



RENNE SLOAN HOLTZMAN SAKAI LLP

350 Sansome Street, Suite 300
San Francisco, CA 94104
t: 415.678.3800
f: 415.678.3838

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CHARLES SAKAI
csakai@publiclawgroup.com
(415) 678-3800

VIA E-Mail and US Mail

Christopher E. Platten
Wylie, McBride, Platten & Renner
2125 Canoas Garden Avenue, Suite 120
San Jose, CA 95125
cplatten@wmpirlaw.com

**Re: New Employee Retirement
City of San Jose and IAFF Local 230**

Dear Chris:

Thank you for meeting with us on December 19, 2012. We appreciate your questions about the City's proposed second tier retirement program for new employees in the bargaining unit represented by Local 230. We also appreciate your naming Robert Sapien as Local 230's panel member for the interest arbitration over this issue and with your commitment to propose names for the neutral arbitrator. However, we are troubled by your continued insistence that the parties are not at impasse over this issue despite the stipulated impasse on October 31, 2011 and complete lack of progress since that date.

Given Local 230's failure to provide a proposal on second tier retirement for over six months and your continued reluctance to accept the City's proposal (which incorporates the maximum level of benefits permitted under Measure B), there can be no question that we remain at impasse. Therefore, we will be moving forward with a Petition to Compel Arbitration/Writ of Mandate on this issue. If the parties are able to resolve this short of litigation, we will of course withdraw the Petition.

Sincerely

Charles Sakai

cc (*via e-mail only*): Alex Gurza, Deputy City Manager
Nora Frimann, Assistant City Attorney
Jennifer Schembri, Assistant to the City Manager