

**ASSOCIATION OF BUILDING, MECHANICAL AND ELECTRICAL INSPECTORS**

November 9, 2011

**Via E-Mail**

Gina Donnelly  
Office of Employee Relations  
City of San Jose  
200 East Santa Clara St.  
San Jose, Ca. 95113

**Re: Draft Proposed Ballot Measure**

Dear Gina,

Please note that the majority of ABMEI membership, including E-Board and negotiating team members are field staff, performing their primary function of ensuring safe construction in the City of San Jose. Consistent and timely communications with your staff can be challenging and we respectfully request some professional latitude in this regard.

ABMEI emphatically reiterates that we do not waive our right to meet and confer over the draft proposed ballot measure, nor do we waive our right to mediation.

It has always been our understanding the meet and confer process involves the participation of both parties. We have always contended that we are available to meet with your staff to discuss the draft proposed ballot measure and felt that the retirement negotiations were progressing in such a way as to render the proposed ballot measure unnecessary. ABMEI remains adamant that we can still produce acceptable results using the meet and confer process and that ABMEI and the City of San Jose are not at impasse. However, if the City of San Jose still insists on bypassing the meet and confer process and moving directly to a state of perceived impasse, then ABMEI agrees to participate in the mediation process.

ABMEI remains available to meet with you and your staff to discuss the draft proposed ballot measure. Our negotiations team is available today (Nov. 9), tomorrow (Nov. 10) or any dates acceptable next week and beyond.

ABMEI believes that the City of San Jose has not bargained in good faith regarding the unresolved retirement issues and is intentionally forgoing the meet and confer process and pushing forward to mediation in complete disregard for due process in an effort to needlessly place a ballot measure containing provisions that are legally questionable before the citizens of San Jose. ABMEI also believes that the City has not bargained in good faith by insisting to the point of impasse upon agreement to its proposed charter amendment containing provisions that are unlawful and unenforceable, and thus outside the scope of bargaining.

Sincerely,  
*Tom Brim - President*  
ABMEI

