1 BEFORE THE
2 BOARD OF ADMINISTRATION
3 CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
4 STATE OF CALIFORNIA
5 JAMES AHLER, ADMINISTRATIVE LAW JUDGE
6
7
IN THE MATTER OF:)
8)
)
9 PIER'ANGELA SPACCIA,)
) CASE NO.
10) 2011-0789
RESPONDENT,)
11) O.A.H. NO.
AND) 2012020198
12)
)
13 CITY OF BELL,)
)
14)
RESPONDENT.)
15 _____)
16
17 VOLUME IV
18
19 TRANSCRIPT OF PROCEEDINGS, TAKEN AT 500
20 NORTH STATE COLLEGE BOULEVARD, SUITE 750,
21 ORANGE, CALIFORNIA, COMMENCING AT 9:24
22 A.M., ON THURSDAY, DECEMBER 27, 2012,
23 HEARD BEFORE JAMES AHLER, ADMINISTRATIVE
24 LAW JUDGE, REPORTED BY REYNA OTA, HEARING
25 REPORTER.

1 APPEARANCES OF COUNSEL:
2
3 FOR THE DEPARTMENT:
4 CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
BY: WESLEY E. KENNEDY, ESQ.
5 400 Q STREET
SACRAMENTO, CALIFORNIA 95811
6 916.795.0725
WESLEY_KENNEDY@CALPERS.CA.GOV
7
8
FOR THE RESPONDENT PIER'ANGELA SPACCIA:
9
LAW OFFICES OF HARLAND W. BRAUN
10 BY: HARLAND W. BRAUN, ESQ.
1880 CENTURY PARK EAST
11 SUITE 710
LOS ANGELES, CALIFORNIA 90067-1608
12 310.277.4777
HARLAND@BRAUNLAW.COM
13
14
FOR THE RESPONDENT THE CITY OF BELL:
15
ALESHIRE & WYNDER
16 BY: STEPHEN R. ONSTOT, ESQ.
18881 VON KARMAN AVENUE
17 SUITE 1700
IRVINE, CALIFORNIA 92612
18 949.223.1170
SONSTOT@AWATTORNEYS.COM
19
20
21
22
23
24
25

1 E X A M I N A T I O N S

2

3

WITNESS:	DIRECT	CROSS	REDIRECT	RECROSS
P. SPACCIA	13B	90K 108O	122B	131K

4

5

6

7

8

9

10

11

12

13

14

15

16

B = BRAUN

17 K = KENNEDY

O = ONSTOT

18

19

20

21

22

23

24

25

1 E X H I B I T S

2

DEPARTMENT'S	MARKED FOR IDENTIFICATION	RECEIVED IN EVIDENCE
34 - AMENDED DECLARATION OF REBECCA VALDEZ	9	9
34-A - REQUEST TO CROSS-EXAMINE AFFIANTS JIMENEZ, VALDEZ, HWANG	9	9
35 - DECLARATION OF TOMI JIMENEZ	10	10
36 - DECLARATION OF KUNG-PEI HWANG	11	11

3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25

1 E X H I B I T S

2

3 RESPONDENTS'	MARKED FOR IDENTIFICATION	RECEIVED IN EVIDENCE
4		
5 2 - RESOLUTION 2002-29	66	66
6 3 - RESOLUTION 2002-41	66	66
7 4 - PIER'ANGELA SPACCIA'S EMPLOYMENT AGREEMENT	66	66
8		
5 - CITY COUNCIL AGENDA 9 06/30/2003	67	67
10 6 - MINUTES OF CITY COUNCIL 06/30/2003	67	67
11		
7 - RESOLUTION 2003-30	67	67
12		
8 - ADDENDUM 1	68	68
13		
9 - CITY COUNCIL AGENDA 14 06/28/2004	68	68
15 11 - RESOLUTION 2004-22	69	69
16 12 - RESOLUTION 2004-24	69	69
17 13 - ADDENDUM 2	69	69
18 14 - ORGANIZATIONAL CHART	70	70
19 15 - CITY COUNCIL AGENDA 05/02/2005	71	71
20		
16 - MINUTES OF CITY 21 COUNCIL 05/02/2005	72	72
22 17 - RESOLUTION 2005-15	72	72
23 18 - RESOLUTION 2005-09	72	72
24 19 - CITY OF BELL CHARTER	73	73
25 20 - RESOLUTION 2006-42	73	73

1 E X H I B I T S
2
3

RESPONDENTS'	MARKED FOR IDENTIFICATION	RECEIVED IN EVIDENCE
21 - MINUTES OF CITY COUNCIL 07/31/2006	74	74
22 - ADDENDUM 3	74	74
23 - EMPLOYMENT AGREEMENT	74	74
24 - RESOLUTION 2008-27	74	74
27 - PENSION CALCULATION	80	80
31 - PUBLIC AGENCY REVIEW 06/2006	80	80
32 - PUBLIC AGENCY REVIEW 11/2010	81	81
35 - CORRESPONDENCE BETWEEN A. HERINGER AND P. SPACCIA WITH ATTACHMENTS	83	83
36 - P. SPACCIA'S W-2S	85	85
37 - FINANCIAL REPORT FOR FISCAL YEAR ENDING 06/30/2004	85	85
38 - FINANCIAL REPORT FOR FISCAL YEAR ENDING 06/30/2005	86	86
40 - DISCOVERY FROM THE ADAMS MATTER	87	87
41 - ORDER ON DEMURRERS AND MOTIONS TO STRIKE DIRECTED TO FAC	88	88
42 - L.A. TIMES E-MAILS	88	88

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 E X H I B I T S

2

RESPONDENTS'	MARKED FOR IDENTIFICATION	RECEIVED IN EVIDENCE
43 - P. SPACCIA'S PERSONNEL FILE	89	89
44 - DECLARATION OF CLIFTON ALBRIGHT	90	90
44-A - CALPERS OBJECTIONS	90	90

3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25

1 ORANGE, CALIFORNIA, THURSDAY
2 DECEMBER 27, 2012
3 9:24 A.M.
4
5 THE COURT: WE'RE BACK ON THE RECORD.
6 IT'S DECEMBER 27, 2012. WE'RE CONVENED
7 INSIDE THE CALPERS BUILDING IN ORANGE, CALIFORNIA.
8 EVERYBODY'S BACK IN THEIR SPOT.
9 BEFORE THIS HEARING STARTED, I MARKED AS
10 EXHIBIT 34, THE AMENDED DECLARATION OF REBECCA VALDEZ
11 THAT WAS FILED AND SERVED IN ACCORDANCE WITH 11514 OF
12 THE GOVERNMENT CODE, AND THE REQUEST FOR
13 CROSS-EXAMINATION WHICH WAS MARKED AS EXHIBIT 34-A.
14 IS MS. VALDEZ GOING TO TESTIFY HERE?
15 MR. KENNEDY: NO.
16 THE COURT: ARE YOU OFFERING THE
17 DECLARATION AS ADMINISTRATIVE HEARSAY?
18 MR. KENNEDY: YES.
19 THE COURT: IS THERE ANY OBJECTION TO IT?
20 MR. BRAUN: NO, YOUR HONOR.
21 THE COURT: IT WILL BE RECEIVED AS
22 ADMINISTRATIVE HEARSAY.
23 (DEPARTMENT'S EXHIBITS NUMBERS 34 AND 34-A
24 WERE MARKED FOR IDENTIFICATION BY THE COURT
25 AND RECEIVED INTO EVIDENCE.)

1 THE COURT: WE'VE MARKED AS EXHIBIT 35, THE
2 DECLARATION OF TOMI JIMENEZ, J-I-M-E-N-E-Z.
3 IT IS MY UNDERSTANDING THAT
4 CROSS-EXAMINATION HAS BEEN REQUESTED OF THAT
5 DECLARANT.
6 IS THAT THE CASE?
7 MR. KENNEDY: I BELIEVE SO.
8 MR. BRAUN: YES.
9 THE COURT: AND ANY OBJECTION TO IT BEING
10 RECEIVED AS ADMINISTRATIVE HEARSAY?
11 MR. BRAUN: ADMINISTRATIVE HEARSAY, NO.
12 THE COURT: BE RECEIVED ON THAT BASIS.
13 (DEPARTMENT'S EXHIBIT NUMBER 35 WAS MARKED
14 FOR IDENTIFICATION BY THE COURT AND RECEIVED
15 INTO EVIDENCE.)
16 AND FINALLY, WE HAVE A DECLARATION OF
17 KUNG-PEI, P-E-I; KUNG, K-U-N-G; LAST NAME HWANG, W --
18 I'M SORRY -- H-W-A-N-G. AND THAT'S BEEN SERVED UNDER
19 GOVERNMENT CODE SECTION 11514.
20 HAS THERE BEEN A REQUEST FOR
21 CROSS-EXAMINATION?
22 MR. KENNEDY: I BELIEVE SO.
23 MR. BRAUN: YES, YOUR HONOR.
24 THE COURT: AND WILL HE BE PRODUCED TODAY?
25 MR. KENNEDY: NO.

1 THE COURT: ANY OBJECTION TO MY RECEIVING
2 THAT AS ADMINISTRATIVE HEARSAY?
3 MR. BRAUN: NO, NOT AS ADMINISTRATIVE
4 HEARSAY, YOUR HONOR.
5 THE COURT: IT WILL BE RECEIVED ON THAT
6 BASIS.
7 (DEPARTMENT'S EXHIBIT NUMBER 36 WAS MARKED
8 FOR IDENTIFICATION BY THE COURT AND RECEIVED
9 INTO EVIDENCE.)
10 THE COURT: NOW, I RECEIVED OF A LETTER
11 FROM MR. BRAUN IN EARLY DECEMBER, IN WHICH HE
12 SUGGESTED THAT I HAVE UNDER MY AUTHORITY AN
13 APPOINTMENT OF AN EXPERT. I'M NOT INCLINED TO DO
14 THAT.
15 SO TO THE EXTEND THAT THERE'S A REQUEST,
16 THAT REQUEST IS DENIED.
17 AND IT'S MY UNDERSTANDING THAT YOU WISH TO
18 TAKE SOME ADDITIONAL EVIDENCE; IS THAT RIGHT?
19 MR. BRAUN: YES, FROM MS. SPACCIA, YOUR
20 HONOR.
21 THE COURT: VERY WELL.
22 MS. SPACCIA, WOULD YOU PLEASE COME FORWARD,
23 FACE THE COURT REPORTER, AND RAISE YOUR RIGHT HAND.
24 ///
25 ///

1 PIER'ANGELA SPACCIA,
2 CALLED AS A WITNESS AND SWORN IN BY
3 THE COURT REPORTER, WAS EXAMINED AND
4 TESTIFIED AS FOLLOWS:
5
6 COURT REPORTER: DO YOU SOLEMNLY SWEAR OR
7 AFFIRM THAT THE EVIDENCE YOU PRESENT IN THIS
8 PROCEEDING WILL BE THE TRUTH, THE WHOLE TRUTH, AND
9 NOTHING BUT THE TRUTH?
10 THE WITNESS: I DO.
11 THE COURT: HAVE A SEAT AND ONCE AGAIN TELL
12 US YOUR NAME AND SPELL IT FOR US.
13 THE WITNESS: MY NAME IS
14 PIER'ANGELA SPACCIA. THAT'S
15 P-I-E-R-APOSTROPHE-A-N-G-E-L-A S-P-A-C-C-I-A.
16 THE COURT: THANK YOU.
17 MR. BRAUN: YOUR HONOR, WITH THE COURT'S
18 PERMISSION, I COULD PUT THE DECLARATION OF
19 REBECCA VALDEZ IN FRONT OF YOU.
20 THE COURT: ABSOLUTELY.
21 MR. BRAUN: I COULD GIVE HER A COPY OR --
22 THE COURT: WHATEVER YOU WANT.
23 MR. BRAUN: I THINK IT WOULD JUST BE
24 EASIER.
25 THAT'S EXHIBIT -- FOR THE RECORD --

1 MR. KENNEDY: 34.
2 MR. BRAUN: 34.
3
4 DIRECT EXAMINATION
5 BY MR. BRAUN:
6 Q. MS. SPACCIA, YOU'RE FAMILIAR WITH
7 REBECCA VALDEZ?
8 A. YES.
9 Q. OKAY. LET'S LOOK AT HER DECLARATION. THAT
10 IS EXHIBIT 34, PARAGRAPH 1.
11 DO YOU SEE THE FIRST LINE WHERE SHE SAYS:
12 "I AM THE CITY CLERK OF THE CITY OF
13 BELL AND HAVE SERVED AS SUCH CONTINUOUSLY
14 SINCE AUGUST 2004."
15 DO YOU SEE THAT?
16 A. YES.
17 Q. DO YOU SEE THAT?
18 WOULD YOU EXPLAIN THE EXACT RELATIONSHIP
19 BETWEEN -- DO YOU KNOW THE CIRCUMSTANCES UNDER WHICH
20 REBECCA VALDEZ BECAME THE CITY CLERK?
21 A. YES.
22 Q. WHAT ARE THOSE?
23 A. PRIOR TO REBECCA VALDEZ BEING THE CITY
24 CLERK, IT WAS TERESA DIAZ-BASS WHO WAS THE CITY
25 CLERK, AND SHE MOVED OUT OF THE CITY. SO ANOTHER

1 CITY CLERK HAD TO BE APPOINTED.
2 THAT'S WHEN REBECCA VALDEZ WAS APPOINTED.
3 IT WAS IN 2004. HOWEVER, SHE DID NOT TAKE OVER THE
4 DUTIES UNTIL DECEMBER OF 2007.
5 Q. HAVE YOU BEEN PRESENT WHEN SHE'S TESTIFIED
6 AT A CRIMINAL CASE IN LOS ANGELES COUNTY?
7 A. YES.
8 Q. AND WHAT DID SHE SAY IN TERMS OF WHEN SHE
9 ACTUALLY STARTED FUNCTIONING AS CITY CLERK?
10 MR. KENNEDY: OBJECTION; HEARSAY,
11 RELEVANCE.
12 THE COURT: SUSTAINED.
13 MR. BRAUN: YOUR HONOR, IT'S IMPEACHMENT OF
14 A HEARSAY DECLARANT OF REBECCA VALDEZ, AND IT'S
15 OFFERED AS A PRIOR --
16 THE COURT: IT'LL BE RECEIVED FOR
17 IMPEACHMENT PURPOSES.
18 BY MR. BRAUN:
19 Q. WHAT DID SHE TESTIFY TO?
20 A. SHE TESTIFIED THAT SHE DID NOT PERFORM THE
21 DUTIES OF CITY CLERK UNTIL DECEMBER 2007.
22 Q. THE SECOND LINE IN HER DECLARATION:
23 -- "I AM RESPONSIBLE FOR, AMONG
24 OTHER THINGS, THE STORAGE AND MAINTENANCE
25 OF OFFICIAL CITY RECORDS, PREPARING,

1 ASSEMBLING, AND DISTRIBUTION OF CITY
2 COUNCIL AGENDAS AND BACK UP INFORMATION
3 FOR AGENDA ITEMS, TAKING MINUTES OF THE
4 CITY" -- AND SO FORTH -- UNTIL 2007 -- UNTIL
5 SHE -- UNTIL MS. BASS LEFT.
6 WAS THAT THE FUNCTION OF REBECCA VALDEZ?
7 MR. KENNEDY: OBJECTION.
8 THE WITNESS: NO.
9 MR. KENNEDY: LACK OF FOUNDATION,
10 COMPETENCY.
11 THE COURT: OVERRULED.
12 THE WITNESS: NO.
13 BY MR. BRAUN:
14 Q. AND WHO DID THOSE FUNCTIONS?
15 A. TERESA DIAZ-BASS PERFORMED THOSE FUNCTIONS.
16 Q. SO WOULD IT BE FAIR TO SAY THAT DURING THAT
17 PERIOD OF TIME, MS. BASS WAS ACTUALLY THE FUNCTIONING
18 CITY CLERK, AND MS. VALDEZ JUST SIGNED THE DOCUMENTS?
19 A. CORRECT. SHE WAS A "FIGUREHEAD," FOR LACK
20 OF A BETTER WORD.
21 Q. FOR EXAMPLE, DO YOU KNOW WHETHER WHO
22 ATTENDED -- SO THAT FROM 2004 THROUGH 2007, WOULD IT
23 HAVE BEEN MS. BASS WHO ASSEMBLED THE DOCUMENTS FOR
24 THE CITY COUNCIL?
25 A. YES.

1 Q. WOULD IT BE MS. BASS WHO WOULD'VE TAKEN THE
2 MINUTES OF THE CITY COUNCIL MEETINGS?
3 A. CORRECT.
4 (TELEPHONIC INTERRUPTION.)
5 MR. KENNEDY: YOUR HONOR, OBJECTION; LACK
6 OF FOUNDATION.
7 THE COURT: YOU WANT TO GET YOUR PHONE?
8 WHAT WAS THE QUESTION AGAIN, PLEASE?
9 BY MR. BRAUN:
10 Q. UP TO 2007, WOULD IT HAVE BEEN MS. BASS WHO
11 BASICALLY WOULD HAVE ASSEMBLED THE AGENDAS AND PUT
12 THE DOCUMENTS IN FRONT OF THE CITY COUNCIL?
13 A. YES.
14 Q. AND IN TERMS OF YOUR KNOWLEDGE OF WHAT
15 MS. VALDEZ DID, DID YOU SHARE AN OFFICE WITH
16 MS. VALDEZ?
17 A. NO. I SHARED AN OFFICE WITH MS. DIAZ-BASS.
18 Q. OKAY. SO THAT WHEN YOU WERE AT THE CITY,
19 YOU HAD BEEN FAMILIAR WITH WHAT MS. DIAZ-BASS WAS
20 DOING?
21 A. CORRECT.
22 Q. NOW, NOW IN TERMS OF THE DOCUMENTATION AT
23 THE CITY, IF THEY -- IF AN EMPLOYMENT AGREEMENT WAS
24 PASSED BY THE CITY COUNCIL, WHERE WOULD IT HAVE GONE
25 WHEN IT WAS PASSED?

1 MR. ONSTOT: OBJECTION; VAGUE AS TO TIME.
2 BY MR. BRAUN:
3 Q. LET'S SEE. IN 2005, THAT WAS THE MEETING
4 THAT APPROVED THE CITY BUDGET. FOCUSING ON THAT
5 PERIOD OF TIME, WHAT WOULD BE THE NORMAL PROCEDURE
6 FOR THE DOCUMENTATION AFTER IT PASSED --
7 MR. KENNEDY: OBJECTION. IT'S VAGUE.
8 THE COURT: LET HIM FINISH THE QUESTION
9 FIRST. I'M NOT SURE WHAT YOU'RE SAYING IS VAGUE.
10 BY MR. BRAUN:
11 Q. WHAT WOULD BE THE NORMAL PROCEDURE IN THE
12 CITY, IN TERMS OF THE DISTRIBUTION OF THE
13 DOCUMENTATION?
14 MR. KENNEDY: OBJECTION. IT'S VAGUE, AND
15 IT'S LACK OF FOUNDATION.
16 SHE WASN'T THE CITY CLERK, SHE'S TESTIFIED.
17 AND ALSO WE HAVE HAD TESTIMONY THAT THERE
18 WERE DIFFERENT PROCEDURES USED FOR DIFFERENT
19 INDIVIDUALS.
20 THE COURT: OVERRULED.
21 YOU CAN ANSWER.
22 THE WITNESS: IN 2005, TERESA DIAZ-BASS,
23 WHAT SHE TENDED TO DO WAS TAKE THE PERSONNEL --
24 ANYTHING THAT WAS PERSONNEL-RELATED FROM THE CITY
25 CLERK'S AGENDA AND ACTUALLY PUT IT IN THE PERSONNEL

1 FILES SO THAT IT WAS THERE FOR SAFEKEEPING.
2 BY MR. BRAUN:
3 Q. SO WOULD THE PERSONNEL -- WOULD THE
4 EMPLOYMENT AGREEMENTS THEN GO TO THE PERSONNEL FILE
5 OF EACH INDIVIDUAL EMPLOYEE AS OPPOSED TO BEING KEPT
6 ELSEWHERE?
7 A. YES.
8 Q. NOW, TO YOUR KNOWLEDGE, WOULD THERE
9 NECESSARILY -- WITH REGARD TO EACH EMPLOYMENT
10 AGREEMENT, WOULD THERE HAVE TO BE STAFF REPORTS OR
11 RECOMMENDATIONS OR ANYTHING LIKE THAT IN THE NORMAL
12 COURSE OF BUSINESS, ATTACHED TO THESE ITEMS?
13 A. NO. WHEN IT CAME TO EMPLOYMENT AGREEMENTS,
14 THERE WERE NO STAFF REPORTS. THE EMPLOYMENT
15 AGREEMENT ON ITS FACE EXPLAINED WHAT IT WAS.
16 Q. NOW, LOOKING AT PARAGRAPH 4 OF MS. VALDEZ'S
17 DECLARATION WHICH SAYS THAT THE AGENDA PACKET FOR
18 JUNE 28, 2004, DID NOT CONTAIN PIER'ANGELA SPACCIA'S
19 ADDENDUM 1 TO HER ORIGINAL EMPLOYMENT AGREEMENT, NOR
20 THE ORIGINAL EMPLOYMENT AGREEMENT ITSELF.
21 NOW, WOULD THE AGENDA PACKET -- WHO WOULD
22 BE IN CHARGE OF THAT AGENDA PACKET IN 2004?
23 A. TERESA DIAZ-BASS WAS IN CHARGE OF PUTTING
24 THE PACKETS TOGETHER.
25 Q. THE ADDENDUM 1 TO YOUR EMPLOYMENT

1 AGREEMENT, WERE YOU PRESENT AT THAT MEETING IN 2004?
2 A. NO.
3 Q. DID YOU NORMALLY ATTEND CITY COUNCIL
4 MEETINGS DURING THAT PERIOD OF TIME?
5 A. NO.
6 Q. AND TO YOUR KNOWLEDGE, WHO ATTENDED IT?
7 DID MS. BASS ATTEND THOSE MEETINGS?
8 A. YES.
9 Q. WAS SHE THE ONE WHO PREPARED THE MINUTES OF
10 THE MEETINGS?
11 A. YES.
12 MR. ONSTOT: OBJECTION; CALLS FOR
13 SPECULATION, LACK OF FOUNDATION.
14 THE COURT: OVERRULED.
15 BY MR. BRAUN:
16 Q. NOW, LOOKING AT PARAGRAPH 5 OF HER
17 DECLARATION --
18 LET ME ASK YOU THIS: AT THE PRELIMINARY
19 HEARING, DID MS. VALDEZ TESTIFY THAT SHE CREATED FAKE
20 DOCUMENTS DURING HER STAY WHILE SHE WAS EMPLOYED BY
21 THE CITY OF BELL?
22 A. YES.
23 Q. FOR IMPEACHMENT PURPOSES, WHAT DID SHE
24 TESTIFY TO THAT SHE DID THAT WAS ILLEGAL?
25 A. SHE CHANGED THE SIGNATURE PAGE OF THOSE

1 FRAUDULENT CONTRACTS THAT LOURDES GARCIA PREPARED,
2 AND THEN SHE HAD OSCAR HERNANDEZ SIGN THOSE
3 CONTRACTS, KNOWING THAT HE WAS NOT THE MAYOR AT THAT
4 TIME.
5 Q. AND TO YOUR KNOWLEDGE, WAS OSCAR HERNANDEZ
6 LITERATE?
7 A. TO MY KNOWLEDGE, HE WAS NOT UP TO PAR
8 WITH -- YOU KNOW, WITH ENGLISH READING.
9 Q. SO MS. VALDEZ TESTIFIED THEN TO BEING A
10 PARTY TO HAVING OSCAR HERNANDEZ SIGN -- THOSE WERE
11 THE FAKE RIZZO CONTRACTS, OR WERE THOSE THE FAKE
12 ADAMS CONTRACTS?
13 A. THOSE WERE THE FAKE RIZZO CONTRACTS. SHE
14 GAVE THE ADAMS CONTRACT TO ADAMS AND TO RIZZO TO
15 SIGN.
16 AND THEN THERE WAS ALSO THE PUBLIC RECORDS
17 THAT SHE TESTIFIED TO.
18 Q. WHAT DID SHE TESTIFY TO IN TERMS OF WHAT
19 SHE DID WITH RESPECT TO THE PUBLIC RECORDS REQUEST?
20 A. SHE SUBMITTED THE FRAUDULENT STATEMENTS
21 THAT LOURDES GARCIA PREPARED, AND SHE PUT A COVER
22 LETTER ATTACHED TO THE TOP OF IT AND SUBMITTED IT TO
23 THE CITIZEN WHO WAS REQUESTING INFORMATION.
24 Q. DID SHE TESTIFY THAT SHE KNEW THAT THAT
25 INFORMATION WAS FALSE?

1 A. I BELIEVE SO.
2 Q. WAS SHE GIVEN IMMUNITY BY THE DISTRICT
3 ATTORNEY FOR HER TESTIMONY?
4 A. YES, SHE WAS.
5 Q. NOW, LOOKING AT PARAGRAPH 6, WHERE
6 MS. VALDEZ TALKS ABOUT A PUBLIC INFORMATION REQUEST
7 FROM THE LOS ANGELES TIMES, ARE YOU FAMILIAR WITH
8 THAT PARAGRAPH?
9 A. YES.
10 Q. DO YOU KNOW A JEFF GOTTLIEB, A REPORTER
11 FROM THE LOS ANGELES TIMES?
12 A. YES.
13 Q. WERE YOU PROVIDED -- WERE YOU PROVIDED
14 THROUGH THE CRIMINAL -- DISTRICT ATTORNEY'S OFFICE
15 WITH E-MAILS BETWEEN JEFF GOTTLIEB AND
16 REBECCA VALDEZ?
17 A. YES.
18 Q. AND DO YOU RECALL WHEN -- THE DATE ON THOSE
19 E-MAILS?
20 A. JULY -- NO.
21 MR. BRAUN: YOUR HONOR, PERHAPS I COULD --
22 THE WITNESS: JULY 6 --
23 MR. BRAUN: TO MAKE THE RECORD COMPLETE,
24 MAYBE MARK 36?
25 THE COURT: SURE. WE'LL MARK 36.

1 MR. KENNEDY: 36.
2 THE COURT: THAT'S RESPONDENT'S 36.
3 BY MR. BRAUN:
4 Q. RESPONDENT'S 36, IS THAT A REQUEST FROM
5 JEFF GOTTLIEB TO REBECCA VALDEZ FOR CERTAIN RECORDS?
6 A. YES, IT IS.
7 Q. AND WAS THAT REQUEST YOUR EMPLOYMENT
8 CONTRACT FROM REBECCA VALDEZ?
9 A. YES, IT IS.
10 Q. NOW, THE DATE ON THAT IS JULY -- WHAT IS
11 IT -- JULY 6, 2010?
12 A. CORRECT.
13 Q. NOW, WERE YOU PRESENT -- THAT'S A TUESDAY.
14 WERE YOU PRESENT AT THAT MEETING BETWEEN
15 REBECCA VALDEZ AND JEFF GOTTLIEB ON THE FOLLOWING
16 FRIDAY, THE 10TH?
17 A. THAT SAME FRIDAY. IT WAS JULY 9TH.
18 Q. OKAY. AT THAT MEETING, DID REBECCA VALDEZ
19 DELIVER YOUR EMPLOYMENT AGREEMENT TO THE LOS ANGELES
20 TIMES?
21 A. SHE DID.
22 MR. KENNEDY: OBJECTION; VAGUE AS TO WHICH
23 EMPLOYMENT AGREEMENT.
24 BY MR. BRAUN:
25 Q. WHICH EMPLOYMENT AGREEMENT WAS IT?

1 A. SHE ACTUALLY GAVE HIM THE PERSONNEL FILE
2 WHICH INCLUDED ALL THE AGREEMENTS.
3 Q. THE ENTIRE PERSONNEL FILE? A COPY OF --
4 A. TO REVIEW. AND THEN MAKE HIM WHATEVER
5 COPIES HE WANTED.
6 Q. OKAY. DID YOU ALSO --
7 MR. KENNEDY: SAME OBJECTION.
8 THE COURT: OVERRULED.
9 BY MR. BRAUN:
10 Q. DID YOU ALSO OBTAIN THROUGH THE DISTRICT
11 ATTORNEY'S OFFICE COPIES OF YOUR ENTIRE EMPLOYMENT
12 FILE?
13 A. MY PERSONNEL FILE, YES.
14 MR. BRAUN: YOUR HONOR, I HAVE A COPY OF
15 HER FILE. MAY THIS BE MARKED RESPONDENT'S, I
16 GUESS 30 (SIC) --
17 THE COURT: 37 (SIC).
18 MR. BRAUN: 37 (SIC).
19 THE COURT: YOU WANT TO SHOW IT TO COUNSEL?
20 MR. BRAUN: YEAH.
21 BY MR. BRAUN:
22 Q. MS. SPACCIA, IS THAT A COPY OF YOUR ENTIRE
23 PERSONNEL FILE?
24 A. YES.
25 MR. KENNEDY: OBJECTION; CALLS FOR

1 SPECULATION.
2 MR. BRAUN: YOU WANT TO LOOK AT IT AND SEE
3 IF IT --
4 THE COURT: OVERRULED.
5 LET'S GIVE HIM A CHANCE TO TAKE A LOOK.
6 MR. BRAUN: MAY I APPROACH THE WITNESS,
7 YOUR HONOR?
8 THE COURT: SURE.
9 WHILE YOU FOLKS ARE LOOKING AT THAT, LET ME
10 JUST ASK A QUESTION TO CLARIFY SOMETHING IN MY OWN
11 MIND.
12 IT'S MY UNDERSTANDING THAT NEITHER CALPERS
13 NOR THE CITY CONTENDS THAT DOCUMENTS CONTAINED IN A
14 PERSONNEL FILE CONSTITUTE THE KIND OF PUBLIC RECORD
15 THAT IS ENVISIONED UNDER THE GOVERNMENT CODE.
16 MR. KENNEDY: AS A PUBLICALLY AVAILABLE PAY
17 SCHEDULE?
18 THE COURT: YES.
19 MR. KENNEDY: THAT'S CORRECT.
20 MR. ONSTOT: RIGHT.
21 THE COURT: SO WHY OBJECT? WHO CARES IF
22 WHAT YOU'RE LOOKING AT IS GIVEN TO SOME L.A. TIMES
23 GUY UNDER A REQUEST FOR PUBLIC RECORDS, AND THOSE
24 KINDS OF DOCUMENTS AREN'T WHAT YOU CLAIM FALL WITHIN
25 THE DEFINITION?

1 MR. ONSTOT: I HAVEN'T OBJECTED.
2 THE COURT: YEAH, I UNDERSTAND THAT. I
3 APPRECIATE THAT. I'M ASKING YOUR SIDEKICK THERE.
4 MR. KENNEDY: THE PROBLEM I HAVE, YOUR
5 HONOR, IS I DON'T KNOW WHO CONSTRUCTED THIS, WHEN IT
6 WAS CONSTRUCTED, WHEN IT WAS EVEN HANDED OVER.
7 THE COURT: WHAT'S IT MATTER? IF IT'S NOT
8 WHAT YOU BELIEVE FALLS WITHIN IT, WHAT DIFFERENCE
9 DOES IT MAKE?
10 MR. KENNEDY, I ASKED YOU A QUESTION.
11 MR. KENNEDY: I HAVEN'T FINISHED LOOKING AT
12 IT, YOUR HONOR.
13 MR. BRAUN: YOUR HONOR, TO BE FAIR, I THINK
14 WHAT WE WOULD BE SAYING IS THAT IT MAY NOT FALL,
15 TECHNICALLY, WITHIN THE DEFINITION, BUT THERE MAY BE
16 ANOTHER ARGUMENT THAT, AT LEAST AS FAR AS AN
17 EMPLOYEE'S CONCERNED, IT WOULD BE IT SUBSTANTIAL
18 COMPLIANCE.
19 AND ALSO, YOUR HONOR, IT WOULD BE THE --
20 AND I THINK THE --
21 THE COURT: I DON'T THINK AS FAR AS THE
22 EMPLOYEE'S CONCERNED, IT MATTERS A WHIT.
23 IT'S AN OBJECTIVE TEST. IT'S NOT A
24 SUBJECTIVE TEST.
25 MR. BRAUN: WELL, I GUESS THE ARGUMENT WE

1 WOULD MAKE -- WE'RE GOING TO SHOW IN SOME OF THE
2 TESTIMONY THAT THESE DOCUMENTS WERE EXAMINED BY
3 CALPERS IN 2006, AND THEY --
4 THE COURT: THAT WASN'T -- IT DOESN'T
5 MATTER. CALPERS WASN'T THERE TO SEE WHAT WAS --
6 THAT WASN'T THEIR FUNCTION. THE OBJECT OF
7 THAT MISSION WAS NOT TO DETERMINE WHETHER THERE WERE
8 PUBLIC RECORDS AND SCHEDULES.
9 THAT'S PRETTY CLEAR.
10 MR. BRAUN: WELL, THAT WOULD BE OUR
11 ARGUMENT.
12 WELL, WE'LL DEAL WITH THAT.
13 THE COURT: OKAY.
14 MR. KENNEDY: WELL, THEN I WOULD MAKE AN
15 OBJECTION ON RELEVANCY, YOUR HONOR.
16 THE COURT: I'M REALLY NOT SURE HOW THEY'RE
17 ALL THAT RELEVANT.
18 MR. BRAUN: I THINK THEY'RE RELEVANT IN THE
19 SENSE, YOUR HONOR, THAT FROM -- I AGREE WITH YOUR
20 HONOR THAT IT'S AN OBJECTIVE TEST.
21 HOWEVER, WITH RESPECT TO AN EMPLOYEE WHO
22 HAS NO REAL AUTHORITY OR INVOLVEMENT IN COMPLIANCE
23 OTHER THAN THIS ONE SPECIAL AUDIT, IT REALLY DOESN'T
24 SEEM TO ME THAT AN EMPLOYEE CAN BE HELD RESPONSIBLE.
25 THAT'S WHY WE'RE TALKING ABOUT EQUITABLE

1 ESTOPPEL.
2 THE COURT: WHAT YOU HAVE TO ESTABLISH TO
3 SHOW EQUITABLE ESTOPPEL IS TO SHOW THAT CALPERS MADE
4 SOME REPRESENTATION OF FACT UPON WHICH THE RESPONDENT
5 REASONABLY RELIED ON TO HER DETRIMENT.
6 MR. BRAUN: OKAY. OR THERE'S CASES THAT
7 SAY THAT THEY -- WHERE THEY HAD A RESPONSIBILITY,
8 THEY REMAIN SILENT. THERE'S SOME CASES THAT SAY
9 THAT. I THINK THAT IN ITSELF CAN BE REPRESENTATION.
10 SO LET ME JUST GO FORWARD WITH THE --
11 THE COURT: WELL, I'M SUPPOSED TO DEAL WITH
12 AN OBJECTION FIRST.
13 DO YOU HAVE AN OBJECTION TO 37?
14 MR. KENNEDY: YES, YOUR HONOR, I DO, AS FAR
15 AS RELEVANCY, AS FAR AS ALSO THE LACK OF FOUNDATION
16 AS TO WHEN AND HOW AND WHO CRATED THIS.
17 THE COURT: MR. ONSTOT?
18 MR. ONSTOT: WELL, IF THE OBJECTION IS
19 WHETHER 37 IS GOING TO BE ADMITTED, THEN WE DO ON THE
20 GROUNDS OF RELEVANCY AND ALSO PRIVACY CONCERNS.
21 BECAUSE THERE ARE CONFIDENTIAL DOCUMENTS,
22 LIKE MS. SPACCIA'S SOCIAL SECURITY NUMBER, HER HOME
23 ADDRESS, THINGS LIKE THAT.
24 IF IT'S GOING TO BE ADMITTED, IT SHOULD BE
25 REDACTED. THAT'S ALWAYS BEEN THE CITY'S POSITION,

1 AND I'M ASSERTING THAT OBJECTION NOW SINCE --
2 THE COURT: WELL, SHE'S HERE NOW.
3 DO YOU WAIVE THAT?
4 THE WITNESS: (WITNESS NODDED.)
5 THE COURT: SHE WAIVES IT. SO DON'T WORRY
6 ABOUT THAT.
7 IT'S GOING TO BE RECEIVED TO THE EXTENT
8 THAT IT HAS ANY RELEVANCE AT ALL IN THIS MATTER.
9 IT'S RECEIVED TO SHOW WHAT THE L.A. TIMES
10 OBTAINED, FOLLOWING A REQUEST FOR PUBLIC RECORDS.
11 OKAY. IT DOESN'T ESTABLISH THAT IT WAS A
12 PUBLIC RECORD WITHIN THE MEANING OF THE GOVERNMENT
13 CODE, IN TERMS OF A PAY SCHEDULE.
14 BY MR. BRAUN:
15 Q. MS. SPACCIA, THE TURNING OVER OF YOUR
16 PERSONNEL PACKAGE TO THE L.A. TIMES WAS WITHIN THE
17 SAME WEEK; IS THAT CORRECT?
18 A. YEAH, IT WAS WITHIN THREE DAYS. IT WAS
19 JULY 9TH. IT WAS FRIDAY AFTERNOON.
20 MR. BRAUN: IT WOULD BE ALSO OFFERED TO
21 IMPEACH THE DECLARATION, YOUR HONOR, PARAGRAPH 6,
22 WHERE MS. VALDEZ BASICALLY SAYS SHE -- IT WAS
23 REQUESTED, AND SHE'S SORT OF VAGUE ABOUT --
24 IT DOESN'T MENTION MS. SPACCIA DIRECTLY,
25 BUT IT TALKS ABOUT NOT BEING ABLE TO LOCATE THE

1 EMPLOYMENT AGREEMENT. BUT SHE GOT A PUBLIC RECORDS
2 REQUEST.
3 THE COURT: MOVE ALONG.
4 BY MR. BRAUN:
5 Q. NOW, MS. SPACCIA, IN TERMS OF YOUR
6 EMPLOYMENT AT THE CITY OF BELL, DID -- ANY TIME
7 BEFORE YOU WERE RETIRED, DID ANYONE EVER RAISE TO YOU
8 THE ISSUE OF WHETHER OR NOT YOUR CONTRACT OF
9 EMPLOYMENT WAS LISTED IN THE PUBLICALLY AVAILABLE PAY
10 SCHEDULE?
11 A. NO.
12 Q. DID YOU EVER HAVE -- PRIOR TO YOUR
13 RETIREMENT, DID YOU EVER HAVE ANY KNOWLEDGE THAT A
14 REQUIREMENT OF CALPERS WAS THAT THERE BE A PUBLICALLY
15 AVAILABLE PAY SCHEDULE?
16 MR. KENNEDY: OBJECTION; RELEVANCY.
17 THE COURT: OVERRULED.
18 THE WITNESS: NO. I WAS NOT RESPONSIBLE
19 FOR THE PERSONNEL ASPECTS.
20 BY MR. BRAUN:
21 Q. WHO AT THE CITY OF BELL WOULD THEN BE
22 RESPONSIBLE FOR MAKING SURE THAT THE PENSION SYSTEM
23 WAS IN COMPLIANCE WITH CALPERS REQUIREMENTS, IF
24 ANYONE?
25 MR. ONSTOT: OBJECTION; VAGUE AS TO TIME.

1 THE COURT: SUSTAINED.
2 BY MR. BRAUN:
3 Q. SAY, DURING THE YEARS 2005 TO THE TIME YOU
4 RETIRED, WHO AT THE CITY OF BELL WAS IN THAT
5 JURISDICTION?
6 A. 2005 THROUGH 2007, IT WOULD HAVE BEEN
7 TERESA DIAZ-BASS AND THEN AFTER THAT, REBECCA VALDEZ.
8 Q. NOW, DID YOU -- LOOKING THROUGH -- WOULD
9 YOU LOOK AT EXHIBIT 31 --
10 MR. BRAUN: YOUR HONOR, MAY WE USE THE --
11 THE COURT: SURE.
12 THIS IS RESPONDENT'S 31?
13 MR. BRAUN: YES, YOUR HONOR.
14 THE COURT: THANK YOU.
15 LET'S LET ALL COUNSEL GET THERE.
16 MR. BRAUN: JUDGE, I PROBABLY -- WHILE I'M
17 THINKING ABOUT IT AND BEFORE I FORGET, IS OFFER --
18 PROBABLY MARK CLIFTON ALBRIGHT'S DECLARATION AS AN
19 EXHIBIT AND OFFER IT AS ADMINISTRATIVE HEARSAY.
20 THE COURT: I DON'T HAVE IT IN FRONT OF ME.
21 MR. BRAUN: OKAY. WHAT WAS THE NEXT
22 NUMBER?
23 THE COURT: 38 (SIC).
24 MR. BRAUN: 38, YEAH.
25 THE COURT: YOU FOLKS WANT TO TAKE A LOOK

1 AT THIS?
2 MR. BRAUN: THERE'S ON OBJECTION AS TO
3 ATTORNEY-CLIENT PRIVILEGE WE PROBABLY HAVE TO
4 ADDRESS.
5 MR. KENNEDY: AND, YOUR HONOR, WE HAVE
6 FILED WRITTEN OBJECTIONS AS WELL.
7 AND DOES THE COURT HAVE A COPY OF OUR
8 REQUEST TO EXAMINE MR. ALBRIGHT AND OUR OBJECTIONS?
9 THE COURT: NO.
10 THE OBJECTIONS ARE TO BE MARKED 38-A (SIC).
11 ONE THING IS THE RESOLUTION ISN'T ATTACHED
12 TO EXHIBIT 38.
13 MR. ONSTOT: IT'S RESPONDENT'S NUMBER 20, I
14 BELIEVE.
15 THE COURT: OKAY. THANKS.
16 MR. BRAUN: MAYBE I SHOULD -- WHAT I'M
17 LOOKING FOR, YOUR HONOR, IS CALPERS OBJECTED TO THE
18 DECLARATION, AND THEN WE RESPONDED TO THE REPLY -- TO
19 THEIR OBJECTION.
20 THE COURT: I TELL YOU WHAT I'M GOING TO
21 DO. I'M GOING TO RECEIVE EXHIBIT 38 -- RESPONDENT'S
22 EXHIBIT 38 AS ADMINISTRATIVE HEARSAY, AND I'M GOING
23 TO GIVE IT THE WEIGHT TO WHICH IT'S ENTITLED ON ANY
24 ISSUE TO WHICH IT MAY BE RELEVANT.
25 MR. KENNEDY: AND OUR OBJECTIONS, JUST FOR

1 IDENTIFICATION, ARE 38-A, AND REQUEST FOR
2 CROSS-EXAMINATION IS 39 OR 38?
3 THE COURT: 38-A AS WELL.
4 MR. ONSTOT: AND FOR THE RECORD, THE CITY
5 WILL BE JOINING THOSE.
6 THE COURT: OKAY.
7 MR. ONSTOT: AS WELL AS RAISING AN
8 ATTORNEY-CLIENT PRIVILEGE OBJECTION.
9 THE COURT: THANK YOU.
10 MR. BRAUN: BRIEFLY, AS TO ATTORNEY-CLIENT,
11 YOUR HONOR, I DON'T THINK IT APPLIES BECAUSE WE'RE
12 TALKING ABOUT A PRESENTATION AT AN OPEN HEARING OF
13 THE CITY COUNCIL.
14 AND, NUMBER TWO, WE TEND TO AGREE WITH
15 CALPERS IN THE SENSE THAT WE DO AGREE THAT IT'S
16 REALLY A QUESTION OF THE STATUTES OF ITS FACE, BUT
17 THAT WE DID SUBMIT THAT FOR WHATEVER PURPOSES --
18 THE COURT: THE DECLARATION IS GOING TO BE
19 RECEIVED AND GIVEN WHATEVER WEIGHT IT'S ENTITLED TO.
20 MR. BRAUN: RIGHT. EXACTLY.
21 BY MR. BRAUN:
22 Q. MS. SPACCIA, LOOKING AT 31, DID YOU
23 PARTICIPATE IN THE PARTICULAR -- WHAT ROLE DID YOU
24 HAVE WITH RESPECT TO THE 2006 AUDIT BY CALPERS FOR
25 THE CITY OF BELL?

1 A. I WAS ASKED BY ROBERT RIZZO, AS ONE OF THE
2 SPECIAL ASSIGNMENTS, TO PROVIDE OVERSIGHT AND ENSURE
3 THAT THE AUDITOR RECEIVED ALL THE INFORMATION NEEDED,
4 AND THEN I WAS PART OF THE EXIT CONFERENCE.
5 Q. THE EXIT CONFERENCE, WHAT DO YOU MEAN BY
6 THAT?
7 A. THAT WAS A MEETING WHERE THE AUDITOR WENT
8 THROUGH ANY FINDINGS WITH US.
9 Q. AND DID YOU UNDERSTAND WHAT THE PURPOSE OF
10 THAT PARTICULAR AUDIT WAS?
11 A. YES.
12 Q. WHAT DID YOU BELIEVE IT TO BE?
13 A. TO BE A REVIEW OF WHETHER OR NOT THE CITY
14 WAS COMPLYING WITH ALL OF THE CALPERS REGULATIONS AND
15 REQUIREMENTS.
16 Q. DURING THAT -- WOULD YOU TELL THE COURT
17 WHAT THAT AUDIT CONSISTED OF, TO YOUR KNOWLEDGE.
18 DID THEY ACTUALLY VISIT THE CITY OF BELL?
19 A. YES. HE WAS ON-SITE.
20 Q. DID HE HAVE ACCESS TO ALL THE BOOKS AND
21 RECORDS OF THE CITY OF BELL, WITH REGARD TO THE
22 CALPERS PARTICIPATION?
23 A. HE DID. HE HAD PAY SCHEDULES. HE HAD
24 PERSONNEL RECORDS. HE HAD PAYROLL DOCUMENTS,
25 REGISTERS -- ANYTHING AND EVERYTHING THAT HE NEEDED

1 TO ENSURE COMPLIANCE.
2 Q. WAS HE PROVIDED, TO YOUR KNOWLEDGE, WITH
3 THE PUBLIC PAY SCHEDULE THAT HAD THE VARIOUS --
4 A. YES, THE SALARY SCHEDULE. YES.
5 Q. WAS HE ALSO PROVIDED WITH THE INDIVIDUAL
6 CONTRACTS THAT THE CITY OF BELL HAD, FOR EXAMPLE,
7 RIZZO, YOU, AND OTHER MANAGING PEOPLE?
8 A. HE WAS PROVIDED THE CONTRACTS FOR WHICHEVER
9 ONES HE DECIDED TO SAMPLE.
10 Q. AT ANY TIME, DID THE AUDITOR RAISE --
11 THE COURT: SO THE ANSWER IS YOU DON'T KNOW
12 WHICH CONTRACTS HE ACTUALLY LOOKED AT.
13 THE WITNESS: I DO KNOW FOR CERTAIN THAT HE
14 LOOKED AT ROBERT RIZZO'S.
15 THE COURT: YOU DON'T KNOW IF HE LOOKED AT
16 YOURS?
17 THE WITNESS: I DON'T KNOW FOR CERTAIN.
18 BY MR. BRAUN:
19 Q. NOW, DID THE AUDITOR RAISE ANY ISSUE ABOUT
20 WHETHER OR NOT THE MANAGEMENT CONTRACTS WERE
21 SPECIFICALLY LISTED ON THE PUBLICALLY AVAILABLE PAY
22 SCHEDULE?
23 MR. ONSTOT: OBJECTION; CALLS FOR A LEGAL
24 CONCLUSION.
25 THE COURT: NO. DID HE ASK A QUESTION.

1 THE OBJECTION IS OVERRULED.
2 THE WITNESS: WITH RESPECT TO
3 ROBERT RIZZO'S, WHICH I KNOW HE PERSONALLY SAMPLED,
4 HE SAID THAT THE EMPLOYMENT CONTRACT WAS RECONCILED
5 WITH THE SALARY SCHEDULE AND --
6 MR. KENNEDY: OBJECTION.
7 IS SHE TESTIFYING OR READING FROM THE --
8 THE WITNESS: IT'S DOCUMENTED.
9 BY MR. BRAUN:
10 Q. NOW, DID HE ACTUALLY STATE THAT IN THE
11 REPORT?
12 A. YES.
13 Q. COULD YOU SEE IF YOU COULD FIND THAT.
14 IT'S ON PAGE 8?
15 A. PAGE 8.
16 THE COURT: WHICH EXHIBIT?
17 MR. BRAUN: EXHIBIT 31.
18 THE WITNESS: YES, ON PAGE 8.
19 BY MR. BRAUN:
20 Q. AND WHAT DOES THE AUDITOR SAY THERE? WHAT
21 DID HE WRITE ON -- THE OBSERVATION THAT LED YOU TO
22 BELIEVE THAT HE BASICALLY RECONCILED THE INDIVIDUAL
23 CONTRACTS WITH THE PAY SCHEDULES?
24 MR. KENNEDY: OBJECTION; THE DOCUMENT
25 SPEAKS FOR ITSELF AS FAR AS --

1 THE COURT: OVERRULED.
2 I DON'T HAVE IT IN FRONT OF ME. SO I'D
3 LIKE TO SEE WHAT HE SAYS.
4 BY MR. BRAUN:
5 Q. WOULD YOU READ THAT?
6 A. YES.
7 "PAYRATES FROM THE CITY'S PAYROLL
8 REGISTERS AND PAYRATES REPORTED TO
9 CALPERS WERE RECONCILED TO THE CITY'S
10 SALARY SCHEDULES AND BOARD RESOLUTIONS."
11 Q. AND WOULD YOU READ THE WHOLE PARAGRAPH.
12 A. (READING):
13 "WE REVIEWED A SAMPLE OF PAYRATES
14 REPORTED IN SERVICE PERIOD 1/06-3."
15 I'M NOT SURE WHAT THAT MEANS.
16 Q. KEEP GOING.
17 A. (READING):
18 "ALL SAMPLED EMPLOYEES' PAYRATES
19 WERE WITHIN THE CITY'S SALARY SCHEDULES
20 AND/OR BOARD RESOLUTIONS. HOWEVER, WE
21 NOTED THAT THE CITY'S CHIEF
22 ADMINISTRATIVE OFFICER RECEIVED A 47.33%
23 INCREASE EFFECTIVE JULY 1, 2005."
24 Q. AND WOULD YOU READ THE NEXT PARAGRAPH.
25 A. (READING):

1 "THE CITY MAY REQUEST AN EXCEPTION
2 FOR THE 'AVERAGE INCREASE' FOR THEIR
3 CHIEF ADMINISTRATIVE OFFICER. THIS
4 REQUESTS NEEDS TO BE SENT TO AND REVIEWED
5 BY THE EMPLOYER SERVICE DIVISION, PER
6 SECTION 572 OF THE CALIFORNIA CODE OF
7 REGULATIONS. IF AN EXCEPTION IS NOT
8 GRANTED BY CALPERS, AND THE CHIEF
9 ADMINISTRATIVE OFFICER RETIREES WITHIN
10 THE NEXT ONE TO THREE YEARS, THEN
11 INCREASES IN HIS COMPENSATION EARNABLE
12 MAY BE REDUCED PER CALIFORNIA GOVERNMENT
13 CODE, SECTION 20636(E)(2)."
14 Q. AT THAT PARTICULAR TIME, WERE YOU FAMILIAR
15 WITH THE GOVERNMENT CODE SECTION 20636(E)(2)?
16 A. I WAS NOT, PERSONALLY, NO.
17 Q. NOW, SO -- AT ANY TIME DURING THE AUDIT OR
18 IN THE REPORT AFTERWARDS, WERE YOU ALERTED TO THE
19 REQUIREMENT OF CALPERS THAT YOUR PAY PARTICULARLY HAD
20 TO BE LISTED ON A PUBLICALLY AVAILABLE PAY SCHEDULE?
21 A. NO. AND THAT WAS THE CASE FOR ALL
22 MANAGEMENT. WE WERE NOT NOTIFIED THAT OUR CONTRACTS
23 WEREN'T CONSIDERED.
24 MR. KENNEDY: OBJECTION; MOVE TO STRIKE,
25 IT'S HEARSAY, LACK OF FOUNDATION.

1 THE COURT: OVERRULED.
2 BY MR. BRAUN:
3 Q. NOW, IN TERMS OF -- IN 2005, YOU WERE NO
4 LONGER IN CHARGE OF FISCAL; IS THAT CORRECT?
5 A. CORRECT.
6 Q. NOW, PRIOR TO THAT, HOW WAS THE INDIVIDUAL
7 MANAGEMENT -- FOR EXAMPLE, YOUR CONTRACT -- LISTED ON
8 THE PAY SCHEDULE?
9 A. IT WAS -- FOR ALL MANAGEMENT EMPLOYEES, THE
10 POSITION TITLE WAS LISTED ON THE PAY SCHEDULE, AND
11 THEN IT REFERENCED "SEE CONTRACT," MEANING EMPLOYMENT
12 AGREEMENT.
13 Q. SO IF SOMEONE LOOKED AT THAT PAY SCHEDULE
14 AND WANTED TO FIND OUT ABOUT ANGELA SPACCIA, THEY
15 THEN WOULD HAVE TO GO TO ANOTHER DOCUMENT, THE
16 CONTRACT -- THE INDIVIDUAL DOCUMENT TO FIND OUT?
17 A. CORRECT.
18 MR. ONSTOT: OBJECTION; VAGUE AS TO PAY
19 SCHEDULE.
20 THE COURT: WELL, HERE'S SENSE I'M GETTING
21 HERE TO PROVIDE YOU GUYS WITH ANY REASSURANCE. THE
22 SENSE I'M GETTING IS IF SOMEONE WANTED TO KNOW HOW
23 MUCH YOU WERE MAKING, THEY HAD TO WORK PRETTY HARD TO
24 GET IT.
25 OVERRULED.

1 BY MR. BRAUN:
2 Q. NOW, DID YOU ADOPT THAT PROCEDURE -- WAS
3 THAT PROCEDURE IN PLACE AT THE TIME YOU WERE INVOLVED
4 WITH FISCAL, PRIOR TO 2005?
5 A. IT WAS IN PLACE PRIOR TO MY EMPLOYMENT
6 THERE AS WELL.
7 Q. AND YOU DISCONTINUED THAT?
8 A. CORRECT.
9 Q. DURING THE AUDIT -- AT ANY TIME WHILE YOU
10 WERE EMPLOYED AT THE CITY OF BELL BEFORE YOU RETIRED,
11 DID ANYONE -- THE CITY GOVERNMENT, OR THE LEGAL
12 STAFF, THE ACCOUNTANTS, OR CALPERS -- EVER RAISE ANY
13 ISSUE ON WHETHER OR NOT THAT PARTICULAR METHODOLOGY
14 WAS IN COMPLIANCE WITH CALPERS REGULATIONS?
15 A. NO.
16 Q. HAD ANYONE RAISED THAT ISSUE WITH YOU, WHAT
17 WOULD YOU HAVE DONE?
18 MR. KENNEDY: OBJECTION; CALLS FOR
19 SPECULATION.
20 THE COURT: SUSTAINED.
21 MR. BRAUN: IT'S OFFERED FOR RELIANCE,
22 YOUR HONOR -- TO SHOW RELIANCE ON THE EQUITABLE
23 ESTOPPEL.
24 THE COURT: THE OBJECTION IS SUSTAINED.
25 ///

1 BY MR. BRAUN:
2 Q. NOW, LOOKING AT EXHIBIT 35, RESPONDENT'S
3 EXHIBIT 35, WHAT IS THIS EXHIBIT?
4 A. WELL, THERE'S TWO COMPONENTS. STARTING
5 WITH PAGE 2, IT'S THE -- IT'S OUR LETTER TO CALPERS
6 REQUESTING THAT EXCEPTION FOR COMPENSATION
7 ADJUSTMENTS THAT THEY REFERRED TO IN EXHIBIT 31.
8 Q. SO IN RESPONSE TO THE QUESTION RAISED ABOUT
9 THE ENORMOUS SALARY INCREASES IN 2005, YOU THEN WROTE
10 A LETTER REQUESTING THAT CALPERS REVIEW THE INCREASES
11 AND GRANT AN EXCEPTION TO THE NORMAL RULE, WHERE THEY
12 WOULD BE DISALLOWED IF THE PERSON RETIRED WITHIN
13 THREE YEARS; IS THAT RIGHT?
14 A. CORRECT.
15 Q. NOW, IN THE PACKET THAT YOU SENT TO
16 CALPERS, DID IT ACTUALLY INCLUDE AS AN ATTACHMENT F,
17 YOUR CONTRACT?
18 A. YES, IT DID.
19 Q. IT ALSO INCLUDED MR. RIZZO'S CONTRACT; IS
20 THAT RIGHT?
21 A. YES.
22 Q. AND DID CALPERS -- LET ME ASK YOU A MORE
23 GENERAL QUESTION.
24 IN RESPONSE TO THE AUDIT IN GENERAL, DID
25 YOU ATTEMPT TO BRING THE CITY OF BELL IN COMPLIANCE

1 WITH ALL THE REQUESTS THAT CALPERS HAD MADE?
2 A. WE, AS A CITY, DID. I DIDN'T DIRECTLY WORK
3 ON THE COMPLIANCE ISSUES. THAT WAS LOURDES GARCIA.
4 Q. SO YOU MET AT THE EXIT INTERVIEW AND
5 OBSERVED THE REPORT, AND THEN IT WAS UP TO
6 LOURDES GARCIA TO BRING THE CITY IN COMPLIANCE WITH
7 CALPERS?
8 A. CORRECT.
9 Q. AND DID YOU BELIEVE -- AT THAT TIME, DID
10 YOU BELIEVE THAT THE CITY WAS IN COMPLIANCE AFTER THE
11 CHANGES WERE MADE?
12 A. AFTER LOURDES GARCIA MADE THE CHANGES, YES.
13 Q. DO YOU HAVE ANY REASON TO BELIEVE THAT
14 AFTER THE CHANGES WERE MADE IN COMPLIANCE WITH
15 CALPERS REQUEST THAT THERE WERE ANY OTHER ITEMS THAT
16 WERE OUT OF COMPLIANCE?
17 A. NO.
18 Q. DID YOU RELY ON THE CALPERS REPORT AND THE
19 CALPERS AUDIT TO SUPPORT YOUR BELIEF THAT THE CITY
20 WAS IN COMPLIANCE?
21 A. ABSOLUTELY.
22 Q. DID YOU HAVE ANY REASON TO GO ANY FURTHER
23 AND TRY TO CHECK FOR YOURSELF TO SEE WHETHER THERE
24 WAS ANY PORTION OF THE CALPERS PROGRAM THAT WAS NOT
25 IN COMPLIANCE, IN ADDITION TO WHAT THE CALPERS

1 AUDITOR SAID?
2 A. NO.
3 Q. NOW, IN EXHIBIT 35, WHEN YOU REQUESTED AN
4 EXCEPTION TO THE NORMAL RULE IN TERMS OF PAY
5 INCREASES, WHAT WAS THE RESPONSE FROM CALPERS?
6 A. THAT'S ON PAGE 1 IN EXHIBIT 35, AND THEIR
7 RESPONSE WAS THAT THEY APPROVED THE EXCEPTION.
8 Q. IN TERMS OF THAT INTERACTION WITH CALPERS
9 WHERE YOU SUBMITTED YOUR OWN EMPLOYMENT AGREEMENT,
10 DID CALPERS RAISE ANY OBJECTIONS AS TO WHETHER OR NOT
11 THAT PARTICULAR EMPLOYMENT AGREEMENT, WHICH THEY
12 APPROVED OF IN TERMS OF THE INCREASE, FAILED TO
13 COMPLY WITH THE REQUIREMENTS THAT IT BE LISTED IN A
14 PUBLICALLY AVAILABLE PAY SCHEDULE?
15 MR. ONSTOT: OBJECTION; MISSTATES THE --
16 MR. KENNEDY: OBJECTION.
17 THE COURT: SUSTAINED.
18 BY MR. BRAUN:
19 Q. IN THE CALPERS RESPONSE, DID ANYONE, EITHER
20 ORALLY OR IN WRITING, EVER RAISE AN OBJECTION TO
21 WHETHER OR NOT THE PAY --
22 THE COURT: ANYONE EVER SAY THIS WASN'T
23 PUBLICALLY AVAILABLE?
24 THE WITNESS: NO.
25 THE COURT: IT WOULDN'T BE USED?

1 THE WITNESS: NO.
2 BY MR. BRAUN:
3 Q. DO YOU BELIEVE THAT YOUR EMPLOYMENT
4 CONTRACT WAS PUBLICALLY AVAILABLE?
5 A. YES.
6 MR. ONSTOT: OBJECTION; IRRELEVANT.
7 THE COURT: OVERRULED.
8 TELL US WHY.
9 THE WITNESS: BECAUSE I KNOW, HISTORICALLY
10 AND IN ALL OF MY PREVIOUS EMPLOYMENTS AND EVEN PRIOR
11 TO THE CITY OF BELL, THAT IF THERE WAS A PUBLIC
12 RECORD REQUEST, THAT YOU MUST COMPLY.
13 EVEN THOUGH I WASN'T THE ONE RESPONSIBLE
14 FOR THAT, I KNEW THAT MY EMPLOYMENT AGREEMENTS WERE
15 RIGHT THERE, READILY AVAILABLE IN THE PERSONNEL FILE
16 BECAUSE I PERSONALLY REVIEWED THEM MYSELF IN 2008.
17 THE COURT: SO THE ANSWER IS BECAUSE THERE
18 WAS A PUBLIC DOCUMENTS REVIEW PROCESS, IT COULD BE
19 USED.
20 ANY OTHER REASON? IS THAT IT?
21 THE WITNESS: ONLY THAT IT'S -- I MEAN,
22 IT'S ALWAYS BEEN KNOWN THAT AS A PUBLIC SERVANT, YOUR
23 SALARY IS PUBLIC KNOWLEDGE.
24 THE COURT: YOU BELIEVE THAT TO BE THE CASE
25 BECAUSE IT WAS SUBJECT TO A PUBLIC RECORDS REQUEST.

1 THE WITNESS: YES.
2 THE COURT: BUT FOR NO OTHER REASON?
3 IT WASN'T PUT OUT ON THE INTERNET; IT
4 WASN'T PUBLISHED IN ANY KIND OF GOVERNMENT SCHEDULE
5 OR DOCUMENT -- NOTHING LIKE THAT?
6 THE WITNESS: NOT THAT I KNOW OF.
7 THE COURT: OKAY.
8 BY MR. BRAUN:
9 Q. SO WOULD IT BE FAIR TO SAY THAT YOU
10 BELIEVED THAT THE ABILITY OF THE PUBLIC TO GET YOUR
11 PAY RATE THROUGH THE PUBLIC INFORMATION REQUEST MADE
12 YOUR SALARY CONTRACT PUBLIC INFORMATION?
13 A. YES, ABSOLUTELY.
14 Q. OTHER THAN YOUR INTERACTION WITH CALPERS
15 WITH REGARD TO THE AUDIT AND THEN THE FOLLOW UP TO
16 THE AUDIT, YOU, AT AN EARLIER DATE, ARRANGED FOR THE
17 PURCHASE THROUGH CALPERS OF WHAT THEY CALL "BACK
18 TIME"; IS THAT CORRECT?
19 THE COURT: "AIR TIME."
20 MR. BRAUN: "AIR TIME."
21 THE WITNESS: "AIR TIME," CORRECT.
22 BY MR. BRAUN:
23 Q. OKAY. AND THAT WAS BEFORE THE AUDIT; IS
24 THAT RIGHT? WHEN WAS THAT? WHAT YEAR WAS THAT?
25 A. YES, THAT WAS BEFORE THE AUDIT. THAT WAS,

1 I BELIEVE, 2003 OR 2004.
2 Q. OKAY. AND APPROXIMATELY HOW MANY EMPLOYEES
3 DID YOU -- WERE YOU THE PERSON THAT HANDLED
4 THAT TRANSACTION?
5 THE COURT: WE'VE GONE THROUGH ALL THIS --
6 THROUGH THE AIR TIME PURCHASES.
7 MR. BRAUN: MAY I JUST ASK ONE QUESTION
8 REGARDING THAT BECAUSE THERE'S AN ANALOGY.
9 BY MR. BRAUN:
10 Q. DID ANYONE, AT THAT TIME, AT CALPERS EVER
11 RAISE WITH YOU THE ISSUE OF WHETHER OR NOT THE MONEY
12 HAD TO COME FROM THE CITY OR THE EMPLOYEES?
13 A. NO. THEY SPECIFICALLY SAID THAT WE COULD
14 EVEN USE THE RESERVE THAT WAS AVAILABLE AT THE TIME.
15 MR. KENNEDY: OBJECTION; HEARSAY.
16 THE COURT: NO. OVERRULED.
17 BY MR. BRAUN:
18 Q. DID YOU RELY ON WHAT CALPERS TOLD YOU ABOUT
19 HAVING THE CITY PAY FOR THE AIR TIME FOR A DOZEN
20 EMPLOYEES OR SO?
21 A. YES.
22 Q. DO YOU HAVE ANY REASON TO BELIEVE THAT THAT
23 ITSELF WAS ILLEGAL?
24 A. NO.
25 Q. NOW, OTHER THAN THOSE THREE PARTICULAR

1 INSTANCES OF YOUR INTERACTION WITH CALPERS, DID YOU
2 HAVE ANY OTHER RESPONSIBILITY WITH REGARD TO THE
3 CALPERS COMPLIANCE AT THE CITY OF BELL?
4 A. NO.
5 Q. NOW, IN TERMS OF YOUR EMPLOYMENT
6 AGREEMENTS, AFTER 2006 TO THE TIME YOU RETIRED, DID
7 YOU BELIEVE THAT ROBERT RIZZO HAD THE AUTHORITY TO
8 SIGN YOUR EMPLOYMENT AGREEMENTS WITHOUT CITY COUNCIL
9 APPROVAL?
10 A. ABSOLUTELY.
11 MR. ONSTOT: OBJECTION; IRRELEVANT.
12 THE COURT: YEAH, IT'S IRRELEVANT. WELL --
13 IT'S IRRELEVANT IN THIS PROCEEDING.
14 MR. BRAUN: YOUR HONOR, MAY I JUST RESPOND
15 TO THAT?
16 THE COURT: SURE.
17 MR. BRAUN: IT'S MORE OF A CLARIFICATION.
18 CALPERS, IN ITS DENIAL OF THE PENSION OF
19 MS. SPACCIA, RAISED THE ISSUE OF WHETHER OR NOT THE
20 CONTRACT ITSELF WAS LAWFUL, IN OTHER WORDS, WHETHER
21 IT HAD TO HAVE CITY COUNCIL APPROVAL IN ADDITION TO
22 MR. RIZZO.
23 NOW, WE'VE SUBMITTED A -- IT'S OUR POSITION
24 THAT 2006-42 WAS AN IMPLEMENTATION OF A PORTION OF
25 THE CITY COUNCIL CHARTER WHICH ALLOWED THE CITY

1 COUNCIL TO DELEGATE THAT AUTHORITY TO MR. RIZZO.
2 NOW, WE BELIEVE THAT'S THE END OF THE
3 STORY. SO IN THAT SENSE, MAYBE HER BELIEF IS
4 IRRELEVANT. THAT WOULD BE CORRECT.
5 HOWEVER, IF SOMEONE WERE TO DECIDE TO THE
6 CONTRARY, THEN THE ISSUE WOULD BE WHETHER OR NOT THE
7 CITY OF BELL, WHO IS A PARTY TO THIS, WOULD BE -- YOU
8 KNOW, WOULD BE ESTOPPED FROM ASSERTING THAT. BECAUSE
9 IT'S THE CITY OF BELL, ESSENTIALLY, WHO WOULD BE THE
10 PERSON WHO IS RESPONSIBLE FOR THIS.
11 WE TEND TO FORGET THAT THEY'RE THE PERSON
12 THAT WAS THE OPERATIVE. JUST BECAUSE THERE'S BEEN A
13 CHANGE OF REGIME -- THEY STILL HAVE OBLIGATIONS AND
14 RESPONSIBILITIES THAT FLOW FROM THAT.
15 SO THAT'S THE REASON I THINK HER BELIEF
16 THAT HE HAD THE AUTHORITY WOULD BE RELEVANT.
17 THE COURT: YEAH, THAT'S NOT AN ISSUE FOR
18 ME TO DECIDE IN THIS PROCEEDING.
19 AS I SEE IT, THIS CASE IS GETTING NARROWED
20 DOWN TO WHETHER IT WAS A PUBLIC RECORD OR NOT.
21 DO YOU DISAGREE?
22 MR. KENNEDY: I BELIEVE THAT THERE IS A
23 DISTINCTION BETWEEN THE DOCUMENT BEING PUBLICALLY
24 AVAILABLE AND BEING A PUBLICALLY AVAILABLE PAY
25 RATE -- PAY SCHEDULE.

1 THE COURT: RIGHT. RIGHT.
2 BUT DO YOU SEE THAT AS BEING THE ISSUE?
3 MR. KENNEDY: THAT'S THE PUBLICALLY
4 AVAILABLE PAY SCHEDULE.
5 THE COURT: THAT'S FOR THIS PROCEEDING.
6 DO YOU SEE ANY OTHER ISSUE?
7 MR. KENNEDY: POTENTIALLY GROUP AND CLASS,
8 AS WELL AS AIR TIME.
9 MR. ONSTOT: AGREE.
10 MR. BRAUN: WE, BASICALLY IN OUR PAPERWORK,
11 TOOK -- AND CONCEDED THAT -- WE CONCEDED THAT IN
12 HINDSIGHT, WHAT THE PURPOSE OF THE PUBLICALLY
13 AVAILABLE -- READILY AVAILABLE PAY SCHEDULE AND SO
14 FORTH.
15 OUR CONCERN IS THAT THIS IS AN EMPLOYEE.
16 THE COURT: RIGHT.
17 AND WHAT I'M SAYING IS IF THERE IS AN
18 EMPLOYEE-EMPLOYER PROBLEM, THIS PROCEEDING BEFORE
19 CALPERS IS NOT THE PLACE TO RESOLVE IT.
20 CALPERS, IN AN ADMINISTRATIVE PROCEEDING,
21 HAS NO STAKE IN THAT OUTCOME. IT'S NOT GOING TO BE
22 HELPFUL AT ALL IN RESOLVING THIS CASE.
23 MR. BRAUN: WELL, THE CITY IS A PARTY TO
24 THIS TOO. IT'S NOT JUST BETWEEN CALPERS AND THE
25 CITY.

1 THE CITY IS THE ONE WHO HAS THE ECONOMIC
2 INTEREST IN THIS TO CLAW BACK MONEY. CALPERS, IN
3 THEORY, HAS NO ECONOMIC INTEREST BECAUSE HER PENSION
4 IS FULLY FUNDED.
5 SO IT SEEMS TO ME THAT THE DOCTRINE OF
6 EQUITABLE ESTOPPEL -- IF AN EMPLOYEE RELIES ON A
7 SYSTEM THAT IS SET UP BY THE CITY, IN CALPERS, IS
8 MONITORED BY CALPERS THROUGH AUDITS AND SO FORTH --
9 THE COURT: CALPERS CAN'T ISSUE AN ORDER
10 THAT TELLS THE CITY WHAT TO DO. IT CAN'T TELL THE
11 CITY "LOOK, CUT A CHECK TO MS. SPACCIA FOR THIS MUCH
12 MONEY."
13 IT JUST DOESN'T HAVE THAT RIGHT. THE BOARD
14 OF ADMINISTRATION DOES NOT HAVE THAT RIGHT. ALL THEY
15 HAVE IN FRONT OF THEM IS "WHAT SHOULD I DO WITH THIS
16 PENSION."
17 MR. BRAUN: RIGHT.
18 AND, YOUR HONOR, IT'S OUR POSITION THAT
19 CALPERS DOES HAVE A FIDUCIARY RESPONSIBILITY, NOT
20 ONLY TO ITS MUNICIPALITIES BUT TO THE EMPLOYEES OF
21 THE MUNICIPALITIES.
22 WHEN A SYSTEM IS SET UP IN WHICH CALPERS
23 PARTICIPATES AND WHICH CALPERS BASICALLY LEADS, ANY
24 REASONABLE PERSON WHO'S EMPLOYED BY THE CITY OF BELL
25 WHO WAS WORKING THERE DAY IN AND DAY OUT, DRAWING A

1 SALARY, BELIEVING THEY HAVE A CALPERS PENSION,
2 KNOWING THAT CALPERS IN PARTICULAR HAS AUDITED THE
3 CITY OF BELL FOR COMPLIANCE, AND THEN RETIRES, AND
4 ALL OF A SUDDEN CALPERS RAISES AN ISSUE THAT THERE IS
5 A NONCOMPLIANCE IN ONE OF THEIR REQUIREMENTS, THEY'VE
6 BASICALLY, BY THEIR SILENCE AND NOT BRINGING IT TO
7 THEIR ATTENTION -- SOMETHING THAT SHOULD BE
8 OBVIOUS --
9 THE COURT: I'LL LET YOU GO ON.
10 MR. BRAUN: YEAH. OKAY.
11 THE COURT: GO AHEAD.
12 MR. BRAUN: THEY'RE ESTOPPED THEN FROM
13 ASSERTING THAT PARTICULAR DEFECT --
14 THE COURT: I UNDERSTAND THAT'S YOUR
15 ARGUMENT.
16 MR. BRAUN: YES.
17 ESSENTIALLY, THAT SEEMS TO ME, NOT ONLY THE
18 ARGUMENT, BUT THAT'S THE ONLY THING THAT CAN POSSIBLY
19 BE FAIR TO EMPLOYEES.
20 BECAUSE THIS MEANS, AS WE HAVE POINTED
21 OUT --
22 THE COURT: GO AHEAD. PUT ON YOUR
23 EVIDENCE.
24 MR. BRAUN: OKAY. WELL, I JUST WANT TO
25 MAKE ONE OTHER --

1 THE COURT: GO AHEAD.
2 MR. BRAUN: CAN I JUST MAKE ONE OTHER
3 POINT, YOUR HONOR, THAT I --
4 THE COURT: I COULDN'T STOP YOU IF I WANTED
5 TO.
6 MR. BRAUN: OKAY. ALL RIGHT.
7 THIS NOT ONLY INVOLVES MS. SPACCIA, BUT IT
8 INVOLVES EVERY OTHER EMPLOYEE THAT HAS RETIRED FROM
9 THE CITY OF BELL.
10 IT'S NOT LIKE -- RANDY ADAMS IS TOTALLY A
11 UNIQUE SITUATION. SO IS MR. RIZZO, FOR REASONS THAT
12 WE ALL KNOW.
13 MS. SPACCIA IS AN EMPLOYEE.
14 THERE IS AT LEAST SIX OR SEVEN OTHER PEOPLE
15 WHO HAVE ALREADY RETIRED FROM THE CITY OF BELL WHO
16 ARE DRAWING PENSIONS UNDER THE SAME RUBRIC THAT SHE
17 IS DRAWING PENSIONS -- THAT SHE HAS FOR HER PENSION.
18 AND NO ONE RAISED WITH THEM THE ISSUE OF WHETHER OR
19 NOT THERE WAS A PUBLICALLY AVAILABLE PAY SCHEDULE.
20 NOW, MAYBE THEY SHOULD HAVE, BUT THIS WOULD
21 MEAN IN HER CASE -- TO DECIDE THAT SHE CAN'T GET A
22 PENSION FROM CALPERS BECAUSE OF THIS DEFECT WOULD
23 MEAN THEY COULD GO --
24 IN FACT, I THINK MR. KENNEDY HAS POINTED
25 OUT THEY HAVE TO GO BACK, THEN, TO ALL THESE OTHER

1 EMPLOYEES AND SAY, "OH, BY THE WAY, YOU'VE BEEN
2 RETIRED FOR THREE YEARS, FOUR YEARS," SO FORTH, "AND
3 YOU'RE NO LONGER GOING TO GET YOUR PENSION BECAUSE
4 THE CITY OF BELL NEVER HAD A PUBLICALLY AVAILABLE PAY
5 SCHEDULE AS DEFINED BY CALPERS, AND YOU NO LONGER
6 HAVE A PENSION."
7 AND TO ME, IN TERMS OF EQUITY AND FAIRNESS
8 AND ALSO JUST STABILITY OF A SOCIETY, THAT IS NOT THE
9 WAY WE SHOULD BE RUNNING A PENSION SYSTEM.
10 YOU HAVE TO BE ABLE TO WORK, RELY ON A
11 PENSION SYSTEM, RELY ON PEOPLE FOR COMPLIANCE, AND
12 NOT BE DEPRIVED OF IT BECAUSE OF A DEFECT THAT WAS
13 OVERLOOKED AND NEVER ARTICULATED.
14 THAT'S THE ESSENCE OF OUR -- IN ADDITION TO
15 THE ISSUE OF WHETHER OR NOT THE REGULATIONS ARE
16 RETROACTIVE, YOUR HONOR.
17 THE COURT: OKAY. ANYTHING FURTHER?
18 MR. BRAUN: NOTHING FURTHER, YOUR HONOR.
19 THE COURT: OKAY. ASK THE QUESTION.
20 BY MR. BRAUN:
21 Q. MS. SPACCIA, IN TERMS OF COMPLIANCE WITH
22 THE CALPERS REGULATIONS, DID YOU HAVE -- OTHER THAN
23 YOUR INVOLVEMENT IN THE AUDIT ITSELF, DID YOU HAVE
24 ANY OVERALL RESPONSIBILITIES FOR THAT?
25 A. NO.

1 Q. DID YOU HAVE ANY SPECIAL TRAINING WITH
2 REGARDS TO CALPERS REGULATIONS?
3 A. NO.
4 Q. TO YOUR KNOWLEDGE, DID THE CITY OF BELL
5 EVER RECEIVE ANY INFORMATION FROM CALPERS WITH REGARD
6 TO THE REQUIREMENT THAT THERE BE A PUBLICALLY
7 AVAILABLE PAY SCHEDULE THAT WOULD INCLUDE ALL
8 EMPLOYEES ON IT?
9 A. NO.
10 Q. DID THE CITY OF BELL EVER RECEIVE ANY
11 MEMORANDUMS OR INFORMATION FROM CALPERS THAT
12 PUBLICALLY AVAILABLE DID NOT INCLUDE PUBLIC
13 INFORMATION REQUESTS?
14 MR. KENNEDY: OBJECTION, YOUR HONOR. THIS
15 CALLS FOR SPECULATION, LACK OF FOUNDATION.
16 MR. BRAUN: TO HER KNOWLEDGE, YOUR HONOR.
17 THE COURT: YEAH, OVERRULED.
18 THE WITNESS: CAN YOU ASK THE QUESTION
19 AGAIN?
20 BY MR. BRAUN:
21 Q. TO YOUR KNOWLEDGE, DID THE CITY OF BELL
22 EVER RECEIVE ANY GENERALIZED INFORMATION FROM CALPERS
23 ALERTING THE CITY OF BELL THAT PUBLICALLY AVAILABLE
24 MEANT ALMOST INSTANTLY AVAILABLE -- DID NOT INCLUDE
25 THE SYSTEM OF PUBLIC INFORMATION REQUEST?

1 A. NO.
2 Q. WOULD YOU HAVE CONTINUED TO WORK AT THE
3 CITY OF BELL HAD YOU THOUGHT THAT THERE WAS A FATAL
4 DEFECT IN YOUR PENSION SYSTEM?
5 MR. KENNEDY: OBJECTION; CALLS FOR
6 SPECULATION.
7 MR. ONSTOT: IRRELEVANT.
8 MR. BRAUN: GOES TO RELIANCE, YOUR HONOR.
9 THE COURT: OVERRULED.
10 THE WITNESS: ABSOLUTELY NOT.
11 BY MR. BRAUN:
12 Q. HAD YOU BEEN INFORMED BY ANYONE --
13 CALPERS, THE CITY OF BELL, THE ACCOUNTANTS, THE
14 LAWYERS -- THAT THERE WAS A POTENTIAL FATAL DEFECT IN
15 YOUR PENSION, WOULD YOU HAVE TAKEN ACTION TO ATTEMPT
16 TO GET THE CITY OF BELL TO COMPLY WITH THE CALPERS
17 REGULATIONS?
18 A. I WOULD HAVE DONE EVERYTHING POSSIBLE, YES.
19 Q. IN TERMS OF THE ATTEMPTS -- YOU BECAME
20 AWARE, DID YOU NOT, AFTER YOU RETIRED THAT THERE WERE
21 ATTEMPTS FROM THE CITY OF BELL TO CONCEAL FROM THE
22 PUBLIC, THE EMPLOYMENT AGREEMENTS FOR ROBERT RIZZO
23 AND RANDY ADAMS?
24 A. YES. I LEARNED THROUGH THE MEDIA.
25 Q. WAS THERE EVER, TO YOUR KNOWLEDGE, ANY

1 ATTEMPT TO CREATE FAKE OR MULTIPLE CONTRACTS WITH
2 RESPECT TO YOUR SALARY?
3 A. NO.
4 Q. DID YOU PARTICIPATE IN ANY ASPECT, IN ANY
5 WAY, IN CREATING THE BACKDATED PHONY DOCUMENTS THAT
6 WERE TO BE USED BY ROBERT RIZZO AND RANDY ADAMS?
7 A. ABSOLUTELY NOT.
8 MR. KENNEDY: OBJECTION, YOUR HONOR; VAGUE
9 AS TO "ANY WAY."
10 MR. ONSTOT: AND IRRELEVANT.
11 THE COURT: OVERRULED.
12 BY MR. BRAUN:
13 Q. HAD YOU EVER BEEN APPROACHED BY
14 ROBERT RIZZO AND ASKED TO CREATE ANY BACKDATED
15 EMPLOYMENT DOCUMENTS?
16 A. YES. ONCE.
17 Q. AND WHAT WAS YOUR RESPONSE?
18 A. THAT THAT WASN'T SOMETHING WE COULD DO.
19 Q. THAT WHAT?
20 A. THAT THAT WAS NOT SOMETHING WE COULD DO.
21 Q. SO YOU REFUSED TO DO IT?
22 A. I REFUSED, YES.
23 Q. AND THAT WAS WITH RESPECT TO ONE POLICE
24 OFFICER?
25 A. A POLICE LIEUTENANT, YES.

1 MR. BRAUN: CAN WE HAVE ABOUT A TWO-MINUTE
2 BREAK SO I CAN CONFER WITH MY CLIENT? WE MAY BE ABLE
3 TO SPEED THINGS UP.
4 THE COURT: SURE.
5 MR. BRAUN: THANK YOU.
6 (WHEREUPON, A RECESS WAS HELD
7 FROM 10:26 A.M. TO 10:29 A.M.)
8 THE COURT: OKAY. WE WERE OFF THE RECORD
9 AND YOU WERE --
10 MR. BRAUN: I THINK I MIGHT UNDERSTAND
11 WHERE THE COURT IS COMING FROM, AND I THINK YOU
12 UNDERSTAND WHERE WE'RE COMING FROM.
13 WE BELIEVE -- I'M JUST TRYING TO SHORTEN
14 THIS PROCEEDING SO THAT WE DON'T GO OFF ON
15 IRRELEVANCIES.
16 WE BELIEVE THAT THE PUBLICALLY AVAILABLE
17 PAY SCHEDULE COULD AT THAT TIME BE REASONABLY
18 INTERPRETED THE WAY MS. SPACCIA DID.
19 ALTHOUGH, I CERTAINLY UNDERSTAND THE
20 RATIONAL THAT YOUR HONOR HAS IN TERMS OF PUBLIC
21 INFORMATION AND WHAT THE PUBLIC CAN READILY GET.
22 IT'S OUR POSITION THAT DESPITE THAT
23 INTERPRETATION, THE DOCTRINE OF EQUITABLE ESTOPPEL
24 APPLIES TO AN EMPLOYEE WHO IS NOT RESPONSIBLE FOR THE
25 NONCOMPLIANCE AND HAS NO NOTICE OF THE NONCOMPLIANCE

1 AND REASONABLY RELIED ON THEIR EMPLOYER AND CALPERS
2 TO LEAD THEM TO BELIEVE THAT THEY HAD A PENSION.
3 SIMPLE AS THAT.
4 SO, BASICALLY, THAT'S THE ISSUE THAT WE
5 WERE FOCUSING ON. WE MADE OUR RECORD ON THAT.
6 I JUST WANT TO GO BACK ON A COUPLE OF OTHER
7 ISSUES.
8 BY MR. BRAUN:
9 Q. MS. SPACCIA, IN TERMS OF THE CALCULATIONS
10 THAT CALPERS USED AT THE CITY OF VENTURA, WAS THERE A
11 MISTAKE, IN YOUR OPINION, ON THAT?
12 A. YES.
13 Q. WHAT WAS THAT?
14 MR. KENNEDY: SORRY. CITY OF VENTURA, DID
15 YOU SAY?
16 THE WITNESS: COUNTY OF VENTURA.
17 MR. BRAUN: COUNTY OF VENTURA.
18 MR. KENNEDY: ARE WE REFERRING TO A
19 DOCUMENT?
20 MR. BRAUN: NO.
21 BY MR. BRAUN:
22 Q. WOULD YOU EXPLAIN WHAT YOUR SALARY WAS THAT
23 SHOULD BE USED FOR THAT PARTICULAR CALCULATION?
24 A. CAN I -- I HAVE A FOLDER THERE WITH NO NAME
25 ON IT. IT'S JUST A -- CAN I HAVE ACCESS TO THAT?

1 Q. OKAY.
2 A. WHEN I LOOKED AT WHAT CALPERS HAD SUGGESTED
3 BY TRYING TO USE MY OLD SALARIES FROM THE 1980S AND
4 1990S, I WENT BACK AND VERIFIED THOSE SALARIES THAT
5 CALPERS USED.
6 AND THE VENTURA COUNTY, FULL SALARY THAT I
7 HAD WAS $11,729.26, WHERE CALPERS DID NOT GIVE ME
8 FULL CREDIT FOR THAT.
9 THE COURT: WHAT WAS YOUR SALARY?
10 THE WITNESS: $11,729.26 MONTHLY.
11 MR. KENNEDY: CAN I ASK WHAT PERIOD WE'RE
12 TALKING ABOUT?
13 THE WITNESS: APPROXIMATELY 2001.
14 THE COURT: AND HOW MANY MONTHS DID YOU
15 EARN THAT?
16 THE WITNESS: I BELIEVE IT WAS NINE MONTHS.
17 MR. BRAUN: JUST FOR THE --
18 MR. KENNEDY: YOUR HONOR, OBJECT WITHOUT
19 FURTHER EVIDENCE. IT'S LACK OF FOUNDATION, AND IT'S
20 HEARSAY WITHOUT ANY OTHER DOCUMENTATION TO SUPPORT
21 THAT.
22 MR. BRAUN: SHE CAN TESTIFY TO WHAT HER
23 SALARY WAS.
24 THE COURT: I AGREE.
25 ///

1 BY MR. BRAUN:
2 Q. NOW, JUST TO CLARIFY ONE THING. YOUR
3 POSITION AT THE CITY OF BELL FOR THE LAST SEVEN
4 MONTHS WAS AS A C.A.O. OF A MAJOR CITY, WAS IT NOT?
5 A. CITY MANAGER OF A SIMILAR-SIZED CITY TO
6 BELL.
7 Q. AND WHAT CITY WAS THAT?
8 A. CITY OF MAYWOOD.
9 Q. AND MAYWOOD IS APPROXIMATELY -- THE
10 POPULATION IS ABOUT THE SAME AS THE CITY OF BELL?
11 A. YES.
12 THE COURT: IT'S ABOUT 35,000?
13 THE WITNESS: DOCUMENTED, YES, 35,000.
14 BY MR. BRAUN:
15 Q. THEY ARE CITIES WITH A LOT OF UNDOCUMENTED
16 INHABITANTS; IS THAT RIGHT?
17 A. RIGHT. WE'VE ALWAYS ESTIMATED MORE LIKE
18 55,000.
19 Q. FOR BOTH CITIES?
20 A. FOR EACH, YES.
21 MR. BRAUN: NOW, LET ME JUST -- THERE'S ONE
22 OTHER MATTER. I DON'T KNOW IF IT'S IRRELEVANT,
23 YOUR HONOR, IN TERMS OF WHAT WE'VE BEEN DISCUSSING
24 TODAY.
25 ED LEE TESTIFIED AT THE LAST HEARING, IF

1 YOU RECALL, THAT AS TO THE ADDENDUM NUMBER 2 TO
2 MS. SPACCIA'S EMPLOYMENT AGREEMENT, WHICH WOULD HAVE
3 BEEN THE 2005 EMPLOYMENT AGREEMENT THAT WAS PASSED BY
4 THE CITY OF BELL, THAT HE DID NOT SIGN IT EVEN THOUGH
5 IT APPEARS TO BE HIS SIGNATURE.
6 I HAVE HIS TESTIMONY FROM A PRELIMINARY
7 HEARING WHERE HE SAYS IT APPEARS TO BE HIS SIGNATURE.
8 HE JUST DOESN'T KNOW HOW IT GOT THERE.
9 THE COURT: YOU WANT TO READ IT INTO THE
10 RECORD?
11 MR. BRAUN: OKAY. LET'S SEE.
12 MR. KENNEDY: CAN WE HAVE A REFERENCE TO
13 THAT? BECAUSE I MAY WANT TO SUBMIT REBUTTAL
14 TESTIMONY FROM MR. LEE ON THAT SAME RECORD.
15 MR. BRAUN: LET'S SEE. ON PAGE 107 OF THE
16 PRELIMINARY HEARING DATED MAY 4, 2010, MR. LEE --
17 THE COURT: LET HIM GET THERE.
18 MR. KENNEDY: THANK YOU.
19 MR. BRAUN: THE DISTRICT ATTORNEY:
20 "PLEASE TURN TO PEOPLE'S NUMBER 73.
21 "YES.
22 "DID YOU CREATE NUMBER 73,
23 ADDENDUMS 2, TO MS. SPACCIA'S EMPLOYMENT
24 CONTRACT?
25 "I DON'T BELIEVE I DID.

1 "WHEN WAS THE FIRST TIME YOU SAW 73?
2 "AGAIN, DURING THE PRODUCTION OF
3 RECORDS UNDER THE PUBLIC RECORDS ACT.
4 "PLEASE TURN TO THE SIGNATURE PAGE
5 OF 73.
6 "YES.
7 "DOES IT APPEAR TO BE YOUR SIGNATURE
8 ON 73?
9 "YES, IT DOES APPEAR TO BE MY
10 SIGNATURE.
11 "SINCE YOU HAVE NO RECOLLECTION OF
12 CREATING OR SEEING PEOPLE'S 73 BEFORE
13 2010 OR EVER CREATING 73 OR SEEING IT
14 BEFORE 2010, DO YOU HAVE ANY IDEA HOW
15 YOUR SIGNATURE COULD BE ON 73?
16 "NO.
17 MR. KENNEDY: AND MAY HE FINISH THE
18 STATEMENT, THEN, FOR THE RECORD?
19 MR. BRAUN: (READING):
20 "EVEN THOUGH YOU DID NOT CREATE 73,
21 DID YOU AUTHORIZE OR APPROVE ITS CREATION?
22 "NO, I DID NOT."
23 THE COURT: YES. THAT WILL BE ADMITTED AND
24 BE GIVEN THE WEIGHT TO WHICH IT'S ENTITLED.
25 MR. BRAUN: AND THEN I HAVE ANOTHER

1 INTERVIEW BY THE DISTRICT ATTORNEY.
2 THE COURT: AN INTERVIEW?
3 MR. BRAUN: YES.
4 THE COURT: NOT UNDER OATH?
5 MR. BRAUN: NOT UNDER OATH, YOUR HONOR.
6 MR. KENNEDY: OBJECTION, YOUR HONOR; LACK
7 OF FOUNDATION.
8 MR. BRAUN: WE'LL OFFER IT AS
9 ADMINISTRATIVE HEARSAY FOR WHATEVER IT'S WORTH.
10 MR. KENNEDY: AND RELEVANCY.
11 THE COURT: WHAT'S THE OFFER OF PROOF?
12 MR. BRAUN: THAT -- NO, ACTUALLY, IT'S
13 PRETTY CONSISTENT WITH THE OTHERS, YOUR HONOR.
14 THE COURT: OKAY.
15 MR. BRAUN: I ALSO BELIEVE -- I'M JUST
16 DOING IT FOR THE RECORD -- BECAUSE I BELIEVE THAT
17 SINCE THE 2006-42 GAVE MR. RIZZO THE AUTHORITY TO
18 SIGN CONTRACTS, THAT WHAT HAPPENED BEFORE THAT WOULD
19 NOT BE RELEVANT, IN OTHER WORDS, THAT ALL THE
20 CONTRACTS OF MS. SPACCIA FROM 2006 TO HER RETIREMENT
21 WAS SIGNED BY MR. RIZZO, REALLY DOESN'T MAKE ANY
22 DIFFERENCE WHETHER OR NOT MR. LEE SIGNED IT OR DID
23 NOT.
24 IT WOULD NOT BE RELEVANT. SO WE'LL -- I'M
25 NOT SURE IF WE FORMALLY OFFERED OUR EXHIBITS.

1 THE COURT: NO, THEY'RE NOT.
2 MR. BRAUN: I'M NOT GOING TO OFFER THEM
3 ALL.
4 THE COURT: MS. SPACCIA, DO YOU HAVE ANY
5 EVIDENCE THAT YOU RECEIVED $11,729.26 PER MONTH?
6 THE WITNESS: I DO.
7 THE COURT: FOR A PERIOD OF NINE MONTHS?
8 THE WITNESS: YES. IN FACT, THAT'S THE
9 NUMBER THAT THE VENTURA COUNTY RETIREMENT SYSTEM IS
10 USING FOR THEIR CALCULATION.
11 THE COURT: OKAY. AND IS THIS SOMEWHERE IN
12 THE RECORD HERE?
13 THE WITNESS: NO.
14 THE COURT: OKAY. DO YOU HAVE SOME
15 DOCUMENT THAT WOULD SHOW ME THAT YOU EARNED THAT?
16 THE WITNESS: I SHOULD, YES.
17 THE COURT: IS IT HERE?
18 THE WITNESS: NOT WITH ME, NO.
19 MR. BRAUN: COULD WE SUBMIT THAT, YOUR
20 HONOR?
21 THE COURT: WELL --
22 MR. KENNEDY: YOUR HONOR, IF THE GROSS PAY
23 THAT A NON-PERS EMPLOYER PROVIDED --
24 THE COURT: OH, IS THE COUNTY OF VENTURA
25 NOT A PERS?

1 THE WITNESS: RECIPROCAL.
2 MR. KENNEDY: IT'S A RECIPROCAL. IT'S NOT
3 A PERS.
4 AND WE'RE NOT BOUND -- PLUS, SHE'S -- IF
5 SHE'S EVEN CORRECT, IT'S GROSS PAY SHE'S MENTIONING.
6 THE COURT: GROSS PAY BEING?
7 MR. KENNEDY: WELL, IT WOULD BE --
8 THE COURT: MY RETIREMENT IS BASED ON MY
9 GROSS PAY.
10 MR. KENNEDY: YES, IT IS.
11 BUT ALSO, THE ITEMS -- IF YOU ARE A
12 RECIPROCAL AGENCY, NOT ALL ITEMS OF COMPENSATION PAID
13 WOULD BE RECOGNIZED BY PERS NOR NEED TO BE.
14 THE COURT: OKAY.
15 BY MR. BRAUN:
16 Q. DID THAT INCLUDE ANY OVERTIME, OR ANY
17 SPECIAL PAY OR ANYTHING?
18 A. NO. I WASN'T ENTITLED TO OVERTIME.
19 SPECIAL PAY --
20 Q. DID IT INCLUDE ANY 401 OR ANYTHING LIKE
21 THAT?
22 A. OH, NO.
23 Q. THAT WAS JUST THE PAY RATE PER MONTH FOR
24 EMPLOYMENT?
25 A. THAT WAS MY PAY RATE.

1 MR. KENNEDY: I HAVE NO EVIDENCE OF THAT.
2 I DON'T KNOW IF IT INCLUDED AUTO PAY OR ANY ITEMS OF
3 SPECIAL COMPENSATION.
4 THE COURT: SO SINCE YOU DON'T KNOW THAT
5 AND SINCE CALPERS HAS A FIDUCIARY DUTY, THAT WOULD BE
6 SOMETHING YOU'D LIKE TO KNOW.
7 MR. KENNEDY: WELL, CALPERS I BELIEVE
8 ESTABLISHES THAT AT $10,819 FOR THAT PERIOD OF TIME
9 FOR THE PURPOSE OF CALCULATING THE ALLOWANCE.
10 THE WITNESS: I HAVE $9,000.
11 MR. KENNEDY: AND PLUS IT'S THE AVERAGE OF
12 THE 12 THAT SHE WOULD USE FOR THE ONE-YEAR FINAL
13 COMP.
14 THE COURT: OKAY.
15 YOU WANT TO GO THROUGH YOUR EXHIBITS?
16 MR. BRAUN: YES, YOUR HONOR.
17 THE COURT: OKAY.
18 MR. BRAUN: EXHIBIT NUMBER 2.
19 THE COURT: ANY OBJECTION?
20 MR. KENNEDY: YES. IT'S HEARSAY,
21 RELEVANCY, AND IT'S REALLY ARGUMENT.
22 IT'S JUST BASICALLY A RECITATION BY THE
23 WITNESS OF OBSERVATIONS, INCLUDING THE SURMISED
24 ARSONING OF A BUILDING IN BELL.
25 THE COURT: I THINK WE'RE TALKING ABOUT

1 RESOLUTION NUMBER 2002-29, ARE WE NOT?
2 MR. KENNEDY: I'M SORRY. THE FIRST
3 DOCUMENT I HAD LISTED AS NUMBER ONE. OKAY.
4 NO OBJECTION.
5 (RESPONDENTS' EXHIBIT NUMBER 2 WAS MARKED
6 FOR IDENTIFICATION BY THE COURT AND RECEIVED
7 INTO EVIDENCE.)
8 MR. BRAUN: NO. 3.
9 MR. KENNEDY: NO OBJECTION.
10 THE COURT: ANY OBJECTION?
11 MR. ONSTOT: NO.
12 THE COURT: BE RECEIVED, EXHIBIT 3.
13 (RESPONDENTS' EXHIBIT NUMBER 3 WAS MARKED
14 FOR IDENTIFICATION BY THE COURT AND RECEIVED
15 INTO EVIDENCE.)
16 MR. BRAUN: NO. 4.
17 MR. KENNEDY: NO OBJECTION.
18 THE COURT: ANY OBJECTION?
19 MR. ONSTOT: NONE.
20 THE COURT: PARDON ME?
21 MR. ONSTOT: NONE.
22 THE COURT: IT WILL BE RECEIVED.
23 (RESPONDENTS' EXHIBIT NUMBER 4 WAS MARKED
24 FOR IDENTIFICATION BY THE COURT AND RECEIVED
25 INTO EVIDENCE.)

1 MR. BRAUN: 5.
2 MR. KENNEDY: NONE.
3 MR. ONSTOT: NONE.
4 THE COURT: BE RECEIVED.
5 (RESPONDENTS' EXHIBIT NUMBER 5 WAS MARKED
6 FOR IDENTIFICATION BY THE COURT AND RECEIVED
7 INTO EVIDENCE.)
8 MR. BRAUN: 6.
9 MR. KENNEDY: NONE.
10 MR. BRAUN: 7.
11 THE COURT: HOLD ON.
12 ANY OBJECTION TO 6?
13 MR. ONSTOT: NO.
14 THE COURT: BE RECEIVED.
15 (RESPONDENTS' EXHIBIT NUMBER 6 WAS MARKED
16 FOR IDENTIFICATION BY THE COURT AND RECEIVED
17 INTO EVIDENCE.)
18 THE COURT: EXHIBIT 7.
19 MR. KENNEDY: NO.
20 MR. BRAUN: 8.
21 THE COURT: IT WILL BE RECEIVED.
22 (RESPONDENTS' EXHIBIT NUMBER 7 WAS MARKED
23 FOR IDENTIFICATION BY THE COURT AND RECEIVED
24 INTO EVIDENCE.)
25 THE COURT: LET'S HOLD ON.

1 NUMBER 8?
2 YOU'RE GOING TO HAVE TO WAIT HERE.
3 MR. BRAUN: OKAY.
4 THE COURT: YOU'RE CHAMPING AT THE BIT
5 THERE.
6 ANY OBJECTION TO EXHIBIT 8?
7 MR. KENNEDY: NO OBJECTION.
8 MR. ONSTOT: NONE.
9 THE COURT: BE RECEIVED.
10 (RESPONDENTS' EXHIBIT NUMBER 8 WAS MARKED
11 FOR IDENTIFICATION BY THE COURT AND RECEIVED
12 INTO EVIDENCE.)
13 MR. BRAUN: NUMBER 9.
14 MR. KENNEDY: NO OBJECTION.
15 MR. BRAUN: NONE.
16 THE COURT: BE RECEIVED.
17 (RESPONDENTS' EXHIBIT NUMBER 9 WAS MARKED
18 FOR IDENTIFICATION BY THE COURT AND RECEIVED
19 INTO EVIDENCE.)
20 MR. BRAUN: 11.
21 MR. KENNEDY: NO OBJECTION.
22 MR. ONSTOT: NONE.
23 THE COURT: BE RECEIVED.
24 ///
25 ///

1 (RESPONDENTS' EXHIBIT NUMBER 11 WAS MARKED
2 FOR IDENTIFICATION BY THE COURT AND RECEIVED
3 INTO EVIDENCE.)
4 MR. BRAUN: 12.
5 MR. KENNEDY: NO OBJECTION.
6 MR. ONSTOT: NONE.
7 THE COURT: BE RECEIVED.
8 (RESPONDENTS' EXHIBIT NUMBER 12 WAS MARKED
9 FOR IDENTIFICATION BY THE COURT AND RECEIVED
10 INTO EVIDENCE.)
11 MR. BRAUN: 13.
12 MR. KENNEDY: WE WOULD OBJECT, YOUR HONOR.
13 THERE'S BEEN TESTIMONY THAT THE SIGNATURE
14 PAGE CONTAINS A SIGNATURE -- PURPORTS TO BE THE
15 SIGNATURE OF MR. LEE.
16 MR. LEE HAS TESTIFIED DIRECTLY AT THIS
17 HEARING THAT HE DID NOT SIGN THAT DOCUMENT AND DOES
18 NOT KNOW HOW THE SIGNATURE GOT THERE.
19 THE COURT: DO YOU HAVE ANY OBJECTION OR
20 NOT?
21 MR. ONSTOT: NONE.
22 THE COURT: BE RECEIVED.
23 (RESPONDENTS' EXHIBIT NUMBER 13 WAS MARKED
24 FOR IDENTIFICATION BY THE COURT AND RECEIVED
25 INTO EVIDENCE.)

1 MR. BRAUN: NUMBER 14.
2 MR. KENNEDY: I'D LIKE TO ARGUE RELEVANCY,
3 YOUR HONOR. THERE'S BEEN NO TESTIMONY, I BELIEVE, ON
4 THAT.
5 THE COURT: HOW IS THIS ORGANIZATIONAL
6 CHART GOING TO HELP ME?
7 MR. BRAUN: JUST SHOWING THAT THE ASSISTANT
8 OF THE C.A.O. ISN'T EVEN INVOLVED AT THE DAILY
9 OPERATIONS OF THE CITY OF BELL.
10 MR. KENNEDY: I DON'T SEE THE ASSISTANT TO
11 THE C.A.O. ANYWHERE ON THIS FLOWCHART.
12 MR. BRAUN: RIGHT. EXACTLY. IT'S THE
13 ABSENCE THAT'S SIGNIFICANT.
14 THE COURT: SO THAT WOULD MAKE IT HARD FOR
15 SOMEONE TO KNOW TO EVEN LOOK FOR A -- MAKE A PUBLIC
16 RECORDS REQUEST.
17 DO YOU STILL OBJECT?
18 PARDON ME?
19 MR. KENNEDY: NO, YOUR HONOR.
20 THE COURT: DO YOU HAVE ANY OBJECTION?
21 MR. ONSTOT: NONE.
22 THE COURT: BE RECEIVED.
23 (RESPONDENTS' EXHIBIT NUMBER 14 WAS MARKED
24 FOR IDENTIFICATION BY THE COURT AND RECEIVED
25 INTO EVIDENCE.)

1 MR. BRAUN: 15.
2 MR. KENNEDY: NO OBJECTION.
3 MR. BRAUN: 16.
4 THE COURT: HOLD ON.
5 ANY OBJECTION TO 15?
6 MR. ONSTOT: NO.
7 THE COURT: BE RECEIVED.
8 (RESPONDENTS' EXHIBIT NUMBER 15 WAS MARKED
9 FOR IDENTIFICATION BY THE COURT AND RECEIVED
10 INTO EVIDENCE.)
11 MR. BRAUN: 17.
12 THE COURT: WE'RE STILL AT 16.
13 ANY OBJECTION?
14 MR. KENNEDY: NO OBJECTION.
15 MR. ONSTOT: NO OBJECTION.
16 THE COURT: BE RECEIVED.
17 MR. BRAUN: 17.
18 MR. KENNEDY: OH, 16, THERE'S AN OBJECTION.
19 THERE IS -- JUST TO CLARIFY THE RECORD, MY
20 COPY OF THAT HAS A COPY OF THE RESOLUTION 2006-42 AT
21 THE END OF IT, WHICH SEEMS TO BE JUST A SUPERFLUOUS
22 DOCUMENT THAT'S PUT THERE.
23 AND WITH THAT REMOVED, I WOULD HAVE NO
24 OBJECTION.
25 THE COURT: I DON'T HAVE IN HERE. SO

1 THERE'S NO OBJECTION.
2 MR. KENNEDY: OKAY.
3 THE COURT: ANY OBJECTION?
4 MR. ONSTOT: NONE.
5 THE COURT: BE RECEIVED.
6 (RESPONDENTS' EXHIBIT NUMBER 16 WAS MARKED
7 FOR IDENTIFICATION BY THE COURT AND RECEIVED
8 INTO EVIDENCE.)
9 MR. BRAUN: 18.
10 THE COURT: WE'RE STILL AT 17.
11 MR. KENNEDY: NO OBJECTION.
12 MR. ONSTOT: NO OBJECTION TO 17.
13 THE COURT: THANK YOU.
14 (RESPONDENTS' EXHIBIT NUMBER 17 WAS MARKED
15 FOR IDENTIFICATION BY THE COURT AND RECEIVED
16 INTO EVIDENCE.)
17 MR. BRAUN: 18.
18 MR. KENNEDY: NO OBJECTION.
19 MR. ONSTOT: NONE.
20 THE COURT: BE RECEIVED.
21 (RESPONDENTS' EXHIBIT NUMBER 18 WAS MARKED
22 FOR IDENTIFICATION BY THE COURT AND RECEIVED
23 INTO EVIDENCE.)
24 MR. BRAUN: 19.
25 MR. KENNEDY: NO OBJECTION.

1 MR. ONSTOT: NONE.
2 THE COURT: BE RECEIVED.
3 (RESPONDENTS' EXHIBIT NUMBER 19 WAS MARKED
4 FOR IDENTIFICATION BY THE COURT AND RECEIVED
5 INTO EVIDENCE.)
6 MR. BRAUN: 20.
7 MR. KENNEDY: NO OBJECTION.
8 MR. ONSTOT: NONE.
9 THE COURT: BE RECEIVED.
10 (RESPONDENTS' EXHIBIT NUMBER 20 WAS MARKED
11 FOR IDENTIFICATION BY THE COURT AND RECEIVED
12 INTO EVIDENCE.)
13 MR. BRAUN: 21.
14 MR. KENNEDY: IS THIS A PARTIAL COPY OF THE
15 MINUTES?
16 MR. BRAUN: MINE GOES TO 1816.
17 THE COURT: SO DOES MINE.
18 MR. KENNEDY: I'M JUST ASKING IS THAT THE
19 ENTIRE DOCUMENT?
20 MR. BRAUN: I THINK SO. I THINK SO BECAUSE
21 AT THE END IT SAYS "NO ITEMS WERE IDENTIFIED FOR THE
22 NEXT PLANNING COMMISSION MEETING."
23 MR. KENNEDY: NO OBJECTION.
24 MR. ONSTOT: NONE.
25 THE COURT: BE RECEIVED.

1 (RESPONDENTS' EXHIBIT NUMBER 21 WAS MARKED
2 FOR IDENTIFICATION BY THE COURT AND RECEIVED
3 INTO EVIDENCE.)
4 MR. BRAUN: 22.
5 MR. KENNEDY: NO OBJECTION.
6 MR. ONSTOT: NONE.
7 THE COURT: BE RECEIVED.
8 (RESPONDENTS' EXHIBIT NUMBER 22 WAS MARKED
9 FOR IDENTIFICATION BY THE COURT AND RECEIVED
10 INTO EVIDENCE.)
11 MR. BRAUN: 23.
12 MR. KENNEDY: NO OBJECTION.
13 MR. ONSTOT: NONE.
14 THE COURT: BE RECEIVED.
15 (RESPONDENTS' EXHIBIT NUMBER 23 WAS MARKED
16 FOR IDENTIFICATION BY THE COURT AND RECEIVED
17 INTO EVIDENCE.)
18 MR. BRAUN: 24.
19 MR. KENNEDY: NO OBJECTION.
20 MR. ONSTOT: NONE.
21 MR. BRAUN: 25.
22 THE COURT: 24 WILL BE RECEIVED.
23 (RESPONDENTS' EXHIBIT NUMBER 24 WAS MARKED
24 FOR IDENTIFICATION BY THE COURT AND RECEIVED
25 INTO EVIDENCE.)

1 THE COURT: 25 WILL BE THE SALARY
2 SPREADSHEET.
3 MR. KENNEDY: OBJECTION; LACK OF
4 FOUNDATION, HEARSAY.
5 IT'S A DOCUMENT, NOT A BUSINESS RECORD,
6 CREATED. IT IS SOMETHING CREATED, I BELIEVE, FOR THE
7 PURPOSE OF LITIGATION BY SOMEBODY ELSE.
8 THE COURT: MR. ONSTOT?
9 MR. ONSTOT: WE'LL JOIN.
10 THE COURT: WHO PREPARED 25?
11 MR. BRAUN: MAY I ASK MS. SPACCIA A
12 QUESTION, YOUR HONOR?
13 THE COURT: SURE.
14 BY MR. BRAUN:
15 Q. MS. SPACCIA, LOOKING AT 25, WHAT IS THAT
16 DOCUMENT?
17 A. THAT IS A SALARY SCHEDULE FOR THE
18 MANAGEMENT EMPLOYEES THAT WAS PREPARED BY
19 LOURDES GARCIA AND PROVIDED TO ME BY THE C.A.O.
20 Q. AND WHAT WAS THE PURPOSE OF PROVIDING IT TO
21 YOU?
22 A. TO TYPE IN THE AMOUNTS FOR EACH EMPLOYMENT
23 AGREEMENT.
24 Q. DID YOU BELIEVE THAT THAT SCHEDULE WAS
25 AVAILABLE TO THE PUBLIC?

1 A. I NEVER EVEN THOUGHT ABOUT IT. I DON'T
2 KNOW. I BELIEVE IT WAS. I DON'T KNOW THAT IT
3 WOULDN'T HAVE BEEN.
4 THE COURT: WELL, THIS WAS GIVEN TO YOU BY
5 MR. RIZZO?
6 THE WITNESS: YES.
7 THE COURT: AND HE SAID FILL IN THE BLANKS?
8 THE WITNESS: ON THE EMPLOYMENT AGREEMENT?
9 THE COURT: YES.
10 THE WITNESS: YES.
11 THE COURT: AND THEN YOU GAVE IT BACK TO
12 HIM?
13 THE WITNESS: IT WAS E-MAILED TO ME. SO I
14 HAD IT IN MY E-MAIL.
15 THE COURT: AND YOU SENT IT BACK TO HIM
16 WHEN IT WAS FILLED OUT?
17 THE WITNESS: I'M SORRY. THE EMPLOYMENT
18 AGREEMENT?
19 THE COURT: NO. THIS DOCUMENT ITSELF.
20 THE WITNESS: NO. I RETAINED THAT.
21 THE COURT: WHERE DID YOU RETAIN IT?
22 THE WITNESS: IN MY E-MAILS.
23 THE COURT: AND WHAT DID YOU DO WITH THAT
24 AFTER YOU FILLED OUT THE BLANKS?
25 MR. BRAUN: I THINK THE BLANKS ARE ON THE

1 TEMPLATES; NOT ON HERE.
2 THE COURT: RIGHT.
3 AFTER YOU FILLED IT OUT, DID MR. RIZZO SAY
4 "I'D LIKE HAVE IT BACK"?
5 THE WITNESS: WHEN I FILLED OUT THE
6 EMPLOYMENT AGREEMENTS, I GAVE THEM TO THE CITY CLERK,
7 AND THEN THE CITY CLERK WOULD HAVE HAD TO AT SOME
8 POINT GIVE THEM TO --
9 THE COURT: WHY DID YOU PREPARE EXHIBIT 25?
10 THE WITNESS: TO SHOW THAT THAT'S WHERE I
11 GOT MY INFORMATION TO FILL OUT THE EMPLOYMENT
12 AGREEMENTS.
13 MR. BRAUN: MAY I CLARIFY THIS, YOUR HONOR?
14 MR. KENNEDY: SHE DIDN'T PREPARE --
15 THE COURT: OBJECTION SUSTAINED.
16 MR. BRAUN: MAY I JUST CLARIFY, YOUR HONOR?
17 THE COURT: SURE.
18 BY MR. BRAUN:
19 Q. MS. SPACCIA, NUMBER 25, YOU DIDN'T PUT
20 THESE NUMBERS IN HERE, DID YOU?
21 A. NO.
22 Q. BUT ALL THE NUMBERS WERE IN THERE WHEN YOU
23 RECEIVED IT; CORRECT?
24 A. CORRECT.
25 Q. SO YOU WERE TOLD TO USE THESE NUMBERS TO

1 PREPARE THE INDIVIDUAL EMPLOYMENT AGREEMENTS FROM THE
2 TEMPLATE; IS THAT CORRECT?
3 A. YES.
4 Q. SO THIS WOULD HAVE BEEN THE NUMBER --
5 THE COURT: WHO PREPARED 25, THEN?
6 THE WITNESS: THE DIRECTOR OF
7 ADMINISTRATIVE SERVICES WHO WORKS FOR THE C.A.O.
8 BY MR. BRAUN:
9 Q. SO NONE OF THE INFORMATION IN THESE -- THE
10 SALARIES OR ANYTHING THAT IS IN THIS -- YOU HAD ANY
11 CONTROL -- OR YOU DIDN'T SET ANY OF THOSE, DID YOU?
12 A. NO. IN FACT, WHEN IT WAS PREPARED, I WAS
13 OUT TAKING CARE OF MY SON WITH HIS INJURIES.
14 THE COURT: OKAY. IT WON'T BE RECEIVED.
15 OBJECTION SUSTAINED.
16 BY MR. BRAUN:
17 Q. LET'S SEE. WE WANT TO OFFER 27.
18 THIS WOULD BE YOUR PENSION CALCULATION; IS
19 THAT CORRECT?
20 AND LET ME -- THIS WAS CORRECTED, WAS IT
21 NOT, AT THE PREVIOUS -- BECAUSE THERE WAS A MISTAKE
22 ON THE CALCULATION THAT YOU MADE?
23 A. YES. WE HAD INCLUDED THE DEFERRED
24 COMPENSATION WHICH WE DETERMINE WAS NOT ELIGIBLE.
25 Q. OKAY. SO THE -- WHAT WAS THE CORRECTION,

1 THEN?

2 SO FOR THE RECORD, AS PRINTED, IT'S NOT

3 CORRECT. BUT AS MODIFIED, EXCLUDING THE DEFERRED

4 COMPENSATION, WHAT WAS THE FIGURE?

5 A. THE MONTHLY RETIREMENT -- THE CORRECTED

6 MONTHLY RETIREMENT WOULD BE $13,562.30.

7 THE COURT: 13,000 --

8 THE WITNESS: -- $562.30.

9 THE COURT: THAT'S THE AMOUNT THAT YOU

10 CONTEND YOU'RE ENTITLED TO?

11 THE WITNESS: YES.

12 MR. BRAUN: WE WOULD OFFER NUMBER 28.

13 MR. KENNEDY: IS 27 IN?

14 THE COURT: NO.

15 MR. BRAUN: OH, SORRY. 27.

16 MR. KENNEDY: OBJECTION.

17 THE COURT: MR. ONSTOT?

18 MR. ONSTOT: NO OBJECTION.

19 THE COURT: NO OBJECTION.

20 DO YOU HAVE AN OBJECTION?

21 MR. KENNEDY: YES, I DO HAVE AN OBJECTION.

22 FIRST OF ALL, IT'S INCOMPLETE FROM HOW

23 SHE'S TESTIFIED. IT'S JUST ARGUMENT, AND IT'S NOT

24 EVIDENCE OF ANYTHING.

25 THE COURT: IT WILL BE RECEIVED FOR THE

1 AMOUNT THAT SHE CLAIMS.
2 (RESPONDENTS' EXHIBIT NUMBER 27 WAS MARKED
3 FOR IDENTIFICATION BY THE COURT AND RECEIVED
4 INTO EVIDENCE.)
5 MR. BRAUN: NUMBER 28.
6 MR. KENNEDY: RELEVANCY.
7 MR. BRAUN: DID HE OBJECT OR --
8 THE COURT: YES.
9 MR. BRAUN: THIS IS THE INSTANCE WHERE SHE
10 TURNED DOWN RIZZO WHEN HE WANTED TO HAVE HER BACKDATE
11 SOME DOCUMENTS, TO SHOW HER NONPARTICIPATION IN THE
12 SCHEME THAT LOURDES GARCIA, RIZZO, VALDEZ, AND ADAMS
13 PARTICIPATED IN.
14 MR. KENNEDY: SAME OBJECTION.
15 MR. ONSTOT: RELEVANCE.
16 THE COURT: OBJECTION SUSTAINED.
17 MR. BRAUN: LET'S SEE. 31.
18 MR. KENNEDY: NO OBJECTION.
19 MR. ONSTOT: NONE.
20 THE COURT: BE RECEIVED.
21 (RESPONDENTS' EXHIBIT NUMBER 31 WAS MARKED
22 FOR IDENTIFICATION BY THE COURT AND RECEIVED
23 INTO EVIDENCE.)
24 MR. BRAUN: 32.
25 MR. KENNEDY: NO OBJECTION.

1 MR. ONSTOT: NONE.
2 THE COURT: BE RECEIVED.
3 (RESPONDENTS' EXHIBIT NUMBER 32 WAS MARKED
4 FOR IDENTIFICATION BY THE COURT AND RECEIVED
5 INTO EVIDENCE.)
6 MR. BRAUN: 35.
7 MR. KENNEDY: RELEVANCY.
8 MR. BRAUN: 35 SHOWS ANOTHER INTERACTION
9 WITH CALPERS IN WHICH THEY WOULD HAVE HAD AN
10 OPPORTUNITY TO AGAIN QUESTION THE COMPLIANCE WITH THE
11 CALPERS REGULATIONS OR THEIR VIEW OF 20636 OF THE
12 GOVERNMENT CODE.
13 THE COURT: I SUPPOSE THAT IF ONE WERE A
14 CRAFTY LAWYER, YOU COULD SAY "LOOK, THAT WHOLE ISSUE
15 OF PUBLICALLY AVAILABLE IS NOT ADDRESSED IN THERE.
16 THAT'S HOW IMPORTANT IT WAS TO HER."
17 DO YOU HAVE ANY OBJECTION?
18 MR. KENNEDY: I HAVE AN OBJECTION AS TO
19 RELEVANCY, YOUR HONOR. I ALSO HAVE AN OBJECTION THAT
20 IF IT IS ADMITTED, THE COMPLETE DOCUMENT BE ADMITTED.
21 AND THAT IS NOT THE COMPLETE DOCUMENT.
22 THE COURT: IT WILL BE RECEIVED.
23 MR. KENNEDY: MAY I SUBMIT THE COMPLETE
24 DOCUMENT, YOUR HONOR?
25 SHE'S LEFT OFF, I BELIEVE, TWO PAGES AT THE

1 END, AND I HAVE A COPY OF THAT.
2 MR. BRAUN: IF WE HAVE, THAT'S A MISTAKE,
3 AND I CAN SUPPLEMENT IT.
4 MR. KENNEDY: IF I MAY SHOW COUNSEL, YOUR
5 HONOR.
6 THE COURT: HERE'S WHAT I HAVE: A LETTER
7 DATED OCTOBER 13, 2006, WHICH IS A ONE-PAGE LETTER.
8 MR. BRAUN: RIGHT.
9 THE COURT: I HAVE A LETTER TO CALPERS FROM
10 MS. SPACCIA. THAT'S A TWO-PAGE LETTER. I HAVE SOME
11 ATTACHMENTS WITH THAT THAT INCLUDE A GENERAL FUND
12 ANALYSIS, A RESOLUTION 2003-31, RESOLUTION 2004-24,
13 ANOTHER GENERAL FUND ANALYSIS, AN ADDENDUM NUMBER 5
14 TO THE AGREEMENT, AN ADDENDUM NUMBER 2, RESOLUTION
15 2003-29.
16 AND THAT'S WHAT I HAVE. IS THERE SOMETHING
17 THAT SHOULD BE THERE THAT'S NOT?
18 MR. KENNEDY: SHOW COUNSEL, YOUR HONOR, I
19 HAVE TWO ADDITIONAL PAGES TO WHAT THE COURT'S
20 MENTIONED.
21 THE COURT: ARE THESE FROM CALPERS?
22 MR. KENNEDY: NO. I BELIEVE THEY'RE FROM
23 THE CITY OF BELL, THAT CAME WITH THIS DOCUMENT.
24 MR. BRAUN: MAY I SEE IT?
25 THE COURT: OKAY.

1 MR. BRAUN: I HAVE NO REASON TO BELIEVE
2 THAT'S NOT WITH THE ORIGINAL DOCUMENT, YOUR HONOR.
3 SO I WOULD JUST SUPPLEMENT IT WITH WHAT COUNSEL HAS.
4 I JUST DIDN'T HAVE IT IN MY COPY.
5 THE COURT: OKAY. BRING IT UP, AND I'LL
6 PUT IT IN.
7 IT'S BEING ADDED AS SOMETHING THAT SAYS
8 "CITY COUNCIL" AND SOMETHING THAT SAYS "EXECUTIVE
9 MANAGEMENT"; IS THAT RIGHT?
10 MR. KENNEDY: YES.
11 THE COURT: OKAY. THAT'S WHAT YOU WANT IN
12 HERE?
13 MR. KENNEDY: THAT WOULD BE THE COMPLETE
14 DOCUMENT, YOUR HONOR.
15 THE COURT: OKAY. THANKS.
16 35 WITH THOSE SUPPLEMENTS ARE RECEIVED.
17 (RESPONDENTS' EXHIBIT NUMBER 35 WAS MARKED
18 FOR IDENTIFICATION BY THE COURT AND RECEIVED
19 INTO EVIDENCE.)
20 MR. BRAUN: 36.
21 THE COURT: L.A. TIMES E-MAIL.
22 MR. BRAUN: LET'S SEE.
23 THE COURT: I'M SORRY.
24 MR. BRAUN: LET ME CHECK. I THINK THERE
25 MAY BE A DISCREPANCY.

1 THE COURT: WHAT HAPPENED WAS I HAD STOPPED
2 PUTTING DOWN THE MARKS BECAUSE THERE HADN'T BEEN
3 ANYTHING ELSE MARKED. WHAT WE'LL DO IS WHAT YOU HAVE
4 AS 36, WE'LL CALL IT 39.
5 ARE YOU OFFERING THAT FOR SOME REASON?
6 MR. BRAUN: NO. NOT 36, YOUR HONOR.
7 THE COURT: 36 IS --
8 MR. BRAUN: I THINK WE SHOULD OFFER IT JUST
9 FOR A COMPLETE RECORD. THOSE ARE W-2S FROM THE CITY
10 OF BELL.
11 THE COURT: WE HAVE TWO 36S NOW. HOW WOULD
12 YOU LIKE TO --
13 MR. ONSTOT: I THOUGHT WE HAD THE
14 L.A. TIMES E-MAILS AS 36.
15 THE COURT: THAT'S WHAT I'M SAYING.
16 MR. BRAUN: WE'RE GOING TO HAVE TO RENUMBER
17 THOSE.
18 THE COURT: RIGHT.
19 MR. BRAUN: THEN 37, WE'LL OFFER IT, YOUR
20 HONOR.
21 MR. KENNEDY: WAIT ONE SECOND.
22 THE L.A. TIMES E-MAILS WERE?
23 THE COURT: 36.
24 WHAT WOULD YOU LIKE TO CALL THOSE NOW? 43?
25 MR. KENNEDY: I'M TOTALLY LOST. I'M SORRY.

1 THE 36 I HAVE IS THE W-2S.
2 MR. ONSTOT: THAT'S WHERE WE ARE. 36 IS
3 THE W-2S.
4 WE HAVE NO OBJECTION.
5 MR. KENNEDY: NO OBJECTION.
6 MR. BRAUN: MAYBE WE CAN GO BACK AFTER WE
7 FINISH THIS AND RENUMBER THE OTHER ONES.
8 THE COURT: OKAY. PERFECT.
9 MR. BRAUN: AND WE WOULD OFFER 37, WHICH IS
10 THE --
11 THE COURT: HOLD ON HERE A SECOND.
12 36 WILL BE RECEIVED.
13 (RESPONDENTS' EXHIBIT NUMBER 36 WAS MARKED
14 FOR IDENTIFICATION BY THE COURT AND RECEIVED
15 INTO EVIDENCE.)
16 MR. BRAUN: WE OFFER 37, YOUR HONOR, OF THE
17 ORIGINAL NUMBERING WHICH IS AN ANNUAL REPORT FROM
18 2004.
19 THE COURT: ANY OBJECTION?
20 MR. ONSTOT: NONE FROM THE CITY.
21 MR. KENNEDY: NONE FROM CALPERS.
22 THE COURT: IT'LL BE RECEIVED AS 37.
23 (RESPONDENTS' EXHIBIT NUMBER 37 WAS MARKED
24 FOR IDENTIFICATION BY THE COURT AND RECEIVED
25 INTO EVIDENCE.)

1 MR. BRAUN: 38 WOULD BE AN ANNUAL REPORT
2 FROM 2005.
3 THE COURT: ANY OBJECTION?
4 MR. ONSTOT: NONE FROM THE CITY.
5 MR. KENNEDY: NONE FROM CALPERS.
6 THE COURT: BE RECEIVED.
7 (RESPONDENTS' EXHIBIT NUMBER 38 WAS MARKED
8 FOR IDENTIFICATION BY THE COURT AND RECEIVED
9 INTO EVIDENCE.)
10 MR. BRAUN: 39, WHICH IS THE DEMAND LETTER
11 FROM RANDY ADAMS TO RIZZO.
12 THE COURT: ANY OBJECTIONS?
13 MR. ONSTOT: RELEVANCE.
14 MR. KENNEDY: RELEVANCE.
15 MR. BRAUN: MAY I BE HEARD, YOUR HONOR?
16 THE COURT: SURE.
17 MR. BRAUN: THE RELEVANCE OF THAT IS IT'S
18 IMPORTANT TO UNDERSTAND -- I THINK YOUR HONOR
19 CORRECTLY, IN THE ADAM'S DECISION, UNDERSTOOD
20 MS. SPACCIA'S ROLE, BUT THE UNFORTUNATE E-MAILS MADE
21 IT SOUND LIKE SHE HAD A MORE IMPORTANT ROLE.
22 IT'S IMPORTANT TO SEE WHAT THE ORIGINAL
23 DEMAND FROM RIZZO WAS AND --
24 THE COURT: YOU MEAN THE ORIGINAL DEMAND
25 FROM ADAMS?

1 MR. BRAUN: FROM ADAMS, YEAH, TO RIZZO.
2 BECAUSE THAT REALLY SET THE PARAMETERS OF
3 THE NEGOTIATION, AND IT DEMONSTRATES THAT MS. SPACCIA
4 HAD REALLY NOTHING TO DO THE EXACT TERMS OF IT.
5 MR. ONSTOT: IT'S STILL IRRELEVANT AS TO
6 HER PUBLICALLY AVAILABLE PAY.
7 THE COURT: SUSTAINED.
8 MR. BRAUN: SO LET'S SEE. I THINK WE CAN
9 GO THROUGH THE ONES FOR TODAY THEN BY RENUMBERING
10 THEM, YOUR HONOR.
11 MR. KENNEDY: THERE ARE TWO OTHER
12 DOCUMENTS.
13 THE COURT: RIGHT.
14 ARE YOU OFFERING 40 IN THE EXHIBIT BOOK?
15 MR. BRAUN: YES, YOUR HONOR.
16 MR. KENNEDY: NO OBJECTION.
17 MR. ONSTOT: NONE.
18 THE COURT: THIS IS A LOT OF DISCOVERY FROM
19 THE ADAMS MATTER.
20 MR. KENNEDY: YES, YOUR HONOR.
21 THE COURT: BE RECEIVED.
22 (RESPONDENTS' EXHIBIT NUMBER 40 WAS MARKED
23 FOR IDENTIFICATION BY THE COURT AND RECEIVED
24 INTO EVIDENCE.)
25 THE COURT: 41.

1 MR. KENNEDY: RELEVANCE.
2 MR. ONSTOT: JOIN.
3 THE COURT: TAKE OFFICIAL NOTICE OF IT.
4 MR. BRAUN: YES, YOUR HONOR.
5 (RESPONDENTS' EXHIBIT NUMBER 41 WAS MARKED
6 FOR IDENTIFICATION BY THE COURT AND
7 OFFICIALLY NOTICED.)
8 THE COURT: OKAY. SO NOW YOU'RE CALLING
9 THE L.A. TIMES E-MAILS FROM GOTTLIEB, 42?
10 MR. BRAUN: YES, YOUR HONOR. WE'LL OFFER
11 THAT.
12 THE COURT: ANY OBJECTION.
13 MR. ONSTOT: NONE FROM THE CITY.
14 MR. KENNEDY: ADMINISTRATIVE HEARSAY.
15 THE COURT: I DON'T THINK IT'S BEING
16 OFFERED FOR THE TRUTH OF THE MATTER STATED.
17 IT'S BEING OFFERED TO SHOW THAT A DEMAND
18 WAS MADE; IS THAT CORRECT?
19 MR. BRAUN: YES, YOUR HONOR.
20 MR. KENNEDY: NO OBJECTION.
21 THE COURT: BE RECEIVED.
22 (RESPONDENTS' EXHIBIT NUMBER 42 WAS MARKED
23 FOR IDENTIFICATION BY THE COURT AND RECEIVED
24 INTO EVIDENCE.)
25 MR. BRAUN: THE NEXT WOULD BE THE -- WHAT

1 DID WE THEN MARK --
2 THE COURT: IT WAS THE SPACCIA PERSONNEL
3 FILE, WOULD BE 43.
4 MR. BRAUN: WE'LL OFFER THAT, YOUR HONOR.
5 THE COURT: ANY OBJECTION?
6 MR. KENNEDY: I WOULD MAKE AN OBJECTION FOR
7 LACK OF FOUNDATION, YOUR HONOR, AS WELL AS RELEVANCY.
8 THE COURT: MS. SPACCIA, TO YOUR KNOWLEDGE,
9 IS THIS YOUR PERSONNEL FILE?
10 THE WITNESS: YES, IT IS.
11 THE COURT: BE RECEIVED.
12 (RESPONDENTS' EXHIBIT NUMBER 43 WAS MARKED
13 FOR IDENTIFICATION BY THE COURT AND RECEIVED
14 INTO EVIDENCE.)
15 THE COURT: AND THEN WE'LL MARK AS -- NEXT
16 IN ORDER WOULD BE?
17 MR. BRAUN: 43.
18 THE COURT: 43 WOULD BE THE PERSONNEL FILE?
19 MR. BRAUN: RIGHT.
20 THE COURT: AND THEN THERE'S ONE MORE
21 DOCUMENT THAT YOU HAVE?
22 MR. ONSTOT: YES. 44 WOULD BE THE ALBRIGHT
23 DECLARATION --
24 THE COURT: RIGHT.
25 MR. ONSTOT: -- WHICH I THINK YOUR HONOR

1 HAS ALREADY RULED ON.
2 THE COURT: RIGHT.
3 SO 44 AND 44-A IS THE RESPONSE TO THAT BY
4 CALPERS. OKAY. IT'S BEEN RECEIVED AS ADMINISTRATIVE
5 HEARSAY.
6 (RESPONDENTS' EXHIBIT NUMBERS 44 AND 44-A WERE
7 MARKED FOR IDENTIFICATION BY THE COURT AND
8 RECEIVED INTO EVIDENCE.)
9 MR. KENNEDY: THE 44-A -- THERE'S ALSO THE
10 REQUEST FOR TESTIMONY AND THE OBJECTION.
11 THE COURT: RIGHT.
12 MR. KENNEDY: THAT'S ONE -- THOSE ARE BOTH?
13 THE COURT: YES.
14 MR. KENNEDY: OKAY.
15 THE COURT: IT'S BEEN RECEIVED AS
16 ADMINISTRATIVE HEARSAY.
17 ANYTHING FURTHER?
18 MR. BRAUN: NOTHING FURTHER, YOUR HONOR.
19 THE COURT: CROSS-EXAMINATION?
20
21 CROSS-EXAMINATION
22 BY MR. KENNEDY:
23 Q. MS. SPACCIA, THERE'S BEEN A DOCUMENT --
24 WE'VE ADMITTED A DOCUMENT REFERRED TO AS CALPERS
25 34-A -- I'M SORRY 35.

1 CAN YOU TELL ME WHETHER OR NOT WHEN YOU
2 WORKED AT THE -- PRIOR TO COMING TO WORK FOR BELL,
3 WHAT OTHER CALPERS ENTITIES DID YOU WORK FOR --
4 CALPERS COVERED ENTITIES?
5 A. THE CITY OF VENTURA, NORTH COUNTY TRANSIT
6 DISTRICT, THE LOS ANGELES COUNTY METROPOLITAN
7 TRANSPORTATION AUTHORITY.
8 Q. AND COULD YOU PLEASE -- ANY OTHERS?
9 A. SORRY?
10 Q. IS THAT IT?
11 THE COURT: THAT'S THE CITY OF VENTURA OR
12 THE COUNTY OF VENTURA?
13 THE WITNESS: CITY.
14 BY MR. KENNEDY:
15 Q. AND PREVIOUSLY YOU TESTIFIED ABOUT THE
16 COUNTY OF VENTURA. DID YOU WORK FOR THE COUNTY OF
17 VENTURA AS WELL?
18 A. I DID.
19 Q. NOW, HOW LONG DID YOU WORK AT THE CITY OF
20 VENTURA?
21 A. APPROXIMATELY 11 YEARS.
22 Q. AND DO YOU RECALL WHAT YOUR HIGHEST SALARY
23 WAS THERE?
24 A. OFF THE TOP OF MY HEAD, NO, BUT I COULD
25 GUESS.

1 Q. HOW ABOUT THE NORTH COUNTY TRANSPORTATION?
2 A. WHAT, MY SALARY?
3 Q. WHAT YOUR SALARY WAS THERE?
4 A. IT WAS SO LONG AGO.
5 Q. AND IS IT THE PACIFIC -- OR THE P.T.S.C. --
6 THAT'S THE PUBLIC TRANSPORTATION SERVICES
7 CORPORATION?
8 A. I NEVER WORKED FOR THEM.
9 Q. YOU NEVER WORKED FOR THEM?
10 A. NOT UNDER THAT NAME.
11 Q. IN LOS ANGELES?
12 A. I WORKED FOR THE METROPOLITAN
13 TRANSPORTATION AUTHORITY.
14 Q. AND DO YOU RECALL WHAT YOUR SALARY WAS
15 THERE?
16 A. IT WAS SOMEWHERE CLOSE TO $100,000 A YEAR,
17 AND THAT WAS IN 199 -- ABOUT '94.
18 Q. AND HOW LONG DID YOU WORK THERE?
19 A. I DON'T RECALL EXACTLY -- THREE AND A HALF
20 YEARS.
21 Q. NOW, DURING THE 2006 AUDIT OF BELL BY
22 CALPERS, DO YOU RECALL EXPLAINING TO THE AUDITOR OR
23 ANYBODY FROM CALPERS THAT THE CONTRACTS THAT YOU
24 PROVIDED, EMPLOYMENT CONTRACTS, HADN'T BEEN -- OR HAD
25 BEEN APPROVED BY THE CITY COUNCIL?

1 A. I DON'T RECALL ANY DISCUSSIONS ABOUT IT.
2 Q. DO YOU KNOW WHY -- WHAT THE REASON YOUR
3 SALARY WAS NOT SET FORTH ON A PUBLICALLY AVAILABLE
4 PAY SCHEDULE LIKE OTHER EMPLOYEES OF THE CITY?
5 A. AS FAR AS I KNEW, IT WAS PUBLICALLY
6 AVAILABLE BECAUSE IT WAS A PUBLIC CONTRACT.
7 THE COURT: NO. HIS QUESTION IS HOW COME
8 THERE WASN'T A SCHEDULE FOR IT.
9 BY MR. KENNEDY:
10 Q. THERE WERE PAY SCHEDULES; CORRECT?
11 A. THERE WAS A PAY SCHEDULE, AND IT WAS
12 REFERENCED ON THERE, YES.
13 Q. AS A CONTRACT?
14 A. YES.
15 Q. OTHER INDIVIDUALS HAD THEIR ACTUAL SALARY
16 RANGES LISTED; CORRECT?
17 A. OTHERS HAD REFERENCED AS A CONTRACT, AND
18 SOME HAD PAY SCHEDULES. THE NON-MANAGEMENT HAD STEP
19 INCREASES, IF YOU WILL, AND THE MANAGEMENT JUST SAID
20 "SEE CONTRACT."
21 Q. IF I COULD, I'D LIKE TO SHOW YOU -- TO BE
22 MORE SPECIFIC -- SAY, CALPERS EXHIBIT 20.
23 IF YOU TURN TO -- IT'S THE RESOLUTION
24 NUMBER 2002-29. AT THE BOTTOM, IT'S BATES STAMPED
25 BO17150.

1 THAT'S A PAY SCHEDULE FOR THE CITY OF BELL?
2 A. YES.
3 Q. AND WHOSE -- YOU SAID SOME PEOPLE'S
4 AREN'T -- SOME PEOPLE'S ARE LISTED AS PER CONTRACT;
5 SOME AREN'T.
6 AND THE ONES WHO AREN'T ARE WHOM?
7 A. THE ONES WHO AREN'T ARE?
8 Q. WHO ARE THEY? WHAT ARE THEY?
9 A. THEY'RE THE NON-MANAGEMENT.
10 Q. I'M SORRY. THE NON-MANAGEMENT HAVE THEIR'S
11 LISTED AS PAY RANGES?
12 A. THEY WERE STEP INCREASES, YES.
13 Q. FOR THE NON-MANAGEMENT?
14 A. YES.
15 Q. SOME MANAGEMENT ON THERE -- ARE THOSE ALL
16 THE MANAGEMENT AT BELL THAT ARE PER CONTRACT?
17 A. YES.
18 Q. OKAY. NOW, THERE WERE DIFFERENT CATEGORIES
19 OF MANAGEMENT, WERE THERE NOT?
20 A. AT THAT TIME, THERE WERE NOT. IT WAS ONE
21 CATEGORY, IT LOOKS LIKE.
22 Q. SO SUBSEQUENTLY, THAT WAS BROKEN UP. SO IN
23 2003 THERE WAS ONE CATEGORY OF MANAGEMENT?
24 A. YES.
25 Q. AND SUBSEQUENTLY, THOSE WERE BROKEN UP INTO

1 DIFFERENT CATEGORIES OF MANAGEMENT?
2 MR. BRAUN: CAN I JUST --
3 MR. KENNEDY: I'M JUST ASKING IF THAT'S HER
4 TESTIMONY.
5 THE WITNESS: I BELIEVE SUBSEQUENTLY, YES.
6 I'M NOT SURE EXACTLY WHEN.
7 BY MR. KENNEDY:
8 Q. AND DO YOU KNOW WHY THOSE WERE BROKEN DOWN
9 THAT WAY?
10 A. THE DIFFERENCE HAD TO DO WITH BENEFIT
11 STRUCTURE.
12 Q. DID IT HAVE ANYTHING TO DO WITH THE DUTIES
13 THAT WERE PERFORMED?
14 A. NOT NECESSARILY. IT WAS MORE PRIMARILY
15 BASED ON BENEFIT STRUCTURE.
16 Q. SO DEPENDING ON WHAT SOMEONE WOULD BE
17 GETTING AS A BENEFIT DEPENDED ON WHETHER THEY WERE
18 PLACED ON OR OFF THE PAY SCHEDULES?
19 A. NO, THEY WERE ON THE PAY SCHEDULES. IT
20 WAS -- ARE YOU REFERRING TO WHEN IT WAS SWITCHED FROM
21 MANAGEMENT TO ADMINISTRATIVE MANAGEMENT AND EXECUTIVE
22 MANAGEMENT, OR AM I MISUNDERSTANDING?
23 Q. NO. NO. GO AHEAD.
24 AND SO THERE WAS EXECUTIVE MANAGEMENT;
25 RIGHT? THERE WAS ADMINISTRATIVE MANAGEMENT?

1 A. YES.
2 Q. THERE WAS MANAGEMENT?
3 A. OKAY.
4 Q. PARDON?
5 A. OKAY.
6 Q. THAT WAS IT?
7 A. I DON'T RECALL THAT, BUT OKAY.
8 Q. AND WHAT ARE YOU?
9 A. I WAS ADMINISTRATIVE MANAGEMENT INITIALLY,
10 AND THEN I WAS MOVED TO EXECUTIVE MANAGEMENT.
11 Q. OKAY. DO YOU KNOW WHY YOUR SALARY WAS NOT
12 PLACED ON A PAY SCHEDULE, IN OTHER WORDS, THE
13 NUMBER -- HOW MUCH YOU GOT PAID?
14 A. NO. THIS WAS PRIOR TO MY EMPLOYMENT. THIS
15 DOCUMENT THAT WE'RE REFERENCING, IT WAS --
16 Q. AFTER YOUR EMPLOYMENT, YOU STILL DIDN'T
17 HAVE IT ON THERE, DID YOU?
18 A. NO, I DIDN'T, AND I DON'T KNOW WHY.
19 Q. NOW, YOU WERE A MEMBER OF THE, I BELIEVE --
20 OF THE UNREPRESENTED MISCELLANEOUS EMPLOYEES?
21 A. YES.
22 Q. THAT WAS YOUR CLASSIFICATION?
23 A. YES.
24 Q. BUT YOUR DUTIES -- I MEAN -- SO WAS THE
25 C.A.O., WASN'T IT?

1 A. UNREPRESENTED, YES.
2 Q. AND SO WERE THE DEPARTMENT HEADS; CORRECT?
3 A. CORRECT.
4 Q. BUT YOUR DUTIES AND RESPONSIBILITIES DID
5 NOT INCLUDE THOSE OF A DEPARTMENT HEAD; RIGHT?
6 A. CORRECT.
7 Q. NOR THE C.A.O.?
8 A. CORRECT.
9 Q. NOR THE CITY OFFICIALS?
10 A. THE CITY OFFICIALS?
11 Q. CITY ELECTED OFFICIALS?
12 A. OH, NO, CORRECT.
13 Q. OKAY. WHO ELSE WAS A MEMBER -- WHO ELSE
14 HAD SIMILAR DUTIES AS YOU, IF YOU RECALL?
15 A. WELL, MY DUTIES WERE ALL SPECIAL
16 ASSIGNMENTS, PROJECTS, RESEARCH, ANALYSIS -- WHATEVER
17 I WAS SIGNED TO. FOR EXAMPLE, CITY MANAGER OF
18 MAYWOOD, THAT WAS ONE OF MY SPECIAL ASSIGNMENTS.
19 Q. OKAY. THAT WAS IN 2010; RIGHT?
20 A. YES.
21 Q. FEBRUARY TO AUGUST?
22 A. YES.
23 Q. 2010. AND AFTER THAT, YOU LEFT EMPLOYMENT;
24 CORRECT?
25 A. CORRECT.

1 Q. AND PRIOR TO THAT, YOU TESTIFIED PREVIOUSLY
2 ABOUT DOING SOMETHING ABOUT SKATEBOARD PARKS?
3 A. SKATEBOARD PARK WAS ONE THE PROJECTS.
4 Q. WHAT DID YOU DO FOR THAT?
5 A. I'M SORRY?
6 Q. WHAT DID YOU DO FOR THAT?
7 A. DEVELOPED IT FROM THE GROUND UP.
8 Q. DID YOU HAVE ANY ASSISTANCE WITH THAT?
9 A. I DID HAVE ONE PERSON WHO ASSISTED ME A
10 LITTLE BIT, YES.
11 Q. AND WHAT DID THEY DO?
12 A. I HAD HIM DO SOME OF THE RESEARCH. FOR
13 EXAMPLE, IN THE SKATE PARK, THERE WAS ALSO A
14 RESTAURANT. AND HE HAD RESTAURANT KNOWLEDGE. SO I
15 ASSIGNED HIM TO DEVELOP A MENU.
16 Q. WHO HANDLES THAT NOW, IF YOU KNOW -- OR
17 SINCE YOU LEFT, WHO HANDLES THE SKATEBOARD PARK?
18 A. I DON'T KNOW.
19 Q. HOW ABOUT THE ANNUAL LOW RIDER CAR SHOW,
20 DID YOU DO THAT?
21 A. I DID.
22 Q. AND WHAT WERE YOUR DUTIES IN THAT?
23 A. I DEVELOPED IT FROM THE GROUND UP.
24 Q. AND IT WAS -- DOES IT STILL GO ON?
25 A. I DON'T KNOW.

1 Q. WAS IT --
2 A. MY UNDERSTANDING IS THAT IT DOESN'T.
3 Q. AND YOU ORGANIZED THAT; RIGHT?
4 A. YES.
5 Q. AND WHAT ELSE DID YOU DO?
6 A. MAY I ACCESS THE LIST THAT I BROUGHT?
7 Q. SURE.
8 THE COURT: OKAY. WE'LL BE IN RECESS HERE
9 FOR ABOUT FIVE MINUTES.
10 (WHEREUPON, A RECESS WAS HELD
11 FROM 11:19 A.M. TO 11:25 A.M.)
12 THE COURT: WE'RE BACK ON THE RECORD.
13 APPARENTLY, THE WITNESS WASN'T ABLE TO FIND
14 THE DOCUMENT TO WHICH SHE REFERRED.
15 NEXT QUESTION.
16 BY MR. KENNEDY:
17 Q. DID ANYONE ELSE IN THE CITY OF BELL PERFORM
18 SPECIAL PROJECTS TOO?
19 A. YES, ONE OTHER PERSON.
20 Q. WAS THAT MR. GONZALES?
21 A. YES.
22 Q. AND WHAT WAS HIS TITLE?
23 A. BUSINESS DEVELOPMENT COORDINATOR, I
24 BELIEVE.
25 Q. AND DO YOU RECALL WHAT HIS SALARY WAS AT

1 THE TIME?
2 A. IT WAS SOMEWHERE OVER $125,000 A YEAR OR
3 SOMETHING LIKE THAT.
4 Q. NOW, LOOKING AT RESPONDENT'S 37 (SIC), YOUR
5 PERSONNEL RECORD, I JUST HAVE A COUPLE QUESTIONS.
6 THERE'S SOME BLANK PAGE TABS. ONE SAYS
7 "AUTHORIZATION FOR STEP INCREASES, DEPARTMENT HEAD
8 MEMOS," AND SEEMS LIKE THERE'S SOME ADDENDA AFTER
9 THAT.
10 ARE THOSE WHAT YOU UNDERSTAND TO BELONG
11 THERE?
12 A. AS YOU SEE IT, THE BATES NUMBERS -- IT
13 SHOULD ALL BE IN THE ORDER AS IT WAS GIVEN TO THE
14 D.A.
15 Q. ANOTHER TAB IS "EMPLOYEE EVALUATIONS," BUT
16 THERE'S NOTHING BEHIND IT.
17 A. YES.
18 Q. WERE THERE EMPLOYEE EVALUATIONS?
19 A. OUR EVALUATIONS WERE ORAL WHEN HE DID OUR
20 EMPLOYMENT AGREEMENTS FOR MANAGEMENT.
21 Q. SO THERE WERE NO WRITTEN DOCUMENTS IN
22 EVALUATIONS?
23 A. ONLY FOR NON-MANAGEMENT.
24 Q. OKAY. "CALPERS SERVICE CREDIT," THERE'S NO
25 DOCUMENT BEHIND IT.

1 A. NOT SURE WHAT THAT'S FOR. I DON'T KNOW.
2 Q. NOW, THE CITY OF BELL PAID FOR THE PURCHASE
3 OF YOUR AIR TIME; RIGHT?
4 A. YES.
5 Q. AND DID YOU RECORD THAT ON ANY W-2, THAT
6 PAYMENT?
7 A. GOSH, I DON'T KNOW. I REALLY DON'T KNOW.
8 Q. OKAY. WE HAVE W-2S, I BELIEVE, ON TAB 36
9 OF YOUR EXHIBIT PACKAGE -- 2007, 2008, 2009, 2010.
10 IF YOU LOOKED AT THOSE, COULD YOU TELL US
11 WHETHER OR NOT --
12 A. NO, I COULDN'T.
13 Q. OKAY. HAVE YOU EVER BEEN INFORMED THAT
14 RECEIVING A BENEFIT OF $72,000 OR $71,000 FROM YOUR
15 CITY MIGHT BE A TAXABLE EVENT?
16 A. HAVE I EVER HEARD THAT?
17 Q. HAS ANYONE EVER TOLD YOU THAT YOU MIGHT BE
18 REQUIRED TO PAY TAXES ON THAT?
19 A. I DON'T RECALL ANY DISCUSSION. THAT WOULD
20 HAVE BEEN THE DIRECTOR OF ADMINISTRATIVE SERVICES'S
21 RESPONSIBILITY.
22 Q. NOW, TAB 12, CALPERS EXHIBITS.
23 IF I MAY, YOUR HONOR.
24 HAVE YOU SEEN THIS DOCUMENT BEFORE?
25 A. YES.

1 Q. WHAT IS THAT?
2 A. THE REQUEST FOR SERVICE CREDIT COST
3 INFORMATION.
4 Q. AND THAT'S FOR THE PURCHASE OF THE AIR
5 TIME; CORRECT?
6 A. YES.
7 Q. AND WHO SIGNED IT?
8 A. I DID.
9 Q. AND DID YOU RUN THE ESTIMATES?
10 A. NO. CALPERS DID.
11 Q. THERE'S AN ESTIMATE SHEET THAT'S SUPPLIED
12 WITH IT, IS THERE NOT?
13 WELL, LET ME ASK YOU THIS: DO YOU SEE ANY
14 DOCUMENTS IN THERE THAT ARE SIGNED BY ANYBODY BUT
15 YOU?
16 A. NO.
17 Q. YOU READ THAT BEFORE YOU SUBMITTED IT;
18 RIGHT?
19 A. YES.
20 Q. OKAY. NOW, IF I MAY, MS. SPACCIA.
21 DO YOU RECALL EVER SEEING ANY CIRCULAR
22 LETTERS FROM CALPERS ON TOPICS DEALING WITH THE
23 PENSION RETIREMENT PROGRAM?
24 A. I THINK THERE WAS ONE THAT YOU SHOWED ME
25 THAT ONCE YOU SHOWED IT TO ME, I RECALLED RECEIVING

1 IT FROM ALINDA HERINGER.
2 Q. AND IS THAT DEALING WITH THE PURCHASE OF
3 A.R.S.C.?
4 A. WELL, IT HAD SOMETHING TO DO WITH THE
5 POLICE DEPARTMENT. I DON'T THINK IT WAS A.R.S.C. I
6 THINK IT WAS SOMETHING ELSE. I FORGET WHAT IT WAS
7 CALLED.
8 Q. WHEN YOU SOUGHT OUT THE -- WHEN YOU WERE
9 DRAFTING THE LETTER ASKING FOR EXCEPTION UNDER
10 20636(E)(2) FOR MR. RIZZO -- AND YOU INCLUDED
11 YOURSELF IN THAT REQUEST; RIGHT?
12 A. AND THE CITY COUNCIL.
13 Q. AND THE CITY COUNCIL.
14 WHY DID YOU DO THAT?
15 A. BECAUSE WE WERE ALL OF THE AGE THAT IF ANY
16 OF US WERE TO RETIRE WITHIN THOSE NEXT THREE YEARS,
17 THERE WOULD HAVE BEEN THAT CONCERN WITH PENSION
18 SPIKING. SO THAT'S WHY THE EXCEPTION WAS REQUESTED.
19 Q. AND WHY WOULD THERE BE A CONCERN WITH
20 PENSION SPIKING?
21 A. BECAUSE OF THAT ONE-TIME EXCEPTION
22 INCREASE.
23 Q. BECAUSE OF THE LARGE INCREASE THAT YOU HAD;
24 RIGHT?
25 A. RIGHT.

1 Q. AND DID YOU RETIRE WITHIN THE NEXT THREE
2 YEARS?
3 A. NO.
4 Q. NOW, AT THE TIME THAT YOU DID THAT, DID YOU
5 TAKE ANY OPPORTUNITY TO READ THE CODE SECTION?
6 A. I DON'T RECALL READING IT ALL, NO.
7 Q. DID YOU READ THE REGULATION 572?
8 A. 572 IS WHAT?
9 Q. IT'S THE REGULATION THAT DEALS WITH THAT
10 EXCEPTION.
11 A. I DON'T RECALL. I RECALL TALKING WITH
12 ALINDA HERINGER, AND I RECALL HER TELLING ME WHAT WE
13 NEEDED TO DO TO FOLLOW UP IN THE 2006 AUDIT REVIEW.
14 Q. AND DID YOU -- BUT YOU DIDN'T PAY ANY
15 ATTENTION TO THE LAW? YOU DIDN'T DO ANY RESEARCH IN
16 WHAT THE REGULATIONS WERE?
17 A. I DON'T RECALL DOING THAT, NO.
18 Q. OKAY. COULD I ASK YOU TO TURN TO YOUR TAB
19 24 IN YOUR EXHIBIT PACKAGE.
20 MR. KENNEDY: COUNSEL, DO YOU HAVE ANOTHER
21 EXHIBIT PACKAGE?
22 MR. BRAUN: 24?
23 MR. ONSTOT: 24, CORRECT.
24 BY MR. KENNEDY:
25 Q. NOW, THIS IS A RESOLUTION NUMBER 2008-27;

1 CORRECT?
2 A. YES.
3 Q. AND IT SETS FORTH THE STAFF POSITIONS AND
4 SALARY RANGES FOR THE CITY OF BELL?
5 A. YES.
6 Q. CAN YOU EXPLAIN TO ME WHERE ANY OF THE
7 MANAGEMENT INDIVIDUALS YOU MENTIONED ARE LISTED IN
8 THIS?
9 A. RIGHT. I LEARNED -- IN THE LAST HEARING
10 HERE IS WHEN I LEARNED THAT THE MANAGEMENT EMPLOYEES
11 HAD BEEN TAKEN OFF BACK IN 2005 OR -6 AFTER I WAS NO
12 LONGER IN FISCAL.
13 Q. COMPLETELY OFF THE SCHEDULE?
14 A. AND WHY, I DON'T KNOW.
15 YES.
16 Q. NOT EVEN REFERENCED BY CONTRACT?
17 A. RIGHT.
18 Q. NOW, YOUR SECOND -- YOU HAD A CONTRACT OR
19 EMPLOYMENT AGREEMENT THAT WAS SIGNED IN JULY OF
20 2005 -- OR WAS ENTERED INTO IN JULY OF 2005; CORRECT?
21 A. YES.
22 Q. NOW, DID YOU ATTEND THE CITY COUNCIL
23 MEETING WHERE THAT WAS APPROVED?
24 A. NO, I DIDN'T.
25 Q. OKAY. DO YOU KNOW HOW MR. LEE'S SIGNATURE

1 GOT ON IT?
2 A. NO, I DON'T. THAT WOULD HAVE BEEN THE CITY
3 CLERK.
4 Q. NOW, WHEN YOU WORKED AT THE CITY OF
5 MAYWOOD, YOU WORKED IN THE CAPACITY AS AN INTERIM
6 C.A.O.; CORRECT?
7 A. INTERIM CITY MANAGER, THEY CALLED IT, BUT
8 YES.
9 Q. AND WERE YOU ALSO AT THAT TIME EMPLOYED BY
10 THE CITY OF BELL?
11 A. YES.
12 Q. BUT DIDN'T YOUR CONTRACT WITH THE CITY OF
13 MAYWOOD PROVIDE THAT YOU WOULD BE EMPLOYED -- YOU
14 COULD WORK AT NO OTHER EMPLOYER EXCEPT THE CITY OF
15 MAYWOOD?
16 A. SAY THAT AGAIN.
17 Q. DID YOUR CONTRACT WITH THE CITY OF MAYWOOD
18 PRECLUDE YOU FROM WORKING WITH ANY OTHER ENTITY
19 BESIDES MAYWOOD?
20 A. IT DID. MY DUTIES HAD TO BE DEDICATED TO
21 MAYWOOD.
22 Q. SO YOU HAD NO DUTIES YOU WERE PERFORMING
23 DURING THAT PERIOD WITH BELL?
24 A. IT WAS MY ASSIGNMENT FROM BELL TO GO TO THE
25 CITY OF MAYWOOD.

1 Q. THE EMPLOYMENT AGREEMENT YOU HAD, WAS BELL
2 A PARTY TO IT?
3 A. A PARTY? I'M SORRY.
4 Q. WAS BELL A PARTY TO THAT EMPLOYMENT
5 AGREEMENT?
6 A. I'M NOT SURE I UNDERSTAND YOUR QUESTION.
7 Q. DID THEY SIGN THE AGREEMENT?
8 YOU WERE EMPLOYED AT MAYWOOD BY WRITTEN
9 CONTRACT; CORRECT?
10 A. YES.
11 Q. OKAY. AND IT WAS AN EMPLOYMENT CONTRACT;
12 RIGHT?
13 A. I DON'T RECALL THAT.
14 I KNOW THAT THE CITY OF BELL CITY COUNCIL
15 HAD TO APPROVE MY BEING ASSIGNED TO MAYWOOD. THEN I
16 KNOW THAT THE CITY OF MAYWOOD CITY COUNCIL HAD TO
17 APPROVE IT.
18 AND THERE WAS SOME AGREEMENT. I BELIEVE ED
19 LEE DRAFTED IT.
20 MR. KENNEDY: I'D LIKE TO HAVE MARKED AS
21 NEXT IN ORDER, YOUR HONOR --
22 THE COURT: WHAT'S THE OFFER OF PROOF?
23 MR. KENNEDY: THE OFFER OF PROOF IS THIS IS
24 AN EMPLOYMENT AGREEMENT --
25 THE COURT: IS THIS ALL FOR IMPEACHMENT?

1 MR. KENNEDY: NO, IT'S NOT NECESSARILY FOR
2 IMPEACHMENT.
3 IT'S ALSO TO SHOW THAT DURING A TIME, FROM
4 FEBRUARY TO OCTOBER, SHE DIDN'T EVEN WORK AT THE CITY
5 OF BELL. SHE WAS EXCLUSIVELY EMPLOYED BY THE CITY OF
6 MAYWOOD.
7 THE COURT: NO. I'M NOT GOING TO ALLOW IT.
8 DO SOMETHING ELSE.
9 BY MR. KENNEDY:
10 Q. YOU'RE NOT CLAMING A DEFERRED -- AS PART OF
11 ANY CALPERS COMPENSATION EARNABLE, THE DEFERRED
12 COMPENSATION YOU RECEIVED FROM THE CITY OF BELL, ARE
13 YOU? YOU'RE WITHDRAWING THAT; CORRECT? I JUST WANT
14 TO CONFIRM THAT.
15 A. YES. I WAS TOLD IT DOESN'T COMPLY.
16 MR. KENNEDY: I HAVE NO OTHER QUESTIONS,
17 YOUR HONOR.
18 THE COURT: CROSS-EXAMINATION?
19
20 CROSS-EXAMINATION
21 BY MR. ONSTOT:
22 Q. I THINK LAST TIME WE WERE HERE,
23 MS. SPACCIA, YOU TESTIFIED THAT YOU WORKED A LOT FROM
24 HOME AS OPPOSED TO THE CITY ITSELF?
25 A. I DID QUITE A BIT, YES.

1 Q. WHAT PERCENTAGE?
2 A. 40, 50 PERCENT.
3 Q. AND YOU ALSO MENTIONED THAT YOU DIDN'T
4 ATTEND MANY COUNCIL MEETINGS; IS THAT TRUE AS WELL?
5 A. I STARTED ATTENDING COUNCIL MEETINGS IN
6 LATE 2006. I BELIEVE IT WAS OCTOBER 2006. AND I DID
7 NOT ATTEND ALL OF THE MEETINGS FROM THAT POINT ON,
8 BUT I DID ATTEND A GOOD AMOUNT.
9 Q. DID YOU ATTEND THE COUNCIL MEETING IN 2003
10 WHEN YOUR FIRST CONTRACT WITH BELL WAS DISCUSSED?
11 A. NO.
12 Q. DID YOU ATTEND THE COUNCIL MEETING IN 2004
13 WHEN YOUR ADDENDUM NUMBER 1 WAS PRESENTED TO THE
14 COUNCIL?
15 A. NO.
16 Q. DID YOU ATTEND THE COUNCIL MEETING IN 2005
17 WHEN, PURPORTEDLY, YOUR ADDENDUM NUMBER 2 WAS BEFORE
18 THE COUNCIL?
19 A. NO.
20 Q. HAVE YOU SEEN ANY AGENDA PACKETS FROM THE
21 2005 MEETING WHERE YOUR CONTRACT WAS PRESENTED TO THE
22 CITY COUNCIL?
23 A. I SAW THE PACKET WITH THE BUDGET IN IT.
24 Q. AND YOUR CONTRACT WAS NOT IN THE AGENDA
25 PACKET FOR ADDENDUM NUMBER 2, WHICH WAS PRESENTED AS

1 A CONSENT ITEM TO THE BELL CITY COUNCIL IN 2005; IS
2 THAT CORRECT?
3 A. NO -- YES. YES, IT WAS PART OF THE BUDGET
4 PACKET AND NOTED AS SUPPLEMENTAL REVISIONS AND
5 AMENDMENTS.
6 Q. TO THE BUDGET?
7 A. YES.
8 THE COURT: DID IT SAY IN THERE "THIS IS
9 HOW MUCH MS. SPACCIA IS GOING TO GET PAID FOR NEXT
10 YEAR"?
11 THE WITNESS: YES.
12 THE COURT: AND IT HAD YOUR NAME?
13 THE WITNESS: IT HAD, ACTUALLY, WHAT I
14 WOULD BE GETTING PAID FOR THE NEXT FOUR YEARS. SO IT
15 COMPLIED WITH THE BUDGET.
16 THE COURT: BUT DID IT HAVE YOUR NAME NEXT
17 TO IT.
18 THE WITNESS: OH, YES.
19 BY MR. ONSTOT:
20 Q. IT HAD YOUR NAME IN THE 2005 BUDGET?
21 A. ON MY CONTRACT, YES, ON THE EMPLOYMENT
22 AGREEMENT.
23 THE COURT: NO. I'M TALKING ABOUT IN THE
24 BUDGET.
25 MR. ONSTOT: YES.

1 THE WITNESS: OH, THE BUDGET HAD TITLES,
2 NOT NAMES.
3 BY MR. ONSTOT:
4 Q. NOW, YOUR TITLE -- STRIKE THAT.
5 YOU TESTIFIED EARLIER TODAY REGARDING THE
6 CITY CLERK. HOW MANY PEOPLE DID REPORT TO THE CITY
7 CLERK DURING YOUR TENURE AT BELL?
8 A. EMPLOYEES REPORTING TO THE CITY CLERK?
9 Q. CORRECT.
10 A. NONE THAT I KNOW OF.
11 Q. MS. DIAZ DIDN'T REPORT TO MS. VALDEZ?
12 A. OH, I'M SORRY. I GUESS, TECHNICALLY ON
13 PAPER, YOU COULD SAY THAT SHE WAS -- SHE WAS THE
14 ASSISTANT CITY CLERK.
15 WHEN SHE WAS NO LONGER ABLE TO BE THE CITY
16 CLERK BECAUSE SHE DIDN'T LIVE IN THE CITY, SHE BECAME
17 THE ASSISTANT CITY CLERK, BUT SHE WAS THE ONE WHO
18 ACTUALLY PERFORMED THE CITY CLERK DUTIES.
19 Q. BUT MS. VALDEZ WAS THE CITY CLERK AND GIVEN
20 THE RESPONSIBILITIES OF MAKING SURE THOSE DUTIES WERE
21 PERFORMED; CORRECT?
22 A. I WOULD LIKE TO SAY YES, EXCEPT THAT SHE
23 DID TESTIFY SHE HAD NO IDEA WHAT THE DUTIES AND
24 RESPONSIBILITIES WERE UNTIL DECEMBER OF 2007.
25 MR. ONSTOT: MOVE TO STRIKE AS HEARSAY.

1 THE COURT: SUSTAINED. STRICKEN.
2 BY MR. ONSTOT:
3 Q. YOU WERE IN THE FISCAL DEPARTMENT UP UNTIL
4 ABOUT 2005, 2006; CORRECT?
5 A. EARLY 2005.
6 Q. WERE YOU EVER IN THE PERSONNEL DEPARTMENT?
7 A. NO.
8 Q. WERE YOU EVER THE CUSTODIAN OF ANY OF THE
9 PERSONNEL FILES?
10 A. NO.
11 Q. TO YOUR KNOWLEDGE, WAS THE CITY CLERK --
12 WHOEVER THAT WAS AT THE TIME, MS. DIAZ OR
13 MS. VALDEZ -- CUSTODIAN OF THE PERSONNEL FILES?
14 A. YES.
15 Q. THE CITY CLERK IS THE CUSTODIAN AND NOT THE
16 DIRECTOR OF FINANCE?
17 A. THE CITY CLERK HAD DUAL RESPONSIBILITIES,
18 CITY CLERK AND SENIOR HUMAN RESOURCE ANALYST.
19 Q. HOW MANY TIMES DID YOU LOOK AT YOUR
20 PERSONNEL FILE UP UNTIL 2010 WHEN IT WAS PRODUCED
21 PURSUANT TO A PUBLIC RECORDS REQUEST?
22 A. I LOOKED AT IT IN 2008 BECAUSE I WAS
23 CONFIRMING MY BENEFICIARIES.
24 Q. FOR LIFE INSURANCE, THAT KIND OF THING?
25 A. CORRECT.

1 Q. WERE YOU AWARE THAT MR. RIZZO KEPT
2 EMPLOYMENT CONTRACTS FOR HIS MANAGEMENT PERSONNEL IN
3 HIS OFFICE AT ANY TIME?
4 A. NOPE.
5 Q. WERE YOU AWARE AT ANY TIME THAT, PURSUANT
6 TO A PUBLIC RECORDS ACT REQUEST, MR. RIZZO PRODUCED
7 EMPLOYMENT CONTRACTS USING MS. GARCIA OR MS. VALDEZ
8 FOR PRODUCTION TO THE PERSON WHO REQUESTED PUBLIC
9 RECORDS?
10 A. I'M SORRY. AGAIN?
11 Q. AT ANY TIME, WERE YOU AWARE THAT MR. RIZZO
12 TOOK CONTRACTS FROM HIS MANAGEMENT -- OF HIS
13 MANAGEMENT PEOPLE AND GAVE THEM TO EITHER MS. GARCIA
14 OR MS. VALDEZ TO PRODUCE AS PART OF A RESPONSE TO A
15 PUBLIC RECORDS ACT REQUEST?
16 A. I'M ONLY AWARE OF THE L.A. TIMES ONE
17 BECAUSE I WAS CALLED TO THAT MEETING.
18 Q. BUT THE QUESTION WAS: DO YOU KNOW IF
19 MR. RIZZO EVER PRODUCED THOSE CONTRACTS TO MS. VALDEZ
20 OR MS. GARCIA TO PROVIDE TO A PERSON MAKING THE
21 PUBLIC RECORDS ACT REQUEST?
22 A. YES. MS. VALDEZ HAD THOSE WITH HER AT THAT
23 MEETING.
24 Q. NO. THE QUESTION IS --
25 THE COURT: DID SHE GET THEM FROM

1 MR. RIZZO, IF YOU KNOW?
2 THE WITNESS: I DON'T KNOW. I WOULD ASSUME
3 THEY WERE IN THE FILES BECAUSE THAT'S WHERE SHE HAD
4 THEM. THAT'S WHAT SHE BROUGHT WITH HER TO THAT
5 MEETING.
6 BY MR. ONSTOT:
7 Q. DID THE CITY CLERK PARTICIPATE IN, TO YOUR
8 KNOWLEDGE, THE NEGOTIATIONS OF ANY OF YOUR CONTRACTS?
9 A. NO. IT WAS THE DIRECTOR OF ADMINISTRATIVE
10 SERVICES AND THE C.A.O. THAT DETERMINED MY PAY.
11 Q. WELL, YOU YOURSELF PARTICIPATED IN A
12 PROCESS THAT ENSURED THAT THE COMPENSATION EARNED BY
13 MANAGEMENT EMPLOYEES WAS VERY DIFFICULT TO BE
14 OBTAINED BY A MEMBER OF THE PUBLIC; IS THAT TRUE?
15 A. SAY THAT AGAIN.
16 Q. YOU PARTICIPATED IN DEVELOPING A PROCESS
17 THAT MADE IT DIFFICULT FOR THE PUBLIC TO ASCERTAIN
18 THE COMPENSATION OF BELL'S TOP MANAGEMENT EMPLOYEES;
19 CORRECT?
20 A. NO.
21 Q. WELL, YOU SENT AN E-MAIL TO MR. ADAMS
22 SAYING THAT "WE," POTENTIALLY, DO NOT IDENTIFY THE
23 TERM, QUOTE, "PAY PERIOD," CLOSE QUOTES, TO MAKE IT
24 MORE DIFFICULT FOR THE PUBLIC TO FIGURE OUT HOW MUCH
25 THEY MAKE; CORRECT?

1 A. I DID, YES. BUT "WE" MEANT THE CITY, AND
2 IT WAS DETERMINED THAT WAY BEFORE I EVEN BECAME
3 EMPLOYED THERE. THAT WAS ED LEE AND ROBERT RIZZO.
4 Q. BUT YOU USED THE TERM "WE" -- CORRECT? --
5 IN YOUR E-MAIL TO MR. ADAMS?
6 A. REFERRING TO THE CITY IN GENERAL, YES.
7 Q. AND YOU WERE IN A TOP MANAGEMENT POSITION
8 WITH THE CITY AT THE TIME YOU SENT THAT E-MAIL;
9 RIGHT?
10 A. YES.
11 Q. YOU ALSO KNEW ABOUT -- UP UNTIL ABOUT -- I
12 THINK IT WAS 2005 -- THAT THE BUDGET LISTED
13 MANAGEMENT COMPENSATION AS, QUOTE, "SEE CONTRACT,"
14 CLOSE QUOTES; RIGHT?
15 A. ON THE PAY SCHEDULE?
16 Q. YES.
17 A. YES.
18 Q. SO A MEMBER OF THE PUBLIC WOULD HAVE TO GO
19 SOMEPLACE ELSE TO FIGURE OUT HOW MUCH THE MANAGEMENT
20 PEOPLE MADE; RIGHT?
21 A. YES.
22 Q. AND YOU ALSO SENT MR. ADAMS AN E-MAIL
23 SAYING THAT, "WE," MEANING THE CITY, HAVE NO
24 INTENTIONS ON EDUCATING MR. ADAMS OR HIS ATTORNEY
25 WITH REGARDS TO THE AUTHORITY TO ENTER INTO

1 EMPLOYMENT CONTRACTS; IS THAT CORRECT?
2 A. WE HAD ALREADY PROVIDED HIM THAT
3 DOCUMENTATION.
4 Q. BUT YOU SAID IN AN E-MAIL YOU HAD NO
5 INTENTION OF EDUCATING HIM REGARDING THE AUTHORITY TO
6 ENTER INTO CONTRACTS AT THAT TIME; RIGHT?
7 A. WE HAD ALREADY EDUCATED HIM ONCE. SO
8 THAT'S WHY I WROTE THAT, YES.
9 Q. AND IN THE ORGANIZATIONAL CHART, THERE WAS
10 THE ASSISTANT C.A.O. POSITION; CORRECT?
11 A. CORRECT.
12 Q. SO SOMEONE FROM THE PUBLIC LOOKING AT THAT
13 ORGANIZATIONAL CHART WOULD THINK THAT -- STRIKE THAT.
14 IS THERE A REASON WHY THAT POSITION IS NOT
15 ON THAT "ORG CHART"?
16 A. YES.
17 Q. WHY?
18 A. BECAUSE IT WAS NOT PART OF THE DAILY
19 OPERATIONAL BUDGET.
20 Q. SO YOUR SALARY WAS IN THE BUDGET, ACCORDING
21 TO YOUR TESTIMONY, BUT YOU'RE NOT ON THE "ORG CHART"
22 BECAUSE YOU DON'T PARTICIPATE IN THE DAILY OPERATIONS
23 OF THE CITY?
24 A. CORRECT.
25 Q. AND THERE'S NO JOB DESCRIPTION -- OR WAS NO

1 DESCRIPTION FOR THE ASSISTANT C.A.O. WHEN YOU WERE
2 THERE; IS THAT CORRECT?
3 A. THERE WAS NO DESCRIPTION FOR ANY
4 MANAGEMENT.
5 Q. AND YOU TESTIFIED THAT YOUR JOB WAS SPECIAL
6 PROJECTS. SO IT WOULD BE DIFFICULT FOR A PERSON FROM
7 THE PUBLIC TO ASCERTAIN WHAT YOU DID AT ANY
8 PARTICULAR TIME; IS THAT CORRECT?
9 A. I DON'T BELIEVE IT WOULD BE DIFFICULT.
10 Q. BUT THERE'S NOTHING IN WRITING AS TO YOUR
11 SPECIFIC DUTIES; RIGHT?
12 A. I DON'T KNOW. NOT THAT I KNOW OF, OTHER
13 THAN THE CONTRACT.
14 Q. AND FINALLY, YOUR POSITION WITH MAYWOOD,
15 THE PUBLIC DIDN'T HAVE ACCESS TO YOUR COMPENSATION
16 THERE BECAUSE THAT WAS PAID FOR BY THE CITY OF BELL;
17 IS THAT TRUE?
18 A. NO. THEY KNEW WHAT MY COMPENSATION WAS.
19 Q. MEMBERS OF PUBLIC, FOR THE CITY OF MAYWOOD?
20 A. YES. THEY SOLICITED ME TO TAKE THE
21 PERMANENT POSITION, AND I EXPLAINED TO THEM THAT WHAT
22 THEY WERE PROVIDING IN THEIR BUDGET FOR THAT POSITION
23 WASN'T SOMETHING THAT --
24 Q. BUT WASN'T THE PURPOSE OF YOU TAKING THE
25 C.A.O. POSITION TO HIDE YOUR SALARY WITH MAYWOOD

1 BECAUSE IT WAS PAID FOR BY BELL, PURSUANT TO
2 SOMETHING CALLED A "MUTUAL SERVICES AGREEMENT"?
3 A. NO.
4 Q. YOU WERE PAID PURSUANT TO A MUTUAL SERVICES
5 AGREEMENT --
6 THE COURT: I'M INTERESTED IN SOMETHING
7 HERE. LET'S BACK UP.
8 THEY OFFERED YOU THE C.A.O. POSITION AT
9 MAYWOOD; IS THAT RIGHT?
10 THE WITNESS: THERE WAS A GROUP OF CITIZENS
11 PULLED TOGETHER AS A TASK FORCE, AND THEY INQUIRED
12 THAT I SHOULD REALLY CONSIDER TAKING THAT POSITION.
13 THE COURT: AND YOU TOLD THEM THAT YOU
14 WEREN'T INTERESTED.
15 THE WITNESS: I TOLD THEM THAT I WASN'T
16 GOING TO BE ABLE TO.
17 THE COURT: AND WAS THAT BECAUSE THE MONEY
18 THAT WAS PAID FOR THAT FULL-TIME POSITION WAS LESS
19 THAN WHAT YOU WERE MAKING AT BELL?
20 THE WITNESS: YES.
21 THE COURT: HOW MUCH WAS BEING OFFERED
22 THERE?
23 THE WITNESS: I THINK IT WAS ABOUT 250.
24 THE COURT: SO YOU SAID NO TO $250,000 A
25 YEAR BECAUSE YOU WANTED TO CONTINUE MAKING WHATEVER

1 IT WAS YOU WERE MAKING AT BELL?
2 THE WITNESS: 300.
3 THE COURT: THANKS.
4 BY MR. ONSTOT:
5 Q. AT ANY POINT, DID YOU GET ANY AFFIRMATIVE
6 STATEMENT FROM CALPERS THAT ANY OF YOUR CONTRACTS --
7 ANY OF YOUR EMPLOYMENTS CONTRACTS WITH BELL SATISFIED
8 THE PUBLICALLY AVAILABLE PAY SCHEDULE REQUIREMENT?
9 A. IN THE 2006 REVIEW, WHEN IT REFERRED TO
10 ROBERT RIZZO'S -- BECAUSE HIS CONTRACT WAS ON THE
11 SAME TEMPLATE AS ALL THE REST OF THE MANAGEMENT
12 GROUP -- THEY REFERRED TO IT AS BEING RECONCILED TO
13 THE SALARY SCHEDULE.
14 THAT MADE ME FEEL COMFORTABLE THAT
15 EVERYTHING WAS IN TACK.
16 MR. ONSTOT: MOVE TO STRIKE AS
17 NONRESPONSIVE.
18 THE COURT: SUSTAINED. STRICKEN.
19 BY MR. ONSTOT:
20 Q. THE QUESTION, MS. SPACCIA, IS WITH REGARDS
21 TO YOUR SPECIFIC EMPLOYMENT CONTRACTS, THE ONES THAT
22 YOU DON'T KNOW IF CALPERS USED THEM AS A SAMPLE, DID
23 YOU RECEIVE ANYTHING FROM CALPERS THAT SAID THAT ANY
24 OF YOUR EMPLOYMENT CONTRACTS FROM THE CITY OF BELL
25 SATISFIED THE PUBLICALLY AVAILABLE PAY SCHEDULE

1 REQUIREMENT?
2 A. ANY OF MINE SPECIFICALLY? NO.
3 Q. CORRECT.
4 NOW, YOU RETAINED INDEPENDENT OUTSIDE
5 COUNSEL TO ADVISE THE CITY ON CALPERS MATTERS; IS
6 THAT CORRECT?
7 A. I DIDN'T RETAIN --
8 Q. WELL, STRIKE THAT.
9 THE CITY OF BELL RETAINED INDEPENDENT
10 OUTSIDE COUNSEL TO ADVISE IT WITH REGARDS TO CALPERS
11 MATTERS ABOUT THE TIME OF THE AUDIT; IS THAT CORRECT?
12 A. I DON'T RECALL THAT.
13 Q. WELL, IF YOU LOOK AT YOUR EXHIBIT 35,
14 RESPONDENT'S EXHIBIT 35 -- I GUESS YOU DON'T HAVE IT
15 UP THERE.
16 THE SECOND PARAGRAPH ON PAGE 3 REFERS TO A
17 NUMBER OF REVIEWS BY INDEPENDENT COUNSEL REGARDING
18 THE PERS MATTER.
19 NOW, EXHIBIT 35 DEALS WITH THE AUDIT;
20 RIGHT?
21 A. OKAY. I'M SORRY?
22 Q. OKAY. EXHIBIT 35 DEALS WITH THE AUDIT
23 WE'RE TALKING ABOUT; CORRECT?
24 A. YES.
25 Q. AND YOU WROTE A LETTER TO CALPERS REGARDING

1 THE EXCEPTIONS, AND ON THE SECOND PAGE OF THAT LETTER
2 ON THE SECOND PARAGRAPH, IT REFERS TO INDEPENDENT
3 COUNSEL THAT THE CITY RETAINED; CORRECT?
4 A. RIGHT.
5 Q. AT ANY TIME -- IN OR ABOUT THE TIME THAT
6 THIS LETTER WAS WRITTEN, DID YOU DISCUSS OR -- STRIKE
7 THAT.
8 DID YOU ASK THE INDEPENDENT COUNSEL ANY
9 QUESTIONS REGARDING YOUR EMPLOYMENT CONTRACTS AND
10 WHETHER THEY MET THE CALPERS REQUIREMENT OF A
11 PUBLICALLY AVAILABLE PAY SCHEDULE?
12 A. NO. THAT WASN'T THE PURPOSE FOR THEM.
13 Q. DID THE SUBJECT EVER COME UP, THE SUBJECT
14 BEING A PUBLICALLY AVAILABLE PAY SCHEDULE?
15 A. NO.
16 Q. DID ANYONE EVER TELL YOU THAT ANY OF YOUR
17 CONTRACTS WERE NOT PUBLICALLY AVAILABLE PAY SCHEDULES
18 OTHER THAN CALPERS, RELATIVE IN THESE PROCEEDINGS?
19 A. NO.
20 Q. WAS IT OF CONCERN TO YOU AT THE TIME THAT
21 YOU WROTE THESE LETTERS THAT PUBLICALLY AVAILABLE PAY
22 SCHEDULES, YOURS IN PARTICULAR, MAY BE AN ISSUE?
23 A. NOT AT ALL.
24 Q. WERE YOU EVER PRESENT AT ANY PUBLIC
25 MEETINGS WHERE ANY OF YOUR CONTRACTS WITH THE CITY OF

1 BELL WERE VETTED TO THE PUBLIC?
2 A. NO.
3 Q. TO YOUR KNOWLEDGE, HAS CALPERS PROVIDED ANY
4 TYPE OF SCRUTINY OF ANY OF YOUR EMPLOYMENT CONTRACTS
5 WITH THE CITY OF BELL, OTHER THAN AFTER YOU RETIRED?
6 A. I'M SORRY. ASK THE QUESTION AGAIN.
7 Q. DURING THE TIME YOU WERE EMPLOYED AT BELL,
8 TO YOUR KNOWLEDGE, DID CALPERS PERFORM ANY TYPE OF
9 SCRUTINY, ANY TYPE OF AUDIT, ANY TYPE OF REVIEW OF
10 ANY OF YOUR EMPLOYMENT CONTRACTS, UP UNTIL THE TIME
11 YOU RETIRED?
12 A. I DON'T KNOW.
13 MR. ONSTOT: NOTHING FURTHER.
14 THE COURT: OKAY. IT'S ALMOST NOON.
15 HOW MUCH REDIRECT DO YOU HAVE?
16 MR. BRAUN: I'LL BE 10 MINUTES.
17 THE COURT: OKAY.
18
19 REDIRECT EXAMINATION
20 BY MR. BRAUN:
21 Q. MS. SPACCIA, DID ANYONE EVER DISCUSS WITH
22 YOU OR BRING TO YOUR ATTENTION THE REQUIREMENTS OF A
23 PUBLICALLY AVAILABLE PAY SCHEDULE?
24 A. NO.
25 Q. WHEN YOU SUBMITTED YOUR CONTRACT TO CALPERS

1 TO OBTAIN APPROVAL OF YOUR INCREASE OF PAY FOR 2005,
2 DID YOU BELIEVE THAT THEY -- DID THEY RAISE ANY
3 OBJECTIONS ABOUT WHETHER IT WAS A PUBLICALLY
4 AVAILABLE PAY SCHEDULE?
5 A. NO.
6 Q. TO YOUR KNOWLEDGE, ARE ALL THE
7 MANAGEMENT -- BEFORE YOU RETIRED, WERE ALL THE
8 MANAGERS THAT WERE EMPLOYED AT THE CITY OF BELL
9 TREATED SIMILARLY TO YOU, IN TERMS OF THEIR CONTRACTS
10 AND HOW THEIR CONTRACTS WERE LISTED IN A PAY
11 SCHEDULE?
12 MR. ONSTOT: OBJECTION; VAGUE, LACKS
13 FOUNDATION.
14 MR. BRAUN: YES. I'LL WITHDRAW THE
15 QUESTION.
16 BY MR. BRAUN:
17 Q. SO WHO WERE THE MANAGEMENT PEOPLE THAT YOU
18 PREPARED CONTRACTS FOR ON THE SAME TEMPLATE THAT YOUR
19 CONTRACT WAS ON?
20 A. THE C.A.O.; MYSELF; THE DIRECTOR OF
21 ADMINISTRATIVE SERVICES; THE DIRECTOR OF COMMUNITY
22 AND SOCIAL SERVICES; THE BUSINESS DEVELOPMENT
23 COORDINATOR; THE DEPUTY CITY ENGINEER, I BELIEVE IS
24 HIS TITLE; THE POLICE CHIEF; THE ASSISTANT POLICE
25 CHIEF; THE POLICE CAPTAIN; AND THE POLICE LIEUTENANT.

1 AND I BELIEVE THAT WAS IT. IT WAS ALL
2 MANAGEMENT.
3 THE COURT: MS. SPACCIA, I REMEMBER AT THE
4 LAST HEARING, YOU SAID THAT ONE OF THE WORST PARTS OF
5 THE JOB WAS PREPARING THESE CONTRACTS, ACTUALLY
6 SITTING DOWN AND USING A WORD PROCESSOR TO DO THAT;
7 RIGHT?
8 THE WITNESS: YES.
9 THE COURT: AND DIDN'T YOU TELL US THAT
10 MR. RIZZO ASKED YOU DO TO THAT FOR A REASON?
11 THE WITNESS: INTERNAL CONTROL, YES.
12 THE COURT: HE DIDN'T WANT SOMEONE ELSE IN
13 THE MAIN OFFICE TYPING THOSE UP, DID HE?
14 THE WITNESS: HE DIDN'T WANT -- WHAT HE
15 DIDN'T WANT -- THE DIRECTOR OF ADMINISTRATIVE
16 SERVICES WAS WHO WAS IN CHARGE OF FINANCE --
17 THE COURT: NO. JUST ANSWER THE QUESTION.
18 HE DIDN'T WANT PEOPLE IN THE FRONT OFFICE
19 TO KNOW HOW MUCH PEOPLE WERE MAKING; TRUE?
20 THE WITNESS: HE NEVER TOLD ME THAT.
21 THE COURT: THAT'S WHAT YOU UNDERSTOOD.
22 THE WITNESS: NO. ACTUALLY, NO.
23 THE COURT: THAT'S EXACTLY WHAT YOU
24 UNDERSTOOD.
25 THE WITNESS: I NEVER THOUGHT ABOUT IT.

1 THE COURT: WHY DID YOU THINK, THEN, THAT
2 YOU HAD THE MEANINGLESS TASK OF TYPING UP THESE
3 CONTRACTS WHEN THERE WAS A WHOLE BEVY OF SECRETARIES
4 OUT THERE THAT COULD DO IT?
5 THE WITNESS: ACTUALLY, THERE WAS NO
6 SECRETARIES. HE ELIMINATED SECRETARIES BACK -- YEARS
7 BEFORE I GOT THERE. SO WE ALL HAD TO DO CERTAIN
8 ASPECTS OF SECRETARIAL DUTIES AT ALL LEVELS,
9 INCLUDING THE DIRECTORS.
10 THE COURT: SO WHY WASN'T SOMEONE LESS THAN
11 YOU TYPING UP THESE DOCUMENTS?
12 THE WITNESS: BECAUSE THEY WOULD HAVE
13 REPORTED TO THE DIRECTOR OF ADMINISTRATIVE SERVICES
14 WHO WAS IN CHARGE FINANCE IN PAYROLL.
15 THE COURT: THAT MAKES NO SENSE TO ME.
16 BEFORE, YOU SAID INTERNAL CONTROL.
17 THE WITNESS: INTERNAL CONTROLS, YES.
18 THE COURT: IT MAKES NO SENSE TO ME.
19 THE WITNESS: THAT'S A FINANCIAL TERM,
20 "INTERNAL CONTROL," CHECKS AND BALANCES.
21 THE COURT: SO WHAT DOES THAT HAVE TO DO
22 WITH -- WHY IS SOMEONE WHO'S AS EXPENSIVE AS YOU,
23 MAKING MORE THAN $300,000, TYPING UP ALL THESE
24 CONTRACTS?
25 THIS DOESN'T MAKE ANY SENSE TO ME.

1 THE WITNESS: THERE WERE A NUMBER OF THINGS
2 THAT PROBABLY MIGHT NOT MAKE SENSE.
3 BECAUSE WE DIDN'T HAVE SECRETARIAL STAFF,
4 AND THAT WAS THE PHILOSOPHY THAT HE HAD.
5 GOOD OR BAD, I DON'T KNOW.
6 THE COURT: OKAY. THANK YOU. I MUST HAVE
7 MISUNDERSTOOD FROM THE LAST TIME, WHAT YOUR TESTIMONY
8 WAS.
9 BY MR. BRAUN:
10 Q. MS. SPACCIA, WOULD YOU EXPLAIN TO THE JUDGE
11 WHY YOU BELIEVE THIS PROCESS MADE SENSE, THAT YOU
12 WERE OUT OF THE LOOP, IN TERMS OF FINANCES?
13 A. BECAUSE I WASN'T PART OF THE DAILY
14 OPERATIONS OF FINANCE.
15 I COULDN'T CREATE THE CONTRACT AND THEN
16 TAKE IT AND IMPLEMENT IT INTO THE PAYROLL SYSTEM
17 BECAUSE I HAD NO RESPONSIBILITIES WITH RESPECT TO
18 FISCAL.
19 Q. IF FISCAL HAD DONE THE CONTRACTS, WOULD
20 THAT HAVE BEEN -- IN TERMS OF MANAGEMENT, WOULD THAT
21 HAVE CREATED A POSSIBILITY OF SOMEONE, SAY, CHANGING
22 A CONTRACT THEN IMPLEMENTING IT?
23 A. YES. YES. AND THE ONLY OTHER PERSON WHO
24 COULD HAVE TYPED THE CONTRACTS WAS THE CITY CLERK,
25 BUT THE CITY CLERK WAS RESPONSIBLE FOR THE HUMAN

1 RESOURCE ASPECT, WHICH AGAIN WOULD PROVIDE HER WITH
2 OPPORTUNITIES TO MAKE CHANGES. SO THAT WAS IT.
3 Q. SO FROM YOUR PROSPECTIVE AND EXPERIENCE IN
4 MUNICIPAL GOVERNMENT, IS THIS HOW A MUNICIPAL
5 GOVERNMENT WOULD HAVE ITS CHECKS AND BALANCES?
6 A. YES. IT'S CALLED "INTERNAL CONTROL."
7 Q. AND IF IT HAD BEEN -- LET'S SAY IT WAS
8 GIVEN TO FINANCE AND LET THEM TYPE IT UP, WOULD THAT
9 HAVE GIVEN THEM AN OPPORTUNITY FOR, SAY, EMBEZZLEMENT
10 OF SOME TYPE?
11 A. ABSOLUTELY.
12 Q. AND HOW WOULD THAT BE?
13 A. BECAUSE THEY HAVE ACCESS TO THE PAYROLL
14 RECORDS, THEY HAVE ACCESS TO PAYROLL CHECKS, THEY
15 HAVE THE ABILITY TO ENTER THE INFORMATION INTO THE
16 PAYROLL SYSTEM, WHICH I HAD NO ACCESS TO.
17 SAME WITH THE CITY CLERK. SHE HAD ACCESS
18 TO THE PERSONNEL SYSTEM, WHICH I HAD NO ACCESS TO.
19 Q. SO DID YOU VIEW THIS AS A WAY FOR RIZZO
20 TO -- LET ME ASK YOU THIS: ONCE THE CONTRACTS WERE
21 SIGNED, WERE THEY THEN TURNED OVER TO PERSONNEL?
22 A. ONCE I TYPED THE CONTRACTS, I DON'T KNOW
23 BECAUSE I WOULD GIVE THEM TO THE CITY CLERK. AND THE
24 CITY CLERK, I PRESUME, WITH BOB RIZZO -- I'M NOT
25 SURE.

1 SOMEBODY WOULD MAKE SURE THEY GOT SIGNED
2 AND FILED AWAY. I NEVER SAW THEM AFTER I TYPED THEM
3 INITIALLY.
4 Q. BUT AT THAT POINT, THEY WERE COMPLETED; IS
5 THAT RIGHT? WERE THEY COMPLETED EXCEPT FOR
6 SIGNATURES?
7 A. YES. WELL, THEY WERE A DRAFT, AND THEY
8 WOULD LET ME KNOW IF CHANGES NEEDED TO BE MADE, IF I
9 MADE MISTAKES.
10 Q. HOW MUCH TIME -- THIS DIDN'T TAKE THAT LONG
11 EACH YEAR, DID IT, TO COMPLETE --
12 A. NO. NO. IT WAS MAYBE A HALF A DAY.
13 Q. WHY DID YOU FEEL THAT IT WAS AN UNPLEASANT
14 PART OF THE JOB?
15 A. IT WAS MUNDANE.
16 Q. SO IT WAS JUST --
17 A. IT WAS JUST TAKING INFORMATION AND FILLING
18 IN THE BLANKS.
19 Q. SO, NOW, IN TERMS OF THESE PEOPLE THAT
20 YOU'VE LISTED THAT YOU DID THE CONTRACTS FOR, ARE ALL
21 OF THESE PEOPLE TREATED SIMILARLY AS YOU ARE, IN
22 TERMS OF WHETHER OR NOT THEIR CONTRACTS ARE
23 PUBLICALLY AVAILABLE?
24 A. CORRECT. THEY WERE ALL ON THE SAME
25 TEMPLATE.

1 Q. AND WHILE YOU WERE AT THE CITY OF BELL, DID
2 ANY OF THESE PEOPLE THAT YOU PROCESSED ON THE SAME
3 TEMPLATE AND HAD ON THE SAME SCHEDULES -- DID ANY OF
4 THESE PEOPLE RETIRE, TO YOUR KNOWLEDGE?
5 A. YES. A NUMBER OF THEM HAVE.
6 Q. AND TO YOUR KNOWLEDGE, WHILE YOU WERE AT
7 THE CITY OF BELL AND THESE PEOPLE RETIRED UNDER
8 CALPERS, DID ANYONE, TO YOUR KNOWLEDGE, RAISE ANY
9 ISSUE ABOUT WHETHER OR NOT THEIR CONTRACTS WERE
10 PUBLICALLY AVAILABLE AS DEFINED BY CALPERS?
11 MR. ONSTOT: OBJECTION; RELEVANCE.
12 THE COURT: SUSTAINED.
13 I UNDERSTAND YOUR CLAIM IS IT'S RELIANCE.
14 MR. BRAUN: RELIANCE, YES, YOUR HONOR.
15 THE COURT: NO.
16 MR. BRAUN: OKAY. NO FURTHER QUESTIONS,
17 YOUR HONOR.
18 THE WITNESS: THERE IS THE RISK MANAGEMENT
19 AND THE SECRETARY -- IN VALDEZ'S DECLARATION.
20 BY MR. BRAUN:
21 Q. LET ME ASK YOU, NOW, IN TERMS OF YOUR JOB,
22 WHO DID YOU REPLACE IN TERMS -- THERE WAS A RISK
23 MANAGER LISTED ON ONE OF THE PAY SCHEDULES; IS THAT
24 CORRECT?
25 A. YES.

1 Q. AND DID YOU TAKE OVER THAT FUNCTION?
2 A. THAT WAS ONE OF THE FUNCTIONS I TOOK OVER
3 WITH RISK MANAGEMENT.
4 WHAT HAPPENED WAS WHEN THE RISK MANAGER
5 LEFT, THAT OPENED UP A BUDGETED SLOT FOR ANOTHER
6 PERSON. HE ELIMINATED THE RISK MANAGER POSITION AND
7 CREATED AN ASSISTANT TO THE C.A.O.
8 Q. DID YOU DO THE FUNCTIONS OF THE RISK
9 MANAGER, AMONG OTHER THINGS?
10 A. YES.
11 Q. NOW, IN TERMS OF THE CATEGORIES, THE
12 EXECUTIVE MANAGEMENT AND MANAGEMENT CATEGORIES,
13 ULTIMATELY, YOU WERE IN THAT EXECUTIVE MANAGEMENT
14 CATEGORY WITH THE CITY COUNCIL AND RIZZO; CORRECT?
15 A. YES.
16 Q. NOW, IS THAT IN TERMS OF BENEFITS?
17 A. BENEFITS ONLY, YES.
18 Q. NOW, THE CITY COUNCILMEN AREN'T ENTITLED TO
19 ANY BENEFITS -- IS THAT CORRECT? -- EVEN THOUGH THEY
20 WERE IN THAT EXECUTIVE MANAGEMENT CATEGORY?
21 A. RIGHT.
22 Q. AND ARE YOU AWARE -- DO YOU UNDERSTAND NOW
23 WHY YOU WOULD BE PUT IN THAT CATEGORY AS OPPOSED TO A
24 DEPARTMENT HEAD IN THAT CATEGORY, IN TERMS OF
25 MANAGEMENT?

1 MR. KENNEDY: OBJECTION; RELEVANCY.
2 THE COURT: SUSTAINED.
3 MR. BRAUN: NO FURTHER QUESTIONS, YOUR
4 HONOR.
5 THE COURT: MR. KENNEDY?
6
7 RECROSS-EXAMINATION
8 BY MR. KENNEDY:
9 Q. DOES THE DEPUTY CITY ENGINEER HAVE ANY
10 SUPERVISORY OBLIGATIONS?
11 A. I BELIEVE SO, YES.
12 Q. WHILE YOU WERE WORKING THERE, DID YOU AS AN
13 ASSISTANT OR ASSISTANT TO -- DID YOU HAVE SUPERVISORY
14 OBLIGATIONS?
15 A. NO.
16 Q. DID THE BUSINESS DEVELOPMENT COORDINATOR
17 HAVE SUPERVISORY OBLIGATIONS?
18 A. I DON'T BELIEVE SO.
19 Q. ISN'T IT TRUE THAT IN 2010, THAT POSITION
20 WAS BEING PAID $10,433 A MONTH?
21 A. I DON'T RECALL.
22 Q. DOES THAT SOUND ABOUT RIGHT?
23 A. THAT SOUNDS ABOUT RIGHT.
24 MR. KENNEDY: NO OTHER QUESTIONS, YOUR
25 HONOR.

1 MR. ONSTOT: NOTHING FURTHER.
2 THE COURT: THANK YOU.
3 MR. BRAUN: NOTHING FURTHER.
4 THE COURT: OKAY. DO YOU HAVE OTHER
5 EVIDENCE YOU WISH TO PUT ON?
6 MR. BRAUN: NO, YOUR HONOR.
7 THE COURT: IS THERE ANY REBUTTAL YOU WISH
8 TO PUT ON?
9 MR. KENNEDY: NONE.
10 THE COURT: ANY REBUTTAL YOU WISH TO PUT
11 ON?
12 MR. ONSTOT: NONE.
13 THE COURT: DO YOU WISH TO GIVE CLOSING
14 ARGUMENTS AFTER THE LUNCH HOUR, OR DO YOU WISH TO
15 GIVE WRITTEN ARGUMENT?
16 MR. BRAUN: WRITTEN ARGUMENTS, YOUR HONOR.
17 THE COURT: IS THAT YOUR PREFERENCE?
18 MR. ONSTOT: IT WOULD BE MY PREFERENCE AS
19 WELL.
20 THE COURT: OKAY. HOW MUCH TIME WOULD YOU
21 LIKE TO HAVE TO SUBMIT?
22 MR. BRAUN: 30 DAYS?
23 THE COURT: ANY OBJECTION TO THAT?
24 MR. KENNEDY: NO.
25 THE COURT: WHAT'S THE DATE TODAY?

1 MR. ONSTOT: THE 27TH.
2 THE COURT: TOMORROW WILL BE THE 28TH, AND
3 THAT WOULD BE FRIDAY.
4 WHAT'S 30 DAYS HENCE?
5 MR. BRAUN: THE 28TH OF JANUARY. IT'S A
6 MONDAY.
7 MR. ONSTOT: CORRECT. MONDAY, JANUARY 28.
8 THE COURT: IS THAT OKAY WITH YOU?
9 MR. BRAUN: YES, YOUR HONOR.
10 THE COURT: OKAY. THE REPLY BRIEF IS DUE
11 AT THE CLOSE OF BUSINESS ON JANUARY 28TH, 2013.
12 HOW MUCH TIME DO YOU NEED TO RESPOND?
13 MR. ONSTOT: OH, I THOUGHT ALL THREE OF US
14 WERE GOING TO DO CLOSING BRIEFS.
15 THE COURT: DO YOU WANT TO RESPOND TO HIS
16 OR NOT?
17 MR. ONSTOT: I DON'T --
18 THE COURT: OR DO YOU WANT TO EXCHANGE --
19 MR. KENNEDY: SIMULTANEOUS IS FINE.
20 MR. ONSTOT: SIMULTANEOUS.
21 THE COURT: SIMULTANEOUS.
22 ALL THE BRIEFS ARE DUE ON JANUARY 28, 2013.
23 DO YOU HAVE TO REPLY TO THAT, OR YOU JUST
24 WANT TO LEAVE IT AT THAT?
25 MR. ONSTOT: LEAVE IT AT THAT.

1 MR. BRAUN: I THINK WE KNOW WHAT THE ISSUE
2 IS.
3 THE COURT: RIGHT. OKAY.
4 ALL BRIEFING IS DUE ON JANUARY 28, 2013, AT
5 THE CLOSE OF BUSINESS, AND THAT'LL BE DATE ON WHICH
6 THE MATTER IT SUBMITTED.
7 I'LL HAVE 30 DAYS AFTER THAT TO PREPARE FOR
8 A DECISION.
9 MR. ONSTOT: COULD WE EXCHANGE ELECTRICALLY
10 AND FAX TO YOU?
11 THE COURT: SURE.
12 ANYTHING ELSE WE SHOULD BE TAKING CARE OF?
13 MR. BRAUN: NO, YOUR HONOR.
14 THE COURT: THANKS, FOLKS.
15 (WHEREUPON, AT THE HOUR OF
16 12:10 P.M., THE PROCEEDINGS
17 WERE CONCLUDED.)
18 -OOO-
19
20
21
22
23
24
25

1 STATE OF CALIFORNIA)
)SS
2 COUNTY OF LOS ANGELES)
3
4 I, REYNA OTA, HEARING REPORTER, FOR THE STATE
5 OF CALIFORNIA, HEREBY CERTIFY:
6 THE FOREGOING PROCEEDINGS WERE TAKEN BEFORE ME
7 AT THE TIME AND PLACE THEREIN SET FORTH;
8 THE PROCEEDINGS WERE RECORDED STENOGRAPHICALLY
9 BY ME AND WERE THEREAFTER TRANSCRIBED;
10 THE FOREGOING TRANSCRIPT IS A TRUE AND CORRECT
11 TRANSCRIPT OF MY SHORTHAND NOTES SO TAKEN;
12 I FURTHER CERTIFY THAT I AM NEITHER COUNSEL
13 FOR NOR RELATED TO ANY PARTY TO SAID ACTION, NOR IN
14 ANY WAY INTERESTED IN THE OUTCOME THEREOF.
15 IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED
16 MY NAME THIS 17TH DAY OF JANUARY, 2013.
17
18
19
20
21
22
23
24
25