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## ***Californian* sues for full disclosure of pay**

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Attorneys for *The Californian* will file a lawsuit today against the county of Kern seeking information about salaries paid to individual members of the county Fire Department.

The newspaper wants to know the names of fire personnel who collected more than \$20.7 million dollars in overtime pay during 2000 and 2001.

Reporters and editors have been seeking the information through public records requests for three months.

The Kern County Counsel's Office has provided salaries and overtime totals but not the identities of the people who collected them, saying that would violate their privacy and put the county at risk of being sued by workers.

The newspaper's lawsuit, to be filed in Kern County Superior Court, seeks a declaration that the names of county fire employees and their total compensation are public records and should be released immediately.

"These are tax dollars," said *Californian* City Editor Bob Christie. "The public has a right to know how their tax dollars are being spent."

County Counsel Bernard Barmann said the county has gone out of its way to comply with the records request.

He said the names would be provided if the newspaper agreed to defend the county in a lawsuit by employees.

"The law in California is altogether unsettled as to whether or not the wages of specific employees is a matter of public record," Barmann said. "The law needs to be clarified. I suppose that's what we'll be doing."

The Attorney General's Office has issued two opinions that exact compensation of each public employee is a matter of public record.

While California's appellate courts have not decided this issue, a number of superior courts have ordered the release of public employee pay records.

If *The Californian's* lawsuit ends up in appellate court, its outcome could have statewide implications.

The law is very clear, said Thomas Burke, attorney for *The Californian*.

"There's nothing unsettled about it," he said. "Every county employee is paid for exclusively by taxpayers. It's not revolutionary to know where your tax dollars are being used."

*The Californian* sought the pay information in early March after hearing some firefighters were bringing home large amounts of overtime pay.

To assess the size and appropriateness of those payouts, the newspaper requested a list of all county fire employees, their salaries and their total compensation for 2000 and 2001.

Barmann said the county does not divulge specific employees' pay, according to the lawsuit.

He later asked *The Californian* to put its request in writing, which the newspaper did April 15.

Barmann told Burke May 8 the county was considering releasing the information under a process that allowed the firefighters' union to intervene and prevent disclosure, the suit says.

Monday, Barmann refused to confirm that conversation. Lawyers typically do not divulge such exchanges, said Barmann, who called its inclusion in the lawsuit "pretty cheap."

After additional exchanges between Barmann and newspaper staffers, the county released pay data for 2001 on June 5 and for 2000 on Monday -- but without names.

*The Californian* suit alleges the county was "more concerned with catering to the interests of the firefighters union than satisfying their legal obligations."

Without names, the newspaper can't determine how the employees earned their pay and whether they are under, over or adequately compensated, said *Californian* Executive Editor Mike Jenner.

"Our purpose is not to embarrass anyone," Jenner said. "But to interpret this information, we need to know who's receiving what."

Barmann said the lawsuit unfairly implies the county has stonewalled.

County officials did not have the pay data in the form *The Californian* wanted and spent a substantial amount of time compiling it, he said. The county has handed over everything requested except the names, Barmann stressed.

"We could have told *The Californian* it does not exist in the form requested," he said. "In an abundance of cooperation, we went the extra mile to provide the information."

The county has internal and external auditors, payroll clerks and a grand jury to help oversee public pay, Barmann said.

*The Californian* also wants the court to void county policies, whether oral or written, preventing public disclosure of county-employee pay. The county typically releases only salary ranges for its employees.

The paper also wants the court to declare that county officials violated the state Public Records Act.

The county, the lawsuit says, failed to follow the law and determine within 10 days whether it would comply with the records request, and failed to seek a 14-day extension when it could not. The law calls for a 10-day limit and one-time 14-day extension.

The county gave up its right to withhold some information by missing the deadlines, it says.

*The Californian* also wants "costs and reasonable attorneys fees" associated with fighting for the records.

Burke said the lawsuit will remind taxpayers that "people who work for the county are essentially their employees."

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