

**SENT VIA EMAIL**

November 1, 2011

Vera Todorov  
President  
Association of Legal Professionals (ALP)  
c/o City Attorney's Office  
200 East Santa Clara Street  
San Jose, CA 95113

**RE: Draft Proposed Ballot Measure Negotiations**

Dear Ms. Todorov:

We are in receipt of your letter dated October 31, 2011, in response to the letter we sent you on October 28, 2011. In your letter you indicate that "ALP never agreed to the City's artificial October 31, 2011 deadline by which the City desired conclude ballot measure negotiations." As you know, the City discussed the possibility of an agreement on the framework for concurrent negotiations regarding the proposed ballot measure and non-charter retirement issues that would include concluding the negotiations by October 31, 2011. Unfortunately, the parties were unable to reach an agreement. As a result, the City and ALP have been negotiating separately on the proposed ballot measure.

On June 3, 2011, the City notified you of its intent to place a measure on the ballot that would include various proposed changes to the Charter regarding retirement benefits for new employees, current employees and current and future retirees. The terms of the proposed ballot measure were delineated in the memorandum dated May 13, 2011, that we provided you on June 3, 2011. The City provided you drafts of the proposed ballot measure on July 6<sup>th</sup>, September 9<sup>th</sup>, October 5<sup>th</sup>, October 20<sup>th</sup> and October 27<sup>th</sup>. Since June 2011, the City has been available to meet and confer with ALP regarding any changes to the draft proposed ballot measure.

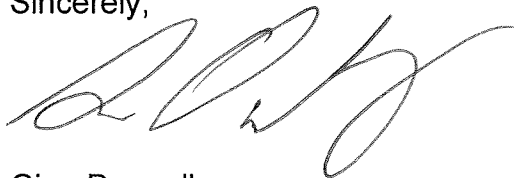
The City and ALP have met to discuss the proposed ballot measure approximately four (4) times. As we have repeatedly noted, the retirement reforms contemplated by the City Council are designed to address a critical financial problem which, if not addressed in time for the coming fiscal year, will result in devastating cuts to public services and loss of jobs. For that reason, the City 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 is an immutable deadline given the urgency of the measure and the planned special election timelines.

To date, ALP has made no proposals to the City regarding the proposed ballot measure although the bargaining team has provided useful comments regarding the proposal, many have which have been addressed in subsequent revisions. Since the parties have been unable to reach an agreement on the proposed ballot measure, and given the limited timeframe remaining to place a measure on the March 2012 ballot, the City believes it would be beneficial for the parties to schedule a mediator utilizing the State Mediation and Conciliation Service. In your letter you indicate "... ALP will accept whatever access to mediation that the City allows..."

As we indicated to you on October 28, 2011, and as you have agreed to in your letter dated October 31, 2011, we look forward to our meeting scheduled for November 2, 2011, at 3 p.m., at the Office of Employee Relations. During this session, we can discuss the proposed ballot measure that was provided to you on October 27<sup>th</sup> and any further comments or proposals you may have regarding the ballot measure.

In addition, we have contacted the State Mediation and Conciliation Service and a mediator is available to meet with the City and ALP on Thursday, November 3<sup>rd</sup> between 1:30 p.m. and 5:00 p.m. During our negotiation session tomorrow, we would appreciate ALP confirming its availability for this date and any dates through November 14, 2011.

Sincerely,



Gina Donnelly  
Deputy Director of Employee Relations

c: Debra Figone, City Manager  
Rick Doyle, City Attorney