

TO : City of Santa Ana Councilmembers & Mayor Miguel Pulido December 20, 2010
FROM: Francisco J. Barragán
Business & Community Leader/Volunteer

RE: : **OC Register article – severance gift- \$142,080 to City Attorney Joe Fletcher & other benefits**
<http://www.ocregister.com/news/city-280816-council-fletcher.html>

I know that normally, a severance package is received if the person is terminated or fired without cause. But this is generally NEVER paid if the person resigns voluntarily as it appears to be the case for Santa Ana City Attorney.

I researched and found out the following:

1) City Attorney Joe Fletcher was appointed on AUGUST 1996; however, he had the choice to select an official **EARLIER** date of appointment that HE selected.

"BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA, " That Mr Joseph W Fletcher is appointed to the office of City Attorney for the City of Santa Ana effective August 1 1996 **or such earlier date as he may select**"
(see page 6) http://www.santa-ana.org/personnel/documents/city_attorney.pdf

2) Although, he was **appointed on AUGUST 1996; this date was backdated and made RETROACTIVE to 13 YEARS earlier to AUGUST 1983 with a city resolution in 2002.**

"Section 4g of Resolution No 09663 is hereby amended to read as follows addition shown as bold: "**Vacation and Options** Said officer shall receive vacation benefits and vacation pay option as provided in the class designated as Executive Management and in addition shall accrue vacation at a rate **as though his date of appointment with the City of Santa Ana was August 1 1983**"
(see page 3) http://www.santa-ana.org/personnel/documents/city_attorney.pdf

3) Conversion of Sick Leave **also affected by 13 years.**

"Section 6 Section 4I is hereby added to Resolution No 99663 to read as follows, 'Conversion of Sick Leave Upon leaving employment with the City said official shall be **able to convert unused sick leave as though his date of appointment was August 1 1983**'"
(see Page 4) http://www.santa-ana.org/personnel/documents/city_attorney.pdf

4) At the original date of appointment **City Attorney was given a CREDIT of Sick leave of 200 hours,**
"Sick Leave Credit - Said officer shall receive a credit of 200 hours to his sick leave bank in consideration of the sick leave hours he had accumulated in his prior position"; AND yet again his date of appointment was subsequently changed to August 1, 1983 as described at #3 above. **(DOUBLE-DIPPING for the City ATTORNEY???)**
(see Page 7) http://www.santa-ana.org/personnel/documents/city_attorney.pdf

5) I suspect this earlier date of 1983 vs 1996 will be used to calculate and give him BOTH an ADDITIONAL 13 years to calculate his RETIREMENT pension; AND may give him the option of more favorable terms for retirement, if available earlier; AND may have possibly affected the value of his UNPAID VACATION; and UNPAID SICK LEAVE, for which as member of Executive Management he does not appear to have a limit as to how much he can bank and then subsequently cash-out.

6) And of course you have the **UNEARNED Severance package** of \$142K

7) What concerns me and should concern all citizens and based on the above, what other undisclosed or partially disclosed "Sweet-heart" deals/"Golden Parachutes" are in place for other City of Santa Ana department heads (City Manager; Police Chief) or upcoming ones for the new City Attorney?

How can the City Council approve what appears to be a NON-Contractual payment, if there appears to be no legal obligation and perhaps no legal or ethical justification to do so, especially when the City of Santa Ana has a significant budget deficit, a decline of the general fund, families/taxpayers losing their jobs, and businesses being squeezed almost into bankruptcy because of Santa Ana special assessment (the PBID)?

If not properly answered, this gives the appearance "we will do what we want, even if it is against the interests of the citizens or is financially unsound because we feel like it, and if you don't like it, well sue us to correct this!"