

July 28, 2011

Carl Mitchell
Vice President
Association of Legal Professionals
c/o City Attorney's Office
200 E. Santa Clara Street
San Jose, CA 95113

RE: Reopener on Retirement Reform

Dear Mr. Mitchell:

We are in receipt of your letter dated July 26, 2011, in response to the letter we sent ALP on July 22, 2011. In our letter we indicated that the City is requesting to meet and confer on retirement reform and the Supplemental Retiree Benefit Reserve (SRBR), pursuant to the provision in the Agreement between the City and ALP. The provision in the Agreement further indicates that the parties agree to meet and confer over these issues within ten (10) days of written notice from the other party.

In our letter, we offered to meet on July 27, 2011, to commence negotiations regarding these issues. The date proposed falls well within the ten (10) days of our written notice in accordance with the City/ALP agreement. However, you have indicated that there was a delay in your receipt of the City's written notification. Based upon this assertion, the City is amenable to meeting within 10 days of your receipt of the City's written notification, which would be on or before Friday, August 5, 2011. The City proposes to have our first meeting on Thursday, August 4, 2011, at 10:00 AM at the Office of Employee Relations. Please confirm ALP's attendance at this meeting, or alternatively please provide ALP's availability prior to August 5th, for the City's consideration as soon as possible.

Lastly, while we recognize that there may be some overlap in the subject matter, the retirement reform negotiations must remain separate from any meet and confer obligations that may exist regarding ballot measures proposed by the City due to the differing nature of the obligations involved. (See *People ex rel. Seal Beach Police Officers Assn. v. City of Seal Beach* 36 Cal.3d 591 (1984).)

Sincerely,



Gina Donnelly
Deputy Director of Employee Relations

c: Vera Todorov, ALP President