

## ASSOCIATION OF LEGAL PROFESSIONALS (ALP)

September 9, 2011

Jennifer Shembri  
Assistant to the City Manager  
CITY OF SAN JOSE  
200 E. Santa Clara St.  
San Jose, CA 95113

Re: Proposed City Ballot Measure – City /ALP Negotiations

Dear Ms. Shembri:

This is written in response to the letter you sent me today with the City's latest ballot measure proposal. The version of the City's new ballot measure proposal does not highlight the changes from the former version. Please send us a redlined version as requested from Alex Gurza earlier today to aid in our review, and consider this a Public Records request for any redlined version. Also, please advise ALP of the circumstances under which the Council approved this proposed Charter change.

Additionally, I need to correct your serious misstatement that "ALP has not yet agreed to meet with the City to negotiate this matter." Rather, ALP has consistently informed the City that it is available to discuss retirement reform issues that are appropriate and within the scope of bargaining (lawful) with the City. See, for example, the relevant portions of the attached Clerk's transcripts from the June 14 and June 21, 2011 Council meeting, as well as ALP's June 20, 2011 e-mail message to Gina Donnelly. Rather, the City refused to negotiate ground rules with us and foreclosed all possibility of discussion until August 11, when we were told by the City negotiating team that the City is meeting and conferring with ALP over the five City proposals presented to ALP that day as well as the retirement reform ballot measure (that has since been superseded by this latest proposal).

Please refer to our letters to Gina Donnelly of September 6 and 7, 2011, wherein we memorialize that the City on August 11, 2011 represented that it was going to schedule its next meeting with us after one of the City negotiators returned from a two week absence. The City has made no attempt to schedule any further meetings despite the fact that the entire ALP negotiating team is available at City Hall almost every working day.

We are also extremely concerned that the City continues to make piecemeal proposals. We ask that the City inform ALP immediately of the entire body of its ballot measure proposal so that we can have the opportunity to negotiate in good faith with knowledge of the totality of impacts upon our unit and within the scope of our reopener provisions.

Very truly yours,



VERA TODOROV

President

ASSOCIATION OF LEGAL PROFESSIONALS

July 14, 2011

>> Mayor Reed: I have two requests to speak. Vera Toteroff and Brian Doyle.

>> Good morning, Honorable mayor, councilmembers, my name is Brian Doyle, I'm one of the representatives for

the association of legal professionals. Three months ago our organization offered the city the 10% you asked for,

and we were agreeable to discussing pension issues in fiscal year 11-12 in order to have a deal for fiscal year 12-

13. You refused. And consistently lied to the public that we had not agreed to the 10% concession. We have

concluded a deal. And now you've called us to a meeting and said that you want to discuss the ballot measure,

and that you have -- you want to discuss with us pension reform throughout this fiscal year in order to have it

effective for next scholarly. That's exactly what we offered you three months ago. And you gave us nothing. And

then you deliberately hid this ballot measure while we were having that discussion.

**While we were perfectly open**

**to discussing these issues with you. We continue to be perfectly open to discussing these issues with**

**you.** However at that meeting yesterday, all our words were twisted and I'm just afraid that they will be twisted in

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closed session. **So let me be perfectly clear: We are perfectly willing to discuss these issues with you. We're**

**perfectly willing to do it in open, we're perfectly willing to do it with the public present and preferably we'd be**

willing to do it with neutral parties present who can actually explain the numbers to us and that we can creatively

look for legal and sane ways of dealing with this issue. I would appreciate that very much, if you could look at

that. Thank you.

July 21, 2011

Mayor Reed: Brian Doyle and Robert Sapien.

>> Good morning, honorable mayor and councilmembers, my name is Brian Doyle. I'm one of the representatives for ALP. I truly resent any other bargaining unit or anybody on the city's negotiating team implying that just because we didn't sign the piece of paper that was put in front of us last Thursday, that somehow we are not being cooperative. **We are and have always been willing to discuss these issues since February when we have been asking for proposals from the city.** We are a bargaining unit now with about 30 people. We do not have the money to hire an actuary, we do not have the money, barely have the money to hire legal counsel. We're doing the best we can to deal with you but we are supremely confused by your process. **We have been willing to entertain proposals and we have gotten none.** Now we are being told that we have this time frame we have to rush through discussions. Why weren't these proposals submitted months ago, when we were willing to look at them? We signed a tentative agreement that has a reopener in it, we showed up at the meeting that OER called, and I asked the OER representatives are you exercising your reopener under your tentative agreement and I was told no. So I am confused. I do not understand. Please help us. **I just wanted to add that we are in wholehearted support of Councilmember Kalra's position that we agree, that the city needs an approach that accomplishes fiscal reform collaboratively and legally. We are not opposed to discussing these items with the city, we look forward to it and we look forward to doing it in the public.** Thank you.