

Dept 8

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APR 29 2014

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara

BY _____ DEPUTY

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IN THE SUPERIOR COURT FOR THE
 COUNTY OF SANTA CLARA

SAN JOSE POLICE OFFICERS
 ASSOCIATION,

Plaintiff,

v.

CITY OF SAN JOSE, BOARD OF
 ADMINISTRATION FOR POLICE AND
 FIRE RETIREMENT PLAN OF CITY OF
 SAN JOSE, and DOES 1-10 inclusive,

Defendants.

Case No. 1-12-CV-225926

[Consolidated with Case Nos. 112CV225928,
 112CV226570, 112CV226574, 112CV227864]

**[PROPOSED] SECOND SUPPLEMENTAL
 STIPULATION AND ORDER RE
 IMPLEMENTATION OF MEASURE B**

Complaint Filed: June 6, 2012
 Trial Date: June 17, 2013

AND RELATED CROSS-COMPLAINT
 AND CONSOLIDATED ACTIONS

BY FAX

WHEREAS, the Court has issued a Statement of Decision after a court trial challenging
 Measure B; and

WHEREAS, the Statement of Decision found that certain sections of Measure B met legal
 requirements and certain sections did not meet legal requirements; and

WHEREAS, the parties anticipate that some parties will appeal the determinations made in
 the Statement of Decision; and

WHEREAS, the parties desire to avoid unnecessary litigation over implementation of
 various sections of Measure B for a reasonable period during the appeal process;

Case No. 112CV225926

[PROPOSED] STIPULATION RE IMPLEMENTATION OF MEASURE B

1 WHEREAS, nothing in this stipulation shall be considered to be an admission by any party
2 as to the legality or illegality of any Section of Measure B and the parties reserve all rights on
3 appeal or otherwise; therefore

4 IT IS HEREBY STIPULATED by and among the parties in these consolidated actions that
5 the implementation by the City of San Jose of the following sections of Measure B, San Jose
6 Charter Sections 1500-A, et seq., shall be subject to the following agreement.

7 1. The effective date for implementation of Section 1506-A (additional employee
8 contribution rates), section 1507-A (one time voluntary election program) and section 1514-A
9 (savings) shall occur no sooner than July 1, 2015.

10 2. The effective date for implementation of Section 1512-A (a) (minimum
11 contributions towards the cost of retiree healthcare) shall occur no sooner than July 1, 2015,
12 except that contributions towards retiree healthcare shall be subject to any existing or future union
13 agreements, or City resolutions, authorized prior to July 1, 2015, that specify employee
14 contributions towards retiree healthcare.

15 3. The effective date for implementation of Section 1510-A (emergency measures to
16 contain retiree cost of living adjustments) shall occur no sooner than July 1, 2015. The parties
17 note that there are no current plans by the City to declare a service-level or fiscal emergency.

18 4. The effective date for implementation of Section 1509-A, subsections (a), (b), (d)
19 and (e) (disability retirements) shall occur no sooner than July 1, 2015.

20 5. The effective date for implementation of Section 1515-A (severability) shall occur
21 no sooner than July 1, 2015.

22 6. This stipulation sets forth an agreement concerning effective dates of various
23 sections of Measure B. It does not preclude the City from preparing for implementation of the
24 above referenced sections of Measure B, either through the enactment of ordinances or otherwise.

25 7. Execution of this stipulation does not waive any bargaining rights, if any, of any
26 labor organization over enabling ordinances, or any contentions by the City in connection with any
27 assertion of bargaining rights by any labor organization over enabling ordinances.

28

1 Dated: April 17, 2014

MEYERS, NAVE, RIBACK, SILVER & WILSON

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4 By Linda M. Ross

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City of San Jose and Debra Figone

7 Dated: April 17, 2014

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14 Dated: April __, 2014

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21 Dated: April 17, 2014

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1 Dated: April __, 2014

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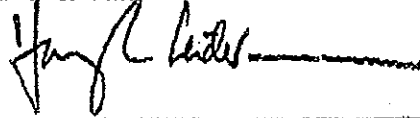
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8 Dated: April 17, 2014

REED SMITH LLP

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By

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Harvey L. Leiderman, Esq.
Attorneys for Defendant Board of Administration
for Police and Fire Department Retirement Plan of
City of San Jose

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ORDER

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The forgoing Stipulation having been received and good cause appearing,

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IT IS SO ORDERED

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Dated: _____, 2014

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JUDGE OF THE SUPERIOR COURT

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20 2265322.1

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1 Dated: April 17, 2014

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8 Dated: April _____, 2014

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11 By _____

Harvey L. Leiderman, Esq.
Attorneys for Defendant Board of Administration
for Police and Fire Department Retirement Plan of
City of San Jose

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14 **ORDER**

15 The forgoing Stipulation having been received and good cause appearing,

16 **IT IS SO ORDERED**

17 Dated: APR 23, 2014

18 Patricia Lucas
19 JUDGE OF THE SUPERIOR COURT

20 2265322.1