

February 27, 2012

Gregg McLean Adam
Carroll, Burdick & McDonough LLP
44 Montgomery Street, Suite 400
San Francisco, CA 94104

RE: Letter Dated February 24, 2012

Dear Mr. Adam:

I write regarding your letter delivered by email on Friday, February 24, at 4:30 p.m. First, I disagree with your statement that the POA has had no opportunity to bargain over this new ballot language. As you acknowledge in your letter, the changes in language being recommended by the City Manager are the same changes the City proposed in mediation, which were insufficient to even trigger a responsive proposal by your organization. You have had weeks to review the proposed language and to make a counterproposal. Yet, during that time, we have not heard from the POA on this issue.

Based on the history, including months of bargaining followed by two rounds of post-impasse mediation spanning four months, it is clear that changes being proposed – which may or may not be adopted by the Council – do not, in themselves, break impasse (otherwise, we would at least have expected a counterproposal during mediation).

As we have emphasized since the Council moved the date of the election from March to June, the final date for submission to the registrar of voters is 88 days before the election. Therefore, the final date for the Council to act on the measure will be its meeting on Tuesday, March 6, 2012. Given the lack of any response to our proposed language until the eleventh hour, I am concerned this is a last minute attempt at delay.

Letter Dated February 24, 2012
February 27, 2012
Page 2 of 2

That said, if, based on the recommended changes in the measure, the POA is now prepared to make a counter-proposal for a ballot measure that (1) is a sufficient deviation from the POA's former position to break impasse; and (2) can be ratified prior to March 6th, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Gurza". The signature is fluid and cursive, with a long horizontal stroke at the end.

Alex Gurza
Deputy City Manager

cc: Gina Donnelly, Deputy Director of Employee Relations
Jon Holtzman, Renne, Sloan, Holtzman & Sakai, LLP
Jim Unland, SJPOA President