

Swearingin says she's on board with city Transparency Act changes

By John Ellis
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Fresno Mayor Ashley Swearingin said Tuesday she fully supports beefing up the city's Transparency Act, a series of proposed changes pushed by angry City Council members who said they were unaware of bonuses and deferred compensation packages handed out by Swearingin and her administration.

Swearingin said she has been in contact with Council Members Lee Brand and Oliver Baines over the past several days as they drafted changes to the Transparency in City Government Act, which originally was approved by the City Council in 2010.

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Fresno Mayor Ashley Swearingin, on amending the city's Transparency Act

Last week, all seven council members expressed outrage after learning about the bonuses and deferred compensation, which is income paid at a later date, such as a pension. They all said they had no idea about the awards, which were given over the past three years.

The largest bonuses, totaling almost \$56,000, went to City Manager Bruce Rudd over 2014 and 2015. Assistant City Manager Renena Smith received \$30,000 – \$10,000 annually in 2014, 2015 and 2016. Police Chief Jerry Dyer received \$20,000 in 2015. Smith, Rudd and Dyer also received deferred compensation. Combined, Rudd's money totaled more than \$100,000.

In response to the council anger, Brand and Baines drew up amendments to the Transparency Act to give it some teeth. Swearingin said she is on board with the changes. The council is scheduled to vote Thursday on the proposal, and it is expected to pass with a 7-0 vote, which reflects the reality that on this issue, the council is dictating terms to Swearingin.

That said, Brand – who joined Swearingin in The Bee's interview – said it is time to approve the changes and move on.

"It's been a distraction," he said. "It's been an important public issue. But it's time to get a conclusion."

Among the changes are requirements that employees not represented by a union – about 1% of employees, all of them top level – have all of their earnings publicly itemized, including bonuses; that any bonus or deferred compensation in excess of 5 percent of an employee's annual base pay be specifically approved by the council; and that all bonuses be published on the city's website.

"Pretty clearly to me they were easy things and smart things to do so that future councils, mayors, city attorneys, managers, don't have this confusion," Swearingin said. "So that was the main thing. Let's make sure we have a fail-safe way to ensure that those documents get posted every year. That's kind of the biggest issue that we've been wrestling with."

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Fresno City Council Member Lee Brand

After the issue blew up and council members expressed their anger, Swearingin issued a statement saying she "dropped the ball." But on Tuesday, she said City Attorney Doug Sloan also bore some responsibility for not alerting the administration or City Council that the bonuses and deferred compensation had not been posted on the city's website and that Swearingin was violating the Transparency Act.

Sloan said in an interview that his office is typically reactive, not proactive.

"In hindsight, this is so important I wish we'd reminded them that they needed to comply with this," he said. "It is something we are definitely going to do going forward. As of now, I have direction from the council to do this. And not just this, but all policies. We will actively be reminding people when something needs to be done."

Despite the controversy, Swearingin said she remains a believer in using bonuses.

"I believe it is very effective for a city manager, the one and only contract I oversee in all of this," she said.

Rudd, the city manager, said it was he who handed out the rest of the bonuses, including \$10,000 annually over two years to Georgeanne White, Swearingin's own chief of staff.

"The bonuses that were issued, I issued, and I based that on the performance of those employees," he said.

Rudd said he won't hand out any more for the remainder of Swearingin's 14 months in office. The only two still to get bonuses are Dyer and Rudd, who have retention bonuses written into their employment contracts.

This is one point where Brand – a mayoral candidate next year – diverged from Swearingin, who reaches her term limit.

Bonuses, he said, are for the private sector. The public sector compensation package, with a pension compared to the private sector 401k, health insurance and sick leave policies, are good enough perks.

"I really believe that we pay the people what they're worth," he said. "I feel you don't have to give bonuses."

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