

## Meeting Minutes for 1/12/17

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Wednesday, January 12, 2017, at 6:30 P.M., at the Community Center, 59 Arlington Ave., Kensington, California. A Regular Meeting (Open Session) followed.

### ATTENDEES

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Rachelle Sherris-Watt, President	Amara Morrison, Wendel Rosen
Eileen Nottoli, Vice President	Karl Kruger
Vanessa Cordova, Director	Pat Gillette
Sylvia Hacaj, Director	David Spath
	Kevin Fitzsimmons
	Jim Watt
	A. Stevens Delk
<u>Staff Members</u>	Celia Concus
Rickey Hull, IGM/COP	Dr. Lossy
Lynn Wolter, District Administrator	Mabry Benson
	Kevin Padian
<u>Press</u>	Barbara Steinburg
	Skye Dent
	Leslie Reckler

President Sherris-Watt called the meeting to order at 6:29 P.M. President Sherris-Watt, Vice President Nottoli, Director Hacaj, IGM/COP Hull, and District Administrator Wolter were present. Director Cordova participated by phone from Italy. Director Welsh was absent.

### CLOSED SESSION PUBLIC COMMENTS

None.

The Board entered into Closed Session at 6:30 P.M.

- a. Public Employee Employment, Discipline, or Dismissal: The Board was briefed on personnel matters pursuant to CA Government Code Section 54957(b)(2). Two items.

The Board returned to Open Session at 7:52 P.M.

President Sherris-Watt took roll call. President Sherris-Watt, Vice President Nottoli, and Director Hacaj were present. President Sherris-Watt reported that Director Cordova had participated by phone in the Closed Session but would be unable to participate in the Open Session because she would be traveling. Director Welsh was absent.

President Sherris-Watt reported that, during the Closed Session, the Board voted 4 – 0 to release the wage analysis of the IGM/COP, which had been prepared by Adam Benson. She said this would be made public the next day.

President Sherris-Watt said that, while she appreciated public comments, members of the Board would not engage in dialog and that future items of interest would gladly be placed on an agenda.

### **PUBLIC COMMENTS**

Barbara Steinburg, said that she'd been a resident for over 60 years and that she wanted to address the topic of contracting out for police services. She said she'd had excellent service from the Kensington Police Department throughout the years and mainly in the past five years. She said she'd found that the officers respond very quickly, respond well to stress, take an interest in what's going on, are very competent, and are very community based – they know you when they see you on the street, and it's important to have this. She said she'd heard from some people that contracting out police services might be a possibility for financial reasons. She said she'd spoken to people who knew more about finances than she did, who had studied this and had pointed to the example of the fire department: The price for the first five years may seem very good but then, once that period is over, the El Cerrito Police Department could command whatever price it wanted. She said that, by then, the community would be in a fix because it would have lost its police department. She concluded by saying that she wanted the Board to know the community had very good service and that she hoped the Board would do its best so the community could keep its police department.

Skye Dent said that she had a complaint against IGM/COP Hull, that she'd been told an external investigator was being brought in, and that she didn't think this was being done very professionally. She said a woman had called her over the weekend, who had identified herself as Linda Ellis, wanting to ask Ms. Dent some questions. Ms. Dent said she'd confirmed this was the woman hired to handle the complaint but said Ms. Ellis didn't have a copy of the complaint, IGM/COP Hull's response, or a copy of the incident report, which she thought was inappropriate. Ms. Dent said she'd looked up the investigator and had found that she didn't have a background in doing this kind of investigation and that, although Ms. Ellis was part of a firm, she appeared to be doing this as a "side gig." Ms. Dent said that, under California law, every police department was required to have a process for selecting investigators and the process steps for investigation. Ms. Dent said that Ms. Ellis didn't know this and that the Board, therefore, in an effort to be proper and professional, should hire a different investigator. She recommend going to Oakland or Richmond or to the Cato Institute. She said that, under California law, the Board was required to reveal the process it used in investigations and that the Board had failed to do this. She also said that the Board was obligated to provide the investigator with the two complaints she'd filed. She concluded by saying that, if the Board wasn't interested in investigating this, it should just say so, rather than "pulling this ruse."

Leslie Reckler said she'd been a resident since 2000. She congratulated and welcomed the new Directors, thanked President Sherris-Watt for assuming the presidency, and thanked those who had run and who served. She also thanked the community for passing Measure T, a school funding measure. She said that a presentation from Glass Associates was on the agenda and that she wanted to relay a recent experience she'd had about renting the Community Center. She said she'd tried to rent the building, it took too long for the initial rental to be acknowledged, many emails had been exchanged, and a contract had never been sent. She said that she had gone to the Community Center on December 3<sup>rd</sup> and it had been dark. So, she had needed to contact Kari Tindol to get someone to open the Building E for the Girl Scout craft fair and potluck she had planned. She said she would have willingly paid the rental fee. She said that, going forward with what happens to the Community Center, the Board would need to remember how the building was used. She said that she like to help, noting she had a degree in hotel management and administration and was familiar with booking systems.

Pat Gillette said she was a longtime resident. She reminded the Board that Forms 700 were due and asked what was going on with the Community Center: it had been on the December agenda, but she didn't see it on this evening's agenda.

Mabry Benson said she wanted to comment on communications between the Board and the community. She said that, at the prior Board meeting, President Sherris-Watt had said that the Board was not going to respond, at all, to questions posed during public comments. Ms. Benson said that the public deserved some sort of response to its questions and concerns and that the community was more likely to accept propositions it didn't like if it had better explanations. She said that she would have preferred not to have appointed anyone as GM when Mr. Hull had been proposed but that, when she had been told the District had to have someone in the position, to do things such as sign checks, she understood the rationale. She noted there wasn't a good venue for dialog; Board meetings, with an impending vote, wasn't a good place. She suggested public forums, where real dialog could occur, and said that such forums had worked well for the Ad Hoc Committee. And, she also suggested brainstorming sessions, which could provide an opportunity for public input and suggestions, prior to final Board decisions. Returning to her remarks about public comments, Ms. Benson said her recollection was that Randy Riddle had said that simple "yes" or "no" answers from the Board were permitted during public comments and that this was a time when Directors could expand on issues and give explanations. She said that Randy Riddle also had said that, when agenda items came up, the Directors were to make their comments first so the public had a chance to ask questions or comment, based on the Directors' comments.

Karl Kruger said that he lived on the north side of town and that some of his neighbors lived in El Cerrito – among them an elderly woman with health problems who lived across the street. He said that his wife and this woman had a system that enabled his wife to know, each day, whether this woman was all right. He said that, about a week earlier, this system had indicated that the neighbor wasn't okay, so he went to provide assistance. After a while, she said she wasn't feeling well, so he suggested that she call the El Cerrito Police Department. When she'd called at noontime, she'd been told that the officer was with a prisoner and would follow up. The actual response time was 2 hours and 40 minutes. He said he didn't know what the national standard was, but this seemed like a long time. He said this was a message for those who thought El Cerrito was the answer: El Cerrito was not the answer.

Karl Kruger said he wanted to comment on the Director who was calling into the Board meetings. He said it was his understanding that the place from which a Director called in must meet Brown Act requirements: It has to be a public place, it must be posted 72 hours ahead of time, and it needs to be handicapped accessible. Amara Morrison, the District's legal counsel, responded that Mr. Kruger was roughly correct: those Directors participating by phone must post an agenda in a public location, and they had to make their location available to and accessible to the public. Thus, she said, they were subject to the same posting requirements as Board: 24 hours for a Special Meeting and 72 hours for a Regular Meeting. Mr. Kruger asked if these requirements were being met. Ms. Morrison responded in the affirmative.

A. Stevens Delk said that, last year, an article had been posted on the District website that had ranked Kensington as the seventh safest community in the Bay Area and the 13<sup>th</sup> safest in the state. She said another article had ranked Kensington as the fifth safest in California. She said both studies had used data that had been submitted to the FBI. She said that, for the year analyzed – 2014, two violent crimes had been entered into the database for Kensington. However, she said the Kensington Police Department had reported ten violent crimes for that year. She noted that both studies had placed more weight on violent crimes than on property crimes. She added that one article had explained that, for a small place like Kensington, the violent crime numbers could really skew the rankings. She said the apparent five-fold underreporting of violent crime might have been the reason Kensington had been ranked fifth safest place in California. She said that, perhaps with former GM/COP Harman leaving and former IGM/COP Hart arriving, the report had been neglected. She said that she had sent a copy of her analysis to IGM/COP Hull, that she had asked him to get to it when he had time, and that she was submitting a copy for the record. A copy of this appears in the February 9, 2017 Board Packet, under correspondence.

Kevin Padian said he wanted to address two issues: The District's reserve policy and its Emergency Response Committee. He said he hoped President Sherris-Watt would name a committee chair that night. He said the reserve policy and this committee were linked because the Finance Committee had discussed how much to set aside for an emergency. He said the approaches that had been used didn't seem relevant because they didn't seem appropriate for one-of-a-kind Kensington. He said that, if Kensington were a non-profit organization, it would make sense to have a reserve to pay salaries and bills for a certain number of months. But, he said this didn't apply to Kensington because it was a special district. He suggested designing a policy for what Kensington would actually need in the event of a disaster and said the District did need to save money for certain projects, such as renovating the Community Center and the Public Safety Building. He noted that reserves needed to be oriented toward responding to a crisis, the two biggest of which were fire and earthquake. He said that an earthquake on the Hayward fault could cause damage and fires and that Tilden Park was a tinderbox. He said that, in practice, the Fire District would do what it could to contain fires but that Kensington couldn't count on other agencies to help during a fire – those agencies would have their own problems. He noted that, conflagration from the east and conflagration from the west would need to be dealt with differently. He said the District needed to begin working with the Fire District and the K-groups to organize ways to respond, such as signs for windows and exit routes that avoided pre-assigned routes for emergency vehicles. He also suggested changing the way residents park on streets. He also suggested engaging with private agencies to assist with search and rescue efforts because police and fire professionals would be busy. He said the community needed to ensure that the Public Safety Building would be okay and that staff would be safe. He said reserves and contracts needed to be in place to ensure responses. He concluded by saying that prior Boards had been lucky, that he hoped this Board would be lucky, and that it was better to be prepared.

Frank Lossy said the Open Session was supposed to have commenced at 7:30 P.M. He noted that he understood that sometimes it was difficult to keep Closed Sessions within bounds, but that the agenda stated that, if further Closed Session was required, the Board would return to it following the Open Session. He said that he didn't like the Open Session being delayed because the Board had continued its Closed Session beyond 7:30 P.M. and that the Board should have had more respect for the community.

Dr. Lossy said he had concerns about the sound system. He said that, for the evening's meeting, he had been given a device that didn't appear to be working and that staff had not been given adequate training on how to use the devices. He said the community had not been given instructions on how to use the microphones. He urged training, for both staff and the community, so they could take full advantage of the new system.

#### **BOARD COMMENTS**

None.

#### **STAFF COMMENTS**

None.

#### **CONSENT CALENDAR**

President Sherris-Watt asked if anyone wanted to pull items from the Consent Calendar.

Jim Watt asked for Items a, d, and i.

Karl Kruger asked for Item a.

A. Stevens Delk asked for Item j.

Jim Watt said there were no footnotes about variances with the Unaudited Profit and Loss Statement, as there had been with previous statements. District Administrator Wolter responded she had been unable to prepare the report because she'd been sick with the flu the prior week. Mr. Watt responded that he knew there must be some reason, that the report was very helpful, and that, if he'd had it, it might have eliminated some of the questions he'd had. He asked why the year-to-date amount of Account 521T, the medical trust fund, was \$96,000, which was greater than the \$64,000 that had been agreed upon. District Administrator Wolter responded that the District had been in the midst of a transition in May, 2015: One GM was leaving, another GM was beginning, and she shattered her elbow – all at the same time. She explained that it was at that time of year that the former GM/COP had usually issued a memo to her, instructing her to issue a check to be sent for the OPEB (Other Post-Employment Benefit) trust. She explained that, to compensate for the oversight, the prior year's amount, of about \$31,000 had been added to the amount budgeted for the current year: Approximately \$14,000 for the ARC amount plus \$50,000 for the additional amount that had been recommended.

Mr. Watt said that about four or five months earlier, the District had authorized Nicolay to prepare an OPEB report. He said this report was important because some were suspicious that the prior OPEB study had not adequately called out the amount of money the District needed to set aside in its trust fund. He said he hoped to see that report soon. District Administrator Wolter responded that there was one final calculation that needed to be performed and that that Nicolay was working with the District's CPA, Deborah Russell, on this. She added that, once that calculation was completed, the report should be ready for the Finance Committee.

Mr. Watt asked about Account 972 showed a monthly budgeted amount of \$25,000. He said it had been agreed to that \$100,000 would be set aside for improvements to the Community Center, which was correctly shown in the right hand column. He said he thought the monthly amount should have been \$8,333. District Administrator Wolter responded that Deborah Russell determined annual budgeted amounts that appeared in each current month's budget; they're timed so that, at the end of the fiscal year the budgeted totals are equal. She noted that, if the Board wanted Ms. Russell to allocate those sums differently, it could make that suggestion.

Karl Kruger noted that this had been the second month there had not been a variance report and that the notes saved questions from needing to be asked. Mr. Kruger said he objected to Account 898. He said \$17,000 was too large an amount for a miscellaneous account. District Administrator Wolter responded that the budget detail, which had been provided to the Finance Committee, showed the breakdown for this account and said she would be happy to provide this to him the following day.

Jim Watt said that, with respect to Item d – monthly statistics for December, he had questions about the footnotes. He said people had been watching to see what would happen with three officers who had been out of service for about five months: two officers on disability and one on administrative leave. He said this created a short-handed situation, which would affect other things to be discussed during the evening. He asked IGM/COP Hull when he thought these officers might return to active duty. IGM/COP Hull responded that two of the officers were off due to medical injuries and that it would be up to those officers' doctors to determine their returns. He added that the program under which they were off duty would run for only one year. He said that, for the third party on administrative leave, this would be determined at the current hearing being held and that he couldn't say where it was in that process. He said he wasn't involved in it: The authorities of the agency handling it would be the ones to determine the conclusion.

Regarding Item i, the General Manager's Report, Mr. Watt read that IGM/COP Hull had written that Advanced Systems Group was waiting for a policy from the District to turn on Wi-Fi for the Community Center. Mr. Watt noted that the total cost for the system had been over \$30,000. Mr. Watt said he didn't remember any discussion about Wi-Fi or the set-aside of \$30,000. He asked for an explanation. IGM/COP Hull responded that the \$30,000 was for the complete audio-video system now in place. David Bergen added that the system also included Wi-Fi and this was already in place. IGM/COP Hull continued by saying it was a matter of setting a policy and setting parameters to make



the Wi-Fi accessible. Mr. Watt said his recollection was that the system was supposed to have cost \$28,000.

A. Stevens Delk asked about Item j, the resolution to add a second regular meeting on the fourth Thursday. She said she was surprised this was on the Consent Calendar because the Consent Calendar was usually for items that didn't require much discussion. She said she must have missed the first reading, which must have happened in December. She said she thought a second meeting each month was a good idea but that the second meetings that would occur in November and December would fall on Thanksgiving and at Christmas time. Therefore, she suggested not scheduling a second meeting for those months amending the resolution to make an exception for these two months.

**MOTION: Vice President Nottoli moved, and Director Hacaj seconded, to adopt the Consent Calendar.**

**Motion passed: 3 – 0.**

**AYES: Sherris-Watt, Nottoli, Hacaj**

**NOES:**

**ABSENT: Welsh, Cordova**

### OLD BUSINESS

7a. The Board received an update on the Board's Strategic Planning Session from Director Hacaj. Information only.

Director Hacaj said that, at the December Board meeting, there had been discussion about scheduling a strategic planning session for the Board. She reported that she'd spoken to a couple of firms that specialize in providing those services to special districts. She recommended postponing this discussion until after an interim GM was on board. She said she hoped this session would occur in April or May and noted the Board would need about a month's notice to engage one of the firms.

### NEW BUSINESS

8a. The Board discussed and considered adopting Resolutions authorizing the Interim General Manager/Chief of Police to negotiate with the Contra Costa County Sheriff's Office and/or the City of Albany to provide CAD/RMS services to the District. The report was to be provided by the Interim General Manager/Chief of Police.

Vice President Nottoli reported that Richmond had been providing dispatch services to the KPPCSD but that the contract would expire on June 30<sup>th</sup>. She reported that Richmond would be willing to continue contract with a slight increase in price, but it would no longer be willing to provide some of the other needed services it was currently providing. She clarified that Richmond would still answer 911 calls but that it wouldn't continue to provide a records department. She said that she, IGM/COP Hull, and President Sherris-Watt had been talking to the Sheriff and the cities of Albany and El Cerrito about providing some of these services but that, for the District to begin getting contract prices, it would need resolutions. She said that there were two resolutions in the Board Packet: one for the city of El Cerrito and one for the city of Albany and that, with respect to the Albany resolution, she had a proposed amendment. She said the new first paragraph would read:

*"The Board of Directors hereby authorizes the Interim General Manager and Chief of Police and his designee to enter into negotiations with the City of Albany for the provision of public safety dispatching, records management services, and records services."*

President Sherris-Watt clarified that the second resolution referred to the Office of the Contra Costa Sheriff's Department, not to the City of El Cerrito. She noted that the City of El Cerrito also contracts with the Sheriff's Department.

Director Hacaj said that the purpose of the resolutions was to provide assurances to these agencies that the KPPCSD was serious about these negotiations and that the designee has the Board's blessing.

President Sherris-Watt said that IGM/COP Hull had met with Albany and the Sheriff's Department and that those agencies wanted to know KPPCSD was serious about these negotiations. She said there was a time issue associated with this, and the Board wanted to be prudent.

Pat Gillette said that the absence of two Directors was problematic, when something so important was being discussed. She asked what the timeline was and said she understood it was July. She said she wanted to know why these two agencies had been selected and asked if it was a veiled attempt to make it easier to contract out with El Cerrito. If so, she said she wanted to echo comments made earlier about not going in that direction without checking with the community about its sentiments. President Sherris-Watt responded that the earlier remark about not answering questions applied to the public comments part of the meeting. She noted that, since she began serving on the Board, attorneys had been trying to get Directors to stop the practice of having dialogs with people during public comments. However, she said that, when members of the public asked questions during an item on the agenda, Directors would be happy to illuminate their positions. Vice President Nottoli said that the District had a choice of creating its own dispatch, which would be very costly, or contracting for the needed services – something the District had been doing all along. She clarified that contracting for these services didn't mean the District would be contracting for police services. Ms. Gillette reiterated her question of why the Board had selected these two agencies. She asked if the Board had made an independent decision about the agencies the District would consider for contracting. IGM/COP Hull responded that one of the considerations was officer safety and the ability to get coverage by other departments. He said this meant the options were Albany and El Cerrito. He said the District could choose other agencies but, from a coverage standpoint, it would be easier if the department was on the same radio channel as a contiguous city. He said that there had been discussions with Albany, El Cerrito, and the Sheriff's Department and that El Cerrito would likely contract with the Sheriff's Department for dispatch services. IGM/COP Hull clarified that "CAD" stood for computer assisted dispatching and "RMS" stood for records management services. He explained that RMS was part of a dispatch function: when a call comes into dispatch, the dispatchers enter the information into a computer which then is transferred to another system called RMS. He said that records services referred to a brick-and-mortar building where there was a clerk who could take data and enter it into the state system. He said the District could join a new consortium that was being started with San Pablo, Hercules, and Pinole or stay with Richmond. He explained that the drawbacks to these two options, which would differ from the current system in which all fire and police calls go into Richmond. He said it would be preferable to be on the same radio channel as an adjacent city. President Sherris-Watt responded that the timeline was that the contract ends July 1<sup>st</sup> – this was the date by which everything needed to be in place. She said that the Board had been assured by one of the municipalities that it could just "flip a switch" and get Kensington on within hours but that this would be crisis management governing. She added that, depending on which agency was chosen, there could be records that would need to be transferred from one system to another, training would be needed for the officers, and the District might need a high-speed line to the Public Safety Building. Therefore, she said she wanted the decision to be made 90 days ahead of the deadline, which would be April. She said the number one priority was officer safety. She said the Board would then take the financial and ease of use aspects into consideration. She explained that the question was whether the District could get all the needed services from one agency and said this was a complex process.

David Spath said the Albany resolution referred to dispatch and records management services but the County resolution referred to dispatch only. Vice President Nottoli responded that the Sheriff's department would only offer dispatch services. He asked if, under these circumstances, it would make sense to enter into negotiations with this agency. Vice President Nottoli responded that this was why there had been a meeting with El Cerrito earlier that day – among other things, she and IGM/COP Hull wanted to find out what El Cerrito planned to do. She also reported that El Cerrito would be able to provide records management services. Dr. Spath asked if a separate resolution would be needed to approach El Cerrito. Vice President Nottoli responded in the affirmative.

Kevin Fitzsimmons asked why Berkeley hadn't been considered. President Sherris-Watt responded that Berkeley wasn't interested. IGM/COP Hull noted that the KPPCSD had had this relationship with Albany in the past.

Pat Gillette asked for clarification about what services El Cerrito and the Sheriff's Department would provide. Vice President Nottoli responded that the Sheriff's Department would put Kensington and El Cerrito on the same radio frequency. IGM/COP Hull added that the server would be housed in El Cerrito but dispatching would come from the Sheriff's Department. He said this is why the District might need to consider having multiple contracts with multiple agencies, as opposed to having everything housed in one place.

**MOTION: Vice President Nottoli moved, and Director Hacaj seconded, that the Board adopt Resolution 2017-02 and Resolution 2017-01, with the modification Vice President Nottoli had made to 2017-01.**

**Motion passed: 3 – 0.**

**AYES: Sherris-Watt, Nottoli, Hacaj**

**NOES:**

**ABSENT: Welsh, Cordova**

- 8b. The Board discussed the process for development of amendments to Appendix "A" of Policy #2000 to create two distinct job descriptions, one for District General Manager and the other for District Chief of Police.

President Sherris-Watt said that she would provide a timeline but that the Board wouldn't do anything else with the agenda item this evening. She said that the Board had an interest in examining the separation of the GM and COP and that, in order to do that, the Board needed to have accurate job descriptions. She explained that, in the next week-and-a-half, the Board would be having a Closed Session and would be meeting with an experienced General Manager, as an advisor from the Public Management Group, who would help the Board develop a job description for the District's GM. She said the Board would also modify the COP job description to reflect the change in the two positions. She noted that these would appear in an agenda for public discussion.

Karl Kruger asked if this would go to the Finance Committee prior to the Board making a decision. President Sherris-Watt responded in the affirmative because this would have bearing on the budget.

- 8c. The Board reviewed and considered approval of an Employment Agreement between the District and Rickey Hull, setting the compensation, terms, and conditions of his temporary employment as Interim General Manager/Chief of Police pursuant to Government Code Section 21221(h).

President Sherris-Watt apologized: this appeared in the Board Packet but had caused undue stress and concern and had led to understandings that weren't absolutely correct. She explained that, in the interest of moving things along, there had been phone conversations and those had been translated into documents prepared by Adam Benson, of Public Law Group. She said the terms sheet was not an accurate reflection of what would be in the contract for the Interim GM/COP. She said she wanted to explain a few items: The Board had just approved the release of the analysis that had been prepared by Adam Benson, but she didn't have copies to hand out.

President Sherris-Watt said that the GM/COP position always had been and would continue to be an at-will one and that the contract the Board was proposing was from December 17, 2016 to May 17, 2017. She said that, if the parties wanted to continue employment after that date, a new contract would be presented. She said that Board was not comparing IGM/COP Hull with former candidates or employees – other than being aware of their salaries or skillsets. She said that, as GM/COP, Chief Hull was not a member of the bargaining unit, and he would not be negotiating a contract with the KPOA. She reported that the salary the Board was offering was based on the salary that IGM/COP Hull had received



as Master Sergeant, as of March 1, 2017. In addition, he would receive longevity pay, a 7.5% of salary POST premium pay, plus a 15% increase over the Master Sergeant salary. Combined, these increases would bring the salary to \$129,031. She said the Board would also propose a 10% increase for the GM portion of his role. She said this would echo the argument the Board had made in its appeal to CalPERS and would allow the Board to illustrate a consistent policy with regard to the roles. She said he would be provided the same medical plan that had been created for former IGM/COP Kevin Hart. She said there would be increased overtime costs for the sworn officers because the Board was promoting from within. But, she said that there would be a cost savings in some ways because the District would be hiring a new officer and because the Board currently had no plans to replace IGM/COP Hull as Master Sergeant. She said that IGM/COP Hull would contribute the same as the POA to his pension and that there would be an increase in the “persable” salary amount. But, she explained it would not be a straight 18%. She said that the District was part of a risk pool, which meant it was in a group with many other people. Thus, she said that, if there were a force where every officer were well and able and decided to retire all at the same time, it could bankrupt a district. She said that, to prevent this, an agency entered a risk pool, therefore, she said the District wouldn’t feel the full impact of the 18% increase.

Amara Morrison clarified that an agreement would not be entered into at this evening’s meeting; it would be discussed at a future meeting.

President Sherris-Watt said the Board needed to give IGM/COP Hull and his attorney time to look at the agreement, which was not in the packet.

Pat Gillette said that none of the Board members had responded to the questions she had posed in emails about the appointment of IGM/COP Hull and that her questions were pertinent to the decision the Board was considering. She said she wanted to remind the public of the process the Board had gone through the last time it had looked for a GM/COP. She and President Sherris-Watt had been responsible for posting the job, going through the resumes to select those who should be considered, and scheduling a public hearing where candidates were questioned by the Board and the public about their qualifications and skills. She said that only after this did the Board select someone. She said she understood that former IGM/COP Kevin Kyle’s sudden departure in November had left the Board in a difficult position, but she didn’t understand the decision this Board had made not to bring back former IGM/COP Kevin Hart to fill in the position until the Board could find a suitable replacement. She said she was concerned about the Board’s failure to do anything other than to default to fill the position with IGM/COP Hull – not for a short period of time, but for six months without any vetting of his qualifications for either the GM or the COP position and without utilizing any of the resources available, including PLG’s pool of interim GMs and COPs, which she had verified personally with John Holtzman of PLG. She said the District was now two months past Kevin Kyle’s departure, the Board was proposing to put IGM/COP Hull into this position for a period of six months without any formal process, any vetting with the community, or any explanation of his qualifications for the many duties required of the GM/COP. She said the only explanation offered had been President Sherris-Watt’s which had been given at the Board’s December meeting: IGM/COP Hull had been on the force for twenty years and had filled in for short periods of time as a GM/COP. She said it was irrelevant that IGM/COP Hull had filled in for a short period of time because this was not a short-term appointment. She noted that this was not minding the store, with someone looking over his shoulder: He was doing the job at a time that was critical for the District. Ms. Gillette reiterated that the Board was considering putting this man into the position of IGM/COP for six months, without any public information about his qualifications and that this was irresponsible and a dereliction of duty. She said the public had the right to know and said the Board should know the following:

- The Policy Manual requires a GM/COP to have a Bachelor’s degree and preferably a Master’s degree, at least five to seven years of progressive supervisory command experience, and demonstrated managerial and community involvement. She asked if IGM/COP Hull met these requirements.
- The responsibilities of the GM are significant, especially at this time when there is much to be done. Therefore, she said IGM/COP Hull must have experience and must be qualified to develop a budget and present and justify it, monitor expenses, have a sufficient understanding

of the payroll system to ensure its accuracy, deal with RFPs related to the Community Center and garbage contract, work on the Public Safety Building, respond to Public Records Requests, exercise proper judgment to know when to call in outside counsel, manage and oversee the park and recreation facilities, and ensure that contracts for use of the Community Center are entered into properly. She asked the Board what qualifications IGM/COP Hull has for each of the listed tasks and asked who would perform those tasks if he didn't have the needed qualifications.

- IGM/COP Hull would need to manage overtime, arrange schedules, process crime scenes, coordinate emergency responses, impose discipline, conduct internal investigations and internal audits, book evidence, stay up-to-date on all regulations, ensure a weapons policy is adhered to and the officers' training is current, and obtain needed training he should have for the COP position. She asked the Board to tell the public if IGM/COP Hull has the experience and qualifications to perform these tasks and, if not, who would do them.
- What is the exact compensation IGM/COP Hull would be receiving. She said there had been public outcry over the compensation paid to former IGM/COP Hart and former GM/COP Harman. She said she didn't understand the explanation President Sherris-Watt had offered earlier in the evening about what IGM/COP Hull's compensation would be. She said that, based on what she thought she'd heard, it would be about \$141,000.

Ms. Gillette said that she didn't have any objection to IGM/COP Hull, and he was a fine person who had served the community well during the many years he'd been here but that she was appalled by the lack of transparency and forethought this Board has shown in making this very important decision. She said that, if the Board could show IGM/COP Hull had the qualifications and experience required by the Policy Manual, she urged the Board to consider its alternatives seriously. She reiterated that John Holtzman had indicated that his group had a pool of qualified interim GM/COPs who could step in and do the job and said that no one on the Board had contacted Mr. Holtzman to ask him about this. She said that she was glad the Board wasn't adopting a contract that night and that, when the Board did adopt a contract, it should be a full contract and not a terms sheet.

President Sherris-Watt responded that she had had conversations with John Holtzman and that he was aware, understanding, and supportive of the Board's decision to promote from within. She said she was sorry that former Board members had never been able to see the skillset, the character, and the leadership she had seen illustrated by IGM/COP Hull – not only in the two years she had served on the Board but most extraordinarily in the two months that he had filled in with the sudden departure of IGM/COP Kevin Kyle. She said that she had interviewed Kevin Kyle four times, over a yearlong process and that he was wonderful but lasted less than two weeks. She said that there was something to be said for the man or woman who shows up every day and does the job and that she said she would never hire someone just because they were the warm body in the room. She said that what the community deserved was outstanding leadership and a police officer who would put the public's safety first and that she wouldn't show up if she didn't believe that was what she'd given the community.

Jim Watt said his concerns were different from Ms. Gillette's – they were of a financial nature. He said that, if one were to take the numbers heard that evening, IGM/COP Hull's total salary – which would include a 25% increase in salary, incentive pay, and longevity pay – would total \$138,000. He noted that this salary increase of at least \$15,000 would result in the District having to pay the required contribution to CalPERS for the pensionable income, which he said would be about \$0.55 for every dollar, or about \$8,000. He said that this amount, added to the \$138,000 would total about \$146,000. He said the community had been told this amount was not to be compared to previous GM/COP's pay, but he reminded everyone that the Board had entered into an agreement with former IGM/COP Kyle at a sum total, annualized of about \$145,000. Therefore, he said IGM/COP Hull was slightly above this amount. He said this was not the number that concerned him: He said that of additional concern was that, if IGM/COP Hull were to retire a year from now, his pensionable income would be increased, based on the \$15,000 additional salary. He noted that, if IGM/COP Hull were to receive about 75% of his income in retirement, the community's taxpayers could anticipate that, as a result of this contract, IGM/COP Hull's lifetime pension would increase by another \$10,000 per year. Mr. Watt added that, assuming Mr. Hull were to live another 25 years, the total increase in his pension would equal about

\$250,000. Mr. Watt noted that IGM/COP Hull had been in public service for quite some time and might be retiring soon. Mr. Watt said that, in his contract, Mr. Kyle was not to receive any pension or medical benefits. Mr. Watt reiterated that his concern was what IGM/COP Hull would receive in retirement and said that, instead of an increase in IGM/COP Hull's salary, perhaps the Board could pay him a bonus. Mr. Watt noted that the current MOU had provided a one-time \$1,000 bonus, which had been determined not to be pensionable and added that he'd like to see the legal justification of why this couldn't be done.

President Sherris-Watt responded to Mr. Watt's proposal to pay IGM/COP Hull a bonus for his added responsibilities. She said that she had discussed this with John Holtzman and that, in all probability, CalPERS would calculate this to be "acting out of class" and would require the District to pay. Mr. Watt said that the Board Packet contained a letter that had been sent to CalPERS by Public Law Group (PLG), in which PLG, on behalf of the District, had stated that the salaries of former GM/COP Harman and former IGM/COP Hart were fully pensionable, even though they had served in a GM capacity, which did not carry a pension. Therefore, he said PLG had already gone on record as stating that the KPPCSD believes that payments made to a GM/COP were fully pensionable. Mr. Watt asked if the District was setting itself up for a direct conflict with CalPERS because the Board was offering IGM/COP Hull \$15,000 of pensionable income and \$10,000 of non-pensionable income. President Sherris-Watt said the Board had made a distinction between the stipends for GM and the COP and that PLG had given its full support of it. She said that the CalPERS letter that had been written applied to past behavior and that CalPERS was desirous of the District making a distinction between the GM and COP roles. She said that the Board was happy to do this going forward and that it was beginning to separate the two positions.

Karl Kruger said he assumed that IGM/COP Hull would not be a salaried employee. President Sherris-Watt responded that IGM/COP Hull would be salaried and would not be paid overtime.

An identified speaker said that the salary should be higher for this position and that this might help the District keep people longer.

Mabry Benson said she agreed with Mr. Watt: Increasing IGM/COP Hull's final year salary would leave the District open to increased pension costs in the future.

Celia Concus said she wanted to confirm that she understood what President Sherris-Watt had said; that the GM part of the salary would not be pensionable. President Sherris-Watt confirmed that this 10% part of the salary would not be pensionable and noted that the salary for someone performing only the GM role would not be pensionable. Ms. Concus asked if the salary for someone filling both the GM and COP roles would be pensionable. President Sherris-Watt responded that the 10% stipend for the GM role would not be pensionable. Ms. Concus said she wasn't clear about how this could be done if it hadn't been done for previous GM/COPs. President Sherris-Watt responded that this was a nuanced discussion: CalPERS had stated that the GM portion of the past was not pensionable, and the Board had disagreed with CalPERS' perspective. But, she said that, going forward, the job duties would need to be separated and that CalPERS was aware of the Board's consideration. District Administrator Wolter, as the one who processes payroll, asked if these distinctions could be clearly delineated to ensure that pension contribution payments to CalPERS would be correct. President Sherris-Watt responded in the affirmative. Ms. Concus said she was pleased to know there would not be a vote on an agreement at this evening's meeting. Ms. Concus asked if there would be a second reading of the agreement. Amara Morrison responded that first and second readings applied only to resolutions but that the Board would be considering the agreement at its next regular meeting, at which time it would take action. Ms. Concus said that she considered this interim position to be a new type of position and that it was the stated goal of the Board to separate the two positions. Ms. Concus said that, anytime an officer was hired, that officer worked a minimum of five years to become vested. She said she hoped there would be a way for IGM/COP Hull to be compensated in a way that it wouldn't count toward his retirement. She said this seemed fair because IGM/COP Hull would not hold the new position for a minimum of five years: It would be a short-term interim job. She said she didn't think short-term interim positions came with retirement benefits. She noted the District had serious need to trim its expenses because its

cash reserves had been dwindling, and there were huge unfunded liabilities and retirement benefits. She said the District could not afford any further measure that would increase the District's pension liability and asked the Board to find a way for this payment not to be pensionable.

David Spath said he thought he'd heard President Sherris-Watt say that, going forward, the GM portion of the salary would not be pensionable, and he asked if IGM/COP Hull would be accounting for his time. President Sherris-Watt responded that IGM/COP Hull would not be doing so; he would be receiving an additional 10% for the GM part of the job. Dr. Spath asked what percentage of the work would be GM work. President Sherris-Watt responded that the Board was declaring that it would be 10% and that 90% of IGM/COP Hull's duty would be under COP. She said that she realized there was a nuanced discussion and there were lots of numbers but that the Board had informed CalPERS that 90% of IGM/COP Hull's time would be under COP. Dr. Spath said that, regardless, the 10% stipend was different from the amount of time that would be spent as a GM. Dr. Spath noted that, if one went back to the Brown Taylor Report, it said that 35% of the position was GM, and 65% was COP, and he asked if the salary should be equated in the same way. President Sherris-Watt responded that, going forward – for pension purposes, 90% would be for COP duties and 10% would be for GM duties. Dr. Spath said that it would be useful for the community to understand this and that the Board was accepting CalPERS' argument. President Sherris-Watt said there was a distinction between what had been done in the past and what would be done going forward.

Vice President Nottoli noted that the District only had a PERS account for public safety personnel – it didn't have one for miscellaneous employees. Dr. Spath responded that, in the past, the District had argued that the positions had been interconnected and, therefore, the salary had been 100% pensionable.

Frank Lossy said he thought he'd heard two conflicting opinions from President Sherris-Watt: One estimation was that the COP part of the position would add to the District's pension costs and the other was that the GM part would not add to retirement costs. President Sherris-Watt explained that there were two categories – one would be “persable” and the other wouldn't. She said the “persable” category would be the COP position, and the non-“persable” position would be the GM part of the position. However, she said the 10% pay increase would not correlate to what the District would pay because it was part of a risk management pool and said she would present this in greater detail when she presented the actual agreement. Dr. Lossy asked if it wouldn't be possible to minimize the pension expense by separating the two positions at this point and hiring a GM, other than IGM/COP Hull, for this period of time. He noted that a person in this position might work more hours than the 10% under discussion. Sylvia Hacaj said there seemed to be some confusion over the issue of 10%: This was not 10% of time – the Board was just saying that the stipend offered to IGM/COP Hull, if the agreement were to be executed as the Board was envisioning, would be 10% on his new salary as COP. She clarified that the 10% did not relate to time and would not be “persable.”

Kevin Padian thanked the Board for the explanation about the salary and the time and said this would help the community to understand the distinction. He noted that there were lots of demands on staff time, that the Board was compassionate about that, and that members of the community would be willing to help.

8d. Board President Sherris-Watt appointed District Committee chairs for 2017.

President Sherris-Watt reported that the KPPCSD Board has standing committees: Emergency Preparedness, Solid Waste and Finance. She said that she wanted each of the committees to meet at least once a quarter and that the Finance Committee would meet monthly. And she reported that she intended to present a yearly calendar, at the January 26<sup>th</sup> Board meeting, for the Board's approval. She announced that the Chairs of the Standing Committees would be:

- Emergency Preparedness: Director Hacaj
- Solid Waste: Vice President Nottoli
- Finance: President Sherris-Watt, with Director Welsh as the alternate

President Sherris-Watt announced that the Board Coordinators would be:



- Intergovernmental and External Issues: Director Cordova
- Policy and Procedures: Vice President Nottoli, with Director Cordova as the alternate
- Public Safety Building: President Sherris-Watt
- Park Planning and Recreation: Director Hacaj
- Park Funding: Directors Hacaj and Welsh
- Community Outreach: Director Hacaj

President Sherris-Watt said she wanted to have two ad hoc committees with the following Chairs:

- Park Grounds: Director Welsh
- Technology: Vice President Nottoli

8e. Board President Sherris-Watt introduced, and the Board discussed, an Application Letter of Interest Form for the Appointment to a District Committee.

President Sherris-Watt said she wanted to change the way in which members of the committees would be selected. She said that there was an application to serve on a KPPCSD Committee or Board group on page 58 of the Agenda Packet and that, through January 25<sup>th</sup>, and she would be accepting applications. She announced she that would make appointments at the next meeting and that the committees likely would consist of no more than five members of the public and a maximum of two Directors. She said the application would appear on the District website and on Next Door. District Administrator Wolter noted that the Finance Committee had been rather large in the past and asked if President Sherris-Watt would be asking all those people to continue to participate. President Sherris-Watt responded that, from this point, existing committees would be dissolved and that she would be re-forming them. She noted that there might be an exception of seven members for the Finance Committee: She would appoint no more than seven members to any one committee. She announced that, if someone wanted to sign up for the Finance Committee, its first meeting would be held on Monday, January 30<sup>th</sup>.

Mabry Benson noted that even if someone was not on the Finance Committee, that person could still attend the Committee's meetings.

**MOTION: Director Hacaj moved, and Vice President Nottoli seconded, to adjourn.**

**Motion passed: 3 – 0.**

**AYES: Sherris-Watt, Nottoli, Hacaj**

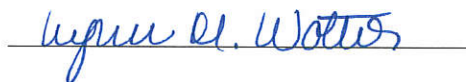
**NOES:**

**ABSENT: Welsh, Cordova**

The meeting was adjourned at 9:58 P.M.



Rachelle Sherris-Watt  
KPPCSD Board President



Lynn Wolter  
District Administrator