

ASSOCIATION OF LEGAL PROFESSIONALS

May 25, 2012

Marco Mercado
Office of Employee Relations
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113

RE: Request for Records under the Public Records Act and the Duty to Furnish

Dear Mr. Mercado:

As you know, the undersigned represents the Association of Legal Professionals ("ALP") as its president. This will constitute a request under the California Public Records Act ("CPRA"), as well as under the City of San Jose's ("City") duty to furnish information relevant to the meet and confer process. If you are not the proper individual to respond to this request, we ask that you promptly forward this request to the appropriate individual and inform us of the name and contact information for that individual.

Pursuant to Article I, Section 3(b) of the California Constitution and the California Public Records Act (Government Code Section 6250 et seq.), and the duty to furnish, you are hereby directed to produce to the undersigned for inspection and copying the following documents, records and/or writings:

1. Any and all legal and professional opinions on the effects of the City's Last, Best and Final Offer on Retiree Health Care benefits as well as payroll contributions for the benefit including but not limited to any opinions expressed by the Ice Miller law firm and/or others.
2. Any and all legal opinions about the "Rights" section of the City's Last, Best and Final Offer on Retirement Benefits for New Employees.
3. Any and all records regarding the City's expected savings with respect to the Pension Ballot Measure, Retiree Health Care, and the benefit formulas for Pension and Retiree Healthcare for new employees.
4. Any and all records relating to the possible impacts to current employees of the enactment of new compensation or post employment benefits for new employees.
5. Any and all records in existence prior to 2pm on May 21, 2012 relating to the relationship between Michelle Katsuyoshi and the City of San Jose.

In addition to the foregoing, we specifically request a response to our question: Is it the City's intent with respect to its proposal with regard to Retirement Benefits for New Employees that such employees have the Retiree Healthcare that current employees have? If so, does the City expect that such new employees will make contributions to the same extent as do current employees? Please provide any and all records that relate to this subject.

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In the event that the volume of the requested information is especially large, we are open to discuss ways to potentially narrow this request or to obtain summaries of some of the requested information.

This request is not seeking disclosure of any confidential information or information that is exempt from production pursuant to the Public Records Act and that has not been discussed or mentioned in public meetings. Thus, you may redact any information that would be exempt from disclosure under the Public Records Act and that has not otherwise been made public.

For any record you are withholding in whole or part, please:

1. List the record's date, time, author(s), recipients(s), any title or reference identifier, and general subject matter, together with any and all purported statutory or other bases for your withholding and/or redaction.
2. For any statute or other authority you are relying on as a basis for withholding and/or redacting any records, or any portions thereof, please explain why your withholding and/or redacting is supported by the narrowest available construction of the statute or other authority you rely upon.
3. If you are withholding and/or redacting records for any other reason, please explain your purported basis for such withholding in the context of the command of Article I, Section 3(b) (2) that the terms "records" (as used in the Public Records Act) and "writings" [as used in Article I, Section 3(b)] "shall be broadly construed" in order to "further the people's right of access."

If you find any portion of this request unclear or uncertain, please contact the undersigned immediately.

As required by Government Code Section 6253(c), please respond within ten (10) calendar days of your receipt of this letter. Please either produce all requested documents, records, and/or writings within ten (10) calendar days of your receipt of this letter, or expressly and specifically commit to production within a specified reasonable period of time as required by the Public Records Act.

Thank you for your prompt attention to this matter.

Very truly yours,



VERA M. I. TODOROV
President
Association of Legal Professionals