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Cities, counties must reveal pay

STATE SUPREME COURT: LOCAL GOVERNMENT SALARIES ARE PUBLIC RECORD

By Howard Mintz
Mercury News

The California Supreme Court on Monday ruled that local governments have a legal obligation to reveal what they are paying their employees, finding that public inspection

of government payrolls is crucial to monitoring how cities and counties spend taxpayer dollars.

In a decision likely to ripple through city halls across the state, the justices dealt a blow to unions and city officials

who've argued that releasing the information would violate the privacy rights of public workers. The Supreme Court carved out just a narrow exception in the ruling for individual police officers who can make an extraordinary show-

ing that the release of the salary information would pose a safety threat.

The court sided with media organizations, including the Mercury News, which have ar-

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The ruling declares that salary information for employees of local governments in California should be open to the public.



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gued that the public's right to know what it pays government workers outweighs privacy concerns. The ruling could quickly force San Jose and other local cities to release salary information that has been kept under wraps while the Supreme Court weighed the clash between worker privacy and public records laws.

"Openness in government is essential to the functioning of democracy," Chief Justice Ronald George wrote for the court. "The public has a strong, well-established interest in the amount of salary paid to public employees."

All seven justices agreed that public employee information should be public, but two justices, Ming Chin and Marvin Baxter, sought to limit the ruling to exclude the names of police officers. The Supreme Court made it clear it would bar police from asserting a blanket right

to keep officer salaries secret, but left the door open to limited exceptions.

MediaNews on Monday asked for salary information from public agencies around the Bay Area, including 15 cities in Santa Clara County. Officials from some agencies, including Santa Clara County, said they're working on the request and couldn't specify how long it would take to respond.

The Supreme Court ruling arose from a lawsuit against the city of Oakland filed by the Contra Costa Times, which in 2004 sought a list of all city employees earning more than \$100,000 a year. The high court ruling upheld two decisions in the lower courts, and effectively erased the impact of a previous appeals court ruling that had found such records could be kept confidential by the cities of Atherton, Belmont, Foster City and San Carlos.

The decision is now expected to have a direct

impact on a lawsuit filed by the Mercury News in 2005 against the city of San Jose, which refused a request for names and salaries of its employees. Both sides agreed to put that case on hold while the Supreme Court considered the issue.

San Jose City Attorney Rick Doyle said he will be advising the city council and city staff that the ruling means such information must now be released. While the Oakland case did not specifically address employees earning less than \$100,000, lawyers, including Doyle, agreed that the ruling's broad language appears to cover the entire spectrum of salaries.

Duane Reno, the lawyer for the Oakland employee unions in the Supreme Court case, acknowledged cities and counties will have to provide lists of names and salaries of employees if there is a request.

"It looks like it is pretty conclusive that that

is information that has to be disclosed," Reno said, adding that he was "disappointed" the Supreme Court did not show more deference to employee privacy rights.

The Supreme Court today also sided with media arguments in a related case. In that case, the court voted 5-2 to reject the arguments of a statewide law enforcement agency, which has tried to block media efforts to obtain information on police officers, such as hiring and termination dates from different police departments.

The justices found that while there may be exceptions for certain categories of officers, such as undercover operatives, the information generally should be made public.

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