

SENT VIA EMAIL

September 23, 2011

Vera Todorov
President
Association of Legal Professionals (ALP)
c/o City Attorney's Office
200 East Santa Clara Street
San Jose, CA 95113

RE: Proposed Ballot Measure

Dear Ms. Todorov:

Thank you for agreeing to meet with the City on Thursday, September 29, 2011, for the purposes of negotiating the proposed ballot measure. As we have communicated to ALP previously in our letters of June 3, 2011, June 8, 2011, June 22, 2011, July 6, 2011, July 18, 2011, and September 9, 2011, the City has been, and continues to be, available to meet with ALP to negotiate this matter.

The retirement reforms contemplated by the Council are designed to address a critical financial problem which, if not addressed in time for the coming fiscal year, will result in devastating cuts to public services and loss of jobs. For that reason, the Council has determined that the retirement measure will be considered by the voters at a special election in early March 2012. Based on state and local election laws, the measure must be finalized and submitted approximately 90 days before the election. This will require that meet and confer be completed by the end of October and any impasse procedures requested be completed in November. This is an immutable deadline given the urgency of the measure and the planned special election timelines.

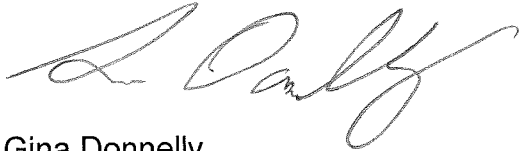
Mindful of this immutable deadline and the little time left available to meet and confer over this matter, the City requests that you provide your availability through October 31, 2011. The City would appreciate receiving this information before, or during, our meeting on September 29, 2011. Given the short time we have left, the City proposes

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we meet at least two times per week for the month of October and we thank you in advance for your cooperation and flexibility.

We look forward to our negotiation session on September 29, 2011, and exchanging proposals throughout the month of October.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gina Donnelly".

Gina Donnelly
Deputy Director of Employee Relations

c: Debra Figone, City Manager
Alex Gurza, Deputy City Manager
Rick Doyle, City Attorney