

1 IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
 IN AND FOR PALM BEACH COUNTY, FLORIDA
2 CASE No. 50-2011-000246 XXXX MB

3
4 JESS R. SANTAMARIA,

 Plaintiff,

5 -vs-

6 ANDREW F. SCHALLER,
7 Defendant.



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 DEPOSITION OF GEORGE T. WEBB

 Wednesday, March 28, 2012

 3:09 p.m. - 4:12 p.m.

 105 S. Narcissus Avenue

 Suite 400

 West Palm Beach, Florida 33401

Reported By:
Pamela J. Sullivan, RPR, FPR, CLR
Signature Court Reporting, Inc.

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APPEARANCES:

On behalf of the Plaintiff:

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I N D E X
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WITNESS:	DIRECT	CROSS	REDIRECT	RE CROSS
GEORGE T. WEBB				
BY MS. KITTERMAN	4		49, 54	
BY MR. BARSKY		34		52

- - -
E X H I B I T S M A R K E D
- - -

DESCRIPTION	PAGE
Defendant's Exhibit No. 1 (Agenda Item Summary)	14
Defendant's Exhibit No. 2 (3.6.08 Letter to Owner from Marquis)	17
Defendant's Exhibit No. 3 (Photograph)	50
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P R O C E E D I N G S

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Deposition taken before Pamela J. Sullivan,
Registered Professional Court Reporter and Notary Public
in and for the State of Florida at Large, in the above
cause.

- - -

Thereupon,

GEORGE T. WEBB,

having been first duly sworn or affirmed, was examined
and testified as follows:

THE WITNESS: I do.

DIRECT EXAMINATION

BY MS. KITTERMAN:

Q. Good afternoon, Mr. Webb.

A. Hello.

Q. My name is Christina Kitterman. I'm the
attorney for Andrew Schaller in this case that's been
brought against him by Mr. Jess Santamaria. I called
you for deposition because Mr. Santamaria listed you as
a witness or potential witness that he would call at
trial.

Have you ever had your deposition taken
before?

A. Yes.

1 Q. So you know to answer audibly in the yes or
2 no, rather than the head shakes. And if you don't
3 understand my question, please let me know and I'll try
4 to rephrase it for you.

5 A. I understand, yes.

6 Q. Thank you. Would you please state your full
7 name for the record.

8 A. George T. Webb.

9 Q. And, Mr. Webb, do you know Mr. Jess
10 Santamaria?

11 A. Yes, I do.

12 Q. How do you know him?

13 A. He is the commissioner for District 6 for
14 Palm Beach County and I'm the Palm Beach County
15 engineer.

16 Q. How long have you been the Palm Beach County
17 engineer?

18 A. I'm acting since February of 1991, permanent
19 since November of 1991.

20 Q. Okay. So for quite some time?

21 A. Quite some time.

22 Q. When did you meet Mr. Santamaria?

23 A. I don't recall specifically, but obviously
24 when he took office the first time would be the first
25 time I would say I met him.

1 Q. Okay. Approximately 2006?

2 A. Correct.

3 Q. Do you know Mr. Andrew Schaller?

4 A. Yes.

5 Q. How do you know Mr. Schaller?

6 A. I met him for the first time in the

7 Commissioner Santamaria's office related to a project

8 that we were doing in the Ranchettes neighborhood where

9 he owns some property.

10 Q. What was that meeting about?

11 A. The discussion was regarding our project and

12 the potential inclusion of another road into the

13 project.

14 Q. And that project, if I refer to it as the

15 Ranchettes projects, would that be an accurate title

16 for --

17 A. That would be an accurate title, yes.

18 Q. Okay. And Fargo Avenue was not originally

19 included in the Ranchettes projects; is that correct?

20 A. That's correct.

21 Q. Okay. Do you know why Fargo Avenue was not

22 included in the Ranchettes projects?

23 A. The projects were being built under our

24 Municipal Service Taxing Unit, MSTU process. And in

25 that, we take petitions from interested property owners.

1 And if there is some interest from a majority of the
2 property owners along a given stretch of roadway, we ask
3 the Board of County Commissioners if they want to
4 include that project in -- as an MSTU project.

5 We did not receive petitions for Fargo, we
6 received petitions from four other roads over the
7 preceding I think two or three years out there. And
8 those roads were included as part of the project that
9 you're referring to as the Ranchettes project.

10 Q. Okay. And your meeting with Mr. Schaller and
11 Mr. Santamaria was to discuss how -- or was it to
12 discuss how Fargo Avenue could potentially be added to
13 the Ranchettes project?

14 MR. BARSKY: Form.

15 THE WITNESS: If I recall, Mr. Schaller
16 wanted to -- had raised the issue that our plans
17 included some work within the Fargo right-of-way
18 for the other intersecting streets. Fargo runs
19 north/south, the fourth street that I mentioned all
20 run east/west. And where those streets intersected
21 Fargo, we had shown some asphalt being put into the
22 middle of Fargo in the middle of the intersection.

23 Mr. Schaller raised the question if we were
24 going to be putting asphalt at the middle of these
25 intersections, why wouldn't we just connect those

1 points while we were out there doing the project.

2 BY MS. KITTERMAN:

3 Q. And what was your response?

4 A. We said, you're right, we never should have
5 put the asphalt in the middle of the intersections and
6 we're taking that out and not touching Fargo at all.

7 Q. Okay. But did that come out at that meeting
8 with you, Mr. Santamaria, and Mr. Schaller?

9 A. I don't think so. I think that we were asked
10 and probably just took it under advisement and went back
11 and then looked at the plans and understood the project
12 and how it was to be set up.

13 Q. Okay. Who developed the plans for
14 Fargo Avenue?

15 A. Our MSTU consultant at the time. I believe
16 it was Keshavarz & Associates.

17 Q. Okay.

18 A. And don't ask me to spell that. It begins
19 K-e-s, Keshavarz.

20 Q. Did you have a chance to review those plans?

21 A. I glanced at them. I'm not a plan reviewer
22 at my level, no.

23 Q. When were those plans submitted for approval?

24 A. I don't know.

25 Q. Okay. Did Mr. Schaller as a citizen ever

1 have the authority or power to direct the engineering
2 department to spend any money, taxpayers' money?

3 A. No.

4 Q. In your opinion, is Mr. Schaller personally
5 responsible for costing Palm Beach County over a
6 thousand hours of engineering time related to
7 Fargo Avenue?

8 A. Mr. Schaller raised questions and issues
9 associated with the project to the Board of County
10 Commissioners. Addressing those questions and issues
11 associated with the project produced a substantial
12 number of hours. Whether it was a thousand, I don't
13 know.

14 Q. Okay.

15 A. But, again, the clarification was we were not
16 responding directly to him, we were responding to the
17 Board of County Commissioners.

18 Q. Right. What were the over thousand hours of
19 engineering time that were spent on the Fargo Avenue
20 project?

21 MR. BARSKY: Object to the form.

22 BY MS. KITTERMAN:

23 Q. If you know.

24 MR. BARSKY: Same objection.

25 THE WITNESS: I can't get into the specifics,

1 only from the standpoint that that would have been
2 my staff as far as the efforts that were put forth,
3 addressing, meeting, talking, talking with the
4 consultant, trying to understand what our options
5 were and looking at various options related to the
6 project and Fargo Avenue.

7 BY MS. KITTERMAN:

8 Q. Okay. Did that result in an internal audit
9 report being produced by your office?

10 A. My office does not produce the audit reports.
11 That's the County's internal auditor, Joe Bergeron was
12 put on his list as far as projects that he needed to do.
13 And he did that project on and for the Board of County
14 Commissioners.

15 Q. Okay. Do you know whether an independent
16 auditor was retained to help with the Fargo Avenue
17 internal audit?

18 A. Given that Joe works directly for the Board,
19 I'm not sure what your definition of independent auditor
20 is. He's not and does not report to the County
21 Administrator like the rest of us do as far as the
22 county employee structure. He's an employee directly
23 for the Board.

24 Q. Okay. So anybody other than Mr. Bergeron?

25 A. Not that I'm aware of.

1 Q. Okay. Do you believe that Mr. Schaller's
2 motivation for the Fargo Avenue improvements is to
3 increase his property value?

4 A. I wouldn't begin to speculate what his
5 motivation was.

6 Q. Okay. Looking back on the Fargo Avenue
7 situation, do you think that any mistakes were made by
8 the County in how it should have been handled
9 differently?

10 A. In hindsight, I'm sure we can always address
11 handling the situation better than we did.

12 Q. What were the issues you think could have
13 been handled differently?

14 A. The review of the plans from the very get-go.
15 The review of the plans when original questions came up.
16 The overall options as far as the amount of detail when
17 the Board asked questions as far as staff spending time
18 answering those questions. All of those were
19 improvements that could have been made on this project.

20 Q. Okay. Have you ever done anything to impede
21 the progress of resolving the Fargo Avenue situation?

22 A. Not that I recall.

23 Q. After the board's recent unanimous decision
24 to open up the Fargo Avenue to the MSTU for the 50/50
25 participation, did you have any conversations with

1 Mr. Santamaria where he asked you if we were going to
2 let Mr. Schaller win?

3 MR. BARSKY: Object to the form.

4 THE WITNESS: I don't think I had any
5 conversations. I can't recall anything,
6 particularly use of a term like that.

7 BY MS. KITTERMAN:

8 Q. Okay. Did Mr. Santamaria ever ask you after
9 the resolution, that does this mean that Mr. Schaller is
10 winning if we're going to approve Fargo Avenue going
11 into MSTU?

12 A. Not that I recall.

13 Q. Okay. The exhibit -- this one (indicating).
14 Why did you tell the Board in July of 2008 that you
15 would determine the benefiting properties to pay Fargo,
16 only to change your position in subsequent meetings?

17 MR. BARSKY: Object to the form.

18 THE WITNESS: Can you restate or expand on
19 that one for me?

20 BY MS. KITTERMAN:

21 Q. Yes.

22 A. Sure.

23 Q. In 2008, did you tell the Board that you
24 would determine what benefiting properties would be for
25 the Fargo Avenue improvement for the purpose of

1 assessment?

2 A. No specific recollection, but that would be
3 something that I would normally talk to the Board about,
4 yes.

5 Q. Okay. Was any decision made as to who the
6 benefiting properties would be as far as an assessment
7 for Fargo Avenue?

8 A. That issue was looked at over a long period
9 of time. Ultimately, a decision was made and then made
10 again, so -- but when you're asking about was a decision
11 made, yes, we ultimately had a decision on it.

12 Q. What is the ultimate decision on it?

13 A. That the Board did not want to include the
14 properties on the east-west streets as part of that. So
15 right now, we're reevaluating Fargo again for a
16 potential MSTU project. So it's an active project for
17 us as we're dealing and sitting here today.

18 Q. Okay. So as of today is there any
19 determination as to who would be assessed, or is that
20 still kind of up in the air?

21 A. No. No, it's not -- you asked if there was
22 any determination. The answer is no, that is an issue
23 that ultimately the Board of County Commissioners is
24 going to have to address. And we'll be bringing that
25 question back for them to address.

1 Q. Okay. Did you believe that Mr. Schaller
2 should have identified who the benefiting properties
3 were to be so that he could tell you who should be
4 assessed?

5 A. No, I don't think that's his role.

6 Q. Okay. Okay. The exhibit that I marked for
7 Tanya McConnell's deposition as number --

8 MS. KITTERMAN: It was Defendant's Exhibit 4,
9 Dan. Do you have that?

10 MR. BARSKY: Yep.

11 MS. KITTERMAN: I'm going to mark that as
12 Exhibit 1.

13 (Defendant's Exhibit 1 was marked for
14 identification.)

15 BY MS. KITTERMAN:

16 Q. Mr. Webb, if you would just take a second to
17 look at this document and let me know if you recognize
18 it.

19 A. It's a Board item that was prepared. Given
20 my signature is on it, obviously, I've looked at it
21 previously. If you didn't show me that, would I
22 recognize it, probably not.

23 Q. Okay. Do you read these Board items before
24 you sign them, if you sign them?

25 A. Yes, I do.

1 Q. Okay. In this Board item, the meeting date
2 was April 7th, 2009, and this was submitted by the
3 Engineering and Public Works for the County Engineer; is
4 that correct?

5 A. Yes.

6 Q. Okay. And in this agenda item summary, it
7 states that -- with a highlighted section, Mr. Schaller
8 has never specifically discussed with the Board who
9 should be assessed for the improvement to Fargo. And
10 you just stated it. Do you think it's Mr. Schaller's
11 decision or position that he should be deciding who
12 would be assessed?

13 A. No, but that is a related question as far as
14 how an MSTU project is handled and what property owners
15 get to be determined to be benefiting.

16 Q. Okay. Talk to me about that.

17 A. Okay. So, for example, that if the four
18 property -- or the four streets in question have
19 150 people living on it, we would have said the 150
20 people need to participate in the project. When
21 Mr. Schaller came before the Board with a concept of you
22 should add Fargo into that project, while it wasn't
23 specifically talked about, the staff fully understood
24 that if, in fact, we added Fargo in, that the people
25 that are on the intersecting streets would also pay a

1 proportionate share for the cost of Fargo.

2 In other words, the pool of people would
3 expand by the number of people on Fargo. I think
4 it's -- don't know if it's a dozen or whatever the
5 number is, but the cost would expand by the cost of
6 Fargo and everybody would pay accordingly a
7 proportionate share for that.

8 Q. Uh-huh.

9 A. By the time we got to this, that project was
10 concluding. So we were addressing Fargo as a specific
11 project. And with that, the other streets have always
12 been a front footing which was the way the costs were
13 allocated. So if we continue that just for Fargo, we
14 had a much, much lower number of people participating on
15 that particular project than if they would have been
16 incorporated in the bigger whole.

17 Q. All right. Didn't Mr. Schaller come to meet
18 with Mr. Santamaria and yourself prior to the starting
19 of that project, the Ranchettes projects?

20 A. Yes.

21 Q. Wasn't it the position that you were trying
22 to get that Fargo Avenue included into the Ranchettes
23 project so that you could save money on the future of
24 the pavings?

25 A. If I recall, the Board gave us direction to

1 attempt to try and get that included in the overall
2 major project, yes.

3 Q. And what happened?

4 A. We ran into issues as far as timing and
5 permitting. As far as getting -- we had no design plans
6 or we were starting from scratch as far as Fargo and we
7 were getting ready to start construction for the other
8 streets. So trying to catch up as far as producing
9 plans in a timely enough fashion to give them to our
10 contractor proved impossible for us to do.

11 Q. Okay.

12 MS. KITTERMAN: What I marked as
13 Defendant's 3 to Tanya McConnell, I'm going to mark
14 as two to this deposition.

15 (Discussion held off the record.)

16 (A brief recess was taken.)

17 (Defendant's Exhibit 2 was marked for
18 identification.)

19 BY MS. KITTERMAN:

20 Q. Mr. Webb, I've handed you a document we've
21 titled Defendant's Exhibit 3. Did you have a chance to
22 look --

23 MR. BARSKY: Two.

24 BY MR. BARSKY:

25 Q. -- at that document?

1 MS. KITTERMAN: Is this two?

2 MR. BARSKY: McConnell 3 was two.

3 MS. KITTERMAN: Thank you. I stand
4 corrected.

5 BY MS. KITTERMAN:

6 Q. Do you recognize this document?

7 A. I have seen it before, yes.

8 Q. What is it?

9 A. It is a letter that went out to property
10 owners along a section of Rodeo or Rodeo Drive related
11 to asking them if they want to participate in the MSTU
12 project.

13 Q. Okay. This was sent out after the MSTU
14 project was approved?

15 MR. BARSKY: Object to the form.

16 THE WITNESS: The streets that were involved
17 in what we ultimately called the Ranchettes all had
18 individual petitions associated with them. On
19 Rodeo, we had gotten petitions for only half the
20 length of the street as compared to the others and
21 had produced a contract with a consultant to design
22 half in the east-west direction of Rodeo and not
23 design the other half.

24 The language and the Board item approving it
25 was for the section that we had petitions on. The

1 contract with the consultant was for the section
2 that we did not have petitions on. The consultant
3 moved forward in design as per the contract the
4 segment of Rodeo that we did not have petitions on.

5 So that was not caught as the design was
6 moving forward with all of the three roads -- other
7 three roads and Rodeo, or the one half of Rodeo,
8 until almost toward the last 20 percent of the
9 project or so. It was caught and we said, look, we
10 now have a set of plans associated with a section
11 of roadway that we don't have people expressing an
12 interest. First, we need to produce a set of plans
13 for the section of roadway where they have done an
14 interest, so we directed the consultant to go
15 forward and actually produce the plans for that.
16 In the meantime, we better see if we can use these
17 plans since they've already been paid for. So
18 let's ask the neighbors out there if they want us
19 to put and include that section of Rodeo in the
20 overall project. This letter was intended to go
21 ask to use those plans that were mistakenly drawn
22 up.

23 BY MS. KITTERMAN:

24 Q. Okay. When did you discover that the plans
25 were incorrect?

1 A. Like I said, I used the number 80 percent. I
2 couldn't say exactly when as far as a date or exactly
3 when in the process, but it was substantially through
4 the design process for the project.

5 Q. Was that before Mr. Schaller came forward
6 with his questions about Fargo Avenue?

7 A. Yes. As far as I can remember, absolutely.

8 Q. Okay. Did the petition go out to the Rodeo
9 Drive owners after Mr. Schaller requested work be done
10 on Fargo Avenue?

11 A. I have to look at the calendars. I don't
12 recall, but I don't believe so.

13 Q. Okay. On Exhibit 1, I believe.

14 A. Uh-huh.

15 Q. If you turn to Page 5. And you could read
16 the bottom, the highlighted area to yourself.

17 A. Okay.

18 Q. If you could read the highlighted to
19 yourself.

20 A. Okay.

21 Q. What is it saying in this memo about
22 Fargo Avenue after reading that?

23 MR. BARSKY: Object to form.

24 THE WITNESS: Okay. When we did the design
25 for those four roadways, the handling of the

1 drainage as the roads were adjacent to Fargo for
2 the last -- and I'm going to pick a number, I don't
3 know if it's 150, 200 feet, 250, whatever, drained
4 towards Fargo. And as such, we had water moving
5 toward Fargo from those side streets.

6 When I asked my staff at the time that, you
7 know, well, does this mean are we okay, does it
8 mean that we should have been doing something
9 different in Fargo, the preliminary answer I got
10 which was the basis of this was, well, now we need
11 to do more work and more design to address the
12 water that is now going into Fargo.

13 This was written with that in an anticipation
14 of we were going to be doing more work other than
15 what the plans called for at the time within the
16 Fargo right-of-way to handle that water that was
17 moving toward Fargo.

18 BY MS. KITTERMAN:

19 Q. Did that ever happen?

20 A. Based on further evaluation and discussions
21 with the design consultant, it was determined that that
22 requirement was not necessary and, no, it did not
23 happen.

24 Q. That the drainage improvement was not
25 necessary?

1 A. Correct.

2 Q. Who was the design consultant?

3 A. We are back again to the original design
4 consultant throughout the project.

5 Q. Was there any other reason besides the
6 consultant stating that the drainage improvements were
7 not necessary?

8 A. No, we spent --

9 MR. BARSKY: Object to the form.

10 THE WITNESS: We spent a lot of time looking
11 at it and determined that, in fact, we were not
12 impacting Fargo any more than Fargo had been
13 impacting with the way the roads were originally
14 out there as shell rock roads.

15 BY MS. KITTERMAN:

16 Q. Who is responsible for maintaining
17 Fargo Avenue?

18 A. Palm Beach County.

19 Q. Who is responsible for maintaining the
20 drainage of Fargo Avenue?

21 A. Fair question. For what little drainage that
22 exists out there, Palm Beach County spent some time and
23 resources making that drainage work better than it was
24 when it was accepted just fairly recently by the County.

25 Q. Just fairly recently?

1 A. Yes.

2 Q. Approximate time?

3 A. Within the last year.

4 Q. Okay. Fair enough.

5 Did the engineering staff ever recommend that
6 Fargo be included in the Ranchettes project?

7 A. Not that I recall, no.

8 Q. And you stated that Fargo wasn't included
9 because they didn't petition to be included originally?

10 A. Correct.

11 Q. Okay. Do you know who was responsible for
12 the decision not to subsequently include Fargo in the
13 Ranchettes projects?

14 MR. BARSKY: Object to the form.

15 THE WITNESS: That answer would be between us
16 recommending to the Board that ultimately it not be
17 included because of the issues that I brought up
18 before as far as the timeliness of getting the
19 project, adding in to the original construction
20 contract.

21 BY MS. KITTERMAN:

22 Q. When did you advise the Board of what you
23 just said?

24 A. I don't recall.

25 Q. Okay. Was it in 2009?

1 A. I don't know.

2 Q. Okay. In hindsight, do you still stand
3 behind the decision not to pave Fargo Avenue?

4 A. For what -- in the time that we did, yes.
5 I'll expand on that saying that if, in fact, we could
6 have included Fargo, that I think it would have been a
7 good project to include with the other four roadways.

8 Q. Do you know who the project manager was on
9 this Ranchettes project at the time?

10 A. For lack of a better term, it would have been
11 Michael Marquis, our MSTU coordinator.

12 Q. Is Michael Marquee still with the County?

13 A. No.

14 Q. Why not?

15 A. Performance issues.

16 Q. Was he let go or did he resign?

17 A. I'd have to go back and see what the final
18 resolution was in the file. I didn't handle it, so...

19 Q. Okay. Do you know who did?

20 A. Tanya and his boss, Charlie Rich, the
21 director of engineering services.

22 Q. Okay. Are there any other projects like
23 Fargo Avenue with Pinto, Rodeo, Yearling and El Paso,
24 where decisions were made which may have been improper
25 or overruled by a higher authority?

1 MR. BARSKY: Object to the form.

2 THE WITNESS: With that all encompassing
3 question, I'm sure there must be some. If we look
4 back in the file, hindsight, we could probably find
5 yes, there are some other projects somewhere,
6 sometime.

7 BY MS. KITTERMAN:

8 Q. Do you know any off the top of your head?

9 A. No.

10 MR. BARSKY: Object to the form.

11 BY MS. KITTERMAN:

12 Q. Do you know whether Tanya McConnell was
13 involved with a Coconut Road project that was
14 subsequently overruled by the Broward County -- I live
15 in Broward County.

16 A. I gathered that.

17 Q. Yes, sorry. Palm Beach County Commissioners.

18 A. I have no specific knowledge.

19 Q. All right. Are you familiar with the lawsuit
20 that's filed in this case?

21 A. Not specifically, no.

22 Q. Are you aware that Mr. Santamaria filed this
23 lawsuit against Mr. Schaller?

24 A. Yes.

25 Q. What is your understanding of what it is?

1 A. That he's filed, I believe, based on -- I
2 believe he was slandered, but I couldn't tell you the
3 specifics as far as the basis of what that claim might
4 be.

5 Q. You couldn't tell me the specifics as to what
6 the slander was?

7 A. Correct.

8 Q. Have you ever seen the request for inquiry
9 that Mr. Schaller produced with regard to
10 Mr. Santamaria?

11 A. I don't believe I have. I heard that there
12 was one, but I don't think that I've seen it, so...

13 Q. Okay. Are you aware that it was 118 pages of
14 potentially a spiral bound book?

15 A. No.

16 MR. BARSKY: Object to the form.

17 BY MS. KITTERMAN:

18 Q. No. Okay. Are you aware of an exhibit that
19 was contained within the request for inquiry that had a
20 felony judgment within the request for inquiry?

21 A. Second or thirdhand, but I don't think I've
22 ever seen it.

23 Q. Do you know who you would have heard that
24 from?

25 A. No.

1 Q. Do you know who Jesus R. Santamaria is?

2 A. No.

3 Q. Have you ever known Mr. Santamaria's name to
4 be Jesus?

5 A. No.

6 Q. What is your opinion of Mr. Santamaria?

7 MR. BARSKY: Object to the form.

8 THE WITNESS: My opinion of
9 Commissioner Santamaria, because that's how I refer
10 to him as, is hardworking, a commissioner who cares
11 about the people, and is involved in issues in his
12 district.

13 BY MS. KITTERMAN:

14 Q. And when you heard about this request for
15 inquiry or thirdhand the felony judgment, did that
16 change your opinion of Mr. Santamaria?

17 A. No.

18 Q. Have you ever conducted a background search
19 on Mr. Santamaria?

20 A. No.

21 Q. Have you ever conducted a background search
22 on any County Commissioner?

23 A. No.

24 Q. Are you aware of anyone who conducts
25 background searches on any individual running for County

1 Commissioner?

2 A. I may have known people that have done that,
3 but not that I have known that they've done it.

4 Q. Okay. I understand. Do you know if it's
5 anybody's job to do a background search on the incoming
6 commissioners?

7 A. I don't know.

8 Q. Okay. With regard to the felony judgment, do
9 you know whether Mr. Schaller knew the felony record did
10 not belong to Mr. Santamaria?

11 A. I don't know.

12 Q. Okay. Do you know whether Mr. Schaller
13 purposely did not do any further research to determine
14 whether the felony judgment did not belong to
15 Mr. Santamaria?

16 A. I wouldn't have any knowledge about that.

17 Q. Have you heard from anyone that Mr. Schaller
18 knew or should have known that the felony judgment did
19 not relate to Mr. Santamaria?

20 A. No.

21 Q. Okay. Are you aware that Mr. Santamaria went
22 through ethics inquiries based on subjects raised in the
23 request for inquiry?

24 A. I was aware that he had some ethics
25 inquiries, but I don't know that I can relate back to

1 what that was related to.

2 Q. Okay.

3 A. What initiated those.

4 Q. Okay. Do you know what agencies would have
5 inspected him?

6 A. No.

7 Q. Do you know whether the Inspector General
8 investigated Mr. Santamaria?

9 A. I don't and I cannot recall.

10 Q. Do you know whether the Palm Beach Ethics
11 Commission investigated Mr. Santamaria?

12 A. I don't know.

13 Q. Okay. Do you know whether any agencies
14 investigated Mr. Santamaria due to the felony record
15 that was included in the request for inquiry?

16 A. Again, no.

17 Q. Okay. Have you talked to anybody about this
18 lawsuit?

19 A. Yes.

20 Q. Who?

21 A. The other attorney.

22 Q. What was your discussion with the other
23 attorney?

24 A. Just in general about the case and the issues
25 that might be brought up.

1 Q. When you refer to the other attorney, who are
2 you talking about?

3 A. The gentleman sitting to my left.

4 Q. Mr. Dan Barsky?

5 A. Yes.

6 Q. Okay. Can you tell me the specifics of that
7 conversation?

8 A. It was a general meeting. We were talking
9 about the case is coming up and that the deposition
10 might be forthcoming and he was interested in what I may
11 or may not recall.

12 Q. And what did you tell him?

13 A. That unfortunately my memory was not that
14 good and that I was going to be probably very general
15 and I'm not sure how helpful when it came down to the
16 case.

17 Q. Do you know when this meeting took place?

18 A. Within the last 60, 90 days.

19 Q. And how was that initiated?

20 A. A phone call from him to me.

21 Q. Was anyone else present at that meeting?

22 A. Yes.

23 Q. Who?

24 A. Commissioner Santamaria.

25 Q. Anybody else?

1 A. No.

2 Q. Did Commissioner Santamaria tell you anything
3 at that meeting?

4 A. Oh, he talked, but I couldn't recall or even
5 tell you any specifics of what that was about.

6 Q. You couldn't tell me what you talked about?

7 A. I just don't recall what the specifics were,
8 so -- not that I won't tell you, it's just I don't
9 recall the specifics.

10 Q. Okay. At that time, did you discuss a felony
11 record for Jesus R. Santamaria?

12 A. I think it was mentioned, but I couldn't tell
13 you to what detail we went into it. I didn't look at
14 any paperwork, didn't see anything like that. There was
15 nothing -- it was definitely a verbal discussion, so...

16 Q. Okay. Did you talk to anybody about coming
17 here to testify today?

18 A. Yes. I talked to my County Administrator who
19 is also being deposed. I talked to Tanya, talked to
20 Steve, just from the standpoint of the fact that they
21 were -- Steve Carrier.

22 Q. Uh-huh.

23 A. That they were being deposed today as well.

24 Q. Okay. Did you guys discuss what the subject
25 matter of the depositions would be?

1 A. No, no more than just saying this is the case
2 from a year ago that Commissioner Santamaria filed
3 against Mr. Schaller. It was just that general. There
4 were no specifics at all. No papers were reviewed, no
5 details discussed.

6 Q. Okay. Other than -- and when you refer to
7 the County Administrator, I think you said --

8 A. Bob Weisman.

9 Q. Okay. Steve Carrier and Tanya McConnell, did
10 you discuss it with anybody else?

11 A. I think I mentioned to my wife that I was
12 coming to a deposition today.

13 Q. Okay.

14 A. There was also Johnnie Easton at
15 Commissioner Santamaria's office because I think she had
16 been served as well. Again, no more than, oh, you know
17 there's a deposition, oh, I got served, and I said, I
18 got one, too. Something like that, along those lines.

19 My administrative assistant. Beyond that, I
20 maybe had a mention or two, but those are the main ones.
21 And then again, it's just a subject, yes, I have been
22 served and I will be going for deposition.

23 Q. Okay. Did Mr. Santamaria ever tell you he
24 was not a convicted felon?

25 A. He may have, but I don't have a specific

1 recollection.

2 Q. Have you ever heard anybody ask you -- or has
3 anybody asked you whether or not Mr. Santamaria is a
4 convicted felon?

5 A. Not that I recall.

6 Q. Has anybody ever talked to you about the
7 felony record that was included in Mr. Schaller's
8 request for inquiry?

9 A. No specific recollection. But I think, yes,
10 that when the lawsuit was filed, that was a reference as
11 far as one of the basis for the lawsuits.

12 Q. When you say that was a reference, what are
13 you --

14 A. In general --

15 Q. -- talking about?

16 A. -- discussion with my coworkers of Palm Beach
17 County.

18 Q. So it wasn't until after the lawsuit was
19 filed?

20 A. Yes.

21 Q. Did Mr. Santamaria ever tell you that he told
22 Mr. Schaller that he was not a convicted felon?

23 A. Not that I recall.

24 Q. Do you know whether Mr. Schaller ever
25 retracted a portion of the request for inquiry that

1 related to the felony judgment?

2 A. I don't know.

3 Q. Okay. Do you listen to the Dick Farrel show?

4 A. No.

5 Q. Have you ever heard anybody else talking
6 about the felony judgment after the lawsuit?

7 A. Not that I recall.

8 Q. Okay. Do you know anybody anywhere that
9 would have any other information about the facts raised
10 in this lawsuit other than the people you've already
11 mentioned?

12 A. Again, very broad question.

13 Q. Yes, I know.

14 A. Again, I'll answer it, no, I do not believe I
15 know anyone else that has that information.

16 Q. Okay. Do you know if you know anybody else
17 that has any information with regard to the issues
18 raised in the request for inquiry?

19 A. Not that I'm aware of.

20 MS. KITTERMAN: Okay. That's all I have for
21 you. I'm sure he has some questions.

22 MR. BARSKY: I have some questions, Mr. Webb.

23 CROSS EXAMINATION

24 BY MR. BARSKY:

25 Q. We're talking about this project involving

1 Fargo Road, Fargo Avenue, and we've seen some exhibits
2 from -- I guess it was from '08 or '09 and it's still
3 ongoing today in 2012. So we're going on what, about
4 four years on this project?

5 A. Correct.

6 Q. Compared -- how long have you been the County
7 Engineer?

8 A. Since 1991.

9 Q. Compared to other engineering projects that
10 you have undertaken in Palm Beach County, how would you
11 rate this one in terms of the amount of time and effort
12 that has been involved for a project of its size?

13 A. Far and away the most time and effort for a
14 project of its size.

15 Q. How would you compare it to say a larger
16 project in terms of time and effort from your department
17 that's got to go into it?

18 A. I'm going to stick with the MSTU program, not
19 a major road project, per se. This probably has I would
20 conservatively estimate, you know, three to four times
21 the amount of staff time associated with it even from
22 one of our largest MSTU projects.

23 Q. And in terms of MSTU project size, how big
24 would you say Fargo Road is?

25 MS. KITTERMAN: Object to the form.

1 THE WITNESS: Dollarwise, it -- I'm not even
2 going to put a number out because I've been burned
3 by that before. But order of magnitude of this as
4 compared to a regular MSTU project, we've had some
5 projects that impact -- the Ranchette project, I
6 think, was order of magnitude of almost \$2 million
7 for the four roads. But our average is a much
8 smaller, similar size to this as far as a \$500,000
9 to a million-dollar project.

10 BY MR. BARSKY:

11 Q. The Fargo Road though itself, that's a
12 component of this overall MSTU, how would you rate in
13 terms of size-wise and Fargo on its own?

14 MS. KITTERMAN: Object to the form.

15 THE WITNESS: It's very similar from a
16 distance and length time -- time frame as far as to
17 do the project would be similar to other MSTU
18 projects. It's -- again, MSTU is typically taking
19 a nonpaved street in a residential neighborhood and
20 putting appropriate drainage and pavement to then
21 allow it to be accepted as a County road.

22 BY MR. BARSKY:

23 Q. Is there a reason for Fargo being average
24 within the MSTU project that it has been -- I think you
25 said three or four times more time put in from your

1 department into that road?

2 A. I think just from the standpoint that the
3 public attention that was generated on Fargo, that the
4 questions asked, that the issues as far as what budget
5 numbers and how to generate costs, to look at various
6 options, that we're still going through right now.
7 We'll be seeing an item before the Board of County
8 Commissioners to spend some more money to look at
9 options to allow them to make potentially the best
10 policy decision they can make ultimately regarding
11 Fargo.

12 Q. Do you know why there was more public
13 attention on Fargo Road than there would have been on
14 other MSTU roads?

15 MS. KITTERMAN: Object to form.

16 THE WITNESS: We had an individual that
17 regularly attended the County Commission meetings
18 and would bring questions and issues to the Board
19 of County Commissioners looking for clarification
20 or information regarding the project.

21 BY MR. BARSKY:

22 Q. Who was that individual?

23 A. Mr. Schaller.

24 Q. Did that cause the time spent on Fargo Road
25 from an engineering standpoint to be increased?

1 A. Yes.

2 Q. Did that cause the time frame for actually
3 getting Fargo Road paved to be extended?

4 MS. KITTERMAN: Object to form.

5 THE WITNESS: I'm not sure that that did. It
6 was just the complexity of the potential
7 involvement of the neighbors and the situation.
8 Again, I'm going to answer that question from the
9 standpoint of a typical project, those projects
10 that are already on the street, they're the ones
11 that benefit from getting the improvement and
12 they're the ones that we go for.

13 On Fargo, because of its nature and having
14 the side street traffic feed into it, you had a
15 whole lot more neighborhood traffic on that
16 roadway. And, thus, you had the policy question
17 instead of just the people on the street being
18 affected or being traffic out there, you had
19 neighborhood traffic that was being generated. And
20 then the policy question of should or should not
21 the neighbors potentially pay for this.

22 And again, those options created situations
23 that we normally would not deal with in an MSTU
24 project. It's usually straightforward. We simply
25 say the project goes from point A to point B and

1 it's either are we going to generate and charge
2 people by their front footage, or are we going to
3 charge it by acreage of the people immediately
4 adjacent to the street.

5 So it's rare that you would have someone
6 other than the people immediately adjacent included
7 as part of the MSTU prong. When Fargo did not get
8 included in the major project, it became more
9 complex because of trying to address options
10 associated with how you could include others into
11 this as far as potential.

12 BY MR. BARSKY:

13 Q. Why was it determined at that point in time,
14 once the other projects in the Ranchettes project had
15 been -- were about to get going, why did it become a
16 consideration of, well, should we charge people who
17 don't live on Fargo?

18 MS. KITTERMAN: Object to form.

19 THE WITNESS: Well, the people on Fargo and
20 Mr. Schaller would raise to the Board of County
21 Commissioners the issue that while, yes, this
22 street is in front of our house, that the
23 majority -- the large majority of the traffic on
24 the street are coming from people living off the
25 street. And as such, those people would benefit

1 from the paving as much or more than just the
2 people along Fargo.

3 BY MR. BARSKY:

4 Q. And so this question, this policy question,
5 if you take a look at Exhibit 1 that you've been shown
6 here. It's this April 7th, 2009 meeting date, Palm
7 Beach County Board of County Commissioners' agenda item
8 summary, agenda item number 5C-1, and you were asked
9 about this highlighted portion, this highlighted
10 sentence. And the question to you had been, well, was
11 it Mr. Schaller's obligation to say who should have to
12 pay for this road project. This dispute, this policy
13 consideration I think is what you called it, is that
14 what is being referred to here in this document?

15 A. Well, I think the policy question, yes. It's
16 not really a dispute. It was us bringing up to the
17 Board as clearly as possible that on the -- that Fargo
18 as far as the resident -- we believe the residents were
19 concerned was not the typical street because of the
20 nature that I just described; other properties in the
21 neighborhood benefiting and so residents expressed that
22 they thought they should be.

23 That issue had not been clearly articulated
24 in front of the Board of County Commissioners. The
25 discussion had been, well, let's move forward and see if

1 Fargo should be an MSTU project. That's all well and
2 good, but the question was not raised of let's move
3 forward and are the people on Fargo willing to pay
4 \$25,000 to make it a MSTU project. And staff did not
5 believe that we had gotten that clarification from the
6 Board prior to this item and we were attempting to raise
7 that and have a clear understanding of where we were
8 going to potentially proceed with Fargo.

9 Q. You said this item. You're referring to
10 Exhibit 1?

11 A. Exhibit 1 on April 7th, 2009.

12 Q. Had somebody who lived along Fargo Road
13 approached the engineering department about who should
14 have to pay for paving Fargo?

15 A. Well, Mr. Schaller --

16 MS. KITTERMAN: Object to the form.

17 THE WITNESS: -- had been active in the
18 neighborhood in coming before the Board of County
19 Commissioners. Whether it was him, whether it was
20 he and some others along there, I can't recall
21 specifically if it -- you know, exactly who might
22 have come forward.

23 BY MR. BARSKY:

24 Q. But ultimately the question became should
25 people other than those who live along Fargo Road have

1 to pay for the paving?

2 A. Well, and with that decision, should the
3 project continue.

4 In other words, would it put too many -- if
5 the decision was no, then who should pay and would that
6 put potentially too much a burden on the people on Fargo
7 for it to continue as a project.

8 Q. In the 2008, 2009 time frame, what decision
9 was ultimately reached, if you know?

10 A. I don't recall specifically.

11 Q. You don't recall whether it was determined
12 that only people on Fargo Road should have to pay, or
13 more than people who lived on Fargo Road should have to
14 pay?

15 A. The original decision that I recall
16 incorporated the neighbors, as in the people in the
17 adjacent streets. When we contacted them and raised
18 that and said that we were considering doing that, there
19 was another hearing where the Board said, no, we don't
20 intend to charge those people as far as participating in
21 the project.

22 Q. Were you at those meetings?

23 A. I'm sure I was.

24 Q. Is there anything in Exhibit 1 to your
25 deposition that says it's Mr. Schaller's job to

1 determine who should be assessed for the improvement to
2 Fargo Road?

3 A. No.

4 Q. Do you know which of these roads we've been
5 talking about Mr. Schaller's house actually has an
6 address for?

7 A. I believe he has an address on Rodeo.

8 Q. Is that the portion of Rodeo Drive that was
9 supposed to be paved -- or not supposed to be,
10 originally paved?

11 A. That was the portion that we mistakenly drew
12 the plans and had not had original support from the
13 neighbors to move forward with an MSTU.

14 Q. And we'll call that the western portion of
15 Rodeo Drive because that's actually the western portion.

16 A. That's correct.

17 Q. Okay. So Mr. Schaller lives on the western
18 portion of Rodeo Drive, at least that's where his
19 address is. Did your department receive any petitions
20 prior to the mistaken engineering plans to pave that
21 western portion of Rodeo Drive?

22 A. We may have, I have no specific recollection.

23 Q. Do you know if Mr. Schaller had ever signed a
24 petition to pave the western part of Rodeo Drive?

25 A. No specific recollection.

1 Q. Has Palm Beach County always been responsible
2 for the maintenance and drainage of Fargo Road?

3 A. No.

4 Q. When did it become responsible for that?

5 A. Sometime within the last year.

6 Q. So in the 2008, 2009 time frame, Fargo Road
7 was considered a private road?

8 MS. KITTERMAN: Object to the form.

9 THE WITNESS: No.

10 BY MR. BARSKY:

11 Q. Can you describe, then, how it's not a
12 private road, but the County was not responsible for it?

13 A. Yes, I can. Many rights of way in this
14 county were platted originally and set up as public
15 rights of way, but were not ever accepted by the Board
16 of County Commissioners for specific maintenance
17 responsibility. Fargo was exactly that.

18 So it's open to the public, but there was no
19 County maintenance responsibility. We have many of
20 those, some that never get used or turned into roads but
21 are still on the books. They're just empty pieces of
22 property in between private pieces of property. Others,
23 in this particular instance, are open to traffic, but
24 the County had no specific maintenance responsibility.

25 Q. Okay. So this is an artifact of how the land

1 was platted originally, whenever that occurred?

2 A. And our County policy over time, correct,
3 yes.

4 Q. Do you recall exactly when it was that
5 Fargo Road became -- maintenance and drainage on
6 Fargo Road became the responsibility of Palm Beach
7 County?

8 A. No.

9 Q. But it's within the last 12 months?

10 A. Yes.

11 Q. Do you live in Palm Beach County?

12 A. Yes.

13 Q. How long have you lived here?

14 A. Which time? I was born here. I moved away
15 for school, I moved away for a job for a couple of
16 years, but I've been back since the early 1980s.

17 Q. And you lived here -- what year were you born
18 in?

19 A. 1953.

20 Q. And you lived in Palm Beach County from your
21 birth until you left for college?

22 A. Yes. I'm a graduate of Lake Worth High
23 School.

24 Q. So it's about 18 years?

25 A. Right.

1 Q. So from '53 to what would that be, '71?

2 A. '71, uh-huh.

3 Q. And then early '80s until today?

4 A. Yes.

5 Q. All right. Are you aware of the general
6 reputation of Jess Santamaria in the Palm Beach County
7 community?

8 MS. KITTERMAN: Object to form.

9 THE WITNESS: Yes.

10 BY MR. BARSKY:

11 Q. How do you have that awareness?

12 MS. KITTERMAN: Object to form.

13 THE WITNESS: Because I've been active in
14 Palm Beach County government and I follow and read
15 the newspapers on a regular basis and have run
16 across people that have been doing business in
17 other government entities and whatever, and just
18 sometimes interested in catching a name and seeing
19 what's happening.

20 BY MR. BARSKY:

21 Q. What is Jess Santamaria's reputation in the
22 Palm Beach County community?

23 MS. KITTERMAN: Object to form.

24 THE WITNESS: I'm not sure of what the County
25 community was, but if you asked my impression of

1 Mr. Santamaria -- Commissioner Santamaria, it would
2 be that somebody that's been actively involved;
3 that I know that he was one of the original
4 developers within Royal Palm Beach; that I know
5 that over time, he's had disagreements with the
6 Village leading to lawsuits; that he's had a great
7 success winning those lawsuits against a local
8 government, which is always interesting from a
9 government employee's perspective that, you know,
10 from the standpoint that somebody sues government
11 and wins, we like to look and figure out, okay, how
12 can we avoid putting ourselves in that situation so
13 we wouldn't get sued.

14 From that perspective, that he was always
15 involved in this community trying to do what he
16 believed was the right thing involved in the
17 community.

18 BY MR. BARSKY:

19 Q. Other than those lawsuits that you mentioned,
20 are you aware of any other specific instances of conduct
21 by Jess Santamaria in the community that demonstrates
22 his character?

23 A. No.

24 Q. Does Jess Santamaria have a reputation in the
25 community as being an honest man?

1 MS. KITTERMAN: Object to form.

2 THE WITNESS: I'm not sure that I can judge
3 what the community is that you're referring to.

4 BY MR. BARSKY:

5 Q. Within Palm Beach.

6 MS. KITTERMAN: Object to the form.

7 THE WITNESS: Within Palm Beach County
8 government staff that I deal with, yes.

9 BY MR. BARSKY:

10 Q. Does he have a reputation in the Palm Beach
11 County community as being an honorable man?

12 MS. KITTERMAN: Object to form.

13 THE WITNESS: Same answer, same group.
14 Again, with my coworkers and peers, absolutely.

15 BY MR. BARSKY:

16 Q. Does he have a reputation in the community as
17 being a man of integrity?

18 A. Again, from the group that I'm going to
19 respond to, yes.

20 Q. Does he have a reputation in the community as
21 being a law abiding citizen?

22 MS. KITTERMAN: Object to form.

23 THE WITNESS: Yes.

24 BY MR. BARSKY:

25 Q. Does he have a reputation in the community as

1 being a charitable man?

2 MS. KITTERMAN: Form.

3 THE WITNESS: Yes.

4 MR. BARSKY: Okay. That's all I have.

5 MS. KITTERMAN: I have just a few follow-up
6 questions.

7 THE WITNESS: Uh-huh.

8 REDIRECT EXAMINATION

9 BY MS. KITTERMAN:

10 Q. Is it Board policy to assess all benefiting
11 properties on MSTU projects?

12 A. Yes.

13 Q. And I think we've established here today that
14 Fargo Avenue, still we don't know who the benefiting
15 properties are?

16 A. The Board will make that decision who the
17 benefiting properties are.

18 Q. But they have not yet made that decision,
19 have they?

20 A. No, they have not.

21 Q. Did traffic counts show more non-Fargo
22 resident traffic than Fargo resident traffic?

23 A. If I wasn't clear, substantially more.
24 Probably on the order of three or four times, yes.

25 Q. Okay. With regards to the drainage issues on

1 Fargo Avenue, are you familiar with how little drainage
2 there is?

3 MR. BARSKY: Object to the form.

4 THE WITNESS: I'm not sure how I'm going to
5 carefully answer that. I'm familiar with some
6 flooding issues that Mr. Schaller has raised when
7 the project was completed, including what appear to
8 be the photographs you're holding in your hand.

9 MS. KITTERMAN: I'll mark these as
10 Defendant's 3 and 4.

11 (Defendant's Exhibit 3 and 4 were marked for
12 identification.)

13 BY MS. KITTERMAN:

14 Q. Mr. Webb, if you would take a look at those
15 photographs, Defendant's Exhibits 3 and 4.

16 A. (Witness complies.)

17 Q. Have you seen them before?

18 A. I may have.

19 Q. Do those photographs accurately depict what
20 the drainage issues are at Fargo Avenue?

21 MR. BARSKY: Object to the form.

22 THE WITNESS: At the point in time when the
23 photographs were taken, obviously, it's accurate as
24 far as representing what was out there, yes.

25

1 BY MS. KITTERMAN:

2 Q. Do you know whether that drainage issue has
3 been resolved?

4 A. I do not know.

5 Q. Okay. Do you know whether the
6 County Commissioners are working on resolving that
7 drainage issue?

8 A. County Commissioners and County Commission
9 staff are working on addressing the overall drainage in
10 this area, yes.

11 Q. If I told you that somebody in the
12 engineering department thinks that -- or says that
13 drainage is better on Fargo Avenue after the paving than
14 before the paving, would you agree with that statement?

15 A. I didn't have an experience to understand
16 what it was before that so I can't relate to experience
17 beforehand or comment on that statement.

18 Q. Okay. Is it your opinion that the draining
19 is worse after the paving?

20 MR. BARSKY: Object to the form.

21 THE WITNESS: Same answer as before since I
22 don't have experience with what was there.

23 BY MS. KITTERMAN:

24 Q. Okay.

25 A. I will comment, though, that the work that

1 we've done hopefully has improved the situation from
2 these pictures here because we have been working since
3 we took over Fargo to improve the minimal drainage
4 system that was out there. It doesn't mean this won't
5 happen again, but hopefully the frequency that
6 Mr. Schaller has observed will not be the same.

7 Q. Okay.

8 MS. KITTERMAN: That's all.

9 MR. BARSKY: Just a follow-up real quick.

10 RECROSS EXAMINATION

11 BY MR. BARSKY:

12 Q. Do you know when the pictures, Exhibits 3 and
13 4 were taken?

14 A. No, I do not.

15 Q. If those were taken before, sometime greater
16 than 12 months prior to today's date --

17 MS. KITTERMAN: Object to the form.

18 BY MR. BARSKY:

19 Q. -- would the drainage issue be a County
20 problem?

21 MS. KITTERMAN: Object to form.

22 THE WITNESS: Depending on when the pictures
23 were taken, Rodeo has been a County road for --
24 since 2008, 2009 time frame. I have seen pictures
25 like this since that time frame. So then we would

1 be concerned regarding that.

2 So I'm trying to -- because I don't know -- I
3 don't have a specific date on these pictures, but
4 I've seen pictures that have occurred since Palm
5 Beach County became responsible for Rodeo drainage
6 similar to these pictures. It may have been these
7 exact same ones or not. Sorry.

8 BY MR. BARSKY:

9 Q. Well, I'll -- since I'm not sure who took
10 those pictures, we don't have that established at all,
11 let me -- if that's flooding on Fargo Road and that
12 flooding was occurring prior to the date Palm Beach
13 County took over maintenance and drainage on Fargo Road,
14 would that have been a County issue?

15 MS. KITTERMAN: Object to form.

16 THE WITNESS: I'll be careful in answering
17 that, but I'm going to say it might be because if,
18 in fact, water was being put on Fargo from Rodeo,
19 which was a County responsibility, then there would
20 have been some County involvement as far as issues
21 associated with Fargo drainage.

22 BY MR. BARSKY:

23 Q. So to the extent that a County road was
24 causing flooding on a noncounty road, that would be
25 something the County would address?

1 A. Correct.

2 Q. And to the extent that the flooding was
3 occurring on a noncounty road because it was a --
4 without the involvement of a County road, that would not
5 be something that the County would address?

6 MS. KITTERMAN: Object to form.

7 THE WITNESS: That's correct.

8 FURTHER REDIRECT EXAMINATION

9 BY MS. KITTERMAN:

10 Q. Do you know whether Fargo Avenue is a County
11 road?

12 A. It's --

13 MR. BARSKY: Object to the form.

14 THE WITNESS: It's currently on our County
15 maintained road list.

16 BY MS. KITTERMAN:

17 Q. Do you know when or if Fargo Avenue became a
18 County road?

19 MR. BARSKY: Object to the form.

20 THE WITNESS: Within the last year.

21 BY MS. KITTERMAN:

22 Q. Okay. After the County paves a road such as
23 Rodeo, would they allow water to stand on a paved road?

24 A. Yes.

25 MR. BARSKY: Object to the form.

1 BY MS. KITTERMAN:

2 Q. Why?

3 A. As part of design standards, you don't expect
4 that it's going to be always clear of water, that
5 certainly during a rain event, we might have water
6 standing on the road. The question becomes what is
7 acceptable for what period of time after the rain event
8 concludes.

9 Q. Right. The drainage on Exhibit 3 -- or the
10 road on Exhibit 3, would that be acceptable as far as
11 the water accumulating on a paved road?

12 MR. BARSKY: Object to form.

13 THE WITNESS: It may not be desirable. It
14 might be acceptable for a period of time, yes.

15 BY MS. KITTERMAN:

16 Q. How long?

17 MR. BARSKY: Object to form.

18 THE WITNESS: It would be depending on the
19 exact situation, so -- obviously, you would not
20 want it out there for any more than a half hour to
21 an hour after a rain event like that.

22 MS. KITTERMAN: Okay. Thank you for your
23 time.

24 THE WITNESS: Okay.

25 (Deposition concluded at 4:12 p.m.) - - -

CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF PALM BEACH

I, the undersigned authority, certify that
GEORGE T. WEBB personally appeared before me and was
duly sworn.

Dated this 29th day of March, 2012.

Pamela J. Sullivan, RPR, FPR, CLR
Notary Public - State of Florida
My Commission Expires: June 10, 2014
My Commission No.: DD 993731

C E R T I F I C A T E

STATE OF FLORIDA
COUNTY OF PALM BEACH

I, Pamela J. Sullivan, Registered Professional Court Reporter and Notary Public in and for the State of Florida at Large, do hereby certify that the aforementioned witness was by me first duly sworn to testify the whole truth; that I was authorized to and did report said deposition in stenotype; and that the foregoing pages are a true and correct transcription of my shorthand notes of said deposition.

I further certify that said deposition was taken at the time and place hereinabove set forth and that the taking of said deposition was commenced and completed as hereinabove set out.

I further certify that I am not attorney or counsel of any of the parties, nor am I a relative or employee of any attorney or counsel of party connected with the action, nor am I financially interested in the action.

The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the certifying reporter.

Dated this 29th day of March, 2012.

Pamela J. Sullivan, RPR, FPR, CLR