

**PUBLIC EMPLOYMENT RELATIONS BOARD**

Appeals Office  
1031 18th Street  
Sacramento, CA 95811-4124  
Telephone: (916) 322-8231  
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May 2, 2013

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Michael A. Morguess, Attorney  
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367 N. Second Avenue  
Upland, CA 91786

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6033 West Century Boulevard, Suite 500  
Los Angeles, CA 90045

Re: *City of Lompoc v. Lompoc Police Officers Association; Lompoc Police Officers Association v. City of Lompoc*  
Case Nos. LA-CO-100-M; LA-CE-555-M; LA-CE-564-M; LA-CE-585-M  
**Notice of Oral Argument**

Dear Parties:

The Public Employment Relations Board (PERB or Board) itself has reviewed the request for oral argument in the above-captioned case. Based upon the Board's review, the Board has decided to grant the request. Although the Board welcomes oral argument, the Board members will have reviewed your case prior to the argument. Repetition of the contents of your briefs is not advised.

Oral argument is scheduled for June 13, 2013 at 2:00 p.m. during a regularly scheduled meeting of the Public Employment Relations Board. The meeting will be held at PERB's headquarters office located at 1031 18<sup>th</sup> Street, Sacramento, CA 95811-4124. Both parties shall have the right to appear in person, by counsel or by other representative, but only one counsel may argue for each separately represented party. The Board directs oral argument on the following limited issue:

In light of Government Code section 3511, does PERB have the authority to issue a remedial order applicable to a (mixed) bargaining unit that includes non-peace officer and peace officer classifications? If so, what is the source and scope of PERB's

Michael A. McGill, Attorney  
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authority; and what is the relevance of the peace officer exclusion as set forth in Government Code section 3511 as it applies to mixed units?

As the Lompoc Police Officers Association is the appellant with respect to the conclusion of law reached by the Administrative Law Judge on this issue, the Association has the right to open and may reserve a portion of its allotted time for rebuttal. Each party is allowed 30 minutes for argument. Questions from the Board members during argument should be anticipated.

The parties are directed to discuss and present the Board with all legal authority supporting their argument including but not limited to relevant legislative history, administrative precedent and case law as well as analogous administrative precedent and case law from other jurisdictions. The parties shall inform the Board by letter of any supplemental legal authority the parties wish to rely on at argument. Supplemental authority refers to a legal authority not cited to in the parties' prior submissions to the Board itself. The letter shall be filed with the Board itself and served on the other party no later than June 7, 2013.

The parties are also welcome to solicit from non-parties petitions to submit informational briefs or to argue orally before the Board itself. Only those petitions satisfying the requirements of PERB Regulation 32210 will be considered. If a non-party is granted permission to argue orally pursuant to PERB Regulation 32210, the Board may apportion or expand the time for argument.

If a non-party petitions to submit an informational brief in this case we would ask that any such petition be accompanied by or combined with the proposed informational brief. A brief filed under PERB Regulation 32210 is akin to a friend-of-the-court (*amicus curiae*) brief. Such a brief should assist the Board in deciding the matter. The determination whether to grant a petition under PERB Regulation 32210 is within the sole discretion of the Board.

A petition under PERB Regulation 32210, including a proposed informational brief where applicable, shall be filed and served by May 24, 2013. Should the Board grant one or more petitions, the Board will give notice of the same and the parties will each be afforded the opportunity to file a single supplemental brief in response thereto. Any such supplemental brief shall be filed and served by June 7, 2013.

The additional submissions of parties and non-parties identified herein shall be filed at the PERB's headquarters office. Service and proof of service requirements under PERB Regulation 32140 shall apply.

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Each party is requested to contact Regina Keith at the Chair's office to notify the Board of its intention to appear and present argument. Please do so no later than May 13, 2013. Ms. Keith's telephone number is (916) 322-8226.

Sincerely,

Teresa M. Stewart  
Appeals Assistant

## PROOF OF SERVICE

I declare that I am a resident of or employed in the County of Sacramento, California. I am over the age of 18 years and not a party to the within entitled cause. The name and address of my residence or business is Public Employment Relations Board, 1031 18th Street, Sacramento, CA 95811-4124.

On May 2, 2013, I served the attached letter regarding: *City of Lompoc v. Lompoc Police Officers Association*; *Lompoc Police Officers Association v. City of Lompoc*, Case Nos. LA-CO-100-M; LA-CE-555-M; LA-CE-564-M; LA-CE-585-M, **Notice of Oral Argument**, on the parties listed below by

placing a true copy thereof enclosed in a sealed envelope for collection and delivery by the United States Postal Service or private delivery service following ordinary business practices with postage or other costs prepaid.

personal delivery.

facsimile transmission in accordance with the requirements of PERB Regulations 32090 and 32135(d).

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Los Angeles, CA 90045

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on May 2, 2013, at Sacramento, California.

\_\_\_\_\_  
Teresa M. Stewart  
(Type or print name)

\_\_\_\_\_  
(Signature)