

**SENT VIA EMAIL**

November 3, 2011

Yolanda Cruz  
President  
Municipal Employees' Federation, AFSCME Local 101  
c/o Library Department  
150 E. San Fernando Street  
San Jose, CA 95112

LaVerne Washington  
President  
Confidential Employees' Organization, AFSCME Local 101  
c/o City Attorney's Office  
200 East Santa Clara Street  
San Jose, CA 95113

**RE: Draft Proposed Ballot Measure**

Dear Yolanda and LaVerne:

In your letter dated November 2, 2011, you indicate that you are in disagreement with the City's interpretation of the history related to the ballot measure negotiations. In your letter, you state,

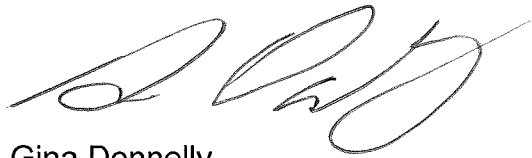
*"What we in fact agreed to do, however, was to table discussion on the ballot measure as we were making significant progress dealing with the retirement issue.."*

The City respectfully disagrees with AFSCME'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, MEF and CEO, 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 AFSCME, including the letters dated September 23, 2011, October 5, 2011, October 20, 2011, and October 27, 2011. Unfortunately, AFSCME did not take advantage of the opportunities the City extended to discuss the proposed ballot measure.

MEF and CEO  
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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, AFSCME has either waived its right to meet and confer or the parties are at impasse. As we indicated in our letter of October 31<sup>st</sup>, if AFSCME wishes to participate in mediation, please notify our office no later than Thursday, November 3<sup>rd</sup> by 5:00 p.m. and provide your availability for mediation through November 14<sup>th</sup>.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina Donnelly". The signature is fluid and cursive, with a large initial "G" and "D".

Gina Donnelly  
Deputy Director of Employee Relations

c: Alex Gurza, Deputy City Manager  
Charles Allen, AFSCME