

SENT VIA EMAIL

September 23, 2011

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

RE: Proposed Ballot Measure

Dear Tom:

Thank you for meeting with the City on Thursday, September 22, 2011, for the purposes of negotiating the proposed ballot measure. As we have communicated to ABMEI previously in our letters of June 8, 2011, June 22, 2011, July 6, 2011, July 19, 2011, July 27, 2011, August 5, 2011, and September 9, 2011, the City has been, and continues to be, available to meet with ABMEI to meet and confer regarding the proposed retirement ballot measure. In prior communications with the City, as well as during our meeting on September 22, 2011, you indicated that ABMEI remains unwilling to negotiate regarding the ballot initiative until and unless the other retirement issues have been resolved.

As we conveyed in our letter of August 5, 2011, the retirement reforms contemplated by the Council are designed to address a critical financial problem which, if not addressed in time for the coming fiscal year, will result in devastating cuts to public services and loss of jobs. For that reason, the Council has determined that the retirement measure will be considered by the voters at a special election in early March 2012. Based on state and local election laws, the measure must be finalized and submitted approximately 90 days before the election. This will require that meet and confer be completed by the end of October and any impasse procedures requested be completed in November. This is an immutable deadline given the urgency of the measure and the planned special election timelines.

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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 chose to avail yourselves of that opportunity is entirely your choice, however, by failing to meet and confer on the measure, you are waiving your opportunity to do so.

If you have any questions or concerns regarding this information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina Donnelly". The signature is fluid and cursive, with a large initial "G" and "D".

Gina Donnelly
Deputy Director of Employee Relations

c: Alex Gurza, Deputy City Manager