

SENT VIA EMAIL

November 4, 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:

In your letter dated November 3, 2011, you indicate that you are in disagreement with the City's "assessment of the actions" related to the ballot measure negotiations. In your letter, you further state,

"In addition, it is the Coalition's understanding that the City of San Jose agreed to table discussion on the draft proposed ballot measure."

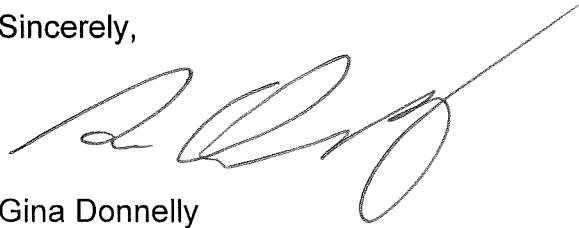
The City respectfully disagrees with ABMEI's statement. The City did not agree to delay or defer the proposed ballot measure negotiations. On the contrary, the City has been very clear that the proposed ballot measure negotiations needed to continue regardless of progress on other issues. Further ABMEI, along with others agreed to coalition bargaining on non-charter issues, but did not agree to negotiate regarding Charter issues at the same table. The City has been clear that there is an immutable deadline given the urgency of the ballot measure and the planned special election timelines. This has been evidenced by the correspondence we have provided to ABMEI, including the letters dated September 23, 2011, October 5, 2011, October 20, 2011, and October 27, 2011. Unfortunately, ABMEI did not take advantage of the opportunities the City extended to discuss the proposed ballot measure.

In view of the complete lack of progress to reach a resolution, despite almost three (3) months of the City's attempt to meet and confer over the proposed ballot measure, ABMEI has either waived its right to meet and confer or the parties are at impasse. The City requested that you notify us by November 3rd by 5:00 p.m. if ABMEI was interested in participating in mediation

ABMEI
RE: Draft Proposed Ballot Measure
November 4, 2011
Page 2 of 2

and provide your availability for mediation through November 14th. ABMEI has failed to provide notice as to whether it wishes to participate in mediation. Again, if ABMEI is interested in mediation, we request that you provide your availability for mediation through November 14th, or we will assume that ABMEI intends to waive mediation as well. Please notify me by Monday, November 7th with your availability through November 14th if ABMEI intends to participate in mediation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gina Donnelly', with a long, sweeping flourish extending to the right.

Gina Donnelly
Deputy Director of Employee Relations

c: Alex Gurza, Deputy City Manager