



July 3, 2019

Dan Chmielewski
Liberal OC
dchm@cox.net

Dear Mr. Chmielewski:

This letter is in reference to your May 30, 2019 requests under the California Public Records Act (Government Code § 6250 et seq.).

The City Attorney's Office has determined that your request seeks certain records that are exempt entirely from disclosure or require redactions, including:

- Personal information where the public interest served by nondisclosure clearly outweighs disclosure (City of Irvine Personal Information Privacy Act, approved by the voters November 4, 2008, Government Code § 6255; *City of San Jose v. Superior Court* (1999) 74 Cal.App.4th 1008);
- Records that fall within the public interest exemption; the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. (Government Code § 6255; *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325); and
- Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code § 6254(c)).

Please see the City's responses below:

1. "He [John Russo] has a car allowance as part of his contract; how much is this per month?"

Response: See Attachment A, City Manager contract.

2. "Does Mr. Russo use a city vehicle for transportation to places around the city and does he use a city vehicle to and from the Tustin and/or Irvine train stations to Riverside where he resides?"

Response: A City vehicle is available for the City Manager's Office use.

3. "How does Mr. Russo arrive at the office every morning? Is a city vehicle waiting for him at the train station? "

Response: No responsive records.

4. "Has Mr. Russo been a guest of any organization at any event or taking to any breakfast/lunch/dinner by any business or lobbyist which would have required a receipt and/or Statement of Economic Interest filing."

Response: See Attachment B, 700 Forms.

5. "Can you provide a copy of every Form 700 Mr. Russo has completed."

Response: See Attachment B, 700 Forms.

6. "How much is Mr. Russo reimbursed in per diem?"

Response: See Attachment C, Business Expense Policy.

7. "How many days has Mr. Russo been out of the office (business, vacation or otherwise)?"

Response: Mr. Russo was out of the office **for business** the following days:

- November 5-6, and 27-30, 2018.
- February 11-15, 19, and 27-28, 2019
- March 19-21, 2019
- April 10, 26 and 29, 2019

There are no other responsive, non-exempt records.

8. "Does Assistant City Manager Marianna Marysheva receive a car allowance as part of her contract and if so, how much monthly?"

Response: Assistant City Manager Marysheva does not have a contract. See Attachment D, Resolution 19-46, Classification and Compensation Policy, Management & Non-Represented Employees for a description of her benefits.

9. "Does Ms. Marysheva use a city vehicle to and from the Tustin and/or Irvine train stations to Riverside County where she resides?"

Response: A City vehicle is available for the City Manager's Office use.

10. "If so, is this the same city vehicle Mr. Russo presumable uses (do they car pool)?"

Response: No responsive records.

11. "How does Ms. Marysheva arrive at the office every morning? Is a city vehicle waiting for her at the train station?"

Response: No responsive records.

12. "Has Ms. Marysheva been a guest of any organization at any event or taking to any breakfast/lunch/dinner by any business or lobbyist which would have required a receipt and/or Statement of Economic Interest filing."

Response: See Attachment E, 700 Forms and Attachment F, 802 Form.

13. "Please provide a copy of all form 700s she [Ms. Marysheva] has filed."

Response: See Attachment E, 700 Forms.

14. "How many city-paid meals with staff has Ms. Marysheva paid for with her PCard? Please offer information of those staffers who attended and the purpose of the meal."

Response: See Attachment G, Purchasing Card records.

15. "Please identify Ms. Marysheva's starting salary with the City of Irvine and her current compensation; if her current compensation is greater, what date was the increase awarded?"

Response: See Attachment H, Marysheva Salary.

16. "How many pay increases has she [Ms. Marysheva] been granted since starting work in Irvine?"

Response: See response to Item 15.

17. "What is Ms. Marysheva's projected salary for Fiscal year 2019?"

Response: See Attachment I, Resolution 19-56, Salary Grade Order.

18. "Has Ms. Marysheva received compensation in the form of leave hours or bonuses; if so, please provide details."

Response: No responsive, non-exempt records.

19. "If employee labor negotiations proposed on March 28 [requestor clarification: May 28, 2019] are approved by the city council, how much is the average salary increase in dollar value per pay check per employee in year 1, years 2, year 3 and year 4? Please provide the average for all units including Management and Confidential."

Response: See Attachment J, City Council Staff Report, May 28, 2019, Item 6.1.

20. "Provide the name and title of any city employee who has received additional compensation in the form of leave hours? How much and provide the justification."

Response: No responsive, non-exempt records.

21. "How many promotions have occurred without recruitment, including management positions? Please provide the names, titles (former/current) and compensation (former/current)." [Requestor clarification: date range of July 2018 to present.]

Response. All competitive service promotions are filled via a recruitment. The Municipal Code and Personnel Rules stipulate certain positions are exempt from the competitive service and may serve at the pleasure of the City Council or City Manager. Examples include Commissioners, Council Executive Assistants, City Manager, Assistant City Manager, City Clerk, Department Directors, part-time staff, members of the management group, etc. Given these positions are exempt from the Personnel Rules, they are not considered competitive service promotions.

22. "How many positions have been eliminated from the city manager's office. " [Requestor clarification: date range of July 2018 to present.]

Response: See Attachment K, City Council Joint Meeting with the Orange County Great Park Board Staff Report, 06/11/19, Item 5.1, page 6.

23. "How many employees no longer work for the city manager's office due to separation and/or transfer?"

Response: See response to Item 22.

24. "Does economic development manager Kaitlyn Nguyen receive a car allowance, and if so, how much monthly."

Response: See Attachment D, Resolution 19-46, Classification and Compensation Policy for Management and Non-Represented employees.

25. "Does Ms. Nguyen use a city vehicle to and from the Tustin and/or Irvine train stations to Riverside County where she resides? Is this the same vehicle, presumably used by Mr. Russo and/or Ms. Marysheva? (Do they carpool)?"

Response: A City vehicle is available for the City Manager's Office use.

26. "How does Ms. Nguyen arrive to the office in the morning? Is a city vehicle waiting for her at the train station?"

Response: No responsive records.

27. "Has Ms. Nguyen been a guest of any organization at any event or taking to any breakfast/lunch/dinner by any business or lobbyist which would have required a receipt and/or Statement of Economic Interest filing."

Response: See Attachment L, 700 Forms and Attachment M, 802 Form.

28. "Please provide a copy of all form 700s she [Ms. Nguyen] has filed."

Response: See Attachment L, 700 Forms.

29. "Does Ms. Nguyen provide a report on status of her efforts to attract new businesses to Irvine? Have her efforts been successful and can you offer any details?"

Response: No responsive records.

30. "How many times has she [Ms. Nguyen] traveled out of state – to where, the length of the trip, the purpose of the trip and the costs."

Response: See Attachment N, provided previously in response to your April 8, 2019 records request.

31. "How many times did the city pay her [Ms. Nguyen] travel expenses and please identify other organizations who paid for other travel expenses?"

Response: See response to Item 30.

Responsive documents have been uploaded to the City's FTP site. Please see the access information below:

<ftp://recftp.cityofirvine.org>

Username: recftp Password: *recuser*

Sincerely,



Debbie Tracy
Municipal Records Administrator

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ATTACHMENTS:

- Attachment A: Contract No. 10291
- Attachment B: 700 Forms, Russo, J.
- Attachment C: Business Expense Policy
- Attachment D: City Council Resolution 19-46
- Attachment E: 700 Forms, Marysheva, M.
- Attachment F: 802 Forms, Marysheva, M.
- Attachment G: Purchasing Card records, Marysheva, M.
- Attachment H: Marysheva Salary
- Attachment I: Resolution 19-56, Salary Grade Order
- Attachment J: City Council Staff Report, May 28, 2019
- Attachment K: City Council Joint Meeting with the Orange County Great Park Board Staff Report, June 11, 2019
- Attachment L: 700 Forms, Nguyen, K.
- Attachment M: 802 Forms, Nguyen, K.
- Attachment N: Travel Expenses, Nguyen, K.