

SENT VIA EMAIL

November 10, 2011

William H. Pope
Business Representative
Operating Engineers, Local Union No. 3
1654 The Alameda, Suite 110
San Jose, CA 95126

RE: Revised Draft Proposed Ballot Measure

Dear Bill:

On November 7, 2011, OE#3 sent us an email at approximately 4:59 p.m. in which you indicated you had availability to meet on November 11th and November 14th. The City responded on November 8th and notified you that Mr. Kenneth Glenn of the State Mediation and Conciliation Service would serve as the mediator. In accordance with OE#3's indicated availability, mediation was scheduled for November 11th, at 1:00 p.m. On November 9th we sent you an MS Outlook meeting invitation for this meeting as well. As of November 10th OE#3 had not responded or confirmed attendance for the mediation session.

At approximately 12:00 p.m. on November 10th, it is our understanding that Mr. Glenn contacted you and you indicated that you are declining to participate in mediation.

As we have indicated to you, the City declared impasse or waiver on October 31, 2011. As you have not accepted our invitation to participate in mediation, the meet and confer process regarding the proposed ballot measure is now concluded.

Sincerely,



Gina Donnelly
Deputy Director of Employee Relations

c: Alex Gurza, Deputy City Manager
Kenneth Glenn, State Mediator