

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS MEETING MINUTES

Location: Kensington Community Center, 59 Arlington Avenue, Kensington
February 14, 2019 Regular Meeting

President Nottoli opened the meeting prior to the closed session. Directors Deppe, Hacaj, Modavi, and Sherris-Watt were present. There were no public comment and the Board went into closed session.

President Nottoli began the regular session and took roll call. Directors Deppe, Hacaj, Modavi, and Sherris-Watt were present. General Manager Tony Constantouros, Interim Chief of Police Rickey Hull and General Counsel Ann Danforth were present.

Public Comments

Jim Watt commented on the current income and expenses to date. He noted that there may be an excess of about \$352,000 in the budget by the end of the year. The Board had agreed last year to set aside an additional \$250,000 to address unfunded Other Post-Employment Benefit liability and he wanted to make sure that would be addressed. He also noted that the Board was to pay additional monies into the unfunded Cal/PERS liability. Cal/PERS is finally recognizing that it is not meeting its projected rate of return which results in increasing our unfunded liabilities and we may need to add more into our unfunded liability.

Dane Gillette addressed the change in how correspondence is addressed and the removal of correspondence from the website. He was concerned that some meetings are not video recorded and asked if transcripts of meetings would be released. Pat Gillette asked why correspondence was not put on the website. Lisa Caronna expressed support for including correspondence in the agenda packet to assist the Board in making decisions and refer the items for future agendas or to others to respond to the public. Tony Constantouros responded that it is not common practice to include general correspondence on the website. He had made an administrative decision that correspondence relating to items on the agenda will be included and other correspondence will be directed to the appropriate person.

Mike Rossi wanted to participate in meetings. Pat Gillette asked the Board detail its plan to fill the position of chief of police. David Bergen said that the District tries to video each meeting but there have been problems with the system. He had been working with the vendor to fix the system for some time. Peter Liddell asked about the status of the Hazard Mitigation Plan and Mr. Constantouros said that that he was working on addressing this. Andrew Gutierrez noted that past Boards had not been transparent and appreciates the leadership of Mr. Constantouros and the separation of the Chief of Police and General Manager positions to reduce the conflict of interest.

General Manager Report

Mr. Constantouros mentioned that there would be two community meetings for Matrix to present their findings on February 28 and again on March 2. Both the Phase I and Phase 2 reports are on our website. He mentioned that the position of permanent Chief of Police until filled after the District completes the study of its police department and determines if it will keep our department or contract in full or part. Johanna Ferman requested that alternates to sworn officers such as community service officers be considered.

He noted that he was also working on the administrative study and the draft Policy and Procedure Manual.

He mentioned that he had met with the chiefs of police of Albany and El Cerrito to see how the District can work better together. One subject was on police recruitment which is a nationwide problem. Albany is down five officers and as a small agency, it has trouble recruiting officers. He noted, though, that San Jose is down 300 officers even though it is a large agency.

He noted continued improvements in the budget process.

Chief of Police Report

Interim Chief of Police Rickey Hull said that Officer Nath has been selected as Officer of the Year by the Kensington Police Officer Association and will be honored at a dinner on February 27, 2019. He also said he has been working with the El Cerrito Chief of Police and Fire Chief to establish evacuation routes in the event of a disaster to assist with egress out of Kensington. He anticipated that there would be a drill sometime in the fall. To participate, one will need to sign up with the County Warning System.

He said that Kensington has received nine applications for police officer and have had one successful hire. We have seven officers for the ten budgeted positions. Two applicants are in background which, if successful, would mean the department would be at 90% staffing. There was no interest in unaffiliated students at the police academies and placement of adds on law enforcement websites has not resulted in viable candidates. San Pablo is the only police department in Contra Costa County that is fully staffed. He explained that we have no reserve officers and the immediate need is to find qualified applicants for full employment.

Paul Dorroh noted that the paths may be of value in the event of an emergency and suggested that the Board work with the Fire District and form a joint powers agreement to solve ownership of the paths and to improve them. President Nottoli suggested that the County be part of any such plan.

Board Comments

Director Modavi raised concerns that the recent newsletter indicated that the District was on a 15-year plan to pay unfunded Cal/PERS liability when in fact it is on a 30-year plan and it did not contain a link to the reports on the website.

Contra Costa County Emergency Planning

Meredith Gerhardt, Office of the Sheriff, Emergency Services Division, is the coordinator for Western Contra Costa County and addressed the emergency planning priorities for 2019. The County is developing emergency evacuating guidelines that should be issued within the next two months and can be used for local evacuation plans. The County is also working with the disabled communities to address their concerns. The County does not keep a registry of disabled people because that implies a contract that they will be rescued. In addition, registries can be hacked and any registry will be inherently incomplete. The best thing is to know your neighbors who may need help. The County, however, is working with civil and community groups with transport services. She was not aware of a specific group servicing Kensington. The County will open a new Emergency Operations Center in about ten months. She encouraged people to sign up for the County Warning System and suggested that www.femaready.gov and Red Cross are good sites to prepare for an emergency and have food and water for the days that one may be stuck. She said she has five days of food and water for each member of her family.

She noted that it is evacuations often need coordination among agencies and that it not uncommon for some confusion. In the event of a fire, fire recommends that law enforcement initiate an evacuation. Law enforcement, not fire, has the authority to order an evacuation. She emphasized that evacuation needs coordination.

Board Committees

President Nottoli addressed the three standing committees of the Board. She said she will continue with Solid Waste and as Board President, she will be on Finance. She appointed Vice President Hacaj to take Emergency Planning. For coordinators, President Nottoli announced she will head Finance and Administration, Director Deppe will head Intergovernmental and External Issues as well as Park Planning and Recreation, Director Hacaj will head Community Outreach, Director Modavi will head Park Funding and Fundraising for the Park, and Director Sherris-Watt will head District Policy and Procedure and the Public Safety Building.

Anthony Knight asked if standing committees are subject to the Brown Act. Ann Danforth answered that standing committees named in the Policy and Procedure Committee are subject to the Brown Act.

Tree Removal and Replacement

President Nottoli presented a plan prepared by Jack Griffith, a retired landscape contractor, to replace the trees that had been removed from the vacant lot at Coventry and Arlington. A large Blackwood acacia had fallen and damaged a large pittosporum. A third tree, another Blackwood acacia, showed signs of disease and had a split in it that was cabled; the arborist recommended removing this tree. The arborist also recommended removing a large pittosporum at the top of the lot which had multiple branches near the base of the tree with limbs hanging over Arlington because the tree had rot at the junction of those branches. He also recommended that a small pittosporum which was in the way of the large standing acacia be removed.

Cass Dugan express concern that the that the arborist, Elite, did not have a high star rating on Yelp and that the trees were historic. Andrew Reed thanked the District for the prompt response to addressing the fallen trees to make the area safe. He had watched the trees over the years and noted that they were not native. He said that several neighbors have asked about plans for the lot and were pleased that native oak trees would be planted. He supports the proposal to plant oaks. Andrew Gutierrez noted that non-native trees can pose a hazard. He thought replacing the trees with native live oaks was appropriate. Lisa Caronna applauded the removal of the hazardous trees and rapid planting of new trees. Ceila Concus said that acacia and pittosporum are not considered historic trees and supported planning with native live oaks. Pat Gillette wanted to keep separate process on having work performed versus experts on trees.

Copier Lease

District Administrator Wolter presented her research on lease options for the copier in the District office. Purchasing a copier would impact the District's cash flow. The 2.2% lease rate is a good rare. Smile has provided good service and the officers find the copier user friendly. She recommended a security kit to remove the memory from the old copier. Ms. Danforth said that the contract needs clarification on the term for whether Smile would pick up the copier and asked Ms. Wolter to have the contract clarify that point and have both parties initial the change in the contract. Pat Gillette asked if the copier could be shared with the Fire District and Director Sherris-Watt explained that both Districts have their own copier for confidentiality

Motion to Approve Copier Lease. Director Sherris-Watt moved that the Board approve the lease for five years for \$21,550.20 and amended the contract to clarify that Smile will pick up the old copier. Vice President Hacaj seconded the motion and all directors voted to approve the lease. The motion passed 5-0.

Consent Calendar

Director Modavi objected to minutes prepared by GoTranscript or Board directors. Director Sherris-Watt noted that the draft minutes are available for comment can be amended if one thinks that the draft does not accurately reflect the meeting. Pat Gillette noted that some Boards have directors prepare minutes and noted that there is a difference between word processing and editing. She suggested that in the interest of good government that the person editing or writing the minutes should be identified. Celia Concus noted that this has been a historic issue with minutes of the District. Mabry Benson said a full transcription would need to be approved as minutes if that is used.

Motion to Approve Consent Calendar. Director Hacaj moved to adopt the consent calendar with the January 10, 2019 meeting minutes. Director Deppe seconded the motion. Directors Deppe, Hacaj, Nottoli, and Sherris-Watt voted to adopt the minutes; Director Modavi voted against the motion. The motion passed 4-1.

Adjournment

Director Hacaj moved to adjourn the meeting, Director Sherris-Watt seconded, and all directors voted in favor of adjournment. The motion passed 5-0.

Prepared by: Eileen Nottoli

Date approved by the Board: May 23, 2019

Tony Constantouros, General Manager

Eileen Nottoli, Board President