

The Second Front ^{CF} Supervisors Building Case To Question Danner's Use of Public Funds

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District Attorney
by Mary Bryant

While Santa Cruz County District Attorney Art Danner hopes that Catherine Gardner will soon cease her efforts to appeal his decision to dismiss her from her job as an assistant district attorney, the case that has already spawned much public attention does not appear likely to disappear from view anytime soon.

When Danner placed Gardner on administrative leave last April, after Gardner's former boyfriend made mostly unfounded accusations against her, Danner was supposed to check with county officials prior to authorizing around \$20,000 in payments to Gardner.

According to Santa Cruz County Personnel Director Mary Lou Alexander, the county's rules are very explicit about the use of administrative leave, and department heads are required to immediately contact her office or county counsel upon deciding to place an employee on administrative leave. Alexander says that this is the first time she has encountered a situation where the department administrator did not follow the regulations. But, there is more.

Compounding his first conspicuous oversight, Danner will also have to explain why Gardner's time cards were prepared and submitted to the county's auditor showing she had been on the job, not out looking for a

new position or waiting at home for Danner to decide what to do about her future.

For the present, Danner claims he is not subject to the rules followed by both elected and appointed department chiefs.

"That's what the personnel rules say," responded Danner, referring to the requirements that he notify either county counsel or the personnel director within one day of placing an employee on administrative leave. "I don't think that was my obligation."

Gardner was placed on "administrative leave" in late March by Danner and continued to receive pay checks through direct deposit to her account through July. Her compensation also included county contribu-

tions to her retirement plan, vacation and sick leave time and health care coverage.

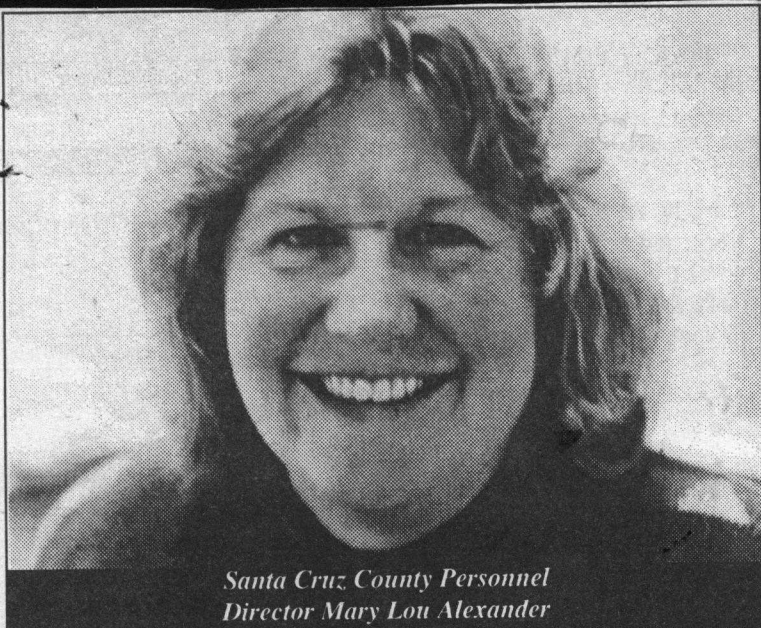
Among those who do not agree with Danner that he did not have a commitment to follow the rules is Supervisor Gary Patton.

"The county has always been very careful, operating through this system where the personnel director, the county counsel and the Board of Supervisors (and usually the CAO and the department head) are all involved in entering into a settlement ... which are contractually binding on the county," said Board of Supervisors Chairman

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Santa Cruz County Personnel
Director Mary Lou Alexander

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Patton.

Patton also noted that if Danner was attempting to reach a settlement with Gardner to secure the county from undue publicity or expense, he appeared to strike only one part of a deal. That was the part where the county paid her money. He evidently forgot the part where Gardner promises not to sue the county in exchange for money.

Without a formal settlement agreement, Gardner will likely keep her pay and will still be able to file a lawsuit against the county, litigation she readily admits she is

seriously considering.

"We pay some money and or perform our part [of the agreement]. ... That person then gives us certain promises which essentially limits our liability and prevents there from being further litigation," Patton added.

Defending his autonomy to make decisions, Danner says he kept the matter quiet in this case to protect Gardner and the reputation of his department.

"I thought that it was best for us, and I gave her that option because she had served us for almost nine years, and worked

hard in her capacity. I felt she should have that option under the circumstances to resign and protect her professional standing," Danner said. "I think there were a very unique set of circumstances. ... What we were trying to do was maintain confidentiality and to do that what the process could not [do]. In my judgement [it was not possible to] include the personnel office. With no disparagement meant, [we could not share] the information because up there it gets around the place."

Personnel Director Alexander does not concur with Danner about the reliability of her office staff to maintain confidentiality in delicate personnel matters.

"We deal with many confidential matters," said Alexander. "Everyone is very clear on the requirement for confidentiality. ... They understand that is critical, and we are [even] very selective about the level of detail we talk [about] in our own department. There are times when the employee relations manager and myself are the only two that know things. ... It's always on a need to know basis."

Supervisor Patton defended Alexander's record.

"I can just say of my own personal knowledge there have been numerous personnel matter of a high degree of sensitivity over the time that I have been on the Board,

which to the best of my knowledge, nobody in the public ever knew about," Patton said.

Meanwhile, at the direction of supervisors County Counsel Dwight Herr and Santa Cruz County Auditor Gary Knutson are busy preparing detailed reports on the scope of the apparent violations by Danner, along with remedies available to supervisors.

Many officials interviewed for this article noted that commonly when a county employee acts outside of their authority spending county resources, the employee will repay the losses.

Knutson acknowledged he is currently looking into the matter of the time cards, and expects to soon prepare a report. He added that asking Danner to repay unauthorized wages would likely be one option available to supervisors.

For Danner's part, he seems content to imagine the matter of time cards and payroll receipts will stay a small issue.

"I think what would be useful is if we have a discussion as to how we can accomplish the goals that I have when confronted with what I think are very unique circumstances, and still satisfy the rules that they have," said Danner. "I think we're not going to have to be concerned about it. Because I think, as I said, this is a very unique set of circumstances. Certainly, it's worth talking about."

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