carries.
32

- 33 ii) **GOP Slate**
34 (1) The San Diego Republican party will be doing a No on Vargas for District 1 on their slate
35 mailer.
36

37 MOTION/Fifita, SECOND/Benjamin to donate \$10,000 to the GOP slate mailer. Motion
38 unanimously carries.
39

- 40 iii) Update on DSA grass roots campaign
41 (1) 11,000 people signed the DSA SB 731 petition in just a couple days. The DSA has now
42 built a list of allies and is educating those people on the issues that affect law
43 enforcement.
44

- 45 d) **NEGOTIATIONS:** Castillo
46 i) No report.
47 e) **MEMBER EVENTS:** Rinder
48 i) No report.
49 f) **MEMBERSHIP:** Gardenhire
50 i) No report.
51 g) **DONATIONS:** Fifita
52 i) ALADS Cares
53 (1) No action
54 ii) Chula Vista Police Officer Jason Cunningham is losing his battle with stomach cancer and
there is a fundraiser for him and his family.

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- 1 (1) The board discussed donating money to his Fund-a-Hero Page. CAO Parrott advised that
2 the bylaws do not allow for donations outside of Class 1 Active DSA members. Director
3 Morabe confirmed.
4 (2) Director Rinder suggested sending out the information for the fundraiser to the entire
5 membership.
6 (3) Board Direction to email out the campaign and post to the DSA social channels.

7 h) **BYLAWS/STANDING RULES:** Morabe

8 i) Standing Rule Amendment

- 9 (1) Morabe proposed adjusted language to the textbook reimbursement portion of the
10 standing rules.

11
12 Motion/Morabe, Second/Shawcroft to adopt the new language in the standing rules as it pertains
13 to the textbook reimbursement program. Motion unanimously carries.

14
15 ii) Annual Committee Ratification

- 16 (1) Morabe asked to appoint Shawcroft, Fifita, Benjamin, and Castillo and to ratify the
17 committee. Board direction to ratify the committee.

18
19 i) **MEET & DISCUSS/CONFER:** Morabe

- 20 i) No report.

21 j) **INSURANCE:** McCurdy

- 22 i) No report.

23 k) **PEACE OFFICER MEMORIAL:** Leonhardi

- 24 i) No report.

25 l) **LEGAL DEFENSE:** Castillo

- 26 i) Civil Service Repeal Request

- 27 (1) Discussed in closed session

28 m) **SICKNESS AND DISTRESS:** Rinder

- 29 i) No report.

30
31 8) **UNFINISHED BUSINESS**

32 a) i:Que Proposal

- 33 i) Discussion regarding the i:Que proposal for a new membership data tracking platform.

34
35 MOTION/Shawcroft, SECOND/Gardenhire to approve up to \$5,000 for a new membership tracking
36 system. Motion unanimously carries.

37
38 b) Bylaw Reference President and Staff

39 c) DSA Store:

- 40 i) The DROS system has been down for a week and a half due to an issue with the Certificate
41 of Eligibility certificate. This has nothing to do with the FFL, with an audit, or with other FBI
42 investigations.

- 43 ii) Every deputy that has a gun on payroll deduction or in the 10-day waiting period has been
44 notified.

45
46 9) **NEW BUSINESS**

- 47 a) No report.

48
49 10) **GOOD OF THE ASSOCIATION**

- 50 a) No report.

51
52 11) **ADJOURNED 5:41 P.M.**