

FILED

MAR -9 2016

David H. Yarnes, Clerk of the Superior Court
County of Santa Clara, California
By: [Signature]

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Attorneys for [Proposed] Intervenor, Steven Haug and Silicon Valley Taxpayers Association, a California non-profit corporation.

20 SUPERIOR COURT OF THE STATE OF CALIFORNIA
21 COUNTY OF SANTA CLARA

22 THE PEOPLE OF THE STATE OF)
23 CALIFORNIA on the RELATION of SAN)
24 JOSE POLICE OFFICERS' ASSOCIATION,)
25)
26)
27)
28)
Plaintiff,

v.)
CITY OF SAN JOSE, and CITY COUNCIL OF)
SAN JOSE,)
Defendants.

Case No.: 113-CV-245503

DECLARATION OF JAMES W. CARSON IN SUPPORT OF APPLICATION TO INTERVENE

DATE: April 12, 2016
TIME: 9:00 A.M.
DEPT: 7
JUDGE: McGowen

BY FAX

1 JAMES W. CARSON declares under penalty of perjury as follows:

2 1. I make this declaration of my personal knowledge. If called as a witness, I could testify
3 competently thereto.

4 2. I am over 18 years of age and a member in good standing of the State Bar of California.
5 I am one of the attorneys for proposed Intervenor Peter Constant in this action and I am familiar with
6 the file, documents, and history related to this action.

7 3. On March 7, 2016, I visited the city of San Jose's website at
8 <<http://www.sanjoseca.gov/index.aspx?NID=397>>, City Clerk, "City Charter." On the website I
9 reviewed excerpts of the San Jose City Charter, Article XV, sections 1500 to 1506 "Retirement" and
10 Article XV-A, sections 1501-A to 1515-A "Retirement" (pages 61-76), a true and correct copy of
11 which is attached to the Request for Judicial Notice as **Exhibit 1**.

12 4. On March 7, 2016, I visited the city of San Jose's website at
13 <<http://www.sanjoseca.gov/index.aspx?NID=4657>>, Office of the City Manager, "Measure B
14 Settlement Discussions." On the website I reviewed the City of San Jose Memorandum to the
15 Honorable Mayor and City Council from Jennifer Schembri and Jennifer A. Maguire, dated July 24,
16 2015; Subject: Approval of the Terms of the Alternative Pension Reform Settlement Framework
17 Agreement Concerning the Litigation Arising out of Measure B with the San Jose Police Officers'
18 Association (SJPOA) and the San Jose Fire Fighters, International Association of Fire Fighters, Local
19 230 (IAFF, Local 230) and Related Appropriation Actions (Council Agenda 8/11/15), a true and
20 correct copy of which is attached to the Request for Judicial Notice as **Exhibit 2**.

21 5. On March 7, 2016, I visited the city of San Jose's website at
22 <<http://www.sanjoseca.gov/index.aspx?NID=4657>>, Office of the City Manager, "Measure B
23 Settlement Discussions." On the website I reviewed the City of San Jose Supplemental Memorandum
24 to the Honorable Mayor and City Council from Jennifer Schembri, dated August 17, 2015; Subject:
25 Actions Related To The Settlement Agreement with the San Jose Police Officers' Association and the
26 San Jose Fire Fighters, International Association of Fire Fighters, Local 230 (Council Agenda
27 8/18/15, Item: 3.4), a true and correct copy of which is attached to the Request for Judicial Notice as
28 **Exhibit 3**.

1 6. On March 7, 2016, I visited the city of San Jose's website at
2 <<http://www.sanjoseca.gov/index.aspx?NID=4657>>, Office of the City Manager, "Measure B
3 Settlement Discussions." On the website I reviewed Addendum #2 to July 15, 2015 Alternative
4 Pension Reform Settlement Framework Between the City of San Jose and the San Jose Police
5 Officers' Association (POA), The International Association of Firefighters, Local 230 (IAFF);
6 Proposed Quo Warranto Implementation Plan, August 14, 2015 (Attachment B to the August 17,
7 2015 Supplemental Memorandum), a true and correct copy of which is attached to the Request for
8 Judicial Notice as **Exhibit 4**.

9 7. On March 7, 2016, I visited the city of San Jose's website at
10 <<http://www.sanjoseca.gov/index.aspx?nid=4535>>, Government, "Council Agendas 2015." On the
11 website I reviewed the Minutes of the City Council, City of San Jose, dated Tuesday, August 25,
12 2015, a true and correct copy of which is attached to the Request for Judicial Notice as **Exhibit 5**.

13 8. On March 7, 2016, I visited the city of San Jose's website at
14 <<http://www.sanjoseca.gov/index.aspx?NID=4657>>, Office of the City Manager, "Measure B
15 Settlement Discussions." On the website I reviewed the Federated Alternative Pension Reform
16 Settlement Framework, dated November 23, 2015, updated December 14, 2015 (City of San Jose), a
17 true and correct copy of which is attached to the Request for Judicial Notice as **Exhibit 6**.

18 9. On March 7, 2016, I visited the city of San Jose's website at
19 <<http://www.sanjoseca.gov/index.aspx?NID=4657>>, Office of the City Manager, "Measure B
20 Settlement Discussions." On the website I reviewed the City of San Jose Memorandum to the
21 Honorable Mayor and City Council from Jennifer Schembri and Jennifer A. Maguire, dated
22 December 4, 2015; Subject: Approval of the Terms of the Alternative Pension Reform Settlement
23 Framework Agreement Concerning the Litigation Arising out of Measure B with Bargaining Units
24 Representing Employees in the Federated City Employees' Retirement System and Modifications for
25 Employees in Unit 99 and Units 81/82; and Related Appropriation Actions (City Council Agenda
26 12/15/15, Item: 3.7), a true and correct copy of which is attached to the Request for Judicial Notice
27 as **Exhibit 7**.

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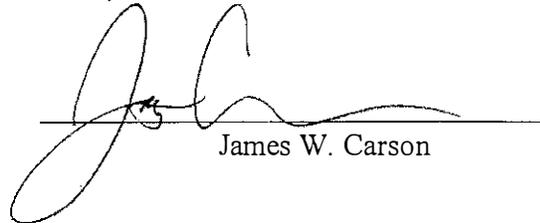
1 10. On March 7, 2016, I visited the city of San Jose's website at
2 <<http://www.sanjoseca.gov/index.aspx?nid=4535>>, Government, "Council Agendas 2015." On the
3 website I reviewed the City of San Jose, City Council Agenda, December 15, 2015 Synopsis, a true
4 and correct copy of which is attached to the Request for Judicial Notice as **Exhibit 8**.

5 11. On March 7, 2016, I visited the city of San Jose's website at
6 <<http://www.sanjoseca.gov/index.aspx?NID=4657>>, Office of the City Manager, "Measure B
7 Settlement Discussions." On the website I reviewed the Federated Alternative Pension Reform
8 Settlement Framework Agreement – Executive Summary, dated February 24, 2016 (City of San Jose),
9 a true and correct copy of which is attached to the Request for Judicial Notice as **Exhibit 9**.

10 12. On March 8, 2016, I visited the city of San Jose's website at
11 <<http://www.sanjoseca.gov/index.aspx?NID=4657>>, Office of the City Manager, "Measure B
12 Settlement Discussions." On the website I reviewed the Alternative Pension Reform Settlement
13 Framework Agreement – Executive Summary, dated September 4, 2015 (City of San Jose), a true and
14 correct copy of which is attached to the Request for Judicial Notice as **Exhibit 10**.

15 I declare under penalty of perjury under the laws of the State of California that the foregoing
16 is true and correct and of my own personal knowledge except for those matters stated on information
17 and belief and, as to those matters, I believe them to be true. If called as a witness, I could competently
18 testify thereto.

19 Executed on 3/9/16 at San Rafael, California.

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21
22 
23 James W. Carson