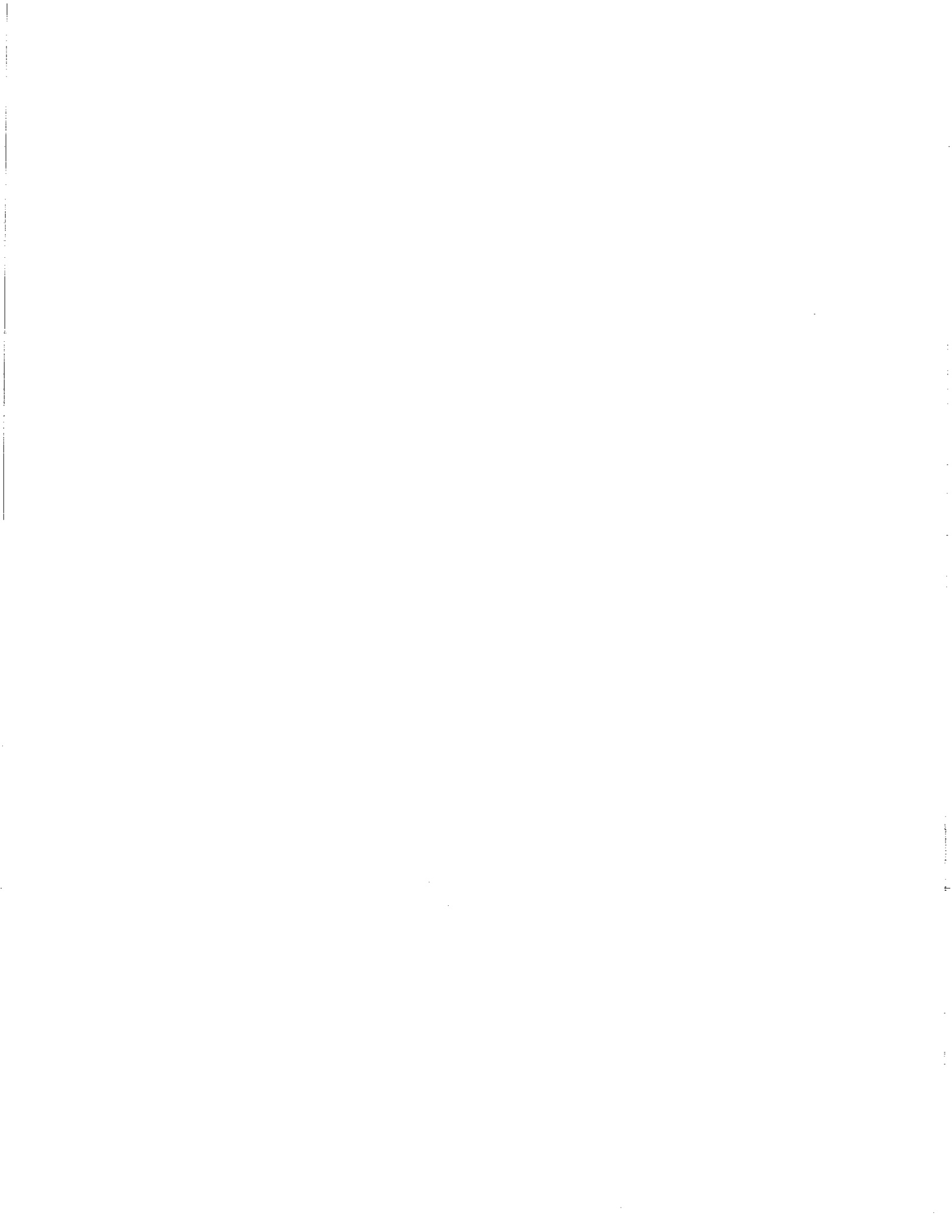
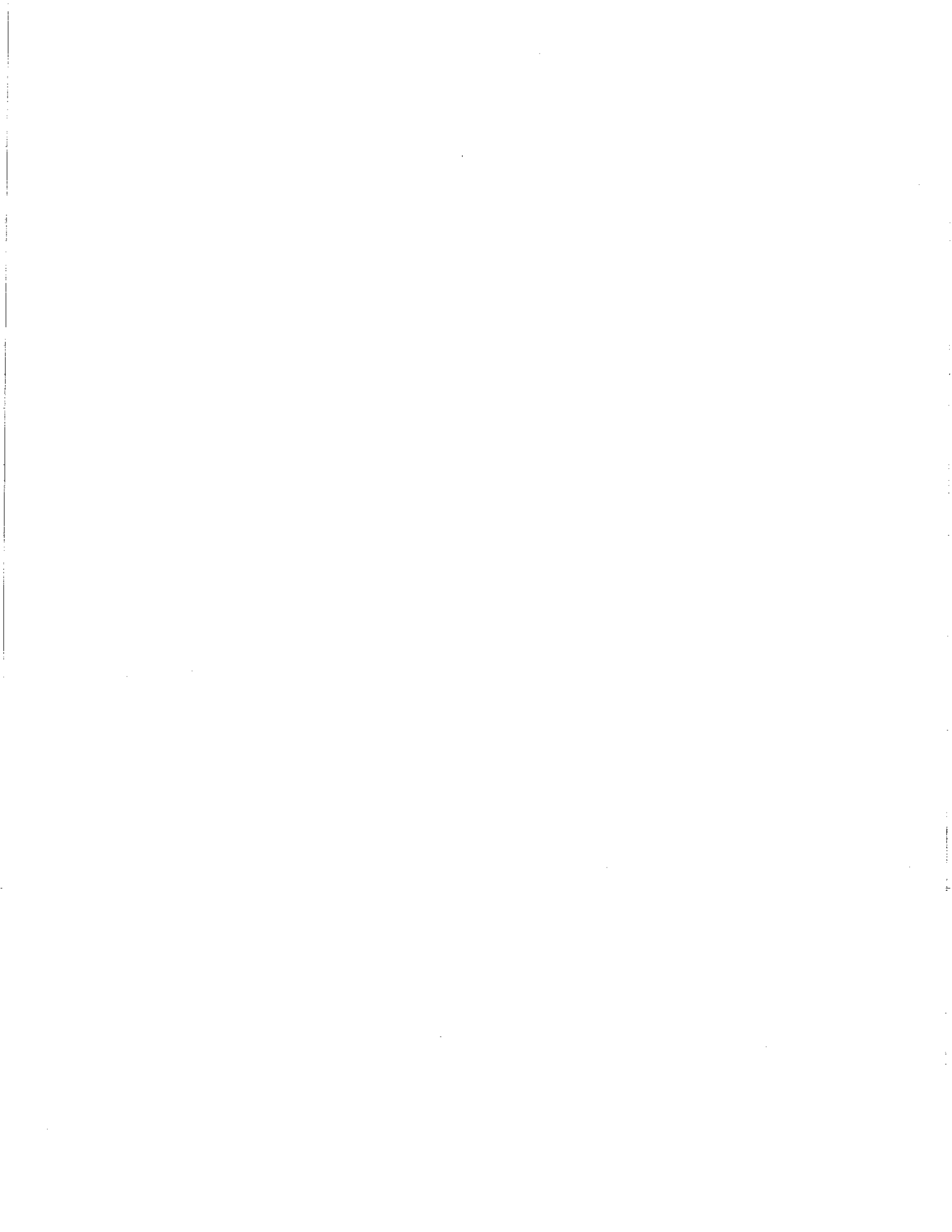


Public Employee Union Local #1

**YUBA CITY
MISCELLANEOUS
EMPLOYEES UNIT**







YUBA CITY MISCELLANEOUS EMPLOYEES UNIT BYLAWS
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YUBA CITY MISCELLANEOUS EMPLOYEES UNIT BYLAWS

ADOPTED (DATE)

ARTICLE 1- NAME

Section 1- This bargaining unit of Public Employees' Union Local #1 (Local #1) shall be known as the Yuba City Miscellaneous Employees Unit (Unit).

ARTICLE 2 - MAJORITY REPRESENTATIVE

Section 1 - In accordance with Government Code Section 3500 et seq, the miscellaneous employees of Yuba City have elected Local #1 as their majority representative on all matter related to wages, benefits and other terms and conditions of employment with the scope of representation.

ARTICLE 3 - PURPOSE AND OBJECTIVE

Section 1 - The purpose of this unit is to promote a cooperative working relationship between employees who have a community of interest with respect to labor relations and to encourage harmony and mutual assistance amongst Local #1 membership. It shall further be the objective of this unit to promote the good and welfare of unit employees through effective labor relations with City management based upon mutual respect.

ARTICLE 4 - BOARD OF DIRECTORS

Section 1 - Authority: The policy authority over the Unit's business affairs shall be vested in a Board of Directors (Board) which shall consist of a President, Immediate Past President, Vice President, Secretary Treasurer, and three Directors for a total of eight (8). One Director shall be elected from the members at each of the following locations; Public Works Corporation Yard, City Hall and Water/Waste Water plants.

Section 2 - Elections: Election of Officers and Directors shall occur during the month of November. The President, Secretary, and the Corporation Yard Director shall be elected in odd numbered years and the Vice President and Treasurer and Directors elected from City Hall and Water/Waste Water Plants shall be elected in even numbered years.

- (a) **Nomination:** Nominations for Officers may be made by any Unit member. Nominations for a Director position may be made only by a member assigned to the work area that the Director is designated to represent.
- (b) **Election Method and Ballot Count:** Elections of Officers/Directors shall be by secret mail ballot. The election shall be monitored and certified by the Secretary. The President shall appoint a committee of four (4) members, including the current Secretary who shall open and count the cast ballots. The results of the election shall be announced to the membership within a reasonable time period.
- (c) **Term of Officers/Directors:** The term of Officers/Directors shall be for two (2) years. Terms of newly elected Directors, other than those appointed to fill vacancies, commence on January 1 following the election. There shall be no limit to the number of consecutive terms that an Officer or Director may serve. (The initial election of President, Secretary and the Corporation Yard Director shall be for a one-year term.)
- (d) **Vacancies:** In the event of a permanent vacancy on the Board of Directors, between elections, the President at his/her discretion may fill the position by appointment or announce the vacancy for nominations. If nominations are received an election shall be conducted in accordance with Section 2.b of this Article. The new Officer/Director shall then fill the vacancy until that term was scheduled to expire.
- (e) **Recall:** Members of the Unit that are entitled to vote may recall any Officer/Director whether elected or appointed by submitting, in writing, a petition signed by not less than thirty-three percent (33%) of the eligible Unit members. The petition shall be submitted to the Board of Directors and upon receipt thereof, the President shall appoint a committee of not less

than three (3) voting members and the Secretary, not more than two (2) of whom signed the petition. The committee shall direct the preparation of a ballot and monitor the election process. The ballot shall contain the name of the Officer/Director who is being subjected to recall, his/her position, and the writing: "Shall the above-named Officer/Director be recalled? With the choices Yes and No indicated on the ballot. The committee shall collect and count all secret ballots and in the presence of each other and the President of the Unit or the Vice-President if the President is subject to recall. The recall shall fail unless a two-thirds (2/3) vote of all eligible members vote to affirmative the recall.

Section 3 - Duties of Officers:

- (a) **President:** It shall be the duty of the President to:
1. Preside over all meetings of the Board of Directors as Chairman. Act as spokes-person for the Board of Directors in all matters upon which the Board is authorized to act.
 2. Report at each general or special meeting on meetings and activities which he/she or the Board of Directors have been involved.
 3. The President may establish such committees as he/she deems is in the best interest of the Unit and the same shall serve at the direction of the President. The establishment or disestablishment of committees must be with the concurrence of a majority of the Board of Directors.
 4. The President shall be an ex officio member of all committees.
- (b) **Vice-President:** It shall be the duty of the Unit Vice-President to:
1. Serve as Vice-Chairman of the Board of Directors, and to act as President Pro Tem during the absence of the President.
 2. Contact all new employees of all departments that have been allocated to the Unit and explain the requirements of the Agency Shop and the importance of being a member, the objectives of the Unit and shall explain to all new members their duties and obligations to the Unit.
 3. The Vice-President shall be the designated Unit Director on the Board of Directors of Public Employees' Union Local #1.
 4. Other duties and functions as assigned by the President
- (c) **Secretary:** It shall be the duty of the Unit Secretary to:

1. Promptly prepare the minutes of all meetings of the general membership and meetings of the Board of Directors. Distribute to each member of the Board of Directors a copy of the minutes following a meeting.
2. Ensure timely notices of all general and special meetings of the Unit. Notices of meeting shall state at a minimum, the time, date and location of the meeting, as well as any items on which the Board or membership will be asked to cast a vote.
3. Monitor and coordinate distribution, collection and tabulation of all ballots.
4. Maintain records of the results of all voting and elections concerning this Units business.
5. Other duties and functions as assigned by the President.

(d) **Treasurer:** It shall be the duty of the Treasurer to:

1. Receive and deposit in approved bank accounts all funds received by this Unit.
2. Maintain necessary records of the Unit's bank accounts books and prepare reports as required.
3. Assure that all monies are properly accounted for and maintained in banks or other financial institutions as the Board of Directors may designate.
4. Pay all expenses of the Unit as directed by the Board of Directors.
5. Prepare a financial report for each meeting of the Board of Directors and each general membership meeting, if directed by the Board. The financial report shall consist of a beginning balance, income received, expenses incurred and an ending balance.
6. Maintain the Unit's financial records in appropriate condition for an audit at all times and in such condition to turn over to his/her successor to the office of the Treasurer.
7. Insure that all accounts are properly designated and that there shall be no commingling of personal or non-Unit assets with the assets of the Unit.
8. Other duties and functions as assigned by the President.

Section 4 - Compensation: Officers/Directors or other member representatives shall not be compensated.

Section 5- Emergency Action: If a majority of the Board deems a matter as urgent or of an emergency nature, they may take immediate action on any and all matters that adhere to the purposes of the Unit with regular notice, unless the matter is otherwise restricted to the authority of the full Board of Directors.

Section 6 - Board Member Responsibility: Each member of the Board of Directors shall become familiar with the Bylaws of the Unit and of Public Employees Union Local #1.

Section 7 - Voting: All elective Officers/Directors of the Unit shall retain his/her voting rights as a member concerning matters affecting the Unit, labor relations with the City and Local #1.

Section 8 - Standing Rules: The Board of Directors shall have the authority to promulgate standing rules or policies to effectuate the orderly conduct of the Unit's business.

ARTICLE 5 - SITE REPRESENTATIVES

Section 1- Employee Representatives: Employees at the various work locations will select or elect at least one member to be the employee representative for that work location. A majority vote of members at a specific work location will be sufficient to select/elect or remove the representative. Representatives shall facilitate communication between the Board of Directors and the membership and perform other duties as designated by the President. Representatives will hold meetings with other Unit members/employees at his/her location as necessary to facilitate communications with the Board of Directors. At the request of a Representative, the Board of Directors shall schedule a meeting with the Representatives within a reasonable period of time to discuss Unit business and/or concerns. Representatives are not Directors nor do they have any voting rights other than those attributed to active members.

ARTICLE 6 - NEGOTIATION

Section 1 - Contract Negotiations: The President shall ensure that a Negotiation Committee is elected/selected pursuant to the following provisions when the memorandum of understanding between the City and Local #1 is due to expire:

- a.) The Unit membership shall elect members to the Negotiations Committee. The membership shall elect primary and alternate representatives to meet and confer with the City on a successor memorandum of understanding.
- b.) Nominations will be solicited from the membership. An election shall be held to determine the primary representatives, unless the affected nominees resolve the matter amongst themselves. Should an election be necessary those nominees receiving the most votes will be the primary representatives. The nominee(s) receiving the next highest amount of votes shall serve as the alternate representatives.
- c.) If the membership fails to nominate/elect sufficient representatives to the Negotiations Committee, the President shall have the power to appoint representatives from amongst the membership. Such appoints shall be made in a manner that reflects the interests of all members.

Section 2 - Subject Matter Negotiations: If the Board of Directors authorizes negotiations or discussions with the City on specific matters within the scope of representation during the term of a memorandum of understanding, the President shall appoint a committee that ensures the interests of the affected members is properly represented.

Section 3 - Member Authority: Neither a committee appointed by the President or elected by the membership shall have the power to alter the terms and conditions of a contract previously approved by the membership and/or to enter into any agreement that would diminish or eliminate the rights, benefits or wages of the membership. Such matters shall be exclusively reserved and decided by a majority of the members voting on such matters.

ARTICLE 7 - VOTING

Section 1 - Voting Rights: There is only one class of membership in Local #1, for purposes of voting and transaction of Unit or Local #1 business, each active member has equal voting rights.

Section 2 - Manner of Casting Votes: Voting or balloting by this Unit may be by voice or secret ballot as deemed appropriate by a majority of the members present at a meeting or as directed by the Board of Directors.

Section 3 - Secret Ballots: When a voice vote is not elected pursuant to the preceding section, a secret ballot shall be used. Secret ballots may be used at a meeting when the notice/agenda has clearly identified the matter(s) being considered and the fact that a vote may be taken on the matter at the meeting. When a secret ballot is used at a meeting, a record shall be kept of those receiving and casting a ballot and the ballot box will remain available to members to cast a vote for two (2) workdays following the meeting at which the balloting commenced.

Section 4 - Mail Ballot: A mail ballot election shall be conducted for election of Officers and Directors, changes to the Bylaws and contract ratifications/amendments. Prior to issuing a mail ballot regarding the Bylaws or contract ratifications/amendments at least one membership meeting will be held for the purpose of answering questions regarding the matter(s) being presented to the membership. The mail ballot shall provide at least five (5) calendar days for members to consider the issue(s) and cast their ballot.

Section 5 - Ballot Tabulation: The Secretary and ballot committee appointed by the President will collect and count all ballots. The Secretary and committee members shall certify the vote count and results. The Secretary shall maintain in a secure place all written ballots, including any certifications or envelopes, for a period of ninety (90) calendar days. Thereafter, the ballots and envelopes shall be destroyed. The vote summary and certificate shall become a permanent record of the Unit.

Section 6 - Proxies: Proxy votes will be allowed only where the issuer of the proxy is unable to attend a general or special membership meeting because he/she is currently at work during the meeting and the proxy is delivered in writing to the

Secretary prior to the meeting being called to order. A member that is on an approved leave of absence and not in the Sutter/Yuba area may also issue a proxy prior to his/her departure. All proxies shall be in writing, clearly identify the member being given the proxy voting authority, provide a statement explaining the reason for the proxy and be signed/dated by the member issuing the proxy.

Section 7 - Memorandum of Understanding: Notwithstanding any other provision of these bylaws or Unit balloting, only active members are entitled to vote on any Memorandum of Understanding between the Local #1 and the City regarding wages, hours, and other terms and conditions of employment.

ARTICLE 8 - BOARD MEETINGS

Section 1- Regular Meetings: The Board shall meet at such time and place as the Board may from time to time prescribe, for the purpose of conducting Unit business. Notice of Board of Director meeting to the membership shall not be required.

Section 2 - Special Meetings: Special meetings of the Board may be called by the President or any two (2) Board members. Special meetings may only be held after prior notice to Board members verbally, in writing or by any means available, to advise the Board members of the time, place and purpose of the meeting. If all Board members have not received notice due to the inability to contact him/her, the Board may decide to proceed based upon 2/3 of the Board being present and a majority vote of those in attendance.

Section 3 - Action Without Meeting: Any action required or permitted to be taken by the Board may be taken without a meeting, if all the members of the Board individually or collectively consent.

Section 4 - Quorum: Five members, including the President or the Vice-President in his place, of the Board of Directors shall constitute a quorum of the Board of Directors.

Section 5 - Voting: A majority vote of a quorum of the Board of Director shall govern.

Section 6 - Minutes: Minutes shall be kept by the Secretary of all Board meetings.

Section 7 - Agenda: The Board of Directors shall adhere to the following agenda at each meeting:

- (a) New business
- (b) Any matter which any Director wishes to bring up before the Board.
- (c) Any matter which any member wishes to bring up before the Board.
- (d) Members present
- (e) Minutes of the previous meeting
- (f) Reports by officers
- (g) Committee Reports
- (h) Old business
- (i) Designation of the next meeting date and adjournment.

Section 8 - Rules of Procedure: Robert's Rules of Order (Revised) shall govern the rules of procedures of Board meetings.

Section 9 - Representation: The Board of Directors shall select representatives or delegates to attend Local #1 functions, which are deemed relevant to the purpose of the Unit.

Section 10 - Removal of Officers or Directors for Cause: The Board may remove a Director for cause only if the Director is (1) declared of unsound mind by a court, (2) convicted " of a felony, (3) found by final court order to have breached his/statutory duty of care, (4) is absent for three (3) connective Board Meetings, unless his absence is excused by a majority vote of the Board of Directors, or (5) no longer an active member.

Section 11 - Open Meetings: All meetings of the Board of Directors shall be open to the general membership. Voting at Board meetings shall be by Board members only, however, any member may address the Board, make requests, provide information, or attempt to influence Board action. The Board may at their discretion adjourn to Executive Session to deliberate on member appeals or as they deem appropriate.

ARTICLE 9 - MEMBERSHIP MEETINGS

Section 1- General Meetings: Membership meetings shall be called as required by these Bylaws and necessary to inform the membership of matters that affect them or at the direction of the President. Meetings may also be called at any time at the discretion of a majority of the Board of Directors.

Section 2 – Time, Location and Agenda: All general membership meetings shall be held at time(s) and location(s) directed by the President or majority of the Board of Directors and posted by the representatives not less than five (5) calendar days prior to the meeting. The notice shall include the time, place and subject matter(s) to be discussed and/or decided at the special meeting.

Section 3 - Quorum: Fifteen percent (15%) of the total current members shall constitute a quorum.

Section 4 - Order of Business: The order of business for all general meetings of the Unit shall be as follows:

- (a) Call to order.
- (b) Review of minutes of last meeting as relevant.
- (d) Old business.
- (e) New business.
- (f) Adjournment

Section 5 - Rules of Procedure: Robert's Rules of Order (Revised) shall govern the rules of procedures of the Unit.

Section 6 - Special Meetings: Special meetings of the Unit may be called by the President as he/she deems necessary or by membership petition. The President shall call a special meeting within ten (10) days after receiving a request for such a meeting signed by at least thirty-three percent (33%) of the voting membership. Notice shall be distributed to representatives to post at their work locations no less than five (5) calendar days prior to the meeting. The notice shall include the time, place and subject matter(s) to be discussed and/or decided at the special meeting.

Section 7 - Emergency Meetings: Emergency meetings may be called by a majority of the Board of Directors as they deem necessary. The Board shall endeavor to contact all members, by any means available, to advise the members of the time, place and purpose of the meeting.

Section 8 - Emergency During Meeting: Should an emergency occur which requires the response of those in attendance while a meeting is in session, the meeting will stand adjourned without form, subject to the call of the President, and all business transacted before adjournment shall be legal.

Section 9 - Responsibilities of Members: It shall be the responsibility of all members to attend all general and special membership meetings and to keep themselves informed regarding the proceedings of all membership meetings. It is the responsibility of each member to become familiar with the operational rules of the Unit, including these Bylaws.

ARTICLE 10 - UNIT FINANCES

Section 1 - Fiscal Soundness: The Board of Directors shall be responsible for maintaining the fiscal soundness of the Unit's financial assets and ensure compliance with all reporting requirements. The Board shall only approve expenses of the Unit that are within the limits of its income and/or assets.

Section 2 - Bank Accounts/Signatures: All bank accounts shall be maintained by the Treasurer in a financial institution approved by the Board of Directors. The signature of the Treasurer and the President or Vice President shall be required for the transfer, withdrawal or on checks/drafts drawn against the Unit's bank accounts.

Section 3 - Local #1 Policy and Reports: Unit funds and bank accounts shall be maintained pursuant to the policies and procedures adopted by Local #1. The Board of Directors shall ensure that all reporting requirements as set forth in the Local # 1 Unit Fund Policy are met and complied with in order to maintain a Unit fund.

ARTICLE 11 - AMENDMENTS

Section 1 - Amendment or Repeal: These Bylaws may be amended, modified, changed, or repealed, in whole or in part, by a two-thirds (2/3) vote of the ballots cast, by the eligible voting membership of the Unit in accordance with these Bylaws, provided that notice of these proposed amendments, modifications, changes, or repeals, and a ballot, must be furnished to each Unit member at least ten (10) calendar days prior to the balloting.

CERTIFICATION OF BYLAWS AND AMENDMENTS

The undersigned hereby certify that a vote was taken in accordance with the Bylaws and by sufficient count amended the Bylaws on this 4th day of April, 2013.



President, David Calonder



Secretary, David Moore

NOTES