

# SAN JOSE POLICE OFFICERS' ASSOCIATION

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July 19, 2011

Gina Donnelly  
Deputy Director of Employee Relations  
City of San Jose  
200 East Santa Clara Street  
San Jose, CA 95113

**RE: Your July 18<sup>th</sup> Letter's Request to Have Retired Judge Serve  
As Neutral Arbitrator**

Dear Gina:

Thank you for your letter of July 18, 2011 concerning selection of the neutral arbitrator for the pending interest arbitration regarding the duration of the ten percent wage reduction. You state that the City "is interested in having a retired judge of the Superior Court of the County of Santa Clara serve as the neutral arbitrator and Chair of the Board." However, Charter Section 1111, as amended by the voters in November 2010, provides as follows:

The third member of the Arbitration Board shall be selected by agreement between the two arbitrators selected by the City and the employee organization, and shall serve as the neutral arbitrator and Chairman of the Board. **In the event that the arbitrators selected by the City and the employee organization cannot agree upon the selection of the third arbitrator within ten (10) days ..., then either party may request the Superior Court of the County of Santa Clara to appoint an arbitrator who shall be a retired judge of the Superior Court.**

(Emphasis added).

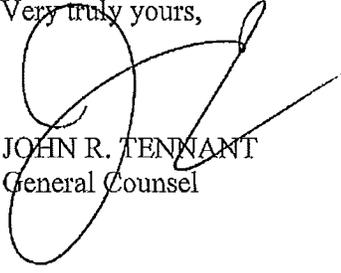
While I appreciate your stating the City's interest that a retired judge serve as the neutral arbitrator, the process of selection calls for at the very least an exploration by the parties – through their selected members of the Arbitration Board – of the possibility of a mutually agreeable arbitrator.

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It is my understanding that a meeting has been scheduled for tomorrow at 4:00 p.m. between the City's outside counsel, Jon Holtzman of Renne, Sloan, Holtzman & Sakai, Gregg Adam (the San Jose POA's outside counsel) and me. It is also my understanding that you will be participating in this meeting via conference call.

I look forward to discussing these matters with you tomorrow during that meeting. As always, your cooperation and assistance are greatly appreciated. Do not hesitate to contact me if you have any questions or concerns regarding any of the above.

Very truly yours,



JOHN R. TENNANT  
General Counsel

JRT:bjs

cc: Nora Frimann, Assistant City Attorney, City of San Jose  
Jonathan Holtzman, Renne, Sloan, Holtzman & Sakai LLP  
Gregg McLean Adam, Carroll, Burdick & McDonough LLP  
SJPOA Executive Board