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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 **[PROPOSED] ORDER GRANTING THE ATTORNEY GENERAL'S MOTION FOR APPOINTMENT OF A MONITOR FOR THE CITY OF BELL** Date: November 17, 2010 Time: 8:30 a.m. Dept: 57 Judge: The Honorable Ralph W. Dau Action Filed: September 15, 2010

The Attorney General's motion for appointment of a monitor for the City of Bell came on regularly for hearing in Department 57 of this Court on November 17, 2010. Having read the

parties' respective papers, having considered the argument of counsel, and good cause appearing therefor,

IT IS ORDERED that the Attorney General's motion is GRANTED, and a monitor is hereby appointed for the City of Bell on the following terms.

1. Within five calendar days of the date of this Order, the Attorney General's office shall provide the City the names of three proposed monitor nominees. Within five calendar days of such notice, the City may select one of the proposed nominees to be the monitor. If none of the proposed nominees is selected by the City, and if the Attorney General's office and the City do not otherwise agree to another nominee to be monitor within the five calendar days following the original notice of proposed nominees, the Attorney General's office shall immediately notify the Court and a monitor will be chosen by the Court.

2. Bell shall allow the monitor:

a. to interview any officer, employee, or outside contractor of the City, and Bell shall provide suitable facilities and shall arrange for such interviews to be conducted under conditions satisfactory to the monitor;

b. to have complete and unfettered access to all matters relating to the City, including access to review all documents within the possession or control of the City, the right to participate in all meetings and discussions relating to the City's affairs, and the right to examine the financial affairs of the City and all financial transactions involving the City (all officers, employees, and outside contractors of the City shall advise the monitor no less than one business day in advance as to all scheduled appointments); and

c. to investigate all matters relevant to this civil enforcement action, criminal actions involving the City filed by the Los Angeles County District Attorney, and any other allegations of fraud, dishonesty, incompetence, misconduct, mismanagement, or any irregularity in the management of the affairs of the City, or by current or former officers, employees, or outside contractors of the City, without regard to time.

3. At least once a month, the monitor shall hold a public meeting in the City of Bell to take questions from the public and to report on City operations.

4. The monitor shall report to the offices of the Attorney General and the Los Angeles County District Attorney with any information pertaining to their respective civil and criminal actions and any other facts ascertained concerning any fraud, dishonesty, incompetence, misconduct, mismanagement, or any irregularity in the management of the affairs of the City, or by current or former officers, employees, or outside vendors of the City. These reports will occur as soon and as often as necessary, but no less than once every month following selection of the monitor.

5. While the monitor will have complete access to all City materials, including privileged information, the monitor will not report privileged information to the offices of the Attorney General and the District Attorney unless the monitor believes the privileged information may relate to potentially criminal or fraudulent activity by any party involved in the privileged communication. Before any privileged information is reported to the Attorney General or District Attorney, the monitor shall discuss the information with the City Attorney, who may provide input as to whether the information relates to fraudulent or criminal activity.

6. The costs of the monitor shall be limited, and shall be paid for by Bell. Within ten calendar days of entry of this Order, Bell shall deposit with the California Department of Justice the sum of $20,000, which shall be held in an interest-bearing account. The Attorney General shall pay the monitor's fees and reasonable expenses from this account. The Attorney General shall notify Bell, in writing, any time that the balance in the account falls below $10,000, and Bell shall, within ten calendar days of receiving such notice, deliver to the California Department of Justice sufficient funds to return the account's balance to $20,000. When the monitoring period specified in paragraph 8 of this Order has expired, all funds remaining in this account shall be returned to Bell. The costs of the monitor shall not exceed $85,000.

7. The Court shall retain jurisdiction to increase the allowable costs of the monitor for good cause shown and established by the Attorney General. The Court shall also retain jurisdiction to allow the monitor to engage staff to join the monitor in carrying out monitor activities if reasonably necessary to fulfill the monitor's responsibilities.

8. The monitor appointed by this Order will be temporary, lasting until one month after the results of the City's municipal election in March of 2011 are certified. If a majority of the City Council in place following the City's March 2011 election is not new, the monitor will be renewed pending the results of the next City election, with such process repeating until such time as a majority of the City Council is no longer facing charges of civil and criminal misconduct against the City. Upon the termination of the monitor process, the monitor shall inform the new City Council as to all information given to the offices of the Attorney General and the District Attorney and any other information that the new City Council requests.

9. Nothing in this Order shall be construed to limit the powers vested in the Attorney General by the California Constitution and state statutory law, including Government Code section 11180 et seq.

Dated: November __, 2010

The Honorable Ralph W. Dau
Judge of the Los Angeles Superior Court