

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
2 COUNTY OF CONTRA COSTA  
3  
4 MARK JORDAN, an individual, )  
5 Plaintiff, )  
6 vs. ) Case No.: C16-00372  
7 CITY OF ANTIOCH, a general law )  
8 city; and DOES 1-10, )  
9 Defendants. )  
10 \_\_\_\_\_ )  
11  
12  
13  
14 DEPOSITION OF ROWLAND EUGENE BERNAL, JR.  
15 TUESDAY, JULY 19, 2016, 3:01 P.M.  
16 WALNUT CREEK, CALIFORNIA  
17  
18  
19  
20  
21  
22 Reported by Carolyn M. Mann, CSR No. 10066  
23 CLS Job No. 56815B  
24  
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2  
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19 ALSO PRESENT:  
20 MARK JORDAN  
21  
22  
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24  
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20 DEPOSITION OF ROWLAND EUGENE BERNAL, JR., taken at  
21 Centext Legal Services, 1990 No. California Boulevard,  
22 Suite 530, Walnut Creek, California, on Tuesday, July  
23 19, 2016, at 3:01 p.m., before Carolyn M. Mann,  
24 Certified Shorthand Reporter, in and for the State of  
25 California.

2

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2 WITNESS: Rowland Eugene Bernal, Jr.  
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1 INDEX TO EXHIBITS  
2 EXHIBITS MARKED  
3 Exhibit 16 Pages printed from City of Antioch's 12  
website (no Bates numbers)  
4  
5 Exhibit 17 Document regarding Water Distribution 31  
System Stats (no Bates number)  
6 Exhibit 18 Document regarding Sanitary Sewer 31  
System Stats (no Bates number)  
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5

1 A Yes.  
2 Q Have you had your deposition taken before?  
3 A Yes.  
4 Q How many times?  
5 A Once.  
6 Q Was it in recent years?  
7 A Five, six years ago.  
8 Q Okay. So you have some familiarity with the  
9 process?  
10 A Yes.  
11 Q I'll be asking you questions; you'll be  
12 answering my questions. It's important that we not  
13 speak over one another so the court reporter can take  
14 down accurately everything we say. Okay?  
15 A Yes.  
16 Q Is there any reason you cannot give your best  
17 testimony today?  
18 A No.  
19 Q Looks like you know my client, Mark Jordan --  
20 A Yes.  
21 Q -- is that right?  
22 I represent him in a lawsuit that he brought  
23 against the City of Antioch. Are you familiar with that  
24 lawsuit?  
25 A Yes.

7

1 TUESDAY, JULY 19, 2016, 3:01 P.M.  
2 WALNUT CREEK, CALIFORNIA  
3  
4 ROWLAND EUGENE BERNAL, JR.,  
5 having been first duly sworn, testifies as follows:  
6  
7 EXAMINATION  
8 BY MR. BENINK:  
9 Q Good afternoon. We said hello before the  
10 deposition started. Can you state and spell your name  
11 for the record, please.  
12 A Full name?  
13 Q Full name, please.  
14 A Rowland Eugene Bernal, Jr. R-O-W-L-A-N-D,  
15 E-U-G-E-N-E, B-E-R-N-A-L, J-R.  
16 Q Thank you. You understand --  
17 A You're welcome. I go by Ron.  
18 Q Thank you; I appreciate it. You can call me  
19 Eric.  
20 A Okay.  
21 Q You understand that you were just administered  
22 an oath and the deposition testimony you're going to  
23 give today is under penalty of perjury?  
24 A Yes.  
25 Q Just like you were in a courtroom?

6

1 Q What is your understanding as to what that  
2 lawsuit is about?  
3 A It's, I guess, contesting the transfer of a  
4 1 percent fee from the Sewer Enterprise Fund and the  
5 Water Enterprise Fund to the General Fund for the  
6 purpose of police services.  
7 Q Right. Okay, great.  
8 Have you actually read that lawsuit?  
9 A I believe I have. I read -- you know, maybe I  
10 haven't. I read my subpoena part of it, but maybe I  
11 haven't read the lawsuit.  
12 Q Okay. Did you do anything to prepare for your  
13 deposition today?  
14 A Just went over our utility information, our  
15 assets, and that's about it.  
16 Q Okay. When you say you went over the assets,  
17 like some sort of cavil [phonetic] asset list?  
18 A Yeah. It's a list that -- I asked my sewer and  
19 water guys to give me a GIS photo of our assets and then  
20 just a little laundry list of what they were, how many  
21 miles of pipe, and different things like that.  
22 Q Okay, great. And is there any reason that you  
23 decided to look at that information ahead of this  
24 deposition?  
25 A I just wanted to be informed. At a director

8

1 level, I don't always remember all the facts about the  
2 system, so I just kind of wanted to be informed about  
3 the system overall.  
4 Q Great. Did you speak to anybody about your  
5 deposition today other than Mr. Cole?  
6 A Just for the asset list, is all that I asked  
7 for.  
8 Q Okay. Have you spoken to Dawn Merchant or the  
9 chief of police, Allan Cantando?  
10 A I spoke to Dawn this morning.  
11 Q What did you and she speak about?  
12 A I was asking her about a City matter, and I  
13 asked her how long her deposition went. So she said it  
14 went about two and a half hours.  
15 Q Did you speak to her at all with regard to the  
16 substance of the questions?  
17 A No.  
18 Q Did she give you any advice or --  
19 A No. We know not to go there.  
20 Q Okay. So I take it you're employed by the City  
21 of Antioch?  
22 A Yes.  
23 Q And what is your position?  
24 A Assistant city manager, director of public  
25 works, and city engineer.

9

1 Q Three titles, three different --  
2 A Three different --  
3 Q -- lines of responsibility?  
4 A Yes.  
5 Q So can you tell me how long you've been each  
6 one of those or each one of those titles?  
7 A Assistant city manager since April of this  
8 year, 2016; public works director since February of  
9 2009; and city engineer, I don't remember exactly.  
10 Probably 2012 or so.  
11 Q Can you give me just a couple of lines each on  
12 what your general responsibilities are in each one of  
13 those capacities.  
14 A So as assistant city manager, I assist the city  
15 manager in whatever assignments he gives me.  
16 Q Okay. Can you give me an example of one such  
17 assignment?  
18 A I'm working on homelessness in the city and  
19 blight right now, so pulling together all of the  
20 different city departments and outside groups that are  
21 working toward trying to address that situation. And so  
22 I'm the coordinator of that effort.  
23 Q Okay. How about as public works director?  
24 A Public works director, I direct the 14  
25 divisions. It's a full-service city, which includes the

10

1 Sewer Enterprise and the Water Enterprise Funds. So  
2 it's all of our maintenance and everything. And under  
3 that umbrella is capital improvement and our engineering  
4 development services.  
5 Q Okay. And then how is that different than the  
6 city engineer?  
7 A So city engineer is more related to the  
8 development, final maps, traffic. You know, I'm the  
9 city's traffic engineer and technically, under  
10 ordinance, I'm the flood plain administrator. So I have  
11 different roles as the city engineer that fall under  
12 that title. And then I'm also responsible for the  
13 subdivision maps and making sure the subdivision  
14 ordinance and the city ordinances are followed.  
15 Q How long have you been employed by the City?  
16 A Eighteen years.  
17 Q And you're a salaried employee?  
18 A Yes.  
19 Q And who do you report to?  
20 A City manager.  
21 Q In all three of those capacities?  
22 A Yes.  
23 Q How many staff do you have below you as the  
24 public works director?  
25 A I think 102, 105. I don't know exactly.

11

1 Q Okay. And how about --  
2 A Excuse me. I have 102 authorized positions. I  
3 think I have probably about 80 staff right now. Eighty,  
4 85 staff right now.  
5 Q Due to downsizing?  
6 A Yeah. Well, downsizing and then just  
7 vacancies.  
8 Q Okay. How many direct reports do you have,  
9 people that report directly to you?  
10 A I have one, two, three, four -- five direct  
11 reports.  
12 Q Are any of those five people that have some  
13 overall responsibility for sewer and water?  
14 A Yes.  
15 Q And who are those people?  
16 A Mike Bechtholdt is -- oversees the sewer  
17 collection system enterprise, Duane Anderson oversees  
18 the water treatment plant facility as the  
19 superintendent, and Adam Molinar oversees the water  
20 distribution system. He's the superintendent of the  
21 distribution system.  
22 Q Got it. Okay.  
23 (Exhibit 16 marked for identification)  
24 BY MR. BENINK:  
25 Q I'm handing you a document we've just marked as

12

1 16. And just so you know, the reason it's 16 is because  
 2 we're going in sequential order with regard to other  
 3 exhibits that were marked in depositions prior to yours.  
 4 So I'm going to ask you first if you recognize  
 5 the pages that I've handed you as Exhibit 16.  
 6 A Yes. These are off of our City website.  
 7 Different -- looks like different divisions that have  
 8 been pulled up.  
 9 Q Okay. There's a description of the Public  
 10 Works Department on page 1 of this exhibit. If you  
 11 could read that to yourself. It begins, "Public Works  
 12 Department provides maintenance service." You see that?  
 13 A Uh-huh.  
 14 Q Just read that to yourself, and I'm going to  
 15 ask you after you read it whether it's an accurate  
 16 statement.  
 17 A It's -- go ahead.  
 18 Q Is it accurate?  
 19 A I mean, it's not all-inclusive, but it's  
 20 accurate to the extent of what it describes here.  
 21 Q Right. And just so you're abundantly clear,  
 22 there's no trick questions here.  
 23 A Okay.  
 24 Q I'm not trying to -- I'm just trying to -- in  
 25 the event I need to describe to the court what the

13

1 Public Works Department does, I'm just trying to put  
 2 some information in --  
 3 A Sure.  
 4 Q -- front of you to verify. That's all.  
 5 A Okay.  
 6 Q Okay?  
 7 Can you go to the next page, please. There's a  
 8 paragraph here that purports to describe the water  
 9 distribution division of the public works. Do you see  
 10 that?  
 11 A Uh-huh.  
 12 Q And by the way, you have to answer  
 13 affirmatively --  
 14 A Yes.  
 15 Q -- verbally.  
 16 A Yes.  
 17 Q Thank you.  
 18 A I'm sorry.  
 19 Q Can you read just the first paragraph that  
 20 begins, "The Water Distribution Division of Public Works  
 21 is responsible for maintaining . . ."  
 22 A Yes.  
 23 Q That paragraph is generally accurate? I know  
 24 some numbers as far as service connections and so forth  
 25 may vary on a month to month or day-to-day basis, but is

14

1 that generally accurate --  
 2 A Yes.  
 3 Q -- to your knowledge?  
 4 A Yes.  
 5 Q Okay. So the City has approximately 31,274  
 6 water service connections; is that right?  
 7 A Yes.  
 8 Q And that's -- when I say "water service  
 9 connections," that's for the -- to provide actual  
 10 drinking water to the residents.  
 11 A Correct.  
 12 Q Okay. And the reference to 339 miles of water  
 13 main, is that a -- "water main" means a pipe of sorts,  
 14 right?  
 15 A A main would be anywhere from, I'd say, a  
 16 6-inch line up to, we have some 24-inch lines, so, or  
 17 30 -- we have a 30-inch line. So yeah, it's anything in  
 18 that range.  
 19 Q Got it.  
 20 So if you flip to two pages further, there's a  
 21 page that has "Water Treatment." You see that?  
 22 A Uh-huh. Yes.  
 23 Q Can you please just read that paragraph on this  
 24 page.  
 25 Is that what the water treatment plant does?

15

1 A Yes.  
 2 Q Okay. As far as providing water service, I  
 3 think you referenced that there's somebody in charge of  
 4 water distribution and somebody in charge of water  
 5 treatment?  
 6 A Yes.  
 7 Q Do you consider those to be two different  
 8 divisions within public works?  
 9 A Yes.  
 10 Q And do they have separate budgets, to some  
 11 extent?  
 12 A Yes.  
 13 Q Do you know how large the water treatment plant  
 14 is square footage-wise or anything that you can  
 15 describe --  
 16 A I can tell you it has the capability of  
 17 treating 36 million gallons per day of water. It's  
 18 comprised of two plants, Plant A and Plant B. Plant A  
 19 is about 20 million gallons per day and Plant B is about  
 20 16 million gallons per day capacity.  
 21 Q Are the two plants right next to each other?  
 22 A They're, yeah, in close proximity, yeah. It's  
 23 on the same property.  
 24 Q Same property. Okay.  
 25 If you could reach into this pile here and pull

16

1 out Exhibit 2. It should be the second one from the  
 2 top. See the colored one --  
 3 A Yes.  
 4 Q -- the next one? Yep.  
 5 So this is an exhibit we previously marked as  
 6 Exhibit 2. And I'll just ask you, do you recognize this  
 7 overhead shot?  
 8 A Yes.  
 9 Q Okay. And the large property in the middle of  
 10 the page is the water treatment plant; is that correct?  
 11 A Yes.  
 12 Q And where are the two plants, Plant A and Plant  
 13 B, on this property?  
 14 A So Plant A would be to the bottom right of the  
 15 page. It's kind of a light brown building at that  
 16 location. And then Plant B would be more in the center  
 17 of the picture, and it's the kind of white building and  
 18 a tan building to the top of the page with all of the  
 19 ponds around it.  
 20 Q Okay. Is there a fence around this water  
 21 treatment plant?  
 22 A Yes.  
 23 Q There is. And how tall is the fence?  
 24 A I believe it's 6 feet tall.  
 25 Q Is there any razor wire or anything like that

17

1 that would prevent somebody from climbing over the  
 2 fence?  
 3 A I don't believe so.  
 4 Q Is there a gate that one must open in order to  
 5 drive into the facility or can you -- let me ask you  
 6 this. Can you drive into the facility?  
 7 A Yes.  
 8 Q And is there a gate that you must open before  
 9 you're able to --  
 10 A Yes.  
 11 Q -- enter? Okay.  
 12 And is that gate locked at all times or --  
 13 A Yes.  
 14 Q Unless and until somebody who's authorized to  
 15 be there appears?  
 16 A Yes. It's an electric gate.  
 17 Q Electric gate?  
 18 A Yes.  
 19 Q Is there a code or something?  
 20 A Yes.  
 21 Q And you would agree that the plant is located  
 22 in a neighborhood?  
 23 A It's bound on two sides, I'd say, by  
 24 residential, and then there's an open space and a school  
 25 to the north, and then another open space piece to the

18

1 east of it, to the southeast, so.  
 2 Q But it has residential on both sides --  
 3 A Right.  
 4 Q -- both sides of it.  
 5 And is there a -- is the fence, does it  
 6 encompass the entire property?  
 7 A Yes.  
 8 Q How many people do you believe actually work on  
 9 premises at the water treatment plant on an average  
 10 daily basis?  
 11 A So I'd say there's six on site and then two or  
 12 three off site that are doing maintenance at different  
 13 facilities that aren't a part of this plant.  
 14 Q Is there somebody on premises 24 hours a day?  
 15 A No. There's periods in the wintertime when the  
 16 plant isn't operating 24 hours a day when there would be  
 17 nobody at the plant.  
 18 Q How often does that happen, do you think?  
 19 A With the drought it's happened more often than  
 20 it used to when we were producing a lot more water. So  
 21 I couldn't -- I couldn't guess.  
 22 Q Fair enough. But I guess what you're saying,  
 23 in recent times there's just been less water consumption  
 24 and thus the need for less treatment?  
 25 A Right. There isn't a need for 24-hour

19

1 operation of the plant.  
 2 Q What other water treatment or water  
 3 distribution assets are there?  
 4 A So we have our river pump down off of the -- at  
 5 the end of Fulton Shipyard Road. That's our diversion  
 6 structure, where we take water from the San Joaquin  
 7 River and pump it up to the reservoir at the golf  
 8 course. That's where we store the water until it's fed  
 9 down to the treatment plant for treatment.  
 10 We also have two pump stations along the Contra  
 11 Costa Canal where we take a majority of our water from  
 12 Contra Costa Water District, and so those facilities are  
 13 located in proximity to Lone Tree Way and James Donlon  
 14 Boulevard. We have 11 other reservoirs in the city,  
 15 which are either buried tanks or above-ground tanks that  
 16 hold water for fire protection for use by the system.  
 17 And then we have pump stations that pump up the pressure  
 18 of the system where it's low, and then just besides  
 19 that, just the rest of the basic main lines and valves  
 20 and hydrants and all of that.  
 21 Q So how many total pumps and reservoirs, would  
 22 you estimate?  
 23 A Actually, I brought a little list here so I can  
 24 tell you exactly. So we have -- I'm sorry. There's 11  
 25 -- I said there was 11 reservoirs. There's 11 booster

20

1 pumping stations, there's one river pump, 14 tanks, and  
 2 38 water sampling stations.  
 3 Q And how many of those tanks are below ground?  
 4 A I would say there's two that I'm aware of that  
 5 are below ground.  
 6 Q And did you say that at least some of the tanks  
 7 are used just for fire protection only and not for  
 8 drinking?  
 9 A No, they're used for both, yeah.  
 10 Q Oh, okay.  
 11 A Yeah. But it allows us to have adequate fire  
 12 protection in the event of a fire to serve the multiple  
 13 hydrants that might be open. So the systems are  
 14 designed for both.  
 15 Q And the reservoir tanks, how deep below the  
 16 ground are they, typically?  
 17 A I mean, the above-ground tanks are very -- you  
 18 know, shallow, below ground. The below-ground tanks  
 19 might be 15 feet below ground, with the top of them  
 20 maybe sticking up above the ground. They're all  
 21 designed differently, but generally, that's what it  
 22 would look like.  
 23 Q Are some of these assets adjacent to roads and  
 24 streets and easily accessible, or are they more off the  
 25 beaten path?

21

1 A Some -- most are -- well, most are visible from  
 2 the street, but many of them have driveways that you  
 3 have to drive up to get to them. So you'd have to go  
 4 through Richards parking lot, say, and up a road,  
 5 because they're usually elevated on hills. So several  
 6 of them are in that situation. Others are right off of  
 7 a road but they -- they -- the ones I can think of all  
 8 have a short driveway off of the road. You wouldn't be  
 9 able to just access it immediately off the road.  
 10 Q I take it the water treatment plant is the  
 11 biggest asset that's comprised of all the water  
 12 treatment and distribution assets?  
 13 A You know, I'm not -- it's the physically  
 14 biggest asset. I'm not sure value-wise if it's the  
 15 biggest asset. But as far as size-wise, yes, it's, you  
 16 know, several buildings and --  
 17 Q Okay.  
 18 A -- a large facility.  
 19 Q You think that there's a possibility that some  
 20 other asset is actually more valuable monetarily?  
 21 A We have all of the main -- I don't have all the  
 22 information on the values, but we have all of our mains  
 23 and tanks and reservoirs and pumping facilities and  
 24 river pump. And so I'm not sure with the 350-plus miles  
 25 of main line that we have, what that value is in

22

1 relationship to the plant itself.  
 2 Q Okay. Fair enough.  
 3 Are there any guards that protect the water  
 4 distribution plant?  
 5 A Can you clarify "guards"?  
 6 Q Like, somebody who actually is present on  
 7 premises to stand guard at the gate or --  
 8 A No.  
 9 Q -- inside -- you know, sometimes when you walk  
 10 in an office building there's somebody stationed there  
 11 as security -- anything like that?  
 12 A No.  
 13 Q You rely on the police to protect the water  
 14 treatment plant --  
 15 A Yes.  
 16 Q -- is that right? Okay.  
 17 Has there ever been any discussion of a need  
 18 for guards at the water treatment plant?  
 19 A There was -- not -- there was discussion of  
 20 security at the water treatment plant but not  
 21 necessarily whether it would be a guard or how it would  
 22 be handled, and because of, you know, some of the  
 23 terrorist things -- 9/11, things that came afterwards.  
 24 And so it was -- it was discussed, you know, how we  
 25 would protect these assets from, you know, terrorism,

23

1 different things that could potentially happen. And so  
 2 there has been discussed, yes.  
 3 Q Do you ever receive messages from the federal  
 4 government or the state government regarding potential  
 5 terrorist threats that are specific to water facilities,  
 6 anything like that?  
 7 A No, I don't.  
 8 Q You don't?  
 9 A No.  
 10 Q You never got any information from the Police  
 11 Department, the Antioch Police Department, regarding  
 12 potential threats to water?  
 13 A No.  
 14 Q How about to sewer?  
 15 A No.  
 16 Q Have you ever contacted or do you know if  
 17 anybody within Public Works Department's ever contacted  
 18 the Police Department to investigate a potential  
 19 terrorist attack against the water treatment plant or  
 20 the water distribution facilities?  
 21 A Not that I'm aware of, no.  
 22 Q How about as to the sewer system?  
 23 A No. We have -- when you say -- not in a  
 24 terrorist, but vandalism. We've contacted the police on  
 25 numerous occasions where there's been backflows stolen

24

1 or different facilities damaged or vandalized. We have  
 2 notified them. They've notified us on occasion when  
 3 they've observed things that -- you know, for example,  
 4 when a backflow gets stolen during the night and the  
 5 water is shooting everywhere, they'll report that so we  
 6 can get out there and get that shut down.  
 7 Q How many times over the past, let's say, two  
 8 years do you know of that either the police contacted  
 9 you or somebody from public works contacted the police  
 10 to report vandalism or stolen property from the Public  
 11 Works Department regarding water?  
 12 A I don't -- I don't know.  
 13 Q Is it less than five?  
 14 A I wouldn't be able to guess. I don't have -- I  
 15 don't have the information on that.  
 16 Q But it sounded like you had some information  
 17 that it may have occurred previously.  
 18 A Well, in years past, we've had some big issues  
 19 with stolen backflows where -- you know, because of the  
 20 copper or whatever, the metal they're made of, they  
 21 would be stolen. And so that's occurred less recently,  
 22 but in the past it was a big problem for us.  
 23 Q What is a backflow, by the way?  
 24 A Backflow is a device that prevents water from  
 25 backing into the system. So it protects the drinking

25

1 water system from anything on the private property that  
 2 might try to back into it.  
 3 Q And if I wanted to steal one of those, where  
 4 would I look for one?  
 5 A They're all over. They're on the  
 6 residential -- excuse me -- on the commercial and the  
 7 landscape systems. So if you drove down a street, you  
 8 could see them in commercial buildings. You would see  
 9 them out in front. They're anywhere from this tall to  
 10 big, big structures. And so they're pretty easily seen.  
 11 Q For the court reporter's benefit, when you say  
 12 "this tall," you're talking about --  
 13 A They're anywhere --  
 14 Q -- maybe 4 feet?  
 15 A They're anywhere from 18 inches tall to 4 feet  
 16 tall.  
 17 Q Okay. Why don't you tell me a little bit about  
 18 the sewer collection system that the Public Works  
 19 Department oversees.  
 20 A Okay. So --  
 21 Q And before you answer, why don't you turn to  
 22 the next page in Exhibit 16. And this is easier,  
 23 perhaps. This is a page that says "Sewer Connections  
 24 [sic], NPDES." Do you see that?  
 25 A Uh-huh.

26

1 Q There's a paragraph below that that begins,  
 2 "The sewer collection activity is primarily  
 3 responsible." Can you just read through that paragraph  
 4 and tell me if that's generally accurate.  
 5 A Yes.  
 6 Q Is that the primary function described there,  
 7 that the Department of Public Works performs with regard  
 8 to sewer collections?  
 9 A I'd say yes, that's the primary function  
 10 related to sewer specifically, yes.  
 11 Q So just for the record, there is no sewer  
 12 treatment plant operated by the City?  
 13 A Correct.  
 14 Q Who actually treats the sewer discharge?  
 15 A Delta Diablo.  
 16 Q And how far is that from here?  
 17 A From --  
 18 Q I'm sorry. From Antioch.  
 19 A The plant is located within the city limits on  
 20 the west side -- the northwest side of town and it's --  
 21 so it's in close proximity to the City facilities.  
 22 Q Is that a private or government-run  
 23 treatment --  
 24 A It's a public agency.  
 25 Q Public agency, okay.

27

1 So it's accurate to say the sewer collection  
 2 system consists of 300 miles of sanitary sewer system.  
 3 I'm not sure if that's a complete sentence. Does that  
 4 mean system pipes?  
 5 A Yeah, system pipeline, main line --  
 6 Q Main line.  
 7 A Main line pipes, yes.  
 8 Q And it services about 28,252 residential and  
 9 commercial sewer lateral connections; is that right?  
 10 A Yes.  
 11 Q So what are the main responsibilities of people  
 12 that work in the sewer division of public works?  
 13 A Our main -- the main responsibilities are to  
 14 operate, maintain, and repair our sewer system. We  
 15 maintain the laterals as well. Many cities don't. And  
 16 so that would take our responsibility from the main line  
 17 in usually the center of the street out to the back of  
 18 sidewalk, in general terms. There's a cleanout there.  
 19 Q Right.  
 20 A And so that -- we take care of all of that  
 21 area. And so we go out and we TV sewers; we clean them.  
 22 We have a regular cleaning schedule. We respond to  
 23 overflows. So when there's a sewer overflow we go out  
 24 and respond to that, follow all the state procedures,  
 25 clean that up, secure it. We do root foaming. We do

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1 repairs on damaged part of our -- damaged parts of our  
 2 system. So we have a dig crew that goes out and makes  
 3 repairs on laterals, main lines. We contract out for  
 4 bigger work that we can't handle ourselves.  
 5 Q What is root foaming?  
 6 A So roots are -- we have a clay pipe. Majority  
 7 of our system is made of clay, so over time that will  
 8 crack and roots will infiltrate in and cause blockages.  
 9 So we'll put in a chemical that will kill those roots  
 10 and allow that system to flow freely.  
 11 Q Got it. Okay.  
 12 A And hopefully eliminate and minimize overflows.  
 13 Q What are the assets that you associate with the  
 14 sewer collection system?  
 15 A So the sewer collection system -- I made a  
 16 little cheat sheet here for that, too. It's going to be  
 17 manholes; it's going to be cleanouts; it's going to be  
 18 Rodding inlets; it's going to be . . .  
 19 Q The mains?  
 20 A The main lines, yeah. Of course the main  
 21 lines. And that's about it.  
 22 Q Are there any pump stations associated with  
 23 sewer collection?  
 24 A We do -- we have one pump station at our  
 25 marina. That's the only location we have a pump

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1 station. We try to keep it gravity if we can in  
 2 Antioch. So we have about 4,400 manholes and about  
 3 1,500 Rodding inlets.  
 4 Q You're saying "rotting," R-O --  
 5 A R-O-D-D-I-N-G. It's a -- it's a type of a  
 6 manhole but it's not complete. It's not as large as a  
 7 manhole and it's at the end of a line, and it only  
 8 provides one-way access to the system. Kind of an older  
 9 way of doing things.  
 10 Q Got it.  
 11 And how many of those, approximately?  
 12 A Fifteen hundred of those.  
 13 Q So you brought a couple -- you call them cheat  
 14 sheets, just to --  
 15 A Yeah. They're just little -- to summarize our  
 16 system.  
 17 Q Would you mind if I took those with me or a  
 18 copy of those with me?  
 19 THE WITNESS: Okay, Derek?  
 20 MR. COLE: Yeah, that's fine.  
 21 MR. BENINK: But let's mark them. I'm going to  
 22 take them by marking them as exhibits. So let's do  
 23 this.  
 24 THE WITNESS: So this is the water and this is  
 25 the sanitary sewer.

30

1 MR. BENINK: Okay. Let's mark 17 and 18,  
 2 please.  
 3 (Exhibit 17 and Exhibit 18 marked for  
 4 identification)  
 5 BY MR. BENINK:  
 6 Q So we've marked one of the pages you brought as  
 7 Exhibit 17. And so Exhibit 17 is the water distribution  
 8 asset list?  
 9 A Yes.  
 10 Q Does that not include water treatment assets?  
 11 A It includes some, because it includes the water  
 12 tanks, the booster pump stations, the river pump  
 13 stations. So those are all water treatment facilities  
 14 maintained and operated by the water treatment plant.  
 15 Q Okay. And you believe that's a fairly accurate  
 16 list of the assets for the distribution system and for  
 17 the treatment system?  
 18 A You know, I'm going to say it's pretty  
 19 accurate, and the sewer -- the sewer system map had some  
 20 subdivisions missing off of it, so this one might be a  
 21 little bit short in some of its numbers, but it's  
 22 generally okay.  
 23 Q So you were just pointing to Exhibit 18?  
 24 A Exhibit 18, correct.  
 25 Q So Exhibit 18, just for the record, is the

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1 asset list for the sewer collection system. But you're  
 2 telling me it may not be fully accurate.  
 3 A Well, the reason I say that is because the GI  
 4 -- if they took this information off GIS, in looking at  
 5 the GIS map, there's a couple of subdivisions they  
 6 didn't have the sewer line shown on, so . . .  
 7 Q Okay. Fair enough.  
 8 A But I'd have to check on that.  
 9 Q Okay. I'm sorry. Just on 17 -- does it or  
 10 does it not include the treatment assets?  
 11 A It includes treatment assets except for the  
 12 plant.  
 13 Q Except for the plant. Okay.  
 14 Where does the city get its drinking -- I mean,  
 15 what's the source of the city's drinking water?  
 16 A So we have two sources. One is Contra Costa  
 17 Water District through Los Vaqueros Reservoir and down  
 18 the Contra Costa Canal. We pump raw water from there.  
 19 And when the quality of the water in the river is  
 20 acceptable, we pump from the river and get water from  
 21 there as well.  
 22 Q Is that first source, the water authority, is  
 23 that treated already or to be treated?  
 24 A It's raw -- it's raw -- they're both raw water  
 25 sources. We do have -- we've purchased capacity in

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1 Contra Costa Water District's treated water system, but  
 2 we rarely use it because it's quite a bit more expensive  
 3 than just treating the water ourselves.  
 4 Q Okay. Are you aware that there is a consultant  
 5 retained by the City to determine an appropriate amount  
 6 to transfer from the sewer and water funds to the  
 7 General Fund?  
 8 A Yes.  
 9 Q Do you know the name of that consultant, either  
 10 the firm or the gentleman who's --  
 11 A It was some acronym. HH something or other.  
 12 Q HF&H?  
 13 A HF&H.  
 14 Q Right. So how did you hear about that?  
 15 A I heard about that through our discussions  
 16 about wanting to check our numbers, make sure that we  
 17 were in the ballpark with what we were using.  
 18 Q I'm sorry. Who was checking in with you to  
 19 determine whether you were in the ballpark?  
 20 A So we were doing that through our city attorney  
 21 at the time.  
 22 Q And how long ago was that?  
 23 A I want to say late last year, maybe -- yeah,  
 24 whenever the lawsuit was filed. So I think it was  
 25 probably in that time frame.

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1 Q Do you feel like you've been asked to provide  
 2 information in connection with the development of the  
 3 analysis that the consultant is working on, or was  
 4 working on?  
 5 A I think I was asked to the extent that I could  
 6 provide any information to the report because it was  
 7 basically budget numbers and asset numbers, you know,  
 8 asset information, which, you know, could all be  
 9 produced through the Finance Department. So I wasn't --  
 10 I wasn't contacted by the consultant during the  
 11 preparation of that report.  
 12 Q Okay. So you don't believe that you've  
 13 produced any materials from your sources to the  
 14 consultant in connection with this report?  
 15 A I don't believe so.  
 16 Q Okay. Have you ever spoken to a guy named John  
 17 Farnkopf, F-A-R-N-K-O-P-F? He's the consultant.  
 18 A I've never spoken to him. I was in the room on  
 19 a conversation, but I never spoke. So no, I've never  
 20 spoken to him.  
 21 Q How long ago was the conversation you had where  
 22 you were present with him involved?  
 23 A When the first -- the initial discussion about  
 24 doing the report.  
 25 Q Okay. Have you actually seen the report that

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1 he issued?  
 2 A Yes.  
 3 Q And do you have any -- when did you review it?  
 4 A I looked at it initially, and I looked at it  
 5 again today.  
 6 Q And what was the reason you reviewed it  
 7 initially?  
 8 A I was interested in the -- what their findings  
 9 were.  
 10 Q Do you have a general understanding of what  
 11 their -- the methodology that they utilized to determine  
 12 how much to transfer from water and sewer to the General  
 13 Fund for police services?  
 14 A I believe so.  
 15 Q And what is your understanding?  
 16 A There's a -- they determined the value of an --  
 17 of the asset, whether it's a sewer asset or the water  
 18 asset. They determined the value of the private  
 19 property in the city, and then they divide one into the  
 20 other to come up with a share relationship between the  
 21 two.  
 22 Q I take it you don't have any expertise in  
 23 determining whether that methodology was appropriate or  
 24 not?  
 25 A No.

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1 Q You don't expect to offer any opinions in this  
 2 case whether or not that methodology was appropriate?  
 3 A No.  
 4 Q Can you tell me just a little bit about your  
 5 educational background. Do you have a college degree?  
 6 A Yes, graduate from U.C. Davis.  
 7 Q What year?  
 8 A '86.  
 9 Q And what was your degree in?  
 10 A Civil engineering.  
 11 Q Are you a professional engineer?  
 12 A Yes.  
 13 Q Designation, or is that what it's called,  
 14 certificate or --  
 15 A Yeah, license.  
 16 Q License.  
 17 A Yes.  
 18 Q And what year did you get your license?  
 19 A '97.  
 20 Q Do you have any advanced degrees?  
 21 A No.  
 22 Q Did you take any master's level coursework at  
 23 any time?  
 24 A No.  
 25 Q Do you have any other certificates that you

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1 think are pertinent to the work that you do for the  
 2 City?  
 3 A No.  
 4 Q If you can pull Exhibit 5 out of that pile,  
 5 please. It's a document we previously marked as  
 6 Exhibit 5. I'll represent to you, this is part of the  
 7 City's 2015-2017 operating budget that I found online.  
 8 A Yes.  
 9 Q And I believe this pertains to the Water and  
 10 Sewer Enterprise Funds. Would you agree with that? I  
 11 mean, do you recognize this exhibit?  
 12 A Yeah.  
 13 Q And do you agree that this is part of the  
 14 budget pertaining to the Water Fund and to the Sewer  
 15 Fund?  
 16 A Yes, I would. And this looks like it's what  
 17 was adopted in 2015.  
 18 Q Right.  
 19 A Because our finance director went back at the  
 20 end of last month and did an update, which I don't think  
 21 changed much of this information.  
 22 Q Yeah. I understand that there are periodic  
 23 updates to budgets, but I believe this is the one that  
 24 was adopted --  
 25 A Yes.

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1 Q -- for the -- originally for the '15-17 fiscal  
 2 year.  
 3 A Yes.  
 4 Q What do you understand the Water Fund 611 to  
 5 be? And it's on page 24 -- there's a reference to it on  
 6 246 and also 247.  
 7 A So the Water Fund 611 is the overall Water Fund  
 8 that includes both distribution and treatment.  
 9 Q Expenditures. Accounts for those --  
 10 A Revenues and expenditures.  
 11 Q Okay. Are there any revenues that come in for  
 12 water treatment?  
 13 A I mean, so we sell our water, so you could say  
 14 the water sales would be, you know, water treatment  
 15 revenues, but we treat it as kind of together. We don't  
 16 separate it as a water treatment revenue.  
 17 Q Okay. Water revenue is derived from utility  
 18 rates for water service; is that right?  
 19 A It's derived by, yes, the determined rate for  
 20 providing the treated water. And in the -- and in the  
 21 service charge, there's another component to it as well.  
 22 Q Rates and charges, is that a good way to  
 23 describe it?  
 24 A It would be -- I mean, overall, it's the  
 25 water -- it's the water rate. It's just, you have the

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1 consumption charge, and then you have the service  
 2 charge, which is associated with the maintenance of the  
 3 system and things like that.  
 4 Q So there are two components to the charge.  
 5 There's like a variable component and there's a fixed  
 6 component?  
 7 A Correct.  
 8 Q Okay. But both of those come from customers of  
 9 the water utility.  
 10 A Yes.  
 11 Q So the revenues that are reflected in Fund  
 12 11 -- 611, are those charges, both variable and fixed  
 13 charges?  
 14 A Correct.  
 15 Q Are there any other revenues that come into 611  
 16 beyond customer charges?  
 17 A Yes. We have -- there's backflow -- there's  
 18 backflow, testing fees. There's fees for installing  
 19 services for folks or meters that they might ask for.  
 20 There's -- I'm sure I'm missing some. In our fee  
 21 schedule there's a laundry list of different things we  
 22 charge for.  
 23 Q Are those non-user fee charges fairly minor in  
 24 comparison to the --  
 25 A I don't --

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1 Q -- service fees?  
 2 A I don't know in relationship. I'd have to look  
 3 at the budget. Let me see if . . .  
 4 Q Yeah. Is that identified anywhere in this  
 5 Exhibit 5?  
 6 A Water distribution. So it's the small meter  
 7 reading . . .  
 8 Yes, I would say that it's minor, correct.  
 9 Q And what are you basing minor, the --  
 10 A Well, I'm just looking at the -- I'm looking at  
 11 the revenue, if this is complete, if all of the  
 12 information provided here is complete. There's revenue  
 13 \$280,000 --  
 14 Q Can you tell me what page you're on so --  
 15 A I'm on page 253.  
 16 Q Okay.  
 17 A So central stores shows revenue, for example,  
 18 proposed '15-16 of \$280,000, and that's for charges to  
 19 supplies that they would procure. So I would say that's  
 20 pretty minor in a \$30 million budget. And then  
 21 investment -- so yeah, I would say that the other types  
 22 of charges are minor.  
 23 Now, this doesn't break down the backflow -- we  
 24 charge to check backflows every year for the different  
 25 backflow devices, so I don't know exactly how much that

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1 is -- how much that would be. But I don't suspect it's  
 2 significant in the overall budget.  
 3 Q Okay. There's a narrative almost on -- I guess  
 4 on many of the pages of this budget. So for example,  
 5 page 246, there's a couple sentences -- don't read it  
 6 yet. I'm just -- so 247, there's another narrative for  
 7 a couple of paragraphs. And I'm going to ask you to  
 8 take a couple minutes just to read through those  
 9 narratives and tell me if there's anything that's  
 10 inaccurate or jumps out at you as inaccurate. I don't  
 11 suspect there is, but just, instead of having you read  
 12 it all and us discussing it, it's just easier for you to  
 13 go through them that way.  
 14 A They use different numbers for our miles of  
 15 pipe on different pages.  
 16 Q Are there significant discrepancies?  
 17 A One says 383 miles; the other one said 326  
 18 miles, so, yeah, 20 percent off. So that's a little bit  
 19 off. But, I mean, overall I don't think it's  
 20 significant to what we're talking about here.  
 21 Q All right. So you've had a chance to now read  
 22 through all the narratives that are above the actual  
 23 budgets or sub-budgets in this exhibit?  
 24 A Yes.  
 25 Q And other than some discrepancies with regard

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1 to miles of pipe, you haven't seen anything that jumps  
 2 out at you as inaccurate?  
 3 A No.  
 4 Q I'm going to ask you about Fund 621, which I  
 5 think begins, the budget begins on page 257?  
 6 A Yes.  
 7 Q So same question. The revenues that come into  
 8 Fund -- let me stop and ask you first, what is Fund 621?  
 9 A It's the overall Sewer Fund.  
 10 Q And it's the account that's used to account for  
 11 sewer fees?  
 12 A Correct.  
 13 Q And for sewer expenditures, sewer collection  
 14 expenditures?  
 15 A Yes.  
 16 Q And same question I asked you about water. Do  
 17 the revenues that come into the Sewer Fund 621 represent  
 18 sewer service charges, for the most part?  
 19 A Yes.  
 20 Q Do you think there are other types of revenues  
 21 that are -- that come in beyond sewer --  
 22 A Very --  
 23 Q -- service charges?  
 24 A Very few, if there are any in this one.  
 25 Q Have you been involved in any rate studies with

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1 regard to how much to charge either sewer or water  
 2 customers in the past?  
 3 A Yes.  
 4 Q And when is the last time you were involved in  
 5 that process?  
 6 A 2015. Or 2014 through '15. We adopted -- we  
 7 adopted a five-year rate study in, I believe it was June  
 8 of 2015.  
 9 Q That was actually a study that was prepared by  
 10 an outside consultant?  
 11 A Yes.  
 12 Q Do you remember the name of the consultant?  
 13 A I don't remember. I don't remember the name of  
 14 their firm. It was Tom . . . I can't remember his last  
 15 name. Marv Weiner and Tom Pavletic were the  
 16 consultants. Tom Pavletic was the primary consultant.  
 17 Q And what was your role in the preparation of  
 18 that study?  
 19 A I was the -- I would say I had an oversight  
 20 role in the study, so made sure that during the course  
 21 of the study that the methodology was correct and  
 22 accurate. And then throughout the course of the study,  
 23 we took it to city council and made sure they were aware  
 24 of what we were doing, as well as the public; held a  
 25 public hearing and adopted the rates. So I would say I

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1 had an oversight role. I was ultimately responsible for  
 2 the study.  
 3 Q I'm not going to mark this because it's pretty  
 4 voluminous. I'll reference it by Bates stamp number.  
 5 So this is a document that was produced to us in  
 6 litigation. It's Bates stamped ANT 002106 through 2215.  
 7 Is this the study that you were referencing?  
 8 A Yes, it is.  
 9 Q In the course of communicating with -- and does  
 10 it refresh your recollection as to what the name of the  
 11 firm was?  
 12 A I'm embarrassed. Yeah, it's Municipal  
 13 Financial Services. Please don't tell them I forgot  
 14 their name.  
 15 Q In the course of communicating and  
 16 corresponding with the consultants with regard to this  
 17 study -- and for the record, it's called "Water and  
 18 Sewer Rates and Capacity Charges Study" and it's got a  
 19 date of May 2015 on it -- did you ever discuss the issue  
 20 of police services and whether those could be captured  
 21 through a rate study or should be captured through sewer  
 22 and water rates?  
 23 A I don't recall specifically discussing that  
 24 with them. So no, I would say no, it wasn't  
 25 specifically discussed. At least by me it wasn't.

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1 Q Did you understand at the time when -- and by  
2 the way, were the rates that were proposed in this  
3 study, were they actually adopted by the city council?  
4 A Yes.  
5 Q And you said for a five-year period?  
6 A That's -- yes.  
7 Q Do you understand that those rates that were  
8 adopted to include an amount sufficient to transfer  
9 1 percent of the police budget from each of the Water  
10 and Sewer Funds?  
11 A Yes.  
12 Q So at the time this rate study was adopted, or  
13 the rates were adopted, you were aware that the  
14 intention was to include in the rates an amount  
15 necessary to transfer funds in the amount of 1 percent  
16 of the police budget?  
17 A Yes.  
18 Q Had you ever talked to anybody prior to, let's  
19 say, May 2015, whether the amount being transferred was  
20 an appropriate amount?  
21 A No.  
22 Q Had you ever given any thought to whether it  
23 was an appropriate amount?  
24 A Yes.  
25 Q And did you come to any internal conclusions

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1 one way or the other?  
2 A I concluded that it must be defensible since  
3 we're charging it, you know, charging this amount from  
4 each of these funds. So that was my ultimate  
5 conclusion.  
6 Q Did it ever rub you the wrong way that money  
7 was being taken out of a budget that you were in charge  
8 of and diverted to another budget?  
9 A Since I wasn't involved in the discussion  
10 regarding making this transfer, I just -- I just took it  
11 as that's what, you know -- that's what the city  
12 manager's office had decided was the, you know, was the  
13 appropriate thing to do. I presumed our city attorney  
14 was involved, so I didn't question it. I didn't think  
15 they would, you know, make this change without feeling  
16 that it was defensible because, you know, it's a public  
17 document. It's not anything that's hidden. Everybody  
18 could see what was going on. So I just took it as part  
19 of my -- part of my operating budget cost.  
20 Q Okay. So setting aside whether you thought it  
21 was legally defensible or not, did it still irk you or  
22 upset you in any way?  
23 A No, because I knew that the Police Department  
24 was providing, at this point in time, a needed -- a  
25 needed service, and I felt that it was more

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1 cost-effective and probably getting a better service to  
2 have them do it than to have a private company, you  
3 know, a security company drive around -- drive around  
4 and try to protect our assets. So I felt if we were  
5 going to provide this type of service, this was the most  
6 cost-effective way to do it.  
7 Q Are you aware of any services that the Police  
8 Department has provided to either the water utility or  
9 to the sewer utility that you think is different or  
10 unique and not provided to the rest of the public at  
11 large?  
12 A Well, I mean, I don't know all the things the  
13 Police Department does for the rest of the public. But  
14 I do -- I do know, or I have an expectation -- our  
15 department has an expectation that during the night or  
16 during the day, whenever, if they see suspicious people  
17 around our facilities, if they see an overflow of either  
18 a sewer or water that they're going to -- they're going  
19 to report it immediately and not just drive by and  
20 pretend like they didn't see it or something. So yeah,  
21 there's definitely an expectation that they are being  
22 our eyes and ears out in the field, especially during  
23 the hours when we don't have personnel out and about in  
24 the city.  
25 Q Have you ever requested from the Police

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1 Department, you or I guess any of your staff, to your  
2 knowledge, that the police perform some sort of patrol  
3 or extra duty that you don't think they normally would  
4 provide?  
5 A I do -- I do know that -- and I didn't request  
6 it, but I do know that they used to write reports at the  
7 water treatment plant. That was kind of a change in --  
8 change in protocol for them. They specifically would go  
9 up there and sit at the entrance to the water treatment  
10 plant in the parking -- in front of the gate and write  
11 their reports.  
12 I do know that down at Fulton Shipyard, where  
13 we have a boat launch in our intake, they were doing  
14 some additional patrols down there just because there  
15 can be some unsavory folks hanging out down there. So I  
16 do know they were doing more of that, but specifically  
17 calling them and asking them to do anything, no.  
18 Q Do you know how, prior to the HF&H  
19 reimbursement study, the City -- strike that.  
20 You understood that the City was transferring  
21 1 percent of the value of the budget of the Police  
22 Department from water and sewer prior to HF&H getting  
23 involved?  
24 A Correct. A portion of --  
25 Q A portion, you're right.

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1 A Whatever percentage was the appropriate amount,  
 2 yes, I was aware of that.  
 3 Q It's 1 percent of a portion of the budget.  
 4 A Yes. The majority of the budget, put it that  
 5 way.  
 6 Q Do you know how that 1 percent figure was  
 7 determined?  
 8 A No, I do not.  
 9 Q Do you know who was involved in that  
 10 determination?  
 11 A I don't know. I couldn't say exactly. I  
 12 suspect the Finance Department was and the city  
 13 manager's office was.  
 14 MR. BENINK: All right. Let's go off the  
 15 record.  
 16 (Discussion off the record)  
 17 BY MR. BENINK:  
 18 Q Just a couple more questions.  
 19 Has the services that are provided by the  
 20 police to the Water and Sewer Department changed in any  
 21 meaningful way between, let's say, five years ago and  
 22 today?  
 23 A I would say to us, yes. One example would be  
 24 our sewer overflow policy. We've made presentations to  
 25 the Police Department when they have one of their

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1 briefings in the morning. We've had meetings with the  
 2 dispatch to make sure they understand what the protocol  
 3 is when there is a call out and how important this is;  
 4 that this isn't -- if you think it's a -- for example,  
 5 if you think it's a water leak, treat it as a sewer  
 6 leak, because it might be. Because sometimes people  
 7 don't know the difference. So things like that, I think  
 8 we've made some meaningful -- because in the past they  
 9 had instances where you'd have a sewer leak running for  
 10 days when people thought it was a water leak. And with  
 11 the way the State's ramping up the fines and the  
 12 diligence on the whole sewer overflow requirements of  
 13 cities, we take that very seriously. So the Police  
 14 Department plays a much bigger role in identifying those  
 15 types of things.  
 16 And then just from the water side of it, just  
 17 as far as having more of an awareness of our water  
 18 treatment plant and our intake and making sure our  
 19 tanks, things like that, just making sure that folks  
 20 aren't hanging around those things. And then when we  
 21 were having the problem with the stealing of the  
 22 backflows and meters and things like that, they were on  
 23 the alert more for doing things like that.  
 24 So our communication's much better, and we  
 25 communicate our expectations to them of what types of

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1 things we want them to help us with. So I would say  
 2 from five years ago to today, yes, we do have an  
 3 enhanced level of eyes and ears out there from PD and  
 4 also communication with them and with dispatch.  
 5 Q What about before -- or do you know when the  
 6 first 1 percent transfers began?  
 7 A I want to say it was 2012-13 budget year.  
 8 Q It's actually earlier.  
 9 A It was earlier than that?  
 10 Q 2009-10 for water, I believe. And --  
 11 A Okay.  
 12 Q -- the following fiscal year for sewer.  
 13 A Okay.  
 14 Q Do you remember any difference in the level of  
 15 service you received from the police before and after  
 16 fiscal year 2009 with regard to water?  
 17 A You know, I first started as public works  
 18 director then, so I didn't have --  
 19 Q Okay.  
 20 A -- anything to gauge it against. So, you know,  
 21 I do -- you know, just the other examples I cited from  
 22 what we have done training-wise, but -- with them, but  
 23 as far as before and after, I would just have to say  
 24 that, you know, before we actually went and met with  
 25 them, I don't believe anybody from public works ever had

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1 before, so they didn't understand, you know, what our --  
 2 what our concerns are and what we were expecting them to  
 3 be looking for.  
 4 Q So is it fair to characterize the difference as  
 5 heightened vigilance by the police with regard to issues  
 6 that concern the Public Works Department?  
 7 A I would say so. I would just say that  
 8 there's -- there was an added responsibility that maybe  
 9 wasn't -- you know, heightened vigilance just means kind  
 10 of they're more aware of it. I think they -- I hope  
 11 they did. Now, granted, I don't know what their  
 12 perception is, but I would hope they would have taken  
 13 more of an ownership of our systems and realize that  
 14 this is something they are specifically required to be  
 15 watching after and not so much depending upon the public  
 16 or someone else to call things in.  
 17 Q I take it you don't know or you don't have any  
 18 personal knowledge of whether the concerns that you've  
 19 expressed -- public works has expressed to the Police  
 20 Department has actually resulted in additional patrols,  
 21 for example? You don't know one way or the other?  
 22 A No, I do not.  
 23 Q And then going back to the water and sewer --  
 24 is that -- yes -- the water and sewer rates and capacity  
 25 charges study dated May 15th -- or May 2015, is it fair

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1 to say that one of the purposes of this rate study was  
 2 to identify all costs of providing water and sewer  
 3 services and then allocating those costs in amounts that  
 4 are proportionate to the impact or to the use of  
 5 different rate payers?  
 6 A Correct.  
 7 Q Okay. So there's really two components to it.  
 8 One is identification costs, right?  
 9 A Correct.  
 10 Q And the second one is, Now, how are we going to  
 11 allocate those costs to the different types of rate  
 12 payers --  
 13 A Correct.  
 14 Q -- based on things like impact on the system  
 15 for sewer, for example, right?  
 16 A Yes.  
 17 MR. BENINK: Okay. I don't have anything  
 18 further.  
 19 MR. COLE: I have nothing.  
 20 MR. BENINK: Okay. Thank you very much.  
 21 Same stipulation as before: The transcript  
 22 will be treated in accordance with the code. And if the  
 23 original transcript is lost or destroyed or not  
 24 provided, a certified copy may be used for all purposes  
 25 in this litigation.

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1 DECLARATION UNDER PENALTY OF PERJURY  
 2  
 3 I, Rowland Eugene Bernal, Jr., do hereby certify  
 4 under penalty of perjury that I have reviewed the  
 5 foregoing transcript of my deposition taken on July 19,  
 6 2016; that I have made such corrections as appear noted  
 7 herein in ink; that my testimony as contained herein, as  
 8 corrected, is true and correct.  
 9  
 10 DATED this \_\_\_\_\_ day of \_\_\_\_\_,  
 11 20\_\_\_\_, at \_\_\_\_\_, California.  
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 17 \_\_\_\_\_  
 18 Rowland Eugene Bernal, Jr.  
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1 Derek?  
 2 MR. COLE: That's so stipulated.  
 3 MR. BENINK: That's it. Thank you very much  
 4 for coming in.  
 5 (Deposition adjourned at 4:07 p.m.)  
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1 ERRATA SHEET  
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1 REPORTER'S CERTIFICATION

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I, Carolyn M. Mann, Certified Shorthand Reporter in  
and for the State of California, do hereby certify:

That the foregoing witness was by me duly sworn;  
that the deposition was then taken before me at the time  
and place herein set forth; that the testimony and  
proceedings were reported stenographically by me and  
later transcribed into typewriting under my direction;  
that the foregoing is a true record of the testimony and  
proceedings taken at that time.

IN WITNESS WHEREOF, I have subscribed my name on  
this date: August 2, 2016.

\_\_\_\_\_  
Carolyn M. Mann, CSR No. 10066

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