

Approved by Board
1/14/16

Meeting Minutes for 12/10/15

A Regular Meeting of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday, December 10, 2015, at 7:30 P.M., at the Community Center, Kensington, California.

ATTENDEES

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Len Welsh, President	Randy Riddell, Renne Sloan Holtzman Sakai LLP
Pat Gillette, Vice President	Celia Concus
Chuck Toombs, Director	Simon Brafman
Rachelle Sherris-Watt, Director	David Bergen
Vanessa Cordova, Director	Mabry Benson
	Linda Lipscomb
	David Spath
<u>Staff Members</u>	Karl Kruger
Interim GM/COP Kevin Hart	Jim Watt
Sgt. Hui (on duty)	Kay Reed
Lynn Wolter, District Administrator	Gloria Morrison
	Marilyn Stollon
<u>Press</u>	Leonard Schwartzburd

President Welsh called the meeting to order at 7:37 P.M. President Welsh, Vice President Gillette, Director Toombs, Director Cordova, Director Sherris-Watt, Interim GM/COP Hart, and District Administrator Wolter were present.

PUBLIC COMMENTS

Simon Brafman commended the police department for the way it handled a traffic situation that had occurred in front of his home. He noted that the two officers who had responded to the call had been Master Sergeant Hull and Officer Armanino.

Mabry Benson said that, last June, IGM/COP Hart had presented a 100-Day Plan and that it contained laudable goals. She said that, since July, IGM/COP Hart had reported on many mundane things but that there had been no mention of the plan. She said the Board had not been requesting follow-ups regarding the plan. She commented that this was another failure of the Board to oversee the operations of the District and that this suggested that the Board didn't care if the goals stated in the plan ever happened. She concluded by saying that she had hoped that the past turmoil would have yielded more.

Jim Watt thanked IGM/COP Hart and the police department because, on the prior night, he had received his certificate of completion for the Citizens' Academy. He said it had been interesting, and he encouraged others to take the course.

Jim Watt said there were some conflicts that needed to be resolved with respect to the IGM/COP contract. He reminded the Board that, in the contract, it said that IGM/COP Hart would not engage in any other activities as part of his role in Kensington. He noted that IGM/COP Hart served as a paid member of the City Council for Dublin. He said the Board should be considering whether IGM/COP Hart should be serving in the two positions.

Marilyn Stollon said that her career was in vocational research. As such, she said she had conducted a labor market survey to see if there were other areas, in this and other western states, that had a combined GM/COP position. She said that her survey focused on job openings in California and that her survey conclusions revealed that there were no current or recent openings for such a combined GM/COP position in California or the surrounding states. She said that separate openings also were examined and that she had contacted a number of search firms and town managers. She said that a search executive and the Fairfax town manager had cited conflict of interest as a reason not to combine the positions. She added that the search professional had not seen a GM/COP opening in twenty years and that another town manager had said she'd not ever seen the positions combined. Ms. Stollon noted that she had spoken with the town manager of Colma who said that he'd had experience with working under a person holding this combined position in Sutter Creek, that there had been ongoing problems with this arrangement, and that it had had to be abandoned there. She said the Colma town manager had said it had been hard for the TM (Town Manager)/COP to serve two masters: the police department and the council – the COP wanted what's best for his men, the officers resented the TM role, and the TM had to deal with fiscal and management concerns. She said that different management styles and skillsets were required for the two positions, that the two positions were incompatible, and that the scope of work was too large for one person to do effectively. She said that other combined positions did not appear to be problematic, with respect to conflict of interest, and that each of these was accountable to a higher supervisory level. She cited recent problems in Broadmoor and Kensington as reasons for this combined position model not to be emulated. She concluded by saying that another structure should be considered, such as a part-time General Manager who would work two to three days a week or combining the GM position with another current District position, and by saying that, in the over 100 locations she surveyed, the COP was always a separate position. Ms. Stollon handed copies of her comments to the Directors and to staff. A copy of this document is included in the January 14, 2016 Board Packet, under Correspondence in the Consent Calendar.

Celia Concus said that, at the prior Board meeting, she had raised the issue that she thought GM/COP Hart should include the word "interim" in his title. She said she had asked the Board to instruct GM/COP Hart to use this word and said this was the appropriate way to identify the position. She said that, during the prior month, she had not heard from anyone on the Board giving IGM/COP Hart such instruction. President Welsh asked Randy Riddle if there was anything improper with the way in which the GM/COP had been characterizing himself. Mr. Riddle responded that the GM/COP's duties were his duties and that there was nothing improper about the title used to date – specifically there was nothing in the Government Code or in the contract. IGM/COP Hart added that, if it was important to the members of the community, he would use the term "interim."

Linda Lipscomb said that what Mr. Riddle had said was important – there was no legal basis for adding the term – and said that adding the term "interim" was ridiculous and disrespectful. She said that the individual was serving in the capacity of GMCOP, that he was the Chief of Police and General Manager, and that she objected to the term "interim". President Welsh responded that it was "done."

BOARD COMMENTS

Director Cordova said that, just because it was legal, it wasn't good policy not to use the term "interim". She said it had been a remarkable year, that she and Director Sherris-Watt had been seated a year ago, and that it had gone by quickly. She wished everyone a happy holiday season.

Vice President Gillette said she was beginning her last year on the Board. She thanked the current and prior Boards for serving the community and said it has been an honor to serve. She thanked IGM/COP

Hart for his service. She noted that, despite his duties on the Dublin City Council - which all had known about at the time the Board had entered into the contract with him, he had been serving the community well. She also thanked Jim Watt for his professional capabilities and community service; District Administrator Wolter for her valuable work and contributions to the community as a highly-skilled professional; the police officers, who are doing their best to serve the community; Leonard Schwartzburd for trying to see both sides of an issue, and members of the public who have expressed respectful opinions. She said the community had a lot of challenges ahead and encouraged the community to come together in a manner that used to exist in the community. She said she loved Kensington and that she didn't like the divisiveness and the suspicion of bad intent being expressed on Kensington Next Door. She said this was unhealthy and wasn't good for Kensington. She added that people had approached her about being Board President for the coming year and that she had declined, mostly in the spirit of conciliation. She said the community needed to move forward and come together. She wished everyone happy holidays. President Welsh thanked Vice President Gillette for her thoughtful comments and said that he thought she would make a good president.

Director Sherris-Watt reported that the Park Buildings Committee had met on November 17th and had reviewed seismic and ADA studies. She reviewed items completed on the Committee's to-do list, which included getting Community Center's roof and gutters cleaned and repaired. She also reported that a new bulletin board had been installed just outside the main door of the Community Center. She announced that the next Committee meeting would be held December 16th, at 7:00 PM, at which time the Committee would be considering possible green technology and the ADA specialist might be able to attend.

Director Sherris-Watt said there were open issues that had been captured in the minutes from the prior month's meeting and that these were still on the radar screen: the Richmond investigation, PDF formatting for the website; possible rescinding of the 2009 ordinance; and possible employee structure. She noted that, at the prior month's meeting, Jim Watt had asked about goals and objectives and announced that she had placed this item on the evening's agenda.

Director Sherris-Watt also commented on IGM/COP Hart's serving on the Dublin City Council and said that, during the interview process, Mr. Hart had been given verbal and written permission to continue serving in this capacity. President Welsh reiterated that, although not contained in the contract, Mr. Hart had been given verbal permission to continue serving on the Dublin City Council, that the Board had understood this from the outset, and that the Board had discussed this as having been an asset. President Welsh thanked Director Sherris-Watt for clarifying this matter.

Director Toombs said it was important to call the Chief by his actual title: Interim General Manager/Chief of Police. He said this was not intended to diminish IGM/COP Hart's role, as he said IGM/COP Hart was doing a terrific job and had earned his stars. IGM/COP Hart suggested that, for purposes of verbal communications, he be called Chief and that, for written communications, he would use Interim GM/COP.

Director Toombs also referred to a conversation he'd had with a member of the public about the community's traffic problem and noted, this was not just a Board issue; it was a community issue. He said the community needed to develop a plan to address how people would drive the streets and that everyone was susceptible to a citation if found to be in violation of the law.

Director Toombs referred to some of the loose ends to which Director Sherris-Watt had referred and said there were others: the five-year plan, how the District would handle corrected minutes, investigations initiated by IGM/COP Hart, and action minutes. He said he had circled several items in the minutes and said these needed to be addressed quickly.

Director Toombs thanked Vice President Gillette for her service and said he was sorry she would not be serving as president. He thanked everyone for coming out on the cold and rainy night.

President Welsh reported that the Board had finally received its opinion from legal counsel about the combined position of General Manager/Chief of Police but that the opinion had been received too late to be included in the evening's agenda. He announced there would be a Closed Session Meeting on Monday, December 14th, at which the Board would vote on whether to release the opinion. He said the meeting would begin at 6:00 P.M. and would be held in the Conference Room of the Community Center. It was concluded that IGM/COP Hart would not need to attend the meeting but that District Administrator Wolter would.

President Welsh said it had been a hard year but that lots of progress had been made and said he looked forward to more progress being made in the upcoming year. He said he had confidence that the community could get over its differences. He also said that, when he listened to what was going on in the rest of the world, he was thankful to live here.

STAFF COMMENTS

GM/COP Hart reported:

- Issues raised by Directors Sherris-Watt and Toombs were on his radar screen.
- He would be speaking with Randy Riddle the following day to discuss the minutes.
- Zero Tolerance would be on the January or February agenda.
- The Citizens' Academy graduation had occurred the prior night and said he would like to thank those who had attended at the January meeting.
- That the police department was part of a consortium that participated in Richmond's records server; that the system had gone down during a system upgrade; that, as such, Kensington's – and other participating agencies' records – couldn't currently be retrieved; that there had been a meeting of the consortium's participating agencies the prior day; and that the system was being repaired.
- WestNet funds distributions had not yet occurred, as negotiations about the disbursements were continuing. He explained these funds had resulted from asset forfeitures during the time WestNet had been active and Kensington officers had participated in the agency. He said the participating Chiefs had previously decided they would wait to make disbursements until all the cases had been adjudicated, which could take five to ten years. He said Chief Magnus of Richmond, the main signer of the account, would be leaving his office soon; therefore, he and Chief Magnus had been working recently to get funds distributed soon and to then await adjudication of the remaining two to three cases. He said there was a significant amount of money in the account.
- 2016 would be a busy year and would include departmental and operational policies.

Director Cordova said that one of the items not yet mentioned was the mid-year review of the budget that would need to occur in January.

Vice President Gillette said it would be helpful to have a running list of things needing to be done.

District Administrator Wolter said she wanted to apologize, in advance of the Directors getting to the Consent Calendar, for an error in the minutes: she had failed to include the title "Director" following Vanessa Cordova's name in the attendee section. She reported that she had submitted a proposal to SDRMA for Safety Allowance Funds to cover the cost of a special desk ordered for an employee with a back problem and that the District had been awarded \$1,000 to help cover the cost of this purchase. She said that the District had received a report from PG&E citing that the District had earned a rating of "good" for its energy use at the Community Center, and she passed the report on to Director Sherris-Watt. Director Toombs noted there was a cut-and-paste error in the box at the top of the first page of the Minutes: the date October 8th appeared, instead of November 12th. District Administrator apologized for this as well.

CONSENT CALENDAR

Director Toombs asked to pull Item b, the Unaudited Profit and Loss Report.

Marilyn Stollon said that District Administrator Wolter had failed to make a change to the minutes that Ms. Stollon had asked to be made, after the minutes had been posted. District Administrator Wolter responded that, once the minutes were posted, she could not change them: Only the Board had the authority to do so. And she noted that the written version of Ms. Stollon's November Board meeting comments had been included in the December Board Packet, under correspondence. Ms. Stollon said the summary of her comments misrepresented an important part of what she had said: District Administrator Wolter had used the word "several" instead of the word "eight" in reference to the number of times members of the public had requested that the Board place separating the GM/COP position on the agenda. She said this distinction was important because this was a major issue for the Board. She said the issue of the GM/COP position hadn't been discussed in many years. President Welsh responded that the Board would consider a motion to make the amendment.

Director Toombs commended staff on its variance report and said that most of his questions had been answered by it. But, he said, he would like to see the variance report information appear as footnotes on the P&L Report itself. Director Toombs questioned the difference between the Levy Tax amount year-to-date (lower) and the amount budgeted for the year (higher). District Administrator responded that the District would receive a "true-up" in January. Director Toombs questioned why the Franchise Fee revenue, year-to-date, was lower than what had been budgeted. District Administrator Wolter responded that this was due to a timing difference. He also questioned why the budgeted amount for Solid Waste expenses was so much lower than the actual amount year-to-date. District Administrator Wolter said this likely was due to an amount allocated for legal expenses when the budget was set and said she would research the issue and provide the answer at the December meeting, or sooner if Director Toombs so wished. Board consensus was that the variance report information should appear, in footnote format, on the P&L Report.

Karl Kruger thanked management and staff for the variance report and said he was happy about it.

MOTION: President Welsh moved, and Director Cordova seconded, to approved the minutes, as amended, to reflect that Ms. Stollon said she had asked the Board to address the GM/COP position "eight" times, instead of "several" times.

Motion passed: 5 – 0.

AYES: Welsh, Gillette, Toombs, Sherris-Watt, Cordova NOES: 0 ABSENT:

Leonard Schwartzburd asked Director Toombs to address the issue of how to reflect changes to minutes. He said the Board hadn't determined what technical means it would use. There was discussion about using a hyperlink at the bottom of the minutes appearing in the Board Packet that would take people to any amended minutes. Director Cordova said that KMAC minutes appeared in that entity's packets in draft form and then, after a given meeting, the draft minutes were dropped and the approved minutes replaced them. Randy Riddle said the Board Packet couldn't be changed, but a reference could be added about where to look for amended minutes. President Welsh asked if part of an original Board Packet could "go away". Mr. Riddle responded that it couldn't and said a solution would be to have a separate drop-down menu called "Approved Minutes". Mr. Riddle said he and IGM/COP Hart would be meeting in the upcoming week to develop a solution. He said that, at the beginning of each set of draft minutes, there could be a statement indicating where to find final minutes. Dr. Schwartzburd said that what would satisfy him would be the equivalent of a post-it note next to the statement attributed to him in the February minutes saying that the statement had been amended and where one would go to find the amendment. Director Toombs suggested that the Board defer to legal counsel for a solution to the issue and said the Board was working to find a solution to satisfy Dr. Schwartzburd's complaint. Dr. Schwartzburd responded that there did appear to be a serious attempt to do this. Dr. Schwartzburd reiterated that the minutes in question were the ones for February, which appeared in the March Board Packet.

MOTION: Vice President Gillette moved, and President Welsh seconded, to adopt the Consent Calendar.

Motion passed: 5 – 0.

AYES: Welsh, Gillette, Toombs, Sherris-Watt, Cordova NOES: 0 ABSENT:

OLD BUSINESS

- 5a. The Board received a presentation from the General Manager and considered taking action on revising the community rental fees and other charges for use of the District facilities.

IGM/COP Hart introduced the item and said that this item had appeared on the Board's November agenda. He said the fees hadn't been increased in many years and the goal was to put money back into the Community Center while, at the same time, being reasonable and comparable with other similar venues. He said staff had prepared a breakdown of various fees for both residents and non-residents. He said he also hoped to upgrade the Community Center in order to increase the number of rentals. He noted the proposed addition of things such as a fee for alcohol permits. He noted that the District had been losing money on the Community Center, relative to what it cost to operate it, and encouraged the Board to increase the fees to a conservative amount equal to rates being charged by other communities.

Director Sherris-Watt said the Board had tabled this item at the prior month's meeting and said there had been some confusion in trying to follow the comparisons. She said that, for this reason, she had prepared her own rental comparison chart that included information for the Boy Scout's Camp Herms, which, she said, has a full commercial kitchen.

Director Toombs asked for clarification about the \$125 hourly rate for residents and asked if this would be the proposed hourly rate, with a four-hour minimum. IGM/COP Hart responded in the affirmative. Vice President asked if the hourly rate for all the Community Center's spaces would come to between \$250 and \$300. IGM/COP Hart responded in the affirmative. Director Sherris-Watt described the proposal as a mix-and-match. Vice President Gillette asked if those serving alcohol needed to have insurance and if there was a cleaning deposit. IGM/COP Hart responded in the affirmative to both questions. IGM/COP Hart clarified that the proposed rates would not affect any of the K-Groups – that K-Group use would need to come back to the Board in the future because so many people had keys to the building, and this needed to be controlled.

Director Cordova said it was her understanding that people couldn't cook in the kitchen because it wasn't recognized as a standard commercial kitchen. IGM/COP Hart responded that he would look into this.

IGM/COP Hart said that, if the Board so chose, he would bring back a resolution to the Board at the January meeting and that the proposed fees had been based on comparisons and CPI.

He reported that the District received at least half a dozen requests a week to rent/reserve picnic tables, that other jurisdictions rented these, and that making it possible to reserve them, for a fee, would eliminate the problem of having to stake them out at 6:00 AM. Director Sherris-Watt responded that she thought the fees for picnic tables were too high. IGM/COP Hart noted that he'd like to add more barbeques and picnic tables to the recently cleared area behind the Community Center. Director Sherris-Watt asked if, from a fire standpoint, it was okay to use the barbeques. IGM/COP Hart responded that it was.

Director Cordova said she had mixed feelings about increasing fees for the Community Center; although she recognized the desire to increase revenue, the building lacked the ambiance of other locations; and she she wanted people to think they'd be getting good value. IGM/COP Hart responded that the District had been behind for a number of years, that there had been beautiful events at the

Community Center in recent months, and that he didn't anticipate a drop in use or revenue. Director Cordova asked what marketing efforts might be made. IGM/COP Hart responded that, although marketing hadn't yet been addressed, the District had already received multiple requests for 2016. She suggested showing photos of events alongside the fee schedule. Director Sherris-Watt suggested that all component parts, combined, be available for a slightly lower fee than the component parts added together.

Director Toombs recommended that IGM/COP Hart return next meeting with a resolution and said he thought the rates needed to be increased. President Welsh said he agreed and thanked IGM/COP Hart for doing all the homework.

Gloria Morrison said she was upset that youth groups were going to be charged these rates. Directors Toombs and Sherris-Watt clarified that the proposed rates did not apply to youth groups or to K-groups. Ms. Morrison responded positively. Director Sherris-Watt noted that the Arlington Community Church did not charge Boy Scout troops any fees.

Kay Reed questioned how this would be operationalized; if one were to rent the main room, would everything else be locked. She recommended talking to the County to find out the status of the kitchen – she said the kitchen likely was a “warming” kitchen because it didn't have a fire suppression system, which would be required for a “heating” kitchen. She said she thought a packaged deal was a good idea. She added that the K-groups should be approached about paying a fee for service to help with the maintenance.

MOTION: President Welsh moved, and Vice President Gillette seconded, that IGM/COP Hart bring back a resolution next month, with the caveat that IGM/COP Hart confirm the status of the kitchen.

Motion passed: 5 – 0.

AYES: Welsh, Gillette, Toombs, Sherris-Watt, Cordova NOES: 0 ABSENT:

AD HOC COMMITTEE REPORT

David Spath reported that he was the temporary chairman of the Committee and there would be an election in January to select another temporary chairman. He said the Committee was working well on a number of issues and reported there would be a community forum on January 23rd at which the Committee intended to:

- Report on the statutes and regulations that govern Kensington, with respect to police services.
- Describe the police services, as they are now.
- Review finances and staffing.
- Gather public input on police services.

He reported that the group had prepared a draft agenda for the forum and a survey, that the Committee would next meet on December 15th to discuss the survey, and that it was developing work plans and guidelines regarding:

- Contracting
- Splitting the GM/COP position
- Consolidating

Dr. Spath said that members of the Committee had met with a representative of the Sheriff's Department to discuss:

- What would be the Sheriff's Department role if Kensington, as an unincorporated area, stopped providing its police services. He said the Sheriff's Department provides a modicum – less than what's currently provided – of service to unincorporated areas.

- Contracts it has with other Contra Costa communities – Danville, Lafayette and Orinda. He reported that Oakley and San Ramon had contracts but were moving, or had moved, to start their own police departments.

IGM/COP Hart reported that he had been contacted by Contra Costa Sheriff Livingston who had received a written request from someone, on behalf of the Ad Hoc Committee, for a proposal for law enforcement services. President Welsh said this seemed to have gone a bit far. Dr. Spath said he believed the intent was to determine what it would cost if the Sheriff were to provide the same level of service as currently provided to Kensington residents but that the approach regarding a proposal had been inappropriate and that he would have a discussion with the Committee member who had sent the letter. Dr. Spath discussed using Survey Monkey as a means of surveying the community, independent of the District. He thanked members of the public, especially Celia Concus and Mabry Benson, who had been attending the Committee's meetings, Jim Watt for his input with respect to the survey, and Marilyn Stollon.

Vice President Gillette asked about Committee member attendance. Dr. Spath reported that it had been good. She asked about the subcommittees, and Dr. Spath responded that they would be working simultaneously. Dr. Spath said the Committee would be compiling findings of facts – pros and cons – and reported that he would provide a timeline at the next meeting.

Leonard Schwartzburd asked if a written report would be made available to the community. Dr. Spath responded in the affirmative.

Discussion ensued about the survey, and concerns were expressed that the community be well notified, in advance, by way of multiple media; that individuals could respond only once; and that hard copy surveys could be made available. Director Toombs clarified that this would not be a survey done of a select population by a statistician; it would be open to the entire community. Dr. Spath added that, if funds were needed for this purpose, he would let the Board know.

President Welsh and Vice President Gillette thanked Dr. Spath and the Committee.

NEW BUSINESS

6a. The Board received a presentation from Vice President Gillette regarding the timeframe for the results and fact-finding report of the Ad Hoc Committee on Governance Options.

Vice President Gillette provided the background, noting that there had been Kensington Next Door posts that the Board majority wanted to postpone the findings of the Ad Hoc Committee until November. She said she had spoken up previously and had said she wanted the findings to be prepared expeditiously. She said that, based on the report just given by Dr. Spath, she proposed taking the item off the agenda and that she looked forward to Dr. Spath's January report.

Celia Concus asked about the Board's December 14th Closed Session meeting and whether the Board would be releasing Randy Riddle's opinion to the Community. President Welsh responded that, if the Board voted to release the document, it would be posted on the website. Ms. Concus and President Welsh noted that the opinion would affect the Ad Hoc Committee's work.

6b. The Board considered approving Resolution 2015-08 of the Kensington Police Protection and Community Services District authorizing an increase in Police Services Fees.

IGM/COP Hart introduced the item. He said that, at its last meeting, the Board had reviewed his recommendation to increase the fees for certain police services. He summarized some of the fees and said they hadn't been increased for many years and that the fees were standard and were comparable to those of other agencies.

President Welsh asked that the words “For Clearance Letters” be added, for clarification, after the word “Non-resident” on the list of proposed fees.

Director Cordova questioned the fee for police reports and said the fee might be unfair to victims of crimes. IGM/COP Hart responded that this had been the fee for many years; there was no proposed increase for this fee. Leonard Schwartzburd said he didn’t think \$20 plus \$0.15 per page for a police report was right for someone who was the victim of a crime. IGM/COP Hart responded that this was the “going” rate. President Welsh asked how many police reports were requested per week. IGM/COP Hart responded there were usually between five and ten reports per week. Director Cordova asked how many pages there were in an average report. IGM/COP Hart said a homicide report could run 400 – 500 pages, but the average was five to seven pages. Dr. Schwartzburd said it was unjust for a victim of a crime, living in a community and paying taxes to support the police department, should have to pay for a police report.

The Board noted it was 9:45 PM.

MOTION: Vice President Gillette moved, and President Welsh seconded, that the Board extend the meeting past 10:00 PM.

Motion passed: 5 – 0

AYES: Welsh, Gillette, Toombs, Sherris-Watt, Cordova NOES: 0 ABSENT:

Marilyn Stollon asked about electronic copies and whether charges would apply to these. She noted that she had received PRA requested information from another entity at no cost. Director Sherris-Watt clarified that the fees under discussion did not relate to PRA requests. IGM/COP Hart clarified that these were fees for police related documents.

Director Cordova asked what was the length of an average home burglary report. IGM/COP Hart responded, between six and ten pages. Director Cordova suggested that the first five pages be provided for free. Dr. Schwartzburd said the fee might discourage people from reporting crimes. Director Toombs responded that these were fees that other jurisdictions charged their residents, that the District needed to cover its costs, that residents were complaining about the District’s deficits, and that this was one way to help deal with those and make the District more self-sufficient. IGM/COP Hart noted there was no cost to report a crime: There was a cost to get a copy of the report. He added that many of the requests came from insurance companies and that most individuals did not ask for copies of a police report.

Director Cordova asked if the citation sign-off fee could be reduced, as a kindness. IGM/COP Hart responded that could be changed, if part of the Board’s motion.

MOTION: President Welsh moved, and Vice President Gillette seconded, that the Board accept the document as proposed.

Motion passed 5 – 0.

AYES: Welsh, Gillette, Toombs, Sherris-Watt, Cordova NOES: 0 ABSENT:

6c. The Board reviewed and discussed, for possible action, its Goals and Objectives for 2016.

President Welsh said that Director Sherris-Watt had requested that this item be placed on the agenda.

Director Sherris-Watt introduced the item by saying that the past year had been governance through controlled chaos and that this had been desirous of no one. She said she wanted a matrix of defined items and that she wanted the Board to establish Goals and Objectives. She noted that some of these

would involve employees and that those discussions would be done in private. She said she wanted to develop a list of priorities after a discussion with the Board and the community.

Director Toombs responded that some of the items listed had already been taken care of or were already in progress. He cited that there were already an emergency committee and emergency procedures in place. He said the Board only needed to name a member to the committee. Director Sherris-Watt said there had been no on-boarding process for newly elected members. She said the Board needed to communicate to its members and to the community at large that emergency procedures were in place.

Vice President Gillette thanked Director Sherris-Watt for preparing the document and said this would be a valuable exercise. She noted that the document appeared to be a mixture of goals and action items and that they needed to be separated out. She suggested forming an ad hoc committee of the Board to establish both goals and an action plan. Director Sherris-Watt responded that her preference would be for the Board to find time in January to have a goal-setting session and said Chief Hart had offered to assist with this. IGM/COP Hart responded that he would like to set a date for such a session and noted that the Board had voted to fund it. Director Sherris-Watt said she hoped the Board could find a date to do this, as a workshop, and said she would like to see this on the January agenda. IGM//COP Hart said it would be important for all five directors to be present and that it would be a publicized meeting. He clarified that it would be a goals and objectives and team-building workshop. Director Toombs asked if it could be done on a Saturday morning. IGM/COP Hart responded in the affirmative.

Director Cordova said she wanted to look at this strategically – she wanted to see the goals organized by the structure already in place and suggested that the lead for each propose his/her own goals and objectives. She noted this had been the way in which the Finance Committee had operated during the year. President Welsh responded that this sounded logical and noted that committee assignments would occur in January.

Director Toombs said he liked the idea of a January team workshop, with a top-down and the Board setting the goals and objectives. He said he wanted the Board to be nimble and quick. Vice President Gillett agreed. President Welsh suggested that committee assignments should be made first. Director Toombs said he thought the goals and objectives should be set first and then given to the appropriate committees. Vice President Gillette agreed with Director Toombs and said she thought the committee assignments were disconnected from the goals and objectives. Director Sherris-Watt said she wanted this done early in the year to convey to the community that the Board wanted to get the work done. Vice President Gillette asked to clarify that these were Board goals and objectives. Director Sherris-Watt confirmed this.

President Welsh asked if a motion was needed. IGM/COP Hart responded that he thought he had direction to set a workshop for sometime after the Board's January Board meeting. Director Cordova responded that was right. IGM/COP Hart said that there would be some prep work to do before that and that this would be a facilitated workshop. President Welsh asked who would facilitate it. IGM/COP Hart responded that it would be done by a professional facilitator. Director Toombs added that the Board had approved the budget for this. Vice President Gillette asked that the date be set as soon as possible. IGM/COP Hart responded he would do his best, suggested that the 23rd might work well for everyone, and said that he would get emails out to everyone the following day.

- 6d. Pursuant to KPPCSD Board Policy 5010.60, the Board elected a President and a Vice President for the calendar year 2016. In addition, Board Policy 4060.1 states the President shall appoint and publicly announce the members of the standing committee and Board Coordinators for calendar year 2016 no later than the Board's regular meeting in January 2016.

President Welsh asked for nominations for President.

Vice President Gillette nominated, and Director Toombs seconded the nomination of, President Welsh for the position of President.

Director Sherris-Watt nominated Director Cordova for the position of President. Director Cordova declined the nomination.

President Welsh, Vice President Gillette, and Director Toombs voted in the affirmative. Director Cordova voted in the negative, and Director Sherris-Watt abstained.

President Welsh recommended that a roll call vote be taken, but before that was done, Vice President Gillette asked the one Director who had voted “no” and the other who had abstained what their alternative was.

Randy Riddle interjected that, normally, there would be public comment on an agenda item requiring Board action.

Linda Lipscomb thanked President Welsh and the other Directors for their service and said she hoped President Welsh would accept the nomination. She said she wanted to add a footnote to goals and objectives. She said that, when she served on the Board, the Board worked for about two years re-writing the Policy & Procedures Manual, and she asked Director Sherris-Watt, as the Chair of the Policy and Procedure Committee, if this had ever happened and if this was on the list of goals and objectives. Director Sherris-Watt responded that it was part of the goals and objectives, that she had asked President Welsh for the names of her committee members several times over the past year, and that she had never received the information. President Welsh responded that he’d not received those requests. Linda Lipscomb asked that this be included in the goals and objectives. IGM/COP Hart noted that staff would be bringing back some of the policies that needed to be updated for purposes of compliance with current statutes and others that had been worked on by the prior Board. Linda Lipscomb added that legal counsel had vetted the work the prior Board had done and said this needed to be presented to the Board and to the public. Director Sherris-Watt said she had attended meetings prior to being seated and that, at these meetings, the Policy and Procedures had been discussed without action having been taken. Director Sherris-Watt said she looked forward to this being addressed in 2016.

Ms. Lipscomb said that she also wanted to ask Director Sherris-Watt what was the basis for her abstention, noting that, usually, one abstained when one lacked information or had a conflict or some personal reason. Vice President Gillette added that, in the interest of transparency, she wanted to know, too. Director Sherris-Watt responded that, while she had respect for President Welsh’s service, she said that he had lacked leadership in providing any on-boarding for in-coming Directors, that he had left them without any information about the ongoing Reno investigation, and that his lack of leadership for new Board members left Kensington open to liability. She said she and Director Cordova had been contacted by the press without prior knowledge of the situation and this was gross negligence. She said that, while she had a pleasant opinion of President Welsh and he was devoted to the community, he failed in his leadership during the prior year. She said it was out of kindness that she felt that abstaining was better than voting no.

Rob Fermin asked what would happen next, procedurally – could President Welsh vote for himself. IGM/COP Hart responded that the individual could vote for himself and that three votes would be sufficient for the individual to be elected.

Leonard Schwartzburd asked if an individual was legally obligated to explain why they had abstained. Director Toombs responded that the Policy and Procedures Manual required this. Director Cordova asked Mr. Riddle to confirm that, per Robert’s Rules of Order, an abstention was effectively a vote in the affirmative for the majority of votes cast. Mr. Riddle responded that, per the Policy Manual, it would be counted as being absent and that members should, generally, vote unless they have a conflict. But, he said, the Manual did not make voting mandatory: Rather, the Manual says members should vote. Director Cordova noted that a member could change a vote, if a vote were to be re-cast. President Welsh said he had asked for a roll call and that hadn’t been done yet.

Celia Concus said it had been the position of the Board that the Policy and Procedures Manual were not to govern but only to advise.

The vote was taken for the nomination of President Welsh. The roll call vote was:

Director Cordova – No.
Vice President Gillette – Yes
President Welsh – Yes
Director Toombs – Yes
Director Sherris-Watt – No

President Welsh asked for nominations for Vice President. Vice President Gillette nominated Director Sherris-Watt. President Welsh seconded the nomination.

There were no public comments.

President Welsh said that, although Director Sherris-Watt had made misguided criticisms, she had done a fantastic job in the short time she had been on the Board; that she had shown good leadership with respect to the Park Building Committee. He noted that communication hadn't been as good as possible and that, despite her objections to himself, he thought she'd be a good Vice President. Vice President Gillette added that it would be important to have someone, who would be continuing to serve on the Board in the coming years, take on an officer role.

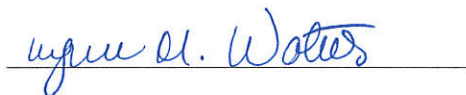
A roll call vote was taken for Vice President.

Director Cordova – No
Vice President Gillette – Yes
President Welsh – Yes
Director Toombs – Yes
Director Sherris-Watt – Abstain

The meeting was adjourned at 10:20 PM



Len Welsh
KPPCSD Board President



Lynn Wolter
District Administrator