

Dear Mr. Cap:

Thank you for your note and comments. I will withhold any comment on the "Bonus issue" as legal action is pending on this matter. However, on the general sentiment on the need for open and transparent government, I am in full agreement with you.

You ask how +/- \$2 million "slipped through unnoticed" for a particular item during the review of last year's proposed budget. Great question! I do not recall ever seeing any amount specifically designated for this use. It is possible it was presented in a manner that didn't allow for the reviewer to easily connect the allocation with the actual application. In any case, I voted against adopting the entire City budget last year, and each of the last four years I have served on the Council, primarily due to, what I perceived as unjustified and excessive utility rate hikes. I opposed the increased water rates and strongly opposed the extraordinary pay raises given to the BWP head and the senior BWP staff. These raises come at a time as well when the City's retirement pension obligations are escalating tremendously and many of our citizens are struggling just to make ends meet.

In response to your specific questions:

I do not know if any "bonuses" were given to any BPD or other employees who may have given depositions.

Directing staff to do anything requires a Council majority. As stated previously, I believe open and transparent government is the best assurance against the insidious potential of nepotism. However, as an individual Council member, I am unable to give such direction to staff.

You mention the "Merrick Bobb Report" and seek its release. Please understand that certain legal issues or other information presented in closed session may not be discussed or disseminated publicly without the majority of the Council authorizing such release.

Your question regarding how much has been spent on police related litigation again falls in an area that I am unable to provide a specific amount since I do not have/know that number. I have repeatedly requested, as a Council member, to see the itemized statements of all the attorneys involved with the current police litigation. Once again, this information has been withheld from me, despite repeated public and private requests and protests, under the concept that no single Council member can see this information without direction from the majority of the Council.

I have not been informed of the cost of your recent deposition called for by the City. The City Attorney has declined to make any comment on it publicly. Whether or not that information is provided to me confidentially, again, as I understand it, is up to the direction of the Council. Without commenting on Council action conducted in closed session, I can only say I do not have personal knowledge of the information you are requesting.

Please note that I publicly brought up the issue of the Supreme Court ruling that I believe gave support to your position on required transparency with respect to bonuses or other merit payments made to public sector employees. I was rebuffed publicly by the other members of the Council and our City Attorney, who opined that the referred to Supreme Court case "did not apply to this situation."

Finally, although I am not an attorney, I understand enough about our form of government and Constitution, which I am sworn to uphold, that I would never knowingly act to interfere with any citizen's First Amendment, or any other, rights held thereunder.

I am sorry for the inadequacy of this reply. It appears that until there is a change in direction of the majority of the City Council, the status quo will prevail.

Thank you,

David Gordon  
Member, Burbank City Council

--- On Tue, 2/8/11, GOLD STREET <emc@goldstreet.net> wrote:

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