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BEFORE THE ARBITRATION SERVICE OF PORTLAND, INC.

CITY OF STAYTON,)
)
 Claimant,)
)
 v.)
)
 JCNW FAMILY, LLC,)
)
 Respondent.)
 _____)

DEPOSITION OF CHRISTINE L. SHAFFER
Taken in behalf of the Respondent

VOLUME I
(Pages 1 - 32)

Stayton, Oregon
April 22, 2015

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EXAMINATION INDEX

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EXHIBIT INDEX

EXHIBITS ITEM

PAGE

(No exhibits marked.)

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1 STAYTON, OREGON, WEDNESDAY, APRIL 22, 2015, 1:00 P.M.

2 /////

3 **CHRISTINE L. SHAFFER,**

4 having been first duly sworn, was examined and testified
5 as follows:

6 /////

7 **EXAMINATION**

8 BY MR. LOISELLE:

9 Q. Will you, please, state your full name and
10 spell your last name for the record.

11 A. Yes. Christine Lynne Shaffer,
12 S-H-A-F-F-E-R.

13 Q. Ms. Shaffer, I'm Darien Loisel. I
14 represent the developer JCNW in this matter, and I have
15 asked for the opportunity to take your deposition. We
16 just met moments ago.

17 A. Mm-hmm.

18 Q. Is that a yes?

19 A. Yes.

20 Q. Okay. We will go through some rules --
21 ground rules here in a minute just so that you are
22 familiar with what we do and don't do. But before we do
23 that, how are you currently employed?

24 A. I am the finance director for the City of
25 Stayton.

1 Q. And how long have you been the finance
2 director?

3 A. Since 2008. Six years.

4 Q. And I understand there was a point when you
5 were the interim public works director?

6 A. Interim city administrator.

7 Q. Okay. How long were you the interim city
8 administrator?

9 A. Nine months.

10 Q. When was that?

11 A. July 2013 until February 2014.

12 Q. Okay. Before we get into the thick of it,
13 let's talk a little bit about the ground rules. Have
14 you ever had your deposition taken before?

15 A. No.

16 Q. Did you have the opportunity to confer with
17 counsel?

18 A. Yes.

19 Q. Mr. Lien and Mr. Kuhn?

20 A. Yes.

21 Q. And how -- when did you meet with them?

22 A. About a week ago.

23 Q. Okay. And how long did you meet?

24 A. A few hours. Three or four hours.

25 Q. Okay. Was anybody else in that meeting?

1 A. Yes.

2 Q. Who?

3 A. The city administrator, Keith Campbell; the
4 senior engineering tech, Mike Brash; and I believe the
5 public works director, Lance Ludwig, was there also.

6 Q. Did you review any documents in preparation
7 for your testimony?

8 A. Yes.

9 Q. What did you review?

10 A. I reviewed e-mails from Don Eubank to
11 myself regarding the Phillips development and parts of a
12 file I have on materials from the develop -- the
13 Phillips development. It was development agreements,
14 drafts, different materials that I have in a file.

15 Q. Okay. Was that your own working file?

16 A. Yes.

17 Q. Okay. And was that produced as part of the
18 document request in this matter?

19 A. My personal file was not, but it's all
20 copies of documents that were produced for the
21 discovery.

22 Q. Did you make any notes or provide any
23 comments in the --

24 A. In the discovery?

25 Q. No. In your personal file?

1 A. No. There's no notes. It's just
2 agreements that -- you know, that we worked on together
3 here in this room with Mr. Martinak and others.

4 Q. Okay. Did you provide a copy to counsel of
5 those so they could review it?

6 A. Yes.

7 Q. Other than your personal file and your
8 e-mails with Mr. Eubank, did you review any other
9 documents in preparation for your testimony?

10 A. No.

11 Q. Do you maintain any other files related to
12 the Phillips Estate?

13 A. No.

14 Q. How about e-mails? Do you maintain an
15 e-mail directory regarding correspondence with the
16 engineers or the field personnel related to the project?

17 A. I have e-mails that I maintain, and I
18 produce those for the discovery.

19 Q. Okay. All right. It sounds like you
20 received some good coaching on this process because one
21 thing you are doing really well is you are being patient
22 and allowing me to finish my question before you
23 respond. And you understand that we have a court
24 reporter who is trying to maintain an accurate record
25 and it's hard for her to take us both talking at the

1 same time. So I appreciate you being patient while I
2 bumble out my question, and I'll try to be patient when
3 you provide me with your response. Okay?

4 A. Okay.

5 Q. Answering audibly is what works.
6 Headshakes, while I can see them -- we are looking at
7 each other across the table and that's a normal
8 conversation technique -- doesn't show up on the record.
9 Okay?

10 A. I understand.

11 Q. So if I ask you to audibly respond, I'm not
12 trying to be impolite or rude. I'm just letting you
13 know I want to have a complete record.

14 A. I understand.

15 Q. All right. Is there anything today that
16 would prevent you from providing truthful answers?

17 A. No.

18 Q. Is there anything that would impair your
19 recollection?

20 A. No.

21 Q. Okay. Again, I'm not picking on you.
22 That's a common question. Sometimes my questions may
23 come across as confusing or unclear. If I ask a
24 question you don't understand, will you ask me to repeat
25 it?

1 A. I will.

2 Q. And if you respond to a question, may I
3 assume you understood it?

4 A. Yes.

5 Q. Thank you. And as I mentioned before we
6 went on the record, this is not going to be a long
7 deposition, but if you need to take a break to take care
8 of a health issue or a phone call or you remembered
9 something on your desk, we can take a break. Okay?

10 A. Yes.

11 Q. And if I have a question pending, I'm going
12 to ask you to respond to it before we take that break.

13 A. I understand.

14 Q. Okay. Great.

15 Can you give me your educational
16 background?

17 A. Yes. I have a high school diploma. No
18 college education.

19 Q. Where did you go to high school?

20 A. Stayton High School.

21 Q. When did you graduate?

22 A. 1985.

23 Q. I played baseball against Stayton, and
24 graduated in '83. I went to Fall City High School.

25 A. Excellent.

1 Q. Any post high school education of any kind?
2 Any community college courses or continuing education
3 courses of any kind?

4 A. Many.

5 Q. Okay. Such as?

6 A. Such as I went through a trade school for
7 loan processing.

8 Q. Okay. How long did you do that?

9 A. Loan processing?

10 Q. The trade school.

11 A. The trade school, it was a two-year
12 program.

13 Q. Where was it?

14 A. In Southern California.

15 Q. Did you receive a certificate or degree?

16 A. A certificate.

17 Q. What was the certificate?

18 A. Loan processing.

19 Q. Okay. Any other education?

20 A. I have done -- since I have been with the
21 city since 2005, I have done numerous trainings and too
22 many to list. I have many certificates for finance
23 officer's training and, you know, risk management
24 training, emergency response training.

25 Q. Is that -- the emergency response training,

1 is that like a quick response issue if somebody is
2 having an acute problem?

3 A. The emergency response training is required
4 for all department heads in the city that would respond
5 in the event of a natural disaster or emergency.

6 Q. Okay. All right.

7 Did you do some loan processing work --

8 A. Yes.

9 Q. -- after the trade school?

10 A. Yes, I did.

11 Q. How long did you do that?

12 A. Five years.

13 Q. For a bank?

14 A. No. For a mortgage broker.

15 Q. The name?

16 A. Genesis Mortgage.

17 Q. Now I want to ask you about the School of
18 Hard Knocks. Your work history, can you outline that
19 for me?

20 A. Mm-hmm. I worked for Genesis Mortgage from
21 1987 to 1992.

22 Q. Okay.

23 A. I worked for -- gosh. I'm drawing a blank
24 on their name. It's a lumber company in Scio called
25 Mid-Willamette Lumber, and they had 10 divisions. I

1 worked for them for -- let's see. For two years before
2 I came here, so it would have been 2003 to 2005. I was
3 hired in 2005 here at the City of Stayton as an
4 associate accountant, and I was promoted in 2008 to
5 finance director.

6 Q. Okay. What did you do for the lumber
7 company?

8 A. I was an accountant.

9 Q. Okay. You said they had 10 divisions?

10 A. They had 10 corporations under them, yes.

11 Q. Okay. I assume they had several
12 accountants?

13 A. They had two.

14 Q. Okay. Any other work history?

15 A. Not really, no.

16 Q. Okay. Do you live here in Stayton now?

17 A. Yes, I do.

18 Q. How long have you lived in Stayton?

19 A. 22 years -- well, 20 years. Sorry.

20 Q. You snuck off to Southern Cal for a while
21 and then you came back?

22 A. (Nodding head.)

23 Q. Is that a yes?

24 A. Yes, it is.

25 Q. All right. What has been your involvement

1 with the Phillips Estate project?

2 A. My involvement with the Phillips Estate
3 project has been I worked with Mr. Martinak and Dave
4 Kinney and Steve Ward and our counsel, Wally Lien, to
5 come up with the current development agreement.

6 Q. The Phase 2 development agreement?

7 A. That's correct.

8 Q. I will ask you a little bit more about that
9 in a second. Any other activities related to the
10 project?

11 A. Just me personally or as a team?

12 Q. You, personally.

13 A. No.

14 Q. How about participating as part of a team?

15 A. As part of a team, I have been involved
16 with the Martinak projects since I did the development
17 agreement.

18 Q. Okay. Have you been involved in evaluating
19 reimbursements?

20 A. Evaluating reimbursements.

21 Q. What else?

22 A. The stop work order.

23 Q. What else?

24 A. This current litigation and mediation and
25 arbitration setup discussions.

1 Q. Okay. Anything else?

2 A. Not that I can think of, no.

3 Q. Okay. What is your role in evaluating
4 reimbursements?

5 A. My role in evaluating reimbursements is to
6 verify with the public works department as well as the
7 city's engineer that -- and the senior engineering tech
8 that that work is completed; that it meets the terms
9 that we agreed to; that the proper upsizing was done and
10 then I direct staff to issue the checks.

11 Q. Okay. Is it fair to say it's more of a
12 administrative or clerical function? You're not
13 actually evaluating whether the work was performed out
14 in the field?

15 A. Correct.

16 Q. Okay. So you are comparing a statement
17 from Mr. Martinak to field reports from your engineer to
18 determine whether the work was done?

19 A. From our senior engineering tech that that
20 pipe did get oversized and is in the ground, yes.

21 Q. Okay.

22 A. And from our city engineer, John Ashley,
23 that that's what was agreed to.

24 Q. Okay. So explain the process of evaluating
25 and then writing a check for reimbursement.

1 A. Explain the process?

2 Q. I know it can't be all that complicated,
3 but I presume that you receive an invoice from a
4 developer.

5 A. Yes.

6 Q. And then you share that with Mr. Brice?

7 A. Mr. Brash.

8 Q. Oh, Mr. Brash. Excuse me.

9 A. Right. The public works director and the
10 city engineer.

11 Q. Okay.

12 A. I look at the development agreement. It
13 had attachments that said that we agreed to pay upsizing
14 of these pipes for these phases of the projects and, you
15 know, if it's water, sewer, streets. I confirm with
16 them that that work has been done, that it's ready to be
17 paid, and I issue the check or have my department issue
18 the check.

19 Q. Okay. And who else in your department is
20 involved in evaluating reimbursements?

21 A. No one.

22 Q. Okay. And are there instances where you
23 would review the development agreement and comments from
24 your team and make an assessment that a certain item is
25 not compensable?

1 A. I would not determine that. The city
2 engineer or the senior engineering tech might not agree
3 with an item that's been submitted for reimbursement.

4 Q. Okay. And would they provide you with a
5 memo or a note?

6 A. Most likely an adjustment made on it and it
7 probably should -- send it back in an e-mail form to me.

8 Q. Okay. So if, for example, Mr. Martinak
9 sent a reimbursement request to you --

10 A. Mm-hmm.

11 Q. -- and you determined through your team's
12 evaluation that an item was not compensable, would there
13 be a memorandum in your file that indicated that there
14 had been a review performed and the item was not
15 compensable?

16 A. Most likely. At least in a copy of an
17 e-mail.

18 Q. Okay. And the e-mail would likely come
19 from John Ashley?

20 A. From John Ashley, yes.

21 Q. As part of the reimbursement process, were
22 there times when the city would assert offsets to the
23 reimbursement request?

24 A. I don't recall any.

25 Q. Were there instances in which the city

1 charged engineering time -- the city's engineer time to
2 the developer?

3 A. Yes. Possibly.

4 Q. Would that be a decision that you made or
5 would that be somebody else on your team that would
6 decide whether there should be an offset asserted?

7 A. That would be either the planner or the
8 public works director that would bill that time.

9 Q. Okay. And that time that would be billed,
10 did you get a time sheet or a time card from the
11 engineer?

12 A. The time card -- or the engineer submits an
13 itemized bill, and once a land use file has been opened
14 for a development or a project within the city, then the
15 time is tracked and he bills it by that land use number.

16 Q. Okay. And you would have copies of all of
17 those bills?

18 A. We would have copies of all of those bills
19 for a three-year period.

20 Q. So right now you would have it back to
21 April of 2012?

22 A. We would have it to June of 2012.

23 Q. Okay. And what happens to the invoices and
24 the billings that are -- that preexist that time?

25 A. They are destroyed.

1 Q. Okay.

2 A. Our retention schedule calls for three
3 years of retention.

4 Q. Okay. But if the developer wanted to get a
5 copy of the itemized billing from an engineer that was
6 being assessed against the developer or deducted off a
7 reimbursement request, you would have a copy of that
8 within that three-year period?

9 A. Yes.

10 Q. What else would be submitted with the
11 billing other than that itemized billing? Would there
12 be any memorandums or reports about what the work
13 covered?

14 A. On the billing there's just a brief
15 explanation of what was done. Nothing elaborate.

16 Q. Okay. And who from the city would evaluate
17 whether the work was reasonable and necessarily incurred
18 for the benefit of the project?

19 A. Those bills are reviewed by -- it depends
20 on what the issue is or what's being reviewed, but if
21 it's a planning issue, it's reviewed by the city
22 planner, if it's a public works issue that's been worked
23 on, then it would be reviewed by the public works
24 director.

25 Q. Okay. It sounds like then you would again

1 defer to those department heads to determine whether the
2 charge should be allocated to the developer?

3 A. Yes. They code the bills and initial and
4 then forward it over for payment.

5 Q. What do you mean by "code the bills"?

6 A. We have GL coding numbers that they are
7 responsible in the budget to code their bills to.

8 Q. Okay. So in addition to the detailed
9 accounting that would be provided by the engineer, you
10 would have a GL report that would identify which charges
11 are appropriately assessed to Developer A or
12 Developer B.

13 A. No, I do not.

14 Q. You don't have that?

15 A. (Shaking head.)

16 THE COURT REPORTER: Was that no?

17 THE WITNESS: No.

18 MR. LOISELLE: Thank you.

19 BY MR. LOISELLE: (Continuing)

20 Q. How do you track the coding from the
21 department heads?

22 A. Public -- the public works administration
23 just has one GL code number for engineering.

24 Q. I see.

25 A. As well as the planning department.

1 Q. Okay. Would there be a separate
2 spreadsheet that would be prepared?

3 A. Yes. We track each land use file
4 through -- with a spreadsheet throughout the years, yes.

5 Q. Okay. So, again, if we wanted to know a
6 summary of those charges, you would have that
7 spreadsheet and available to produce it?

8 A. Yes.

9 Q. Okay. Do you maintain any other
10 information about charges and assessments by the city to
11 a developer that are either deducted from the
12 reimbursement request or charged to the developer?

13 A. No.

14 Q. Okay. And once you receive a billing from
15 a developer for reimbursement, what's the typical review
16 cycle?

17 A. Well, it just depends on the situation,
18 but -- or where it's been delivered to. So if it's been
19 delivered directly here to city hall, I would forward
20 copies immediately to public works for review and the
21 city engineer.

22 Q. Okay. Let's presume that it was delivered
23 to you directly.

24 A. Yes.

25 Q. What would be the typical turnaround time?

1 A. 30 days.

2 Q. Okay. Is your role as the finance director
3 to handle all financial transactions for the city?

4 A. Yes.

5 Q. And who do you report to?

6 A. The city administrator.

7 Q. Okay. And in terms of reporting, what sort
8 of document reports do you prepare regarding your
9 financial transactions?

10 A. Numerous. I prepare mostly -- most
11 importantly is the monthly financial statement for the
12 city.

13 Q. Okay. And you use that -- you share that
14 with the city council?

15 A. They receive a smaller version of it, but
16 yes.

17 Q. Okay. Any other financial reports?

18 A. Many.

19 Q. How about -- let me clarify that. I know
20 that can be a huge number.

21 A. Right.

22 Q. Regular reports that you prepare like the
23 monthly reports you just described. I assume you also
24 do a yearly accounting for your accountant. That's what
25 I'm looking for, not the special reports for a special

1 project.

2 A. Okay. Yes, I do an annual report. The
3 city goes through an audit so there is a financial
4 statement produced, a trial balance, that then an
5 auditing firm comes in and does an external audit of all
6 expenditures for the city. I do reconciliations of all
7 of the accounts throughout the year, and it's all
8 finalized on that trial balance.

9 Q. Okay. You were the interim city
10 administrator for nine months?

11 A. That's correct.

12 Q. Why did the city need an interim director
13 or administrator for nine months?

14 A. Don Eubank retired and the city council
15 wanted to do a national search for a new city
16 administrator.

17 Q. Okay. Did you apply?

18 A. No, I did not.

19 Q. And what were your job duties as the
20 interim city administrator?

21 A. To oversee all departments in the city.

22 Q. Okay. And what were your duties -- or how
23 did your responsibilities change related to the Phillips
24 Estate project?

25 A. They didn't really change. I was already

1 in the process of working with the team to develop the
2 development agreement, and so we just continued on that
3 process.

4 Q. Okay. Did you have contact with
5 Mr. Martinak during your interim role?

6 A. Yes.

7 Q. Okay. And I assume you've had lots of
8 contact with him generally during the course of this
9 project?

10 A. Yes.

11 Q. And how would you describe the
12 relationship?

13 A. Friendly. Pleasant.

14 Q. Okay. Do you consider Mr. Martinak to be
15 honest and trustworthy?

16 A. Not necessarily.

17 Q. And why is that?

18 A. Sometimes when we would come back from a
19 previous negotiation, he didn't always view it the way
20 the rest of the team -- or previous discussions the
21 way -- he would sometimes change his mind midway through
22 and so it became difficult, you know. We would agree to
23 something and then he would pull back and have a
24 different idea, so...

25 Q. Can you give me an example?

1 A. Well, it seems like over time he was
2 confused on what he wanted to do with -- he kept
3 changing, you know, what he wanted to call Lot A or
4 Phase 3 and so there became a lot of confusion
5 surrounding that over time. Sometimes he called it 2B,
6 Lot A, Phase 3. One time I know he wanted the city to
7 buy that as parklands and trail system. And then he
8 came back and said, no, no, I don't want to do that.
9 And so, it just seems like it was a moving target at a
10 lot of points.

11 Q. Okay. And you felt that because the plan
12 would evolve or change that he was being dishonest about
13 his previous representations?

14 A. It just felt as though at times they were
15 trying to trick the city into making a bad decision for
16 the taxpayers for the City of Stayton, yes.

17 Q. Were there instances where you felt the
18 developer was requesting compensation or asking for
19 something that they weren't entitled to?

20 A. Yes.

21 Q. Like what?

22 A. Well, in the very first meeting that I sat
23 in with David Kinney and Bill Martinak and Steve Ward,
24 Bill Martinak's construction supervisor, I don't know
25 what his title is for certain, from Emery & Sons

1 Construction was there. Excuse me. That was actually
2 the second meeting I was at -- no, that was the first
3 one. Vince came from Emery & Sons Construction and
4 presented this -- the costing of what he felt the
5 infrastructure was going to cost to install for Phillips
6 Estate, and they were discussing in that meeting this
7 big idea that we were going to cost share infrastructure
8 improvements.

9 And I didn't feel that that was correct,
10 that that's not what the city does. We don't -- we
11 don't pay for a developer's infrastructure. We pay for
12 any required upsizing. And that's what our code says.
13 And if the developer feels that we are requiring
14 something for future developments, then the avenue
15 for -- to pay him back for that is called advanced
16 financing where future developments would reimbursement
17 him and the city doesn't cost share. That's the wrong
18 interpretation of Dolan law. And so I felt like -- like
19 he was asking for something that he didn't deserve and
20 that was not in the best interest for the taxpayers.

21 Q. You mentioned Dolan Law?

22 A. Mm-hmm.

23 Q. Is this something that you have analyzed or
24 studied?

25 A. No. I called my counsel, Wally Lien, and

1 asked him to give me a good definition of Dolan Law.

2 Q. Okay. So your evaluation of that issue is
3 based upon information you received from your attorney?

4 A. That's correct.

5 Q. All right. You mentioned your view about
6 reimbursements and what's compensable from the city and
7 what's not. Is the basis for your opinion on that again
8 information that's supplied by counsel?

9 A. My belief on that is what our code says we
10 will do as a city and information from my counsel, yes.

11 Q. Okay. I just want to make sure I
12 understand the basis for your opinion. You reviewed
13 city code?

14 A. That's correct.

15 Q. And you had a conversation with Mr. Lien?

16 A. That's correct.

17 Q. Any other information that led you to
18 those -- to that conclusion?

19 A. No.

20 Q. You mentioned that there were certain
21 categories where you felt the city was financially
22 responsible for at least a portion or a share of a
23 capital improvement.

24 A. Yes.

25 Q. Have you had occasion to discuss the city's

1 responsibility or proposed potential responsibility for
2 preexisting developments and their impact upon -- of the
3 new development? In this case, the Phillips Estate.

4 A. No.

5 Q. Do you have an opinion about the
6 compensability of the infrastructure required to address
7 water from adjacent properties like the Quail Run
8 property?

9 A. I have an opinion, but I believe we already
10 dealt with that. It's in the development agreement. I
11 believe it's Item 10 or 11 in the development agreement.

12 Q. Okay. I will ask you for your basis for it
13 in a minute, but I want to know what your opinion is
14 about it. Does the city have financial responsibility
15 for infrastructure improvements that address existing
16 developments like Quail Run?

17 A. I have to tell you that's really out of the
18 area of my expertise. I'm not an engineer, and I'm not
19 a public works director. I am the finance person. I
20 assess risk and not how infrastructure --

21 MR. LIEN: If you don't know the answer to
22 the question, just say no.

23 THE WITNESS: No, I don't know.

24 BY MR. LOISELLE: (Continuing)

25 Q. Okay. Well, you did offer an opinion

1 earlier about the honesty or trustworthiness of the
2 developer and part of it was based upon what you felt
3 was a conflict between your understanding of the code
4 and your attorney's interpretation of the code and
5 Mr. Martinak's. Right?

6 A. Correct.

7 Q. All right. You mentioned that you felt the
8 development agreement addressed that -- the
9 compensability issue we were just describing; is that
10 right?

11 A. I believe that, yes.

12 Q. And, again, is that based upon information
13 supplied to you by your attorney?

14 A. Yes.

15 Q. Okay. And it sounds like you don't feel
16 like you're otherwise qualified to offer an assessment;
17 is that true?

18 A. That's correct.

19 Q. You haven't had an opportunity to ask me
20 about my assessment of the situation. That doesn't play
21 into your evaluation. Right?

22 A. Yes. Right.

23 Q. And you can guess I might have a little
24 different interpretation than your counsel's.

25 Do you know where the reimbursement funding

1 comes from for improvements that the city shares
2 responsibility for like on the Phillips Estate?

3 A. Yes. If they increase capacity, then they
4 qualify for SDC funds.

5 Q. Did some of the reimbursements on the
6 Phillips Estate qualify for SDC funds?

7 A. Yes. They were all required upsizing.

8 Q. So all of the reimbursements were SDC
9 funded?

10 A. That's correct.

11 Q. And where were those funds secured from?

12 A. The SDC funds.

13 Q. Do you receive SDC funds presently?

14 A. Yes.

15 Q. And where do those funds come from?

16 A. They come from developers.

17 Q. Okay. And do you have -- I assume you have
18 some data or information that shows what the city
19 receives annually from SDC fees?

20 A. Yes. They are all held in independent
21 funds.

22 Q. Okay. And you have that information?

23 A. Yes.

24 Q. Okay.

25 MR. LOISELLE: If you give me just five

1 minutes. I may be close to being done.

2 THE WITNESS: Okay.

3 (A recess was taken.)

4 BY MR. LOISELLE: (Continuing)

5 Q. Just a few more questions. Thanks for
6 letting me take a break.

7 Was there a policy change regarding
8 reimbursements between Mr. Eubank and Mr. Campbell?

9 A. Not that I can recall.

10 Q. They both addressed reimbursements the same
11 way?

12 A. The city administrator doesn't really have
13 much to do with the reimbursement process. So I'm a
14 little confused by the question.

15 Q. That's helpful to me. So you relied
16 primarily on the department heads?

17 A. I rely on the public works director and the
18 city engineer, yes.

19 Q. Okay. And that's Mr. Ashley here?

20 A. John Ashley, yes.

21 Q. And has he been the city engineer during
22 the course of this development project?

23 A. Since fairly early, yes.

24 Q. Okay. You mentioned something earlier that
25 I had to scratch my head on a little bit. You thought

1 that Bill Martinak was the one that proposed the city
2 buy Phase 3 property or the place where the detention
3 pond was?

4 A. Yes. I do believe that that was his
5 suggestion. He -- Don Eubank, I believe, sent me an
6 e-mail after they had a discussion in his office about
7 that.

8 Q. You don't recall if that was originally
9 proposed by John Ashley?

10 A. I don't.

11 MR. LOISELLE: Okay. All right. Those are
12 all of the questions I have. I appreciate you taking
13 the time.

14 THE WITNESS: Okay. Thank you.

15 (Deposition adjourned.)

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1 STATE OF OREGON)
) ss.
 2 COUNTY OF WASHINGTON)

3 I, Maureen Kelly, RPR, OR-CSR, hereby
 4 certify that, pursuant to the Oregon Rules of Civil
 5 Procedure, **CHRISTINE L. SHAFFER**, personally appeared
 6 before me at the time and place set forth in the caption
 7 hereof; that at said time and place I reported in
 8 stenotype all testimony adduced and other oral
 9 proceedings had in the foregoing matter; that thereafter
 10 my notes were reduced to typewriting under my direction;
 11 and the foregoing transcript, Pages 1 to 32, both
 12 inclusive, constitutes a full, true, and correct record
 13 of such testimony adduced and oral proceedings had and
 14 of the whole thereof.

15 Witness my hand and CSR seal at Tualatin,
 16 Oregon, this 27th day of April, 2015.

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MAUREEN KELLY
 Certified Shorthand Reporter
 Certificate No.: 00-364

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