

<p>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 DEPOSITION OF ALLAN CANTANDO 14 MONDAY, JULY 18, 2016, 9:28 A.M. 15 WALNUT CREEK, CALIFORNIA 16 17 18 19 20 21 22 Reported by Carolyn M. Mann, CSR No. 10066 23 CLS Job No. 56814A 24 25 CENTEXTLEGAL.COM - 855.CENTEXT</p> <p style="text-align: right;">1</p>	<p>1 APPEARANCES: 2 3 For Plaintiff: 4 KRAUSE, KALFAYAN, BENINK & SLAVENS, LLP 5 BY: ERIC J. BENINK, ESQ. 6 550 West C Street, Suite 530 7 San Diego, California 92101 8 619.232.0331 9 ebenink@kkbs-law.com 10 11 For Defendants and the Witness: 12 COTA COLE LLP 13 BY: DEREK P. COLE, ESQ. 14 2261 Lava Ridge Court 15 Roseville, California 95661 16 916.780.9009 17 dcole@cotalawfirm.com 18 19 ALSO PRESENT: 20 MARK JORDAN 21 22 23 24 25</p> <p style="text-align: right;">3</p>
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<p>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 15 16 17 18 19 20 21 DEPOSITION OF ALLAN CANTANDO, taken at Centext 22 Legal Services, 1990 No. California Boulevard, Suite 23 530, Walnut Creek, California, on Monday, July 18, 2016, 24 at 9:28 a.m., before Carolyn M. Mann, Certified 25 Shorthand Reporter, in and for the State of California.</p> <p style="text-align: right;">2</p>	<p>1 INDEX 2 WITNESS: Allan Cantando 3 4 EXAMINATION PAGE 5 By Mr. Benink 6 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">4</p>
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1 INDEX TO EXHIBITS
2 EXHIBITS MARKED
3 Exhibit 1 Pages printed from City of Antioch's 12
website (no Bates numbers)
4
5 Exhibit 2 Aerial photo of water treatment plant 36
(no Bates number)
6 Exhibit 3 Document titled "City of Antioch 54
2015-17 Operating Budget, General
7 Fund -- Departmental Budgets"; Bates
Nos. ANT 001882 - 001903
8
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1 A No.
2 Q My name is Eric Benink. I represent Mark
3 Jordan in a case that he has brought against the City of
4 Antioch.
5 I understand you know Mr. Jordan?
6 A I do.
7 Q How long have you known Mr. Jordan?
8 A Probably 20 years. I met him in a karate
9 class. Maybe 25 years.
10 Q Who's tougher? No --
11 A He is.
12 Q -- don't answer that. Okay. All right.
13 You understand Mr. Jordan and I have requested
14 your deposition testimony today?
15 A I do.
16 Q What have you done to prepare for your
17 deposition today?
18 A I talked with legal counsel.
19 Q Did you talk to anybody else other than legal
20 counsel?
21 A No.
22 Q Did you review any documents in connection with
23 your preparation?
24 A No.
25 Q Do you know generally what Mr. Jordan is

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1 MONDAY, JULY 18, 2016, 9:28 A.M.
2 WALNUT CREEK, CALIFORNIA
3
4 ALLAN CANTANDO,
5 having been first duly sworn, testifies as follows:
6
7 EXAMINATION
8 BY MR. BENINK:
9 Q Good morning.
10 A Good morning.
11 Q Can you go ahead and state and spell your name
12 for the record, please.
13 A Yes. Allan Cantando. A-L-L-A-N, Cantando,
14 C-A-N-T-A-N-D-O.
15 Q Thank you.
16 You understand you're under oath?
17 A I do.
18 Q Have you had your deposition taken before?
19 A Yes.
20 Q How many times?
21 A Ten maybe.
22 Q So you're familiar with the procedures?
23 A I am.
24 Q Is there any reason you can't give your best
25 testimony today?

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1 challenging in this lawsuit?
2 A Yes.
3 Q And what is your understanding?
4 A That the City should not be using water funds
5 to supplement the general fund.
6 Q Okay. And more specifically, you understand
7 that those funds at issue are actually used to some
8 degree for police services?
9 A I do.
10 Q Have you read the lawsuit?
11 A I skimmed it.
12 Q When did you skim it?
13 A When we first got it.
14 Q You haven't seen it since then?
15 A No.
16 Q So you are employed by the City of Antioch?
17 A I am.
18 Q And what is your position?
19 A Police chief.
20 Q And that's a salaried position?
21 A Yes, sir.
22 Q And how long have you been the police chief?
23 A Officially, a little over five years. Acting
24 for five and a half.
25 Q I'm sorry. You were the acting chief prior to

8

1 the five years?
 2 A Correct, for six months.
 3 Q Do you know approximately what month and year
 4 you became the official chief of police?
 5 A July of '11.
 6 Q And where were you employed or what was your
 7 position prior to being chief of police?
 8 A Police captain, city of Antioch.
 9 Q How long have you been employed by the City?
 10 I'm going to use the word "City" for the City of Antioch
 11 today. You understand that?
 12 A Yes.
 13 Q How long have you been employed by the City?
 14 A Twenty-nine years.
 15 Q Was it always in the Police Department?
 16 A Yes.
 17 Q So you started right out of the police academy?
 18 A Yes.
 19 Q Did you hold any other ranks other than captain
 20 and chief? Is there like a lieutenant or sergeant rank?
 21 A Yes.
 22 Q Excuse my ignorance. Why don't you go quickly
 23 through the ranks that you've held.
 24 A Police officer, police corporal, police
 25 sergeant, police lieutenant, police captain, and police

9

1 chief.
 2 Q Got it. So along with your salary, I'm
 3 assuming you receive some sort of benefits. There's a
 4 benefits package associated with that?
 5 A Yes.
 6 Q Does it include medical and dental?
 7 A Yes.
 8 Q Retirement plan of some sort?
 9 A Yes.
 10 Q And are all those budgeted, the benefits that
 11 I've just described, funded out of the police?
 12 A I'm not sure if all of them are.
 13 Q Okay. Which ones are you sure are funded out
 14 of the police budget?
 15 A Salary and some benefits. I'm not sure if the
 16 medical after retirement benefit is funded out of the
 17 police budget.
 18 Q Okay. There may be a separate fund that's
 19 above and apart from the police budget that funds those;
 20 you just don't know.
 21 A Correct.
 22 Q Okay. Who do you report to?
 23 A The city manager.
 24 Q And what is the city manager's name?
 25 A Currently, Steve Duran.

10

1 Q Can you spell the last name, please.
 2 A D-U-R-A-N.
 3 Q And how long has he been the city manager?
 4 A A couple years. Maybe a little less.
 5 Q Does the city have a mayor as well or only a
 6 city manager?
 7 A There's a mayor.
 8 Q Can you describe for me your just general
 9 responsibilities as the police chief.
 10 A Sure. I'm responsible for overall operations
 11 of the Police Department. I attend many public
 12 meetings. I set policy for the Police Department.
 13 Q Okay. Anything else, just high level --
 14 A Yes.
 15 Q -- that basically describes your high-level
 16 responsibilities?
 17 A I do other things as they come up, but yes.
 18 Q Who reports to you directly?
 19 A Two captains.
 20 Q Two captains. And are each of those captains
 21 assigned to different duties?
 22 A Yes.
 23 Q And so captain one, what are his or her duties?
 24 A Captain Diane Aguinaga.
 25 Q Can you spell that?

11

1 A Sure. A-G-U-I-N-A-G-A, is responsible for
 2 field services, which is patrol.
 3 Q Okay. And the other captain?
 4 A Captain T. Brooks. Tammany, T-A-M-M-A-N-Y,
 5 Brooks, B-R-O-O-K-S, is responsible for support
 6 services, which includes investigations, Animal
 7 Services, dispatch, records.
 8 MR. BENINK: Could you mark this, please.
 9 (Exhibit 1 marked for identification)
 10 BY MR. BENINK:
 11 Q You're familiar with the City's website to some
 12 degree?
 13 A I am.
 14 Q And there are Web pages associated with the
 15 Police Department on the City's website; is that
 16 correct?
 17 A Yes.
 18 Q You are familiar with those Web pages,
 19 generally?
 20 A Generally, yes.
 21 Q Can you take a look at -- I've just handed you
 22 a document we've marked as Exhibit 1. Can you take a
 23 look at just the first couple of pages first, please.
 24 A Okay.
 25 Q And I'll just advise you ahead of time that

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1 these are pages that I screen printed from my computer
 2 after going to the Antioch website. And due to the
 3 nature of Web pages, I've had to screen print different
 4 portions of the pages, and so there's a little bit of
 5 overlap, as you'll see, on page 1 and 2.
 6 But is page 1 and 2, are these -- do these
 7 represent the home page for the Police Department on the
 8 City's website?
 9 A I believe so.
 10 Q And that's a picture of you on page 1 there?
 11 A Yes.
 12 Q Page 1 and partially on page 2?
 13 A Yes.
 14 Q If you take a look at page 3, please. This is
 15 the page that has the big picture that says "Police
 16 Personnel Only." What I'd like you to do is read the
 17 entire text below the picture, and I'm going to ask you
 18 after you read it whether it's accurate. Instead of
 19 asking you questions about the Police Department, it's
 20 easier if I ask you to read it and then ask you
 21 questions. Take a moment and let me know when you're
 22 done.
 23 A Excuse me. I need my glasses.
 24 No, this is not accurate.
 25 Q It's not accurate?

13

1 A No.
 2 Q What is not accurate?
 3 A The population, our current staffing. Some of
 4 the special assignments have been put on hold.
 5 Q Let's go through them one by one. Just tell me
 6 the first error on here and then we'll see what
 7 information you can add to correct it.
 8 A Population's almost 113,000. Sworn staffing is
 9 96 officers. I know we don't have 59 nonsworn, but I
 10 can't give you that number.
 11 Q Is it more or less than that?
 12 A It is less.
 13 We no longer have bike patrol or school
 14 resource officer positions.
 15 And that's all that I noticed.
 16 Q Okay, great. Thank you for that.
 17 Do you know when this would have been accurate,
 18 how long ago, by any chance?
 19 A I don't. I'm not sure if my picture was just
 20 added to it when the previous chief retired.
 21 Q Can you tell me generally what the nonsworn
 22 employees do?
 23 A Yes. They're composed of dispatchers, records
 24 clerks, people that work in Animal Services, community
 25 service officers that can work in the jail, evidence,

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1 investigations, front counter, or out in the field
 2 taking reports.
 3 Q And the sworn officers do what, in general?
 4 A They're responding to calls for service.
 5 Q What else? Do they patrol?
 6 A Patrol. We have investigators that are sworn
 7 officers. We have ancillary duties where they could be
 8 canine police officers, SWAT team members, hostage
 9 negotiators. I'm sorry -- motorcycle officers, traffic.
 10 Q When you say "traffic," what do the officers
 11 assigned to traffic duty do?
 12 A Write vehicle tickets, you know, speeders, stop
 13 signs. They investigate accidents, fatal accidents.
 14 Q And the investigators, are they detectives?
 15 A Yes.
 16 Q And how many detectives do you have?
 17 A I think we're at 14.
 18 Q And so are the detectives, or do the detectives
 19 serve dual roles as far as being detectives and
 20 patrolmen or patrolwomen, calls for service, that kind
 21 of thing, or are they only assigned to detective work?
 22 A Generally, they're only assigned to
 23 investigations, but there are times when we do proactive
 24 details in patrol, and they rotate through that. So
 25 sometimes they will put on a uniform or a modified

15

1 uniform and go out and work proactive details in our
 2 city.
 3 Q Thank you.
 4 Page 3 of this Exhibit 1 that we've been
 5 looking at, there's a second paragraph that talks about
 6 the two different divisions. Do you see that, Support
 7 Services and Field Services? You had referenced that
 8 earlier.
 9 A Uh-huh.
 10 Q Is that an accurate description regarding the
 11 field division -- Field Services division, that it is
 12 comprised of dispatch, patrol, community policing, and
 13 traffic bureaus?
 14 A Patrol and community policing are basically one
 15 and the same.
 16 Q And what about the Support Services division;
 17 does it consist of administration, investigations,
 18 narcotics, records, and Animal Services bureaus?
 19 A Yes.
 20 Q And what is the Animal Services bureau?
 21 A In 1979, the City, through, I believe, ballot
 22 initiative, created basically an animal shelter/animal
 23 enforcement department within our city.
 24 Q And that's run through the Police Department?
 25 A We oversee it, yes.

16

1 Q Oversee it.
2 Do you have any understanding as to why that
3 particular bureau is within the Police Department?
4 A It's been there ever since I've been there, so
5 I don't know the rationale at the time.
6 Q Does the Police Department track hours as far
7 as the types of activities that various staff, including
8 sworn and unsworn officers, or personnel, perform?
9 A Can you be more specific?
10 Q Yeah. So in my line of business I keep very
11 close time records regarding the different activities
12 that I perform on a day-to-day basis. So I'm wondering
13 if there are any records that the Police Department
14 maintains that would allow somebody to determine how
15 much time overall the Police Department spent on
16 patrols, investigations, animal control activities,
17 traffic, et cetera.
18 A In general, no, unless it was an overtime issue
19 where somebody was held over. So for example, if we
20 have an officer that has to go to court and it's at the
21 end of their shift and it's overtime, that would be
22 tracked. If it's overtime for court on their day off,
23 that would be tracked. But what exactly they're doing
24 would not be.
25 Q Are your sworn officers salaried employees?

17

1 A They're hourly up to the rank of sergeant.
2 Q But when they complete their time sheets,
3 they're not identifying the types of activities that
4 they spent in any given week in any pay period; is that
5 correct?
6 A No, that's not correct.
7 Q Okay.
8 A So, for example, if somebody was off on
9 vacation, there's a line for vacation. If there's a --
10 if they attended court, there's a line for court. And
11 there's a whole host of different things that people
12 have to account for their time for.
13 Q Okay. Well, I guess I'm trying to get a sense
14 of how detailed those activities are stated on the time
15 records or anywhere else.
16 A It's not very detailed.
17 Q Are calls for service tracked?
18 A Yes, through dispatch.
19 Q And what information is actually tracked when a
20 call comes in?
21 A The time it comes in, the time it's dispatched,
22 the time the officer arrives, the time it's closed, and
23 whatever information is added into the call dispatch
24 record.
25 Q It may have a little summary or a narrative of

18

1 what the event was about, something like that?
2 A Correct. Also the officer assigned to the call
3 and any of their supplements that they added to it.
4 Q Do you have any sense of how many hourly sworn
5 officers there are, presently?
6 A I'd be guessing.
7 Q Okay. We don't want that.
8 By the way, I didn't mention, if you need a
9 break, feel free to let me know. We can --
10 A Thank you.
11 Q -- happily take one. I'd ask that you not ask
12 for a break while a question is pending.
13 A Understood.
14 Q Thank you.
15 Okay. Let's take a look at the next page of
16 this document. I'm going to ask you to take a look at
17 the first paragraph at the top that's under the bold,
18 "Mission Statement." Do you see that?
19 A I do.
20 Q I'm going to read it into the record: "The
21 mission of the Antioch Police Department, in partnership
22 with our community, is to promote the quality of life in
23 Antioch by proactively reducing crime with integrity and
24 commitment to excellence."
25 Is that what you understand the mission

19

1 statement to be, the Police Department's mission
2 statement to be?
3 A Yes.
4 Q Did you help draft that or is that something
5 that existed prior to your tenure?
6 A It probably existed prior to my position as
7 chief, but I'm sure I was part of the drafting process.
8 Q Would you agree that reducing crime is a
9 benefit to the community at large?
10 A Yes.
11 Q So it benefits people working in the city,
12 correct?
13 A I'm not sure how it would benefit the people
14 working.
15 Q It would benefit anyone within the city's
16 jurisdiction, and that would mean people renting
17 properties, it would mean people owning properties, it
18 would mean people passing through, it would mean people
19 working in the city during the course of the day. Is
20 that right?
21 MR. COLE: I'll object that the term "benefit"
22 is vague and ambiguous.
23 BY MR. BENINK:
24 Q You can answer.
25 A Everyone except the last category about the

20

1 people working there. I'm not sure how it benefits them
 2 because they're still going to be doing something. If
 3 you're talking about reducing workload, I don't think
 4 it's necessarily going to reduce workload because
 5 they're going to be doing other things.
 6 Q Who would be doing other things?
 7 A The officers that are working.
 8 Q I guess what I'm getting at is, the Police
 9 Department doesn't discriminate with regard to who it's
 10 intending to protect and serve, as long as those people
 11 are within the jurisdiction of the city; is that right?
 12 A Yes.
 13 Q So if somebody comes in from another city to
 14 work at the Holiday Inn Express and there's a potential
 15 crime, you're there to protect that worker as well as
 16 somebody who actually lives here.
 17 A I agree. That isn't how I understood you
 18 asking the question initially.
 19 Q Fair enough. And please, let me know if you
 20 don't understand because I don't want us to
 21 misunderstand each other.
 22 And the Police Department also protects and
 23 serves businesses within the city limits as well, right?
 24 A Correct.
 25 Q Can you tell me what some of the major city

21

1 properties are in the City of Antioch?
 2 MR. COLE: Object on the term, what's meant by
 3 "city properties."
 4 BY MR. BENINK:
 5 Q What do you understand to be City-owned or
 6 City-leased properties that the properties are actually
 7 used for city purposes.
 8 A Sure. I mean, I may leave out some, but --
 9 Q No, I don't want an exhaustive list. If you
 10 can just give me some of the major ones.
 11 A The Police Department, city hall, the community
 12 center, the water park, the senior center, the water
 13 treatment center. We have radio towers in our city. We
 14 have pump stations for the water department.
 15 Technically, we have a golf course in our city that I
 16 know our officers patrol.
 17 Q Marina?
 18 A Yes, marina.
 19 Q What's the name of the marina again? I can't
 20 remember the name.
 21 A It was Barbara Price Marina, I believe, or
 22 Park.
 23 Q And you referenced a water park. That's a
 24 recreational facility, right --
 25 A Yes.

22

1 Q -- where kids slide down water slides and so
 2 forth?
 3 A And swimming pools and -- yes.
 4 Q Does that have a more formal name, like
 5 Prewett?
 6 A Prewett Water Park.
 7 Q Can you spell that?
 8 A P-R-E-W-E-T-T.
 9 Q Prewett. Got it. Okay.
 10 And do your officers patrol each of those
 11 city-owned properties regularly?
 12 A They're driving around the city 24/7. How
 13 often they go by those locations, I could not tell you.
 14 Q Are there any special -- I'm sorry. Strike
 15 that.
 16 Are there any special patrols that you're aware
 17 of assigned to any of those public facilities,
 18 city-owned facilities?
 19 A Special patrols and extra patrols happen,
 20 depending on what situation would come up.
 21 Q Can you give me an example?
 22 A Sure. Someone -- we may be getting reports
 23 that there's vandalism occurring at a certain location,
 24 and we can narrow it down between the times that people
 25 have left there to the time it's noticed and provide

23

1 extra patrol during those times. Sometimes we'll get
 2 intel information from a state or federal body that
 3 tells us, you know, certain things may be at risk, pay
 4 attention to it.
 5 Q So you just might ramp up the patrols in a
 6 certain area depending on that information?
 7 A We may. I'm not sure if we're going to add
 8 more staff to do that, but it's going to be on the
 9 officer's radar.
 10 Q So the mandate then when you do get some kind
 11 of information is just to be more vigilant, I suppose,
 12 regarding a certain area?
 13 A On some. Other times, it is actually assigning
 14 someone to be there.
 15 Q And do you track those events when there is an
 16 additional assignment made based on information that you
 17 receive?
 18 A No. We have too many.
 19 Q All right. Let's take a look at the next three
 20 pages of Exhibit 1, please. And I'll represent to you
 21 again that these are all, I think, from a single page,
 22 these three. They run on long, so they have to be
 23 printed on three separate pages.
 24 So this is the page that starts off, "Office of
 25 Emergency Services (OES) / Disaster Preparedness," and

24

<p>1 there's three pages following that. 2 Have you seen this page before? 3 A I'm sure I've looked at it. 4 Q What is the Office of Emergency Services? 5 A We used to have a person that was assigned to 6 that full-time, but because of budget cuts we no longer 7 have that. Ultimately, what that position does, it's 8 handled by one of our lieutenants, and they coordinate 9 with an outside instructor to provide training to the 10 Police Department as well as other city staff. 11 Q To accomplish what? 12 A To prepare us for natural disasters, terrorist 13 events, those sorts of things. 14 Q Who are the outside agencies that this 15 lieutenant would coordinate with? 16 A The County. We also -- 17 Q Go ahead. 18 A We also have a private contractor that we 19 contract with. 20 Q What is the name of the private contractor? 21 A Karste Consulting. 22 Q Can you spell that? 23 A K-A-R-S-T-E, then Consulting. 24 Q Coordinate with any federal agencies? 25 A I'm sure we do through paper, but I can't give</p> <p style="text-align: right;">25</p>	<p>1 Q Varies on -- based on what? 2 A When we have drills scheduled, when we have to 3 update forms and contact information, those sorts of 4 things. 5 Q The disasters that are contemplated through 6 this Office of Emergency Services include all types of 7 disasters including earthquakes, terrorist attacks, 8 wildfires, chemical leaks, explosions; is that correct? 9 A Correct. 10 Q And is this -- are these emergency services 11 that are provided a benefit to the public at large? 12 A Yes. 13 Q Are there any specific Office of Emergency 14 Services protocols regarding the water treatment plant? 15 A What do you mean by "protocols"? 16 Q Procedures. Something unique or specific that 17 the office prepares for with regard to the water 18 treatment plant. 19 A I don't know how to answer that. 20 Q Do you not understand my question? 21 A When you're saying "protocols," can you give me 22 an example? Like saying that there was a chemical leak, 23 what would we do? 24 Q Yeah. A specific unique drill or plan of 25 action. Something that would be different with regard</p> <p style="text-align: right;">27</p>
<p>1 you any names. 2 Q And when was this full-time position 3 eliminated? 4 A Years ago. I can't give you a date. 5 Q More than three years ago? 6 A Yes. 7 Q So is there, in fact, any Office of Emergency 8 Services that exists at this point? 9 A Well, technically, yes. It's an ancillary 10 duty, very similar to having a SWAT team. We don't 11 actually have a group of people that are solely 12 dedicated to SWAT, that's all they do; it's an ancillary 13 duty. 14 Q But there's nobody coordinating this disaster 15 preparedness with outside agencies or private 16 consultants at this point in time? 17 A Yes, there is. It's a lieutenant. 18 Q So when you said that that full-time position 19 no longer exists, it just means that there's somebody 20 doing it on a part-time basis? I'm not sure -- 21 A Correct. 22 Q Do you have any understanding of how many -- or 23 what percentage of this lieutenant's time is spent on 24 disaster preparedness? 25 A I don't. I will tell you it varies.</p> <p style="text-align: right;">26</p>	<p>1 to the water treatment plant as compared to other types 2 of disasters, the ones that I referenced. 3 A Absolutely. 4 Q Okay. And what do the police or what does the 5 Office of Emergency Services do that's different, or 6 what does it plan for that's different? 7 A The Office of Emergency Services would set up 8 an emergency operation center within the Police 9 Department, unless the Police Department was affected, 10 and then it would move to another location. It's 11 basically the command center. That's what they would 12 do. 13 Q Okay. 14 A The officers that are in the field would be 15 tasked with other duties to mitigate that disaster. 16 Q I guess what I'm trying to get at -- and I 17 think we're not communicating fully, so I'll try 18 again -- is whether there's a certain plan of action 19 that's unique to disasters related to the water 20 treatment plant, as opposed to a wildfire or a chemical 21 leak or terrorist attack at the marina, for example. 22 A Like, I don't know if a chemical leak at the 23 water treatment could be a terrorist issue itself, so 24 we're talking in very large generalities. 25 Q Yeah, I understand that. Let me ask it a</p> <p style="text-align: right;">28</p>

1 different way.
 2 Are there different plans of action with regard
 3 to different types of disasters?
 4 A Yes.
 5 Q And which types of disasters do you believe
 6 would be unique to the water treatment plant?
 7 A Chemical leaks, explosions.
 8 Q Anything else?
 9 A Those are the major ones.
 10 Q A chemical leak could also happen at a business
 11 or a factory within the city, correct?
 12 A Yes. I'm trying to think what chemical
 13 companies we have, but . . .
 14 Q Is part of the disaster plan, is it to provide
 15 a warning to the public at large?
 16 MR. COLE: Object on the grounds of vagueness
 17 as to "warning."
 18 BY MR. BENINK:
 19 Q Is there a warning system associated with the
 20 disaster preparedness program?
 21 A You're talking about after the incident occurs?
 22 Q Correct.
 23 A Well, it depends on the incident. We have the
 24 ability to send information out into the telephone lines
 25 to have a prerecorded message.

29

1 Q Are there any other types of warning systems
 2 other than through phone calls?
 3 A Our Facebook page; social media with Twitter;
 4 officers driving around in their patrol cars going over
 5 the loud speakers.
 6 Q Are all those mechanisms part of a disaster
 7 preparedness plan?
 8 A I'm not going to say it's part of a plan.
 9 These are just things that we do.
 10 Q Let's look at the next two pages of Exhibit 1,
 11 please. These are the pages that begin, "Protecting The
 12 Nation's Water Supplies From Terrorist Attack."
 13 Have you seen these two pages before?
 14 A I have.
 15 Q When is the last time you read that?
 16 A It's been a while.
 17 Q Did you help draft this?
 18 A I'm not sure.
 19 Q I'm going to direct your attention to the first
 20 question that's on this page. It says, "Is the Nation's
 21 drinking water supply safe from terrorist attack?"
 22 And it answers, "In general, the threat of
 23 contamination of drinking water through terrorist
 24 activities is small."
 25 A Where are you at? I'm sorry.

30

1 Q I'm sorry.
 2 MR. COLE: (Counsel indicates.)
 3 MR. BENINK: Yeah.
 4 BY MR. BENINK:
 5 Q See the question and the beginning of the
 6 answer?
 7 A I do.
 8 Q Do you agree with that statement, that the
 9 threat of contamination of drinking water through
 10 terrorist activities is small?
 11 A I guess it could be.
 12 Q There's another sentence that says -- the next
 13 sentence says, "Most contaminants would need to be used
 14 in very large quantities, thereby minimizing an actual
 15 threat."
 16 A Yes.
 17 Q Do you agree with that?
 18 A I do.
 19 Q Do you have any understanding as to the ways a
 20 terrorist might contaminate the water supply in the city
 21 of Antioch?
 22 A Injecting chemicals into a large body of water.
 23 Q Any other?
 24 A I believe they can do it by getting into the
 25 large supply pipes.

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1 Q Anything else?
 2 A Those are the two that I know of. I'm sure
 3 there's more, but . . .
 4 Q Other than just the city's, or the Police
 5 Department's regular patrols, does the Police Department
 6 do anything to protect against the contamination of the
 7 water supply? Again, I qualified it with, anything
 8 beyond the regular patrols that your officers undertake.
 9 A Or extra patrols?
 10 Q Or -- any patrols.
 11 A Well, when I say "extra patrols," meaning when
 12 we receive information from the feds or the state
 13 regarding them receiving information that terrorists are
 14 looking to go after water supplies to contaminate a
 15 city's waters, we may have extra patrols where officers
 16 are more diligent and focusing on those areas.
 17 Q I'm sorry. You said when you receive
 18 information from the feds or who else?
 19 A State, the state.
 20 Q And has that happened before, when you've
 21 received information about a potential terrorist attack
 22 with regard to contaminants in the water supply?
 23 A Yes. Not specific to only Antioch, but yes.
 24 Q How many times have you received that kind of
 25 information?

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1 A I couldn't tell you.
 2 Q More than five times?
 3 A Since when?
 4 Q Good question. Let's say over the last three
 5 years, how many times do you think you've received that
 6 kind of information?
 7 A Three, four maybe.
 8 Q And do I understand you correctly in that when
 9 you got that kind of information, you assigned extra
 10 patrols to certain places?
 11 A When you say "assigned extra patrols," are you
 12 saying add additional staff?
 13 Q Well, what did you mean by "extra patrols"?
 14 A What I mean is rather than officers driving by
 15 the reservoir, they're more diligent in looking to see
 16 if there's cars parked on the outside near the fence,
 17 which is the only thing that -- a chain link fence
 18 separates the public from that water.
 19 Q So when you say "extra patrols," you're talking
 20 about just directing the patrol officers to be more
 21 diligent and vigilant about certain areas in town?
 22 A Correct.
 23 Q It doesn't really mean putting somebody on
 24 overtime, for example?
 25 A No.

33

1 Q You referenced large bodies of water. Where
 2 are the large bodies of water where the water supply
 3 could be contaminated?
 4 A Well, we have our reservoir. Technically,
 5 Contra Loma is not our jurisdiction, but our officers
 6 still go in there.
 7 Q Are there any other large bodies of water?
 8 A Well, the river, but . . .
 9 Q You don't patrol the river, right?
 10 A We patrol the waterfront.
 11 Q So if and when you receive information from the
 12 feds or the state regarding potential terrorist attacks
 13 regarding water contamination, where exactly would you
 14 direct your patrol personnel to be more vigilant, what
 15 areas?
 16 A Obviously, the reservoir, pump stations around
 17 the city.
 18 Q Water treatment plant?
 19 A If we had information that people are looking
 20 to sabotage those facilities, yes.
 21 Q Have you ever had any information that people
 22 were looking to sabotage the water treatment plant?
 23 A I believe we have for the chlorine component of
 24 it.
 25 Q When did that happen?

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1 A I can't remember. I just remember reading
 2 something about that.
 3 Q Any other places where you would direct your
 4 officers to be more vigilant, diligent, besides
 5 reservoirs and pump stations and possibly the water
 6 treatment plant?
 7 A We also have the water park as well that has
 8 chlorine. That would be the general areas, yes.
 9 Q Are there any specific -- let me restate it.
 10 Does the Police Department train your patrol
 11 people in any specific way to deal with water
 12 contamination?
 13 A Can you clarify that a little more? I'm sorry.
 14 Q Yeah. I'm wondering if with regard to possible
 15 terrorist attacks regarding contamination of the water
 16 supply, are there any specific -- is there any specific
 17 training that's conducted to prevent or avert those
 18 contaminations?
 19 A I would say no to that.
 20 Q Okay. Are there any security -- I'm sorry.
 21 Does the Police Department assign any officers
 22 to act as security guards in any way at the water
 23 treatment plant?
 24 A No.
 25 Q Has it ever, during your tenure as chief?

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1 A I don't believe so.
 2 Q Is the water treatment plant surrounded by a
 3 fence of some sort?
 4 A Yes, a chain link.
 5 Q Chain link. How tall is it?
 6 A I'm not sure. Driven by it, I just haven't
 7 paid attention.
 8 Q Is there razor wire or anything like that,
 9 anything beyond the fence that would prevent somebody
 10 from getting inside?
 11 A I'm not sure.
 12 Q Okay. You can close this Exhibit 1.
 13 Mark this as Exhibit 2, please.
 14 (Exhibit 2 marked for identification)
 15 BY MR. BENINK:
 16 Q I've just handed you a document we've marked as
 17 Exhibit 2.
 18 A Uh-huh.
 19 Q And I'll represent to you that this is a screen
 20 shot of a Google Maps search that I did to find the
 21 Antioch water treatment plant.
 22 And so I'm just going to ask you, do you
 23 recognize this overhead area, this overhead shot?
 24 A Yes.
 25 Q And does this look to be a fair representation

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<p>1 of what the Antioch water treatment plant would look 2 like from an aerial view? 3 A Yes. 4 Q Is it true that the water treatment plant is 5 located next to a school -- 6 A Yes. 7 Q -- to the north? 8 A Yes. 9 Q Close to it? Yes. Okay. 10 And it also looks like to be near a lot of 11 houses. It's in a neighborhood; is that correct? 12 A It is. 13 Q So when the police are patrolling their regular 14 patrols, I take it they're patrolling both to protect -- 15 in this area, they're patrolling to protect both the 16 water treatment plant, the school, and the houses at the 17 same time? 18 A I think they're patrolling to see if they see 19 suspicious people around those facilities. 20 Q Okay. When they're patrolling, let's say, down 21 this D Street here, I take it they're patrolling -- 22 they're not blind to activity that's maybe occurring in 23 the houses or by the school, right? I mean, nobody goes 24 down just to patrol for the Antioch water treatment 25 plant, disregarding all other activities in the</p> <p style="text-align: right;">37</p>	<p>1 Enterprise Reimbursement Study that was prepared this 2 year? 3 A I'm familiar with it. 4 Q It was prepared by a firm called HF&F 5 Consultants in approximately May this year? 6 A Yes. 7 Q Have you read it? 8 A No. 9 Q Did anybody approach you, including the authors 10 of those reports, to ask you any questions as they were 11 putting it together? 12 A I don't think so. 13 Q You know who Dawn Merchant is, obviously. 14 A I do. 15 Q She's the finance director for the city? 16 A Correct. 17 Q Did she ask you any -- or did she ask you any 18 questions that you understood to be in connection with 19 the preparation of the Water and Sewer Enterprise 20 Reimbursement Study? 21 A I don't think so. 22 Q Have you ever spoken to a gentleman named John 23 Farnkopf? 24 A Doesn't sound familiar. 25 Q It's F-A-R-N-K-O-P-F.</p> <p style="text-align: right;">39</p>
<p>1 neighborhood. 2 A Sure. 3 Q Just to clarify, what I'm really asking is, you 4 don't send a patrol down to the water treatment plant on 5 a regular basis just for the water treatment plant; it's 6 also in connection with patrols being done in that 7 neighborhood. 8 A That could be, or there's a gate to the 9 entrance of the water treatment that officers could sit 10 in front of and park and write their reports. And they 11 would not be around, technically, the school or the 12 other houses. There's a fenced area, and there's a 13 small fence that outlines the school. 14 Q Are they directed to write their reports in 15 that area for some reason? 16 A If we had information that these things were 17 happening, the officers hopefully would be doing that. 18 Q I guess I'm talking about just on a normal 19 day-to-day basis without any alerts from the feds or 20 from the state. When they're doing their regular 21 patrols, they're not going down to the water treatment 22 plant only for the water treatment plant; they're 23 actually patrolling the general vicinity as well. 24 A Yes. 25 Q Are you familiar with a Water and Sewer</p> <p style="text-align: right;">38</p>	<p>1 I know we talked about some pump stations and 2 the water treatment plant. What do you understand to be 3 the other physical properties of the water system that's 4 used in the city of Antioch? If there are, to your 5 knowledge. 6 A Those are the ones I know of. 7 Q And how many pump stations are there? 8 A I don't know. 9 Q Do you know where any one pump station is 10 located? 11 A I know we have -- I believe one on Lone Tree 12 Way, I think there's one in the downtown as well, but 13 I'm not exactly sure where the rest are. 14 Q What do you understand to be the physical 15 assets of the sewer system that's used in the city? 16 A Other than the infrastructure? 17 Q Well, I'm talking about anything that's 18 physical that you connect to the sewer system. 19 A The places of entry where people get down into 20 the sewers. 21 Q Okay. Like manholes, for example? 22 A Manholes, grates, those sorts of things. 23 Q You understand that there is no sewer treatment 24 plant within the city of Antioch? 25 A I do.</p> <p style="text-align: right;">40</p>

1 Q That means no patrols associated with water
 2 treatment or sewer treatment because there is none,
 3 right?
 4 A Well, if there's leaks or -- within our
 5 pipelines there could be, but we don't necessarily, we
 6 treat it; it goes to another city.
 7 Q I'm going to ask you some of the same questions
 8 with regard to sewer that I asked you about water.
 9 A Sure.
 10 Q Do your officers patrol anything in particular
 11 with regard to the sewer system?
 12 A They patrol the entire city. If they see a
 13 sewer break, they're going to notify the corp yard and
 14 call them in.
 15 Q I'm sorry. They're going to notify whom?
 16 A The corp yard. The corporation yard.
 17 Q I'm sorry; I still don't understand. Your
 18 corporation?
 19 A Yes. Corporation yard. It's --
 20 Q Guard.
 21 A Yard.
 22 Q Yard.
 23 A We have people that deal solely with sewers,
 24 sewage --
 25 Q Yep.

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1 A -- line breaks.
 2 Q Okay. Public works?
 3 A Public works, yes.
 4 Q Okay. I hadn't heard that one before,
 5 corporation yard. Public works.
 6 So if they see a break, they call up public
 7 works, and that's the end of that, right, as far as the
 8 police activity is concerned?
 9 A It could be. If this is a large area and we
 10 need to get people moved out of the area, we would
 11 assist with evacuation.
 12 Q Do you track how many times the police have
 13 assisted with evacuations regarding sewer breaks?
 14 A I don't think we do.
 15 Q Do you have any estimate of how many sewer
 16 breaks there have been that required the police to
 17 assist in evacuating over the past three years?
 18 A I don't.
 19 Q There are other public properties besides
 20 buildings that the police generally protect, I take it.
 21 Let me give you some examples: Park benches, traffic
 22 signals, street lights. Those are things that the
 23 Police Department protects and prevents crimes from,
 24 right?
 25 A We patrol all over the city. If we see people

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1 tampering with those things, we would take action.
 2 Q Right.
 3 Do you believe that the Police Department
 4 provides security services to the city's water and sewer
 5 facilities and assets that it does not provide to the
 6 public generally?
 7 A I believe we provide extra patrol to our city
 8 facilities when there's a threat. And at the same time,
 9 we provide extra patrols to our citizens when they have
 10 information that we can act upon.
 11 Q But I think you earlier testified that your
 12 extra patrols just means a heightened vigilance or
 13 diligence, right?
 14 A Yes.
 15 MR. BENINK: So we've been going for about an
 16 hour. Let's take a break.
 17 MR. COLE: Sure. That's fine.
 18 (Recess)
 19 MR. BENINK: Back on the record.
 20 BY MR. BENINK:
 21 Q You're still under oath; you understand that?
 22 A I do.
 23 Q When you were talking about extra patrols when
 24 there was a threat that was passed down from the feds to
 25 the state, I want to ask you, with regard to -- let me

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1 start over. Strike that.
 2 Occasionally, you'll get information about,
 3 let's say, a particular vandalism problem in an area of
 4 the city; is that right?
 5 A Yes.
 6 Q Are there gangs in the city?
 7 A Yes.
 8 Q Sometimes there are heightened issues regarding
 9 gangs; is that right? Or not really? I don't want to
 10 put words in your mouth.
 11 A I don't want to say there's heightened issues.
 12 Typically, when there's a use of force against one,
 13 there's going to be retaliation.
 14 Q Okay. Are extra patrols ever required for
 15 events outside of possible terrorist attacks in the
 16 city?
 17 A Yes.
 18 Q Give me some examples of those extra patrols
 19 and what they're required for.
 20 A You mentioned vandalism. We're getting walls
 21 tagged in the city at a certain location daily or every
 22 other day. Those types of things.
 23 Q Any other examples?
 24 A Well, things where there's a pattern. It's
 25 happening, you know, at night at this location, during

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1 the week.
 2 Q How about like a rash of burglaries in one
 3 neighborhood? Has anything like that ever occurred
 4 where increased patrols or extra patrols are required?
 5 A Not necessarily required, but the officers are
 6 noticed on that.
 7 Q Okay. So that means just be extra vigilant in
 8 a certain area?
 9 A Correct.
 10 Q Okay. I want to talk a little bit about the
 11 Police Department budget. Are you involved in any way
 12 for the budgeting process for the Police Department?
 13 A I have some part in it, yes.
 14 Q What is your role as far as creating a budget
 15 for the Police Department?
 16 A Well, we are tasked to look at our budget.
 17 Sometimes we are asked to decrease the budget based on
 18 the general fund allocation. We ask for certain items
 19 which may increase the budget. We're asked to review
 20 our budget.
 21 Q Who is your point of contact regarding budget
 22 issues?
 23 A I deal a lot with Dawn Merchant. My city
 24 manager has an interest in our budget, and ultimately,
 25 the budget is finalized and passed by our city council.

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1 Q And when do the budgeting activities typically
 2 occur, if they occur in any specific part of the year?
 3 A In regards to us internally, or dealing with
 4 Finance?
 5 Q Dealing with Finance.
 6 A Well, we have a two-year budget cycle. But
 7 even with that, we still have communication during the
 8 course of the year. We're on a fiscal year which ends
 9 June 30th, so we'll start talking about budget things
 10 around March or April.
 11 Q March or April of the year preceding the next
 12 two-year cycle?
 13 A Or the next year itself.
 14 Q Okay.
 15 A Because the budget can be adjusted.
 16 Q Right. There are always mid-budget adjustments
 17 made in between the adoption of the initial budget and
 18 the final budget.
 19 A Yes.
 20 Q And so are you asked then to come up with your
 21 own budget, or do they -- does Finance or somebody else
 22 within the City, like the city manager, give you a
 23 proposed budget which you are then directed to adjust?
 24 Does that make sense?
 25 A I think I know what you're asking me. And it

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1 depends.
 2 Q So give me an example of what happens in either
 3 case.
 4 A I've been part of the budget process as a
 5 captain and as a chief where the police budget had to be
 6 status quo or reduced in some areas. I wasn't told
 7 which areas, but I needed to reduce my budgets.
 8 Q And how has it happened in other years?
 9 A Others, there is no direction given.
 10 Q I mean, but in those other years, did they give
 11 you a size of the budget and allow you to allocate those
 12 dollars accordingly?
 13 A What would happen is we would look at our
 14 previous year's budget and we would look to see areas
 15 where we went over, which means we'd need to add monies
 16 to those line item budgets, and there were other line
 17 items that we didn't use the money like we thought we
 18 were going to do, and we actually reduced those line
 19 items.
 20 Q And the budget's adjusted from that -- from
 21 those data points, using those data points?
 22 A Those are our recommendations. Then it goes to
 23 the city council for final adoption.
 24 Q Sounded like from your earlier testimony that
 25 there had been a reduction in staff over the past years;

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1 is that right?
 2 A Definitely.
 3 Q And that was a result of budget constraints?
 4 A Economic downturn, budget constraints, yes.
 5 Q What is your understanding as to how an
 6 economic downturn affects your Police Department budget?
 7 A Well, when property values decrease, people are
 8 paying less property tax to the county, less is going to
 9 the state, and that affects us because we're a bedroom
 10 community. People don't purchase as much goods,
 11 usually, so we don't get the sales tax.
 12 Q Do you have any sense of how much your budget's
 13 been reduced from, say, five years ago, from the time
 14 you took over as chief, to present?
 15 A I don't know. I know that we were down to one
 16 of our all-time low of police officers at 82. I believe
 17 that was our low. And we have been in the process of
 18 rebuilding.
 19 Q So has it -- and it's been on the upswing a
 20 little bit in the last couple of years?
 21 A It's been a very big upswing.
 22 Q Big upswing. Property values, and thus
 23 property taxes, have come up?
 24 A And we've had a couple tax measures passed that
 25 have helped our general fund.

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1 Q What are those tax measures?
 2 A Measure O and Measure C.
 3 Q And what -- can you -- if you remember or if
 4 you can describe what each measure was and when it was
 5 passed.
 6 A Measure C was, I think, over two and a half
 7 years ago, and it was a sales tax increase. And
 8 Measure O was, I believe, the year after.
 9 Q Was it another sales tax increase?
 10 A No, I don't believe it was sales tax, no.
 11 Q You don't know what kind of increase --
 12 A It was for a -- for the business tax in our
 13 city. And it had to do with, you know, our businesses
 14 being taxed, which included our rental units.
 15 Q I'll hand you this document. I'm not going to
 16 mark it as an exhibit, but I'm going to explain to you
 17 that it was produced in this litigation by the City and
 18 it purports to be the operating budget for the City of
 19 Antioch, fiscal year 2015-2017. And it has a Bates
 20 label ANT 001749 through 002082.
 21 If you can just peruse it briefly and let me
 22 know if you've ever seen that document before. I
 23 believe your budget begins on page 118.
 24 A Okay.
 25 Q So why don't you leaf through your pages to the

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1 end, and just -- I think it goes to page 139 of the
 2 budget.
 3 A Okay.
 4 Q Do pages 118 through 139 of this document look
 5 like the Police Department budget for fiscal year '15
 6 through '17?
 7 A What I quickly skimmed, yes.
 8 Q Just so I'm clear, the reference to 2015-2017
 9 budget, the dates -- the effective dates would be July
 10 1, 2015, through June 30th, 2017; is that correct?
 11 A My understanding, yes.
 12 Q If you just look at the first page, this is
 13 page 118, it says -- the first paragraph describes the
 14 Police Department. I'm going to read it out loud: "The
 15 Antioch Police Department is charged with the
 16 enforcement of state" -- I'm sorry -- "of local, state,
 17 and federal laws and with providing for around-the-clock
 18 protection of the lives and property of the public. The
 19 Police Department functions as an instrument of public
 20 service and as a tool for distribution of information,
 21 guidance and direction."
 22 Is that a correct statement?
 23 A Yes.
 24 Q Can you turn to page 119, please. It lists the
 25 number of programs and bureaus in the Police Department.

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1 Is that an accurate representation of the programs and
 2 bureaus in the Police Department?
 3 A Yes.
 4 Q Where does patrolling fall as far as those
 5 programs and bureaus listed there?
 6 A Patrol?
 7 Q Yeah, patrol.
 8 A It would fall under community policing.
 9 Q Okay. Turn to page 120 through 123. Do you
 10 recognize the representations made on pages 120 through
 11 -- I'm sorry, 122. 120, 121, and 122.
 12 A Uh-huh.
 13 Q What does 120 through 122 represent?
 14 A It's our org chart.
 15 Q Is it accurate?
 16 A We actually have a records supervisor now. I'm
 17 not sure that's represented in the org chart.
 18 Q Where would that -- where would you place that?
 19 A Support Services.
 20 Q So you're on page 121.
 21 A Yes.
 22 Q And why don't you do this. Take a pen and draw
 23 a box where you think it would go. It's a record
 24 supervisor; is that --
 25 A Yes.

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1 Q -- what it is? Okay. Thank you.
 2 Other than that, do you believe the org chart
 3 is generally accurate?
 4 A Yes.
 5 Q Is it fair to say that the Police Department
 6 does not have any records that you could refer to which
 7 would identify how much police resources are devoted
 8 specifically to the protection or the service of the
 9 water enterprise or the sewer enterprise?
 10 A I would say that's a correct statement.
 11 Q Can you turn to page 123 of this document.
 12 A Okay.
 13 Q I'm going to look at the column that's labeled
 14 "Proposed," 2015-2016. It's shaded.
 15 A Uh-huh.
 16 Q Do you see that?
 17 A I do.
 18 Q And in the last row under "Source of Funds,"
 19 there's a figure, 783,010. Do you see that?
 20 A I do.
 21 Q You understand that there is a transfer made
 22 from the water and sewer funds into the general fund,
 23 which is actually reflected in the Police Department
 24 budget? Do you understand that?
 25 A I do.

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1 Q Do you know whether that 783,010 is comprised
2 in part by those two transfers in?
3 A I'm not exactly sure what that transfer in is.
4 Q So you don't know one way or the other, sitting
5 here today, whether, for fiscal year '15-16 that that
6 783 represents the transfers in from water fund and
7 sewer fund?
8 A That's correct.
9 Q Okay. Do you know where -- okay.
10 Let me ask you this. Your overall budget is
11 broken down into smaller sub-budgets. Do you understand
12 that?
13 A You mean within divisions?
14 Q Right.
15 A Yes.
16 Q So for example, if you turn to page 126,
17 there's a sub-budget for police administration. Is that
18 what 126 represents?
19 A Yes.
20 Q Do you know where the transfers in from the
21 water and sewer funds are reflected in the sub-budgets?
22 A No.
23 Q That's not something that you had any hand in
24 creating or authoring?
25 A No.

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1 MR. BENINK: Let's go off the record for a
2 minute.
3 (Recess; Exhibit 3 marked for identification)
4 MR. BENINK: Back on the record.
5 BY MR. BENINK:
6 Q Has anybody ever asked you to make an attempt
7 to allocate time that the Police Department spends
8 solely on the protection of the water enterprise or the
9 sewer enterprise?
10 A You mean by going through time sheets or time
11 cards?
12 Q Has anybody ever asked, Can it even be done?
13 Can we make an attempt? Can we estimate? Has anybody
14 ever made that request to you?
15 A I don't think so.
16 Q And I think your testimony before was that
17 there really aren't any records that would enable you to
18 make such an allocation.
19 A Correct.
20 MR. BENINK: All right. I don't have anything
21 else. I'll offer a stipulation.
22 THE REPORTER: We don't really do that up here.
23 MR. COLE: I'm prepared to do it.
24 THE REPORTER: I don't usually do it, if you
25 don't mind. I prefer to follow the code.

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1 MR. BENINK: I was going to do it in compliance
2 with the code, I think. Let's go off the record.
3 (Discussion off the record)
4 MR. BENINK: So the stipulation is that if the
5 original transcript is lost or misplaced or not
6 produced, a certified transcript may be used for all
7 purposes in this litigation.
8 MR. COLE: So stipulated.
9 MR. BENINK: Everything else we'll do by code.
10 Thank you. That's all.
11 (Deposition adjourned at 11 o'clock a.m.)
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1 DECLARATION UNDER PENALTY OF PERJURY
2
3 I, Allan Cantando, do hereby certify under penalty
4 of perjury that I have reviewed the foregoing transcript
5 of my deposition taken on July 18, 2016; that I have
6 made such corrections as appear noted herein in ink;
7 that my testimony as contained herein, as corrected, is
8 true and correct.
9
10 DATED this _____ day of _____,
11 20____, at _____, California.
12
13
14
15
16
17 _____
18 Allan Cantando
19
20
21
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23
24
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1	ERRATA SHEET		
2	Printed Name _____	Date _____	
3	Signature _____		
4	Page/Line	Correction	Reason
5	_____	_____	_____
6	_____	_____	_____
7	_____	_____	_____
8	_____	_____	_____
9	_____	_____	_____
10	_____	_____	_____
11	_____	_____	_____
12	_____	_____	_____
13	_____	_____	_____
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15	_____	_____	_____
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23	_____	_____	_____
24	_____	_____	_____
25	_____	_____	_____
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1	REPORTER'S CERTIFICATION		
2			
3	I, Carolyn M. Mann, Certified Shorthand Reporter in		
4	and for the State of California, do hereby certify:		
5			
6	That the foregoing witness was by me duly sworn;		
7	that the deposition was then taken before me at the time		
8	and place herein set forth; that the testimony and		
9	proceedings were reported stenographically by me and		
10	later transcribed into typewriting under my direction;		
11	that the foregoing is a true record of the testimony and		
12	proceedings taken at that time.		
13			
14	IN WITNESS WHEREOF, I have subscribed my name on		
15	this date: July 29, 2016.		
16			
17			
18			
19			
20	_____ Carolyn M. Mann, CSR No. 10066		
21			
22			
23			
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25			
			58

A				
A-G-U-I-N-A-G...	additional	15:7 26:9,12	arrives	53:24
12:1	24:16 33:12	animal	18:22	authors
A-L-L-A-N	adjourned	12:6 14:24 16:18	asked	39:9
6:13	55:11	16:20,22 17:16	41:8 45:17,19	avert
a.m.	adjust	answer	46:20 54:6,12	35:17
1:15 2:24 6:1	46:23	7:12 20:24 27:19	asking	aware
55:11	adjusted	31:6	13:19 21:18 38:3	23:16
ability	46:15 47:20	answers	46:25	B
29:24	adjustments	30:22	assets	B-R-O-O-K-S
Absolutely	46:16	ANT	40:15 43:5	12:5
28:3	administration	5:7 49:20	assign	Back
academy	16:17 53:17	Antioch	35:21	43:19 54:4
9:17	adoption	1:7 2:7 5:6 7:4	assigned	ballot
accidents	46:17 47:23	8:16 9:8,10 13:2	11:21 15:11,21,22	16:21
15:13,13	advise	19:21,23 22:1	19:2 23:17 25:5	Barbara
accomplish	12:25	31:21 32:23	33:9,11	22:21
25:11	aerial	36:21 37:1,24	assigning	based
account	5:4 37:2	40:4,24 49:19	24:13	24:16 27:1 45:17
18:12	agencies	50:15	assignment	basically
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