

SENT VIA EMAIL

November 14, 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:

We are in receipt of the email sent by your legal counsel on November 10th at 5:45 p.m. As you know, we sent you a letter on November 10, 2011, in which we respond to your email of November 9th at 3:28 p.m. In our letter of November 10th, we reiterated that based on our records related to the proposed ballot measure negotiations and the fact that ABMEI indicated that it remained unwilling to negotiate regarding the ballot initiative until and unless the other retirement issues have been resolved, ABMEI waived its right to meet and confer over the proposed ballot measure. Nonetheless, the City offered ABMEI the opportunity to participate in mediation and requested a response. ABMEI was non-responsive to the opportunity that was extended on October 31st. The City sent another letter on November 4th and extended the opportunity to participate in mediation and again ABMEI failed to confirm its interest in participating in mediation.

On November 9th, ABMEI sent a letter agreeing to participate in mediation. The City responded on November 10th and offered to meet with ABMEI on November 11th at 11:30 a.m. ABMEI did not confirm participation in this mediation. The City contacted your legal counsel on November 10th, to seek confirmation of ABMEI's participation in this mediation and we received an email on November 10th at 5:45 p.m. indicating that it would not be possible for ABMEI to get its team together for mediation on November 11th. The email further stated that ABMEI would be contacting the City to schedule mediation. ABMEI has not contacted the City regarding the scheduling of mediation.

As we have repeatedly indicated to ABMEI, the City Council has determined that the retirement measure will be considered by the voters at a special election in early March 2012, and the meet and confer process needed to be completed by the end of October and any impasse procedures requested needed to be completed in early November. We are now in mid-November and this leaves minimal time for the impasse procedures.

Despite our repeated attempts to schedule mediation, the City will offer ABMEI one last opportunity to participate in mediation. The mediator, Mr. Ken Glenn from the State Mediation and Conciliation Service will be available to meet with the City and ABMEI on **Thursday, November 17th at 8:30 a.m.** at the Office of Employee Relations. We would appreciate confirmation from ABMEI no later than November 15th at 5:00 pm., of its participation in this mediation session.

Sincerely,



Gina Donnelly
Deputy Director of Employee Relations

c: Alex Gurza, Deputy City Manager
Ken Glenn, State Mediation and Conciliation Service