

August 5, 2011

Tom Brim
President
Association of Building, Mechanical and Electrical Inspectors (ABMEI)
c/o PBCE Department
200 East Santa Clara Street
San Jose, CA 95113

RE: Draft Proposed Ballot Measure

Dear Tom:

On July 27, 2011, we sent ABMEI a letter to follow up on the email that was sent on July 20th, in which you indicated that ABMEI was interested in meeting with the City to discuss the draft proposed ballot measure. We reiterated in our letter that if ABMEI is interested in meeting over this issue, it was crucial that we begin these discussions as soon as possible.

On August 1, 2011, we received an email from Mr. Richard Hicks, in which he stated that *"ABMEI will not talk about the Ballot Initiative until after we talk about retirement issues."*

As we indicated to you in our letter dated July 21, 2011, the City was amenable to negotiating with ABMEI, CEO, IBEW, MEF and OE#3 on retirement reform in a coalition setting. We further indicated that each of the Unions may meet and confer separately regarding any City proposals for ballot measures/Charter Amendments, pursuant to Seal Beach upon request by the individual Union. (See People ex rel. Seal Beach Police Officers Assn. V. City of Seal Beach 36 Cal. 3d 591 (1984).)

As you know, the City Council has the constitutional right to place measures on the ballot on any issue, including, subject to *Seal Beach* bargaining, issues involving wages, hours, and working conditions. The City Council has indicated an intention to place retirement related measure(s) on the March 2012 ballot. Since the City Council is required to submit the ballot measure within a certain timeframe prior to March 2012, there is an immutable deadline. As such, the City and Union must complete its meet and confer obligation by October 31, 2011, and impasse procedures by November 2011.

The email we received from ABMEI on August 1st states that ABMEI will not meet and confer with the City about the draft proposed ballot measure until after retirement reform

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negotiations. The City has a duty to provide notice of an intention to place a matter on the ballot that falls within the scope of bargaining, and provide the opportunity for you to meet and confer. Whether you choose to avail yourselves of that opportunity is entirely your choice. However, if ABMEI intends to delay meeting with the City on the ballot measure until after the retirement reform negotiations, depending on the timing of the completion of those negotiations, it may have waived its opportunity to do so. At a minimum, the time available to meet and confer over this matter will be drastically shortened by your decision.

We again urge you to provide us with proposed meeting dates in August to begin our discussions on the draft proposed ballot measure.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Donnelly', written in a cursive style.

Gina Donnelly
Deputy Director of Employee Relations