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Attorneys for Plaintiffs
The People of the State of California

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA ex rel EDMUND G. BROWN JR., Attorney General of The State of California, Plaintiffs, v. **ROBERT A. RIZZO, PIER' ANGELA SPACCIA, RANDY G. ADAMS, OSCAR HERNANDEZ, TERESA JACOBO, GEORGE COLE, VICTOR BELLO, AND GEORGE MIRABAL, in their official and personal capacities, CITY OF BELL, AND DOES 1-100, inclusive,** Defendants.	Case No. BC445497 **DECLARATION OF LORENZO S. VELEZ IN SUPPORT OF THE PLAINTIFFS' MOTION FOR APPOINTMENT OF A MONITOR FOR THE CITY OF BELL** Dept: 57 Judge: The Honorable Ralph W. Dau Action Filed: September 15, 2010

I, Lorenzo S. Velez, declare:

1. I am a member of the City Council of the City of Bell. I was appointed to this position on October 4, 2009. I have personal knowledge of the facts in this declaration, and I could and would testify about these facts if called upon to do so.

2. I am one of four current City Council members. A previous Councilmember resigned his position earlier this month. The other three Council members were arrested in September and charged with misappropriation of city funds.

3. The City is being operated by the interim Chief Administrative Officer Pedro Carrillo. Mr. Carrillo and Mr. Casso, the interim City Attorney, have not been honest and transparent with me. They rarely brief me on issues related to conversations they had with the Attorney General's office, with County Supervisor Gloria Molina, or in regards to city finances. This has been going on since they became interim Chief Administrative Officer and interim City Attorney.

4. To my knowledge, Mr. Carrillo and Mr. Casso don't inform anyone of what they're doing until after the fact. As far as I know, they are taking actions on their own without consulting anyone on the City Council. I truly believe that they need to inform the Councilmembers before they take actions that bind the City. I believe they have overstepped their boundaries by not briefing the Councilmembers before sending out memos and letters.

5. As an example, Mr. Carrillo and Mr. Casso didn't tell me that they were responding to the proposed Memorandum of Understanding from the Attorney General's office until after they already did. I explicitly requested that any response binding the City be reviewed by me before they send it out. They ignored my request. Attached as Exhibit A is a true and correct copy of my October 8, 2010 email to them about this issue.

6. Additionally, I asked a month ago for list of employees and their current salary and benefits. I wanted to know whether the highly paid employees had been fired or had their salary reduced. I did not receive a response until a month later and only after I had had a strongly worded discussion with them about them not being transparent with me.

7. With respect to City finances, Mr. Carillo doesn't provide any reports to me, and doesn't provide any reports to the community either.

8. Mr. Carrillo also won't put things on the agenda that I requested to be put on the agenda. For example, in the September 20 council meeting, myself and other Councilmembers instructed Mr. Carrillo to appoint an interim chief of police and submitted the name of a qualified individual. But Mr. Carrillo has not appointed this person. I have asked him why this has not been done, but Mr. Carrillo has not given me an adequate answer.

9. I feel like I am being isolated by the interim Chief Administrative Officer and interim City Attorney. I believe they have their own agenda for running the City. Unfortunately, because they have not been keeping me information as to what they are doing, I do not know what I am missing. I believe that I am being isolated because I was the only Councilmember who did not approve Mr. Carrillo's contract.

10. Citizens of Bell, members from my community, approach me almost every day asking me why Mr. Carrillo isn't sharing information with them and why they have they only been given partial answers to their questions to Mr. Carrillo. All Mr. Carrillo says is that they are doing the best they can.

11. Someone is needed in City Hall with authority to ask questions and to monitor the day-to-day business because the community, including me, is not getting the information we need. We need someone who is independent and has the authority to question the actions of the city's administrators.

12. Even with a functioning City Council, I would still want a monitor. A monitor would assure the community that everything we are doing is right and that there are no conflicts of interest. The community has a lot of suspicion of the city administrators and the City Council. Without a monitor, the people would not trust the actions of the City Council and any decisions made by the City Council. I believe a monitor should operate until there is a new City Council.

///

///

///

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this nineteenth day of October 2010 at Bell, California.

LORENZO S. VELEZ
Council Member
City of Bell

The People of the State of California v. Robert A Rizzo et al.
Los Angeles County, Superior Court, Court Case No. BC44549

EXHIBIT "A"

>>> Lorenzo Velez <lsvelez1981@gmail.com> 10/8/2010 6:49 PM >>>

Jamie and Pedro...
I am disappointed again to find out that you have already sent a response to Mr. Chang regarding "The People of the State of California v. Robert Rizzo and Proposed Memorandum of Understanding" sent on 10-8-10 and clearly ignored my request that I sent to you yesterday 10/7/10 at 12:09pm to review such response.

This is a direct conflict of my request as city councilman and clearly shows once again a lack of respect and transparency towards me as a council member. This response is clearly a council policy direction and should have been reviewed not only by the city administration staff but by the city council itself.

Again, I would like to express my discontent on this matter and hope that it does not continue! We need to schedule sometime to address how communication can be improved and that instances like this do not occur in the future.

Regards...

Lorenzo Vélez, Councilmember
City of Bell

On Fri, Oct 8, 2010 at 5:23 PM, Rodell, Kathleen <krodell@meyersnave.com> wrote:

From: Rodell, Kathleen
Sent: Friday, October 08, 2010 5:23 PM
To: Peter H. Chang (peter.chang@doj.ca.gov)
Cc: Casso, Jamie
Subject: People v. Robert Rizzo et al.

Attached please find a letter from James M. Casso

<<Ltr to P. Chang 100810.pdf^>>

Kathleen Rodell
Legal Secretary to James M. Casso
MEYERS NAVE
333 South Grand Avenue, Suite 1670
Los Angeles, California 90071
Phone: 213.626.2906
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Reduce. Reuse. Recycle. Re-planet.

--

Lorenzo Vélez, Councilmember
City of Bell

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA ex rel EDMUND G. BROWN JR., Attorney General of The State of California, Plaintiffs, **v.** **ROBERT A. RIZZO, PIER' ANGELA SPACCIA, RANDY G. ADAMS, OSCAR HERNANDEZ, TERESA JACOBO, GEORGE COLE, VICTOR BELLO, AND GEORGE MIRABAL, in their official and personal capacities, CITY OF BELL, AND DOES 1-100, inclusive,** Defendants.	Case No. BC445497 **DECLARATION OF ALI H. SALEH IN SUPPORT OF THE PLAINTIFFS' MOTION FOR APPOINTMENT OF A MONITOR FOR THE CITY OF BELL** Dept: 57 Judge: The Honorable Ralph W. Dau Action Filed: September 15, 2010

I, Ali H. Saleh, declare:

1. I have personal knowledge of the facts in this declaration, and I could and would testify about these facts if called upon to do so.

2. I am a life-long resident of the City of Bell and a co-founder of BASTA, the Bell Association to Stop the Abuse.

4. BASTA is a citizen's group in Bell. Currently BASTA has a leadership board of 14 community members, including me. BASTA holds regular community-wide meetings twice a month, and usually 200 to 400 people attend. At these meetings, people from Bell raise questions about the City, discuss the ongoing public disclosures concerning the abuses in Bell, and examine what progress has been made. We also invite guest speakers who can address some of the issues raised by the community like how recall works, compensation of officials, City financials and so forth. While BASTA does not maintain an official membership list, around 1500 people in our community have asked to receive information about our organization and our efforts by emails and phone calls and are on our email list.

5. BASTA is also organizing the recall efforts in Bell. BASTA prepared the recall petitions and trained volunteer signature gathers. In about 20 days, around 80 trained BASTA members collected more than 4000 signatures for each of the four council members for purposes of recalling them.

6. BASTA was formed on July 16, 2010, one day after the Los Angeles Times broke the story about the $800,000 salary that the City paid to Robert Rizzo, the former Chief Administrative Officer of the City. However, even before the Los Angeles Times reported on corruption within our City Hall, people in our community were already suspicious of our City government because there was a complete lack of transparency. Questions raised by members of the community were not getting answered. The Los Angeles Times story motivated the community to take action, and one week after the first story on Rizzo's salary, BASTA organized around 700 people at the City Hall for a rally. This was an empowering event and we felt the time was now right to create an organization which could push to create a better government for ourselves.

7. BASTA's main goal is to demand, on behalf of the people of Bell, good city governance through transparency and accountability. We want to help keep our appointed and elected officials accountable by ensuring public access to our government and information.

8. We believe, however, that the current city government is not providing adequate access to public information. We are respectful that the city administration must maintain confidentiality on certain matters. However, we believe the City is not meeting its obligations to its citizens.

9. On July 21, 2010 we submitted our first public records request through our lawyer for six matters, and supplemented it on July 29 asking for 16 other matters and also asking various questions concerning incompatibility of employment and other issues which have not been answered. That letter is attached to this declaration as Exhibit A. On August 9, 2010 the City through the interim City Attorney responded that most of the records required additional research.

10. On August 23, 2010, a month after our request, the interim City Attorney responded with numerous objections to disclosing many of the records requested. For example, to the request for staff reports, ordinance and resolutions pertaining to tax or fee increases since July 1, 2007, the response was that it was not clear what documents we were requesting. We were also told records could not be found or records could not be disclosed due to Evidence Code privileges, and attorney client and attorney work product privileges. That letter is attached to this declaration as Exhibit B. We have been told by our legal counsel that we would have to engage in legal action to get these documents.

11. We sent a letter on October 4th to Pedro Carrillo, the interim Chief Administrative Officer of the City, requesting more information about the City's finances, operations, and employees. That letter is attached to this declaration as Exhibit C.

12. On October 5, members of BASTA met with Pedro Carrillo and James Casso, the interim City Attorney, to discuss the letter. Mr. Carrillo promised that they would respond to our letter in two days. Since then we have received no response from them. We have followed up regularly with Mr. Carrillo and Mr. Casso by phone calls and in person at City Hall. Mr. Casso

and Mr. Carrillo would always say that they were working on it and that they would have responses to us soon. They still not have provided a response to us.

13. The City also does not provide enough information to the community during the City Council meetings. The City Council and Mr. Carrillo answer very few questions during the meetings. I have attended all of the meetings since the Los Angeles Times broke the story on the scandals with the City's administration in July of this year and have asked questions. After I asked my questions, the mayor or the city clerk would tell me that my time was up. Then, instead of answering my questions, the City Council and Mr. Carrillo would simply take the question of the person after me and ignore my questions. The City Council and Mr. Carrillo answer only about 1 out of every 30 questions.

14. At the last Council meeting, several councilmembers didn't show up. Lorenzo Velez was the only councilmember there. I asked him whether he can answer questions from the public. Councilmember Velez appeared to want to answer questions from the community. But Mr. Casso told Councilmember Velez that he should not answer any questions relating to anything that was on the agenda. Mr. Carrillo also wouldn't answer any questions, and said he was following the City Attorney's advice. I have since been advised that since the meeting was occurring in public, councilmember Velez was free to communicate with the public and the Brown Act would not have prevented him from answering questions.

15. The community is suspicious of the current administration of the City even though they were appointed after the crimes were discovered. They were appointed by the existing City Council, and four members of the City Council have been charged with crimes based on actions they took during their tenure on the Council and with mismanaging the City. (One of those councilmember has since resigned.) Initially, people gave the new administrators the benefit of the doubt when Mr. Carrillo proclaimed that he would fix the problems. But over time, as information has not gotten out, the community is getting more frustrated.

16. The letter we sent to the City on October 4 (Exhibit C to this declaration) shows the types of questions that we have been asking the City about what has been happening in Bell. My understanding of the Public Records Act is that it only allows the public to receive specific

documents we identify. The City does not have to answer any questions from us except to give us certain specific documents that we first identify to them. And it is easy for the City to say that they can't find the documents we requested or that some document is privileged. The problem of this way of getting information is illustrated by the letters between BASTA's attorney and the interim City Attorney. (In Exhibits A and B to this declaration.) BASTA believes that the broader powers of a monitor are required to bring forward the type of information we have requested.

17. BASTA wants a monitor to communicate regularly with the community. The current problems in the City are lack of transparency and lack of communication. BASTA wants to create a dialogue between Council and the public. A monitor would provide more information to residents and allow residents to know what is happening in the City. The monitor should report to the public regularly. The monitor should be independent and not be political, and have the ability to understand City government and finances. The monitor should be bilingual. The monitor should only serve until a new council is in place and should prepare a written final report with findings and recommendations. The monitor can help lay the groundwork for restoring honest government in Bell, which operates for the betterment of the community.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this nineteenth day of October 2010 at Bell, California.

ALI H. SALEH
Co-Founder
Bell Association to Stop the Abuse

The People of the State of California v. Robert A Rizzo et al.
Los Angeles County, Superior Court, Court Case No. BC44549

EXHIBIT "A"

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July 29, 2010

Via email: Edward.Lee@bbklaw.com

Mr. Edward Lee, City Attorney
City of Bell
c/o Best Best & Krieger
300 South Grand Avenue
25th Floor
Los Angeles, California 90017

Re: City of Bell – Resignation of City Manager Robert Rizzo, Assistant City Manager Angela Spaccia and Police Chief Randy Adams

Dear Mr. Lee:

Aleshire & Wynder is legal counsel for an association of concerned citizens and taxpayers of the City of Bell ("Bell Association to Stop the Abuse" or "Clients"), who are extremely concerned over the actions of certain Bell councilmembers with regards to their compensation and contracts approved for certain city of Bell officials, and the recent events surrounding the resignation of City Manager Robert Rizzo, Assistant City Manager Angela Spaccia and Police Chief Randy Adams. We have been asked to contact you on their behalf to obtain some clarity for the public on this issue before you take any further action.

The resignation of these three individuals raises several legal issues. We want to independently ensure the validity and enforceability of each of the contracts. For example, were the contracts approved during a public meeting by the City Council? Were the contracts obtained by fraud or corruption? What are the terms of the contracts and what is the process for their termination? Have Mr. Rizzo, Ms. Spaccia and Chief Adams fulfilled all of their obligations under the contracts or are there grounds to void them?

It may be possible to take legal action to invalidate the contracts or obtain a disgorgement of profits. However, to determine this, more information is needed by the public. We assume that these are also matters in which the City would have an interest..

As an example of our concerns, we understand that Angela Spaccia was recently appointed as Interim City Manager of Maywood. Government Code Section 1099 states:

> (a) A public officer, including, but not limited to, an appointed or elected member of a governmental board, commission, committee, or other body, shall not simultaneously hold two public offices that are incompatible. Offices are incompatible when any of the following circumstances are present, unless simultaneous holding of the particular offices is compelled or expressly authorized by law:
>
> (1) Either of the offices may audit, overrule, remove members of, dismiss employees of, or exercise supervisory powers over the other office or body.
>
> **(2) Based on the powers and jurisdiction of the offices, there is a possibility of a significant clash of duties or loyalties between the offices.**
>
> **(3) Public policy considerations make it improper for one person to hold both offices.** (Emphasis added).

The Cities of Bell and Maywood have been in discussions concerning various agreements between the two entities and were in such discussions while Ms. Spaccia held her positions both as Interim City Manager in Maywood and Assistant City Manager in Bell. One of these situations involved the provision of law enforcement services, including the cost of such services, level of services, retention or termination of employees, and similar issues. While the goal of a contract negotiation may be a "win-win," in fact, the parties in this case have unalterably conflicting interests. For example, while one party wants increased compensation for its services, the other wants to pay less. Where Ms. Spaccia has been and continues to be, reporting to her Bell City Manager boss, and receives all of her compensation from this employer, can she effectively represent Maywood as Chief Executive Officer? We do not believe there is any way she could serve these two masters without conflict.

Pursuant to the common law incompatibility rule, as construed by various Attorney General opinions and California Government Code Section 1099(b), we believe that when an incompatible office is assumed, in this case the office of Interim City Manager in the City of Maywood, that Ms. Spaccia immediately forfeited her office as Assistant City Manager in the City of Bell. Hence, Bell would have no further obligations to Ms. Spaccia under her excessive

contract and Bell should recover all payments made to her since she entered into the contract with Maywood.

We understand that one could argue that one or both of Ms. Spaccia's offices are "positions of employment," pursuant to California Government Code Section 1099(c) and that Section 1126 is instead applicable here and that both the Cities of Maywood and Bell waived Ms. Spaccia's conflicted activities. (However, we note that the "Assistant Administrative Officer" is referred to as an officer, and it is a position created by Bell's Charter and she, at times, acts as the Chief Administrative Officer.) In such case, we would like to see what rules the City Council adopted – a statutory mandate pursuant to California Government Code Section 1126(c) - governing the application of Section 1126. However, in the facts of this case we think there is a strong equitable case for application of the common law rule.

On July 21st, we made a request to the City of Bell's City Clerk, Rebecca Valdez, asking for several items which we have not yet received. We are supplementing this prior request with some additional items that we are now requesting pursuant to California Government Code Section 6250 *et seq,* based on the Council's further actions. The attachment includes both lists of requested documents, though the 10-day period for the response to the first set of documents continues to run from July 21st. We believe that a review of these documents by an outside independent source is critical before any payments of City funds are made to the above resigning officials.

As explained above, the documents are necessary to determine the validity of the above contracts. It has been announced that these officials have resigned without any severance payment. We would like copies of their resignation letters and the City's acceptance thereof. Moreover, we request, on behalf of the citizens of Bell, copies of all documentation relating thereto, and a legal analysis from the City Attorney disclosing the full costs to the City resulting from the resignation of the officials (back-pay, benefit payments, etc.); how this will be paid for by Bell; the validity of these contracts; whether there has been analysis of the incompatibility of offices, as well as the other questions added herein; and any severance arrangements with the resigning officials. The analysis should examine if there are any grounds, including, but not limited to, Charter Section 519 (pertaining to contracts) and Section 601 (pertaining to residency), upon which these contracts and any consideration paid thereunder could be challenged.

We also question the issue of councilmember compensation. Section 502 of the Bell City Charter appears to limit councilmember compensation to the amount provided in Government Code Section 36516 ($400 per month for a city of this size); plus reimbursement for out of pocket expenses. No authority is provided in the Charter for councilmembers to receive

compensation as members of other bodies. Have you analyzed the legal effect of this limitation on the ability to receive such additional compensation beyond the Charter's limits?

A fresh concern has now arisen over the new interim City Manager, Pedro Cadillo, and the terms of his contract. So this is also an added part of our public records request. What other candidates were considered, and on what terms? Based on past actions, the Council should have embraced a transparent process to fill this important position.

We know you are not required to prepare any analysis as part of a public records request: it is our expectation that your office would have already performed analysis of the above for the City Council to act as it has. If it has not done so, we would hope the City Council would want such analysis performed and made public to explain its actions.

As you are fully aware, these contracts greatly exceed norms within the profession which explains why they have drawn national attention. If the City Council wishes to restore its credibility with the community and our clients, it will fully cooperate with our request for information, and will not proceed with any payments of City funds to these officials, until the City Attorney has provided the requested legal opinion and our office can independently review the matter. An independent review can either confirm the validity of the settlement arrangements or perhaps suggest grounds to challenge them, as suggested above. Further, if payments should be made to these officers without resolving the legal concerns we have raised, or without the transparency we are suggesting, you are hereby informed that our client may seek to have the City of Bell hold the firm of Best Best & Krieger liable for the reimbursement to the City of Bell for any sums subsequently determined to be improperly paid on the City Attorney's legal advice.

We very much appreciate your cooperation with these requests. The Clients are prepared to pay the reasonable cost of producing these documents, once you advise us of the costs. Although we know that you have 10 days to respond to California Public Records Act requests, we would hope that, given the extraordinary public attention to this matter, compliance with our request would be expedited. Moreover, as we note that Attorney General Jerry Brown has asked that some of these same documents to be produced within 48 hours, we would hope that the Citizens of Bell could be timely accommodated by its own City to the same degree.

If you have any questions, please do not hesitate to contact me at (949) 223-1170.

Very truly yours,

ALESHIRE & WYNDER, LLP

David J. Aleshire

cc: Mayor Oscar Hernandez
Vice Mayor Teresa Jacobo
Councilmembers George Mirabal, Luis Artiga, and Lorenzo Velez
Rebecca Valdez, City Clerk, City of Bell *(certified mail, return receipt requested)*
Edmund G. Brown, Jr. Attorney General
Peter H. Chang, Deputy Attorney General
David Demerjian, Deputy District Attorney, Public Integrity Division
Christina Garcia, Chair, Steering Committee Bell Association

Enclosure

PUBLIC RECORDS ACT REQUEST
PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 6250 *ET SEQ.*

We requested the following items in an e-mail to Rebecca Valdez on July 21, 2010:

1. The contract for City Manager Robert Rizzo and any and all amendments thereto;

2. The contract for Assistant City Manager Angela Spaccia and any and all amendments thereto;

3. The contract for Police Chief Randy Adams and any and all amendments thereto;

4. Any ordinance setting the compensation of the City Council acting in its capacity as the City Council, the Redevelopment Agency, or any other body comprised of any of the following: George Mirabal, Luis Artiga, Teresa Jacobo, Oscar Hernandez, and/or Lorenzo Velez, where any of the latter five individuals are compensated for their services to the City of Bell;

5. The City of Bell's budget for fiscal years 2009-10 and 2010-11; and

6. A copy of the charter of the City of Bell.

In addition, we would like to request the following items:

1. Any agreements between the Cities of Bell and Maywood pertaining to Angela Spaccia's contract as Interim City Manager and/or Assistant City Manager.

2. Any agreements between the Cities of Bell and Maywood since January 1, 2009.

3. All staff reports, ordinances, and/or resolutions pertaining to tax or fee increases since July 1, 2007.

4. All staff reports, ordinances, and/or resolutions pertaining to Bell's financial situation or status since July 1, 2007.

5. All legal bills billed to the City of Bell by attorney Tom Brown and/or the firm by which Mr. Brown is employed, as well as the fee agreement between Mr. Brown and the City of Bell.

6. The agenda and minutes of the meeting at which Tom Brown and/or his law firm was hired and the fee agreement.

7. Any legal analysis regarding the contracts of Robert Rizzo, Angela Spaccia and Randy Adams, including, but not limited to, any analysis addressing a potential conflict between Ms. Spaccia's positions of Interim City Manager of Maywood and her position of Assistant City Manager of Bell. This would include any requests for opinions by the Fair Political Practices Commission.

8. Any legal analysis disclosing the full costs to the City resulting from the resignation of Mr. Rizzo, Ms. Spaccia, or Randy Adams (back-pay, benefit payments, etc.) and/or pertaining to the validity of these contracts.

9. Any legal analysis of councilmember compensation, including whether such compensation complies with the City of Bell's Charter and California State law.

10.. Any severance arrangements with Mr. Rizzo, Ms. Spaccia, or Randy Adams.

11. The agenda and minutes of the meeting(s) pertaining to the approval of the contracts and contract amendments of Mr. Rizzo, Ms. Spaccia and Randy Adams.

12. The fee agreement for any media consultant and/or public relations consultant hired by the City of Bell since June 1, 2010 and any sums paid to such consultant.

13. The agenda and minutes approving the hiring of any media consultant and/or public relations consultant for the City of Bell.

14. All fee agreements and billing statements between the City of Bell and Pedro Carillo and/or his firm Urban Associates, Inc. dating back to June 1, 2010 and any sums paid to such consultant.

15. A list of all candidates considered for the position of Interim City Manager other than Pedro Carillo.

16. The resignation letters and all other documentation relating to such resignations of Mr. Rizzo, Ms. Spaccia and Randy Adams.

The People of the State of California v. Robert A Rizzo et al.
Los Angeles County, Superior Court, Court Case No. BC44549

EXHIBIT "B"

meyers | nave riback silver & wilson
professional law corporation

James M. Casso
Attorney at Law
213.626.2906

VIA ELECTRONIC TRANSMISSION AND U.S. MAIL

August 23, 2010

David J. Aleshire
Aleshire & Wynder, LLP
18881 Von Karman Avenue
Suite 400
Irvine CA, 92612

Re: California Public Records Request

Dear Mr. Aleshire:

I write in response to your July 29, 2010 letter requesting the following records pursuant to the California Public Records Act, Government Code § 6250, *et seq.* ("the Act"):

1. The contract for City Manager Robert Rizzo and any and all amendments thereto;

2. The contract for Assistant City Manager Angela Spaccia and any and all amendments thereto;

3. The contract for Police Chief Randy Adams and any and all amendments thereto;

4. Any ordinance setting the compensation of the City Council acting in its capacity as the City Council, the Redevelopment Agency, or any other body comprised of any of the following: George Mirabal, Luis Artiga, Teresa Jacobo, Oscar Hernandez, and/or Lorenzo Velez, where any of the latter five individuals are compensated for their services to the City of Bell;

5. The City of Bell's budget for fiscal years 2009-10 and 2010-11; and

6. A copy of the charter of the City of Bell.

7. Any agreements between the Cities of Bell and Maywood pertaining to Angela Spaccia's contract as Interim City Manager and/or Assistant City Manager.

8. Any agreements between the Cities of Bell and Maywood since January 1, 2009.

9. All staff reports, ordinances, and/or resolutions pertaining to tax or fee increases since July 1, 2007.

10. All staff reports, ordinances, and/or resolutions pertaining to Bell's financial situation or status since July 1, 2007.

11. All legal bills billed to the City of Bell by attorney Tom Brown and/or the firm by which Mr. Brown is employed, as well as the fee agreement between Mr. Brown and the City of Bell.

12. The agenda and minutes of the meeting at which Tom Brown and/or his law firm was hired and the fee agreement.

13. Any legal analysis regarding the contracts of Robert Rizzo, Angela Spaccia and Randy Adams, including, but not limited to, any analysis addressing a potential conflict between Ms. Spaccia's positions of Interim City Manager of Maywood and her position of Assistant City Manager of Bell. This would include any requests for opinions by the Fair Political Practices Commission.

14. Any legal analysis disclosing the full costs to the City resulting from the resignation of Mr. Rizzo, Ms. Spaccia, or Randy Adams (back-pay, benefit payments, etc.) and/or pertaining to the validity of these contracts.

15. Any legal analysis of councilmember compensation, including whether such compensation complies with the City of Bell's Charter and California State law.

16. Any severance arrangements with Mr. Rizzo, Ms. Spaccia, or Randy Adams.

17. The agenda and minutes of the meeting(s) pertaining to the approval of the contracts and contract amendments of Mr. Rizzo, Ms. Spaccia and Randy Adams.

18. The fee agreement for any media consultant and/or public relations consultant hired by the City of Bell since June 1, 2010 and any sums paid to such consultant.

19. The agenda and minutes approving the hiring of any media consultant and/or public relations consultant for the City of Bell.

20. All fee agreements and billing statements between the City of Bell and Pedro Carillo and/or his firm Urban Associates, Inc. dating back to June 1, 2010 and any sums paid to such consultant.

21. A list of all candidates considered for the position of Interim City Manager other than Pedro Carillo.

22. The resignation letters and all other documentation relating to such resignations of Mr. Rizzo, Ms. Spaccia and Randy Adams.

On August 13, 2010, we provided you with records responsive to your Requests Nos. 1-6.

The City responds to the balance of requests as follows:

Requests Nos. 7 and 8: The City has made a diligent search and the responsive, non-exempt records have been assembled.

Request No. 9: The City appreciates your request for information, it is unclear as to what documents you are requesting. The City would like to assist you with your inquiry. I ask that you please clarify the scope of your request by providing additional insight as to what type of City taxes or fees you seek information about.

Request No. 10: The City has not located any staff report, ordinance or resolution specifically pertaining to the City's "financial situation or status since July 1, 2007." The City staff is, however, in the process of identifying and compiling records pertaining to the City's budget amendment during the requested time period. We anticipate that by August 31, 2010, the City will identify and assemble the responsive documents, if any.

Request No. 11 and 12: The City staff, in consultation with our office, has identified some records responsive to your request. Please be advised that the responsive records contain information exempt from disclosure pursuant to Government Code § 6254(k). Section 6254(k) protects from disclosure "[r]ecords, the disclosure of which is exempted or prohibited pursuant to federal or State law, including, but not limited to, provisions of the Evidence Code relating to privilege." (*See* Evidence Code § 954; *Roberts v. City of Palmdale*, 5 Cal. 4th 363, 370-371 (1993).) The City asserts the attorney-client and attorney work product privileges pursuant to the Evidence Code § 954 as it applies to the records and information requested which contain confidential communications between the City and its legal counsel. The exempt information has been redacted from the enclosed records. Please be further advised, that the City staff continues to search for, identify and compiling any additional records responsive to your Requests Nos. 11 and 12. We anticipate that non-exempt responsive records will be identified and assembled by August 31, 2010.

Request No. 13 and 14: We have not found any non-exempt records as to this category. Government Code § 6254(k). (*See also* Evidence Code § 954; *Roberts v. City of Palmdale*, 5 Cal. 4th 363, 370-371 (1993).) The City asserts the attorney-client and attorney work product privileges pursuant to the Evidence Code § 954 as it applies to the records and information requested which contain confidential communications between the City and its legal counsel.

Requests No. 15: The report for the City Council's July 26, 2010 meeting is the only non-exempt record responsive to your request.

Request Nos. 16: The only record responsive to your request is the Council's report out of closed session of July 22, 2010.

Request Nos. 18, 19, 21: The City is not in possession of records responsive to these requests.

Request No. 20: Responsive, non-exempt records are enclosed. Please be advised that certain responsive records are exempt from disclosure pursuant to Government Code § 6254(k). (*See also* Evidence Code § 954; *Roberts v. City of Palmdale*, 5 Cal. 4th 363, 370-371 (1993).) The City asserts the attorney-client and attorney work product privileges pursuant to the Evidence Code § 954 as it applies to the records and information requested which contain confidential communications between the City and its legal counsel. Additionally, please be advised that certain exempt and private information, specifically account numbers, have been redacted from the responsive records.

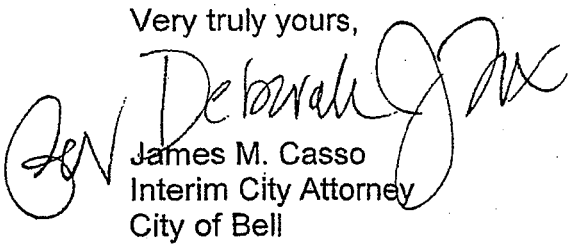
Request No. 22: The City has made a diligent search and the only responsive documents found are provided.

A total of 72 pages of responsive, non-exempt records have been assembled. This response completes your Requests Nos. 7, 8, 15 - 22. The total cost for duplication of these records is $7.20. The City has applied $3.30 from your previous payment towards the duplication of 33 pages of responsive records. However, the outstanding balance for the assembled records is $3.90. You may render a payment in person or by mailing a check to Rebecca Valdez, City Clerk, City Clerk, 6330 Pine Avenue, Bell, California 90201. The check should be made payable to City of Bell. Please also notify Ms. Valdez if you would like these records mailed to you, upon payment for the photocopying costs.

Please be advised that we will notify once any additional records, as indicated above, have been identified and assembled. The City will notify you of the total amount due for duplication of responsive, non-exempt records, as these records become available.

Please rest assured that the City is committed to meeting its obligations under the Act and will work diligently to do so.

Very truly yours,



James M. Casso
Interim City Attorney
City of Bell

Enclosures

cc: Pedro Carrillo, Interim City Administrator, City of Bell (via e-mail w/out enclosures)
Rebecca Valdez, City Clerk, City of Bell (via e-mail w/out enclosures)

1503167.1

The People of the State of California v. Robert A Rizzo et al.
Los Angeles County, Superior Court, Court Case No. BC44549

EXHIBIT "C"

Dear Mr Carrillo, 10/4/10

You have stated that with Rizzo gone, it is a new day in Bell and the Council is directing the new administration to establish transparency in all of the operations of the City of Bell. Further, you have said that you want to encourage good communications with the community.

BASTA feels that inadequate efforts are being made in this direction. With the weekly new public revelations about matters which the public knows nothing about, there is a need to institutionalize a better process of public communication.

We believe that a wholly new way of doing business is in order. We believe that there should be an item on every Council agenda called "Community Questions." We believe that BASTA and others should be able to submit questions two weeks in advance of your meetings, and that a staff report should be prepared answering the questions, and the questions should be listed on the agenda. Then, staff should give the staff report at the meeting with the questions.

We have an initial set of questions. Some of the questions may be harder to answer than others and we will understand if all the questions cannot be answered at each meeting. Still, we need to start answering the questions that the public has in a clear and authoritative manner. Your governance will be judged by your ability to get these questions answered. Your staff should take your directions, or you should get staff who will. We are asking that these questions be answered at or before the next council meeting.

1 Reserves: What were the City's total reserves at the end of FY 2007-8? FY 2008-9? What are they currently? What do you project them to be at the end of FY 2010-11? What is the reason for the decline?

2 Bond Default: It is reported that there may be a bond default of $35 million by the end of the year for the property off Bandini and Atlantic. Please explain the circumstances. Has the City's credit rating declined and why? What is being done to prevent any default and restore our credit rating?

3 Defense of Councilmembers: BASTA legal counsel has sent the City Attorney a letter dated Sep 2 2010 which states that the City may not pay for the legal cost of defense of the Councilmembers concerning the Attorney General's lawsuit or the District Attorney's criminal charges. We have received no response. Does the City agree with this letter and is there any intent to pay for the defense of the public officials charged in these actions?

4 Loan Program: Please list all employees who received loans from the City, the amount and time of the loan, loan terms, whether any defaults occurred, when it was repaid, any outstanding balance. Please provide who approved the loans and any documentation as to whether the program was ever authorized by the Council and how it was to work.

5 Compensation: Reporting compensation as recently requested by the State Comptroller, please list all employees currently making in excess of $100,000 per year. Please list all compensation of the public officials included in the AG Lawsuit paid in each of the last 3 years.

6 Pensions: Please list all retirement payments exceeding $75,000 paid annually in each of the last 3 years to former Bell employees, including both from PERS and any special pension funds of City (and designate the amount from each fund), and also project the future annual pension payments to all persons who have retired this year and not yet received payments.

7 Contractors: Please list all city vendors who have received compensation over $50,000 annually for each of the last 3 years. Also please inform us if their contracts are current, when they expire, how much their contract is worth, and who approved them.

8 Manager/Attorney: Please list all compensation paid to the prior City Atty (BB&K) in each of the last 3 years. Please list all the compensation charged by or paid monthly to Mr Carrillo and his firm Urban Associates since he became CM, and same for Mr Casso and Meyers Nave.

9 Please list the names and positions of the 41 people referred to in the LA Times who received supplemental pension plans and what is the city doing to correct this abuse?

10 Please disclose total compensation in a clear and comprehensive manner. For example, Hermosa Beach provides the following information employers: Full Name, Position, Home Department, Base Salary, Hourly Rate, Part Time, Overtime, Premium Merit, Leave Cash outs, Def Comp, Taxable Life Insurance, Allowances, Total.

11 Please provide job description for all personnel.

12 What's going on with the sports complex on Florence and Walker? Is that project still under way and if so how is the city paying for it?

13 Are the following individuals still employed or under contract with the city? If so what is the city doing to terminate their relationship with them? A timeline of when residents can expect to see them no longer associated with the city. If they have been terminated, please provide documentation of their termination and the terms of termination.

Eric Eggena, Director of General Services $421,402
Loudres Garcia, Director of Administrative Services $ 422,707
Annette Peretz, Director of Community Services $273,542
Luis Ramirez, Deputy Engineer $247,573
Ricardo Gonzalez, Business Development Coordinator $195,628
D&J Engineering (Dennis Tarango) $10.5 since 1995
(Average of $800,000 plus a year)

14 AB 900 was signed into law last month, but according to the Los Angeles County Assessor's office, they are still waiting for the City of Bell to transfer the money so they can begin to process the reimbursements. When does the city plan to transfer the money to the County?

15 Property Taxes, Business Taxes, Business Licenses: It was reported that the city was illegally overcharging property owner and business in Bell, have the taxes and license fees been adjusted to be in compliance with state law?

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Attorneys for Plaintiffs
The People of the State of California

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA ex rel EDMUND G. BROWN JR., Attorney General of The State of California, Plaintiffs, **v.** **ROBERT A. RIZZO, PIER' ANGELA SPACCIA, RANDY G. ADAMS, OSCAR HERNANDEZ, TERESA JACOBO, GEORGE COLE, VICTOR BELLO, AND GEORGE MIRABAL, in their official and personal capacities, CITY OF BELL, AND DOES 1-100, inclusive,** Defendants.	Case No. BC445497 **DECLARATION OF CAPTAIN ANTHONY MIRANDA IN SUPPORT OF THE PLAINTIFFS' MOTION FOR APPOINTMENT OF A MONITOR FOR THE CITY OF BELL** Dept: 57 Judge: The Honorable Ralph W. Dau Action Filed: September 15, 2010

I, Anthony Miranda, declare:

1. I am a captain in the City of Bell Police Department. I have held this position since 2005. I have personal knowledge of the facts in this declaration, and I could and would testify about these facts if called upon to do so.

2. On July 22, 2010 after the Los Angeles Times broke the news about the salary scandal in the City of Bell, the interim Chief Administrative Officer, Pedro Carrillo, appointed me to be the Bell Police Department's liaison with the City administrators and also to outside agencies. Functionally and operationally, I have been the Acting Chief of the Bell Police Department since the previous Chief of the department resigned and no replacement has been named.

3. I was asked by Peter Chang, a deputy attorney general with the Attorney General's Office, about how I believe the level of communication has been between the City administrators and the Bell Police Department.

4. There has been little to no communication between the City administrators and the Bell Police Department. Since Pedro Carrillo took over as the interim Chief Administrative Officer, there have been a lot of changes at City Hall. But the changes have either not been communicated to me and the rest of the Bell Police Department, or the changes have been communicated poorly.

5. The Bell Police Department has been learning of the changes to the City government the same way as everyone else, through articles by the Los Angeles Times.

6. The lack of communication is bad for the safety of the City. For example, the City released Ricardo Gonzalez last week. Mr. Gonzalez was in charge of the emergency operations of the City. In case of an emergency, Mr. Gonzalez would have been the police department's liaison to state and federal emergency response operations. His release was not communicated to Bell Police Department by the City administrators.

7. The Bell Police Department learned of Mr. Gonzalez's release from the City when it was reported by the Los Angeles Times and also by the citizen's group BASTA. Soon after the department learned of this, we appointed a lieutenant to be our liaison with the state and federal

response operations in case of an emergency. If we had not learned of this through public sources, and if we did not step up and appoint one of our own lieutenants to be the liaison, and an emergency happened, there might have been confusion with state and federal emergency response teams.

8. The Bell Police Department has been kept in the dark by the administrators of the City as far as the operation of the City goes and also as to the City's plans with respect to the future of the Bell Police Department. More than six weeks ago, the Bell Police Department had asked the city's administrators to meet and we had arranged for a standing meeting every Tuesday. Pedro Carrillo, however, never showed up to any of those meetings. He didn't cancel them, he just didn't show up.

9. Finally, Pedro Carrillo called a department-wide meeting last Thursday, with less than a 24-hour notice even though I had asked for a 72-hour notice in advance of any meetings. Given the short notice, only some of the officers were able to attend. I was one of them.

10. At the meeting, Mr. Carrillo did not provide any concrete information and rather only gave some vague statements.

11. I support the appointment of a monitor to watch over the operation of the City if it means that the governance of the City will be more transparent. I believe that an independent third party who can provide oversight for the administration of the City is what is needed to bring more transparency to our city government.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this nineteenth day of October 2010 at Bell, California.

CAPT. ANTHONY MIRANDA
Bell Police Department
City of Bell