

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

**BOARD OF DIRECTORS MEETING MINUTES**

**Thursday, June 25, 2020**

**Via Teleconference**

**Regular Meeting - 7:30 p.m.**

**CALL TO ORDER**

President Deppe called to order the Regular Meeting of the Board of Directors at 7:32 p.m. Directors Cyrus Modavi, Rachele Sherris-Watt, Eileen Nottoli, and Sylvia Hacaj were present at roll call.

Staff present included Interim General Manager Bill Lindsay, General Counsel Ann Danforth, Interim Police Chief Walt Schuld, Finance and Business Manager Katherine Korsak, and Clerk of the Board Lynelle M. Lewis.

**GENERAL PUBLIC COMMENT**

The following persons presented public comment: 1) Catherine de Neergaard commented that Director Modavi had been mistreated at the last meeting, the District should investigate the General Counsel Ann Danforth's billing, requested full view of all Zoom participants for more transparency, and expressed concerns about the District's finances and the pension obligation bond; 2) Karl Kruger commented that he had not been recognized at the last meeting and said that he would like to discuss the budget; 3) A. Stevens Delk commented on staff's use of District computers and asked whether Policy 3000 had been updated to address telecommuting; 4) Lynn Wolter commented that she had not been called on at the last meeting, asked about the number of participants on the teleconference, and asked how many employees had been provided District computers; and 5) Mark Altenberg provided an update on the work and activities being done on paths by Kensington Pathkeepers and asked about ownership of paths.

Finance and Business Manager Katherine Korsak replied that she and the Clerk of the Board had District laptops but they use their personal office equipment (i.e. paper, ink, internet service, etc.) to complete their work.

**BOARD/STAFF COMMUNICATION**

General Manager's Report. General Manager Lindsay reported on the continuing work on the PSB renovation. He reported on conversations with the Kensington Fire Protection District's (KFPD) General Manager Mary Morris-Mayorga about next steps to continue the joint work on the additional architectural work. The scope of this extra service request being prepared by the architect is to understand if there is going to be an elevator required as part of the retrofit. He said the KFPD has offered to split the costs with KPPCSD for the extra services. He also reported that they began a conversation on what work we could do together on shared facilities during construction.

Director Modavi asked for clarification about shared facilities and when there will be discussion about the options for moving administrative staff and the police. Mr. Lindsay said staff has been

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researching alternative locations, but he wanted to have more definition of where we are going on the PSB. He also said there is lead time for both agencies to move out since it will take time for KFPD to prepare construction drawings, get permits and go out to bid. Director Modavi commented that the Gore lot needs to be pruned so that KPPCSD does not get cited for abatement. Mr. Lindsay said staff would research this and if it is a fire hazard, we will get on this right away. Director Modavi also asked about the posting for the General Manager recruitment and what role the Board will play in determining parameters. Mr. Lindsay said this is a work in progress and it will be brought to a future Board meeting for discussion.

The following persons provided public comment: 1) David Bergen asked about the schedule for opening the Community Center; and 2) Catherine de Neergaard asked for a monthly profit and loss statement on the website.

Interim General Manager Lindsay remarked that the final work at the Community Center is being completed. At this time, we cannot hold large gatherings such as a grand opening due to the current public health orders. In response to comments on posting a monthly profit and loss statement on the website, Mr. Lindsay said staff would look at having a monthly close. Ms. Korsak noted that financial documents are on posted on the Finance Committee section of the website.

Board of Directors Communication. Director Sherris-Watt commented that we plan to allow rentals at the Community Center but that is up to Contra Costa County to establish cleanliness and usage rules. We will present updated information as soon as the County provides it.

Director Hacaj raised concerns brought by Kensington residents about unequal treatment of minority groups as they move through town. She said the Police Chief should look at reports of suspicious behavior, particularly those based on a person's skin color. She requested that the Kensington Police Department have a policy for managing its response to calls about suspicious behavior and have public discussions how it is dealt with. Interim Police Chief Schuld responded that he was not aware of these types of racially targeted incidences while he has been Chief. He said the Police Department has a policy for contacts and temporary detentions, a bias based policing departmental order, and officers have a body worn camera to record their actions. Police Chief Schuld encouraged people to contact him directly so he can investigate and take appropriate action if they believe something is not right or if they believe a person has been stopped for the color of their skin. Director Hacaj asked if there is a regular review of footage and Police Chief Schuld said there are random audits of the videos.

The following person presented public comment: 1) Meryl Natchez Rafferty commented that Kensington is transforming its Police Department and we should look to the future and not the past.

**CONSENT CALENDAR**

Interim General Manager Lindsay introduced the Consent Calendar. Director Sherris-Watt asked if the annual increase in the amendment with the City of Albany (Item 4) would be consumer price index or 5% whichever is lower. General Counsel Danforth said the escalation clause is the same.

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- The following persons presented public comment: 1) Karl Kruger questioned the motion to extend the meeting on page 4 of the Minutes and said the Kosmont proposal is not legal because the meeting wasn't extended before the vote; 2) Lynn Wolter commented the District owns a path between Highland and Canyon and asked when the process will begin for a permanent Police Chief; 3) A. Stevens Delk commented that the terms of elected directors' begin on the first Friday of December.

Items 1, 2, 3, 4 and 5 were removed from the Consent Calendar for comment.

### 1. Consider Approval of Minutes for the Regular Board Meeting of June 11, 2020.

President Deppe noted that the Minutes should reflect that the first meeting extension was until 10:30 p.m. (not beyond 9:30 p.m.). Director Nottoli pointed out that she commented that the pension obligation bond would be problematic if the return of CalPERS would be lower than the bond interest rate. Also Dan Massiello from Kosmont admitted that it would be problematic if that occurred especially in the first year. She requested that the Minutes reflect her concern. Director Sherris-Watt commented that we should check on the meeting extension times, but noted that she was sure the meeting was properly extended before voting on the pension obligation bond. Director Nottoli asked staff to listen to the video and make sure times were right. Director Modavi commented that the motions are not verbatim. He asked if the motion on the pension obligation bond should read "move that we vote on" or "move to adopt". Director Hacaj pointed out that Director Nottoli's vote on the pension obligation bond (page 5 ) is listed as both an "AYES" and an "ABSTAINED". It should read ABSTAINED only.

- It was moved by Director Sherris-Watt, seconded by Director Hacaj, to approve the Regular Meeting Minutes of June 11, 2020 with the corrections identified by Directors Nottoli, Modavi, and Hacaj, and asked staff to look into the timing of the motion to extend the meeting and clarify the motion language on Resolution No. 2020-08. The motion carried (3-1-1) by the following roll call vote: AYES (Directors Hacaj, Sherris-Watt, and Deppe); NOES (Director Modavi); and ABSTAINED (Nottoli).

### 2. Consider Resolution No. 2020-11 Confirming the Appointment of Interim General Manager William Lindsay as Required by CalPERS.

Director Modavi pulled Items 2 and 3 to request clarification on why these items did not come to the Board earlier. Finance and Business Manager Korsak explained that it was an oversight and adoption of these two resolutions would ensure that the District aligns with CalPERS annuitant rules and regulations.

- It was moved by Director Hacaj, seconded by Director Sherris-Watt, that the Board adopt Resolution 2020-11 a resolution of the Board of Directors of the Kensington Police Protection and Community Services District approving the appointment of Interim General Manager William A. Lindsay, carried (5-0) by the following roll call vote: AYES (Directors Modavi, Hacaj, Sherris-Watt, Nottoli, and Deppe); and NOES (None).





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Resolution No. 2020-11 – A Resolution Of The Board Of Directors Of The Kensington Poice Protection And Community Services District Approving Appointment Of Interim General Manager Williams A. Lindsay.

**3. Consider Resolution No. 2020-12 Confirming the Appointment of Interim Chief of Police Walter Schuld as Required by CalPERS.**

- It was moved by Director Hacaj, seconded by Director Modavi, that the Board adopt Resolution 2020-12 a resolution of the Board of Directors of the Kensington Police Protection and Community Services District approving appointment of Interim Police Chief Walter Schuld as required by CalPERS, carried (5-0) by the following roll call vote: AYES (Directors Modavi, Hacaj, Sherris-Watt, Nottoli, and Deppe); and NOES (None).

Resolution No. 2020-12 – A Resolution Of The Board Of Directors Of The Kensington Poice Protection And Community Services District Approving Appointment Of Interim Police Chief Walter Schuld.

**4. Consider Approval of an Amendment to the Contract with the City of Albany Police Department to Provide Dispatch Services to the Kensington Police Department, Extending the Term for Three Years in an Amount Not to Exceed \$105,000 in Year One, with Annual CPI Increases in Years Two and Three.**

Director Hacaj asked if Police Chief Schuld had reviewed the prioritized response for the Albany Lexipol policy. Interim Police Chief Schuld said he was comfortable with this. Director Hacaj also asked about quarterly meetings on the dispatch contract, and Chief Schuld said he had not met but has had regular conversations with the Albany Chief.

- It was moved by Director Sherris-Watt, seconded by Director Hacaj, that we approve the amendment to the contract with the City of Albany Police Department to provide dispatch services to the Kensington Police Department extending the term for three years in an amount not to exceed \$105,000 in year one, with annual CPI increases in year two or year three or with the percentage increase rate of 5% whichever is lesser, carried (5-0) by the following roll call vote: AYES (Directors Modavi, Hacaj, Sherris-Watt, Nottoli, and Deppe); and NOES (None).

**5. Consider Resolution No. 2020-13 Updating Signature Authority for the Account at Mechanics Bank.**

President Deppe asked why the District has an asset forfeiture account, and Police Chief Schuld explained that it is a property and evidence account. President Deppe asked whether an audit had been done, and Finance and Business Manager Korsak said staff will conduct an audit before the account is closed. The funds will be transferred to Contra Costa County and they will open an account. Director Modavi asked about the process and why a board member needed to be on the account. General Manager Lindsay explained that it was for financial control and convenience.



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- It was moved by President Deppe, seconded by Director Sherris-Watt, that we adopt Resolution 2020-13 a resolution of the Board of Directors of the Kensington Police Protection and Community Services District approving removal of Kevin Hart and Andrea Di Napoli as named individuals on The Mechanics Bank property account and adding Board President Chris Deppe, Interim General Manager Williams A. Lindsay, Chief Walter Schuld and Finance and Business Manager Katherine Korsak to the account with the addition that we do a full audit of the account before closing it, carried (5-0) by the following roll call vote: AYES (Directors Modavi, Hacaj, Sherris-Watt, Nottoli, and Deppe); and NOES (None).

Resolution No. 2020-13 – A Resolution of the Board of Directors of the Kensington Police Protection and Community Services District Approving Removal Of Kevin Hart And Andrea Di Napoli As Named Individuals On The Mechanics Bank Property Account And Adding Board President Chris Deppe, Interim General Manager William A. Lindsay, Chief Walter Schuld And Finance And Business Manager Katherine Korsak To The Account.

## BOARD DISCUSSION AND DETERMINATION

### 6. Review the Kensington Police Protection and Community Services District Proposed Fiscal Year 2020-21 Budget and Provide Direction to Staff.

Finance and Business Manager Korsak highlighted the proposed FY 2020-21 budget. The budget is balanced with revenues of \$3,528,577 supporting operating and capital expenditures of \$3,464,644 in three services areas: Police, Parks & Recreation, and Administration. Revenues are projected to increase by 2.9% in the coming year while expenditures are proposed to increase by 1.4% in FY 2020-21, generating an operating surplus of \$63,913. She pointed out that the Chart of Accounts has been expanded for more transparency. The income is allocated across all three departments more evenly to promote departments to adhere to their budgets and stay positive. In the past, only the Police Department functioned in the green and the other departments started the fiscal year in the red. The Police Department will receive 63% of the General Levy Tax, account 401, plus all the designated police income accounts 402-418. The Parks and Recreation Department will receive 6% of the General Levy Tax, account 401, and income accounts 424 and 427. The District Administration Department will receive 31% of the General Levy Tax, account 401, plus account 456.

Director Hacaj noted that there may be savings on crossing guard expenses since school was out early and this year's start date has not been determined. Director Hacaj expressed concerns about cost savings (i.e. outsourcing major crimes and internal affairs) and Chief Schuld said outsourcing would be rarely used but would provide additional resources if needed. Director Hacaj asked about the use of Community Service Officers (CSOs), and Chief Schuld said CSOs would not be in Kensington and cannot perform the same duties as a sworn police officer. Director Hacaj asked about other potential operational efficiencies or cost savings. Ms. Korsak said there may be more income through grants. Director Nottoli asked if staff had evaluated increased electricity cost versus gas costs for the new vehicles. Ms. Korsak said the new vehicles

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would be hybrids not straight electric. Director Modavi asked about the reduction in account 595 and Ms. Korsak pointed out that it was due to completion of the memorandum of understanding.

- It was moved, seconded, and carried (5-0) to extend the meeting until 11:00 p.m.

Director Modavi asked if the Landscape and Lighting Assessment District tax had been analyzed to fully cover the park's costs. Interim General Manager Lindsay said this is a Board policy decision which can be reviewed as part of next year's budget. There were questions about the funds for the Annex renovation, the proposed 10 hour a week Accounting Specialist position, and reserves. Director Sherris-Watt said she would provide Ms. Korsak with a copy of the reserve policy. Regarding solid waste, Director Nottoli pointed out that funds should be set aside for negotiating the solid waste contract which is up in 2023.

- The following persons provided public comment: 1) Karl Kruger said the budget document is different than the materials received by the Finance Committee, the budget needs a vision statement from the General Manager, accounts 401 should be adjusted, and legal fees are budgeted too low; 2) A. Stevens Delk thanked staff for splitting up the revenue tax among all departments; 3) Linda Lipscomb thanked Chief Schuld for work his with the police, agreed that it would not be appropriate to use CSOs in Kensington, that a couple African American residents commented on being grateful for the Kensington force for their diversity and its handling and sensitivity to African American and minority residents, budget reserves should delineated, and there should be budgetary projections for housing the police and making the Annex fit for administrative personnel; 4) Paul Dorroh commented that there is a potential problem with the vote to authorize the pension obligation bond, that the District should get a legal opinion, and it potentially consider a do over; 5) Dave Spath asked about employment of reserve officers and the numbers for the total projected unassigned cash balance; and

- It was moved, seconded, and carried (5-0) to extend the meeting to 11:15 p.m.

6) Jim Watt commented that the unrestricted reserve account is incorrect, more money should be put aside for reserves, and the Board needs to take action to extend the approval of this budget since according to Policy 3030.4 it should have been presented in May and approved in June.

President Deppe commented the Board discussed the budget at the June 11, 2020 board meeting. General Counsel Danforth commented that it was the Board's intention to get the budget approved in June. Interim General Manager Lindsay pointed out that staff intends to get Board direction which would be incorporated in the final budget presented at the next meeting.

**7. Discuss and Consider Adopting a Resolution 2020-10 of the Board of Directors of the Kensington Police Protection and Community Services District Affirming the Establishment of the Appropriations Limit for Fiscal Year 2020-21.**

This matter was continued to the next meeting of the Board scheduled for July 9, 2020.

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**ADJOURNMENT**

President Deppe adjourned the meeting at 11:07 p.m.

**SUBMITTED BY:**

DocuSigned by:

*Lynelle M. Lewis*

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Lynelle M. Lewis, District Clerk of the Board

APPROVED: July 9, 2020

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*William A. Lindsay*

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Bill Lindsay, Interim General Manager

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*Chris Deppe*

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Chris Deppe, President of the Board

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