

BREA NET

Issue No. 597, January 25, 2012

Hi Neighbor:

Since there are five Tuesdays in January, we have an extra week between Council meetings. I thought I would use this week's newsletter to discuss an issue that has received a large amount of negative press coverage, the \$450/month flex benefit increase that the Council voted itself on June 7, 2011. The Council officially settled this issue on December 20, 2011. Because this issue is now behind us, perhaps, I should just let it die. My problem is the OC Register was not particularly kind to me and as a result, I have received a couple of letters accusing me of being dishonest and asking me to resign. How many others who read the articles (at least 8, including 2 editorials) think the same? For that reason I am providing the following detailed account of what happened regarding this issue over the six month period and what the pertinent facts are as to why it took so long to resolve this issue

At the June 7, 2011 council meeting the Consent Calendar consisted of seven consent items. The Consent Calendar is where multiple items, mostly routine, are considered and passed by a single vote without discussion. Item 12.7 consisted of three separate elements: 1) The contract memorandum between the City of Brea and the Brea Fire Management Association, 2) salary range increases and a flex benefit increase of \$450/month for city executives, and 3) part time employee salary increases. I pulled Item 12.7 off of the Consent Calendar for separate discussion and vote. The three elements were also separated for separate votes.

Elements 1 and 3 were unanimously passed. Element 2, after discussion, was passed on a 4-1 vote with me dissenting.

On August 16, 2011, over two months later, under an Administrative Item, the Council discussed granting the city manager a salary increase and an almost \$11,000 bonus. It was during the discussion that council members Schweitzer, Garcia and Murdock justified their support for the city manager's recommended raise and bonus because every city employee, including the City Council, had received a raise and it would not be fair to exclude the city manager. The city manager's raise and bonus was approved by a 3-2 vote with Council member Simonoff and myself dissenting.

When Council member Simonoff and I inquired when the Council received a raise, we were informed that on June 7, 2011, when we voted for the \$450/month flex benefit raise for the executives that the City Council was included in the executive classifications for purposes of the flex benefit. It was not a salary increase. This important information was not included in the staff report or the fiscal impact analysis for Item 12.7. However, council members Schweitzer, Garcia and Murdock knew, presumably informed by the city manager, that they were included in the executive classification, and knowingly voted themselves this raise making no reference to it during the discussion. Neither council member Simonoff nor I was aware of these facts.

At this time, led by council man Simonoff, we requested that an item be placed on the City Council agenda to repeal the raise. The city protocol requires both the mayor and the mayor pro tem to agree on the agenda. As mayor, I supported placing it on the agenda, MPT Schweitzer did not, so it went to the full Council on September 6 in Study Session reaching no agreement. The September 20, 2011 Council meeting was canceled to allow council members to attend the League of California Cities conference in San Francisco. No agreement had been reached as to placing this issue on the agenda.

During the month of October, all five council members had agreed to separate the executive and council classifications and to repeal the \$450/month raise. This was unofficial and needed official sanction during a public Council meeting but there was still resistance to placing it on the agenda.

The November 1, 2011 Council meeting was canceled

It was asked that the issue not be agendaized for the November 15 or December 6 meetings because council members Garcia and Murdock respectively would not be able to attend and wanted to comment on the issue.

The next meeting, December 20, 2011 was scheduled for the Council reorganization and the MPT did not want to detract from the ceremony. Concerned that this was going to drag into 2012 I asked the City Clerk to schedule a Special Council meeting for December 19, 2011 to discuss and formalize the repeal of the raise. At this time the city manager and the MPT asked me to withdraw the special meeting and place it on the Study Session agenda on December 20, 2011. I agreed, the Council voted unanimously in support of the repeal and separating the Council and the executives' classifications. This was done without any Council discussion.

Since the raise was retroactive to January 2011 each council member had received \$3,600. These funds were deposited to our deferred compensation accounts or used for additional coverage of our medical, dental, etc., and a debate ensued as to whether to give these funds back to the City. At this point each of our circumstances are different. For example, if a council member receives retirement medical benefits from a former employer or is on his wife's employer's insurance, they may use little or none of the \$1050 monthly flex benefit. This surplus goes into their deferred compensation account or can be used to pay back the \$3600. In my case I have no such opportunities. My medical and dental insurance through the City costs \$1125/month. My flex benefit is \$1050/month. Each month I go \$75 in the hole. Obviously this won't pay back my debt.

Since the funds were put in my account it would seem logical all the fund administrator (ICMA) had to do was reverse the transaction and all would be well. I was told this was against policy and could not be done. I pursued other options and none were satisfactory to me. I finally went back to our Director of Administration Services and asked him to appeal my case more forcefully to ICMA. Amazingly ICMA agreed and sent a check to the City for \$3600 and now I am free and clear. This could have been done months ago. In the meantime I was assailed in the press and believe my reputation has suffered unnecessarily.

If you have read this far, thank you for your patience. I just feel I needed to tell my side of the story and try to repair my reputation if possible, and present an honest and factual time line of issues and events regarding this issue.

Moore next time,

Roy