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The Municipal Court
NORTH COUNTY JUDICIAL DISTRICT
325 SOUTH MELROSE DRIVE
VISTA, CA 92083-6693

MICHAEL L. BURLEY
JUDGE

April 15, 1992

LOCATION CODE: 751
(619) 940-4728

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Ans'd.....

Honorable Leon L. Williams
Supervisor, Fourth District
County Administration Center
1600 Pacific Highway
San Diego, CA 92101

Dear Supervisor Williams:

Mr. David Janssen met with the judges of our court and asked us to consider closing our courts a few hours a week and for each judge to rebate to the county a week's salary to help out the county in its dire financial situation, and to send a message to the residents of the county that the county's financial situation was truly in a deficit status.

On Monday, April 6, 1992, we judges met and discussed Mr. Janssen's requests. In fact, I lead the discussion. It would be the right thing to do, I argued, since the county really needed the money. And, further, we could not expect our clerks to give up a week without pay if we did not also participate. Leadership must come from the top. We decided to close our courts four hours a week and, on a voluntary basis, to give back a week's salary.

Last week I transferred funds from my credit union account to my checking account (fortunately I had recently received a $10,000 inheritance check). On Thursday, April 9, 1992, I wrote a check for a week's gross pay and directed our court administrative staff to forward it to the county.

On Sunday, April 12, 1992, I read in the newspaper that the Board of Supervisors voted to give Mr. Hickey a $68,000 bonus upon his leaving the county for a similar job in St. Petersburg, Florida.

Monday, April 13, 1992, I ordered a stop payment on my check, and Tuesday, April 14, 1992, I intercepted and retrieved the check itself before it reached the county offices.

In Monday's paper Chairman George Bailey was quoted as saying, "It's in our ordinance. Very frankly, Norm has done an excellent job and we felt it was proper. We weren't doing anything illegal," and later he was quoted to say, "It's a matter of fairness, we thought."

Further, County Counsel Lloyd Harmon was reported to say that "the County's Compensation Ordinance can be interpreted to allow the Supervisors to make such a settlement even though Hickey left of his own accord, was not fired, and the Board was not legally required to do so" (emphasis added).

After much protest from County employees, both the Board and Mr. Harmon, in today's paper are quoted as saying they were contractually obligated to pay Mr. Hickey. This seems to be a "clean-up" position. For an agreement to be legally binding, both sides must have given legal consideration. What was Mr. Hickey obligated to do as his consideration? His contract had expired, and he was not working for the County at the time the supposed new agreement was made, and he never returned to work. Today's statements do not ring true.

The bonus voted by the Board of Supervisors for Mr. Hickey has been a hot topic of discussion around the courthouse. Morale has noticeably dropped. A beginning clerk receives a biweekly paycheck (before any deductions) of $640.80, with a mid-range of about $706.42 (before deductions). You cannot expect these people, many of whom are single parents struggling to get by on what they earn when, at the same time, you give large sums of money away. Either the county is in dire financial straits, or it is not. Either the county has excess money and is able to make sizable gifts, or it does not. It cannot be both.

Mr. Janssen, at our meeting, mentioned a fund called "TOTS" or something like that. He said it was a discretionary fund the Supervisors have to draw on as they choose. I strongly suggest you take a hard look at where that money is going before you ask your employees to make financial sacrifices.

If anyone deserves a bonus, it is our hardworking and needy clerks.

Sincerely,

Michael L. Burley

MICHAEL L. BURLEY, Judge
North County Municipal Court

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cc: All NCMC Judges