

EDWARD M. TEYSSIER

ATTORNEY AT LAW

3200 HIGHLAND AVENUE, THIRD FLOOR
NATIONAL CITY, CALIFORNIA 91950

T (619) 474-7500
F (619) 474-7003
EDWARD@TEYSSIER.COM

January 30, 2013

An Open Letter to the Brea City Council
1 Civic Center Circle
Brea, CA 92821

ATTN: City Clerk

Re: Issues related to the City's inaction on Measure T:

- a. Section 3 of Measure T requires that, every December, the City must obtain the median household income (in inflation adjusted dollars) for Brea for the purposes of calculating the maximum annual salary and benefits package for the manager and administrative officials. A reasonable interpretation of this provision is that the City would create some record evidencing this official act was performed and showing, at a minimum, the amount obtained and the date it was obtained, or else there wouldn't any way to defend against claims that the City was not complying with this requirement.

In fact, that appears to be the case. According to an email from the City Clerk's office, it appears that the City did not get this information at all during the month of December, or any other time. In response to an emailed request for documents "demonstrating compliance" with this requirement of Measure T, the City Clerk emailed back stating, "...we do not have any records responsive [to that request]."

If the City Clerk does not have any records showing that the City timely gathered the required household income data then it would appear that the City is out of compliance with Measure T's requirements.

- b. Section 6 of Measure T states, in part, that, "As allowed by Government Code §36516 b, Brea electors may set the salary (excluding benefits and reimbursements) for Brea City Council members." That statute provides that the electors, by a majority vote, may set the salaries for the members of their city council. Cal. Gov't Code §36516 (b).

Also, measure T further provides, "Council salaries shall be no more than stated in Gov't code section 36516 a." That statute provides that in cities of over 35,000 up to an including 50,000 population, the salary for City council members shall be not more than \$400 per month. Cal. Gov't Code §36516 (a) 2 (B).

January 30, 2013

Page 2

According to the Orange County Registrar of Voters, the official results of the November, 2012 election show that Measure T passed with a majority vote. The stated population for Brea, based on the last federal census is more than 35,000 but less than 50,000.

Therefore, the maximum salary for any member of the Brea City Council is, based on the above, \$400 per month.

However, according to documents received as part of the same public records request, Councilmembers Christine Marick and Martin Simonoff received December 2012 salaries of \$680.69. See attached exhibit. This appears to be a payment that exceeds the above determined \$400 limit by over \$280. Hence, it appears that Brea is also out of compliance with Measure T's limit on council salaries.

The City's apparent failure to comply with these requirements demonstrates why Measure T is needed. In passing Measure T, "The Brea Accountability Act," the voters were saying they want more control over their City. The Council should recognize their responsibility to the voters and correct these deficiencies.

Sincerely,

Edward M. Teyssier