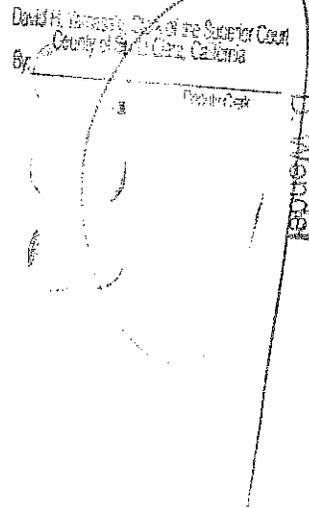


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 14

15
 16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
COUNTY OF SANTA CLARA
 17

18 THE PEOPLE OF THE STATE OF
 CALIFORNIA on the RELATION of SAN
 19 JOSE POLICE OFFICERS' ASSOCIATION,

20 *Plaintiff,*

21 v.

22 CITY OF SAN JOSE, and CITY COUNCIL OF
 SAN JOSE,

23 *Defendants.*
 24

CASE NO. 113-CV-245503

**DECLARATION OF MARK HINKLE,
 PRESIDENT OF THE SILICON VALLEY
 TAXPAYERS ASSOCIATION, IN
 SUPPORT OF APPLICATION TO
 INTERVENE**

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

BY FAX

25 I, Mark Hinkle, declare as follows:

26 1. I am the current President of the Silicon Valley Taxpayers Association ("SVTA"). The
 27 following statements are based on my personal knowledge. If called upon to do so, I would
 28 competently testify to them.

1 2. SVTA is a long standing non-profit organization with numerous functions, such as
2 protecting the rights and interests of taxpayers against government over-spending, including for
3 pension and retirement benefits. SVTA's political action committee was primarily formed to support
4 Measure B, City of San Jose's "The Sustainable Retirement Benefits and Compensation Act," at the
5 June 5, 2012 election. SVTA's political committee was one of only two such committees primarily
6 formed to support Measure B. To my knowledge, SVTA has never before formed a political
7 committee primarily to support a particular ballot measure but did so in the case of Measure B because
8 of the centrality of that measure to the core purpose of the organization.

9 3. SVTA's membership includes residents and voters in the City of San Jose who
10 supported and voted for Measure B, and who have a direct interest in this matter as described in more
11 detail below.

12 4. SVTA officially endorsed a "yes" vote on Measure B. SVTA also raised \$45,000 in
13 support of Measure B.

14 5. In addition to raising campaign money in support of Measure B, SVTA actively
15 campaigned for Measure B. Before the election in June 2012, SVTA held monthly "Taxpayer Toolkit"
16 meetings where SVTA discussed the benefits of Measure B to the City's economy with taxpayers and
17 voters of San Jose. SVTA also sent email blasts to its members and donors within SVTA database in
18 support of Measure B.

19 6. SVTA's then president, John Roeder, had a constituent meeting with Mayor Chuck Reed
20 and one separately with City Council Member Peter Constant to discuss the need for and benefits of
21 Measure B.

22 7. Mr. Roeder also signed the ballot argument in favor of Measure B, on behalf of the
23 SVTA.

24 8. SVTA members believe that the City's increased retirement obligations have been
25 causing service cuts throughout the City of San Jose and creating unsustainable and impossible-to-
26 fund liabilities for the City's taxpayers. Measure B specifically found:

27 ///

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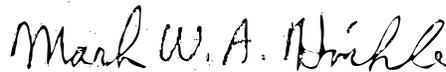
1 The City's ability to provide its citizens with Essential City Services has
2 been and continues to be threatened by budget cuts caused mainly by the
3 climbing costs of employee benefit programs, and exacerbated by the
4 economic crisis. The employer cost of the City's retirement plans is
5 expected to continue to increase in the near future. In addition, the City's
6 costs for other post employment benefits - primarily health benefits - are
7 increasing. To adequately fund these costs, the City would be required to
8 make additional cuts to Essential City Services.

9 9. Measure B was designed to protect the City's employees, residents and voters who are
10 among SVTA members. Measure B also empowered SVTA members who are the City of San Jose
11 voters to approve future retirement benefit increases. SVTA members believe that Measure B will
12 ensure that the City can provide reasonable and sustainable post-employment benefits while
13 delivering essential services to the City's residents. Invalidation of Measure B will eliminate San
14 Jose voters' power to approve future retirement benefit increases. SVTA also believes invalidation
15 of Measure B will weaken City of San Jose finances. Measure B expressly provides:

16 This Act is intended to strengthen the finances of the City to ensure the
17 City's sustained ability to fund a reasonable level of benefits as
18 contemplated at the time of the voters' initial adoption of the City's
19 retirement programs. It is further designed to ensure that future retirement
20 benefit increases be approved by the voters.

21 10. SVTA's members voted for and supported Measure B because it will require any
22 future retirement benefit increases to be approved by the voters.

23 I declare under penalty of perjury under the laws of California that the foregoing is true and
24 correct. Executed this 7 of March, 2016 at San Jose, California.

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Mark Hinkle