

NO. 2006-CI-06702

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JOHN E. FODDRILL, SR.,	)	IN THE DISTRICT COURT
PLAINTIFF,	)	
	)	
VS.	)	BEXAR COUNTY, TEXAS
	)	
CITY OF SAN ANTONIO,	)	
DEFENDANT.	)	45TH JUDICIAL DISTRICT

\*\*\*\*\*

ORAL DEPOSITION OF  
RICHARD VARN  
AUGUST 15, 2007

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ORAL DEPOSITION of RICHARD VARN, produced as a witness at the instance of the Plaintiff, and duly sworn, was taken in the above-styled and numbered cause on the 15th day of August, 2007, from 3:05 p.m. to 4:03 p.m., before Sharon L. McDonald, CSR, RPR, in and for the State of Texas, reported by machine shorthand, at the offices of the City Attorney, 111 Soledad, 10th Floor, San Antonio, Texas, pursuant to the Texas Rules of Civil Procedure and the provisions stated on the record or attached hereto.

A P P E A R A N C E S

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FOR THE PLAINTIFF(S):

MS. MALINDA A. GAUL  
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FOR THE DEFENDANT(S):

MS. DEBORAH L. KLEIN  
OFFICE OF THE CITY ATTORNEY  
LITIGATION DIVISION  
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San Antonio, Texas 78205

ALSO PRESENT:

John E. Foddrill, Sr.  
Richard Varn, the Witness  
Sharon L. McDonald, CSR, RPR

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**RICHARD VARN,**

having been first duly sworn, testified as follows:

**EXAMINATION**

**BY MS. GAUL:**

Q Please state your name for the record.

A Richard James Holth, with a T-H at the end,  
Varn, V, as a Victor, A-R-N.

Q And, Mr. Varn, have you ever had your deposition  
taken before?

A Ever in my life?

Q Yes.

A Yes, I have.

Q Okay. So you understand the deposition process?

A Yes, ma'am.

Q I'll just ask a few things of you today. First  
of all, could you please give verbal answers to the  
questions so the court reporter can take that down?

A Yes, I will.

Q And second of all, could you let me finish my  
question before you answer so that she can take down both  
what I say and what you say without getting confused.

A Okay.

Q And finally, if you don't understand a question  
that I ask, please just ask me to rephrase it. I want to  
make sure you understand the question before you answer,

1 okay?

2 A I will.

3 Q Great. Mr. Varn, currently what is your job  
4 title?

5 A I am the interim chief information officer for  
6 the City of San Antonio.

7 Q And how long have you been in that position?

8 A May 16, 2007.

9 Q And --

10 A It is a six-month contract, which will end  
11 November 16th of 2007.

12 Q Prior to this position, where were you employed?

13 A I am self employed and I'm also a temporary --  
14 part-time employee. My self-employment is my own  
15 company, RJV Consulting, cleverly named after me. And  
16 the second is a part-time position with a corporation  
17 that's called e.Republic at which I am a senior fellow.

18 Q You have been employed by the City prior to this  
19 period of time; is that right?

20 A I was actually a contractor from February --  
21 March 1, 2005, through July of 2005. It was late  
22 February, early March.

23 Q And what was the difference between that  
24 position as a contractor and the position you hold now?

25 A It's the same responsibilities, but I am

1 currently an employee of the City; whereas, then I was a  
2 contractor. I'm a temporary -- is that the right  
3 category? I'm a temporary employee now.

4 Q Have those -- have these been the only two times  
5 that you've been employed by the City in any capacity?

6 A Yes.

7 Q What are your job duties as the interim chief  
8 information officer?

9 A There are two departments that report to me,  
10 ITSD and 311, our customer service division.

11 Q And do your duties now under this six-month  
12 contract differ from your duties during that March 2005  
13 to July 2005 time period?

14 A Yes. The 311 did not report to this position at  
15 that time.

16 Q Okay.

17 A The reporting is slightly different. I  
18 currently report to the deputy city manager, Jelynn  
19 Burley. And previously I reported directly to Rolando  
20 Bono who was the city manager, acting, and then he was  
21 appointed.

22 Q Okay. I'm going to direct you to the time  
23 period of March '05 to July '05 when you previously were  
24 a contracted interim CIO. Were you interim at that time,  
25 also?

1           A     I was also named the interim CIO for the City of  
2 San Antonio during that time period.

3           Q     So we're going to be looking at the time period  
4 of March '05 to July '05 when you were the interim CIO --

5           A     Right.

6           Q     -- under the contract status?

7           A     Uh-huh.

8           Q     At that particular time, what was your  
9 understanding of the functions of the telecommunications  
10 department that fell under you?

11          A     My recollection is we had a telecom, a radio and  
12 a network group. They were not -- they were not  
13 collectively one group. There was a radio group of  
14 people that dealt with the emergency and routine  
15 communications for public safety. There was a group of  
16 people that dealt with the phone switch and with the  
17 phones and the traditional telephony, what we call POTS.  
18 It stands for plain old telephone service. And then  
19 there were -- and PANS is pretty amazing new stuff. And  
20 there wasn't any of that.

21                   And then there was the network group that  
22 dealt with the local area network and Internet stuff.  
23 And I don't remember the exact reporting lines for who  
24 was in charge of what. I just remember it was rather  
25 disjointed.

1 Q Do you remember during that period of time in  
2 2005 how the telecommunications department received their  
3 funding?

4 A Well, generally this department has been fee  
5 funded from its customers.

6 Q And what do you mean by "fee funded"?

7 A We charge departments a fee in rough  
8 proportionality to how much service they consume.

9 Q Do you find the funding any different now since  
10 you've been back May 16th of 2007 than it was in the 2005  
11 time period?

12 A I don't -- we are changing it, but at current, I  
13 don't see any substantive difference in the methods that  
14 they use to do their billing that I can detect.

15 Q What's the proposed changes?

16 A To go to a per capita billing methodology, which  
17 means that each department will pay a set amount per FTE  
18 for all services that are in the base. So it will be  
19 around \$3,500 per employee. And then there will be  
20 certain things which are variable costs, which will be a  
21 small percentage of our budget, and those will be billed  
22 directly to the department using them. Cell phones are  
23 one of the variable costs as an example.

24 Q We've had some previous testimony in a  
25 deposition about three methods for obtaining funding, and



1 the person who was deposed referred to it as EGO. They  
2 were talking about E-rates, grants and ordinances.

3 A Uh-huh.

4 Q Were you familiar with the E-rate system?

5 A Yeah, a little bit and with -- I mean, grants  
6 are -- you know, they come and they go. All governments  
7 get grants of some kind. Some of them hand them out. So  
8 I was vaguely aware. I knew we were getting some grant  
9 money, especially from homeland security and some other  
10 groups for doing certain things, but they were not really  
11 specifically under IT or necessarily stuff I was asked to  
12 focus on.

13 And then as far as the other one -- what  
14 was the first one you said?

15 Q Ordinances.

16 A Ordinance.

17 Q Ordinances.

18 A Well, ordinance, which means the approval of the  
19 budget.

20 Q Exactly.

21 A And then the other part that was a source of  
22 funding is bond funds, which do relate back at some point  
23 to an ordinance which authorized the -- either the  
24 issuance of the bonds or the vote that would allow the  
25 bond to be approved. But I think in the case of a large

1 block of police funds, it was a publicly-approved bond  
2 program.

3 Q In the 2005 time period, were you involved in  
4 any of the budget process?

5 A I was involved some. One thing I did was help  
6 facilitate the actual prioritization of the entire budget  
7 with city council. I did that in July.

8 I was involved with encouraging certain  
9 things to be done in our budget process, but didn't  
10 manage it because it's really not something you'd walk in  
11 the middle of and actually manage very well. And it was  
12 done by the department, not necessarily by the CIO. The  
13 department had to manage that submission, and much of the  
14 processes were well underway and they were fairly  
15 automated as to how that budget cut rolled together.

16 So there was very little you could change  
17 about it at the point I took over as the CIO.

18 Q In 2005, how did the department go -- each  
19 department go about submitting their portion of what was  
20 requested in the budget?

21 A From the technology standpoint?

22 Q Yes. Just from what you were over.

23 A The amount of costs that were attributable to  
24 running systems were allocated out as part of a base cost  
25 that departments would pay, and then there were specific

1 services that were run for just that department or that  
2 they were the only users, so some of those got allocated,  
3 I think, to that department.

4           The methodology, you know, was not good,  
5 and that is why we're abandoning it in this budget  
6 process because it did not always have the data it needed  
7 to be done so that it was accurate or it was complete  
8 because the systems that they relied on were all  
9 mainframe systems that were not easily managed.

10           So rather than fixing broken mainframe  
11 systems to come up with a better way of accounting for  
12 costs, we chose to go to a more cost effective way, which  
13 I would have recommended anyway, to go to a per capita  
14 allocation.

15           So there wasn't what you would --  
16 accountants would call activity-based costing so that you  
17 had a very detailed record of every single element of  
18 cost and exactly how it was consumed and by whom so that  
19 you could hand someone a very detailed bill of exactly  
20 what they had used on what their share of that cost was.

21           So in the absence of the City having spent  
22 a few million dollars of having developed that, they  
23 did -- they did make do with a legacy system which  
24 roughly allocated the costs. And so rather than replace  
25 that system, we chose to go with a simplified billing

1 process to both save money and to appropriately  
2 incentivize people to use technology because we believe  
3 they will not do without FTE's, but they might choose not  
4 to use services they could actually benefit from if they  
5 had to pay extra for them. So we wanted to give  
6 everybody an equal chance to get good technology  
7 services, and then if there's certain things that are  
8 extras, they can pay extra for that.

9 Q During the 2005 time period that you were  
10 employed by the City, if a department was allocated money  
11 under the budget and they ran out of money, what was the  
12 process for obtaining more money during the budget year?

13 A Gosh, I'm not really sure how that worked. I  
14 remember hearing things about budget allocation, but I  
15 don't really know how a department requested something to  
16 be changed about their allocation for money in their  
17 budget. I'm aware that some departments can run deficits  
18 here and that sometimes they don't know they're running a  
19 deficit. And then when they find that out, they have to  
20 do something to react to that, but other than that  
21 secondhand story about how that works, it's not my thing  
22 to do.

23 I'm learning more about it now, but back  
24 then I was not really in charge of that.

25 Q In 2005, did you have an occasion to interact

1 with Mr. Foddrill?

2 A Yes.

3 Q And how did you first come to meet Mr. Foddrill;  
4 do you remember?

5 A I think I asked all staff people who wished to  
6 talk with me and to lay out concerns about anything who  
7 wanted to have time with that, to schedule time and come  
8 into my office and meet with me about that. It was a  
9 closed-door session. So I met with a lot of staff people  
10 and filled up a few notebooks with ideas that they  
11 recommended for ways we could improve the department,  
12 things they had concerns about, changes they felt should  
13 be made. I think that might have been the first time. I  
14 might have also just been introduced to him. I don't  
15 have a specific recollection.

16 MS. GAUL: I'm going to go ahead and have  
17 this marked. I'm going to continue with the numbers.

18 MS. KLEIN: That's fine.

19 MS. GAUL: Deposition Exhibit 2.

20 (Exhibit 2 marked.)

21 Q (BY MS. GAUL) I'm going to go ahead and let you  
22 look at that and give you some time to look at it.

23 A (Reviews document.) Okay.

24 Q Do you have any independent recollection of this  
25 e-mail exchange as you sit here today?

1           A       I haven't read this part yet. Hold on one  
2 second. (Reviews document.)

3                       My recollection of this is that Jose Medina  
4 had failed as the manager to keep the City current in the  
5 process of replacing our contracts. We were a few months  
6 away from the contracts coming to their end of life, even  
7 after they'd been -- I think a couple had been extended.  
8 And the timing cycle for that normally would be at least  
9 six months for just one or two of them. To do them all  
10 at once and to only have -- I think -- let's see. We  
11 only had four months that were left to do five -- four,  
12 five, six contracts, was a, you know, disqualifying act  
13 for being in management.

14                       And if he were not retiring now, he  
15 would -- you know, he's been demoted from the position of  
16 managing, as much as he managed before, and if he had not  
17 chosen to retire now, he should not be retained in any  
18 kind of position of authority over these kinds of things  
19 because I felt that he has not managed it well.

20                       So some of this conversation was around me  
21 trying to document, Well, what have you prepared to do,  
22 and what have you not done? And what does it look like  
23 as to what you're proposing that we do to replace some of  
24 these contracts?

25                       And it was just looking like we were going

1 to have to extend, as best we could, through the State  
2 Department of Information resources any contracts we had  
3 by using their contract mechanism so we could bridge  
4 between what our contract said and what we needed until  
5 we could adequately and properly procure the services  
6 that we -- and that process is actually ongoing today.  
7 We're finalizing it now, and we've had the process of how  
8 we're going to do it approved by the city manager and  
9 we've briefed the council on it.

10           So the problem was -- this exchange of  
11 e-mail was related to that concern I have that I couldn't  
12 believe that someone had let it go this late at all  
13 without having taken a lot more action to be ready to  
14 replace contracts that were going to end and they had no  
15 plan for what they were going to do.

16           Q     When Mr. Foddrill sent this request to speak  
17 with you --

18           A     Uh-huh.

19           Q     -- and I note you respond that you'd be glad to  
20 talk to him, is this similar to what you just testified  
21 to that if any of the staff people wanted to discuss  
22 issues with you, you were willing to do so?

23           A     No. There were actually two -- two things we're  
24 talking about rather than one. The first was an offer to  
25 any employee if they wanted to have a meeting with me,

1 and that was done as part of my initial evaluation which  
2 I then delivered to the city manager that related to the  
3 status of the SAP initiative that was underway at that  
4 time.

5           Generally about how the department was  
6 managed and how it was staffed, what were the best  
7 practices that were being followed in other  
8 jurisdictions, how did we compare in the practices we  
9 were following to what we might think of as best practice  
10 as to how we were organized and staffed, and especially  
11 our mix of custom-built applications compared to what's  
12 called commercial office software or the purchase of  
13 services from third parties or from other governments.

14           So those were some of the specific things I  
15 was tasked with looking at. It really came under two  
16 headings: The SAP deployment that was going badly for  
17 the City at that time, and the general look at trying to  
18 establish a chief information officer position and some  
19 processes that a permanent CIO would be able to use and  
20 it would give them a jump start into moving in and being  
21 effective in that leadership position.

22           So those are the two blocks of work. And I  
23 met with people around the SAP stuff and around the  
24 departmental things, and then made some recommendations  
25 to the City as to what I thought they should do long-term



1 and then immediately to prepare for hiring a full-time  
2 CIO.

3 Q Did you ever have any discussions with  
4 Mr. Foddrill about any of those issues prior to this  
5 e-mail exchange?

6 A You know, I don't remember. I probably did, but  
7 I -- I met with an awful lot of people in the department.  
8 I think I probably had individual meetings with at least  
9 40 departmental employees. And I had a few group  
10 meetings with some as well. And then I also had  
11 individual meetings with people who were then not part of  
12 the -- exactly part of the department. They're part of  
13 the SAP team. And I probably had 15 or 20 of them in my  
14 office. Plus customers, I probably had 40 or 50 customer  
15 meetings. So I probably had over 100 -- easily over 100  
16 meetings, so I don't have a great recollection of each of  
17 them.

18 Q I'll take you back to Exhibit 2. When  
19 Mr. Foddrill requested to meet with you, your response  
20 appears to be that you'll be glad to meet with him, just  
21 set it up.

22 A Sure.

23 MS. GAUL: I'll go ahead and mark this as  
24 Exhibit 3.

25 (Exhibit 3 marked.)

1           **Q**       **(BY MS. GAUL)** This Exhibit 3 appears to be a  
2 request from Mr. Foddrill to meet with you on June 24,  
3 2005. Do you remember having a meeting with Mr. Foddrill  
4 on June 24, 2005?

5           **A**       I don't have any specific recollection about it,  
6 no.

7           **Q**       Do you remember having a one-on-one meeting with  
8 Mr. Foddrill?

9           **A**       My recollections are more general in this  
10 regard. I do recall meeting and talking with  
11 Mr. Foddrill a few times. Sometimes, you know, when I  
12 would walk into the telecom area, I might talk with him  
13 about things. And I do recall talking with him, but I  
14 don't remember dates or places or times very well.

15                       I do remember, I think, the evening when I  
16 was working late and he stopped by to talk. I have some  
17 specific recollection about that happening, but as to the  
18 contents of the conversation, I just have general  
19 recollections about them. So as to specific times and  
20 dates, I'm not -- I don't have that kind of memory.

21           **Q**       Do you remember -- have any recollection of  
22 Mr. Foddrill coming to you with concerns about what he  
23 called threats by Mr. Medina against him?

24           **A**       I recall accusations of mismanagement by Jose,  
25 which, you know, I was certainly open to the idea that

1 that might be true because I didn't see it being managed  
2 very well in that area as far as the quality of how the  
3 work was getting done and whether or not it was being  
4 done in a rational and organized manner.

5 And I do recall concerns being raised  
6 that -- just things were not being done correctly, and  
7 things were not being done for good motivations. Not  
8 necessarily illegal motivation, maybe petty or just  
9 things that were not the right way to run a department.

10 So those -- I do recall those as being  
11 things that were said, and saying this is not a well-run  
12 area and things should be done differently. And there  
13 was processes and expenditures that were not being done  
14 in a way that was the most effective way to do it.  
15 That's what I recall.

16 Q Now, you've made a couple of comments about  
17 Mr. Medina and his, I guess, lack of management skills.  
18 Had you had other concerns other than those raised by  
19 Mr. Foddrill regarding Mr. Medina back in that time  
20 period of 2005?

21 A By others or of my own?

22 Q Let's start with others.

23 A Well, Gary Moeller and -- I'm trying to think.  
24 To some degree Hugh, Bart Mulcahy -- I think I met with  
25 him at that time -- all expressed concerns about how well

1 the telecom area was being managed from two perspectives.  
2 One, whether or not the work was being done as well as it  
3 should be -- with the exception of the radio. They felt  
4 the radio area was being actually pretty well run. And  
5 whether or not we had enough resources in that area to  
6 actually do the work well at all.

7           So they understood it was resource starved  
8 to actually run a modern and advanced network. And to  
9 have the equipment dollars they needed to actually do it,  
10 and then also concerns about whether they were being  
11 effectively led. So I got concerns about that from all  
12 three of them.

13       Q     What did you witness or observe about Mr. Medina  
14 that raised concerns with you?

15       A     Well, it was more a question of what they hadn't  
16 done than what they did. An example would be one day I  
17 found the Internet to be incredibly slow in trying to  
18 check in and print my boarding pass for a flight to  
19 leave. I was commuting -- as I do now, I commuted back  
20 and forth from my home in Iowa to here, and I needed to  
21 print my boarding pass out. It took 15 minutes to pull  
22 up the United web page, which I tried several times  
23 thinking it was just a problem with the -- and then I  
24 just let it run for a while and timed how long it took.

25           And when I went and asked him about this,

1 as to why it took so long, he said, I don't know.

2 And I said, Well, can you check your  
3 network monitoring system and see why the traffic was  
4 high volume at that time? Was it a virus? Was it  
5 excessive use of a certain library? Was it somebody  
6 using media streaming? What was the reason?

7 And he said, We don't have a tool like  
8 that. After a long time of me being quiet and my mouth  
9 probably hanging open, I said, Well, why not?

10 Well, we didn't think we'd ever get one  
11 approved or we haven't asked for one or we've never been  
12 given resources. It was some kind of answer like that.  
13 You just can't run a network without knowing what's going  
14 on with it. You know, I would have not filled positions  
15 before I would go without some way of knowing what's  
16 wrong with my network when it's not working because it's  
17 no good to have people if you can't figure out what's  
18 wrong with it. At which time, I ordered him to acquire a  
19 network monitoring tool immediately and find out -- you  
20 know, give me some recommendations on which one he's  
21 going to acquire and get moving on it.

22 So it was more that someone who is in  
23 charge of telecommunications and who had a component of  
24 networking that they were managing not knowing what's  
25 going on with their networking, not really have taken

1 responsibility for fixing it even though there are always  
2 obstacles in city and county and state employment to  
3 doing the right thing, you know, that you know you have  
4 to do.

5                   He says, Well, I'm not given permission.  
6 I'm not given money. There's usually ways that the  
7 essential things still get done by good managers. This  
8 may not be incompetence, but it wasn't the kind of  
9 leadership I needed in that position.

10           Q       During that time period, 2005, did you make any  
11 attempts to demote him from that position or remove him  
12 from city employment?

13           A       I really wasn't a city employee, so I didn't  
14 quite have the authority to act as if I were. I didn't  
15 feel entirely comfortable even though I did act as a  
16 manager in a number of capacities. I made  
17 recommendations that there be a change in his position,  
18 that they actually hire a competent network manager,  
19 telecommunications manager, or whatever they decide. I  
20 said they should bundle up all -- all communication  
21 should be brought into one group and all that should be  
22 placed in a group of people that are tied to the hardware  
23 area. And the current organizational structure and what  
24 I had recommended are very close to the same and will be  
25 almost identical here in a couple of months as we build a

1 customer service team.

2 Q Who did --

3 A So that's all.

4 Q Who did you recommend to regarding Mr. Medina?  
5 Who did you recommend that they --

6 A I don't remember the timing. It was either to  
7 Gary or it would have been to Hugh. We promoted into  
8 that position when Gary left and retired.

9 Q And Gary is?

10 A Gary Moeller. Gary Moeller, no relation to  
11 Hugh, retired -- I want to say in like May or June, right  
12 in that time frame.

13 Q And then he was replaced by?

14 A By Hugh Miller. And that's by my  
15 recommendation. I felt Hugh -- and Gary as well. It was  
16 Gary's recommendation that Hugh had the potential to grow  
17 and to be a good leader in that position, and he had  
18 recommended to take him as acting until and unless  
19 someone decided to do a search for permanent.

20 And he was in that acting role I think  
21 until February, March -- January, February of this year,  
22 it was finalized that he became department head.

23 Q Do you ever remember having any discussions with  
24 Mr. Miller, Hugh Miller, particularly about terminating  
25 or demoting Mr. Medina?

1           A       Yeah. I mean, I have said he probably should  
2 either be fired or demoted, you know, given the state of  
3 the affairs and the quality of the services in that  
4 department. I mean, it was more -- like I said, more --  
5 if you're in charge of telecommunications and you have  
6 not planned ahead to replace your contracts, I couldn't  
7 find any rationale for that that would give me confidence  
8 to keep that person in a leadership position for a  
9 department for which I was responsible. Even though I  
10 wasn't going to be, I was making a recommendation as if  
11 it was something I would have to be responsible for. I  
12 said, If this were my department, I would not leave him  
13 in that position. And whether it's a demotion or a  
14 termination would depend on what the City at that time  
15 chose to do because we didn't manage that process.

16           Q       Now, Mr. Medina stayed in that position until  
17 recently; isn't that correct?

18           A       I don't -- I don't know how long. I don't have  
19 any information as to how long he was in the specific  
20 job. I understood that when -- when the reorganization  
21 started to happen, that that block of people was actually  
22 brought up underneath Kevin Phillips' area. So whether  
23 he was in that position or not, I'm not -- I'm not aware  
24 of what authority he has. I know that an amount of what  
25 is actually done with the network is not done by him at



1 this point or not led by him. I don't know if he still  
2 has a title or what he has.

3 If he wasn't retiring, he would be getting  
4 a change in his job position if I were staying.

5 Q Do you know when he's retiring?

6 A Don't know. I think he's submitted a date, but  
7 I'm not aware of what it is or he has indicated his  
8 desire to do so, but I don't think we've finalized a date  
9 with him yet.

10 Q Well, do you know -- you referred to his  
11 position now as a demotion. Do you know who demoted him  
12 to that position?

13 A No. I can't tell you this as a set of facts. I  
14 just see it as a set of realities, and so I don't know  
15 the technical facts of whether it's a demotion or a  
16 change in position. But if there's anything to do with  
17 network, I don't need to talk to him anymore. I talk to  
18 Kevin or talk to Bart, and they're the people that manage  
19 and run the things that are relevant to the network  
20 issues that I raise with them such as all the things  
21 we're doing with our telecommunications contracts or  
22 communications contracts, we're calling them now. And  
23 anything we're doing with wireless, anything that we're  
24 doing with how we're going to manage that process.

25 I don't -- I have not spoken with him since

1 I've been back because I don't perceive him in a position  
2 of authority over those things anymore. I don't know if  
3 that's still technically true in the organization. It's  
4 just practically true.

5 Q Did Hugh Miller ever raise any concerns with you  
6 at any time in 2005 or recently since you've been back  
7 that he felt maybe that you were trying -- you were out  
8 to get Mr. Medina and that he didn't feel the same about  
9 Mr. Medina as you did?

10 A No.

11 Q You testified about SAP.

12 A Uh-huh.

13 Q And you said in 2005 it was going badly.

14 A Uh-huh.

15 Q What is the basis of that comment, that SAP was  
16 going badly?

17 A There's a lot of documents that will detail this  
18 out and I gave report to council. The integrator,  
19 Deloitte and Touche, that was hired for this and the  
20 vendor that was chosen for licensing of development  
21 projects, licensing of some professionals called Hanson,  
22 those two systems were malfunctioning in a number of ways  
23 in not producing data, not allowing transactions to be  
24 done properly.

25 More importantly, as a shared

1 responsibility, but maybe more so on Deloitte, the right  
2 way to implement an ERP system, which is called ERM here,  
3 Enterprise Resource Planning or Enterprise Resource  
4 Management is to change your business processes. First,  
5 align them with best practices for doing that business  
6 process, then to the extent you can, accept the way the  
7 ERP system works to deal with that business process and  
8 make exceptions only if absolutely have to, especially in  
9 SAP, which is hard to configure differently than its  
10 out-of-the-box way of doing things, and then make sure  
11 people are fully trained and ready to implement that  
12 system, your users have fully signed off on how it will  
13 work, and then it's rigorously tested, and only after  
14 rigorous testing is proven to be effective and working  
15 according to specifications do you go to deployment.

16           It failed every single one of those points  
17 of requirement. Something was broken by each one of  
18 those things I just said. And I asked the Deloitte  
19 people once I read the contract -- I'll tell you about  
20 that in a second. But I asked the Deloitte people, Why  
21 didn't you just stop? Since this was your reputation at  
22 stake as much as anybody, why didn't you just stop and  
23 say unless you folks start doing this right, we're going  
24 to leave. They felt it was just their belief they could  
25 fix anything.

1                   And so even though they had done things  
2 that were wrong and they had told people at the City to  
3 do things that would have made things right and the City  
4 ignored it, so they both had fault, they kept plowing  
5 ahead taking our money.

6                   And so I looked to sue them. And then I  
7 read the contract. The contract deemed everything to be  
8 acceptable to the City unless it was objected to within a  
9 very short number of days. Upon the rejection by the  
10 City of any specific deliverable, the only responsibility  
11 of the vendor was to continue in a workmanlike fashion to  
12 attempt to correct the problem.

13                   There were no penalties. There were no  
14 incentives. There were no clauses that would allow us to  
15 enforce that any more than just saying, We think you're  
16 not acting in a workmanlike fashion, which is hard to  
17 prove.

18                   So as a result, it didn't look like we had  
19 a decent legal case and most of the contract funds had  
20 already been expended. So we had spent about 84 out of  
21 \$88 million and not much was working.

22           Q       How is SAP at this time?

23           A       It's stabilized. It functions. Most of the  
24 benefits you get from deploying it correctly are yet to  
25 be realized with the exception of our finances and our

1 ability to close the books and do a little better job of  
2 managing the budget knowing where we're spending money.  
3 The true benefits from an ERP come from the way you  
4 change the way you work, and because of the way it was  
5 done, we didn't get as many of those benefits as we  
6 should have. A specific example would be like  
7 E procurement, electronic procurement. I won't bore you  
8 with the details, but it should help pay for the entire  
9 project if you do that correctly and it wasn't even  
10 deployed.

11 I've seen -- I've seen probably worse  
12 things, but none that was as expensive.

13 Q At the time that you were the interim CIO in  
14 2005, you said that you saw Mr. Foddrill -- at least one  
15 evening you can remember seeing him at work.

16 A Uh-huh.

17 Q Were you aware of the fact that Mr. Foddrill was  
18 working late and taking work home, looking over bills and  
19 invoices?

20 A Other than that he told me that, no. I wouldn't  
21 have been able to have a chance to observe it.

22 Q And you were aware that the contracts for that  
23 department were behind and fixing to expire and nothing  
24 had been done as far as those contracts?

25 A Yes.

1 Q Were you aware that an audit was done of the  
2 contract -- of one of the contracts in that department,  
3 the Avaya contract?

4 A Not that I recall. Is there some detail you  
5 have about it that might jog my memory regarding what it  
6 said?

7 Q Probably not.

8 A Okay.

9 Q More specifics to the contract that you might  
10 not be familiar with. But were you aware at the time  
11 that you were the interim CIO in 2005 of any audits being  
12 done on the contracts in that department?

13 A Only by the city auditor on the SAP contracts.  
14 There was a huge number of audits being done on the SAP  
15 system by Pat Major, the city auditor at that time, to  
16 both make substantive recommendations on better ways to  
17 do the project, and to do checks to make sure our  
18 financial controls were adequate before modules went  
19 live. So we had a substantial number of audits in that  
20 area, but I don't recall any telecom audits. I just  
21 don't have any recollection of them.

22 Q Does the vendor Avaya even ring a bell to you?

23 A Oh, sure. I knew we had Avaya stuff, and I knew  
24 that Avaya, along with a lot of other companies, were  
25 struggling to transition to more modern ways of doing

1 business. It was a tough time. There's been a lot of  
2 consolidation, as you're aware of, in this industry, and  
3 we were concerned that they might be a takeover target,  
4 or any number of companies might be acquired or might go  
5 out of business, and they were on my list of ones to be  
6 concerned about.

7 Q Were you aware that at one particular time  
8 contract manager, Robert Valdez, couldn't even find the  
9 Avaya contract before the audits?

10 A I'm aware that Robert had a hard time finding a  
11 lot of contracts, and I tasked him with gathering into  
12 one place and then eventually imaging. I don't know if  
13 he did, but I asked him to image all the contracts so we  
14 would have a complete record of the contracts that we, in  
15 fact, had executed. And they were just spread out in  
16 people's filing cabinets and some of it was over in  
17 purchasing and contract management, and they were -- they  
18 were in the organization generally, but not accessible  
19 was what I got from them.

20 Q You left the interim CIO position in July of  
21 2005.

22 A Yeah. I actually came back in July. I can't  
23 remember my actual last date. I know I went to Norway  
24 sometime in there because my wife's Norwegian and we go  
25 to visit her family there. I can't remember. I know I

1 was gone and then came back for that last two or three  
2 days of work, and that was in July -- sometime toward the  
3 end of June, beginning of July was when I actually put in  
4 my last full weekend. I could look. I think the City  
5 probably has some kind of record of when I was paid for.

6 Q Yes.

7 A So they would actually have an accurate record  
8 of when I was here on-site because I would turn in  
9 reports as to what days I was here.

10 Q Who became the CIO after you left?

11 A Michael Armstrong. And then that would have  
12 been in August or September, I believe, he came on board.

13 Q Were you involved in any way in the hiring of  
14 Mr. Armstrong?

15 A I was involved in the interview team and in  
16 reviewing the resumes that were presented by a company  
17 called Arcus, who was the actual contract holder of this  
18 activity that subcontracted to me the work I was doing.

19 So I was actually a subcontractor is  
20 probably a better way of describing me, and Arcus was the  
21 headhunter firm that was used to hire the city manager  
22 and was used to hire the CIO.

23 Q Now, Mr. Armstrong, was he hired as an employee  
24 of the City?

25 A Yes.



1 Q So he was not a contract worker like you were in  
2 that position?

3 A That's correct.

4 Q And he is no longer in that position. Do you  
5 know why he left?

6 A I believe two things. One, there was a conflict  
7 of goals and personality between Mr. Armstrong and the  
8 other managers in the city manager's office just in terms  
9 of how he liked to do business and how they wanted to  
10 have their CIO do business. And the scale of the city  
11 being so large and hard to manage as being as large as it  
12 is, was not the kind of place he wanted to work.

13 He has told me since -- and I've met with  
14 him -- that he would like to work in a medium-sized city  
15 that's more in the size of where he came from, like a  
16 Des Moines or a Mesa, Arizona, or a Lexington, Kentucky,  
17 sized city because he feels that they're a lot more  
18 manageable and he would be a lot less stressed and  
19 happier in a position like that. There was just too much  
20 to do here.

21 Q Did you immediately come back to the City upon  
22 his leaving or was there a gap in that position?

23 A There was -- there was a gap of a few days  
24 because my mother passed way. The day I was supposed to  
25 actually travel here, she passed away, so it was about

1 four days later. So there were a few days that Jelynne  
2 Burley was actually the acting CIO, I think.

3 Q And is there a process going on right now to  
4 fill that position permanently?

5 A Not yet.

6 Q You're under a six-month contract --

7 A Uh-huh.

8 Q -- as an employee?

9 A Uh-huh.

10 Q Is there a possibility that that contract will  
11 extend?

12 A There's a possibility that I could become the  
13 CIO as a permanent employee of the City rather than being  
14 a temporary employee, and I have discussed that  
15 possibility with Jelynne. And it was part of my offer  
16 when I came here, to see if they would rather have  
17 somebody who is not necessarily here all the time  
18 physically on-site, but who would provide the oversight  
19 and governance, strategy, new ideas if you need them,  
20 business process change ideas, that would support a good  
21 CTO, which is chief technology officer, which is what  
22 Hugh is doing now.

23 So I had included that possibility when I  
24 responded to their wish to have me come back and said  
25 that we would discuss -- I would be happy to discuss that

1 with them if they were interested, and it proves that  
2 they're interested in at least talking about that.

3 Q When you left and Mr. Armstrong took over, did  
4 you have any discussions with Mr. Armstrong about any  
5 concerns raised by Mr. Foddrill?

6 A I think what I had said to him was two things.  
7 One, that I didn't feel that Jose was a strong manager  
8 and that I had recommended that something be changed  
9 there. That was incorporated under the changes in the  
10 organizational chart I've described to have two main  
11 wings, one software and one hardware, and then have a  
12 customer service division and then have a group that  
13 managed projects and things like that. The context of it  
14 was that discussion that he should have other people  
15 managing that process.

16 The second thing was I think I might have  
17 mentioned that there had been some concerns raised, but  
18 that I really couldn't judge how much of it was someone  
19 reading into -- John was reading into things more than  
20 what was there or whether there was legitimacy to them  
21 because I really couldn't judge it.

22 He had concerns. You know, he had raised a  
23 lot of issues, and I always encourage people to -- you  
24 know, if they think something is going on that's wrong to  
25 bring it to me and, you know, I will work with them to

1 pursue it. But I just didn't have the kind of evidence  
2 or way of judging the allegations to know whether they  
3 were founded or unfounded. So I shared, I think, that  
4 with Michael to say there had been some concerns raised  
5 in two areas: Around telecom and the other one was  
6 around the police system for the computer-aided dispatch  
7 and the direct recording of police activities from the  
8 squad car.

9                   That system was also a mess. And it was  
10 also one of the worst contracts I've ever read and I told  
11 them about it, and I said -- those two areas looked like  
12 they had enough problems that I couldn't tell if it was  
13 incompetence or corruption or inattention. I just  
14 couldn't tell.

15                   I just said, It's just not being done well,  
16 and I don't know why. And I don't have any proof in any  
17 of those three except I just know that if I were in  
18 charge of those, I would expect to be handed my walking  
19 papers if it ran that badly.

20           Q       Since you've been back, have you been made aware  
21 of the findings of an audit that was done in that  
22 department about the vendor contracts?

23           A       Is this called a -- I'm trying to think of the  
24 name of it. It's the department for the city that  
25 manages --

1 Q I'm not talking about municipal integrity.

2 A That word. I've been told that one of those  
3 investigations was conducted.

4 Q Have you seen that -- results of that  
5 investigation?

6 A No. I've only been told by Jelynne that there  
7 was no specific finding of a problem. You know, with  
8 some other words that I don't recall, but the basic  
9 recollection I have is that it did not determine there  
10 was anything that was actionable.

11 Q But you haven't seen a separate audit that was  
12 done, an audit report?

13 A Can you tell me who did the audit? I might have  
14 read a report.

15 Q It would have been done by auditors, so it was a  
16 true audit report, not an investigation by municipal  
17 integrity.

18 A Would it have been done by the city auditor or  
19 by a third-party auditor?

20 Q It's my understanding by the city auditors.

21 A Of telecommunications contracts?

22 Q Of the Avaya contract.

23 A No. I have not seen that.

24 Q Okay. Do you have any information as to why  
25 Mr. Foddrill was terminated?

1           A     I don't have any direct knowledge. I only have  
2 secondhand knowledge. I can tell you what I've been  
3 told.

4           Q     What have you been told?

5           A     I have been told that -- a couple of things.  
6 One was that upon a time period where he had taken a  
7 leave or was gone, either on vacation or leave, his work  
8 group was able to eliminate a large backlog of work which  
9 you would normally expect the opposite to happen. When  
10 your team leader is gone, you might expect things to get  
11 worse, but they got better when he was gone, and that was  
12 an indicator to some of the people that certain work that  
13 was assigned to him was not getting done and the general  
14 complaint that I understand was placed against him was  
15 that he was not doing the work that was assigned to him  
16 to do.

17          Q     Have you ever heard of an account in that  
18 telecommunications department that was called the  
19 variable account?

20          A     Variable.

21          Q     Variable.

22          A     No. Were there any other names for it?

23          Q     No. That's the only one we've had it called so  
24 for.

25          A     I don't know what that is.

1 Q It's, apparently from the testimony, an account  
2 that was set up due to fluctuating, like, long distance  
3 bills in the City and fluctuating costs for telephones so  
4 that a certain amount is paid for each unit into this  
5 fund and then the bills are covered. Almost your per  
6 capita situation that you were talking about.

7 A Other than I have general knowledge that we  
8 currently do have variable bills, if there's an account  
9 that goes to cover that, I'm not -- I don't know that  
10 there's a separate account. I don't have knowledge of  
11 that. It would make sense that we have to even out the  
12 service because some of these things we charge one rate  
13 for even though there's variability in what it costs, so  
14 you have some ways in having to level those out.

15 There are other things that are  
16 specifically charged to people that are, in fact, a  
17 variable cost, so it might relate to that. Variable  
18 costs are things that go up and down, and you're asked to  
19 pay your portion more specifically of that exact cost,  
20 but if there's an account for that, I just don't know.

21 Q Back to what you've been told about why  
22 Mr. Foddrill was terminated, who told you these things?

23 A Yolanda Maldonado.

24 Q And who is that?

25 A She is the assistant director over software.

1 Kevin Phillips, who is the assistant director over  
2 hardware, and Hugh Miller, who was the director of the  
3 ITSD.

4 Q Do you know who was responsible for terminating  
5 Mr. Foddrill?

6 A No, I don't.

7 MS. GAUL: Can I have you mark this one as  
8 Deposition Exhibit 4?

9 (Exhibit 4 marked.)

10 Q (BY MS. GAUL) I'm less concerned with what  
11 Mr. Foddrill wrote and more concerned with whether you  
12 remember receiving an e-mail after you left from  
13 Mr. Foddrill.

14 A Yeah, I remember receiving this e-mail.

15 Q Do you remember responding that you would give  
16 him a call?

17 A Yeah. I mean, this looks familiar when I see  
18 it.

19 Q And do you remember ever calling him?

20 A I don't remember if I did or not.

21 Q So do you remember any reason why you would not  
22 have called after sending that e-mail?

23 A Other than -- well, I guess I don't know. Did  
24 he give me a number, a day and evening number? That  
25 might have been one reason. I don't remember if I got



1 the number to call him. The other one would have been  
2 that I would have handed this responsibility off since I  
3 was no longer there. I would have, you know, indicated  
4 to Mr. Armstrong that this was an issue that he'd have to  
5 deal with. Because I met with him -- because we knew he  
6 was being hired in June. I believe he was extended an  
7 offer in June of 2005 to become the city's chief  
8 information officer.

9                   And then I met with him in Des Moines at my  
10 home, and briefed him on department leaders that I had  
11 worked with, such as Tom Wendorf, with what their issues  
12 were. Inside IT and who I'd work with there. Who I felt  
13 he could have trust in and who was doing a good job and  
14 who wasn't.

15                   My recommendations that I made on  
16 reorganization, so I had an extended discussion with him,  
17 so one of the reasons if I didn't talk to him might have  
18 been because I handed it off to him to say, You know  
19 what? I'm no longer there and there's nothing I can  
20 really do about this. So if anything, I would have  
21 handed it off to him. That's the only reason I can think  
22 of.

23                   Also, some of -- I've read letters from  
24 people at a state level, or folks who allocate -- allege  
25 a lot of things about government for a long time, you

1 know, and I've investigated many of them. And sometimes  
2 it starts to sound like someone gets obsessed about  
3 something and there may or may not be something behind it  
4 and they get too wrapped up in it and they're having  
5 trouble focusing and I began to be concerned that that  
6 might be what was happening here. Whether there was  
7 something here or not, there was an awful lot of energy  
8 and harm being caused through John just worrying so much  
9 about this and being so tied up with it. And without  
10 knowing whether it was really legitimate, you know, I was  
11 concerned that he just might have gotten caught in a loop  
12 and just kept focusing on this and not being able to get  
13 out of the loop to move on, to continue to be able to  
14 work there and be comfortable doing his job.

15           And I've seen this happen with other  
16 employees. They just get so obsessed about something  
17 they think is wrong, they have a hard time continuing to  
18 work. So I think I might have shared -- I couldn't --  
19 that kind of concern with Michael Armstrong. I just  
20 couldn't tell, but it seemed like that might be part of a  
21 concern that he should have about this, so that when he  
22 dealt with Mr. Foddrill, he should try to figure out in  
23 an independent way if he had concerns about what had been  
24 happening with stuff.

25           But John isn't a paid investigator. That

1 wasn't his job to worry about these things, but he was  
2 doing all that stuff and worried about doing it. And it  
3 was neither benefiting him, nor was it actually getting  
4 out the results that were needed to determine whether or  
5 not there was a management problem, inattention or  
6 something else. So I think that would have been the  
7 reason. I don't have any other reasons that I wouldn't  
8 have called. No one asked me not to. No one said  
9 anything to me at all regarding this, so I don't have any  
10 other information to give you about that.

11 MS. GAUL: I have nothing further. Pass  
12 the witness.

13 MS. KLEIN: We'll reserve our questions.

14 (Deposition concluded at 4:03 p.m.)  
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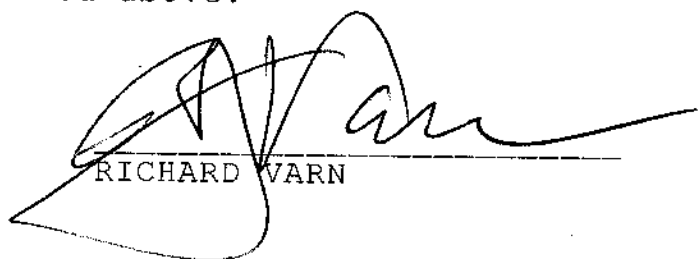
CHANGES AND SIGNATURE

WITNESS NAME: RICHARD VARN      DATE: AUGUST 15, 2007

PAGE	LINE	CHANGE	REASON
24	22	Phillips' to Goodwin's	said wrong lastname
40	1	Phillips to Goodwin	said wrong lastname

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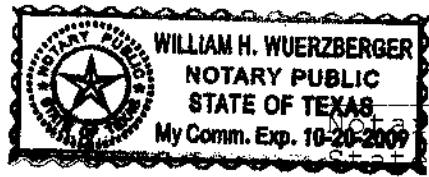
1 I, RICHARD VARN, have read the foregoing deposition  
2 and hereby affix my signature that same is true and  
3 correct, except as noted above.

4  
5   
6 RICHARD VARN

7 THE STATE OF TEXAS )  
8 COUNTY OF BEXAR )

9 Before me, William Wuerzberger on this day  
10 personally appeared RICHARD VARN, known to me (or  
11 proved to me under oath or through ID )  
12 (description of identity card or other document) to be  
13 the person whose name is subscribed to the foregoing  
14 instrument and acknowledged to me that they executed  
15 the same for the purposes and consideration therein  
16 expressed.

17 Given under my hand and seal of office this  
18 17th day of September, 2007.



20 William H. Wuerzberger  
21 Notary Public in and for the  
22 Stat of TEXAS

NO. 2006-CI-06702

1

2 JOHN E. FODDRILL, SR., ) IN THE DISTRICT COURT  
 3 PLAINTIFF(S) )  
 4 VS. ) BEXAR COUNTY, TEXAS  
 5 CITY OF SAN ANTONIO, )  
 6 DEFENDANT(S) ) 45TH JUDICIAL DISTRICT

REPORTER'S CERTIFICATION

ORAL DEPOSITION OF RICHARD VARN

AUGUST 15, 2007

7

8

9

10 I, SHARON L. MCDONALD, Certified Shorthand  
 11 Reporter in and for the State of Texas, hereby certify  
 12 to the following:

13 That the witness, RICHARD VARN, was duly sworn  
 14 by the officer and that the transcript of the Oral  
 15 Deposition is a true record of the testimony given by the  
 16 witness;

17 That the deposition transcript was submitted on  
 18 9-7-07 to the witness or to the attorney  
 19 for the witness for examination, signature, and return to  
 20 me by 9-27-07 ;

21 That the amount of time used by each party at the  
 22 deposition is as follows:

23 MS. MALINDA A. GAUL - 00:58  
 24 MS. DEBORAH L. KLEIN - 00:00

25 That pursuant to information given to the  
 deposition officer at the time said testimony was taken,  
 the following includes counsel for all parties of record:

MS. MALINDA A. GAUL, Counsel for Plaintiff;  
 MS. DEBORAH L. KLEIN, Counsel for Defendant.

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I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

Further certification requirements pursuant to Rule 203 of TRCP will be certified to after they have occurred.

Certified to by me this 5th day of September, 2007.



Sharon L. McDonald, CSR, RPR  
Texas CSR 5423  
Expiration: 12/31/07  
Depositions Plus  
14080 Nacogdoches Road No. 341  
San Antonio, Texas 78247  
(830) 303-5111

## 1 FURTHER CERTIFICATION UNDER RULE 203 TRCP

2 The original deposition was was not returned to  
3 the deposition officer on 9-19-07;


4 If returned, the attached Changes and Signature  
5 page contains any changes and the reasons therefor;

6 If returned, the original deposition was delivered  
7 to MS. MALINDA A. GAUL, Custodial Attorney;

8 That \$ 202.75 is the deposition officer's  
9 charges to the Plaintiff for preparing the original  
10 deposition transcript and any copies of exhibits;

11 That the deposition was delivered in accordance  
12 with Rule 203.3, and that a copy of this certificate was  
13 served on all parties shown herein and filed with the  
14 Clerk.

15 Certified to by me this 1st day  
16 of October, 2007.

17 

18 Sharon L. McDonald, CSR, RPR  
19 Texas CSR 5423

20 Expiration: 12/31/07

21 Depositions Plus

22 14080 Nacogdoches Road No. 341

23 San Antonio, Texas 78247

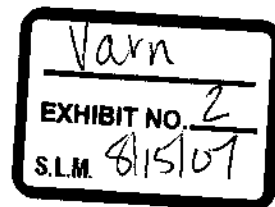
24 (830)303-5111  
25



## John Foddrill

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From: Richard Varn  
Sent: Wednesday, June 22, 2005 9:05 PM  
To: John Foddrill  
Subject: Re: Status of RFP for Telecommunications Consultant



Not to worry and glad to talk with you. Please set it up with Alan.

-----Original Message-----

From: John Foddrill <JFoddrill@sanantonio.gov>  
To: Richard Varn <Richard.Varn@sanantonio.gov>  
Sent: Wed Jun 22 20:57:55 2005  
Subject: RE: Status of RFP for Telecommunications Consultant

Mr. Varn,

I apologize. I work directly for Mr. Medina. As he makes all the telecommunications decisions, he indicated that he would submit the final draft for approval.

I spoke to you one evening and you told me that I would never get in trouble with the City by telling the truth and doing the right thing. We spoke about my contracts and proposals being held up on someone's desk for weeks and months. I avoided giving you a name at the time. I hope I don't appear disloyal by simply telling the truth now. I don't want to get in any trouble.

If I could be so forward I would ask if I can speak with you for just five minutes. You have made quite an impression in the few months you have been in San Antonio and I would really appreciate your advice and guidance. I realize that you are a very busy man and would not take up your time foolishly.

Thank you.

John Foddrill  
Telecommunications Manager

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From: Richard Varn  
Sent: Wed 6/22/2005 6:51 PM  
To: Robert Valdez; Jose Medina; John Foddrill; Mike Mitchell; Hugh Miller  
Cc: Norbert Dziuk  
Subject: Re: Status of RFP for Telecommunications Consultant

God took less time to make a lot more.

Get this done now. If this cannot be completed by close of business tomorrow, I want the person holding it up to call me and tell me why it will not be done.

I am, unlike God, out of patience.

Richard

-----Original Message-----

From: Robert Valdez <rvaldez@sanantonio.gov>  
To: Jose Medina <jmedina@sanantonio.gov>; John Foddrill <JFoddrill@sanantonio.gov>; Mike Mitchell <mmitchell@sanantonio.gov>

CC: Richard Varn <Richard.Varn@sanantonio.gov>; Norbert Dziuk <ndziuk@sanantonio.gov>  
Sent: Wed Jun 22 18:46:08 2005

Subject: Status of RFP for Telecommunications Consultant

We met last week and I updated the document during the meeting then sent the RFP to you for final review and requested returns.

Not received. Richard and Norbert need an update.

Please forward your comments ASAP. There were a lot of changes and need you to let me know if I conveyed these changes correctly and if anything was missing.

Thanks  
Robert

-----Original Message-----

From: Norbert Dziuk

Sent: Tuesday, June 21, 2005 8:36 AM

To: Robert Valdez

Subject: Status of RFP for Telecommunications Consultant

Robert,

What is the latest status of the RFP for the Telecommunications Consultant? What the anticipated release date? Appreciate any information you can provide.

Norbert

## John Foddrill

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**Subject:** Meet w/ John Foddrill (Telecommunications Manager)  
**Location:** Mr. Varn's Office - 9th Floor Riverview Towers

**Start:** Fri 6/24/2005 1:30 PM  
**End:** Fri 6/24/2005 2:00 PM  
**Show Time As:** Tentative

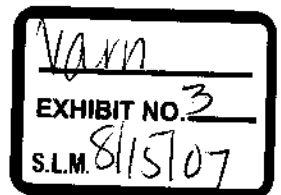
**Recurrence:** (none)

**Meeting Status:** Accepted

**Required Attendees:** Richard Varn; John Foddrill

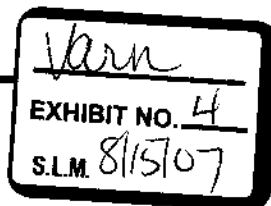
\*Need to confirm with Mr. Varn

207-6910



John Foddrill

From: Richard Varn  
Sent: Monday, July 11, 2005 12:00 PM  
To: John Foddrill  
Subject: Re: Meeting follow-up - John Foddrill



Send me a number where I can call you during the day and an evening number. I will find a time this week when we can talk.

-----Original Message-----

From: John Foddrill <JFoddrill@sanantonio.gov>  
To: Richard Varn <Richard.Varn@sanantonio.gov>  
Sent: Sun Jul 10 21:59:16 2005  
Subject: Meeting follow-up - John Foddrill

Mr. Varn,

I wanted to take a minute to thank you for everything you have attempted to do in providing me with assistance and guidance. I realize that you did your best in the short time that you were here. I regret not being able to speak with you but realize that your time is valuable.

Mr. Moeller and I discussed the reorg several times before he retired. He asked me as Telecommunications Manager to consolidate my team with the data FEA group in an effort to provide one point of contact for our users. He asked that I consolidate and train the City's technicians in an effort to provide in-house support for installation and repair issues. I assured him that I would use my years of combined voice and I/T experience to accomplish the task as quickly as possible. He approved my plans to upgrade the City switches and directed Mr. Medina to provide me with the funding required. He told me that I could retain and use any money I saved going forward for communication projects. You and I spoke of these issues in a meeting and my projects were added to the fix-it list once I learned of its existence.

When the new organization chart was revealed I was puzzled to see nothing of our discussion outlined. Technicians work for another group but I have been directed to train them. Data FEA works for another group but I have been directed to train them also. The Cellular/pager employees were moved to another group but I still provide the same support as before. I have been directed to write procedures explaining how voice services are supported in an effort to bring others up to speed. When I questioned the sudden about-face I was told that Mr. Moeller is gone and to forget about anything we discussed.

I waited two weeks in the hope that some good would come of our short meeting. Last week I was suddenly told to cancel the switch upgrade scheduled for August as I would get no funding for Avaya equipment. I have been directed to reuse materials and install used key equipment to support our users. I spent the past year working toward this upgrade that would have provided relief across the entire city. I addressed many years worth of neglect in an effort to provide some focus for the communications group. Suddenly and unexpectedly a year's worth of hard work was tossed away. When I attempted to defend my plans to provide state-of-the-art communications service to our users I was told to "shut up and do as I am told". I was told that you were gone and that I had better get used to it.

This spring I was honored as "Employee of the Month" after only six months of service with the City. Mr. Moeller himself told Mr. Miller that I should be nominated for higher awards because of my performance. I was asked to participate in some major changes anticipated with the reorganization. I looked forward to a long career with the City.

I agreed with Mr. Moeller when he discussed the problems of working with Cisco such as those experienced by Houston, Dallas and San Jose California. This shouldn't jeopardize my career. I spoke to both Mr. Moeller and yourself about Mr. Medina's behavior. This shouldn't jeopardize my career. I've audited communications invoices and uncovered hundreds of thousands of dollars in potential savings or recoverable overpayments. This shouldn't jeopardize my career. I've cooperated with auditors and recommended cost saving

solutions that should have been implemented years ago. This shouldn't jeopardize my career. Nothing I've done should put my career in jeopardy yet I believe this is exactly what has happened.

I really want to continue working for the City but I'm tired of the threats, lies and lack of support. I don't want to appear unappreciative of your assistance but I'm really tired of all the nonsense. I'm fifty-four years old and have spent thirty-five years working in the communications and I/T support fields. I held numerous titles in the telecommunications arena (craft and management) before transforming myself into an I/T Manager obtaining several certifications along the way from a simple A+ to MCSE. A year ago I accepted the position of Telecommunications Manager but feel as if I am simply a clerk.

If it wouldn't appear too forward I'd like to ask you for some advice. You've worked your way up to several positions of immense responsibility. You must have encountered obstacles along the way that may have been similar to my current predicament. What did you do to overcome and keep on moving? What would you do if you were in my position?

Thank you again for all your support. I'm sorry to see you go.

John Foddrill