

APPENDIX A – SANTA ANA CITY ATTORNEY JOE FLETCHER

TO : Honorable OC Grand Jury Members
RE : “Gift” of Public Funds & Backdating of Appointment Date of Santa Ana City Attorney Joe Fletcher

Santa Ana City Attorney Joe Fletcher (SACA Fletcher) was appointed on Aug. 1, 1996. And SACA Fletcher resigned or was terminated with an effective date of Dec. 31, 2010. However, whether SACA Fletcher was terminated or resigned is critical, because this determines whether he could be entitled to a severance package or not. There have been conflicting statements made by Santa Ana Mayor Miguel Pulido with respect to this, and continued silence when the contradictions or conflicting statements were highlighted to the City Council and the Mayor.

Apparently, SACA may be receiving a potentially unearned Severance Package of about \$142,000 & other benefits through **backdating** by about 13 years affecting:

- Vacation; Sick-Leave; Pension; and possibly Deferred Compensation; and
- City won't fight his unemployment benefits claim.

SEVERAL ISSUES:

- 1) **“Improper Severance Gift.”** Severance is only paid if Terminated, but it appears that City Attorney resigned. If so, this represents an improper “gift” of public funds of at least \$142,000.
- 2) **Legality of Backdating.** There is a question as to whether the backdating of the appointment date to 13 years earlier from Aug. 1996 to Aug. 1983 is Legal or not?
- 3) **Duty of Care.** It seems that the City Council in place in 2002 including Mayor Miguel Pulido may have violated its Duty of Care and Fiduciary Responsibility to act in the best interest of the citizens, taxpayers and residents of Santa Ana, if there was not full-disclosure and transparency which included a discussion that the date of benefits calculations as of August 1, 1983 was not the Actual date of appointment.
- 4) **Justification.** There also does not appear to be a sound business justification for this backdating, and thus violating the requirement of acting in good-faith and with prudent and sound financial management in the use of public funds.
- 5) **Pension impact of Backdating by 13 years.** If the backdating is benefitting SACA Fletcher's pension/retirement calculation was this ethical or legally proper or not?
- 6) **Backdating for other dept heads.** Are there any other “disclosed” or undisclosed department heads for whom the appointment date has been or will be backdated, for benefit calculation purposes including the City Council Members and Mayor Pulido? Why? And if no others, why was this done for SACA Fletcher or limited members? This issue has been written about, and brought to the attention of the City Council and Mayor Miguel Pulido with no further explanations.

ATTACHMENTS / web links:

- Letter given to City Council & Mayor Miguel Pulido at Council meeting – Dec 20, 2010.
- http://www.voiceofoc.org/oc_central/article_a011df38-072a-11e0-afb2-001cc4c03286.html
- http://www.voiceofoc.org/oc_central/article_9e4255ae-0ccd-11e0-b5fb-001cc4c002e0.html
- <http://www.theliberoloc.com/2010/12/21/santa-ana-city-attorneys-142k-parachute-very-interesting-but-stupid/>