

**ASSOCIATION OF LEGAL PROFESSIONALS (ALP)**

July 14, 2011

Gina Donnelly  
Office of Employee Relations  
City of San Jose  
200 E Santa Clara St.  
San Jose, CA 95113

RE: *July 7, 2011 Letter Concerning Proposed Ballot Measure*

Dear Ms. Donnelly,

This is written in response to your July 7, 2011 letter. Given that the proposed ballot measure is designed to achieve "retirement reform," it falls squarely within the subject matter of the reopener language in the "Commencement of Negotiations" section of our May 27, 2011 Mediated Tentative Agreement ("TA"). Therefore, "negotiations" over the ballot measure provisions and retirement reforms cannot be "separate and apart" from the contractual requirements of the TA.

Moreover, virtually every other aspect of the proposed ballot measure affects terms and conditions of employment that are not within the scope of the limited reopener in the TA. So, these other matters are subject to the limitation on the obligation of the parties to meet and confer prior to January 2012 pursuant to the "Commencement of Negotiations" section of the TA.

We must also reiterate the serious concerns previously expressed to the City in writing regarding compliance with the Meyers-Milias Brown Act, as well as the lawfulness of the City's proposals affecting the vested benefits of employees. This proposal does nothing to alleviate those concerns and, in fact, adds to them. We were ready to receive a City proposal during the recent labor negotiations that resulted in the May 27, 2011 TA. We do not understand why the City waited until after conclusion of labor negotiations to present this proposal, and why the City refuses to explore appropriate retirement reform in good faith with our bargaining unit.

As presented by the City, ALP has no current obligation to meet and confer with the City over the proposed ballot measure. ALP does not agree to waive or modify any of the terms of the TA. ALP expects the City to comply fully with the terms of the TA.

Very truly yours,



VERA TODOROV  
President  
ASSOCIATION OF LEGAL PROFESSIONALS

cc: Mayor and City Council  
Rick Doyle  
Gary Messing