

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

AGENDA

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District will be held **Thursday, April 13, 2017, at 6:30 P.M.**, at the Kensington Community Center, 59 Arlington Avenue, Kensington, California. The Board will commence the first of its two Regular Monthly Meetings **Thursday, April 13, 2017, at 7:30 P.M.**, at the Community Center, 59 Arlington Avenue, Kensington, California. If further Closed Session is required, the Board will return to Closed Session following the end of the Regular Meeting.

Note: All proceedings of the Open Session will be recorded.

1. Call to Order/Roll Call 6:30 P.M.

2. Closed Session – Public Comments

a. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: The Board will be briefed on matters involving significant exposure to litigation pursuant to CA Government Code Section 54956.9(d)(2). Four items.

b. PUBLIC EMPLOYEE EMPLOYMENT, DISCIPLINE OR DISMISSAL: The Board will be briefed on personnel matters pursuant to Government Code Section 54957(b)(1). Four items.

c. PUBLIC EMPLOYEE EMPLOYMENT - Title (General Manager or Interim General Manager). The Board will be briefed on personnel matters pursuant to Government Code Section 54957.

Director Cordova will participate in the Closed Session, by phone, from Brescia, Italy.

3. Open Session – Call to Order/Roll Call 7:30 P.M.

4. Public Comments: Members of the public may address the Board on any matter listed on the agenda at the time the Board is considering the agenda item. Each speaker is allowed a maximum of five (5) minutes, pursuant to section 5030.41 of the District Policy and Procedures Manual.

5. Board / Staff Comments

6. Consent Calendar

a) Minutes 3/23/17 Pg. 1

b) Minutes 3/9/17 Pg. 11

c) Minutes 3/13/17 Pg. 19

d) Minutes 2/23/17 Pg. 21

e) Variance Report Pg. 33

f) Correspondence Pg. 39

- g) Solid Waste Committee Pg. 51
- h) Watch Commander Monthly Report Pg. 53
- i) Monthly Crime Statistics Pg. 56
- j) General Managers Report - None

7. New Business

a) Discussion of Wi-Fi policy for the Community Center. Vice President Nottoli will update and inform the Board about different possibilities for making Wi-Fi available to the users of the Community Center. Action Item.

Fiscal Impact - None. The fee is charged by Hughes Satellite at a flat monthly rate. Heavy usage could result in slower downloading speeds.

b) Review and possibly adopt the Amended Memorandum of Understanding Between the KPPCSD and Contra Costa County for meeting the requirements of the California Integrated Waste Management Act of 1989. Action Item. Pg. 63

Fiscal Impact - The District is to pay a Franchise Fee of 3% of Bay View's gross receipts to the County. This fee shall not be increased unless County's administration costs increase. If County's costs decrease, the District can request an adjustment.

ADJOURNMENT - The next regular meeting is scheduled for **Thursday, April 27, 2017, at 7:30 P.M.** A Special Meeting (Closed Session) of the Board of Directors is scheduled for **Saturday, April 15, 2017, 9:00 A.M..**

General Information

Accessible Public Meetings

NOTE: UPON REQUEST THE KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT WILL PROVIDE WRITTEN AGENDA MATERIALS IN APPROPRIATE ALTERNATIVE FORMATS, OR DISABILITY-RELATED MODIFICATION OR DISABILITIES TO PARTICIPATE IN PUBLIC MEETINGS. PLEASE SEND A WRITTEN REQUEST, INCLUDING YOUR NAME, MAILING ADDRESS, PHONE NUMBER AND A BRIEF DESCRIPTION OF THE REQUESTED MATERIALS AND PREFERRED ALTERNATIVE FORMAT OR AUXILIARY AID OR SERVICE AT LEAST 2 DAYS BEFORE THE MEETING. REQUESTS SHOULD BE SENT TO:

District Administrator, Kensington Police Protection & Community Services District, 217 Arlington Ave, Kensington, CA 94707

POSTED: Public Safety Building-Colusa Food-Library-Arlington Kiosk- and at www.kensingtoncalifornia.org

Complete agenda packets are available at the Public Safety Building and the Library.

All public records that relate to an open session item of a meeting of the Kensington Police Protection & Community Services District that are distributed to a majority of the Board less than 72 hours before the meeting, excluding records that are exempt from disclosure pursuant to the California Public Records Act, will be available for inspection at the District offices, 217 Arlington Ave, Kensington, CA 94707 at the same time that those records are distributed or made available to a majority of the Board.

Meeting Minutes for 3/23/17

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday, March 23, 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	Bob Deis
Eileen Nottoli, Vice President	Ann Danforth
Sylvia Hacaj, Director	Peter Liddell
Len Welsh, Director	Mabry Benson
	Linda Lipscomb
	Karl Kruger
	Paul Dorroh
<u>Staff Members</u>	Larry Nagel
Rickey Hull, IGM/COP	
Lynn Wolter, District Administrator	
<u>Press</u>	
Linnea Due	

President Sherris-Watt called the meeting to order at 6:35 P.M. President Sherris-Watt, Vice President Nottoli, Director Welsh, Director Hacaj, IGM/COP Hull, and District Administrator Wolter were present. President Sherris-Watt announced that Director Cordova's medical issues were continuing, so she would not be joining the meeting.

CLOSED SESSION PUBLIC COMMENTS

None.

The Board entered into Closed Session at 6:36 P.M.

CLOSED SESSION

- a. Anticipated litigation: The Board was briefed on matters involving significant exposure to litigation pursuant to California Government Code Section 54956.9(e).
- b. Public Employee, discipline, or dismissal: The Board was briefed on personnel matters pursuant to Government Code Section 54957(b)(1).
- c. Public Employee Employment pursuant to Government Code section 54957. Agency Representation: Bob Deis, Public Management Group. Title: Interim General Manager or General Manager.

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The Board returned to Open Session at 7:30 P.M.

Roll call: President Sherris-Watt, Vice President Nottoli, Director Welsh and Director Hacaj were present. Director Cordova was unable to join the meeting, due to health concerns.

President Sherris-Watt reported that the Board had tabled Items b and c. She reported that the Board discussed Public Employee Employment Item c, received resumes for possible candidates for the GM/IGM position, would begin analyzing the information received, and would set a Closed Session to conduct interviews.

PUBLIC COMMENTS

Karl Kruger encouraged the Board to develop a timeline to ensure the contract with the District's officers would be done on time. He said he knew there were a lot of things going on, but he asked that a timeline be passed along to those who would be negotiating for the officers. He concluded by saying that, if it wasn't completed on time, it shouldn't be the Board's fault – they're the employer and should be sure to do this in a timely manner.

Mabry Benson said she was bothered by aspects of the Agenda Packets: On the District's website's home page the meeting had been described as "special" – she asked that the two regular monthly meeting be described as such; and there had been no additional documentation for the dispatch issue – there should have been the same revised fiscal summary sheet, correspondence, and other documents that had been distributed to the Finance Committee. Ms. Benson also noted that two pages were missing from the March 23rd Finance Committee's agenda packet.

Linda Lipscomb said she wanted to congratulate Officer Barrow on his arrest of a violent person. She said she hoped the members of the community and the Board, to the extent there had been criticism of this officer in the past, would take the same vigor in congratulating and recognizing him for the expertise he had provided to the community. She said that she had known Officer Barrow for many years, that he had many talents, and that he's an officer whom she was proud to have of the force and with whom she felt safe.

IGM/COP Hull said that there had been two officers on the scene: Detective Martinez and Officer Barrow. He said he agreed with Ms. Lipscomb that it had been Officer Barrow's expertise and experience that had made it possible to bring the case to a close, without the Chief having to come back into work. Ms. Lipscomb thanked IGM/COP Hull and said that she hadn't meant to slight Detective Martinez and that she had known he's been involved, based on the press release. She added that, what she meant was - in light of past statements concerning Officer Barrow, she knew him to be a good man to have on Kensington's team. She said she wanted that to be recognized with the same vigor and strength that had been applied to him negatively in the past.

Peter Liddell provided information about exterior lighting for the Community Center. He showed a solar powered light that also had a motion detector. He said they were convenient and could be put anywhere because they didn't need electricity. He noted they were about \$15 apiece and could be found on Amazon.

BOARD COMMENTS

Director Welsh said he had meant to get an item on the agenda for this meeting but he'd failed to do so. He said he would be asking to place this on the agenda for the next regular meeting: To amend the duty statement for the COP. He explained that the duty statement for the GM included a line that this individual would need to engage with the community, but there wasn't an equivalent item in the COP duty statement.

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Director Welsh also reported that, at the prior night's Finance Committee meeting, Jim Watt had suggested that there be more of an explanation about items on the agenda, especially those that were new items.

Director Welsh said there had not yet been a Park Grounds Committee meeting, but he would try to set one for the following week. He said people should check the District's website for a notice. He noted that Peter Liddell, Katie Gluck, and Charli Danielson had been named to his committee and asked that, if anyone was interested in becoming a Committee member, they should show up to that meeting, and he would see what could be done. Mabry Benson asked him to describe what the Committee did. He responded that there were two park-related committees: The Park Building Committee and the Park Grounds Committee. Director Hacaj interjected that Park Building was now called Park Buildings and Recreation and included the park building. Director Welsh continued to describe that the Park Grounds Committee handled things that couldn't be managed by the GM/COP, things that should be managed by that person with input from the community, or things that weren't in the purview of the GM/COP. He said the best example of that was the work that had been going on for about two years, in which a group of volunteers had been clearing out ground brush and low hanging tree limbs that could serve as fuel for fires. He said most of the work focused on protecting the Community Center from fire and reducing the chance of a fire in the park. He also reported that there was some serpentine rock in the park, which had been fenced off with orange netting, and that the ground there contained a bit of asbestos – 1% to 2%, according to samples taken several months ago. He said IGM/COP Hull and he were in the process of looking for a good asbestos consultant to advise the District how to manage the potential hazard. He said the Park Grounds Committee might want to weigh in on this, too.

President Sherris-Watt thanked her fellow Board members. She'd had to go out of town unexpectedly the previous week for a funeral. She noted that deficiencies in the agenda should be hers – the hotel Wi-Fi had been inadequate. She thanked the other Board members for standing in for her, chairing meetings, and doing more than their share of work.

STAFF COMMENTS

IGM/COP Hull reported that there had been an individual arrested the prior night for DUI and domestic violence, among other charges. He said that Detective Martinez and Officer Barrow had handled the incident and that he agreed with Ms. Lipscomb: Officer Barrow had done a wonderful job and his experience had been valuable. He reported that he'd learned about the incident when he was almost home, following the Finance Committee meeting, and hadn't had to return to Kensington because the two officers had been able to handle all aspects of the incident, with some assistance from the El Cerrito Police Department. Director Hacaj noted that there was a press release about the incident on the District's website.

CONSENT CALENDAR

None.

OLD BUSINESS

7. The Board received an update from the Interim GM/COP on ongoing discussions between the KPD and Albany and El Cerrito/Contra Costa County Sheriff to provide dispatch, RMS, and records management services to the District. The Board may direct the Interim GM/COP to begin negotiation of a contract with an outside agency.

IGM/COP Hull directed people to a document, "CAD/RMS Transition" dated March 22nd, which he'd prepared and had placed copies of on the back table. He reported that he had been talking with Albany and with El Cerrito and the Sheriff's Department. He explained that El Cerrito and the Sheriff's Department were somewhat combined and reported that information had continued to arrive through

late March. Thus, he had updated information, which was now reflected in the Transition document. He said the document was in narrative form, with totals set off with bolded amounts.

IGM/COP Hull reported that the primary concerns in examining dispatch options were cost and officer safety. He also reported that what was driving the change was the fact that the Richmond Police Department had decided to implement a new formula for determining the manner in which they would charge agencies: This formula increased cost to the extent that other agencies had decided to leave the Richmond's service to form a new consortium, to go to the Sheriff's Department, or to establish a new relationship. He said he'd narrowed Kensington's options to two adjacent cities: El Cerrito and Albany. He reported that the initial cost for Albany was greater than that for El Cerrito/Sheriff's Department but added that Albany planned to stay with its software vendor, going into the future. He said that Kensington and El Cerrito currently shared the same software vendor (New World) because both were members of the Richmond PD consortium. He noted that Kensington's software contract would expire in 2018, and El Cerrito's contract would expire in 2019. He added that El Cerrito would remain with this vendor but would be changing software vendors at the end of its contract and that this would create additional cost for Kensington later on: Kensington would have to pay \$170,000 up front to go online with the El Cerrito PD/Sheriff's Department, and then would have to pay another \$100,000 to \$150,000 for new software. On the other hand, he noted that the Albany Chief had no plans to change his software vendor.

With respect to service, IGM/COP Hull reported that Richmond had been providing service for records department, CAD-RMS, and IT services – a full package. He said the service with Albany would provide the type of service Kensington had been receiving from Richmond: CAD-RMS and IT services for mobile units on both ends of the system, which was important because usually such service ended at the other end, and then Kensington had to take care of IT issues on its end. With El Cerrito, the records department would be closed at night, which would become an issue for Kensington: If there were a police officer working at night and a nighttime incident occurred, this service would be needed promptly in order to comply with State mandates. Specifically, he cited the need to enter information promptly about a missing person into the CLETS system. With the Albany option, he said an officer could simply use his cell phone to relate the needed information to the records clerk or the dispatcher, who would make the entry into the CLETS system: This would enable the officer to remain on scene to conduct the preliminary investigation.

IGM/COP Hull reported that the Sheriff's Department would only provide dispatch service: It didn't want to provide RMS (computer records services) or records department services (the brick-and-mortar building with a records clerk). The Sheriff's Department would provide these two services only in an emergency.

IGM/COP Hull said Albany's annual payment would be slightly higher than the annual El Cerrito/Sheriff's Department's, but the services being offered by Albany would be worth the extra pay.

IGM/COP Hull reported that among the recent changes to the proposals and which had been reflected in the most recent spreadsheet had been that El Cerrito had indicated it would be willing to absorb some of the costs Kensington would need to pay to get online with the Tiburon software, which the Sheriff's Department used for dispatch. He noted that this had reduced the Tiburon cost of about \$107,000 by about \$68,000 or \$69,000.

IGM/COP Hull also reported that, if Kensington selected the El Cerrito/Sheriff's Department option, the KPPCSD would have a total of four contracts: One with the Sheriff's Department, one with the El Cerrito PD, one with Tiburon (the Sheriff's Department's software vendor), and one with the Kensington PD's current software vendor (New World). He also noted that, if Kensington selected the El Cerrito option, the KPPCSD would need to extend its New World contract one year beyond its 2018 termination. With the Albany option, he said Kensington would have two contracts: One with the Albany PD and one with the software vendor (RIMS).

Based on all the information he'd gathered, IGM/COP Hull recommended to the Board that it consider contracting with the Albany PD.

President Sherris-Watt said that among the things she wanted to consider were the length of the contract and which agency to select. She said that she'd sat in on about half of the meetings in which IGM/COP Hull and Vice President Nottoli had participated and that she appreciated their analysis of the issue. She noted there would be an option to extend the Richmond contract, on a month-to-month basis, but only until September 2017.

Larry Nagel, one of the Kensington Fire Protection District Directors, said his concern was whether an arrangement with Albany would be an impediment to most of Kensington's mutual aid with El Cerrito. He noted that he'd never seen an Albany police car in Kensington. He asked if IGM/COP Hull foresaw any problem with the Kensington PD talking with the Fire Department and with the Kensington PD talking with the El Cerrito Fire Department. He said that his understanding, with respect to dispatching, was that a 9-1-1 call would go to dispatch for the PD, and then that call would need to be transferred to another dispatcher for fire because Kensington Fire would continue to use El Cerrito's dispatch. He added that he wasn't terribly interested in the length of the contract or the cost: He wanted to ensure that fire and police personnel could continue to talk to one another. IGM/COP Hull responded that one of the reasons Mr. Nagel had seen El Cerrito police cars in Kensington more than Albany police cars was because Kensington's and El Cerrito's PDs were currently on the same radio channel – out of the Richmond dispatch center – and that, if Kensington were to dispatch with Albany, Kensington and Albany would be on the same channel: Then, Albany police cars would be seen in Kensington more than El Cerrito PD cars. IGM/COP Hull explained that, with respect to communication between the Kensington PD and the Fire Department and under the new environment, law enforcement and fire dispatch would be in two separate buildings: The Sheriff's department would dispatch the police, then the call would be transferred, and Confire would dispatch the El Cerrito Fire Department. He explained that the process would be the same, if Kensington were to contract with the Albany PD: A resident would call 9-1-1 for a fire-related call, the call would go to the Albany PD dispatch center, which would dispatch Kensington PD units, and then the Albany dispatcher would transfer the call to Confire, which would send the El Cerrito Fire Department. With respect to communication between the Kensington PD and the El Cerrito PD, IGM/COP Hull said that there was a radio system call EBRCS, which – with the radio each officer carried on his/her hip – allowed officers to monitor dispatch from several sources: The fire department, Oakland PD, Berkeley PD, Albany Fire Department, and some County departments. Thus, he said there would be no more difficulty with Kensington communicating with El Cerrito PD than it was currently – it was a matter of switching the radio from one channel to another.

Jim Watt said there had been a robust discussion at the previous night's Finance Committee meeting. He noted that the Finance Committee had agreed to recommend to the Board that the Board consider entering into a contract with the Albany PD, with the condition that that contract could be terminated at the end of the second year or sometime thereafter and with the further condition that Kensington would provide 180 days prior notice. Thus, he said that, at 1½ years, Kensington could terminate the agreement. He said that, if IGM/COP Hull was unable to accomplish this in his negotiations with Albany, this matter should come back to the Finance Committee for further discussion. He said that shortening the term of the contract was important because:

- A number of people in the community had voted for the two new Board members in particular because they wanted to at least go through the effort of looking at outsourcing. Thus, if the KPPCSD were to enter into a five-year unbreakable contract with Albany, it would significantly tie Kensington's hands with respect to options for contracting out with the City of El Cerrito.
- In the event the KPPCSD were to go with Albany, the Kensington PD would be on the same radio channel as Albany, which meant that when Kensington needed assistance, as the in the case of the prior night's incident, it would be Albany police who would respond. He said that Kensington's contiguous boundary with El Cerrito was significantly greater than with Albany. He noted that when he'd driven from Albany while doing some of his daily Uber work, he'd realized that if he'd come from the outskirts of Albany, he would have had a pretty good drive to get to where he lived, on Grizzly Peak – a longer time than it would take for an El Cerrito

5

officer. He asked IGM/COP Hull to give further thought to what the likely change in the response times might be, in the event the Kensington PD needed to call in help. He expressed concern for officer and resident safety.

- It would be helpful to understand the dispatch response time. He said that Albany had a separate and small dispatch center and that Contra Costa County's dispatch center was about ten times the size of Albany's and handled about ten times the number of calls as Albany. He said he'd gone on the Albany website and read information about dispatch, which said that the six dispatchers provided multiple functions – including answering questions for people who came to the counter. He noted that one of the goals the Albany Chief had set for the calendar year was to work on the efficiencies of the dispatch service. He noted that, if the Albany chief was concerned about dispatch, Kensington should be, too.
- In the Albany Police Chief's letter, there was a reference to how the cost would increase over time: The \$97,000 cost would increase by several factors 1) cost of living, not to be less than 4%, 2) cost increases based on salary and benefit increases paid to personnel, and 3) possible increases based on the number of service calls received. He said he wanted to get a better sense of what increases would occur on an ongoing basis.

With respect to Mr. Watt's comment about the length of the border and its possible impact on response times, IGM/COP Hull said the length of the border would have no relevance to response times. He noted that there might be an Albany unit on the opposite end of Albany, but Albany's officers were assigned beats. Thus, he said there would be an officer assigned to the beat where Albany's border was contiguous with Kensington's. As with El Cerrito, if there was an incident west of San Pablo Avenue, it could take all of the department's resources to deal with the incident. In such an incident, he said that Kensington would assist El Cerrito or take its police-related calls and that this likely would be the same case with Albany. He noted that the only area of concern was how long it would take an Albany officer to become familiar with Kensington's streets.

Director Welsh said that Mr. Watt had mentioned several things and seemed to have intended that IGM/COP Hull research these items and report on them at the next meeting. Director Welsh said that staffing was important and noted that El Cerrito was holding positions open. He said that the Finance Committee had also discussed the issue of dispatch response times the prior night and that IGM/COP Hull was going to obtain this information from Albany and from the County. President Sherris-Watt noted that dispatch times were State mandated and had to fall within certain parameters and that Albany's Chief McQuiston had said his dispatch was in compliance. She added that she had attended a meeting with Chief McQuiston on March 22nd, that he'd stated that he'd prefer a five-year contract, and that she'd responded that she wasn't interested in such a long contract because it would tie up the current and future Boards. She said she'd indicated that her preference would be a two to three-year contract. Thus, she said the five-year contract was negotiable. Director Welsh indicated that part of that would be an escape clause – the contract could be five years but either party could terminate with a certain amount of notice. President Sherris-Watt noted that the notice period would need to be at least 90 to 100 days because of the amount of time it would take to change service providers.

Linda Lipscomb said she wanted stability: The Board should not set up a contract in a manner to contract out. She said the contract should provide stability in the delivery of services. She noted that Director Welsh's idea of a five-year contract would provide stability in terms of pricing and expectations of services. She said she didn't object to an escape clause, but she reiterated the importance of monetary and policing stability.

Mabry Benson thanked IGM/COP Hull for having put a date on his report – undated documents were hard to follow. She said that a five-year contract was unreasonable, though it would be all right if it had an escape clause, and that the Board should try for a two-year contract. She said that it should be obvious that the District would be investigating contracting out and that she'd asked the Board to get started on this. She noted that, before the dispatch issue had arisen, there had been two viable departments to consider that she thought would make good policing options: El Cerrito and Albany. She said that having two options would provide leverage in the negotiations. She noted that a three to five-year contract would eliminate this leverage because selecting a dispatch service would suggest that

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Kensington would select that department for outsourcing. She said that Albany wouldn't be on the same frequency with El Cerrito and that, because El Cerrito shared a larger border, El Cerrito would respond more quickly than Albany. She said she'd heard that Albany dispatchers had additional duties, which she thought had the potential of causing distractions. She noted that El Cerrito was Kensington's primary reciprocal responder. Thus, she said that, if Kensington and El Cerrito weren't on the same channel, the two agencies wouldn't hear each other's "chatter" unless they changed frequencies and that this constant chatter would enable faster response times. She asked if the District had the data on Albany's and the Sheriff's Department's number of calls and dispatches.

Vice President Nottoli asked IGM/COP Hull if Kensington was on the same radio channel with only El Cerrito. IGM/COP Hull responded in the negative and said that Kensington shared this channel with El Cerrito and San Pablo and that all three were dispatched out of Richmond. Vice President Nottoli asked how many cities would be on the same channel if Kensington were to go with the Sheriff's Department. IGM/COP Hull responded that the Sheriff's Department would create a West County channel that would be shared by six or seven agencies, which meant that Kensington would be listening to six or seven other agencies on the radio instead of just two others.

David Spath said an important element was that Albany would provide 24/7 access to CLETS. With El Cerrito, he said access to CLETS would be available for only ten hours per day: This access would end at 6:00 P.M. each day. He said that officers would need access to this system after 6:00 P.M. and that this would affect the safety of both the officers and the victims. He cited a recent incident in which a child had been reported missing after 6:00 P.M. and said that, with El Cerrito, there would have been no ability to search the CLETS database. He said the Sheriff's Department would be taking on more dispatch requirements, which meant that department would need to hire more people. He said that the Sheriff's Department was one of the most expensive operations going and that this had been summarized in the Ad Hoc Committee's report. He said that, just as Albany would be providing salary increases to its dispatchers, so too would the Sheriff's Department. He also asked what the impact of the greater workload would be for the Sheriff's Department's dispatchers. With respect to response times, he said IGM/COP Hull had made an important point: The response times wouldn't matter too much in either case because of each agency's beats. He noted that the El Cerrito beat adjacent to Kensington was large and extended from the hills all the way down to San Pablo Ave. and was serviced by a small number of officers. Thus, he said he didn't think the El Cerrito officers would be able to respond to Kensington any faster than the Albany officers. He concluded by saying that Albany was the better choice, given the service, and that a contract with an escape clause might be a possibility.

Karl Kruger said that, at the prior night's Finance Committee meeting, he had voted for the two-year cancellation, with 180-day notice. He said the contract should not be a short-term one because the start-up costs would be too high: Once the up-front money had been spent, Kensington would be pretty committed. Thus, he said a short-term contract with high up-front costs made no sense. Vice President Nottoli asked for clarification. Mr. Kruger responded that he was fine with what the Finance Committee's vote of the prior night. So, he said if there were high start-up costs, the contract would need to be at least two years.

Director Welsh asked IGM/COP Hull, with his police expertise, to provide information and analysis about dispatch response times and the police response times – for both El Cerrito and Albany – at the next Board meeting. IGM/COP Hull noted that dispatch response times were referred to as ring times. President Sherris-Watt responded that some of this was metaphorical and mathematically improbable – the Board was gauging response times for different incidents in different parts of Kensington with police officers in different locations. She said IGM/COP Hull had attended at least three meetings with each of the agencies, in addition to speaking with El Cerrito Fire and Berkeley PD. She said that she thought IGM/COP Hull's recommendation was thoughtful and well researched and that she was comfortable with giving him the power to begin negotiations for a contract that would come back to the Board for final approval. She noted that this would be in keeping with the issues raised this evening and that, if something egregious arose, he would need to bring the issue back to the Board for reconsideration. Director Welsh said that he would like to give this authorization, too, and that IGM/COP Hull hadn't made his recommendation lightly. But, he noted that issues had been raised

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during the evening's discussion and that he hoped IGM/COP Hull would fill in some of the blanks at the Board's next meeting.

Linda Lipscomb said that, if the Board made a two-year contract with Albany and had huge start-up costs, the cost could not be amortized. If Kensington then went over to El Cerrito, whose contract with New World would be expiring and so would need to switch to a new system, Kensington would have another huge "bang," in terms of a lot of money needing to be spent to switch to the new system. She said this didn't make economic sense. She said the best thing would be to take a look at a longer-term contract, from a financial point of view, and to provide stability. She noted there had been too much change in many respects; she cited that, later in the evening, there would be a discussion about shifting counsel again. She said there had been discussion about a two-year contract so that Kensington could contract out to somebody else. She concluded by saying that this was a Police District and that stability was needed.

Director Hacaj thanked IGM/COP Hull, Vice President Nottoli, and President Sherris-Watt for their work on this issue and for their having met with various agencies. She said she would be voting with the recommendation of both IGM/COP Hull and the Finance Committee for the Albany option. She noted that Albany used to do dispatch for Kensington, prior to the Richmond consortium having been established. IGM/COP Hull said that Kensington had stopped using Albany's dispatch because of cost: When the Richmond consortium was established, it offered a less expensive option. Director Hacaj added that there had been no other problems with Albany during the years it had provided service to Kensington. She also said that Albany uses RIMS software, which is the trending software for law enforcement agencies. Therefore, she said she wasn't comfortable sinking money into outdated technology. She noted that El Cerrito would be updating its software in two years but hadn't committed to what it would be using. She said that, in addition, the Albany option would provide IT support to Kensington – something the other option would not. She said other benefits had been discussed with respect to saving staff time and effort in reconciling error reports for crime statistics: Kensington's current system required about ten hours of staff time, and the new system would require a few minutes. Director Welsh said that Director Hacaj had provided a cogent explanation of why Kensington should be selecting IGM/COP Hull's recommendation to select Albany.

MOTION: Director Welsh moved, and Director Hacaj seconded, to commission IGM/COP Hull to negotiate with Albany, following the recommendation of the Finance Committee last night to exercise the notice option of 180 days before the two-year or five year expiration date and with the hope that a longer term would result in a lower rate.
Motion passed: 4 – 0.

AYES: Sherris-Watt, Nottoli, Welsh, Hacaj NOES: ABSENT: Cordova

Director Welsh thanked President Sherris-Watt and Vice President Nottoli for the work they'd done and said that what IGM/COP Hull had done was "magnificent." President Sherris-Watt noted that this had been the Board's number one issue during the prior two months and that Vice President Nottoli and IGM/COP Hull had been "amazing."

NEW BUSINESS

- 8a. The Board reviewed, discussed, and considered voting to accept the engagement letter from Ann Danforth and to appoint Ann Danforth as District Legal Counsel.

President Sherris-Watt reported that, earlier in the month, the Board had concluded its relationship with Wendel Rosen and had obtained a proposal from Ann Danforth, who was present at the meeting. She invited Ms. Danforth to introduce herself and to describe her experience.

Ann Danforth said that she'd been an attorney since 1983 and that for most of the prior 20 years of her career she'd been the town attorney for Tiburon. She added that she had been the town's sole legal

counsel. She said that, prior to that, she'd worked for the City of San Jose and that, before this, she'd worked with the land use and local government group of the law firm McCutcheon Doyle Brown and Enerson. She said her career had involved work on a lot of contracts, including labor and public works contracts, personnel items... pretty much anything that could cross a public agency's desk. She said this was work she enjoyed and that, after having retired about two years earlier, she'd decided she wanted to continue to work.

Linda Lipscomb said she'd checked with the State Bar and learned that Ann Danforth was not associated, at this time, with a law firm. Thus, she said that there wasn't a "deep bench" and that, without this, specialty matters... maybe Kensington would be better going with a larger firm. Ms. Danforth responded that this was an issue but that she had been the sole attorney for the Town of Tiburon, which had had its fair share of litigation, slip-and-falls, and workers' compensation issues. She said that she contracted out for those things she couldn't do and that this had turned out to be cheaper for Tiburon than the current situation, in which the town had a law firm doing the town's ongoing general legal work in addition to the specialty work. Ms. Danforth added that she anticipated that there would be work she'd have to contract out but that having her do the day-to-day general advisory work would likely be less expensive.

President Sherris-Watt noted that the Board maintained a relationship with Public Law Group (PLG) and that PLG and Ms. Danforth were amicable about working together. Ms. Lipscomb responded that this would be good because there would be quite a bit of "uptake" with a District like Kensington – especially in terms of municipal memory. She noted that some of the community's vocal critics had cited legal costs.

Paul Dorroh said that he had attended the last meeting at which the Board had announced that Wendel Rosen was parting ways with the District as legal counsel and that now the Board was announcing new legal counsel. He said he had no quarrel with Ms. Danforth's qualifications, which appeared to be substantial, but the process had been quite opaque. He asked if other candidates had been considered and how Ms. Danforth had come forth as the candidate. President Sherris-Watt responded that there were two issues: 1) the Board required legal counsel very quickly because PLG was not prepared to handle the District's day-to-day work, and 2) Ms. Danforth had been among the pool of previous applicants and had been highly recommended. President Sherris-Watt added that the discussion during the prior set of interviews had been whether the Board would go with a sole proprietor or a firm and that the Board majority at that time had felt that a firm was the best way to go. She concluded that the Board thought this would be a good time to bring Ms. Danforth on board.

Karl Kruger said his interest was financial. He said that, at the prior night's Finance Committee meeting, the Committee had reviewed the June 30, 2016 audited financial statements and that this had shown that legal fees for the prior year had been \$260,000. He questioned whether the Board needed to have an attorney at every meeting. He said he'd looked at the fee Ms. Danforth had proposed, but one needed to consider the two Board meetings per month and the fact that the Board met almost all the time at 6:00 P.M. in Closed Session and then continued until 10:00 P.M. Thus, he said that, if the Board did this twice a month, the Board meetings would consume Ms. Danforth's basic fee. He asked whether the Board needed to have an attorney at every Board meeting. Director Welsh said the Board had had this discussion with Ms. Danforth and that the Board had agreed in Closed Session that it would be good for Ms. Danforth to attend the first few meetings to become familiar with the community and then, hopefully, the Board would not need her. The Board would be able to operate without her. Director Welsh thanked Mr. Kruger for constantly criticizing the Board for the big attorney's fees.

Director Welsh reported that a few things had come up at the prior night's Finance Committee meeting. President Sherris-Watt responded that she had emailed Ms. Danforth about these items. Director Welsh suggested that the Board empower President Sherris-Watt to enter into the contract with certain additions she would negotiate with Ms. Danforth. Vice President Nottoli read the list of suggestions:

- Place a limit on or require a notice to the District ahead of time, before Westlaw costs exceeded a certain amount.

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- Provide separate categories in the billing to better address how the Board was spending its legal fees, with normal administrative costs, versus police costs, versus non-police related litigation matters.
- Clarify the billing frequency.
- Provide information on E&O insurance – Director Welsh interjected that he’d looked up this information and reported that Ms. Danforth maintained personal liability insurance and would provide details upon request.
- Clarify that Ms. Danforth was not an employee of the District: She’s an independent contractor.

Director Welsh said he had a question about fee structure and future increases – he said he wanted some sort of rate guaranty for some length of time. And, he said he wanted clarification on the subject of credit for hours not used.

Ms. Danforth said that, when she had initially prepared the contract, it had been with the understanding that she’d be expected to attend two four-hour meetings per month. She said that the credit structure had been intended to address the notion that the Board might decide not to have her attend one of more meetings. She added that, now that she was hearing that the Board wanted more flexibility with whether she was or was not at the meetings – which she said was fine with her, it might make sense to treat the monthly retainer differently so that the Board would receive a certain number of hours for the retainer and then there would be a separate retainer for up to a certain number of hours. Director Welsh responded that this made sense to him. Director Welsh also asked for clarification with respect to the language about advisory work. Ms. Danforth said she would restructure the proposed agreement based on what she’d heard. Director Welsh said the Board and Ms. Danforth were very close; there were just a few final details to take care of in the final negotiation. President Sherris-Watt said she was comfortable with whatever the Board wanted to propose in the way of a motion.

MOTION: Director Welsh moved, and Director Hacaj seconded, that the Board authorize President Sherris-Watt to complete the negotiation of the contract with attorney Ann Danforth. Motion passed: 4 – 0.

AYES: Sherris-Watt, Nottoli, Welsh, Hacaj NOES: ABSENT: Cordova

President Sherris-Watt announced that the District had new legal counsel and welcomed Ms. Danforth.

MOTION: Director Hacaj moved, and Director Welsh seconded, to adjourn the meeting. Motion passed: 4 – 0.

AYES: Sherris-Watt, Nottoli, Welsh, Hacaj NOES: ABSENT: Cordova

The meeting was adjourned at 8:59 P.M.

Rachelle Sherris-Watt
KPPCSD Board President

Lynn Wolter
District Administrator

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Meeting Minutes for 3/9/17

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday, March 9, 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	A. Stevens Delk
Eileen Nottoli, Vice President	Simon Brafman
Sylvia Hacaj, Director	David Bergen
Len Welsh, Director (departed at 8:26 P.M.)	Mabry Benson
	Jim Watt
	Frank Lossy
	Leonard Schwartzburd
<u>Staff Members</u>	
Rickey Hull, IGM/COP	
Lynn Wolter, District Administrator	
<u>Press</u>	
Linnea Due	

President Sherris-Watt called the meeting to order at 6:32 P.M. President Sherris-Watt, Vice President Nottoli, Director Welsh, Director Hacaj, IGM/COP Hull, and District Administrator Wolter were present. President Sherris-Watt announced that Director Cordova would not be joining the meeting.

CLOSED SESSION PUBLIC COMMENTS

None.

The Board entered into Closed Session at 6:32 P.M.

CLOSED SESSION

- a. Conference with legal counsel – anticipated litigation: The Board was briefed on matters involving significant exposure to litigation pursuant to California Government Code Section 54956.9(e). Two items.
- b. Public Employee, discipline, or dismissal: The Board was briefed on personnel matters pursuant to Government Code Section 54957(b)(1). Three items.

The Board returned to Open Session at 7:34 P.M.

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President Sherris-Watt took roll call. President Sherris-Watt, Vice President Nottoli, Director Welsh and Director Hacaj were present. President Sherris-Watt announced that Director Cordova would no be joining the meeting.

President Sherris-Watt reported that the Board had amicably separated from its legal representation with Wendel Rosen and would begin negotiations for new legal representation. She also reported that, in the interim, PLG would help with any matters that couldn't wait.

PUBLIC COMMENTS

David Bergen provided guidelines on how to use the new microphones: speak five to six inches away from the microphone, and if anyone had trouble hearing, they should advise the speaker.

A. Stevens Delk said it was hard for her, or anyone else, to know how loudly she was speaking because she heard the sound of her own voice, not the sound from the speakers. She said the audience would need to provide feedback after listening to recordings of the meetings.

Simon Brafman said he's sent photos of the tennis courts, taken the day after it had rained, to President Sherris-Watt. He said the courts weren't draining properly, which prevented play, and that the pooling water could cause damage to the courts. He said he would send the photos to IGM/COP Hull and District Administrator Wolter.

Mr. Brafman said he'd heard conflicting information about whether the committees had been closed to new members. President Sherris-Watt responded that the Board was not engaging in dialog, but he could speak with the Directors, individually.

A. Stevens Delk said that, at the last Board meeting, President Sherris-Watt had reiterated that the Board wouldn't interact with members of the public about things not on the agenda because doing so would be a Brown Act violation, according to several lawyers. Dr. Delk noted that the Brown Act said that members of the Board or staff "may briefly respond to statements made or questions posed" ... "may ask a question for clarification, make a brief announcement, provide references to staff, take action to place a matter on a future agenda," etc. Therefore, she said a brief comment would not be a Brown Act violation. She noted that the District's policy said, "The Board shall not discuss or take action on such matters." Dr. Delk said that, after the directive had been announced in January, she had written to each Director, stating that, by not including the rest of the Brown Act, the District's policy could be used to limit public access to basic information by "playing the not-on-the-agenda card." She said it appeared that the policy was being applied selectively and preferentially, depending on content or speaker. She said she appreciated the desire to keep meetings short, focused, and legal but she asked that the Board consider an alternative: According to the Brown Act, Directors could provide a simple, brief comment or answer, when appropriate.

Mabry Benson urged the Board to get started on contracting out. She said she understood the Board wanting to wait until it had a GM in place and realized it had many items on its plate. She said the Board needed to start the process because it would take time and that a citizen/Board committee could get started by drafting a plan of needed action and timelines and by gathering information. She said the Board should authorize this committee to interact with possible agencies. She noted that the Ad Hoc Report for contracting out had contained items for moving forward and that Jim Watt had written a three-page document about the approach to outsourcing, which would be useful.

Jim Watt said he had wanted to direct his comments to General Counsel, but he acknowledged that there was no General Counsel present. Thus, he directed his comments to the Directors. He said his comments had to do with the March 3rd meeting, which had been a Closed Session meeting during which certain items had been discussed and which had been posted with a 24-hour notice. He said he hadn't attended the meeting and that, even if he had, he might not have stayed until the end because nothing was ever reported at the end of Closed Sessions anyway. He noted that this Closed Session had

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included four items, three of which appeared to have been in accordance with the 24-hour notice but one of which had not: It referred to Government Code Section 54957 but didn't seem to fall into the subjects covered by the code. He said this item stated that the Board would be "briefed on matters involving impact on future budgets" with Adam Benson. He said that, as a member of the Finance Committee, he would like to hear what Adam Benson had to say and would like to ask him questions. He asked the Board if there had been anything that had come out of that Closed Session and what Adam Benson had told the Board. President Sherris-Watt responded that there had been no reportable action from that meeting and that she could not share any of the information from the Closed Session. Mr. Watt asked what a matter involving the budgets had to do with a Closed Session.

BOARD COMMENTS

Director Welsh announced he would need to leave the meeting at 8:30 P.M. for a call with attorneys in Japan.

President Sherris-Watt announced that the Finance Committee would meet on March 22nd and that Vice President Nottoli and IGM/COP Hull would be presenting information about the dispatch issue.

STAFF COMMENTS

None.

President Sherris-Watt announced that, because Director Welsh would need to leave early, the Board would address Item 7b first.

- 7b. The Board reviewed and considered approving Resolution 2017-06 to Amend Appendix A of Policy #2000 of the District Policy and Procedures Manual to create job descriptions for i) District Chief of Police and ii) District General Manager and considered directing District staff to conform implementing policies (Policy #2000.25) to reflect these two separate job descriptions.

MOTION: Director Welsh moved, and Vice President Nottoli seconded, to adopt Resolution 2017-06.

Motion passed: 4 – 0.

AYES: Sherris-Watt, Nottoli, Welsh, Hacaj NOES: ABSENT: Cordova

CONSENT CALENDAR

Director Hacaj asked to pull Item d, the February 9, 2017 Minutes, and Karl Kruger asked to pull Item f, Unaudited Profit and Loss Performance Report for February 2017.

With respect to Item d, Director Hacaj clarified that the full title for the Park Planning Committee is Park Planning and Recreation Committee and said a correction needed to be made to the minutes on page 39: She, not President Sherris-Watt and Director Welsh, was the chair of the Emergency Preparedness Committee.

Dr. Lossy spoke about the microphones, the distance between the speakers and the microphones, and the impact this has on people with hearing problems, like himself: too close made the speaker's voice too loud, and not close enough made the speaker's voice inaudible.

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A. Stevens Delk made a general comment about referring to items by their letters only: Items should be identified by their names during meetings and should be so identified in the minutes, too. She also noted that, with hearing loss, high frequency sounds became difficult to hear; thus, certain letters, alone, were hard to distinguish.

Frank Lossy said there had been a meeting of the Technology Committee, which he'd been unable to attend. Vice President Nottoli responded that a report on this would be given later in the meeting.

Karl Kruger had asked to pull Item f, the Unaudited Profit and Loss Budget Performance Report for February 2017. Mr. Kruger said that he missed the notes on the statements and that he understood this was an issue of available time. But, he said the notes on the statements saved time, because he didn't need to ask about line items at the Board meetings. He said there also should be notes because the GM should look the reports and say an item is not on budget.

Mr. Kruger said that there had been complaints about overtime but that he didn't complain about this. He said that, when one looked at payroll and it was \$29,000 below budget for the year, overtime didn't make any difference from a dollar amount standpoint. He said the GM needed to staff his people, and if he didn't have sufficient people, he needed to use overtime. He said it concerned him that officers were working very long hours, and they had use of the District's car and a gun. He said there ought to be a limit to how many hours officers should be working per day.

Mr. Kruger said he was concerned about the District's legal fees, which were \$48,000 over budget. He said that he knew there were a lot of issues but that, if the District continued at this rate for the next four months (he noted that he didn't know where the District was with billing), legal fees would be between \$180,000 and \$220,000 by the end of the fiscal year. He asked everyone to try to get along without legal fees because it was a waste of money. He noted that, were it not for legal fees, the District would have a good operating statement and could take the money and put it into the Community Center. President Sherris-Watt responded that the Directors "felt his pain" and would be discussing this issue.

MOTION: Director Welsh moved, and Vice President Nottoli seconded, to adopt the Consent Calendar, with the February 9, 2017 minutes as amended by Director Hacaj. Motion passed 4 – 0.

AYES: Sherris-Watt, Nottoli, Welsh, Hacaj NOES: ABSENT: Cordova

OLD BUSINESS

- 7a. The Board received an update from the Interim GM/COP regarding the status of negotiations for the provision of dispatch, RMS, and records management services to the District.

IGM/COP Hull reported that the District had spoken with all seven West County agencies and had narrowed the choices down to two agencies that would be either a combination between the Sheriff's Department and El Cerrito or the Albany Police Department. He explained that Kensington had been receiving dispatch, records department, and RMS services from the Richmond Police Department, but that relationship would be ending on June 30th and that, in addition to this relationship, Kensington had a separate contract with a software vendor. He explained that RMS (records management system) was the computer-generated record stored on a computer hard drive and that the records department was a brick-and-mortar building with a records clerk. He reported that, if Kensington were to stay with Richmond, the cost of these three services would increase from \$119,000 to \$128,000 per year.

IGM/COP Hull reported that Richmond's costs were going to increase for other agencies as well; thus, these agencies – Hercules, Pinole, and San Pablo had created their own, new consortium for dispatch, records, and RMS, and this would leave El Cerrito and Kensington without dispatch service.

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IGM/COP Hull said the most important aspect of this process was officer safety, which meant that Kensington PD needed to be on the same radio channel with one of Kensington's adjacent cities: El Cerrito, Albany, or Berkeley. He reported that Berkeley's Chief had said his department couldn't provide any service to Kensington and that El Cerrito would be contracting with the Contra Costa Sheriff's Department, for dispatch only. He said this situation could create a problem with making entries into CLETS, some of which need to be made within a two-hour time period. He said that, if officers were out in the field and unable to make such entries themselves, the Sheriff's Department would be unwilling to do so, unless there were exigent circumstances. IGM/COP Hull said that, if Kensington were to enter into a relationship with the Sheriff's Department, it also would need to enter into a relationship with El Cerrito because that city would provide records department services and RMS. This option would necessitate contracts with El Cerrito, the Sheriff's Department, and with a software vendor.

IGM/COP Hull directed everyone to a spreadsheet that summarized projected two-year costs of Kensington's options. He reviewed the details of the report and concluded that the total cost of selecting the Richmond-El Cerrito option would be \$164,231 in the first year and said that the software to be used with this option would be Tiburon. He reported that Albany used software called RIMS, which was what most police agencies were trending toward because it's user-friendly, and that Kensington could obtain this software for \$85,000, an amount that could be amortized. He summarized the other details of the Albany option, which would include all three services (dispatch, records, and RMS) and concluded that this option would cost between \$202,673 and \$207,673 in the first year. IGM/COP Hull explained that the department was currently spending about \$8,000 per year, in officer and Police Specialist time producing Uniform Code Reports (UCR) because it was difficult to extract information out of the program: RIMS would make this easier.

IGM/COP Hull said that, with respect to El Cerrito, it would likely move from Tiburon to RIMS within two years. Therefore, he said that, if Kensington were to select the El Cerrito-Sheriff's Department option, Kensington would have to pay to be compatible with El Cerrito's current system (Tiburon) and then pay again, at a later date, for the conversion to RIMS, which would come with a price tag of between \$125,000 and \$139,000 and an additional cost of \$16,000 for vehicle computer upgrades. He reported that Kensington would probably have to convert to RIMS anyway: Therefore, he would rather not spend \$164,000 to be compatible with a vendor for a couple of years and then have to pay almost \$216,000 (\$90,859 needed system total, plus \$125,000 for switching to RIMS, plus \$16,000 for vehicle computer upgrades) later in order to follow the trend of moving to the RIMS program.

In closing, IGM/COP Hull said that, based on the available information and his analysis, he didn't think it was reasonable to select the El Cerrito option because of the costs associated with switching from Tiburon to RIMS. Therefore, he said he hoped the Board would seriously consider contracting with Albany.

President Sherris-Watt said that a three-year projection would be prepared for the Finance Committee meeting and would appear on the Board's March 23rd meeting agenda. She said the Board would like to provide the community with more time to consider this issue, but there was a time constraint: AT&T and its 9-1-1 switch over lead-time was normally 90 to 100 days. Director Hacaj asked for the date of the Finance Committee meeting, and President Sherris-Watt responded, March 22nd. Director Hacaj encouraged interested members of the public to attend that meeting.

At 8:26 P.M., Director Welsh announced that he had to leave the meeting.

Mabry Benson noted that Kensington PD had many calls to and from El Cerrito because the two communities shared a large border. She asked, if Albany provided dispatch – assuming it's on a different frequency, how Kensington's and El Cerrito's officers would communicate with one another. IGM/COP Hull responded that Albany was on a different frequency but that both Albany and El Cerrito were on EBRCS (East Bay Radio Communications System), which would enable Kensington officers to switch the channel on their radios to communicate with one another. Ms. Benson noted that, if El Cerrito were to go with the Sheriff's Department, it would be on a different channel from the

consortium. IGM/COP Hull responded that she was correct and that the Sheriff would create a separate channel for the West County, which would include Rodeo, Crockett, West County Sheriffs, and maybe one other department. He added that El Cerrito would be on this radio channel, as would Kensington, should it contract with the Sheriff's Department. Ms. Benson asked for clarification about which departments would be included in the consortium. IGM/COP Hull responded that it would include the Hercules, Pinole, and San Pablo Police Departments. Ms. Benson said she thought that Albany was going to be part of another consortium that would include Berkeley. President Sherris-Watt responded that Berkeley had its own dispatch. IGM/COP Hull explained that the EBRCS system would enable all departments to communicate with one another, should the need arise. Vice President Nottoli added that all the departments would not be listening to each other's calls. She explained that, if Kensington went with the Sheriff's Department and El Cerrito, Kensington would be listening to all the calls on the channel created for the west part of the County and that if Kensington went with Albany, then Albany and Kensington would listen to each other's calls.

NEW BUSINESS

- 8a. The Board reviewed and considered acceptance of the Actuarial Valuation of Post Employment Medical Benefits and the GASB 45 Valuation concerning Retiree Medical and OPEB Plans prepared by Nicolay Consulting. This document had been reviewed and recommended for Board approval by the Finance Committee on February 22, 2017, by a vote of 5 – 0.

President Sherris-Watt reported that the Finance Committee had reviewed this document and had recommended that the Board approve it, by a vote of 5 – 0, on February 22nd.

President Sherris-Watt summarized the background for this agenda item:

- Last summer, the Board had reviewed the OPEB actuarial valuation report that had been prepared by TCS (Total Compensation Systems).
- It had been determined that the numbers contained in that report weren't as up-to-date as the Board would have liked.
- TCS had underestimated the amount the Board should be contributing to the OPEB Trust.
- The Board requested a new actuarial valuation, which Nicolay Consulting prepared.

President Sherris-Watt said that the Board would be considering whether to approve the document and that the Finance Committee had determined it would not be ready to make a recommendation, based on the numbers, until it had seen the Fiscal-Year 2017-18 Budget.

Jim Watt said he was on the Finance Committee and that he wanted to let people know that this was a "big deal" because, if the District accepted the recommendation made by Nicolay Consulting, this would increase the cost the District would need to set aside by \$195,000 annually. He said this would have a big impact on the budget and explained that this increase had resulted from changes made in the report's assumptions. He noted that some people had decided that the prior actuarial report had underestimated the amount that needed to be set aside and that the new report recommended that the Board set aside \$421,000 to meet its medical obligations for its existing and retired officers. He said that, in addition to this and beginning in June of 2017, the District would be required to show on its balance sheet the total amount of its unfunded medical cost liability: \$3.1 million, according to Nicolay. He said the District currently had funded the OPEB Trust Fund at about \$800,000, which equaled a funding ratio of about 25% of the full obligation amount. By comparison, he said the Fire District was 100% funded – though, he noted that this District had been funding its Trust over an extended period of time and that very few agencies were fully funded. He said the KPPCSD pension liability was unfunded by an additional \$3 million. Thus, he said the community had an unfunded liability for its police department of about \$6 million.

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President Sherris-Watt said there had been changes in GASB and in three of the Nicolay report's assumptions:

- The medical trend rate had been increased from 4% (TCS's amount) to 8%.
- More current mortality tables, which show longer life expectancies.
- Inclusion of implicit subsidies (TCS's report hadn't included), which accounts for younger people, who use less healthcare and thereby subsidize older people, who tend to use more.

MOTION: Director Hacaj moved, and Vice President Nottoli seconded, to accept the Nicolay Report.

Motion passed: 3 – 0.

AYES: Sherris-Watt, Nottoli, Hacaj NOES: ABSENT: Cordova, Welsh

7b. The Board discussed meeting minutes from the Technology Committee meeting March 3, 2017 and discussed the development of a Wi-Fi Policy.

Vice President Nottoli reported that the Technology Committee had met Friday, March 3rd and thanked David Bergen, Simon Brafman, and A. Stevens Delk. She said that the Committee had worked on Frank Lossy's suggestion that the microphone was more the problem than anything else and that it had addressed the Wi-Fi. She reported that the Wi-Fi was active and was provided by a satellite system. But, she said the Board would not be revealing the password until it had developed a policy about whether to have the system always on or to turn the router on and off for different users. She asked that, if any members of the public had views on what the policy should say, they should let the Board know.

Vice President Nottoli also reported that there was a cable that comes to the Community Center, though it wasn't clear where the cable ended and whether it was usable. She said that one possible option, in lieu of the satellite and would be less expensive, would be to use AT&T U-Verse. She reported that Mr. Brafman would be meeting with AT&T to identify the cost of that option. Director Hacaj asked about the term of the satellite contract. Vice President Nottoli responded that it was a two-year contract, with about a year-and-a-half remaining.

David Bergen, a member of the Technology Committee, said he thought the satellite contract could be cancelled, but there would be a penalty. He added that, if U-Verse could be made available, it would make sense to keep the satellite until it was known that U-Verse worked. Mr. Bergen noted that the Kensington School had installed fiber-optic cable for its Wi-Fi, and it had had to go through the KPPCSD's park: As part of the installation process, the KPPCSD had negotiated the installation of a cable that came just to the end of the Community Center. He said the Committee was exploring what it might entail to have this cable connected.

IGM/COP Hull made a public safety announcement: There was a resident in the area of Wellesley and Oberlin Avenues who had a large black German Shepherd dog that had gotten loose and had been displaying aggressive behavior. He urged people to be careful going back to the cars after the meeting.

Leonard Schwartzburd said this had been the most delightfully boring Board meeting he'd ever attended.

MOTION: Director Hacaj moved, and Vice President Nottoli seconded, to adjourn the meeting.
Motion passed: 3 – 0.

AYES: Sherris-Watt, Nottoli, Hacaj NOES: ABSENT: Cordova, Welsh

The meeting was adjourned at 8:44 P.M.

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Rachelle Sherris-Watt
KPPCSD Board President

Lynn Wolter
District Administrator

DRAFT

These are draft minutes. Once approved by the Board, the minutes will be posted on the District website, under the dropdown menu "Approved Minutes."

CLOSED SESSION

- a. Conference with legal counsel – anticipated litigation: The Board was briefed on matters involving significant exposure to litigation pursuant to California Government Code Section 54956.0(d)(2).
- b. Conference with consultant and former labor negotiator: The Board was briefed on matters involving impact on future budgets. Representative: Adam Benson. California Government Code Section 54957.
- c. Public employee employment: The Board was briefed on personnel matters pursuant to Government Code Section 54947.
- d. Public Employee, discipline, or dismissal: The Board was briefed on personnel matters pursuant to Government Code Section 54957(b)(1).

The Board returned to Open Session at 11:21 A.M.

President Sherris-Watt took roll call. President Sherris-Watt, Vice President Nottoli, Director Welsh and Director Hacaj were present. Director Cordova was unable to join the meeting because she'd had a class that morning.

President Sherris-Watt announced there was nothing to report.

MOTION: President Sherris-Watt moved, and Vice President Nottoli seconded, to adjourn the meeting.

Motion passed: 4 – 0.

AYES: Sherris-Watt, Nottoli, Welsh, Hacaj NOES: ABSENT: Cordova

The meeting was adjourned at 11:22 A.M.

Rachelle Sherris-Watt
KPPCSD Board President

Lynn Wolter
District Administrator

These are draft minutes. Once approved by the Board, the minutes will be posted on the District website, under the dropdown menu "Approved Minutes."

Meeting Minutes for 2/23/17

A Closed Session of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday, February 23, 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	Marilyn Stollon
Len Welsh, Director	Barbara Steinberg
	Ciara Wood
	Linda Lipscomb
	A. Stevens Delk
	Jim Watt
<u>Staff Members</u>	Lisa Caronna
Rickey Hull, IGM/COP	Frank Lossy
Lynn Wolter, District Administrator	Celia Concus
	David Spath
<u>Press</u>	David Bergen
Linnea Due	John Gaccione
	Mabry Benson
	Linda Spath
	Anthony Knight

President Sherris-Watt called the meeting to order at 6:32 P.M. and announced that this was the Board's second Regular Meeting for the month of February. President Sherris-Watt, Vice President Nottoli, Director Welsh, IGM/COP Hull, and District Administrator Wolter were present. Director Hacaj participated in the Closed and Open Sessions by phone from Ebbets Pass Fire District, Arnold, CA. Director Cordova had been detained while traveling, due to Hurricane Doris, and so did not participate.

CLOSED SESSION PUBLIC COMMENTS

None.

The Board entered into Closed Session at 6:32 P.M.

CLOSED SESSION

- a. Public employee employment, discipline, or dismissal: The Board was briefed on personnel matters pursuant to Government Code Section 54957(b)(1). Three items.
- b. Conference with Legal Counsel – anticipated litigation: The Board was briefed on matters involving significant exposure to litigation pursuant to Government Code Section 54956.9(e). Two items.

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The Board returned to Open Session at 7:40 P.M.

President Sherris-Watt took roll call. President Sherris-Watt, Vice President Nottoli, and Director Welsh were present. Director Hacaj participated by phone from Ebbets Pass Fire District, Arnold, CA. Director Cordova was unable to join the meeting because of Hurricane Doris.

President Sherris-Watt reported that the Board had agreed to post the GM job description the next day, on the District's website.

PUBLIC COMMENTS

Barbara Steinberg said she'd live in the community for many years and wanted to address the Board about something it wasn't yet addressing so it would have time to think about it: Contracting out police services. She said the Directors had the authority to make the decision about this but that she assumed that the Board would be responsive to Kensington's needs and wishes. She said residents should be well informed about this and proposed that residents be allowed to vote on the matter.

Ciara Wood said that she was a former Director and that the Board was facing very complex matters. She expressed her appreciation for the Directors taking this on and said that things move more slowly than the members of the public, who had not served on the Board, think they should.

Marilyn Stollon said that she'd listened to the audio of the Board's prior meeting and that it had been difficult to get the gist of what had been going on because many speakers hadn't identified themselves. She suggested that, at the beginning of every meeting, especially when the recording was audio only, the Board remind speakers to identify themselves.

Linda Lipscomb raised a point of order: The agenda indicated that there were descriptions for the GM and COP and that, perhaps the posting for the GM position was premature because the separation hadn't been formally done. She also said there had been no report regarding the two Closed Session items. Amara Morrison responded that there was no reportable action taken, other than what President Sherris-Watt had reported, which was that the job description would be posted.

BOARD COMMENTS

Vice President Nottoli reported that she and Director Hacaj had attended the "Best Practices" conference that had been put on by the CSDA and that she would be attending the upcoming "Director Leadership Conference."

President Sherris-Watt reported that the Finance Committee had met the previous night and had approved Nicolay's OPEB Valuation Report, which would appear in the Board's next agenda packet.

President Sherris-Watt said the Board had received comments about its refusal to interact with speakers during public comments. She said the reason the Board no longer answered questions was because it would be a Brown Act violation; the Board had been counseled by several lawyers that it should not engage in dialog about items not on the agenda during public comments.

A. Stevens Delk said, that with respect to public comments, the Brown Act said the Board could briefly comment or answer questions. She said she would bring the Brown Act with her to the Board's next meeting. President Sherris-Watt provided an example whereby engaging in dialog, during public comments, could result in creating the impression that the Board had made a decision. Director Welsh said he agreed with Ms. Delk – that a brief response to clarify a point of fact would be fine. He noted that this had been the Board's practice for many years.

STAFF COMMENTS

None.

CONSENT CALENDAR

MOTION: President Sherris-Watt moved, and Vice President Nottoli seconded, to approve the Consent Calendar.

Motion passed: 4 – 0.

AYES: Sherris-Watt, Nottoli, Welsh, Hacaj NOES: ABSENT: Cordova

OLD BUSINESS

- 7a. The Board received an update from the Interim General Manager/Chief of Police regarding the status of negotiations for the provision of dispatch, RMS, and Records, Management services to the District.

IGM/COP Hull reported that the District would need to transition to another source for dispatch and RMS, and records management. He said he'd met with the Berkeley, Richmond, and Albany Police Chiefs. He said he'd also met with the Sheriff's department, but the only service that agency wanted to provide was dispatch. Thus, he said that if Kensington went with the Sheriff's Department, Kensington would need to enter into a contract with El Cerrito for its Records Management System (RMS) and for its records services department. He explained that, in this situation, Kensington would continue to use the same software it currently used, which is called New World, and then interface with the software being used by the Sheriff's Department, and Kensington would have to incur some costs for the Sheriff's Department part of the relationship. IGM/COP Hull reported that, if Kensington went with the Sheriff's Department, for dispatch only, the cost would be approximately \$60,000 per year. He said he didn't yet have the costs from El Cerrito for the RMS services. He said that, under this scenario, Kensington would have a contract with the Sheriff's Department, a contract with El Cerrito, and a contract with one or two software vendors.

IGM/COP Hull reported that, if Kensington went with Albany Police Department, Kensington would use that city's software program, which would result in transition costs, because the software Kensington uses is not compatible with Albany's. Albany, which is adjacent to Kensington, could be on the same radio channel with Kensington, which would solve the officer safety issue.

IGM/COP Hull said there were positive aspects to both options. Albany was offering to provide dispatch, RMS, and records department services: Thus, all the contracts would be with a single agency, except for the software, which would need to be provided by another vendor. He said that Albany uses software called RMS, Kensington uses New World, and the Sheriff's Department uses Tiburon and that none of these software programs were compatible with each other. Thus, he said that, if Kensington were to go with RMS, it would have to pay the up front costs for that change. He explained that, if Kensington went with the Sheriff's Department, which would have Kensington on the same radio channel with El Cerrito, El Cerrito would likely upgrade its software to RMS in two years. Thus, he said one of the things Kensington would have to contemplate now was when it wanted to switch to the RMS system: If Kensington did so now, it would be with Albany; if Kensington wanted to wait, it would be with El Cerrito.

With respect to the software programs, IGM/COP Hull reported that RMS has better reviews from police officers and departments and was easier to use. He reported that, with New World software, Kensington was currently spending an average of ten hours per month for two people to generate the Uniform Code Report (UCR). He said that errors or inconsistencies were time-consuming to locate and

fix. He said he understood that, with RMS, locating and fixing such problems was easier; therefore, converting to RMS could result in cost savings, in terms of man-hours, of \$600 - \$800 per month. He reported that, with the Albany option, annual costs of about \$75,000 would be incurred, and there would be up front costs of about \$40,000 for data migration plus the initial cost for the software, which would be about \$85,000. Thus, he said it would be close to \$200,000 for this program, but he said the \$85,000 cost of the new program could be amortized over three, five, or seven years. He said that the three-year amortized amount plus the \$75,000 annual cost would be equal to about the same amount if Kensington contracted with Richmond and that the software cost would be paid off in three years' time. He reported that the Sheriff's Department option would cost about \$60,000 per year, with a one-time payment of about \$28,000 plus a mobile license fee for each individual. Thus, he said this total would be between about \$100,000 to \$110,000. He said more departments were leaning toward the RMS program – both El Cerrito and Richmond would be moving to this within the next couple of years. Given this, IGM/COP Hull said he'd probably recommend going that way, too. He noted that, if Kensington went with the Sheriff's Department, it would have to pay to convert to that department's software and then transition again later to the RMS program. Vice President Nottoli asked if this was because El Cerrito was thinking about going to RMS in two years, and IGM/COP Hull responded in the affirmative. She asked if there would be an additional \$8,000 charge if Kensington went with the Sheriff's Department. IGM/COP Hull responded in the affirmative and said this would be for infrastructure costs. He summarized by saying that, when the conversion to RMS occurred, with the Sheriff's Department option, that total cost would be about \$200,000 (\$85,000 for software plus \$100,000 to go online with that department. He said this would be comparable to the cost of the Albany option. Vice President Nottoli clarified that the cost for El Cerrito's records services would add to the cost of the Sheriff's option.

President Sherris-Watt said this was an involved and complex issue on which Vice President Nottoli and IGM/COP Hull had been working. She said this issue would be coming before the Finance Committee and before the Board within the next month-and-a-half because AT&T had a very long lead time for the transfer of 9-1-1, which she said she was trying to whittle down. She explained that this was a specialized service within AT&T, which was why the lead time was so long.

Ciara Wood said this had been difficult to follow and asked if the Board and IGM/COP Hull could create a chart. President Sherris-Watt and Vice President Nottoli responded that there would be a document and that lots of work was in progress. President Sherris-Watt also noted that IGM/COP Hull had approached the City of Berkeley and UC Berkeley, but they had declined to provide bids.

Director Welsh asked when IGM/COP Hull would be providing the Board with a recommendation on which way it should go. IGM/COP Hull responded that he hoped KPPCSD would be at the decision making stage in March. Vice President Nottoli added that she and IGM/COP Hull could have had something at this evening's meeting, but they had wanted to get all the costs. She noted that, if Kensington went with Albany, it would be a "one-stop shop," which would be great, but they wanted to have another option, which was why they were looking at alternates. She said that additional costs continued to be added to the estimates that had already been provided, which helped explain why the process was taking so long, even though she and IGM/COP Hull had been working on the effort since January. Director Welsh responded that he understood this was a complicated process and that he appreciated how far Vice President Nottoli and IGM/COP Hull had come with the work. Director Welsh asked why the City of Berkeley had declined to provide a bid. Vice President Nottoli responded that this city has its own dispatch and doesn't have enough dispatchers and that Berkeley has a new interim chief, who has a lot on his plate. She added that UC Berkeley hadn't returned IGM/COP Hull's calls. She noted that Albany had provided dispatch for Kensington in the past and that Albany and El Cerrito had provided mutual aid to Kensington; Berkeley had never engaged in that.

IGM/COP Hull reported that Kensington is in Contra Costa County and Albany is in Alameda County and that there had been some concerns expressed about cross-county issues. He said there were no such issues. If, in the event of an emergency, Kensington were to be dispatched by the Sheriff's Department, Kensington would be dispatched by the same dispatch that would interact with the deputies, but a call for fire service would have to be passed from dispatch to separate fire service facility. He reported that

the same would be true if Kensington went with Albany. He noted that, when the earthquake had happened about 30 years earlier, Albany had been dispatching for Kensington, and there had been no problems reported, even though the Office of Emergency Services was located in Martinez (Contra Costa County).

NEW BUSINESS

- 8a. The Board reviewed and considered approval of Resolution 2017-06 to amend Appendix A of Policy #2000 of the District Policy and Procedures Manual to create job descriptions for: i) District Chief of Police; and ii) District General Manager and considered directing staff to conform implementing policies (Policy #2000.25) to reflect these two separate job descriptions.

President Sherris-Watt introduced the item and noted that this was the first reading of the resolution.

Director Welsh suggested that, in addition to creating the two job descriptions, the Board should retain what it already had in the Policy and Procedures Manual: The combined position, so that it had maximum flexibility to deal with the situation it had been dealt, noting that time was of the essence. President Sherris-Watt reported that some had said the job descriptions were scanty because any employee contract the Board would sign would supersede the job descriptions. Director Welsh said that the resolution was worded in such a way that it indicated the Board would be moving from "A" to "B" and that he didn't want the Board to write itself out of the combined position option.

Jim Watt said he was confused because he thought the agenda item would include a discussion of GM job duties. He said he had some suggestions on what should be some changes and modifications to the GM job description contained in the packet. He said that there was discussion about splitting the function of GM/COP, which was important, and that the reason for this was that the GM would be taking on added responsibilities and should be held to a higher standard. In particular, Mr. Watt said he was looking for ways to reduce the cost of running the District. Mr. Watt's suggestions for the GM job description included:

- Amending the Kensington Park item "to include the planned upgrade of the Kensington Community Center" to ensure that the GM delivers the best possible work on the Community Center for a price the District could afford.
- Adding 1) "Provides recommendations for reducing the District's operating expenses, staffing modifications, and capital outlays," 2) Works with the Board on relocation considerations connected with the replacement or upgrade of the Public Safety Building," 3) Assists the Board in evaluating all factors in connection with the possible outsourcing of police services to another agency," and 4) "Assists the Board in recommended MOU modifications."

Mr. Watt concluded by saying that what he was looking for in a GM was someone who could deliver some needed changes, particularly in cost savings, and who would be responsible for producing cost benefits to the District. Otherwise, he said he saw no reason why the job had been bifurcated in the first place, if in fact, the District would end up paying more for two positions while still delivering the same degree of service.

Lisa Caronna said she was concerned with the process with this issue: To her knowledge there had been no previous action taken by the Board to even split the GM/COP position, and now there were two jobs before the community. She said this was exactly what the community feared: Decisions being made by the Board without a public process, with no analysis, no open information or discussion on the bigger issue of the split. She said this would apply not only to splitting the position but also to contracting out, consolidation with the Fire District, and all the things that had been studied. She reiterated that the Board hadn't taken action in public to split the GM/COP, and now there was this item, which indicated that, de facto, this split had been done.

Ms. Caronna said there was:

- No analysis for the public to evaluate this.
- No financial impact information.
- No information about from where the money would come or what services would be reduced to pay for the position.
- No study of the time allocation that would be desired based on the tasks.
- No information about what this person would be expected to do and whether it was envisioned as a part-time, full-time position, or 10% time position, as indicated under the current IGM/COP contract.
- No analysis of legal ramifications if the District were to go back to a combined position. She explained that she had raised this issue because of the Randy Riddle analysis, which had been done about the legality of the dual position.
- No process on actual recruitment, other than what had been reported earlier that night. She asked President Sherris-Watt if she'd reported that the GM position would be going public the next day. Ms. Caronna said this hadn't been vetted but was going out, without public input.
- No author of the document in the Board Packet. She noted that every item in the Board Packet should identify the Board member, the committee, the GM, or whatever source was proposing the item.

Regarding the job description, Ms. Caronna said the Board had missed the most important element of the GM position: Implementation of Board policies. She said this was basic and was a mandate of the duties of the GM, as established in California State Law about Special District. She said she also had a lot of comments about the actual wording, which she wouldn't go into. But, she said there was no reference to the GM being able to negotiate with unions, the waste hauler, or other contractors for any other contracts. She summarized by saying there were many issues, and she reiterated that there were bigger issues with the process.

Director Welsh said it would be good if Ms. Caronna would submit her suggestions in writing.

Ciara Wood asked the Board to consider, in so far as the GM would have something to do with Park Development, that investigating grant opportunities for park development would be a helpful addition to the job description.

Frank Lossy said that he'd been a resident for 50 years and that he had a lot of experience dealing with the KPPCSD Board and running the community. He said he'd had a hearing problems for decades and there was a problem with the way in which the sound system equipment had been purchased and with the lack of instruction on how it should be used effectively. He said the money spent on the sound system had not been spent effectively because people didn't know how to use it properly. He urged the Board to bring in someone to provide instruction. He concluded by saying he appreciated that people had worked to try to improve things. President Sherris-Watt responded that this was an important issue and that it would be turned over to the Technology Committee.

Celia Concus said that at least two members of the Ad Hoc committee were present and that she wanted to address some of the comments that Ms. Caronna had made. She said Ms. Caronna had been the chair of the Bifurcation Subcommittee and that the members of the Ad Hoc Committee had spent more than a year studying the various aspects of Kensington governance. Ms. Concus said that, during the final presentation of the Committee, Ms. Caronna had reported that every agency with which she'd spoken had said that bifurcation of the GM/COP position was the way to go and that this change would be in the District's best interest. Ms. Concus said the Board was moving forward with this to improve governance.

Ms. Caronna responded that Ms. Concus's comment had been well taken, that this had been a summary finding, but that the Ad Hoc Committee had not been the Board. The Committee had presented pros and cons only: Its charge had been to bring information to the Board so it could then further study things, and have its own deliberation, in a public setting, about what it wanted to do. She said the Board

made decisions and had its own responsibility for conducting a public process, performing its own due diligence, and doing its own analysis.

David Spath said he seconded what Ms. Caronna had just said. He said the qualifications for the GM weren't clearly delineated. He said that the Board should develop a complete list prior to considering going out for notice and that he wanted the GM to be in a position to negotiate the contracts because contracts were currently being negotiated by legal services, which translated into added expense. He said that, if the Board were to hire an experienced GM, Dr. Spath would expect that person to be able to serve the Board in that capacity, at the direction of the Board.

A. Stevens Delk said the Board should be looking at two separate documents: One that would go into the Policy and Procedures Manual, which should be a general overall description of the duties for the GM and for the COP; the other would be used as the job description for hiring someone. She said she didn't think the Policy Manual version should include time specific duties, such as being responsible for the Community Center remodel. She said she was on the Policy and Procedures Committee and noted that the Manual contained a contract for Helen Horowitz, who had not been in the District since 2005, and that a contract agreement should not be in the Manual, but a general job description should be. Director Welsh and President Sherris-Watt responded that they agreed with Ms. Delk's comments.

President Sherris-Watt said that some of the things that had been put forth, such as negotiating contracts, evaluating outsourcing, or MOU modifications, should fall under the direction of the Board but should not in the Manual. She said that, in terms of process, there were some fair criticisms but that the Board had been evaluating this situation, had retained information from the Ad Hoc Committee, and was now putting that knowledge to use. She said that, in late December, the Board had said it would be appointing IGM/COP Hull but that it felt that it was time to split the position. She said Kevin Kyle's abrupt departure had illustrated to her and to the other Directors that the KPPCSD was in a precarious position: She said she didn't want the District to be so vulnerable again. She said the Board had publicly stated it was working with Bob Deis of PMG and that the Board had had a Closed Session discussion with him regarding the qualifications for a GM. She said that the Board should broaden its agenda to address the financial impacts and that she didn't see any legal ramifications – Randy Riddle's document had indicated there were no legal reasons the positions couldn't be combined, separated, or returned to a combined state.

Amara Morrison asked if President Sherris-Watt had intended for this to be a first reading and for the Board to come back for a second reading. President Sherris-Watt responded in the affirmative. Ms. Morrison asked if the Board wanted to address the possibility of giving itself the option of having either a combined position or two separate positions. President Sherris-Watt responded that Director Welsh had indicated a desire to see the combined position remain as an option, and she concurred. Ms. Morrison offered proposed language for the resolution that would allow the Board to recruit for the combined position or for the separate positions:

"The Board of Directors hereby approves the amendment of Appendix 'A' of District Policy and Procedures Manual Policy #2000, the text of which is attached hereto as Attachment '1' to include two separate job descriptions, one for the position of District General Manager and one for the position of District Chief of Police, and retain the existing combined job description of General Manager/Chief of Police. The Board of Directors shall have the authority to recruit for a candidate for either the combined role of General Manager/Chief of Police or candidates for the role of General Manager and the role of Chief of Police."

Director Welsh explained the rationale for proceeding in this manner – putting the cart before the horse. He said that, if the Board made the hire of someone without the authority in the P&P Manual to do so, there could be a problem. He added that he didn't want to waste any time on this: There was a lot to do. He said there could be better analysis, but things were backing up and the Board didn't have the ability to deal with those things right now. He said this was totally separate from whether or not the District contracted out for police, which he saw as being a long discussion with the community. Vice President Nottoli said that, given her experience with researching dispatch, any discussions about contracting out for police services would take a long time.

- 8b. The Board received an update from Director Nottoli regarding the development of a Community Center wireless facility policy.

Vice President Nottoli thanked David Bergen, who had done a lot of work in getting to understand the system that had been installed at the Community Center. She announced there would be a meeting of the Technology Committee the following week at which time the Committee would consider a draft Wi-Fi policy to bring back to the Board for its approval and would work to better understand the system.

- 8c. The Board received an update from Director Hacaj regarding renovations to the Community Center.

Director Hacaj reported that the Park Committee had met on February 15th and that there was a draft document with Glass Associates, which she would bring to the Board in March. She also reported that the Committee would be meeting monthly. President Sherris-Watt announced that the Park Committee would meet on the third Wednesday of every month, in Room 3.

- 8d. The Board reviewed and considered approval of Resolution 2017-18 to amend Sections 5060.5, 5060.5.2, and 5060.4.4 of the District's Policy and Procedures Manual to reflect a change from the preparation of summary minutes to action minutes.

President Sherris-Watt reported that she had proposed this agenda item, this was the first reading, and she explained why she had placed it on the agenda. She handed out copies of her presentation to the members of the public. With respect to 5060.4.4, this section of the policy states that recordings of Board meetings "shall be retained for 90 days after the date of the meeting or until the minutes of the meeting had been approved..." President Sherris-Watt proposed that this be changed to 365 days, to ensure public access for a longer period. She said she didn't believe it was a best practice to keep recordings forever in order to keep the District's website clear and maneuverable.

President Welsh said there was a difference between storing information on the website, which was a burden, and storing it somewhere else, which could be done inexpensively. He said this would enable the District to honor public records requests. President Sherris-Watt said there should be a time limit on both types of storage.

With respect to 5060.5 and 5060.5.2, President Sherris-Watt said that changing from summary to action minutes would save staff time, money, meeting time, and trees. She said the District was really crunched right now, as far as staff time was concerned. She said it required four hours of staff time to record Board meetings – two regular meetings per month – plus a Finance Committee meeting, which last about two hours, for a total of ten hours of staff time per month. She reported that translating the recordings into minutes took between six and eight hours for a regular meeting. Thus, she said 16 to 20 hours per month were needed for transcription, for a total of between \$1,190 and \$1,380 per month, or up to \$16,560 per year. She said the minutes tended to be more like verbatim transcriptions than summaries, which meant more printing and longer agendas. She suggested the following solutions:

- Hire a less expensive minutes taker. But, she said the Board had the benefit of a District Administrator who had familiarity with the community and its issues. She noted that a new person would require a steep learning curve and, perhaps, a greater number of hours to complete the task of preparing minutes.
- Provide true summary minutes like the ones prepared by El Cerrito. These provide a brief description of what occurred. She reported that Albany provided the names of the people who spoke and the issue on which they spoke, but they appeared in list format rather than being connected. She reported that Berkeley had action minutes that provided less information than what she was proposing: Berkeley provided numbers but no names and no topics. She reported that more condensed minute taking had been tried in the past but these had,

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sometimes, resulted in complaints – the minutes didn't accurately reflect the language or intent of the speaker.

- Prepare action minutes, which she said was her suggested solution. She said these would reflect official action and would require less staff time at meetings and for document preparation. She reported that public comments often appeared in Board Packets, under correspondence. She noted that moving to action minutes would not prevent members of the public from providing documents that would appear in Board Packets.

David Bergen said that data storage these days was very inexpensive, and so storing recordings wouldn't really affect the District's website: As long as the data was digital, it would be easy to convert it to another format. Therefore, he said he didn't see any reason for throwing out anything. He said he didn't like the idea of action minutes.

Marilyn Stollon said she'd sent research she'd prepared to the Board about how seven nearby towns handled minutes and archiving: She'd looked at Moraga, Lafayette, El Cerrito, Albany, Clayton, Richmond, and Tiburon, and none of those towns used action minutes, none deleted their minutes or recordings, and all archived their records – they created summary minutes, which included two to six line summaries for each speaker. She reported that she'd looked at another five towns earlier in the day and had found their practices to be similar to those cited above. She said that the KPPCSD is a public governing body and there must be a record of what's occurred, that the public deserved to know what was occurring and what had occurred, and that the information had to be accessible to people. She said that, if the secretary couldn't prepare summary minutes, the District needed to find someone who could. She asked that summary minutes be retained, suggested speakers provide a copy of their texts to the secretary, and recommended the Board limit speakers to three minutes, as this would shorten the minutes. Ms. Stollon read a seven-line summary of her comments – an example of summary minutes.

A. Stevens Delk said she opposed this amendment. She noted that this had been proposed, tried, and rejected previously: In 2009, there had been a motion to adopt action minutes, which had passed unanimously. She noted that, just a few months later, the same Board moved back to summary minutes. She provided a copy of a single page of minutes from that time, and it covered seven agenda items and seven motions. She read the discussion of three of the items, which consisted of a single sentence. She noted that all seven of the motions on the page had passed, but without looking at other documents, there was no way to know what they were about, much less what someone had said about them. She said that President Sherris-Watt had proposed action minutes 16 months earlier, that a lengthy debate had followed, and that if the action minute policy had been in place, the only record the community would have had were scantily worded action minutes because the recording would have been erased four months ago. She said that actions had been carried over to the next month but hadn't appeared on the agenda because IGM/COP Hart had said that action minutes would not come back to the Board until the audio equipment issues had been resolved. She noted that the new sound system had proven not to be reliable yet and that the new system worked only in the main room of the Community Center: It didn't work in Room 3, where many meetings were held. She said that it was time-consuming and cumbersome to review meetings by listening to recordings.

President Sherris-Watt said the type of minutes she was proposing would not be as limited as Ms. Delk's cited example: They would include a number of items, the list of which she read from a document in the Board Packet.

Barbara Steinburg said she supported continuing to have summary minutes. She said that, because there was a large senior population, having to rely on the online recordings could be burdensome because many of them don't use the Internet. And, she noted that recordings could be erased, but minutes could not. She said the minutes were of historical importance.

John Gaccione read a statement that had been written by Leonard Schwartzburd, who had been unable to attend the meeting. A summary of what he read:

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The District's business was not sufficiently boring for action minutes to best serve the community and for the new Board to continue in its constructive beginnings, under difficult circumstances. Dr. Schwartzburd's letter ended by extending good wishes to the Board.

Mr. Gaccione said that he couldn't see why the Board would want to delete records. He said that going back through the minutes of prior meetings, looking over comments that had been made – they were loaded with information – even from people with whom he didn't agree. He noted that there was information throughout the minutes. He concluded by saying he couldn't believe that the Board would want to throw that out. He commented that the minutes could be shortened into summaries. He noted that President Sherris-Watt had said that speakers could present their comments, in written form, for inclusion in a subsequent Board Packet, but that wouldn't address spontaneous comments.

Mabry Benson said the argument that had been made about needing to save staff time at meetings wasn't right because a recorder would always be at the meeting, therefore action minutes wouldn't save time on that front. She said that action minutes were useless, and they would conceal from the public what really happened: They would only show how Directors voted. She said that the meat of what happened was the discussion – on the part of the Board and the public. And, she said that recordings alone weren't satisfactory – they couldn't be quickly scanned, whereas printed minutes could be quickly scanned to find the desired information. With respect to recordings, she said she didn't think they should be erased after one year: She had gone back to review a recording that was more than one year old, and she suggested that the minutes be more of a summary and that the minutes include a time note that related to the recording. She concluded by saying that action minutes were no minutes at all.

Celia Concus said that community members had been implored to attend meetings and that, if the Board wanted them to be engaged, residents needed to understand what was happening. With respect to the hearing impaired, as well as the rest of the community, residents needed a written summary of what had happened. She said the minutes were the record of "last resort" so people could go back and easily find things: It's easier to review a written record than to listen to a recording. She said that, if there were to be no written record, the Board would be disenfranchising the hearing impaired. She said that, until the sound system was found to be reliable all the time, there should be a complete written record. She added that noting the time would be a helpful addition to the minutes, and she suggested that speakers provide their names, written on an index card, to the secretary. She also suggested that the person who prepared the minutes should not be a member of the community – so that they would be neutral. She said there was a certain amount of bias in the way the minutes were presented.

Ciara Wood said she was opposed to action minutes for many reasons. The district had come through a period during which there had been many public records act requests in order to understand the Board culture that had developed over a period of time. She said that written records were essential: they brought about a more emotional reaction, they caused people to reflect on words differently, and they caused people to be more thoughtful and reflective.

Linda Spath said she was interested in hearing from District Administrator Wolter, since she was the person who prepared the minutes. She suggested that speakers summarize their own comments, instead of the District Administrator needing to prepare that. She said it was nice to have minutes, but it probably took a lot of time.

District Administrator Wolter said that she took pleasure and pride in writing the minutes for the District and that minutes were the only records kept in perpetuity. She noted that minutes, going back to the 1940's, were stored in the office and that Jim Watt had come to the office about a year earlier, asking to look at minutes from 1955. She said she'd been able to retrieve them and provide them to Mr. Watt. She noted they were not action minutes – they contained the detail he'd been seeking. She said that the history of the community was important and that few communities embraced democracy the way in which Kensington did. She said she tried to reflect all that was said, from all points of view, so that everyone knew their opinions had been heard by the Board as it went through the process of making a decision. She said this was a time of great importance – the Board would be going through the process of making decisions that would have a long-lasting impact on the community, starting with

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renovating the Community Center. She concluded by saying that she would be happy to do whatever the Board directed her to do, that she took pride in preparing the minutes, and that she appreciated all that everyone brought to the meetings.

President Sherris-Watt said that the presentation of action minutes was never about the lack of excellence in the product because she thought District Administrator Wolter did a fantastic job. President Sherris-Watt said there was limited staff time, were many pressing issues, and, as a volunteer Board, the Directors couldn't do everything. She said she would like to hire more people or provide more hours, but it would come at a tradeoff of other things. She said she saw this as an area to save staff time, which could free the District Administrator up to help the IGM/COP. She said she didn't think the Board was supporting staff properly.

Linda Lipscomb said she was opposed to action minutes. The way in which District Administrator Wolter had been preparing them has been exceptional. She said the presentation about expense was inaccurate: No matter who sat at the meeting and took whatever type of minutes, that portion of expense would exist. Thus, she said the District would save nothing by preparing action minutes: The person would still have to sit at the meeting. She said that, even if action minutes were the final product, the person would still have to listen to the recording. She said, having written many briefs, it was much harder to say it in fewer words.

President Sherris-Watt said she and some of the Directors were looking into agenda software possibilities and techniques and tools for the website – something that would help create agendas and minutes. She said this would not require someone to be present to prepare action minutes, which would save staff time.

Director Welsh said he agreed with what he'd heard from the bulk of the speakers: It's nice to have a written record that someone spent time ensuring was accurate. He said it was better to err on the side of verbatim than not to have enough. He said District Administrator Wolter had done a good job. He thanked President Sherris-Watt for looking for ways to save the District money, but he thought this was the wrong place to look. He said everything the Board did today was more complicated than it had been ten years earlier, and the Board would have to confront this. He noted that, in some respects, it meant increased expense and in others it meant keeping up with technology. He said the Board needed to look for savings in more substantial areas like how much the Board relied on legal counsel. He added that, if splitting the GM/COP position was done well, it could help the Board and that being COP here was a full-time position. He said police work was incredibly difficult – people were quick to second-guess police actions. He concluded by saying he wanted to continue with the minutes as they were being prepared and to look for savings elsewhere and by saying he appreciated the time and thought put into this by President Sherris-Watt.

Marilyn Stollon said that the communities using action minutes weren't very transparent and their websites weren't user-friendly and they had a lot of supportive technology, such as streamlining, TV, radio, video, etc. She reiterated her earlier suggestion of preparing action minutes.

Anthony Knight said he favored summary minutes, though he thought the comments could be summarized more briefly. He thanked President Sherris-Watt for bringing the proposal forward. He said he saw the minutes as the outcome of the Board's meetings – the final product – and that this was worth the \$16,500 to him. He said he was grateful to the District Administrator for doing a good job and concluded by saying it would not be a good idea to move to action minutes.

Vice President Nottoli read a statement that had been submitted by Director Cordova:

- She had opposed converting to action minutes when this had been proposed the prior year.
- Minutes were a valuable source of information for future reference.
- Minutes provided a paper trail and enabled the Board to monitor its progress
- Minutes were a critical communication tool.
- Action minutes would be an evening's agenda with a published voting record.

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- The Board was at a crossroads of major reorganization and more, not less, information should be provided.
- Meaningful minutes weren't a verbatim transcription – the current method was difficult to navigate.
- Find a middle ground.
- She summarized what minutes should include.
- If this was a staffing issue, consider outsourcing.
- She hoped the Board would continue the item or delegate it to the Policy and Procedures Committee.

Vice President Nottoli said she appreciated President Sherris-Watt's work on putting this item together. She said she liked action minutes because she had come from a corporate environment, but that this was a government agency and was, therefore, different. She said that District Administrator Wolter did a good job. She quoted Thomas Jefferson: "I'm sorry I wrote a long letter. I didn't have the time to write a short one." She said she appreciated peoples' comments.

Director Hacaj said that she shared President Sherris-Watt's concerns about the limited resources the District had and that it was possible that action minutes might be accepted by the community in the future if the Board could provide technological solutions that would be reliable and could find a way to time stamp things like comments or topics. She suggested that the minutes be tightened up. She agreed with the majority of the commenters and other Board members that it's not quite the right time for this community to make this change.

Barbara Steinburg said it was difficult to hear phone calls and suggested that comments be emailed instead.

**MOTION: President Sherris-Watt moved, and Director Welsh seconded, to conclude the meeting.
Motion passed: 4 – 0.**

AYES: Sherris-Watt, Nottoli, Welsh, Hacaj NOES: ABSENT: Cordova

The meeting was adjourned at 9:57 P.M.

Rachelle Sherris-Watt
KPPCSD Board President

Lynn Wolter
District Administrator

KPPCSD
Unaudited Profit & Loss Budget Performance
July 2016 through March 2017

23

Ordinary Income/Expense

	<u>Jul '16 - Mar 17</u>	<u>Budget</u>	<u>Jul '16 - Mar 17</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
Income					
400 · Police Activities Revenue					
401 · Levy Tax	1,642,869.96	1,653,000.00	1,642,869.96	1,653,000.00	1,653,000.00
402 · Special Tax-Police	681,630.00	680,000.00	681,630.00	680,000.00	680,000.00
403 · Misc Tax-Police	0.00	0.00	0.00	0.00	0.00
404 · Measure G Supplemental Tax	527,989.12	529,601.28	527,989.12	529,601.28	529,601.28
409 · Asset seizure forfeit/WEST	0.00	0.00	0.00	0.00	0.00
410 · Police Fees/Service Charge	2,834.90	1,125.00	2,834.90	1,125.00	1,500.00
411 · Kensington Hilltop Svcs Re	9,734.00	14,600.25	9,734.00	14,600.25	19,467.00
412 · Special Assignment Revenue	0.00	0.00	0.00	0.00	0.00
413 · West County Crossing Guar	3,717.00	3,717.00	3,717.00	3,717.00	11,151.00
414 · POST Reimbursement	1,053.59	0.00	1,053.59	0.00	0.00
415 · Grants-Police	94,664.05	0.00	94,664.05	0.00	0.00
416 · Interest-Police	3,045.00	750.00	3,045.00	750.00	1,500.00
418 · Misc Police Income	7,324.98	9,749.98	7,324.98	9,749.98	13,000.00
419 · Supplemental W/C Reimb (4	60,050.50	0.00	60,050.50	0.00	0.00
Total 400 · Police Activities Revenue	3,034,913.10	2,892,543.51	3,034,913.10	2,892,543.51	2,909,219.28
420 · Park/Rec Activities Revenue					
424 · Special Tax-L&L	36,220.00	35,000.00	36,220.00	35,000.00	35,000.00
427 · Community Center Revenue	20,424.35	27,000.00	20,424.35	27,000.00	33,000.00
437 · Contributions for Sound Sy	11,000.00	8,000.00	11,000.00	8,000.00	8,000.00
438 · Misc Park/Rec Rev	82.00	120.00	82.00	120.00	200.00
Total 420 · Park/Rec Activities Revenue	67,726.35	70,120.00	67,726.35	70,120.00	76,200.00
440 · District Activities Revenue					
448 · Franchise Fees	62,171.98	48,600.00	62,171.98	48,600.00	65,000.00
456 · Interest-District	0.00	0.00	0.00	0.00	0.00
458 · Misc District Revenue	0.00	0.00	0.00	0.00	0.00
Total 440 · District Activities Revenue	62,171.98	48,600.00	62,171.98	48,600.00	65,000.00
Total Income	3,164,811.43	3,011,263.51	3,164,811.43	3,011,263.51	3,050,419.28

Account 400 Police Activities Revenue
 This YTD total is ahead of the YTD budgeted amount by approx. \$142,000. This is primarily due to receipt of \$94,665 of COPS Grant and \$60,000 of Supplemental Workers' Comp.
 Account 448 Franchise Fees
 This YTD amount is \$14,000 greater than the YTD budgeted amount because the payment of Franchise Fees (3% to revenues) has not yet been made to the County.

KPPCSD
Unaudited Profit & Loss Budget Performance
July 2016 through March 2017

34

Expense

	<u>Jul '16 - Mar 17</u>	<u>Budget</u>	<u>Jul '16 - Mar 17</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
500 · Police Sal & Ben					
502 · Salary - Officers	701,619.13	761,455.52	701,619.13	761,455.52	1,015,274.00
504 · Compensated Absences	17,507.63	6,900.02	17,507.63	6,900.02	9,200.00
506 · Overtime	70,727.97	56,250.00	70,727.97	56,250.00	75,000.00
508 · Salary - Non-Sworn	83,891.05	75,507.75	83,891.05	75,507.75	100,677.00
516 · Uniform Allowance	5,212.56	6,750.00	5,212.56	6,750.00	9,000.00
518 · Safety Equipment	3,867.34	1,687.50	3,867.34	1,687.50	2,250.00
521-A · Medical/Vision/Dental-Ac	148,545.22	136,570.50	148,545.22	136,570.50	182,094.00
521-R · Medical/Vision/Dental-Rel	129,181.15	120,208.50	129,181.15	120,208.50	160,278.00
521-T · Medical/Vision/Dental-Tru	95,868.00	0.00	95,868.00	0.00	64,226.00
522 · Insurance - Police	3,298.50	5,204.98	3,298.50	5,204.98	6,940.00
523 · Social Security/Medicare	11,262.85	13,130.27	11,262.85	13,130.27	17,507.00
524 · Social Security - District	6,023.38	4,681.52	6,023.38	4,681.52	6,242.00
527 · PERS - District Portion	446,881.41	460,675.62	446,881.41	460,675.62	509,304.00
528 · PERS - Officers Portion	42,646.99	44,876.98	42,646.99	44,876.98	59,836.00
530 · Workers Comp	66,467.05	67,000.00	66,467.05	67,000.00	67,000.00
Total 500 · Police Sal & Ben	1,833,000.23	1,760,899.16	1,833,000.23	1,760,899.16	2,284,828.00

Accounts 502, 504 & 506 Officers' Salaries, Compensated Absences & Overtime

YTD, these accounts, combined, are about \$34,800 less than the YTD budgeted amount because officers' salaries are under-budget. The \$60,000 reduction in YTD salaries has been offset by YTD increase in overtime, which is about \$14,500 over budget, and the YTD increase in compensated absences, which is about \$12,000 over budget because of former IGM/COP Hart's \$13,000 cash-out of accrued vacation hours.

Accounts 508 & 602 Salary Non-Sworn

The YTD amounts, combined, is about \$8,900 more than the YTD budgeted amount because non-sworn staff has been performing additional assigned work that had not been planned when the budget was set. Some of the costs incurred in this account have helped reduce some of the costs that had been budgeted for Accounts 502 (Police Salaries), 594 (Community Policing) and 840 (Accounting). The hourly differences are about \$30, \$105 and \$25, respectively.

Account 521 A&R Medical/Vision/Dental (Retired and Active)

CalPERS medical premiums for the following month are due by the 10th of that month. Thus, in part, the YTD amount is \$22,000 greater than the YTD budgeted amount.

Account 521T Medical/Vision/Dental (Trust)

The YTD amount is \$31,000 more than the Annual Budgeted Amount because it includes the payment of last year's budgeted amount in this same amount. The GM/COP memo, directing the District Administrator to pay this \$31,000, should have been issued in May 2015. However, because this was a time of transition, the memo was never issued and the payment was not timely made.

Accounts 527 & 528 PERS - District and Officers Portions

YTD these two amounts, combined, are \$16,000 under the amount budgeted YTD. This is because YTD salaries (502), upon which the PERS amounts are calculated, are lower than budgeted.

KPPCCSD
Unaudited Profit & Loss Budget Performance
July 2016 through March 2017

BR

	<u>Jul '16 - Mar 17</u>	<u>Budget</u>	<u>Jul '16 - Mar 17</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
550 · Other Police Expenses					
552 · Expendable Police Supplies	3,319.88	1,275.02	3,319.88	1,275.02	1,700.00
553 · Range/Ammunition Supplies:	375.00	3,750.02	375.00	3,750.02	5,000.00
560 · Crossing Guard	6,876.45	7,750.00	6,876.45	7,750.00	11,150.00
562 · Vehicle Operation	19,934.02	28,125.00	19,934.02	28,125.00	37,500.00
564 · Communications (RPD)	81,166.72	117,315.00	81,166.72	117,315.00	156,420.00
566 · Radio Maintenance	1,271.83	1,710.73	1,271.83	1,710.73	2,281.00
568 · Prisoner/Case Exp./Booking	6,881.07	6,675.02	6,881.07	6,675.02	8,900.00
570 · Training	2,550.64	7,499.98	2,550.64	7,499.98	10,000.00
572 · Recruiting	3,285.27	11,625.02	3,285.27	11,625.02	15,500.00
574 · Reserve Officers	30.00	3,037.50	30.00	3,037.50	4,050.00
576 · Misc. Dues, Meals & Travel	1,356.00	2,276.27	1,356.00	2,276.27	3,035.00
580 · Utilities - Police	7,454.33	7,499.98	7,454.33	7,499.98	10,000.00
581 · Bldg Repairs/Maint.	490.05	3,750.02	490.05	3,750.02	5,000.00
582 · Expendable Office Supplies	3,257.25	5,625.00	3,257.25	5,625.00	7,500.00
588 · Telephone(+Rich. Line)	3,325.90	5,607.00	3,325.90	5,607.00	7,476.00
590 · Housekeeping	3,316.79	2,999.98	3,316.79	2,999.98	4,000.00
592 · Publications	2,923.16	2,250.00	2,923.16	2,250.00	3,000.00
594 · Community Policing	4,910.74	10,500.02	4,910.74	10,500.02	14,000.00
596 · WEST-NET/CAL I.D.	6,101.00	6,100.00	6,101.00	6,100.00	6,100.00
599 · Police Taxes Administrator	3,462.84	3,500.00	3,462.84	3,500.00	3,500.00
Total 550 · Other Police Expenses	162,288.94	238,871.56	162,288.94	238,871.56	316,112.00

Account 552 Expendable Police Supplies

The YTD amount is about \$2,500 over budget, primarily because \$2,300, which had not been budgeted, was spent for new cameras for police vehicles

Account 562 Vehicle Maintenance

The YTD amount is about \$8,200 less than the YTD budgeted amount. However, two of the cars in the fleet are nearing the ends of their useful lives and have required costly repairs during the past few months and may require additional maintenance during the balance of the fiscal year. Therefore, it's unknown whether this amount will be under budget at the end of the fiscal year. (Note from fleet manager: In FY 2017-18, KPD should return to full staffing levels, which, in turn, will result in increased wear and tear on the vehicles. This should be considered when developing next year's budget.)

Account 564 Communications

This YTD total is under budget because Richmond's invoices aren't timely issued. The most recent invoice paid was for January's service.

KPPCSD
Unaudited Profit & Loss Budget Performance
July 2016 through March 2017

	<u>Jul '16 - Mar 17</u>	<u>Budget</u>	<u>Jul '16 - Mar 17</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
600 · Park/Rec Sal & Ben					
601 · Park & Rec Administrator	6,489.86	6,031.52	6,489.86	6,031.52	8,042.00
602 · Custodian	15,750.00	17,100.00	15,750.00	17,100.00	22,750.00
623 · Social Security/Medicare - L	0.00	461.25	0.00	461.25	615.00
Total 600 · Park/Rec Sal & Ben	22,239.86	23,592.77	22,239.86	23,592.77	31,407.00
635 · Park/Recreation Expenses					
640 · Community Center Expenses					
642 · Utilities-Community Cen	4,584.06	4,212.00	4,584.06	4,212.00	5,616.00
643 · Janitorial Supplies	676.43	1,125.00	676.43	1,125.00	1,500.00
646 · Community Center Repa	4,951.89	4,124.98	4,951.89	4,124.98	5,500.00
Total 640 · Community Center Ex	10,212.38	9,461.98	10,212.38	9,461.98	12,616.00
660 · Annex Expenses					
662 · Utilities - Annex	0.00	749.98	0.00	749.98	1,000.00
666 · Annex Repairs	0.00	749.98	0.00	749.98	1,000.00
668 · Misc Annex Expenses	0.00	749.98	0.00	749.98	1,000.00
Total 660 · Annex Expenses	0.00	2,249.94	0.00	2,249.94	3,000.00
670 · Gardening Supplies	0.00	0.00	0.00	0.00	0.00
672 · Kensington Park O&M	61,449.44	51,975.00	61,449.44	51,975.00	69,300.00
674 · Park Construction Exp	0.00	5,000.00	0.00	5,000.00	5,000.00
678 · Misc Park/Rec Expense	1,275.42	1,000.00	1,275.42	1,000.00	1,000.00
Total 635 · Park/Recreation Expense	72,937.24	69,686.92	72,937.24	69,686.92	90,916.00

Account 672 Kensington Park O&M
This account is about \$11,000 over budget. This amount includes about \$13,000 of tree pruning, which had been budgeted for the prior fiscal year.

36

KPPCSD
Unaudited Profit & Loss Budget Performance
July 2016 through March 2017

37

	Jul '16 - Mar 17	Budget	Jul '16 - Mar 17	YTD Budget	Annual Budget
800 · District Expenses					
810 · Computer Maintenance	20,516.54	18,838.52	20,516.54	18,838.52	25,118.00
820 · Cannon Copier Contract	3,823.14	4,275.00	3,823.14	4,275.00	5,700.00
830 · Legal (District/Personnel)	145,618.07	74,700.00	145,618.07	74,700.00	99,530.00
835 · Consulting	27,584.34	35,000.00	27,584.34	35,000.00	46,500.00
840 · Accounting	31,982.99	39,500.00	31,982.99	39,500.00	45,500.00
850 · Insurance	27,607.07	30,000.00	27,607.07	30,000.00	30,000.00
860 · Election	3,561.61	4,500.00	3,561.61	4,500.00	4,500.00
865 · Police Bldg. Lease	1.00	1.00	1.00	1.00	1.00
870 · County Expenditures	21,227.00	22,100.00	21,227.00	22,100.00	22,300.00
890 · Waste/Recycle	0.00	15,000.02	0.00	15,000.02	20,000.00
898 · Misc. Expenses	12,954.38	12,899.98	12,954.38	12,899.98	17,200.00
899 · Depreciation Expense	0.00	0.00	0.00	0.00	0.00
Total 800 · District Expenses	294,876.14	256,814.52	294,876.14	256,814.52	316,349.00

Account 830 Legal
The YTD amount is about \$72,000 more than the YTD budgeted amount.

Account 835 Consulting
The YTD amount is about \$7,000 less than the YTD budgeted amount.

Account 840 Accounting
The YTD amount is about \$7,500 less than the YTD budgeted amount.

Account 890 Waste/Recycling
The YTD amount is \$15,000 less than the YTD budgeted amount. This amount should be set aside for anticipated costs to be incurred near the end of the current agreement with Bay View Refuse and Recycling.

KPPCSD
Unaudited Profit & Loss Budget Performance
July 2016 through March 2017

38

	Jul '16 - Mar 17	Budget	Jul '16 - Mar 17	YTD Budget	Annual Budget
950 · Capital Outlay					
961 · Police Bldg Improvements	0.00	0.00	0.00	0.00	0.00
962 · Patrol Cars	0.00	0.00	0.00	0.00	0.00
963 · Patrol Car Accessories	0.00	0.00	0.00	0.00	0.00
965 · Personal Police Equipment	13,546.64	0.00	13,546.64	0.00	0.00
966 · Police Traffic Equipment	8,568.83	6,600.00	8,568.83	6,600.00	6,600.00
967 · Station Equipment	6,005.00	6,100.00	6,005.00	6,100.00	6,100.00
968 · Office Furn/Eq	0.00	0.00	0.00	0.00	0.00
969 · Computer Equipment	2,170.48	1,500.00	2,170.48	1,500.00	1,500.00
972 · Park Buildings Improvement	0.00	100,000.00	0.00	100,000.00	100,000.00
974 · Other Park Improvements	0.00	7,500.00	0.00	7,500.00	7,500.00
978 · Pk/Rec Furn/Eq	34,632.81	21,000.00	34,632.81	21,000.00	21,000.00
Total 950 · Capital Outlay	64,923.76	142,700.00	64,923.76	142,700.00	142,700.00
Total Expense	2,450,266.17	2,492,564.93	2,450,266.17	2,492,564.93	3,182,312.00
Net Ordinary Income	714,545.26	518,698.58	714,545.26	518,698.58	-131,892.72
Other Income/Expense					
Other Expense					
700 · Bond Issue Expenses					
701 · Bond Proceeds	-179,304.50	0.00	-179,304.50	0.00	0.00
710 · Bond Admin.	12,137.63	0.00	12,137.63	0.00	0.00
715 · Bond Interest Income	-301.16	0.00	-301.16	0.00	0.00
720 · Bond Principal	133,201.28	0.00	133,201.28	0.00	0.00
730 · Bond Interest	27,811.25	0.00	27,811.25	0.00	0.00
Total 700 · Bond Issue Expenses	-6,455.50	0.00	-6,455.50	0.00	0.00
995 · Loss/(Gain) - Asset Disposition	808.84	0.00	808.84	0.00	0.00
Total Other Expense	-5,646.66	0.00	-5,646.66	0.00	0.00
Net Other Income	5,646.66	0.00	5,646.66	0.00	0.00
Net Income	720,191.92	518,698.58	720,191.92	518,698.58	-131,892.72

Account 972 Park Buildings Improvement & Account 974 Other Park Improvements

The YTD amount budgeted for these two accounts are \$100,000 and \$7,500, respectively. Nothing has been spent from these accounts YTD.

Account 978 Pk/Rec Furn/Eq

The YTD amount is about \$13,500 more than the YTD budgeted amount because of the purchase of the new audio/video system. The KCC and KIC have each contributed \$5,000, and the KPOA contributed \$1,000. This \$11,000 total has helped offset the total cost of the system.

Net Income

The YTD amount is \$201,000 greater than the YTD budgeted amount.

Master Sergeant Rickey L. Hull
Interim General Manager and Chief of Police
Kensington Police Protection and Community Services District
217 Arlington Ave.
Kensington, CA 94707

March 27, 2017

Dear Chief Hull:

Thank you very much for sending copies of the invoices from Advanced Systems Group (ASG) for the public address and recording system that was installed in the Community Center.

With David Bergen's technical assistance, I have analyzed the items and arrived at these conclusions.

Public address: Of the total cost of approximately \$32,000, about 74% (~\$23,700) is attributable to the public address system. That includes the microphones and speakers, plus everything in between. Many of these components are essential for and/or allow for the "add-ons" described below.

Assistive listening: Inclusion of an enhanced listening system, required for compliance with the American with Disabilities Act, added approximately \$2,000 in equipment and some unknown additional labor costs. The total cost is estimated to be less than \$3,000 (~9% of total). It is probable that the previous sound system would have required a substantial upgrade just to allow for this feature. Based on my experience, even without using an assistive listening device, the new sound system provides adequate amplification and clarity for most members of the audience who have hearing impairment.

Audio-Video: The recording system added approximately \$5,000 (16% of total). However, it is important to note that because the camera is permanently fixed and the recorder "push and play," the District no longer needs someone to set up the mobile camera/recorder and monitor it during meetings, as Police Sergeant Hui did in the past. This will probably save \$5,000-\$7,000 in overtime each year.

WiFi: Internet access equipment and installation are a trivial part of the ASG cost (~\$200). WiFi was obtained through a two-year service agreement with HughesNet involving a monthly service charge.

ASG provided the District with very good component prices, many well below those listed on the internet. The cost of design/configuration (~\$3,000) and five "man-days" for installation (~\$5,000) suggests that this was not something that could have been done by Kensington volunteers.

The District is indebted to KIC, KCC and KPOA for their community service in doubling their originally promised contributions to a total of \$10,000.

I think that once the community gets to know this new sophisticated sound and recording system, all will appreciate its value.

Sincerely,

Delk

A. Stevens Delk, Ph.D.

COST OF PA/AV/AL/WF SYSTEM PURCHASED FROM ASG

Invoice	Cat	Item	Part	Tax	Part+Tax	Weight	Est. Cost
20070	PA	Biamp Tesira Forte Server	1,528.24	129.90			
20070	PA	Biamp Tesira Tec Controller	369.41	31.40			
20070	PA	Lab Amplifer	822.35	69.90			
20070	PA	Tannoy Speaker (2)	1,470.58	125.00			
20070	PA	Shure Transreceiver	2,681.76	227.95			
20070	PA	Shure Transmitter Base (7)	3,195.29	271.60			
20070	PA	Shure Gooseneck (7)	1,238.16	105.24			
20070	PA	Shure Handheld Transmitter	176.88	15.03			
20266	PA	Shure Handheld Transmitter	176.88	15.03			
20070	PA	Shure Charger (2)	2,795.88	237.65			
20070	PA	Shure Interface	<u>982.55</u>	<u>83.52</u>			
		Total	15,437.98	1,312.23	16,750.21	73.91%	23,673.86
		Check: Tax @ 8.5%	1,312.23				
20070	AV	Matrox Monarch Video Recorder	1,877.65	159.60			
20070	AV	Marshall Camera	764.71	65.00			
20070	AV	Wren Dome (4 in, grey)	261.16	22.20			
20070	AV	Wren Dome (8 in, white)	261.16	22.20			
20070	AV	TecNec Video Cable	89.08	7.57			
20070	AV	SanDisk Pack (2)	64.04	5.44			
20070	AV	Viewsonic Monitor	<u>89.00</u>	<u>7.57</u>			
		Total	3,406.80	289.58	3,696.38	16.31%	5,224.27
		Check: Tax @ 8.5%	289.58				
20070	AL	Listen Technologies Package	1,859.00	158.02			
20266	AL	Listen Texhnologies Earspeaker (4)	<u>56.00</u>	<u>4.76</u>			
		Total	1,915.00	162.78	2,077.78	9.17%	2,936.62
		Check: Tax @ 8.5%	162.78				
20266	WF	Tp-Link Wireless Router	<u>128.60</u>	<u>10.93</u>			
		Total	128.60	10.93	139.53	0.62%	197.21
		Check: Tax @ 8.5%	10.93				
		Costs of All Specific Parts and Taxes	20,888.38	1,775.51	22,663.89	100.00%	
				Check	22,663.89		
					Total Cost From Above		32,031.95
					Check: Total Cost From Invoices		32,031.95

Shared Cost

Invoice	Cat	Item	Part	Tax	Part+Tax
20070	MO	Tripp Lite Rack	386.56	32.86	419.42
20070	MO	Misc Installation Material	300.00	25.50	325.50
20070	MO	Middle Atlantic Rackshelf			
20266	MO	Middle Atlantic Rackshelf	78.00	6.63	84.63
20266	MO	Tripp Lite Power Strip	16.00	1.36	17.36
20266	MO	Cat5e Patch Cable (4)			
20266	MO	Misc Cable, material	<u>60.00</u>	<u>5.10</u>	<u>65.10</u>
		Total	840.56	71.45	912.01
		Check: Tax @ 8.5%	71.45		
		Check: Total Cost of Misc/Other Parts and Taxes			912.01
20070	SH	Shipping	425.33		
20266	SH	Shipping	65.72		
		Total Cost of Shipping			491.05
20070	AS	ASG Schematic Design	2,590.00		
20070	AS	ASG Onsite Technician (2 x 2 days)	4,060.00		
20266	AS	ASG Network Configuration	300.00		
20266	AS	ASG Installation Labor (1 x 1 day)	1,015.00		
		Total Cost of Design and Labor			7,965.00
		Total Shared Costs			9,368.06

Methodology: The item list was divided into different categories depending on specific or primary function as follows: Public Address (PA); Audio Video (AV); Assistive Listening (AL); WiFi (WF). The cost of parts plus taxes for each was divided by the total for these four categories to obtain a "weighting," expressed as percent. Total cost for the category was estimated by multiplying the percent by the total invoice costs, which included other categories as follows: Miscellaneous/other (MO), Shipping (SH), and ASG design/labor (AS).

Prepared by A. Stevens Delk, Ph.D., March 27, 2017, File: KPPCSD CC Snd Etc Sys

Lynn Wolter

From: Eileen Nottoli
Sent: Friday, March 17, 2017 12:10 PM
To: bethh
Cc: Lynn Wolter
Subject: Re: Your SDLF application

Thanks!

Eileen Nottoli

On Mar 17, 2017, at 12:09 PM, bethh <bethh@sdlf.org> wrote:

Hello Eileen, Good news!

The SDLF Sub-Committee met today and is happy to award you with the Education Allowance Scholarship of 600.00 to reimburse you for attending the SDLA Conference in La Jolla. We will send your district a check for this amount in a couple days. I am so glad you were able to attend the conference and receive this scholarship. Congratulations!

Sincerely,
~Beth

Beth Hummel
Program Assistant

Special District Leadership Foundation
www.SDLF.org
916-442-7887

Lynn Wolter

From: Pat Gillette <pkgillette@gmail.com>
Sent: Tuesday, March 07, 2017 11:17 AM
To: Rachelle Sherris-Watt; Lynn Wolter; Len Welsh GMail
Subject: thursday's meeting

I will not be at the meeting on Thursday because I will be in NYC. But I request that teh Board put an item on the next agenda to discuss the process to be followed for hiring a permanent GM and a COP . Please respond in email as to whether you will grant this request.

Thank you.

Lynn Wolter

From: Sylvia Elsbury <sylviaelsbury@yahoo.com>
Sent: Wednesday, March 08, 2017 8:43 AM
To: Rachelle Sherris-Watt; Eileen Nottoli; Len Welsh; Sylvia Hacaj
Cc: Lynn Wolter
Subject: Growing number of women leading US police departments

Dear Board:

On International Women's Day, a reminder that there is a great deal of interest in Kensington in at least attempting to recruit a woman to head our PD, given its reported history of toxic relations with women in our community. Of course I'm in favor of choosing the best person for the job, regardless of gender. But it would be a missed opportunity if we were to broadcast the message, blatantly or even subtly, that we have preselected Hull as our permanent COP.

With thanks and regards,
Sylvia

<http://bigstory.ap.org/article/ee66c16a45d04a769a49bea59e7dbf2c/growing-number-women-leading-us-police-departments>

Lynn Wolter

From: Marilyn Stollon <mstollon@sonic.net>
Sent: Monday, March 06, 2017 8:38 PM
To: Rachelle Sherris-Watt; Eileen Nottoli; Sylvia Hacaj; Vanessa Cordova; Len Welsh GMail; Rickey L. Hull; Lynn Wolter
Subject: re: Are we recruiting for a police officer??
Attachments: Final Law Enforcement MSR.pdf

Board Members and IChief/GM Hull:

On page 70 of the agenda packet, Chief/GM Hull says without explanation that : one individual has completed the initial background investigation for a Police Officer position . This surprised me, but perhaps it was mentioned at a meeting and I missed it.

Several questions,

1. When was it decided that someone will be hired? In the past this would come up and Hart would report at the board meeting if he was looking to replace someone who quit , or seeking a reserve officer etc. This is out of the blue. This is information that needs to be communicated to the residents, this is the lack of transparency that other residents are complaining about. I hope it will be raised on Thursday if the Chief verbalizes his report??
2. Is it to replace an unfilled opening from previously?
3. Is it to replace one of the 2 officers out on disability? i.e. Wilkens and Stegman; or will Hui not be returning and his job is now open?
4. If someone is to be hired, have you looked at what level an officer would start at, we have very experienced officers at high pay steps etc. In other towns such as Clayton there are more traffic officers at a lower pay grade. This would save needed budget funds for a GM. I hope that Chief Hull will address this at the board meeting.
5. Have we as a town looked at what is the number needed for staffing, or are we just going along with the same old same old formula. The needs for kensington were NOT determined by the adhoc, as I specifically asked Dave Spath and he said no they were not going to deal with it, so it is not reflected in the report other than a chart comparing different staffing compositions in towns nearby. This needs to be studied with impartial, unbiased input, perhaps when contracting general info is obtained or a separate committee.

As you may recall in the Adhoc rpt and Brown Taylor reports , the staffing ratio of officer to residents varies from town to town and there is no set required number. This is where savings can be made by insuring that we do not overstaff as we have done before. Better that officers are busy than having 70% ? down time as reported in the Taylor report.

.....**I am including an excerpt from a MSR, 2011, LAFCO Rpt**.....

Kensington starts on page 286.

see page 43, staffing levels chart per 1,000 residents for different cities, **Kensington has the highest staffing**, more than San Ramon, Moraga etc., but similar to EC, Richmond

see page 52, staff and budget indicators, cost per capita compared with other agencies.

see page 53 service indicators, # of service calls, total crimes per 1,000 etc.

P 134

Relating to staffing levels:

"The number of sworn officers per capita is a traditional indicator of service level. There are no established State or national standards for police staffing levels.

Staffing ratios in Contra Costa ranged from .67 sworn staff per 1,000 residents in Lafayette to **1.97 in Kensington PP&CSD.**

Lafayette PD maintains the lowest staffing ration in the County. "

fyi, Lafayette contracts with Sheriffs dept.

Sincerely,

Marilyn Stollon

Pls include in the record.

Marty Knight
[REDACTED]
[REDACTED]

March 7, 2017

Chief Ricky Hull
Kensington Police Department
217 Arlington Avenue
Kensington, California 94707

Dear Chief Hull:

Congratulations on your promotion to Interim Chief, and Interim General Manager. No doubt you have a challenging and rewarding future with the Kensington Police Department. By this time you hopefully have had the chance to get a foothold on the many responsibilities you have undertaken.

Some time has passed since my letter to Lynn Wolter, dated January 5, 2017 (please see attached copy), and the Public Safety meeting on February 9th. I understand that after the meeting you spoke with my brother Anthony Knight, and that you both briefly discussed the parking issues on Colgate Avenue.

As you are aware, Mr. Williams continues to, inexplicably, engage in vindictive and spiteful behavior, antagonizing and frustrating neighbors, and in violation of the law. After Chief Hart's public nuisance meeting with Mr. Williams, he began parking some of his vehicles in Berkeley on Wildcat Canyon Drive, east of Canon Drive, and just outside of Kensington's jurisdiction. These vehicles are kept immediately available, and are used to "replace" or "substitute" vehicles which may have been marked for towing. In this way, Mr. Williams guarantees continuous occupation of all potential available on street parking. Apparently Mr. Williams moves these vehicles regularly late at night.

Mr. Williams' actions, in addition to generally antagonizing neighbors, have forced these neighbors to, in some circumstances, engage in occupying their own parking, and rotate their own cars in order to simply have a place to park reasonably close to their homes. This activity has exacerbated the already limited access to parking. Mr. Williams seems committed to using as much parking space as he can acquire, both on the street, on the median strip (a violation which I have confirmed after extensive research), across the sidewalk (22500 (f) C.V.C), and in violation of local time limited parking.

My understanding, based on direct and ongoing communications with Chief Hart, is that Mr. Williams agreed to very specific guidelines regarding the adherence to parking laws, and general neighborhood etiquette. It also is my understanding these guidelines were committed to writing, and possibly signed by Mr. Williams. As mentioned in my letter to Lynn, if possible I would appreciate a copy of this agreement or the minutes from the meeting.

I live in the Sierra Nevada Mountains, close to the Dodge Ridge ski resort. I am currently renting my

home on Colgate (which I have owned since 1980), but plan to renovate it in the not too distant future, and live there part time with my wife.


I am concerned Mr. Williams' actions, if unchecked, will become the status quo, only encouraging his continued inexplicable and antagonistic behavior. Perhaps there has been action taken by the Kensington Police Department, to check Mr. Williams' behavior, which I am not aware of?

Unfortunately, I have very recent photographs of his parking violations, in addition to an extensive file, which is about one inch thick, documenting the history of parking issues on Colgate. I would be happy to forward my pictures to you, should you feel they may be helpful.

I would be very interested and appreciative of any information or updates regarding the parking status on Colgate Avenue.

Thank you for your understanding and support in this very frustrating and ongoing matter.

Sincerely,


Marty Knight

(Owner, 284 Colgate Avenue)

Attachment

Page 2 of 2

48

4/10/17
RCH
EMAIL TO FOLLO

Marty Knight

[REDACTED]

April 7, 2017

Chief Ricky Hull
Kensington Police Department
217 Arlington Avenue
Kensington, CA 94707

Dear Chief Hull:

As I assume you are aware, I sent you a letter on March 7, 2017 (see attached copy), discussing in detail the ongoing parking problems on Colgate Avenue caused by Brandon Williams. I requested your reply, along with an update on how the matter is being addressed, specifically what enforcement KPD has undertaken. I also requested a copy of the minutes or transcripts of the meeting in 2016 between Chief Hart, Brandon Williams, and his mother Bennette Williams. As discussed in my letter to you dated March 7, 2017, these minutes are a critical factor in the effective enforcement of the myriad parking violations Mr. Williams has been responsible for over a period of years.

Before I wrote to you on March 7, 2017, I sent a letter to KPP and Community Services District Administration administrator Lynn Wolter dated January 5, 2017 (see attached copy), requesting a copy of the minutes or transcript. I also did not receive a reply from her. Before I sent this letter to Lynn Wolter, she communicated to me that she had spoken with Chief Hart, who had advised her to send me the minutes or the transcript of the minutes. Lynn Wolter told me she was in the process of facilitating this. Again, I have received no further communication from Lynn Wolter or yourself regarding this.

Because over a month has passed, and I have not yet received a reply from you to my March 7, 2017 letter, nor a reply from Ms. Wolter, I am writing to you again.

I am very concerned about this lack of communication, and the continued parking violations on Colgate Avenue.

As I believe you have stated, the parking violations for which Mr. Williams' are responsible are not just violations of the law, but a quality of life issue. While I agree this is true, Mr. Williams' behavior has far more reaching ramifications. He has deliberately made day to day life miserable for his neighbors, who in turn have attempted to initiate their own defensive parking strategies, if for no other reason than to simply have a place to park close to their homes when they return from work.

This is an egregious problem which has been going on for years, despite my vigorous communications to your office requesting action. My file concerning the history of these violations is now over an inch thick.

Mr. Williams' inexplicable concerted vindictive actions have flaunted the law and, sadly, become the

status quo.

His behavior should be addressed without further delay, as already outlined in the above mentioned minutes.

If there have been necessary enforcement actions by KPD, about which I have requested your clarification, I am unaware of them.

The parking issues on Colgate have not lessened. To the contrary, in addition to parking his abandoned, eyesore, and apparently inoperable vehicles in every available parking space on Colgate, as he has done for years, Mr. Williams has begun to leave large piles of unknown materials on his driveway covered with a grey tarp.

Mr. Williams' rare movement of his vehicles, in the middle of the night, by a few inches, or from one side of the street to the other, do not alleviate the parking issues, nor do these actions change the negative quality of life issues created by him.

Since this is the third lengthy written communication to your office, I look forward to hearing from you in the very near future.

Sincerely,

A handwritten signature in cursive script that reads "Marty Knight". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Marty Knight

Kensington Police Protection and Community Service District
Solid Waste Committee
March 20, 2017

The Solid Waste Committee met on March 20, 2017 at the Community Center Building. Attending the meeting were:

Committee Members: Interim General Manager/Chief of Police Rickey Hull, Eileen Nottoli, Lisa Cole, Anthony Knight, Mary Korn, and Mark Wegner
Members of the Public: Dr. A. Stevens Delk

Items for Future Meetings

Additional Pubic Garbage Cans. We discussed the possibility of some additional public garbage cans within the park and along Colusa Circle. These cans would be similar to those purchased by KIC sometime ago.

Bay View. We agreed to have a meeting in about a month with Greg Christie of Bay View to discuss the following with the thought that we might partner with the Kensington Property Owners Association for a future meeting with more residents.

1. Green Waste. We agreed that there is confusion and apparent inconsistencies in the information on what produce waste can and can not be included in green waste. We would also like to explore the possibility of additional types of food waste that can be included.
2. Recycling. We agreed we would like to take of tour the operations and understand more about the fate of our recyclables.
3. Billing. The most recent bill had a notice of a late fee of \$20 that may not be authorized under the current agreement with Bay View.
4. Diversion Rate. Bay View is required to prepare reports on the diversion rate and we would like to review the reports.
5. Required Reports. Exhibit D to the current Franchise Agreement with Bay View requires Quarterly Reports for Q1, Q2, and Q3 that includes a Tonnage Report, Customer Report, Customer Service Report, Education and Outreach Report, Revenue Report. In addition, Bay View must prepare an Annual Report in Q4 that includes all the former information plus a Summary Assessment, Vehicle Inventory, Recyclables and Organics Market, Operational Statistic and Information, Financial Statement, and an Audit of Gross

Receipts and Franchise Fees.

MARCH 2017 WATCH COMMANDER MONTHLY REPORT

IGM/COP Hull

TEAM #1 & #2 STATISTICS

IGM/COP Hull (K17) – (1000-1800)

Officer:	Hui (K42) (0600-1600)	Hull (K17) (1000-1800)	Barrow(K26) (1800-0600)
Days Worked	00	00	15
Traffic Stops	00	00	03
Moving Citations	00	00	01
Parking Citations	00	00	07
Vacation/Security Checks	00	00	01
Cases	00	00	01
Arrests	00	00	01
Traffic Accident Reports	00	00	00
Calls for Service	00	00	48

Officer:	Wilson (K38) (1800-0600)	Foley (K48) (0600-1800)	Ramos (K41) (1800-0600)
Days Worked	12	15	16
Traffic Stops	03	70	11
Moving Citations	02	15	04
Parking Citations	07	19	05
Vacation/Security Checks	36	24	00
Cases	00	00	05
Arrests	00	00	00
Traffic Accident Reports	01	02	02
Total Service Calls	73	173	73

- The small variation in totals between the various monthly reports and are due to the different methodologies employed to gather data. Manual hand count will differ from computer generated data due to the computers limited ability to narrow data reports.

The increase in overtime payout is due to officers taking vacation days

Officer Wilson took 3 days off sick and 1 vacation day

Detective Martinez made one arrest, wrote 3 moving citations and 8 parking citations

Officer Wilkens is off duty 4850 time effective August 19, 2016

Cpl. Stegman is off duty 4850 time effective September 8, 2016

Sgt. Hui off on admin leave effective July 29, 2016

BRIEFING/TRAINING:

- KPD Policy 316 Officer Response to Calls

- Penal Code 1170.76 Child Witness to Domestic Violence
- Policy 428 Immigration Violations
- CHP Manual
 - Definition of an Accident
 - Courtesy Report
 - School Bus Collision
- People V. Quick (car searches)
- KPD Policy 320 Domestic Violence

SERGEANT'S SUMMARY:

A press release was issued on 3/23/2017 due to a domestic violence incident that occurred on 3/22/2017. A resident who was a victim of domestic violence was recently assaulted with a beer bottle in El Cerrito. The Kensington Police Department is fully aware of the activities stemming from this residence and will continue to serve the law enforcement interests of the District.

SIGNIFICANT EVENTS:

- 2017-0994 – Detective Martinez responded to the 00 block of Highland Blvd. to a civil dispute,
- 2017-0929 – Officer Foley responded to the 00 block of Jessen Ct. due to an odor gas emanating from the roadway.
- 2017-0937 – Officer Foley responded to Moeser/San Pablo Ave. due to a multiple vehicle accident and assisted ECPD with traffic control.
- 2017-0938 – Officer Wilson responded to the 00 block of Edgcroft Rd. due to a resident being assaulted with a bottle in El Cerrito.
- 2017-0907 – Officer Ramos responded to the 300 block of Arlington Ave. to a traffic collision with injury.
- 2017-0912 – Officer Barrow responded to Stratford Rd./Berkeley Park Blvd. to a vehicle stuck in a ditch.
- 2017-0913 – Officer Barrow responded to Arlington Ave./Sunset Dr. to a vehicle stuck on the median.
- 2017-0899 – Officer Barrow responded to the 100 block of St. Albans to monitor a process server attempt to serve court documents.
- 2017-0882 – Officer Wilson responded to the 300 block of Arlington Ave. to a report of non-injury collision.
- 2017-0846 – Officer Foley responded to the 300 block of Coventry Rd. to a report of civil dispute over a u-haul truck.
- 2017-0825 – Officer Barrow responded to the 700 block of San Pablo Ave. to assist Albany PD with a bar fight.
- 2017-0835 – Detective Martinez responded to Coventry Rd/Valley Rd. and recovered a stolen vehicle out of Albany.
- 2017-0836 – Detective Martinez responded to the 00 block of Kingston Rd. to assist Postal PD contact a resident.

- 2017-0837 – Detective Martinez responded to the 00 block of Eagle Hill Rd. to a report of theft.
- 2017-0778 – Officer Wilson responded to the 200 block of Colgate Ave. due to a residents concern about vehicles being towed.
- 2017-0773 – Officer Foley responded to the 00 block of Beverly Rd. to a report of a non-injury collision.
- 2017-0736 – Officer Ramos responded to the 00 block of Marchant Ct. to a reported coroner's case.
- 2017-0743 – Officer Ramos responded to the 00 block of Sunset Dr. to report of a vicious dog.
- 2017-0723 – Officer Ramos responded to the 300 block of Colusa Ave. to a report of a mental patient.
- 2017-0704 - Officer Foley responded to the 200 block of Colgate Ave. to a report of an abandoned vehicle.
- 2017-0693 – Officer Foley responded to the 600 block of Wellesley Ave. to a reported civil issue.
- 2017-0672 – Officer Barrow responded to the 6000 block of Central Ave. to assist ECPD with a mental patient.
- 2017-0673 – Officer Barrow responded to the 800 block of San Pablo Ave. to assist Albany PD with a bar fight.
- 2017-0658 – Officer Ramos responded to the 00 block of Cowper Ave. and recovered a stolen vehicle out of The City of Richmond.
- 2017-0659 – Officer Ramos responded to the 100 block of Kingston Rd. to a reported stolen vehicle.
- 2017-0660 – Officer Ramos responded to the 200 block of Colusa Ave. to a reported mental patient.
- 2017-0662 – Officer Ramos responded to the 00 block of Lawson Dr. to a report of theft.
- 2017-0665 – Officer Ramos responded to the 300 block of Ocean View Ave. to a report of vandalism.
- 2017-0666 – Officer Ramos responded to Stanford Ave/Wellesley Ave. to non-injury collision.
- 2017-0644 – Officer Ramos responded to the 800 block of Coventry Rd. to a report of vandalism.
- 2017-0645 – Officer Ramos responded to the 800 block of Coventry road to a report of attempted suicide.
- 2017-0646 – Officer Ramos responded to the 300 block of Coventry Rd. to a report of identity theft.
- 2017-0649 – Officer Barrow responded to Coventry Rd./Valley Rd. to a report of illegal dumping.
- 2017-0632 – Officer Foley responded to the 200 block of Kenyon Ave. to a reported non-injury collision.

February 2017

February 2017

This month there were 6 cases being investigated and 2 warrant arrests. Out of those 6 cases there were 3 identity thefts, 1 petty theft, 1 vandalism, and 1 hit and run.

Investigations and Crime Statistics

Identity Theft:

(Case #17-0356, 0370 and 0545) One of the three cases involved an unknown person who applied for a credit card online and was denied. Further investigation revealed a possible lead of an address in another state but came back cold with no suspect leads. A second case involves an unknown person who attempted to apply for a credit card online and was denied. A follow up investigation revealed that the victim's name and social security information may have been used. The IRS was contacted and they advised they would be investigating the incident and would notify KPD if needed. There are no leads to follow up with in these case at this time. The third case involves personal bank information that was used by an unknown person. This case is still being reviewed by the victim's bank and KPD. Further follow ups will be conducted.

Theft:

(Case #2017-0392) A resident came outside to find a white, bald headed male wearing a gray top and black shorts inside of her vehicle. The resident confronted the suspect who ran off east bound on Cowper Ave. Miscellaneous change was found taken from within the vehicle. A follow up will be done with the victim.

Vandalism:

(Case 2017-0488) A resident found their tire slashed in the morning by an unknown person for unknown reasons. There are no leads in this case.

(Case 2017-218) An officer was dispatched to a vandalism call at Kensington Park regarding graffiti located on the large wooden wall on the basketball court. The graffiti was approximately five feet in height and approximately eight to ten feet long. The graffiti is a moniker, which read, "NOKEOR", or something similar. The graffiti was in blue spray paint or marker of some kind. There are no leads in this case.

Hit and Run:

(Case 2017-0497)

An unknown vehicle hit a parked vehicle and left the scene without leaving any information. There are no leads in any of these cases.

Warrant Arrest:

(Case 2017-371 and 2017-372)

There were two separate warrant arrests this month. Both subjects were booked at Martinez Detection Facility. Nothing further regarding these incidents.

Additional Information:

Just a friendly reminder that it is very important that you lock and secure your vehicles and leave nothing in plain view. Never leave your car running and unattended.

February 2017

Knowledge is power. Get to know your neighbors and take advantage of community resources such as Nextdoor.com to stay connected and aware of what's going on in your area. Discover which neighbors may have surveillance cameras which can be very helpful should a crime occur. If you see or hear anything that makes you feel suspicious please call 911 and report it. Please don't wait for the following day to report the incident when the suspect has already left the area or evidence at the scene is unusable.

KPD Monthly Crime Statistics

February 2016

Part 1 Crimes	Reported	Open/ Pending	Suspended	Closed	Arrest
Homicide	0	0	0	0	0
Rape	0	0	0	0	0
Robbery	0	0	0	0	0
Assault	0	0	0	0	0
Residential Burglary	0	0	0	0	0
Larceny Theft	1	0	1	0	0
Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0

Part 1 Totals	<u>1</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>
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Other Crimes

Other misdemeanor	0	0	0	0	0
Identity Theft	3	0	3	0	0
Fraud	0	0	0	0	0
Forgeries	0	0	0	0	0
Restraining Order Violations/ Stalking/ Criminal Threats	0	0	0	0	0
Sex Crimes (other)	0	0	0	0	0
Assault/ Battery (other)	0	0	0	0	0
Vandalism	1	0	1	0	0
Drugs	0	0	0	0	0
Warrant	0	0	0	0	0
Hit and Run Felony	0	0	0	0	0
Hit and Run Misdemeanor	1	0	1	0	0
Other Misdemeanor Traffic	0	0	0	0	0

Other Crime Totals	<u>5</u>	<u>0</u>	<u>5</u>	<u>0</u>	<u>0</u>
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All Crime Totals	<u>6</u>	<u>0</u>	<u>6</u>	<u>0</u>	<u>0</u>
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Traffic Accidents (Non Injury)	1
Traffic Accidents (Injury)	0

February 2017

KPD Crime Statistics

YTD 2017

Part 1 Crimes

	Reported	Open/ Pending	Suspended	Closed	Arrest
Homicide	0	0	0	0	0
Rape	0	0	0	0	0
Robbery	1	0	0	1	1
Assault	2	0	0	1	1
Residential Burglary	1	0	1	0	0
Larceny Theft	8	0	8	0	0
Vehicle Theft	2	1	1	0	0
Arson	0	0	0	0	0
Part 1 Totals	14	1	10	2	2

Other Crimes

Other misdemeanor	3	0	3	0	0
Identity Theft	7	3	4	0	0
Fraud	0	0	0	0	0
Forgeries	0	0	0	0	0
Restraining Order Violations/ Stalking/ Criminal Threats	0	0	0	0	0
Sex Crimes (other)	0	0	0	0	0
Assault/ Battery (other)	0	0	0	0	0
Vandalism	6	0	6	0	0
Drugs	0	0	0	0	0
Warrant	0	0	0	0	0
Hit and Run Felony	0	0	0	0	0
Hit and Run Misdemeanor	4	0	4	0	0
Other Misdemeanor Traffic	0	0	0	0	0
Other Crime Totals	20	3	17	0	0

All Crime Totals

34	4	27	2	2
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Traffic Accidents (Non
Injury)

2

Traffic Accidents (Injury)

0

March 2017

March 2017

This month there were 16 cases investigated. Out of the 16 cases 3 were vandalism, 2 identity thefts, 2 illegal dumping, 1 stolen vehicle, 2 recovered stolen vehicles, 2 vehicle burglaries, 2 domestic violence and 2 petty thefts.

During this month we also received 6 property damage vehicle accidents with no injuries where the drivers all exchanged information.

KPD also received 6 calls from outside agencies asking for our assistance. 3 from El Cerrito PD, 1 from Albany PD, 1 from San Francisco PD and 1 from San Pablo PD.

Investigations and Crime Statistics

Identity Theft:

(Case #17-0726 and 0895)

Case 17-0726 involves an unknown person who used the victim's personal information online without her permission. KPD is waiting for additional information from the victim.

Case #17-0895

Case 17-895 involves the victim receiving a phone call from American Express regarding an inquiry application of a credit card and an email from Chase confirming an online credit card application. A few days later the victim received a telephone call from an Officer at Albany PD. They arrested someone and found articles belonging to the victim. Both of these cases are still being investigated.

Theft:

(Case #17-0837 and 887)

Case 17-837 is involving a resident who had a party for her son at her house on St Patrick's Day where 100 and young adults showed up. The next day 2 of the mothers laptops were missing. There are no leads in this case.

Case 17-887 involves miscellaneous change taken from the victim's unlocked car. There are no leads in this case.

Vandalism:

(Case 17-0631, 644 and 665)

All three of these cases involves an unknown suspect who keyed the victim's cars. These all occurred during the night. There are no suspect leads in leads in any this case.

Illegal Dumping:

(Case 17-649 and 737)

Both of these cases involve an unknown person dumping a couch and refrigerator on the sidewalk. There are no leads in these cases.

Stolen Vehicle:

Case (17-659)

The victim's vehicle was taken during the night by an unknown person. This case is still being investigated.

March 2017

Recovered Stolen Vehicle:

(Case 17-658 and 835)

Case 17-658 involves a KPD Officer being dispatched to a suspicious vehicle. When the officer arrived he found a Honda Civic parked and idling with nobody around the vehicle. An area check was done and no suspects were found. There are no leads in this case.

In case 17-658 a KPD Officer found a vehicle parked in the red zone which later was determined to be stolen out of Albany. During a neighborhood canvas it was determined the vehicle had been there for a few days. There are no suspect leads in this case.

Vehicle Burglary:

Case (17-662 and 1006)

Case 17-662 involves an unknown person smashing the victim's window during the daytime and stealing a purse. This case is still being investigated.

Case 17-1006 involves a suspect breaking a car window during the daytime and stealing a laptop at the Blake Estate parking lot. This case will be forwarded to UC Berkeley for a follow up.

Domestic Violence:

(17-738 and 889)

In case 17-738 KPD Officers arrested the victim's boyfriend for domestic violence. This case is still being reviewed by the Contra Costa District Attorney's Office and Child Protective Service.

Case 17-889 is involving a husband who was slapped by his wife. This case was reported to KPD two weeks after the occurrence and no arrest was made. Child Protective Services is also involved in this case along with the Contra Costa District Attorney's Office.

Additional Information:

4 different Police Agencies requested Kensington Police Department assistance this month.

- 2 times for El Cerrito PD.
- 2 time for Albany PD.
- 1 time for San Francisco PD.
- 1 time for San Pablo PD.

Just a friendly reminder that it is very important that you lock and secure your vehicles and leave nothing in plain view. Never leave your car running and unattended.

If you see or hear anything that makes you feel suspicious please call 911 and report it. Please don't wait for the following day to report the incident when the suspect has already left the area or evidence at the scene is unusable.

March 2017

KPD Monthly Crime Statistics

March 2016

Part 1 Crimes

	Reported	Open/ Pending	Suspended	Closed	Arrest
Homicide	0	0	0	0	0
Rape	0	0	0	0	0
Robbery	0	0	0	0	0
Assault	2	0	0	1	1
Residential Burglary	0	0	0	0	0
Larceny Theft	4	0	4	0	0
Vehicle Theft	1	1	0	0	0
Arson	0	0	0	0	0
Part 1 Totals	7	1	4	1	1

Other Crimes

Other misdemeanor	2	0	2	0	0
Identity Theft	3	3	0	0	0
Fraud	0	0	0	0	0
Forgeries	0	0	0	0	0
Restraining Order Violations/ Stalking/ Criminal Threats	0	0	0	0	0
Sex Crimes (other)	0	0	0	0	0
Assault/ Battery (other)	0	0	0	0	0
Vandalism	3	0	3	0	0
Drugs	0	0	0	0	0
Warrant	0	0	0	0	0
Hit and Run Felony	0	0	0	0	0
Hit and Run Misdemeanor	0	0	0	0	0
Other Misdemeanor Traffic	0	0	0	0	0
Other Crime Totals	8	3	5	0	0

All Crime Totals	15	4	9	1	1
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Traffic Accidents (Non Injury)	5
Traffic Accidents (Injury)	0
Moter Vehicle Rec	2

March 2017

KPD Crime Statistics

YTD 2017

Part 1 Crimes	Reported	Open/ Pending	Suspended	Closed	Arrest
Homicide	0	0	0	0	0
Rape	0	0	0	0	0
Robbery	1	0	0	1	1
Assault	2	0	0	1	1
Residential Burglary	1	0	1	0	0
Larceny Theft	8	0	8	0	0
Vehicle Theft	2	1	1	0	0
Arson	0	0	0	0	0
Part 1 Totals	<u>14</u>	<u>1</u>	<u>10</u>	<u>2</u>	<u>2</u>
Other Crimes					
Other misdemeanor	3	0	3	0	0
Identity Theft	7	3	4	0	0
Fraud	0	0	0	0	0
Forgeries	0	0	0	0	0
Restraining Order Violations/ Stalking/ Criminal Threats	0	0	0	0	0
Sex Crimes (other)	0	0	0	0	0
Assault/ Battery (other)	0	0	0	0	0
Vandalism	6	0	6	0	0
Drugs	0	0	0	0	0
Warrant	0	0	0	0	0
Hit and Run Felony	0	0	0	0	0
Hit and Run Misdemeanor	4	0	4	0	0
Other Misdemeanor Traffic	0	0	0	0	0
Other Crime Totals	<u>20</u>	<u>3</u>	<u>17</u>	<u>0</u>	<u>0</u>
All Crime Totals	<u>34</u>	<u>4</u>	<u>27</u>	<u>2</u>	<u>2</u>

Traffic Accidents (Non Injury)	2
Traffic Accidents (Injury)	0
Moter Vehicle Recovery	2

AMENDED MEMORANDUM OF UNDERSTANDING BETWEEN
THE KENSINGTON POLICE PROTECTION AND
COMMUNITY SERVICES DISTRICT
AND THE COUNTY OF CONTRA COSTA
FOR MEETING THE REQUIREMENTS OF THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT ACT OF 1989

This Amended Memorandum of Understanding ("Amended MOU") is entered into by and between the Kensington Police Protection and Community Services District, a public agency formed pursuant to California Government Code section 61000, et seq. (hereinafter "District") and the County of Contra Costa, a political subdivision of the State of California, (hereinafter "County"). District and County may be referred to collectively herein as the "Parties" and individually as a "Party."

RECITALS

A. The County Board of Supervisors and the District Board of Directors represent, within their respective boundaries, the residents in the unincorporated area of Contra Costa County.

B. District is a community services district providing solid waste management, resource recovery and disposal services to residents and businesses within the unincorporated area of Contra Costa County known as Kensington.

C. The California Legislature has enacted the California Integrated Solid Waste Management Act of 1989, Chapter 1095, Statutes of 1989 (hereinafter "the ACT"). Amendments to the ACT have been adopted and others may be adopted in the future. The ACT is codified in California Public Resources Code section 40000 et seq.

D. The ACT requires that the County prepare and adopt a Source Reduction and Recycling Element (hereinafter "SRRE") and a Household Hazardous Waste Element (hereinafter "HHWE") for the unincorporated areas of Contra Costa County. The County has adopted these elements, which were approved by the State and are included in the Countywide Integrated Waste Management Plan for Contra Costa County. The ACT requires the County to implement diversion programs identified in the SRRE and HHWE. The County may modify and eliminate these programs and add new diversion programs from time to time as circumstances warrant. The SRRE programs and HHWE programs then in effect during the term of this Amended MOU will be referred to, respectively and individually, as the "SRRE Programs" and "HHWE Programs" and collectively as the "SRRE and HHWE Programs."

E. The ACT, as amended, also requires County to implement a commercial solid waste recycling program and a commercial organic waste recycling program (collectively "Commercial Recycling Programs"), and to prepare and submit annual reports to the State on County's progress in implementing these programs.

F. The ACT further requires the diversion of 50 percent of all solid waste through source reduction, recycling and composting activities. County is designated within the ACT as the responsible agency for meeting this waste reduction mandate in the unincorporated areas of Contra Costa County.

G. County and District have statutory powers to contract and enter into agreements.

H. District is authorized and empowered by State of California Community Services District Law, California Government Code section 61000 et seq., to collect and dispose of waste and garbage. On or about September 1, 1997, District entered into a franchise agreement with Bay View Refuse and Recycling Services, Inc. ("Bay View"), to provide solid waste collection and disposal services within District's jurisdictional boundaries.

I. Concurrently with the approval of the above franchise agreement, County and District entered into a Memorandum of Understanding (the "1997 MOU") for the purpose of meeting the mandates of the ACT with regard to the unincorporated territory of Contra Costa County within District's jurisdictional boundaries, and further coordinate with each other to facilitate County's achievement of the countywide goals pursuant to the ACT.

J. District's 1997 franchise agreement with Bay View expired on August 30, 2015. District has entered into a new franchise agreement with Bay View, effective September 1, 2015.

K. The 1997 MOU is scheduled to expire on September 1, 2016. County and District wish to enter into this Amended MOU to replace the 1997 MOU.

NOW, THEREFORE, for good and valuable consideration, including but not limited to the agreements contained herein, the receipt and sufficiency of which is hereby acknowledged, County and District agree as follows:

ARTICLE 1: PURPOSE OF THE AMENDED MOU

1.1 GENERAL. The purpose and Intent of this Amended MOU is to provide a representative, economical and effective means by which the unincorporated areas of Contra Costa County may achieve the waste reduction goals set forth in the ACT and County may satisfy reporting obligations to the State.

ARTICLE 2: FRANCHISE, ACT AND OTHER SOLID WASTE REQUIREMENTS

2.1 FRANCHISE. The current franchise agreement between District and Bay View, the term of which commenced on September 1, 2015, and will expire on August 31, 2023 ("Franchise Agreement"), is attached as Exhibit A to this Amended MOU. County acknowledges that the Franchise Agreement provides for the implementation of recycling and organic waste collection and diversion services that are consistent with

the SRRE. County further acknowledges that the Franchise Agreement authorizes District to modify the scope of services to be provided by Bay View, including mandating additional collection services necessary to meet the goals and mandates of the ACT and other laws regarding solid waste management or recycling, as may be adopted from time to time.

2.2 COUNTY PROGRAMS.

2.2.1 County intends to continue to implement the SRRE and HHWE Programs and the Commercial Recycling Programs, as required by State law, in the unincorporated area, including the Kensington area. District and County shall cooperate in the implementation of such programs as appropriate.

2.2.2 When the County submits its annual report to the State as required under Public Resources Code section 41821, the County shall provide District with a copy of the report to serve as notification of any new, modified or discontinued SRRE or HHWE Programs.

2.3 COORDINATING COMMITTEE. District shall provide staff support to a coordinating committee which consists of five members: one member of the District Board of Directors or the member's alternate, one District staff person, one representative of Bay View, one member of the County Board of Supervisors or the member's alternate, and one County staff person. The purposes of the coordinating committee are to facilitate communications among County, District and Bay View and to assist in developing diversion programs in a cost effective manner.

2.4 DATA COLLECTION.

2.4.1 Pursuant to the ACT, as amended, the County is responsible for reporting specified information to the state periodically regarding solid waste disposal and diversion within the unincorporated areas of Contra Costa County. District agrees to implement monitoring, reporting and data collection methodologies as established by County from time to time in response to State requirements. District shall provide information to County in the computerized or non-computerized form (including format) as requested by County, in a timely manner.

2.4.2 District shall require Bay View to provide complete recycling reports in the form attached as Exhibit B to County on a quarterly and annual basis. The first quarterly report shall be submitted by November 15, 2016, for the prior July/August/September quarter, followed by quarterly reports on the following schedule: February 15 for October/November/ December; May 15 for January/February/March; and August 15 for April/May/June. An annual report is due February 15, 2017, for calendar year 2016 and then each year thereafter on the same schedule. The scheduling and required content of these reports may be modified by County as needed from time to time.

2.4.3 District shall require Bay View to provide the following information for each calendar year to the County in writing no later than February 15 of each year for inclusion in County's annual report to the State:

- a) Evidence of outreach efforts by District and Bay View during the calendar year that pertained to commercial solid waste recycling or commercial organic waste recycling, including a copy of any District web page that contains information pertaining to either of these recycling programs.
- b) Samples of written notices, outreach materials and noncompliance letters sent by District or Bay View during the calendar year that pertained to commercial solid waste recycling or commercial organic waste recycling.
- c) The number of businesses that District deemed to be out of compliance with requirements of the commercial solid waste recycling or commercial organic waste recycling programs during the calendar year.
- d) Descriptions of any other related activities conducted or technical assistance provided by District or Bay View during the calendar year that pertained to commercial solid waste recycling or commercial organic waste recycling.

2.4.4 District shall provide to County the following information in a timely manner or by the applicable deadlines specified below:

- a) notification of any rate application received from contractor (copy of rate application to be made available upon request);
- b) notification of District's notice to contractor of rate decrease;
- c) notification of contractor's written notice of CPI rate change;
- d) notification of any rate change approved by District, including CPI change or rate reduction;
- e) copy of draft customer satisfaction survey, for County review and approval;
- f) copy of final customer satisfaction survey and recycling survey (at the time the surveys are provided to Kensington residents) and results;
- g) copy of draft annual customer information, for County review and approval;
- h) final copy of annual customer information.

- i) copy of draft waste reduction, recycling and HHWE promotional information, for County review and approval;
- j) final copy of waste reduction, recycling and HHWE promotional information, at the time the information is provided to Kensington residents;
- k) notification of the number of Bay View's customers and types of services provided as of December 31 of each year;
- l) notification regarding any requested or planned changes in collection services provided under the Franchise Agreement (including but not limited to types of materials collected for recycling or composting and methods and frequency of collection);
- m) copy of notice from contractor of intent to change disposal site for solid waste and/or intent to change delivery site for recyclables (including green waste) or reusables;
- n) copy of request by contractor for authority not to collect materials for which there is no adequate market, for County review and approval;
- o) copy of any written notice of breach sent by District to the contractor; and
- p) copy of any proposed or approved amendment, modification, notice of termination, request to assign, assignment and consent to assignment of the Franchise Agreement.

County shall have 30 days to review drafts submitted under e), g), and i), and respond to District with any reasonable modifications. If District does not receive a response to within 30 days, it may assume that County has approved a draft as submitted. County shall have 30 days to review and respond to requests submitted under subparagraph n). If District does not receive a response to such a request within 30 days, it may assume that County has approved the request.

2.5 PUBLIC INFORMATION. District shall provide a means for County to disseminate information to individual customers relating to the SRRE and/or HHWE. If dissemination of information will be through customer billings, District shall inform County of applicable deadlines for including information with customer billings. In addition, District will arrange for distribution to individual customers of other materials provided by County related to environmental programs at no cost to County other than direct costs such as incremental postage.

2.6 DISTRICT PROGRAMS.

2.6.1 District will implement the SRRE and HHWE Programs in good faith and in a manner that is reasonably calculated to achieve the County's diversion mandate under the ACT.

2.6.2 District shall design and modify programs and/or rate structures as needed to meet the overall goals and requirements of the ACT, as amended. Specifically, District will implement each of the selected SRRE and HHWE Programs that require implementation by franchisor agencies and/or haulers. District will provide local publicity and generate local interest in solid waste and diversion programs, provide locations for activities such as compost workshops, determine any special needs that the community may have in regards to solid waste pickup services, including recycling and green waste and work with County staff to develop "reduce, reuse and recycle" programs that will be effective in the Kensington community. District shall notify County of the implementation of any "reduce, reuse, recycle" programs required for the implementation of the SRRE or HHWE or overall compliance with the ACT. The SRRE and HHWE Programs and other programs that must be implemented to comply with the ACT shall not be reduced or eliminated by Bay View or District unless agreed upon in advance in writing by County's Conservation and Development Director.

2.6.3 If County considers District's implementation of one or more such programs to be inadequate (as measured against the description of the program and its anticipated impact on waste diversion), County may bring the matter to the attention of the Coordinating Committee. If, thereafter, County continues to consider District's implementation to be inadequate, County may notify District in writing specifying the deficiency and proposing specific changes. If District does not implement the changes in a reasonable time, County may independently arrange for the implementation of such program changes and may require District to pay the costs thereof.

2.7 HOUSEHOLD HAZARDOUS WASTE PROGRAM. District shall be responsible for its pro rata share of costs incurred by County in implementing the HHWE. In order to accomplish this, District will include in Bay View's rates, as a pass through expense, the amount of County's actual or projected HHWE costs for each year. County will bill Bay View directly for the amount invoiced by the operator of the West County Household Hazardous Waste Facility based on the actual number of Kensington users. District shall require Bay View to mail the payment requested on behalf of the operator to the County directly within 30 days of receiving County's billing.

2.8 FRANCHISE FEES. District shall include in the rates charged by Bay View, a Franchise Fee in an amount determined by County, to pay for County expenses and costs incurred in implementing the SRRE and HHWE, the Commercial Recycling Programs and other costs incurred in connection with solid waste management and diversion, including, but not limited to, costs associated with this MOU. Unless otherwise directed by County, the Franchise Fee to be paid to County shall be 3% of Bay View's gross receipts. County shall not increase the Franchise Fee above 3% unless County's costs of administering solid waste and diversion programs, including

but not limited to costs of implementing the SRRE, HHWE, and the Commercial Recycling Programs, exceed the then applicable Franchise Fee. Any increase shall be proportional to District's share of the costs. If County's costs of administering solid waste and diversion programs, including costs of implementing the SRRE, HHWE and the Commercial Recycling Programs, decreases, District may request a decrease in the Franchise Fee. District shall have no duty to defend County in any suit challenging County's Franchise Fee. County shall have no duty to defend District in any suit challenging the rates charged by Bay View.

2.9 FREE SERVICE FOR COUNTY. District shall provide solid waste collection and disposal services at those County buildings within the District's jurisdictional boundaries (currently, the Library) designated by the Director of Conservation and Development from time to time, at no charge to County.

2.10 COUNTY AUTHORITY DISCRETION.

2.10.1 The ACT, other California statutes, and the California Constitution, authorize, and/or require County to undertake a number of activities involving solid waste handling and disposal. The ACT specifically empowers County to undertake certain planning functions including the development of SRRE's, HHWE's and the Countywide Integrated Waste Management Plan.

2.10.2 The Franchise Agreement provides for District control over the location at which solid waste is disposed. District agrees to direct Bay View to transport (or not transport) solid waste to specified landfills or solid waste handling facilities as directed by County in the following circumstances:

- a) County determines that the landfill currently being used is unpermitted, is in violation of its permits, or is otherwise out of compliance with federal or state environmental laws, regulations or standards such that the disposal of solid waste from Kensington creates a potential liability for County, and so advises District, and other agencies in the unincorporated area of Contra Costa County using such landfill, in writing;
- b) County requires the ability to commit the solid waste from several jurisdictions, including Kensington, to a particular landfill in order to secure volume reductions on tipping fees charged at such landfill, and the tipping fees for the aggregated waste stream are lower than those then paid by the District at the landfill it is using;
- c) County determines that the solid waste diversion goal required by the ACT will not be met in the unincorporated area of Contra Costa County, has made a diligent effort to implement the SRRE and HHWE Programs and Commercial Recycling Programs which are the responsibility of County, and has determined that it is necessary for an overall Countywide effort which includes the use by its franchisees and

franchisor agencies in the unincorporated areas of materials recovery facilities to secure the additional recycling needed to comply with the ACT.

~~2.10.3 If County determines that it is necessary for proper implementation of the SRRE Program or HHWE Program, County may direct District to direct specified recyclable materials, including green waste, collected within the District's boundaries to be delivered to a particular purchaser of such material. County will not exercise its discretion, as described in this paragraph, unless it has or will also direct similarly situated recyclable materials collected in other County franchised areas.~~

ARTICLE 3: TERM AND TERMINATION

3.1 TERM. The term of this Amended MOU will commence on September 1, 2016, and expire on August 31, 2023, unless terminated sooner in accordance with section 3.3.

3.2. INCORPORATION, ANNEXATION. If any of the territory covered by this Amended MOU is annexed to a municipal corporation or becomes incorporated, this Amended MOU shall be terminated as to said territory upon the effective date of the municipal corporation's determination to franchise or otherwise regulate solid waste and recycling in said territory. District shall promptly notify County of all completed annexations and incorporation.

3.3 TERMINATION OF FRANCHISE AGREEMENT. This Amended MOU shall automatically terminate one year after the termination of the Franchise Agreement unless District enters a new Franchise Agreement that provides for the effective implementation of the SRRE and HHWE no less effectively than as provided in Exhibit A.

ARTICLE 4: INSURANCE INDEMNITY, FINES AND ALLOCATION OF LIABILITY

4.1 INSURANCE AND INDEMNITY. Neither County nor District, as a condition of the execution of this Amended MOU, shall be required to provide direct insurance coverage or protection to the other. Except as provided in section 4.2 (ACT Requirements), neither County nor District is required to contractually indemnify the other against damages to any person or property not a party to this Amended MOU.

4.2 ACT REQUIREMENTS. To the greatest authorized by law, District shall indemnify County for any fines or penalties imposed on County by the State for failure to properly implement County's SRRE or HHWE, or the Commercial Recycling Programs, where the failure is partly or wholly attributable to action or inaction by District. District's share of any fines or penalties imposed on County for failure to properly implement County's SRRE or HHWE shall be proportionate to the District's share of responsibility for failure to implement the SRRE and HHWE, as determined by the County in accordance with Public Resources Code section 41821.2, subdivision (d). District's indemnity obligation under this section 4.2 shall survive the expiration or termination of this Amended MOU.

5.5.2 The address to which mailings may be made may be changed from time to time by notice mailed as described above. Any notice given by mail shall be deemed given on the day after that on which it is deposited in the United States Mail as provided above.

5.6 WAIVER. The waiver by either Party of any breach or violation of any of the provisions of this Agreement shall not be deemed to be a waiver of any breach or violation of any other provision nor of any subsequent breach or violation of the same or any other provision.

5.7 ATTORNEY'S FEES. In the event of litigation between the Parties arising hereunder, each Party shall be responsible for and shall pay its own litigation expenses, including attorney's fees.

5.8 NO THIRD PARTY RIGHTS. This Amended MOU is not intended to and does not benefit any third party. No third party shall have the right to bring suit to enforce any of the provisions hereof.

Kensington Police Protection and
Community Services District

County of Contra Costa

By: _____
President, Board of Directors

By: _____
Chair, Board of Supervisors

Date: _____

Date: _____

Attest:

Attest: David Twa, Clerk of the Board of
Supervisors and County Administrator

By: _____
Secretary

By: _____
Deputy

Approved as to Form:

Approved as to Form:

Sharon L. Anderson
County Counsel

By: _____
Legal Counsel

By: _____
Deputy