

For Publication in The Burbank Leader Open Letter To The City Council 01/09/11  
[not published]

Dear Mayor and Council Members:

Over the holidays The Burbank Leader published two editorials and one report concerning their request to the City to identify which employees received bonuses and the amount given to each employee. Because of asserted employees privacy concerns, the City provided only bonus amounts by employee groups for the fiscal year 2009-10. The Leader stated that \$1 million was distributed to 445 of the 874 eligible employees or just over 50% received a bonus. The Leader further reported that the City Council called for "careful discussion" of the bonus program and asked for information about how the program operates.

Such a discussion should include your reading of the California Supreme Court decision that supports The Leader's request for the bonus information. In case you have not received a copy of the Court decision I have attached the decision for your review so that your careful discussion has all the information you collectively and individually need to make the proper decision. To assist you in your individual review, important quotes from the court decision follow:

"Openness in government is essential to the functioning of a democracy. Implicit in the democratic process is the notion that government should be accountable for its actions. In order to verify accountability, individuals must have access to government files. Such access permits checks against the arbitrary exercise of official power and secrecy in the political process... The legislature declared that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person... This principle is now enshrined in the state Constitution."

"In light of the strong public policy supporting transparency in government, an individual's expectation of privacy in a salary earned in public employment is significantly less than the privacy expectation regarding income earned in the private sector."

"Well before the [Public Records] Act was adopted, the Attorney General stated [in 1955] that the name of every public officer and employee, as well as the amount of his salary, is a matter of public record."

"... It is a policy of the State Controller to consider the name and salary of every public employee a matter of public record and to disclose this information to any member of the public upon request."

"[Employee compensation] is information regarding an aspect of government operations, the disclosure of which contributes to the public's understanding and oversight of those operations by allowing parties to monitor the expenditure of public funds. The disclosure of such information ... does not violate the right of

privacy.”

In very clear language the California Supreme Court decided that refusal to provide compensation information for individual employees is illegal. On multiple occasions each of you and City Manager Flad have stated that Burbank has been and will be transparent regarding Burbank issues. Now, not later, is the time to show that transparency. It is each Burbank resident’s right to know where, how and on whom \$1million was spent for employee bonuses. Council member Golonski is attempting to distinguish Burbank from Bell. However, Bell is not only the poster child for crime and corruption but also for its failure to be transparent and to inform its residents of how the city was operating. Like Bell residents, each Burbank resident has a right to know how their money is being spent. Your careful review of this bonus issue should cause you to make public this information and your individual positions on this matter, sooner, rather than later. The time is now for you to not just talk the talk about transparency but walk the walk.

Phil Berlin

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