

Final Report of the Ad Hoc Committee for Governance and Operations Structure

**Submitted to
KPPCSD Board of Directors
October 1, 2016**

Committee Members

David Spath, *Chairperson*, Charles Reichmann, *Vice Chair*, Rick Artis, Mabry Benson, Simon Brafman, Lisa Caronna, Garen Corbett, Chris Deppe, Gail Feldman, and Tim Snyder.

Bifurcation Subcommittee Members

Lisa Caronna, David Spath, Garen Corbett, and Simon Brafman

Consolidation Subcommittee Members

Rick Artis, Chris Deppe, and Gail Feldman

Contracting Subcommittee Members

Charles Reichmann, Mabry Benson, and Tim Snyder

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Introduction and Overview

Introduction

On March 12, 2015, the Kensington Police Protection and Community Services District (KPPCSD) Board of Directors established an ad hoc committee in response to the community's call for an assessment of the district's Governance and Operations Structure. On July 9, 2015, the board approved a guiding document for the Committee, "Final Process Framework" (Appendix A). This document outlined three primary study areas for the Committee to consider as possible alternatives to the district's current governance and operations structure, including:

- Bifurcation of the current general manager (GM)/chief of police (COP) position;
- Contracting with other agencies for police services, in part or whole; and
- Consolidation of the KPPCSD with the Kensington Fire Protection District (KFPD).

This report addresses the three study areas and provides a set of findings including pros and cons associated with each possible alternative.

The Process

The Committee was made up of 10 members with each KPPCSD board member selecting two members to serve on the Committee, following an application process. The Committee met regularly on a monthly basis from October 1, 2015, to September 1, 2016, and held special meetings as needed. On January 23, 2016, the Committee held a public education forum that included research on regulatory requirements for a community service district, requirements of the county sheriff to provide police services in unincorporated areas, historical and existing KPPCSD staffing and services, historical and current KPPCSD budget and finances, and comparative data for police services with other Contra Costa County jurisdictions.

Three subcommittees were created to study each of the three primary subject areas. Each of the subcommittees consisted of four or fewer members of the Committee (less than a quorum of the full committee). The subcommittees were provided complete flexibility to carry out their research, while briefing the full Committee on their activities at regular Committee meetings. In addition to input from the full Committee, the subcommittees

received input from the public via email and attendance at Committee meetings, at a June 4, 2016, community public forum on preliminary findings and at a post-forum meeting that each subcommittee held. This report focuses on the findings of the three primary subcommittees.

A video recording of the January and June forums along with the complete set of forum presentations as well as the many reference documents, reports and state governance code sections used in the preparation of and/or cited in this report can be found on the Ad Hoc Committee's web page at: <http://kensingtononcalifornia.org/kppcsd-board/ad-hoc-governance-committee/>. The Committee also conducted an online survey that sought to obtain input from residents on police services (Appendix B).

Kensington Police Protection and Community Service District

The KPPCSD is a community service district established under California (CA) law (Government (Gov) Code § 61000 et seq). Pursuant to the law, the KPPCSD provides three basic services including: 1) police protection and law enforcement services; 2) solid waste handling services; and 3) acquisition, construction, improvement, maintenance, and operation of recreation facilities, with the principal service being police services.

KPPCSD Services and Governance Structure

The Kensington Police Protection District (KPPD) was created in 1946 to provide police services and was reorganized in 1953 under the Community Services District Law (CA Gov. Code § 61000 et seq.) as the Kensington Community Services District. In 1955, the district expanded its services to include parks and recreation. In 1979, solid waste collection services were added, and in 1995, the name of the district was changed to the KPPCSD.¹

The KPPCSD is governed by a five-member board as required by law (CA Gov. Code § 61040(a)). The KPPCSD is required to have a GM who must be appointed by the Board (CA Gov. Code § 61050(a)).

¹ Contra Costa County LAFCO, Municipal Service Review, Sept 7, 2011.

Police Services

The earliest information available indicates that in 1948, the KPPD had two full-time officers, one part-time officer, and a COP.² By 1984, and possibly earlier, the successor KPPCSD had 10 full-time officers including a COP.³ Currently, the KPPCSD has 10 officers including the COP and also maintains a reserve officer group that varies in number over time.⁴

The KPPCSD has the highest ratio of police officers per 1,000 population, 1.89, in Contra Costa County. As of 2011, the average ratio within agencies providing police services in the county was 1.18 per 1,000. However, communities with smaller populations than Kensington in the Bay Area have even higher ratios, such as Ross, 3.26 per 1,000, and Belvedere, 3.30 per 1,000.

When fully staffed (nine officers not including the COP), the officers work 80 hours per 2-week pay period. Two patrol teams work opposing sides of the week, with Team 1 working Sunday through Tuesday, and Team 2 working Thursday through Saturday. Teams 1 and 2 alternate Wednesdays on a modified schedule.

Each officer works a 12-hour shift according to the following structure:

- Dayshift officer 6:00 AM to 6:00 PM
- Supervisor 12:00 PM to 12:00 AM
- Graveyard officer 6:00 PM to 6:00 AM

The Wednesday schedule is structured as follows:

- Dayshift officer 6:00 AM to 2:00 PM
- Supervisor 2:00 PM to 8:00 PM (day/swing shift coverage)
- Graveyard officer 8:00 PM to 6:00 AM

² Outlook Archives.

³ KPPCSD Archives.

⁴ KPPCSD typically maintains a compliment of reserve officers that perform law enforcement duties while augmenting our full-time police force. Kensington reserve officers are unpaid volunteers who carry out duties similar to full-time police officers such as: patrol, response to crimes in-progress, traffic enforcement, first aid and CPR, investigations, and warrant and subpoena service. To be a Kensington reserve officer, she/he must have a Basic Academy California Police Officer Standards and Training certificate or completed Reserve Modules 1, 2, and 3. The Reserve Officer candidate must complete a thorough background investigation, which may include a polygraph, medical, physical, and psychological exams.

Aside from the general management of the police department provided by the COP, direct supervision of the police officers is provided by a master sergeant, sergeant, and corporal depending on the shift and the patrol team. The corporal is the supervisor of Patrol Team 1, and the sergeant is the supervisor of Patrol Team 2. The master sergeant whose hours are 7:00 AM to 5:00 PM, Thursday through Saturday, functions as a supplementary operations manager and a supplementary supervisor of Patrol Team 2. Even with this level of supervision, there are still windows of time each day when patrol officers may not have supervision.

In addition to patrol, there are other duties carried out by officers. One officer serves as a detective to carry out investigations of crimes, and works Monday through Thursday from 7:00 AM to 5:00 PM. Another officer serves as the traffic officer, working Monday through Friday from 8:00 AM to 6:00 PM.

There are also administrative collateral duties that every officer has. Many of these duties appear to come with full-service departments, whether it has 10 officers or 5,000. These duties are listed in Appendix C.

The breadth of response and kinds of service calls to which Kensington Police respond (dogs barking, solicitors, all emergency medical technician/fire calls) may be broader than that of other communities.

Recreation Services

The KPPCSD owns and maintains a park that contains an open recreation area, tennis and basketball courts, picnic/play area, and three park buildings including a community center where the KPPCSD Board of Directors meet. The community center is also used by community groups for meetings and social activities, and youth recreation programs, and is available for private rentals. The KPPCSD contracts with the Kensington Community Council (KCC) for use of the park and facilities. KCC provides educational and recreational programs for the community such as the Kensington After School Enrichment Program, Summer Day Camp, and adult enrichment classes.

Solid Waste Collection

The KPPCSD contracts with Bay View Refuse and Recycling Service (BVRSS) to collect solid waste including green waste from Kensington residents. BVRSS charges each resident directly for the service and pays the KPPCSD a franchise fee as part of the contract.

KPPCSD Financial Structure

The KPPCSD relies principally on property taxes and special taxes to finance services. KPPCSD receives 13% of the ad valorum property taxes imposed by State law on Kensington property owners, which makes up the majority of General Fund revenue and about 50% of total revenue. In addition, there are two special taxes previously approved by Kensington residents that are specifically for police services and make up about 43% of total revenue. A more detailed discussion of KPPCSD revenues and expenditures is presented in the Subcommittee on District Consolidation section of the report.

Bifurcation Subcommittee Report: Bifurcation of Dual-Role General Manager/Chief of Police Position

Subcommittee members: Lisa Caronna, David Spath, Garen Corbett, and Simon Brafman

Executive Summary

The Kensington Police Protection and Community Services District (KPPCSD) is required, by state law enacted in 1955, to have a general manager (GM). The KPPCSD currently conforms to this requirement. It has historically chosen to combine the GM position with that of the chief of police (COP) position. Although there are management and financial pros and cons to this approach, the legality of this approach appears to be well established. The KPPCSD has received two separate legal opinions on the dual role (Appendix G). Both concur in the legality of having a dual-role GM/COP position.

The purpose of studying possible bifurcation of the existing dual-role GM/COP position is to provide insight as to the pros and cons of separating the shared position into two positions where the GM oversees the entire district and all services including the police department, solid waste, and parks and recreation.

Research

The Subcommittee on Bifurcation conducted the following research:

- Reviewed basic job requirements of GM and COP;
- Interviewed 15 comparable public agencies (grouped by type of governance structure);
- Interviewed relevant professionals and professional associations;
- Collected data and statistics on the agencies studied, including base salaries for GMs and COPs for those agencies studied; and
- Developed 6 conceptual organizational diagrams with pros and cons for consideration by the KPPCSD Board.

Job Requirements of GM and COP

Community service districts (CSD) are required by state law to have a GM (CA Government Code Section 61050(a)). The basic duties of the GM are identified in California state law (CA Government Code Section 61051(a)). The board of directors can assign additional duties as needed to address the unique services of the CSD. For the KPPCSD, these duties include:

- Serving as the COP to manage police services;
- Overseeing solid waste handling and disposal; and
- Managing park and recreational services.

General Findings

The Subcommittee's research and analysis resulted in several overarching and consistent findings associated with the issue of bifurcation, including:

- Separation of the GM and COP position is the preferred organizational structure; however, there is a potential budget and/or service impact to adding another position separate from the current dual-role position.
- The breadth of services within an agency is critical when considering the need for a separate GM. The more services that are under the agency, the greater the need to have a separate GM.
- Processes related to discipline, grievances, and investigations require clear documented procedures and separation of reviews for initial steps and appeals whether the position is bifurcated or not.
- Police chiefs often have dual-role positions for short periods of time.
- GM and COP training and skillsets are not the same.
- A challenge of the dual-role GM/COP position is finding the "right person" with both skillsets.
- To even consider a part-time GM, the board must establish clear goals and direction, and operations staff must be empowered to make decisions when the GM is unavailable.
- A part-time COP position is not a recommended approach.
- The head of a police department is titled the "chief," and not a captain or lieutenant.

Additional findings are outlined and discussed further in the pros and cons related to each organizational diagram later in this report.

Part-Time General Manager for KPPCSD

A part-time GM is a potential consideration for the KPPCSD because it would be less costly than a full-time GM and may be adequate for the existing structure and services. This report identifies a number of issues and highlights questions to be addressed when considering a part-time GM, including how prepared the KPPCSD would be to work with a part-time GM. There are also several guiding principles presented in this report, identified in our research and interviews with subject matter experts that should inform any consideration of a part-time GM.

Potential Challenges of Dual-Role (GM/COP) Position

As the individual overseeing all KPPCSD operations and services as well as serving as the COP responsible for managing the police department, the dual role GM/COP position presents several challenges. The public scrutiny of the actions and decisions of the GM/COP can add to these challenges. This report identifies several significant challenges facing a dual role GM/COP.

Organizational Structure Options

The Subcommittee evaluated six potential organizational structures and identified pros and cons for each. The organizational structures included:

- Existing KPPCSD organizational structure: dual-position GM/COP;
- Part-time GM and retain in-house police department;
- Full-time GM and retain in-house police department;
- Part-time GM and contract police services;
- Consolidation with fire protection district and retain in-house police department; and
- Consolidation with fire protection district and contract both fire and police services.

Two of the six options include the potential for contracting out police services. In such scenarios, the positions would automatically be separated because the COP would be with the contracting police agency and the district would still be required to hire a GM.

In all organizational structures in which the GM and COP positions are bifurcated, employing a retired GM and COP under a non-Public Employees

Retirement System (PERS) contract with limited or no benefits was identified as a possible means of reducing costs.

Bifurcation Impact

Separating the existing dual role GM/COP position will likely have an operational and fiscal impact on the district. Adding a high-level position in the organization for a separate GM creates challenges for the board should it wish to select this option. To fund the additional position, the board will need to consider whether to:

- Balance the budget by reducing other existing operational or capital expenditures and/or services currently provided; or
- Increase the budget and find new funding to support the position, possibly through additional taxes.

End Bifurcation Executive Summary

Purpose of Subcommittee Work

The KPPCSD is required, by state law enacted in 1955, to have a general manager (GM). The KPPCSD currently conforms to this requirement. It has historically chosen to combine the GM position with that of the chief of police (COP) position. Although there are management and financial pros and cons to this approach, the legality of this approach appears to be well-established. The KPPCSD has received two separate legal opinions on the dual role (Appendix G). Both concur the legality of a dual role GM/COP position for a special district.

The purpose of studying possible bifurcation of the existing dual role GM/COP position is to provide insight as to the pros and cons of separating the shared position into two positions where the GM oversees the entire district and all services, including the police department, solid waste, and parks and recreation.

Research Approach

The Subcommittee on Bifurcation elected to take a broad approach to researching the bifurcation issue and included reviewing basic job requirements of GM and COP, interviewing 15 comparable agencies (grouped by type of governance structure), interviewing relevant professionals and professional associations, collecting data and statistics on the agencies studied including base salaries for GMs and COPs for those agencies studied, and developing six conceptual organizational diagrams with pros and cons for consideration by the KPPCSD Board.

Agencies Studied

The Subcommittee contacted numerous organizations and associations to determine comparable agencies to research and examine. The California Special Districts Association was an initial source for other special districts that have police services, dual-role leadership positions, and/or part-time general managers. Additional contacts included the California Police Chiefs Association and the California Fire Protection District Association of California. Information from the International City/County Management Association (ICMA) was also reviewed and provided excellent guidelines on ethics and guidelines that are applicable to the GM position (Appendix J). Speaking to agencies and individuals throughout the process led to the Subcommittee's decision to expand the number and type of agencies included in our study. In addition to the special districts, the research included a few small cities

with police departments of similar size to the KPPCSD. Those were selected partially on the basis of preliminary research indicating some attributes comparable to the KPPCSD. From this list, we organized the research into governance models to better compare and assess responses. (For all interviews, refer to Appendix F.) These were divided into four governance categories.

1. Shared GM/COP—Current

(KPPCSD, Broadmoor Police Protection District, Rodeo-Hercules Fire Protection District)

Represented are the two districts with a shared GM/COP in California and one Fire Protection District (FPD). KPPCSD and Broadmoor Police Protection District are the only two agencies with a shared GM/COP in California. Additionally, when we looked at special districts as a group, FPD, of which there are over 300 in California, have a fire chief who is also the top administrator and reports directly to the board. This lead role of chief and top administrator shares many of the same attributes as the GM/COP dual-role position. For this reason, we included the Rodeo-Hercules FPD as a comparable agency.

2. Shared GM/COP—Past

(City of Sutter Creek)

To better understand the issues with the dual-role position, we studied the City of Sutter Creek, which had a shared CM/COP for 8 years. The City Council separated the CM position in 2010 when the Council recognized that the CM/COP was trying to do too much by himself and exceeded his expenditure authority on a construction project. He was shifted back to COP as a means to decrease his span of control and to prevent something similar from happening again. This was the only model identified with a long-term shared position that became separated over time.

3. Split Positions and Similar Services

(Lake Shastina CSD, Marinwood CSD, City of Clayton, City of Ross, City of Belvedere [which shares a chief with Tiburon]), Stallion Springs CSD)

CSDs of comparable size in California that have some level of police and fire services as part of their jurisdiction were studied, as well as small cities with police services of similar size to KPPCSD.

4. Agencies With Part-Time General Managers

(Mountain Meadows CSD, Saddle Creek CSD, Lake Don Pedro CSD, Los Osos CSD, Muir Beach CSD)

The Subcommittee explored the idea of a part-time GM. Smaller CSDs sometimes implement this model. We spoke to three separate part-time GMs, one of whom is a consultant specializing in general manager services for CSDs and is GM to Saddle Creek, Lake Don Pedro, and Los Osos.

Base Salary (No Benefits) Range For GM and COP in Agencies Studied

The Subcommittee collected data on agencies studied. This included base salaries for managers and COPs (see Table 1). It's critical to note that these salaries do not include any benefits such as health or retirement. Adding those benefits and others, where applicable, could increase these numbers significantly by one-third or more of base salary. Additionally, these agencies were selected for governance styles, comparable services and size, but they are not necessarily reflective of Bay Area competitive salaries, nor are they comparable Bay Area public agencies (Appendix E).

Table 1. Base Salary (No Benefits) Range for GM and COP in Agencies Studied

Position	Base Salary (Only) Range
Dual GM/COP	\$145,000 to \$236,000
Part-time GM	\$62,700 to \$97,000
Full-time GM	\$95,000 to \$200,000
Police chief	\$61,000 to \$147,700

Other Relevant Research

Additional interviews:

The Subcommittee also conducted interviews with agencies to further inform the research. This included interviews with the police chiefs of the cities of Berkeley and Albany, where those chiefs shared their perspectives on the separation of duties between the city manager and the police chief, as well as the importance of leadership by the chief to meet community standards and expectations and to develop a well-trained police force.

The city manager of Turlock was also interviewed. The city manager was a career police chief prior to becoming the city manager. The Subcommittee was interested in understanding the transition from police chief to city manager and gaining his perspective on the skills and training needed. Turlock is unusual in that the last two city managers have been career police chiefs. Other examples where the current city manager was a prior police chief include City of San Marino and City of Alhambra.

The Subcommittee also met with and heard from community members who had performed research and/or had opinions on the issue of bifurcation.

Spreadsheet:

A spreadsheet comparing the agencies studied for various factors is provided in Appendix D. This overview provides a quick glance at the type of agency, the services provided, population, annual budget, administrative staff, police staff, size of governing board, board meetings per year, and some detail on salary and benefits.

Basic Job Requirements of GM and COP

A first step was identifying the basic job duties, responsibilities, and criteria for both the GM and COP positions.

General Manager Position

CSDs are required to have a GM (CA Government Code Section 61050(a)). The basic duties of the GM are identified in the state law (CA Government Code Section 61051(a)) (Appendix I).

The GM shall be responsible for all of the following:

- The implementation of the policies established by the board of directors for the operation of the district;
- The appointment, supervision, discipline, and dismissal of the district's employees, consistent with the employee relations system established by the board of directors;
- The supervision of the district's facilities and services; and
- The supervision of the district's finances.

A district can then include any job duties or skills specific to their needs as part of the unique services of their district. In Kensington, the Board of the KPPCSD must prioritize the specialty areas and skills desired for the district.

The current job description for the KPPCSD interim COP/GM outlines additional areas of responsibility (Appendix H). A summary of those elements applying only to the GM job duties include:

- District affairs
 - Budget, records, agreements, contracts;
 - District elections, legislation, representation;
 - District meeting agendas, information, events calendar; and
 - Documentation required by law and the Public Records Act.
- Solid waste handling and disposal
 - Supervise solid waste handling programs contract; and
 - Meet state and local mandates regarding waste reduction and recycling.
- Park and recreational services
 - Manage Kensington Park and its facilities;
 - Oversee development and maintenance;
 - Coordinate with KCC; and
 - Negotiate lease and rental agreement between KCC and KPPCSD.

Chief of Police Position

Being trained and certified as a peace officer is the only mandate required by the State of California to be a police chief. The California Commission on Peace Officer Standards and Training (known as POST) provides the training program and certification required to be a police officer. It must be noted

that even though being a peace officer is the only requirement to be a police chief, POST has numerous training courses, including multiple series courses for supervisorial, management, and executive development. Many agencies look for the completion of these advanced courses in selecting a police chief.

Each community develops job criteria, experience level, and qualifications for their COP position that best meets the needs of their community. To be a peace officer in California, it is required that the person complete the Regular Basic POST program. The curriculum is divided into 42 individual topics. Each topic contains the minimum required foundational information for given subjects. Besides the topic areas, there are selection standards that must be met. Below are the basic selection standards for a peace officer as set forth in Government Code Sections 1029 and 1031. It should be noted that local agencies and departments also have the authority (Penal Code Section 13510(d)) to set standards that exceed these minimums and may include physical ability testing, drug screening, a polygraph examination or voice stress analysis, and/or a pre-offer personality test.

Every California peace officer must be:

- Free of any felony convictions;
- A citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship (California Highway Patrol officers must be U.S. citizens at time of appointment);
- At least 18 years of age;
- Fingerprinted for purposes of search of local, state, and national fingerprint files to disclose any criminal record;
- Of good moral character, as determined by a thorough background investigation;
- A high school graduate, pass the General Education Development test, or have attained a 2-year, 4-year, or advanced degree from an accredited or approved institution; and
- Found to be free from any physical, emotional, or mental condition that might adversely affect the exercise of the powers of a peace officer.

Additional requirements of the Penal Code Section 13510(a) gives POST the authority to establish minimum selection standards for peace officers employed by agencies that participate in the POST program.

These regulations include:

- Reading and writing ability assessment;
- Oral interview;
- Background investigation;
- Medical evaluation; and
- Psychological evaluation.

In reviewing other agencies' COP job descriptions, some common elements of knowledge and ability include:

- Modern principles, practices, and techniques of police administration, organization, and operation;
- Technical and administrative phases of crime prevention and law enforcement, including investigation and identification, patrol, traffic control, records management, and care and custody of persons and property;
- Knowledge and interpretation of laws, ordinances, and regulations affecting the work of the department and the community;
- Principles and practices of law enforcement, investigation, patrol, community policing and problem solving strategies services, school and traffic safety, and related police services;
- Communication that is clear and concise, orally and in writing;
- Ability to establish and maintain cooperative working relationships with a variety of citizens, public and private organizations;
- Ability to plan, direct, supervise and coordinate the work of the police department;
- Development and administration of sound departmental policies; and
- Principles and practices of budget development and administration.

The current job description for the KPPCSD interim COP/GM outlines additional areas of responsibility (Appendix H). Because the police chief position is a dual role with the GM, it is difficult to accurately extract the police duties from the GM duties. However, below are a few elements that seem to apply primarily to the COP authority and job duties:

- A chief who is "an experienced police executive who, while familiar with all modern policing methods, excels in problem solving and community building";
- Chief executive officer of the department on matters of policy,

- operation, and discipline;
- Exercises all lawful powers of his/her office and issues such lawful orders as are necessary to assure the elective performance of the department;
- Enforces laws and ordinances within its legal jurisdiction;
- Plans, directs, coordinates, trains, and staffs activities of the department;
- Adopts rules and regulations for the department;
- Reports department accomplishments;
- Maintains public and employee relationships;
- Develops the (department) budget;
- Investigates citizen complaints regarding the actions of officers;
- Performs annual performance evaluations of sergeants; and
- Provides direction to the department.

General Findings

Some of the more overarching and consistent findings from the Subcommittee's research are listed below:

1. Separation of GM and COP is the preferred organizational structure; however, there is a potential budget and/or service impact to adding another position separate from the current dual-role position.

With the exception of the agencies with dual-role positions, all agreed that the separation of duties is a preferred model. Reasons cited included:

- It allows for another level of review and oversight;
- The GM could focus on overall community issues and be the face of the KPPCSD, whereas the COP could focus solely on policing;
- The GM can serve as a buffer between the COP, KPPCSD Board, and the community; and
- A separate GM allows the public to bring police-related issues to an individual not directly associated with police activities.

When the Subcommittee asked interviewees and subject matter experts about the pros and cons of separating the positions, almost everyone cited cost as a major issue in the hiring of another person at a high level in the organization. Within the Kensington community, some have expressed the

idea that cost savings and reorganization might minimize the cost of hiring another position; however, that has yet to be tested.

Additionally, even when agencies felt very strongly that the separation of duties was important, once the KPPCSD services were described, even those that felt strongly could see why the dual-role position was created, and they then focused their comments on the need to find the “right person” with both skillsets. The KPPSCD Interim GM/COP Kevin Hart described the time spent on each service provided as approximately 85% to 90% on police services, which is 85% of the budget. The remaining time is split between administrative KPPCSD functions, solid waste (provided under a contract with a refuse company), and parks and recreation, with recreation provided under a contract, and the park function as maintenance and improvements for one park and the park buildings.

2. The breadth of services within an agency is critical when considering a separate GM. The more services that are under the agency, the greater the need to have a separate GM.

This issue was mentioned numerous times during the interview process. Those agencies with a number of services would not have the option of sharing the position of manager and another major role such as chief because they would be spread too thin, and it would be too much for one person to manage.

3. Processes related to discipline, grievances, and investigations require clear, documented procedures and separation of reviews for initial steps and appeals whether the position is bifurcated or not.

In every circumstance for every agency, separating the levels of review for investigations, recommendations, and appeals is critical. Having a separate GM does provide another level in the process that can be helpful in certain instances. However, that is only relevant to the level of the person at which the investigation starts. In our research, the boards and/or city councils were sometimes called upon as an appeal level in, for instance, a discipline or grievance process. Every agency had their steps and clear lines of separation. In some agencies, all investigations were handled by outside consultants. Another example is demonstrated by some agencies having binding arbitration as the final determinant in appeals. Whatever the process, steps and procedures in compliance with applicable laws, policy and procedure manuals, union memorandums of understanding (MOUs), and the

police department policy manuals need to be clearly documented and followed.

4. Police chiefs often have dual-role positions for short periods of time.

In some cases, a police chief may be tasked to serve as the interim GM while a full-time GM is being recruited. The term reported was typically 3 to 6 months, and the longest was reported at 2 years. Based on our interviews, it was evident that police chiefs who serve in this capacity had significant experience with the agency and the services that are provided. In addition, the police chiefs had the confidence of the board of directors and the board provided clear policy direction to be followed during the interim period. Examples were also provided of situations where a police chief transitioned to the position of GM. (See interview with Turlock GM in Appendix F.)

5. GM and COP training and skillset are not the same.

The training and trajectory of GMs and COPs are not the same. The COP's training is typically through a chain of command style of management and movement up through the ranks in a police force. Their primary focus is on public safety and her/his specific training and skills center on the means to ensure that citizens have a safe environment via a well-trained force.

COPs are all police officers that move up the ranks in a police career, gaining greater skills and training over time. Chiefs typically have a minimum of a bachelor's degree, and a large number have advanced degrees such as a master's degree or higher. There are a few theories regarding training for officers, from paramilitary to academic, but all are directed toward improving community safety and well-being through such actions as enforcement of laws, crime prevention, traffic safety, and community policing.

Training courses to be a police officer include courses such as firearms skills, basic first-aid/CPR, self-defense, criminal law, domestic violence, ethics, investigations, patrol techniques, juvenile law, constitutional law, cultural diversity, fitness, human relations, use of nonlethal weapons, community policing, hate crimes, mediation skills/conflict management, and problem solving.

Police departments must be trained to respond to public safety emergencies and are organized with a clear command structure for coordinated response. As officers move up the ranks into higher positions, including a COP, they must develop skills in supervision, management, administration, budgeting, and leadership, to name a few. COPs can oversee very large departments, a

variety of programs, complicated departmental budgets, and a large staff. They are also extremely connected to the communities they serve and are often a major public figure and representative of their agency.

GM's training can be varied and come from a number of specialty areas. Most relevant is a degree in public administration. A public administration undergraduate degree includes courses such as labor relations, public safety, city planning, policy formation, human resources, economics, business management, accounting, and budgeting. A graduate degree in public administration also often includes an internship, which provides the student with hands-on training in a city manager's office. Courses may include managing organizational change, business economics, organizational behavior, leadership, and ethics training.

GMs and COPs require important skills common to both positions. The demands of both high-profile public positions require leadership and management skills, an analytical and creative mind, and strong writing and communication skills.

GM's should have a broad understanding of all services provided to the community and assure those services are efficiently implemented and funded over time. In essence, the GM is an administrative position of leadership focused on the entire community and the organization providing services, whereas the COP is focused on the police department as it develops and implements safety measures for the community. This is not to suggest that a COP cannot gain the skills to be a GM (in certain cities, the COP has become the CM), but rather that the initial focus and scope of the work and training are not the same.

6. A challenge of the dual-role GM/COP position is finding the right person with both skillsets.

There are no clear formal criteria that could be used to identify the right person with the skillsets of both a GM and COP. However, our research suggests that there are skills common to both positions, including: good social interaction skills, communication with the public and media, social intelligence, and the ability to impartially access community needs while having a clear vision of the community's expectation of police services. In addition, the "right person" should have a strong work ethic, strong ethical/moral background, strong budget and policy experience, a reputation among peers as having unquestioned integrity, and the capacity and personality to resolve conflicts among staff and professionally work with all board members.

7. To even consider a part-time GM, the board must establish clear goals and direction, and operations staff must be empowered to make decisions when the GM is unavailable.

In reviewing the criteria for a part-time GM, we spoke with three part-time CSD GMs. Although many criteria were discussed and will be further outlined in this report, major issues include the need for the board to establish clarity for what is to be accomplished and the ability of qualified staff to make decisions when the GM is not onsite. Having the board adopt a strategic plan for the district with clear actions and deliverables was cited as an important step in preparing for a successful part-time GM. Additionally, because the part-time GM is not onsite at all times, and may not be available, daily decisions related to the operations of the district must be made by the supervising staff, and the staff should be empowered to make those decisions.

8. A part-time COP is not recommended.

When asked, every agency recommended a full-time COP. The need for leadership, oversight, officer training, community involvement, potential liability, and 24/7 on-call response were often cited. For a professional, high-performing department, a full-time chief is a critical component. During our research, we encountered one agency, the City of Sutter Creek, recruiting for a part-time chief. When questioned, they responded that it was a cost-saving measure enabling them to expand the time of a part-time officer. Sutter Creek has five police officers (including the chief), and full-time coverage is challenging.

9. The head of a police department is titled the "chief," and not a captain or lieutenant.

The process framework for the Ad Hoc Committee specifically requested we look at a captain or lieutenant as the top position for a police department. We did not find this in any of our research. The top position for a department is called the chief. In the case of a community contracting with the sheriff's office for police services, the lead person for that community may actually be a deputy sheriff who is given the title "chief" for the term of their placement with that city. There is also the option of possibly hiring a current captain or lieutenant to be the chief of a police department. That hire

may be less costly than an existing chief wishing to transfer jobs; however, once hired for the role as lead for a department, their title is "chief."

Criteria for “Part-Time” General Manager for KPPCSD

The idea of a part-time GM for the KPPCSD is an interesting concept because it would be less costly than a full-time manager and may be adequate for the existing structure and services. In reviewing the criteria for a part-time manager, a number of issues emerged, including how prepared the district is to work with a part-time GM. (Appendix F, Peter Kampa interview).

Important questions for an agency considering a part-time GM:

- Is the organization capable of supporting the structure of a manager not being there on daily basis?
- Are policies in place that allow the rank and file and management to make decisions?
- How many day-to-day decisions need immediate response?
- Can decisions be packaged and be dealt with when the manager has time?
- Can daily duties currently handled by a full-time GM be moved to another position?
- Can issues be handled electronically?

Part-time GM guiding principles include:

- The GM's role and responsibility must be thought of in terms of effectively implementing the board's policy and achieving specific and measurable goals and objectives and not part-time versus full-time.
- Given the right personnel resources, and clear policy direction, the primary role of the GM becomes one of team motivation, general oversight of staff, and informing the board and community of district business.
- If resources are limited and squeezed, where the GM becomes the "go to" person for everything, they will be bogged down in daily operations.
- It is important to hire good department managers, such as the police chief, give them administrative support staff, and allow the GM to delegate the operations to those closest to it.

- Comprehensive policies and board procedures, forward thinking plans, solid management objectives that support the Plan, and a system to measure performance are needed.
- Pure management functions must be determined from other work and non-management functions reassigned to others .
- Responsible people need to be in key positions and be able to take on more work, or hire part-time or temporary help during high-workload periods.
- Decisions either get made on the spot by mid-management, or they have to wait for GM to respond.
- The part-time GM must be a good delegator and have good communication systems to ensure that mid management acts in the same manner as the GM.
- If the “face” of management is required most of the time by the board and/or the community, then it’s probably not a good fit for a part-time GM position.
- There may be too many time demands, such as citizen requests or activists, to consider a part-time GM.
- Specific to KPPSCD, the manger should have a strong knowledge of police services and be able to align police priorities with community standards and expectations.

Potential Challenges of Dual-Role (GM/Chief) Position

The dual-role GM/COP includes wearing two hats at the same time. Bridging both roles is not an easy task and is under frequent scrutiny by the public. Some of the challenges mentioned during interviews and from members of the Kensington community are:

- Budget development and expenditures: independent oversight;
- Objective and equitable delivery of all district services;
- Review and disposition of grievances, discipline, and investigations;
- Public reporting of police-related issues;
- Public fear of retribution for reporting police issues;
- Ensuring adequate oversight of police;
- Police officers may resent GM/COP time spent on non-public safety issues; and
- Police operations may distract the GM/COP from non-public safety issues.

These challenges make it difficult for one person to wear both hats free of perceptions of favoritism or bias in decision making and/or recommendations to the board. In addition, when a problem arises with police decisions or with district management decisions, wearing both hats can undermine the apparent legitimacy of both the police department and the GM. In the dual role, if either the GM portion or the COP portion is suspected of any wrongdoing, no matter whether it's justified or not, both roles fall together, and the district can become fragile, with leadership seeming compromised.

The police chief clearly must provide leadership for the police department and make decisions on police performance and daily operations of the force. A separate GM would be a higher level of oversight and guidance to the police department and align police priorities with community standards as directed by the board. The separate GM can also monitor the department while also providing insulation to the chief that better allows her/him to focus completely on their responsibilities.

Organizational Structure Options

Bifurcation of the GM/COP position is impacted, not only by the services and conditions at the KPPCSD as they currently exist, but also by potential governance and operational issues that are included in the "process framework" guiding document for the Ad Hoc Committee. Those additional study areas include both contracting with other agencies for police services and consolidation of the KPPCSD with the KFPD.

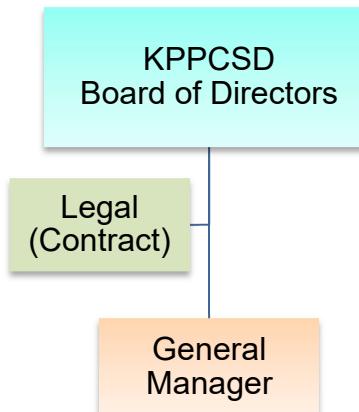
For that reason, six organizational diagrams are presented that consider a variety of services and governance structure. The options include:

1. Existing KPPCSD organizational structure: dual-position GM/COP (Figure 2);
2. Part-time GM and retain in-house police department (Figure 3);
3. Full-time GM and retain in-house police department (Figure 4);
4. Part-time GM and contract police services (Figure 5);
5. Consolidation with fire protection district and retain in-house police department (Figure 6); and
6. Consolidation with fire protection district and contract both fire and police services (Figure 7).

To begin, it's important to describe the fundamentals of a CSD and what is typical for all diagrams that follow. The KPPCSD is required by California law to have a board of directors elected by the people in the district. The board

then is required to hire a GM who reports directly to the board. The board also hires legal counsel who also reports directly to the board. At present time, legal counsel for the district is by a contract with a firm specializing in public law (Figure 1).

Figure 1. Board of Directors Hires the GM



Another important component of the following diagrams is an understanding of the services provided by the district and how they are implemented.

Currently, the GM (in the dual-role position) has the support of a half-time administrative support position to assist with district administration. The GM (in the dual-role position) is charged with implementing policies established by the board of directors and operation of the district, including supervision of employees, facilities, services, and finances.

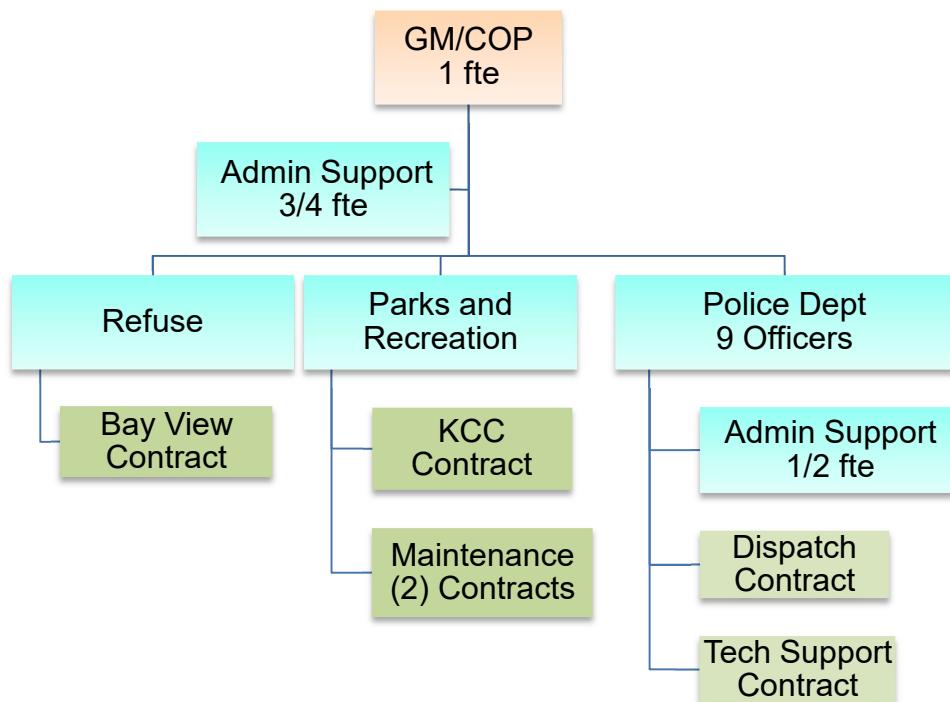
The KPPCSD is charged with three primary services that are delivered to the district: police, parks and recreation, and refuse. The largest service comprising 85% of the district budget is the police department. The department includes the staff of nine sworn officers and a COP (in the dual-role position). The police department also includes a half-time administrative support position (non-sworn) to assist with police department business. Furthermore, the district contracts for services needed to support the police department, including dispatch services provided by the City of Richmond and technical support, to name a few.

The refuse division entails a long-term 8-year contract with a refuse company, Bay View Refuse and Recycling Co., who are responsible for the solid waste operations and recycling services throughout the district.

The parks and recreation division has two components. The recreation program functions through a 3-year lease and contract and with the Kensington Community Council (KCC) who are housed in a park building (Building E) and provide youth and adult programs throughout the year. Kensington Park, 9.3 acres, is the responsibility of the district for maintenance, capital improvements, and operation. The park includes tot play areas, tennis and basketball courts, and passive and active use areas. The park also contains three buildings: the Community Center, the Annex—a building not in use—and Building E that is used and maintained by KCC.

In the figures that follow, those functions under contract to other entities have been highlighted. Services that are contracted out generally require significantly less hands-on management to administer. The major tasks of contracting out for services include: putting a scope of services out to public bid; negotiating for a new contract when the term expires; and contract management during the term to ensure the services and costs are adhered to at the level specified in the contract. In short, contracts are significantly less time consuming than if an agency hires their own staff and manages the operations internally. This factor can have an impact on the need for a part-time or full-time GM.

Figure 2. Option 1—Existing KPPCSD Organizational Structure: Dual-Position General Manager/Chief of Police



Pros

- Less expensive than separate GM/COP;
- Primarily a police service district that may not justify a separate GM/COP; and
- Refuse and recreation contracts for services reduce GM workload.

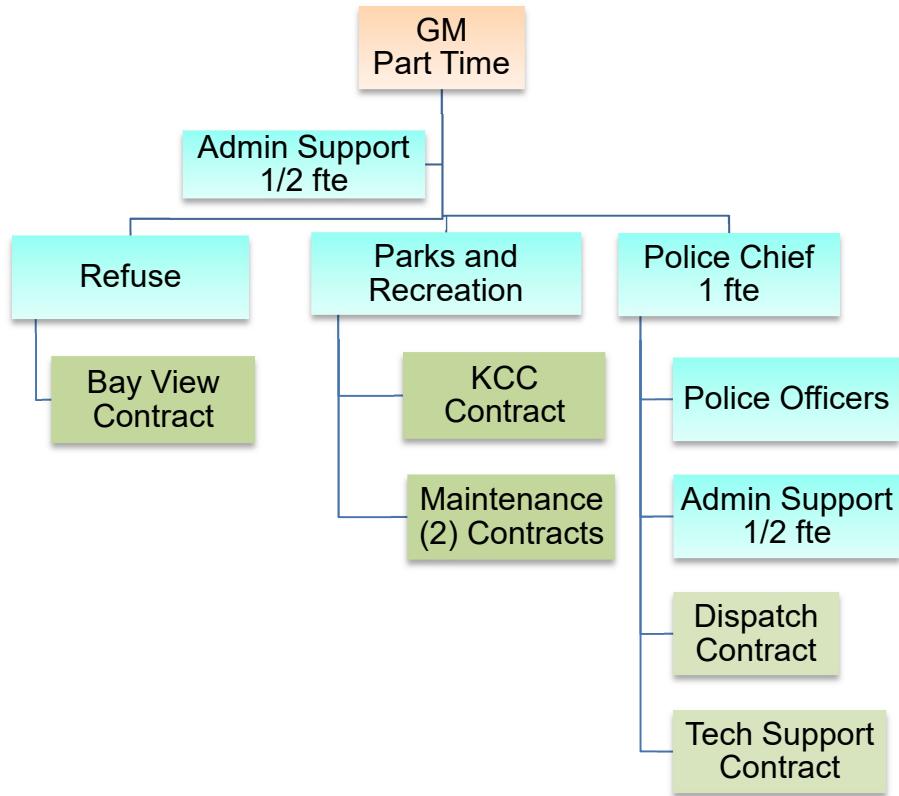
Cons

- Potential “perception” of conflict of interest between GM and COP responsibilities, including budget development;
- Balancing overall district needs with specific police needs;
- Public may be uncomfortable reporting police-related issues to shared GM/COP position;
- Police officers may resent time spent on non-police issues;
- GM/COP perception of representing police issues and not broader community interests; and
- Finding a person who has expertise as both a high-level police officer and public agency administrator.

NOTES:

1. One option could be to consider a full-time administrative services officer as support to the GM/COP to assist with financial analysis and budgeting, as well as other administrative duties.
2. Consider delegating more chief policing supervisorial duties to senior officers.

Figure 3. Option 2—Part-Time General Manager and Retain In-House Police Department



Pros

- Primarily a police services district that may not require a full-time GM;
- GM and COP are different disciplines that require different expertise;
- GM can bring skills to deal with multiplicity of planning, regulatory, and community issues;
- COP can focus solely on policing to the benefit of the community and the officers;
- GM can serve as face of the district, addressing overall community issues;
- GM can serve as a buffer between COP, the board, and the community;
- Creates another level of appeal/oversight for processes related to grievances, discipline and investigations; and
- Allows public to bring police-related issues to an individual not directly associated with police activities.

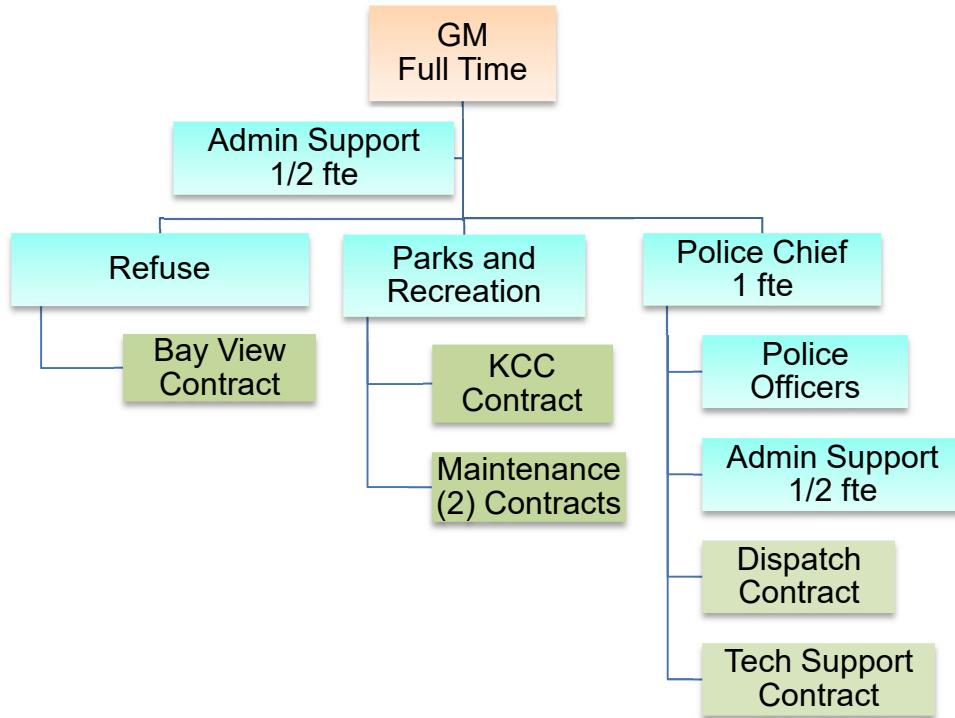
Cons

- More expensive than shared GM/COP position, but less than full-time GM;
- Part time limits availability of GM to address community issues;
- Relies on senior staff for day-to-day operational decisions;
- Response times may be delayed;
- May not be able to respond immediately to all issues;
- Good working relationship between GM and COP is imperative; and
- Part-time GM may have limited time to attend all community functions and committee meetings.

NOTES:

1. Consideration could be given to hiring a retired GM with experience administering mid-sized communities.
2. To reduce cost, consider hiring retired GM and COP under a non-PERS contract with limited or no benefits if possible.
3. May need more administrative support, but will depend on experience and skills of part-time GM.
4. Estimated cost of part-time GM: range of base salary only (no benefits) for agencies studied is \$62,000 to \$97,000.

Figure 4. Option 3—Full-Time General Manager and Retain In-House Police Department



Pros

- GM and COP are different disciplines that require different expertise.
- GM can bring skills to deal with multiplicity of planning, regulatory, and community issues.
- COP can focus solely on policing to the benefit of the community and the officers.
- GM can serve as face of the district, addressing overall community issues.
- GM can serve as a buffer between COP, the board, and the community.
- Creates another level of appeal/oversight for processes related to grievances, discipline, and investigations.
- Allows public to bring police-related issues to individual not directly associated with police activities.
- Full-time GM has more time to:
 - Be with the community and attend more meetings and events;
 - Be more of a liaison to adjacent agencies and the county;
 - Carry out strategic planning and identify and propose solutions to issues facing the district;

- Be a resource to district board and prepare needed research and documentation; and
- Undertake activities that are presently being carried out by the board members and committees.

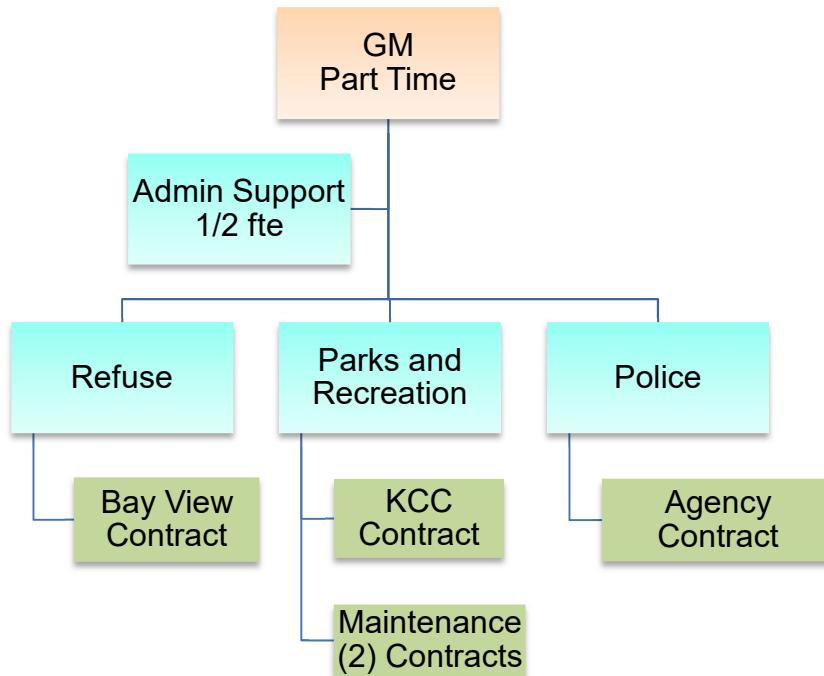
Cons

- Expensive to have separate full-time GM; and
- District services not sufficient to require a full-time GM.

NOTES:

1. To reduce cost, consider hiring retired GM and COP under a non-PERS contract with limited or no benefits if possible.
2. Part-time administrative support envisioned for such activities as: board agendas and minutes, bill pay and account receivables, phones, email, copying, office management, support to GM and staff.
3. Estimated cost of full-time GM: range of base salary only (no benefits) for agencies studied is \$95,000 to \$200,000.

Figure 5. Option 4—Part-Time General Manager and Contract Police Services



Pros

- Administrative workload may not be sufficient to require full-time GM.
- Option is less expensive than a full-time GM.

Cons

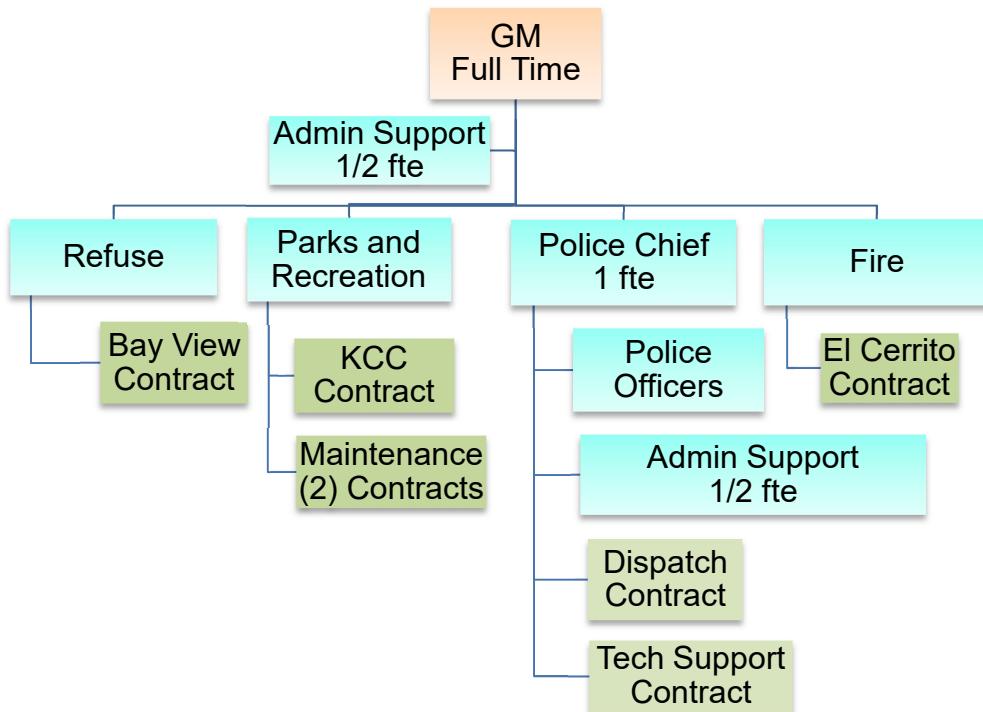
- No bifurcation issues because chief is hired by outside contracting agency; however, part-time GM concerns include:
 - Part time limits availability of GM to address community issues;
 - May not be able to respond immediately to all issues; and
 - Part-time GM may have limited time to attend all community functions and committee meetings.

NOTES:

1. Consideration could be given to hiring a retired GM with experience administering mid-sized communities.
2. To reduce cost, consider hiring retired GM and COP under a non-PERS contract with limited or no benefits if possible.

3. Presumes need for only one half-time administrative staff.

Figure 6. Option 5—Consolidation With Fire Protection District and Retain In-House Police Department



Pros

- GM and COP are different disciplines that require different expertise.
- GM can bring skills to deal with multiplicity of planning, regulatory, and community issues.
- COP can focus solely on policing to the benefit of the community and the officers.
- GM can serve as face of the district, addressing overall community issues.
- GM can serve as a buffer between COP, the board, and the community.
- This option creates another level of appeal/oversight for processes related to grievances, discipline, and investigations.
- It allows the public to bring police-related issues to individuals not directly associated with police activities.
- Full-time GM has more time to:
 - Be with the community and attend more meetings and events;

- Be more of a liaison to adjacent agencies and the county;
- Carry out strategic planning and identify and propose solutions to issues facing the district;
- Be a resource to district board and prepare needed research and documentation; and
- Undertake activities that are presently being carried out by the board members and committees.
- Full-time GM is needed to administer consolidated district's activities and increased services.

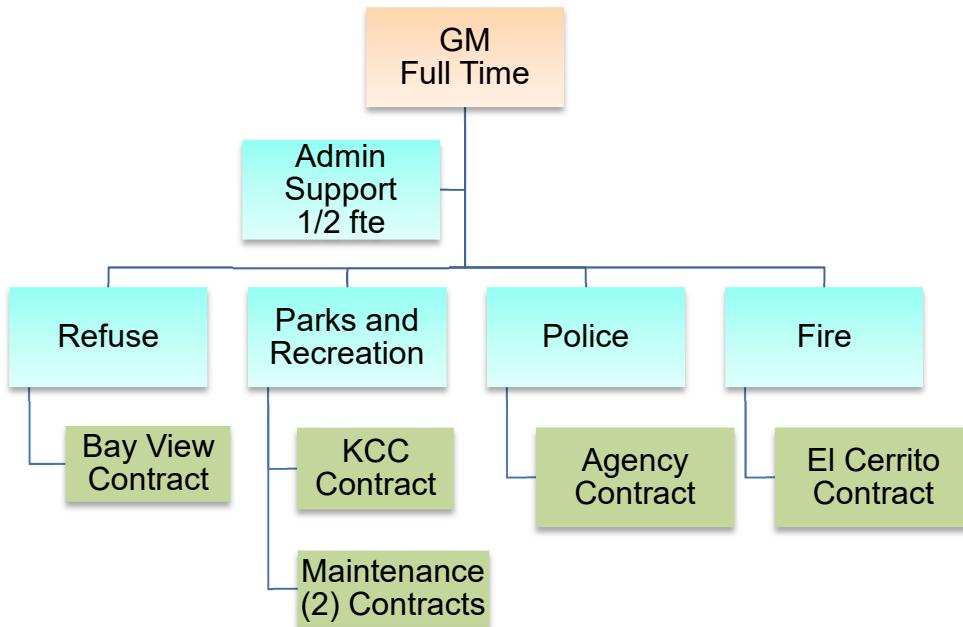
Cons

- It is expensive to have a separate full-time GM.

NOTE:

1. To reduce cost, consider hiring retired GM and COP under a non-PERS contract with limited or no benefits if possible.
2. Part-time administrative support envisioned for such activities as: board agendas and minutes, bill pay and account receivables, phones, email, copying, office management, and support to GM and staff.

Figure 7. Option 6—Consolidation With Fire Protection District and Contract Both Fire and Police Services



Pros

- Mostly negotiate, oversee, and manage contracts and district administration; and
- Only two hired district employees (GM and administrative support).

Cons

- No bifurcation issues because chief is hired by outside contracting agency.

NOTES:

1. Consideration could be given to hiring a retired GM with experience administering mid-sized communities.
2. Part-time GM could also be considered with full-time administrative support position.
3. To reduce cost, consider hiring retired GM and COP under a non-PERS contract with limited or no benefits if possible.
4. Presumes need for only one half-time administrative staff.

Contracting Subcommittee Report: Contracting Police Services

Subcommittee members: Tim Snyder, Charles Reichmann, and Mabry Benson

Executive Summary

To assess the possibility of contracting with another jurisdiction for police services the Subcommittee on Contracting contacted the civilian managers of every police department operating in or adjacent to Kensington.

The Subcommittee found that should Kensington decide it wishes to contract for the provision of policing services, there are currently at least five available options. The Contra Costa Sheriff's Office could provide such service, as could the police departments of Albany, El Cerrito, Richmond, and the University of California.

With few exceptions, the Subcommittee was unable to gather information about the relative cost of contracting with these departments. The departments were reluctant to provide cost information absent a formal request for proposal (RFP), and some pointed out that total costs cannot be known prior to the negotiation process.

The Subcommittee did not attempt to assess the quality of the departments it interviewed, but heard nothing anecdotally to suggest any of the departments it considered would be unsuitable. In the event Kensington decides to contract for policing services, it may wish to assess the level of satisfaction the populations policed by the departments in question have with their respective departments and the quality of department/city management.

Several departments suggested that the contracting process could be an opportunity for Kensington to consider different organizational structures and policing strategies, even in advance of issuing a RFP. Such strategies might include use of non-sworn personnel to handle some policing or non-policing functions (e.g., parking) or a different ratio of sergeants to patrolmen. All departments agree that the price quoted will depend on the details specified in the RFP.

Pros and cons for contracting for police services and considerations for moving forward are presented in the main body of the report.

End Contracting Executive Summary

Introduction

This section of the report describes the activities and the findings of the Subcommittee of the Kensington Police Protection and Community Services District (KPPCSD) Ad Hoc Committee for Governance and Operations Structure that was tasked with evaluating the possibilities of contracting for police services with other agencies, in whole or in part.

This Subcommittee was asked to investigate whether contracting out, in part or whole, will provide reasonable, cost-effective services the community wants, by conducting fact finding on various levels of collaboration, including but not limited to:

- Research of similar service models in jurisdictions more focused on community policing;
- Identifying and engaging potential interagency law enforcement partners, such as the El Cerrito Police Department, UC Berkeley Police, Contra Costa Sheriff's Office, and East Bay Regional Park District.

Methodology and Sources of Input

The Subcommittee conducted its investigations and fact finding by contacting and meeting with various agencies. Certain agencies were selected based on their proximity to Kensington and the greater likelihood that they would be in a position to provide police services to Kensington. Discussions with these agencies included exploring their willingness to provide services to Kensington, gaining an understanding of their organizations and performance, and getting their perspective on how and what services could be provided. These agencies included:

- Albany;
- El Cerrito;
- Richmond;
- UC Berkeley;
- City of Berkeley;
- East Bay Regional Parks; and
- Contra Costa Sheriff's Office.

Other agencies were selected based on their current arrangements of contracting with the Contra Costa Sheriff's Office for the provision of sworn officers and other police services. Discussions with these agencies were for the purpose of understanding how the process of contracting with the Contra

Costa Sheriff's Office works and determining their level of satisfaction with both the service and the cost of the contracting arrangements. These agencies included:

- Orinda;
- Lafayette;
- Oakley; and
- Blackhawk.

With the exception of the City of Berkeley, East Bay Regional Parks, and the Contra Costa Sheriff's Office, the Subcommittee was able to have meaningful discussions with all of the above-noted agencies. East Bay Regional Parks indicated that they were not interested in providing services to Kensington at this time. The city of Berkeley also indicated that they were not interested in providing services to Kensington, as it would distract from their primary focus. The Contra Costa Sheriff's Office did not wish to take the time to have discussions with the Subcommittee, given that the Subcommittee was not making a formal request for proposal, but indicated it would be willing to discuss the matter should the KPPCSD make a direct request.

Issues Discussed

Issues that were discussed with each of the selected agencies included:

- The extent of desired coverage;
- The ability to have Kensington identity on uniforms and cars;
- The ability to have a physical presence in the Kensington Safety building;
- The nature of the command structure for contracting;
- The ability to replace undesired officers;
- The ability to handle existing Kensington service programs such as vacation watches, key program, etc.; and
- The willingness to hire selected current Kensington police officers.

These issues were discussed to determine whether the various agencies were willing and able to essentially match the current level and extent of Kensington police services.

Limitations on Research

In discussions with the various agencies, it quickly became apparent that while we could assess their willingness to partner with Kensington in providing police services, we could not determine the appropriate staffing levels, structure, and detailed cost information for providing such services. Refined details and costs can only be determined from much more detailed and formal requests for proposals and through actual contract negotiations.

Further, the Subcommittee lacked both the time and the expertise to perform in-depth due diligence evaluations of any of the agencies contacted.

Summary of Agency Discussions and Research

The following sections provide a summary of the discussions and research that were performed by the Subcommittee for each of the selected agencies. Additional information⁵ for the selected agencies is also provided in tables that are included in Appendix K to this report.

Agencies Willing to Consider Partnering With Kensington

Four neighboring police departments were interested in contracting to provide Kensington with police services: Albany, El Cerrito, Richmond, and the University of California (Berkeley). All were generous with their time, which included the police chief, supervisory staff, and, generally, the city manager. In general, the police chiefs did most of the talking. We greatly appreciated their cooperation.

Themes that were common to all of these agencies included the following:

- All were proud of their departments and their culture. They highlighted their high standards, good policies, training, and modern tools. They pointed out that staffing goes beyond just patrolling a beat, and discussed the nature of their support staff and special functions.
- They were all willing to keep a Kensington identity for the contracted officers with Kensington uniforms, Kensington marked cars, and maintaining offices in the Kensington Safety Building. They all noted that a non-Kensington-dressed officer may show up

⁵ Additional information/data is provided related to cost, staffing, service calls, response time, and crime statistics.

- to answer a call, in the event that they are covering for or are called in as back-up for a Kensington officer.
- They all suggested that establishing a separate beat of their respective departments would be the most economical and practical way of providing services to Kensington. Several were also willing to make suggestions for alternative staffing models. Under a beat model, specific officers would be assigned to the beat for significant periods of time and would be dedicated to serving their beat. Only on rare occasions would officers be called upon to support other beats or communities, in a similar manner to how the Kensington Police Department (PD) currently operates.
 - They would not guarantee the retention of current Kensington officers. Kensington officers would be allowed to apply for positions with the contracting agency, and would have to go through the regular department hiring process.
 - They would want to start with a 3 to 5 year contract, in order to amortize the time and expense involved with setting up the services (e.g., establishing protocols, policies, hiring, training, etc.).
 - Some suggested that trying to fully replicate the current Kensington PD (i.e., number of personnel and structure) would probably not result in significant savings. Some offered their opinion that by establishing Kensington as a beat within their department, effective police services could be provided with fewer than the current 10-officer staff that Kensington currently employs, and therefore, the total costs could likely be less than what Kensington currently pays. Projected savings would come from using fewer personnel and having greater economies of scale associated with a larger department.

A summary of the main points for each of these departments is presented below.

Albany

- Population: 18,539
- Size: 1.7 square miles
- Police expenditures FY2015–2016: \$6,682,743, or \$360 per capita
- City web page: <http://www.albanyca.org/>
- Police Department web page:
<http://www.albanyca.org/index.aspx?page=47>

The following information was obtained from a February 22, 2016, meeting with Albany City Manager Penelope Leach and Chief of Police Mike McQuiston, and a phone call with Chief McQuiston on August 8, 2016.

Albany has a police department staff of 26 sworn officers (1 chief; 2 lieutenants; 6 sergeants; 17 officers) and 8 nonsworn personnel (6 public safety dispatchers, 2 police services technicians). Albany has shifted to using nonsworn personnel, such as police services technicians to cover some of the work done by sworn staff, providing assistance to officers at a lower cost. Albany has 2 police beats for the city. The police can go citywide as necessary, but they have a responsibility and are held accountable for their own beat. Albany uses its own dispatch and 911 call center.

Albany has a professional standards officer (i.e., internal affairs) who deals with complaints. Complaints are accepted in any form including email. The procedure used depends on the type of complaint, and they have software to track complaints. When this was first instituted, officers were worried about a flood of complaints. They were told that if you are doing your job properly, there should not be a problem, and there has not been a problem. All Albany officers also have body cameras. They were instituted during the Albany Bulb clearance. They do not operate the cameras all the time, but turn them on when they make a stop or have an encounter. The video doesn't always come through, but the audio does. Chief McQuiston believes this has been a good expenditure, especially for adjudicating complaints.

Chief McQuiston indicated that Albany has worked hard to create a good workplace culture within their police department. He believes that the professionalism of the force and their work environment is much improved, as a result of these efforts. He noted that the culture of a department, in his opinion, should be an important consideration in considering and selecting a contracting partner.

Albany does not have the most expensive pension plan. They provide a 3% of salary per year at age 55-defined benefit retirement plan for officers hired before 2013. New officers, hired since 2013, are subject to the new state Public Employees Pension Reform Act (PEPRA), which provides for a 2.7% of salary per year at age 57-defined benefit retirement plan.

Albany expressed interest in providing police services to Kensington. They offered that the most cost-effective way for Albany to cover Kensington would be to set it up as a third beat. Albany believes it would be relatively easy to accomplish, while taking advantage of economies of scale (particularly with regard to training, supervision, policies, etc.). Chief McQuiston suggested using nonsworn personnel such as a community service officer or police services technician to cover some of the work now done by sworn staff, providing assistance to officers at a lower cost.

Chief McQuiston offered his opinion that if Albany were to provide police services to Kensington as a beat, that it could be done with fewer than the current 10-officer staff that Kensington currently employs, and therefore, the total costs could likely be less than what Kensington currently pays.

Albany would use its own dispatch and 911 call center, and does not see a problem with cross-county line dispatch. Chief McQuiston noted that Kensington dispatch was handled by Albany in the past, without any known problems. He mentioned that an up-coming East Bay Regional Communications System will combine and improve many of the communication systems. Chief McQuiston noted that Albany would need to define procedures for cross-county police activities such as jailing, filing cases, etc., but does not see this as a problem.

El Cerrito

- Population: 24,599
- Size: 3.7 square miles
- Police expenditures FY2015–2016: \$11,292,173 or \$459 per capita
- City web page: <http://www.el-cerrito.org>
- Police Department web page: <http://www.el-cerrito.org/index.aspx?nid=135>

The following information was obtained from a series of meetings with City of El Cerrito personnel: a March 8, 2016, meeting with Interim Chief of Police Paul Keith, City Manager Scott Hanin, and Assistant City Manager Karen Pinkos; a March 28, 2016, meeting with Interim Chief of Police Paul Keith, Lieutenant Special Operations Robert de la Campa, and Assistant City Manager Karen Pinkos; and a May 4 meeting with Interim Chief Keith, Lt. de la Campa, and Assistant City Manager Pinkos.

El Cerrito has a PD staff of 40 sworn officers and 12 nonsworn personnel. They have authorization for a full staff of 46 sworn officers and 15 professional staffers but are operating below that number to save costs. They need four over minimum staffing for flexibility and to cover training and sick and vacation leave.

El Cerrito PD has three beats, and each beat officer typically remains in their assigned area when responding for calls for service. Beat officers leave their assigned area for serious incidents. When this occurs, another officer from the support staff can be called to take calls on that beat. There are four six-member patrol teams to cover the beats consisting of four officers, one

corporal and one sergeant. The department fields a minimum team of one supervisor and three officers at all times with an extra officer from 3pm to 11 pm. There is always a supervisor available on the graveyard shift. In addition to patrol officers, they have other officers performing staff functions, such as compliance officers, who can fill in on patrols when beat officers are pulled off of their beat or have to make trips to Martinez. There is also a detective team that is responsible for investigating major incidents, such as robberies, burglaries, sexual assaults, and deaths. Several specialized units within the El Cerrito PD include:

- A traffic team that spends time responding to community concerns over traffic issues;
- Internal affairs with an assigned officer;
- A crisis intervention team;
- A crisis negotiation team;
- A detective team with one sergeant, one corporal, three detectives, and one crime scene technician;
- An officer on the Richmond PD SWAT team;
- A K9 officer and dog for tracking and drugs; and
- Community service officers, with one full-time and two part-time officers.

El Cerrito PD provides a wide variety of police services, including programs involving traffic education and enforcement, school resource officers, major crime investigations, and mental health intervention. The department is accessible and responsive to email, identified problems, and complaints, with an emphasis on de-escalating problems, which they believe is a benefit to a small department. The goal for the El Cerrito Police Department is to meet community expectations.

The City of El Cerrito management staff negotiates contracts with the officers and approves the staff levels. El Cerrito currently has one of the most expensive pension plans, providing a 3% of salary per year at age 50-defined benefit retirement plan for officers hired before 2013. New officers, hired since 2013, are subject to the new state PEPRA, which provides for a 2.7% of salary per year at age 57-defined benefit retirement plan. They do not offer medical benefits after retirement.

El Cerrito expressed interest in providing police services to Kensington. The City Manager commented on their good relations with Kensington and indicated that El Cerrito is open-minded about contracting, but they don't want to take on something that would lose money for them.

At the May 4, 2016, meeting, Chief Keith presented one option for providing police services to Kensington and a preliminary staffing plan.⁶ This option consists of incorporating Kensington into El Cerrito police operations as a fourth beat. To do this, they would add an officer to each patrol team and another officer to provide vacation and training relief. Kensington would be serviced by the specialized detectives of the investigation unit. El Cerrito would add a command staff officer to oversee the contract and provide the Kensington community with a direct contact for policing concerns. El Cerrito would add a staff member to provide record support. El Cerrito would staff office hours at the Kensington Public Safety Building where the community could obtain copies of reports, speak with administrators, and meet with detectives on major cases. El Cerrito believes that this plan would cost Kensington the same or less than the current Kensington police budget.

El Cerrito has high standards for its officers. They would allow existing Kensington officers to apply for positions in the El Cerrito PD, but would require them to go through their standard lateral officer hiring and testing process, and successfully complete a field training program.

Richmond

- Population: 103,701
- Size: 30.07 square miles
- Police expenditures FY2015–2016: \$75,037,831, or \$724 per capita
- City web page: <http://www.ci.richmond.ca.us/>
- Police Department web page:
<http://www.ci.richmond.ca.us/82/Police-Department>

The following information was obtained from a March 7, 2016, meeting with Allwyn Brown, then Interim Chief of Police, now permanent, and Bill Lindsay, City Manager of Richmond.

Richmond has a current police department staff of 184 sworn officers and nonsworn personnel. In addition to patrol officers, there are ~35 in code enforcement, ~30 in dispatch, and ~30 in crime prevention, crime analysis, and records. They have 8,000 to 9,000 calls for service/month. Richmond PD offices are located at Marina Bay, which is some distance from Richmond Civic Center.

⁶ Preliminary proposal for Kensington police services, El Cerrito Police Department, May 4, 2016. This can be accessed at the KPPCSD Board - Ad Hoc Governance Committee - Documents web page.

Richmond PD has three districts or sectors, each with a captain, who also has an additional specialized PD function. There are three beats per district, with a sergeant as supervisor. Beat officers respond to calls, are expected to know the nature of their beat (people and businesses), and understand what Richmond PD resources are available to support them. Officers are kept on a beat for a long time to foster familiarity with the area. Other Richmond PD support units include:

- Crime investigation, which includes units for domestic and sexual violence;
- Robbery and homicide;
- Property crimes, and forensics;
- Crime prevention;
- Traffic;
- Specialized for gangs, drugs;
- SWAT team;
- Mobile field force;
- Part-time marine; and
- K-9.

The Richmond PD Internal Affairs unit is being renamed Office of Police Accountability, and will be relocated to Richmond City Hall. This office will have a civilian manager and a mediation section for lower-level complaints, for the purpose of adding more of a public face to the unit and gaining greater public trust in the unit.

Richmond PD is proud of their level of experience, their desire to be guardians, their connection to neighborhoods, their shared respect with the public, and that they are a small enough force so everyone knows each other. Their approach to policing is to focus on crime prevention.

Richmond expressed interest in providing police services to Kensington. Options could include just providing officers and services (as the Contra Costa Sheriff's Department provides to Orinda and Lafayette) or a total service model. For the total service model, Richmond would probably want to set up another beat in their Northern Sector. This beat would be fully integrated into the department, headed by sergeants and a district lieutenant, and would provide more comprehensive services than the sheriff model. To proceed to a more meaningful discussion of options and costs, Richmond PD would need to have a clear definition of Kensington police service needs.

Current Kensington officers would have to apply for positions in the Richmond PD, as any other applicant, and be trained as necessary.

University of California, Berkeley, Police Department

- Police Department web page: <http://ucpd.berkeley.edu/>

Population, size, and police expenditure information are not provided here, as the nature and structure of University of California, Berkeley, PD (UCPD) services, the entities served, and the geographic areas served are quite varied and are not directly comparable to city organizations.

The Subcommittee approached UCPD to learn more about their operations and to determine their willingness to consider contracting with Kensington for police services. The following information was obtained from a March 29, 2016, meeting with Chief of Police Margo Bennett, Operations Head Captain Alex Chou, Ann Jeffrey, and Scott Biddy, Office of the Chancellor, as well as reviews of public documents describing UCPD services.

The UCPD provides patrol, investigation, crime prevention education, emergency preparedness, and related services for the Berkeley campus community, including the Lawrence Berkeley National Lab. UCPD patrols all university-owned property in Berkeley, Albany, Oakland, Emeryville, Richmond, Blake Estate in Kensington, and Contra Costa County, and has concurrent jurisdiction with local police agencies within a mile of that property. Aside from the campus proper, UCPD also patrols 160 acres of ecological area in the hills behind campus and student housing located in the cities of Berkeley and Albany.

UCPD and the City of Berkeley PD collaborate in patrolling the campus and City of Berkeley properties located in the South Campus Business District. The department uses the Alameda County Sheriff's crime lab, and relies on the sheriff for long-term holding facilities. UCPD provides bomb squad services at no charge to law enforcement agencies in Alameda County.

UCPD is a full-service department with their own dispatch, training department, firing range, crime prevention unit, special tactical response team, bomb squad, K-9 units, IT support, and records keeping functions. They have a staff of approximately 70 sworn officers, 13 records and dispatch staff, and 20 civilian staff. They also manage 50 nonsworn security patrol officers who work for various departments and Lawrence Berkeley Laboratory. There is also a group of approximately 55 community service officers (nonsworn) that serve support roles in the community.

The department believes they are community oriented, and believe they have a reasonable understanding of the Kensington community, based on their patrolling of the Blake Estate and the fact that a large number of current and past UC professors and employees live in Kensington. They view Kensington as an extension of the campus community.

UCPD would consider providing police services to Kensington, either as a separate department or a separate beat. They would require the use of their own dispatch and would have to work out the protocols for transferring 911 medical and fire calls to the Kensington Fire Department.

Current Kensington officers would not be allowed to directly transfer to UCPD. They would have to apply, as any other job candidate, and go through the UCPD hiring and training process. Human resources functions for the UCPD are handled by UC Berkeley administration.

Agencies With Contra Costa Sheriff Contracting Experience

Under California law, the sheriff's department of each county is charged with policing unincorporated areas that lack their own police departments. The precise level of services provided can vary, but at a minimum, the sheriffs are tasked with responding to all reports of crime. Currently, the Contra Costa County Sheriff's Office provides policing services to a number of unincorporated areas in the county including East Richmond Heights, Rollingwood, and North Richmond. Current services in these communities include some patrolling, but it is not known how much. The Subcommittee hoped to learn what sort of services the sheriff's office would provide Kensington in the event it opted for such minimal coverage, but the office was not willing to talk to the committee unless and until the KPPCSD expresses an intention of pursuing a changed relationship with the sheriff.

In addition to this minimal level of coverage, communities may choose to purchase additional police services from the sheriff's office. A 2011 study⁷ reports that nearly 30% of California cities contract with their sheriff's department for provision of additional policing services. A number of communities including Lafayette, Orinda, and Blackhawk in Contra Costa County, staff police departments with sheriff's deputies. The Subcommittee interviewed representatives of each of these jurisdictions about their experience with the sheriff's office. Summaries of these interviews are provided below.

⁷ "Municipal Contracting With County Sheriffs for Police Services in California: Comparison of Cost and Effectiveness." Peter J. Nelligan, PhD, and William Bourns, PhD, California State University, Turlock. *Police Quarterly*. 2011;14(1):70–95.

Orinda

- Population: 18,681
- Size: 12.7 square miles
- Police expenditures FY2015–2016: \$4,544,132, or \$243 per capita
- City web page: <http://cityoforinda.org>
- Police department web page:
http://cityoforinda.org/index.asp?Type=B_BASIC&SEC={1668EA74-3AFF-4C53-B47F-0FB541F15F4A}

The Subcommittee contacted the City of Orinda to evaluate their experience in contracting with the Contra Costa County Sheriff's Office. The following summary is based on a meeting with City Managers Janet Keeter of Orinda and Steve Falk of Lafayette.

Orinda has contracted with the Contra Costa County Sheriff's Office for the provision of sworn officers to staff their police department since 1985, when Orinda incorporated. They have been very satisfied with the quality of service provided by the sheriff. Orinda also contracts for or has access to other police services from the sheriff, including dispatch, large incident response, search and rescue, crime lab, etc. on a pay as you go basis. The assigned sheriff personnel rotate on a 3- to 5-year basis, and Orinda gets to choose their chief from four to five proposed candidates (lieutenant rank) from the sheriff's office.

Orinda currently has 14 sworn police officers (1 lieutenant; 2 sergeants; 11 officers) contracted from the sheriff's office and 2 civilian city employees assigned to the police department. The sheriff's office personnel wear Orinda uniforms and drive Orinda marked police cars. The department has 11 police vehicles.

Advantages to contracting with the sheriff's office include not having to handle the recruiting or personnel management, not being responsible for insurance or legal liability associated with police-related incidents, and not having to worry about covering for officers that go out on short- or long-term disability. Orinda can request that an officer be replaced, and has done so four times over the last 20 years.

Disadvantages to contracting with the sheriff's department include not having control over costs. The sheriff's department prepares a list of services

and costs each year, and presents this to the cities that contract with them.⁸ The cities then tell the sheriff's office what they want and pay the established price. There is no negotiation over the cost of an officer or services, but budgetary flexibility may be achieved by adjusting the number of officers or services requested.

In 2009, it was projected that the cost for the sheriff's services would rise significantly over the next 5 years, due to having to deal with unfunded pension liabilities. In response to this threat, the cities of Orinda, Lafayette, and Danville commissioned a study to evaluate alternatives such as establishing individual or combined police departments. They hired Matrix Consulting Group, a company with expertise in evaluating city government organizations, to perform the study over a period of 9 months and for a cost of approximately \$90K. The results of this study concluded that there would be notable cost savings associated with ending the contract with the sheriff and establishing local departments. None of the three cities, however, chose to make the change.

The actual increases in costs for the sheriff's services from 2009 to present have been at the low end of the projections that were made in the 2009 study. Orinda and Lafayette are, however, again expecting that future increases will be significant based on a long overdue contract renegotiation between the sheriff's office and its deputies (they have been without a contract for 3 years) and high unfunded pension liabilities.

Orinda, Lafayette, and Danville are 3 of only 10 cities in the state that do not offer defined benefit retirement programs for their employees. They offer a defined contribution retirement program. This has served them very well in terms of having predictable and sustainable employee benefit costs. Their current retirement contribution costs are 13% of salary (this has risen 2% in the last year from 11%). This was a significant factor for Orinda in their 2009 decision to continue contracting with the sheriff for police services. Although studies indicated there would be notable cost savings by starting their own police departments, they were concerned that they would not be able to attract highly qualified personnel by offering their defined contribution retirement benefits. They projected that experienced police officers, most of whom are part of CalPERS or other defined benefit programs where cities pay more than 30% of salary annually towards pension costs, would be unwilling to take a job that provides less than half the retirement benefits. Orinda also did not want to set up a different set of benefits for police from what they do for the rest of their city employees, as they

⁸ The latest Sheriff cost for FY2016-2017 are provided in the 2016 Contract City Managers Information Guide, Contra Costa County Sheriff, March 16, 2016. This can be accessed at the KPPCSD Board – Ad Hoc Governance Committee – Documents web page.

believed this would be a constant source of friction within the workforce, and they were committed to maintaining a sustainable structure for employee benefits.

The city manager for Orinda noted that she is aware of many cities that have wanted to change their current police force situations because of excessive costs of their defined benefit retirement programs. To her knowledge, virtually all have been unable to do so because they cannot afford to pay off the unfunded liabilities associated with their existing defined benefit programs.

Lafayette

- Population: 24,285
- Size: 15.4 square miles
- Police expenditures FY2015–2016 : \$4,876,449 or \$201 per capita
- City web page: <http://www.ci.lafayette.ca.us>
- Police department web page: <http://www.ci.lafayette.ca.us/city-hall/city-departments/police>

The Subcommittee contacted the City of Lafayette to evaluate their experience in contracting with the Contra Costa County Sheriff's Office. City Manager Steve Falk of Lafayette reported that Lafayette has contracted with the Contra Costa County Sheriff's Office for the provision of sworn officers to staff their police department since 1968, when Lafayette incorporated.

Lafayette currently has 17 sworn police officers (1 lieutenant; 2 sergeants; 12 officers; and 2 motorcycle traffic officers) contracted from the sheriff's office, and 2 civilian city employees assigned to the police department. The sheriff's office personnel wear Lafayette uniforms and drive Lafayette marked police cars.

The model for providing police services and the experience with the sheriff's office in Lafayette are nearly identical to Orinda. The only differences are the number of officers/personnel and the selected areas of focus (e.g., traffic officers).

Blackhawk

The Subcommittee contacted the Blackhawk Community to evaluate their experience in contracting with the Contra Costa County Sheriff's Office. Although it is recognized that Blackhawk is a gated community, which provides a more protected boundary than Kensington enjoys, it was felt to be of value to learn of their experience. The following summary is based on communicating with Mike Banducci, who is the Chair of the Blackhawk Community Advisory District (BCAD), the agency charged with providing police services for unincorporated Blackhawk.

Blackhawk has contracted for police services from the Contra Costa Sheriff's Office for ~30 years. Mr. Banducci reports that because the sheriff's office provides "excellent" service, Blackhawk has never considered setting up its own department or looking for alternatives.

Mr. Banducci emphasized that the BCAD Board takes a hands-on role in setting policy for the department. Current priorities are patrolling and traffic enforcement. The board meets monthly to discuss priorities and review performance. The sheriff attends one meeting annually, and is responsive to BCAD questions at other times.

The Blackhawk Police Department (BPD) is currently staffed with a chief (a lieutenant rank in the sheriff's office), two deputies, and one half-time deputy. At least one officer is on duty ~70% of the time. At other times, calls are fielded by the sheriff's Alamo substation with a slower response time. Banducci reports that the BCAD Board is happy with this situation and does not believe it has ever considered providing 24/7 service. The current structure allows for double staffing during business hours and single staffing at all other times. BPD officers wear sheriff's office uniforms, but drive in Blackhawk-owned cars emblazoned with the BPD logo.

The board prefers to have a chief actively engaged in the community and has instructed the current chief to spend the majority of her time out of her office, patrolling and interacting with the community. The chief typically serves a 3- to 4-year term, and deputies average 3- to 5-year terms.

The Subcommittee attempted to contact the current chief, Tiffany Van Hook, but on instructions from Undersheriff Mike Casten, she declined to speak with the Subcommittee, reiterating the sheriff's office position of not providing information on police service models until a formal request is made by the KPPCSD Board.

The total annual cost to Blackhawk for policing services is ~\$800,000. Of this, ~\$700,000 comes from a parcel tax falling principally on residences, and the balance comes from ad valorem tax revenues.

Oakley

- Population: 38,194
- Size: 15.9 square miles
- Police expenditures FY2015–2016 : \$9,029,000, or \$236 per capita
- City web page: <http://www.ci.oakley.ca.us>
- Police Department web page:
<http://www.ci.oakley.ca.us/departments/police>

Oakley was selected for Subcommittee evaluation based on the fact that they were changing from contracting with the sheriff's office to forming their own department. The Subcommittee wanted to understand the reasons for this change. The following information was obtained through a conversation with City Manager Bryan Montgomery.

The city of Oakley has been contracting with the Contra Costa Sheriff's Office for the provision of police services for many years. Over the last 7 to 8 years, they became concerned with the annual escalation in cost associated with the Contra Costa Sheriff's Office and the fact that Oakley has no control over the sheriff's costs. The sheriff's costs were rising significantly, year to year, due to rising pension obligations associated with a 3% of salary per year at age 50-defined benefit program and high levels of unfunded liabilities. Oakley was very satisfied with the quality of the sheriff's services, but viewed the continuing cost increases as a threat to city finances.

In 2014, Oakley began to evaluate the feasibility of creating their own police department and projected that they could save approximately 8% (\$700k for a budget of \$8.6M) over the sheriff's costs. One of the key factors for being able to realize savings was the State of California passage of PEPRA laws in 2013. This allowed Oakley to form their police department with *all* members of the department being subject to lower, and hopefully more sustainable, retirement defined benefit formulas (2.7% of salary per year at age 57 for sworn personnel; 2% of salary per year at age 62 for nonsworn personnel) and a mandatory requirement that employees contribute 50% of the retirement benefit costs. They were also very conscious of organizing their department such that nonsworn personnel handle as many duties as possible.

In early 2015, they made the decision to form their own department in mid-2016. They just made the transition in May 2016. The new Oakley PD has 30 sworn officers and approximately 15 full-time equivalents of nonsworn personnel. In forming the new department, they are saving between \$50K and \$60K per year per officer compared to what they would be paying for the sheriff's services. They were also able to retain/hire 80% of the sheriff's

deputies that were at the time assigned the city under the sheriff's contract. Because the sheriff pay scales for deputies were low, Oakley was able to increase base salaries to a level where transferring personnel were accepting of the lower retirement benefit formulations. Overall transition costs for forming the new department are estimated to be ~\$600K. The projected cost savings to the city are projected to be \$700K to \$800K per year.

Mr. Montgomery believes that if Kensington is trying to solve a quality-of-service issue, and money is not an issue, the sheriff would be a good solution. If money is an issue, then going with the sheriff will not solve the problem.

Agencies Not Willing to Consider Partnering With Kensington

Two neighboring police departments were not interested in contracting to provide Kensington with police services. These are the East Bay Regional Parks District and the City of Berkeley.

East Bay Regional Parks District

In March, the Subcommittee emailed Robert Doyle, General Manager of the East Bay Regional Parks District (EBRPD) to inquire whether EPBRPD would be interested in pursuing a contractual relationship with Kensington. Timothy Anderson, Assistant General Manager and Chief of Police of EBRPD, replied to our query by email, indicating that "at this time the East Bay Regional Park District is not currently in a position to entertain discussion about contract policing." The Subcommittee did not ask Chief Anderson whether, or under what circumstances, EBRPD would be open to reconsidering the issue in the future.

EBRPD has a police force consisting of ~65 sworn officers charged with policing an area in excess of 120,000 acres including the areas of Wildcat Regional Park adjacent to Kensington.

Berkeley

The Subcommittee emailed Berkeley's city manager, Dee Williams-Ridley, and subsequently, Berkeley Police Chief Michael Meehan to assess Berkeley's interest in providing contracted police services to Kensington. Chief Meehan, after consultation with City Manager Williams-Ridley, reported that Berkeley was not interested in pursuing a contractual relationship with Kensington, as

they believed policing another jurisdiction would deviate from Berkeley PD's core mission and that policing across county lines would pose a logistical challenge for his department.⁹

Berkeley shares a large border with Kensington, and the Berkeley PD has ~170 sworn officers.

Cost Considerations

Transition Costs

There may be substantial transition costs associated with making the transition to contracting out for police services. These were estimated to be approximately \$500K in a 2009 study performed for Kensington by Brown Taylor to evaluate the feasibility of contracting for police services with the City of El Cerrito. The majority of the transition costs identified in this study were related to personnel costs, including:

- Costs for maintaining adequate staffing during an 18 month transition period including retention bonuses for exiting personnel and/or hiring of temporary officers to cover for expected attrition;
- Costs for accrued vacation and benefits paid to departing personnel;
- Costs related to the screening, hiring, equipping, training, and orientation of new police personnel that would need to be added by the contracting agency; and
- Costs related to transitioning ongoing police service activities at the point of transition.

The 2009 Brown Taylor estimate, for the most part,¹⁰ did not include costs that would be associated with:

- Further feasibility studies;
- Conducting due diligence of potential contracting agencies;
- Potential costs resulting from "meet and confer" obligations with the

⁹ As set forth in the relevant sections, the fact Kensington is in Contra Costa County is not seen as an unmanageable problem by both the Albany Police Department and the University of California Police Department.

¹⁰ The 2009 Brown Taylor study transition costs did include \$15K for a legal contract review.

- current Kensington Police Officers Association;
- Soliciting and reviewing proposals; and
- Negotiating contracts.

Further evaluation is warranted to determine accurate and current transition costs. The Subcommittee has insufficient basis to have an opinion on whether current transition costs would be more or less than those outlined in the 2009 study.

Ongoing Costs

The majority of costs associated with contracting for police services would be those paid to the contracting agency(s). There are, as well, other costs that are now and would continue to be incurred by Kensington on an ongoing basis. These costs would include:

- Ongoing CalPERS pension obligations associated with unfunded liabilities for currently active and retired Kensington PD personnel. If Kensington were to place the CalPERS accounts in an inactive status, it would continue to pay an amortization amount on an annual basis. The amount of this payment changes from year to year, and in the 2014 report, was projected to average ~\$230,000 over each of the next 5 years. These payments will continue into the future until all unfunded liabilities are paid off. The projected amount of this payment is based on the assumption that the CalPERS rate of return will average 7.5% and that other actuarial assumptions will remain constant. If CalPERS rate of returns continue to fall below this 7.5% assumption (2.2% for 2014 to 2015; 0.6% for 2015 to 2016), these required annual payments will likely rise significantly. If Kensington were to terminate the CalPERS accounts, the termination costs would range from \$9M to \$14M depending on the interest rates for low-risk treasury bonds at the time of termination.¹¹
- Ongoing medical benefit obligations associated with retired Kensington PD personnel. This includes all insurance costs and all uninsured costs associated with medical, dental, and vision

¹¹ It is noted that these costs were not considered in the 2009 Brown Taylor study.

- expenses for retired personnel and their spouses.¹² The 2015 to 2016 KPPCSD budgets for these costs are \$167,494, and they have increased by an average of 15% per year over the last 3 years. This amount would increase if additional current Kensington PD personnel retire from Kensington prior to a transition to contracting. This amount would decrease over time, as retired personnel and their spouses die. This amount will also change over time based on changes in the costs of insurance and actual uninsured costs.
- Costs associated with monitoring and managing the contract for police services, and any direct payment for police services that Kensington chooses to retain as part of a negotiated contract.¹³ These costs are unknown at this time.

These cost items need to be appropriately considered when making cost comparisons.

Pros and Cons of Contracting

The Subcommittee identified, based on the research performed, a number of pros and cons associated with a decision to dissolve the Kensington PD and contract out for police services. These pros and cons are summarized in the following sections.

Pros

The identified pros were as follows:

- There are economies of scale associated with larger departments, the possibility of lower collective officer costs based on less top-heavy organizational structures or less expensive retirement benefits, and/or the ability to utilize a higher percentage of non-sworn personnel in implementing police services. No agency is going to be willing to provide services without covering their costs, but their economies of scale and other factors may support lower

¹² These benefits are provided for any Kensington PD personnel who retire from Kensington and have 5 years of service.

¹³ For example, the 2009 Brown Taylor study assumed that Kensington would continue to purchase, own, and maintain its own vehicles.

costs than what Kensington can achieve on its own. Actual costs to support comparisons will not be known until proposals are received in response to an explicit and detailed request for police services.

- Depending on how the contract is structured, there is the potential to have predictable costs over the life of the contract. Most agencies considered have indicated that they would favor a 3- to 5-year contract. If, however, a contract is structured based on paying percentages of an existing agency's costs and overhead, similar to the Kensington Fire contract, the costs may be less predictable. If contracting with the sheriff's office, it is known that their costs will change every year.
- The Kensington police force would be fully staffed in the event of police personnel-related issues, such as injury- or illness-related absences. The contract would be written to ensure the provision of a constant level of service and it would be the responsibility of the contracting agency to provide staff to cover any absences.
- The contracting agency would take responsibility for legal liabilities associated with police activities, including for the investigation and defense of cases of alleged officer misconduct.
- Kensington would have more direct access to a broader range of special services that exist within larger departments, such as K-9 support, SWAT teams, bomb squads, hostage negotiators, etc. This varies by agency.
- Kensington could have the ability to change out officers that are not desired by the community. This would need to be clearly specified in the contract.
- Kensington police officers would have improved access to field supervision during times when there is minimum staffing on duty, which is considered to be a best police practice. Agencies being considered for contracting are of sufficient size that they, unlike Kensington, always have a supervisor on duty.
- Kensington would be relieved of the human resource management responsibilities associated with providing police services. This would include recruiting, hiring, discipline, firing, and handling employee benefits, all of which would be handled by the contracting agency.
- Contracting may provide Kensington with an easier opportunity to restructure what police services are provided and how they are provided compared to trying to make these changes within the existing department. Factors could include the size of the department, the organization of positions within the department,

and the services provided.

- It is possible that the larger agencies being considered have better management, risk management practices, and higher levels of professionalism than can be achieved by a small department like Kensington PD. This can only be confirmed by performing quality due diligence evaluations of agencies that are being considered.

Cons

The identified cons were as follows:

- By contracting out, Kensington will not have control over how the contracting agency negotiates salaries and benefits with their employees or manages other department costs. The degree to which costs are impacted will depend on whether the contracting agency does a better or poorer job of managing the factors that impact the cost of providing police services than Kensington would.
- In addition to the loss of control of managing factors that impact cost, Kensington will not have direct control over managing the day-to-day operations and priorities of the police department other than by what is specified in the negotiated contract. Thus, the quality and details of the contract will be very important for ensuring that Kensington receives and continues to have operational influence over the desired police services.
- There will undoubtedly be concerns by some in the community that the loss of our own PD will result in a loss of local identity for Kensington. This impact could be tempered, in part, by the willingness of the contracting agencies to wear Kensington PD uniforms and drive Kensington-marked vehicles.
- Kensington will need to effectively manage a number of additional critical administrative activities to ensure that an acceptable contract can be achieved and maintained. Such activities include efforts to determine the will of the community, explicit definition of desired police services, due diligence to qualify potential contractors, preparation of detailed requests for proposals, objective evaluation of the proposals, development of explicit criteria for performance monitoring, negotiation of a contract, and constant monitoring of performance. The performance of these activities will likely require the hiring of consultants or staff with appropriate skills and expertise.

- There will be significant transition costs associated with dissolving the Kensington PD and contracting out for police services. These were discussed in a previous section of this report.
- Re-establishing the Kensington PD once it is dissolved would likely be difficult, if not impossible. Transition costs and personnel issues would be significant, just as they are for dissolving the department and contracting out.
- None of the existing Kensington PD officers can be guaranteed a job with a new contracting agency. All agencies in consideration indicated that Kensington personnel could apply for the new positions, but would be required to go through their normal recruitment screening process.

Considerations for Moving Forward

Kensington needs to clearly define the type and extent of police services that are desired by the community and the monetary limits that the community is willing to pay for such services. This was one of the first questions asked by all agencies that the Subcommittee talked to and was identified as an essential requirement for any agency to be able to put together a credible and/or accurate cost estimate. From the Subcommittee meetings that were held with the Kensington community, it was evident that there is no clear understanding of exactly what the community wants.

Kensington needs to determine whether it wishes to evaluate the feasibility of contracting out police services, defining and developing detailed requests for proposal, and conducting effective contract negotiations. Significant time, effort, and expense will be associated with conducting these activities in a credible and effective manner. From the Subcommittee meetings that were held with the Kensington community, it was evident that there are differing opinions as to the desired nature, extent, and provision of police services.

Kensington should perform additional due diligence reviews of potential contracting agencies, going well beyond what the Subcommittee was able to accomplish. It is important to examine the historical management and performance of any agency that we envision contracting with and to examine their current vision for managing into the future.

Performing further studies, developing and evaluating proposals, or conducting contract negotiations that are credible requires a high level of knowledge and expertise in the provision of police services. The members of this Subcommittee have come to recognize that the level of expertise required is greater than that of our committee and typically appointed

committee members. Given the critical importance of these activities, consideration should be given to hiring professionals.

Consolidation Subcommittee Report: District Consolidation

Subcommittee members: Rick Artis, Chris Deppe, and Gail Feldman

Executive Summary

The Subcommittee was established by the Ad Hoc Committee to examine the issue of consolidating the Kensington Fire Protection District's (KFPD) governance role and responsibilities within the Kensington Police and Community Services District (KPPCSD). The KPPCSD indicated that the Committee may assess impacts of cost, services and community confidence in emergency response, and evaluate impact on labor agreements for police and fire.

The Subcommittee investigated procedures for processing a consolidation or reorganization through the Local Agency Formation Commission (LAFCO) and determined that an effort to initiate a consolidation or reorganization of the districts would likely not be initiated by the Contra Costa LAFCO, but would need to be initiated by either one of the Kensington Special Districts or by citizen petition. Prior to making a consolidation petition, a poll or survey is recommended by LAFCO to determine whether there is substantial community support for the consolidation.

An extensive historical analysis of the financial operations and data for both districts, covering 1996 to 2015 is presented in this report. Among the findings here are:

- The two districts show similar trends in operating and total cost over a 20 year period, with similar number of personnel. However fire expenses increased at a greater rate than police expenses in the first 10 years of KFPD contracting with El Cerrito for fire services.
- KFPD receives about 2.3 times more ad valorem property taxes than the KPPCSD (this is the largest revenue stream for each district); KPPCSD has levied two special taxes, totaling about \$520 per parcel, which currently provide 39.2% of total revenue.
- Over the last 10 years, KPPCSD has had an average operating deficit of \$45,000/year, whereas KFPD had an average surplus of \$316,000/year.
- Over the last 20 years studied, the difference in KFPD's total fund

balance over KPPCSD's total fund balance was 17% in 1996, 36% in 2006, 236% in 2015. The FY2014–2015 fund balance totals are \$5,812,171 for the KFPD and \$1,589,637 for the KPPCSD.

- If the two districts had been consolidated in FY2014-FY2015, without any changes to current operations, there would have been approximately \$400,000 of annual tax revenue over total operating and capital expenses, with a total fund balance of \$7,401,808.

The data for these analyses were compiled from the districts' audited financials, and the dataset can easily be updated annually to provide an up-to-date financial analysis of Kensington districts. In addition, generating accurate budget projections along with monitoring actual revenue and expenditures over the next few years will provide a greater understanding of how the current situation improves or constrains the provision of services in Kensington.

Kensington is unique in many respects, including its presence as an unincorporated area within a heavily urbanized area. There are only a few community service districts that provide police protection and few fire districts that serve only one community. Yet Kensington has just that, a police protection district and a stand-alone fire protection district. There are many options for structuring how government services can be efficiently and cost-effectively provided; consolidation is only one of them. The community is best served by receiving an objective and factual understanding in order to make informed decisions about how they are governed and receive services they pay for through their assessed property taxes.

End Consolidation Executive Summary

Consolidation Subcommittee Report—Part 1: Consolidation of Kensington Districts

History of Kensington Special Districts

The Kensington Community is served by two special districts: the Kensington Police Protection and Community Services District (KPPCSD) and the Kensington Fire Protection District (KFPD).¹⁴

KPPCSD was formed in 1946 as a police protection district. Kensington residents began paying for police services in 1935, but police used their own cars for police duties until 1949. It was reorganized in 1953 into a community services district (and was known for many years as KCSD, a name many still use). Responsibility for parks and recreation was added in 1955, and activation of powers for solid waste occurred in 1979. The organizational structure and scope of the KPPCSD is:

- Five-member board, 4-year terms;
- One general manager, a position that is combined with the police chief position;
- Contracts for janitorial, legal, and financial services;
- Nine police officers are employees of Kensington;
- A part-time administrator and police technician are employees; and
- Owns the community center, the surrounding park lands and buildings, and various police vehicles.

KFPD began as a volunteer fire effort, and remained so after the fire department was formally created in 1928 and after it became an independent special district in 1937. The first paid firefighters were hired in 1952, and the district stopped using volunteers in 1987. The Kensington Fire Protection District structure and scope includes:

- Five-member board, 4-year terms;
- One part-time administrator (who also works part-time as an executive assistant to the El Cerrito fire chief);

¹⁴ Historical data taken in part from "Kensington, Past and Present" © 2000 by the Kensington Improvement Club.

- Contracts for legal and financial services;
- Since 1996 contracts with El Cerrito for fire protection services;
- Staffing is set at ~10 full-time equivalents (FTEs), including supervision;
- Owns the public safety building; and
- Owns two engines.

Laws Governing Special Districts

Special districts are government bodies created under state law to provide services to a community. Districts are categorized by type (community services, fire, sanitary, etc.). Each type is defined by a Principal Act that covers the rules and regulations for that particular type of district. A special district can only administer the services that it is legally allowed to provide under the California Statutes. They typically have the power to set up and run many types of public agencies, programs, and projects—and to raise the money through taxes to pay for these types of projects and services. They typically do not have the power to establish regulations such as speed limits or land use zoning restrictions and requirements; these are left to other (e.g., county) agencies.¹⁵

The KFPD is classified as a fire protection district. The Principal Act that governs the KFPD is the Fire Protection District Law of 1987 (Health and Safety Codes 13800–13970). Fire districts are authorized under HSC 13862 to provide:

- Fire protection;
- Rescue;
- Emergency medical;
- Hazardous material response; and
- Ambulance.

KPPCSD is a community service district (CSD). The most recent major revision to the Community Services District Government Codes (GC 61000-

¹⁵ For a more in-depth discussion of the subject, see the California Senate publication *What's So Special About Special Districts?*, fourth edition, 2010, from which this text was paraphrased.

61250) occurred in 2005. This allows a CSD to provide a very broad set of services within its boundaries (a partial listing is below, see GC 61100–61107 for a complete list). And although CSDs can provide the full array of fire protection services, fire protection districts are limited to the scope listed above. Services that are allowed include:

- Water;
- Sewage, wastewater, recycled water, and storm water;
- Solid waste, and provide solid waste handling services, including reduction, recycling, and composting activities;
- Fire protection services, rescue services, hazardous material emergency response services, and ambulance services in the same manner as a fire protection district, formed pursuant to the Fire Protection District Law, Part 2.7 (commencing with Section 13800) of Division 12 of the Health and Safety Code;
- Recreation facilities, including, parks and open space;
- Street lighting and landscaping on public property, public rights-of-way, and public easements;
- Vector control;
- Police protection and law enforcement services by establishing and operating a police department that employs peace officers pursuant to Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code;
- Security services, including, but not limited to, burglar and fire alarm services;
- Library services;
- Streets, roads, rights-of-way, bridges, culverts, drains, curbs;
- Gutters, sidewalks, and any incidental works;
- Provide emergency medical services pursuant to the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, Division 2.5 (commencing with Section 1797) of the Health and Safety Code;
- Public airports and landing places for aerial traffic;
- Transportation services;
- Graffiti abatement;
- Flood protection facilities;
- Operate community facilities, including, but not limited to, community centers, libraries, theaters, museums, cultural facilities, and child care facilities;
- Abate weeds and rubbish; and
- Provide animal control services.

Consolidation of Special Districts

As part of the update to the CSD statutes in 2005, the State Legislature stated its intent “To encourage local agency formation commissions to use their municipal service reviews, spheres of influence, and boundary powers, where feasible and appropriate, to combine special districts that serve overlapping or adjacent territory into multifunction community services districts” (GC 61001). Subsequently, the Contra Costa County Local Agency Formation Commission (LAFCO)¹⁶ commissioned a Municipal Services Review (completed in 2009), which found that “Consolidation of the Kensington Fire Protection District with the Kensington Police Protection Community Services District would streamline local government” and “would offer opportunities to the community in exercising greater control over the share of local property tax dollars spent on fire, EMS, law enforcement and other services.”

There are various ways that two or more special districts can be merged into one. Any such merger must demonstrate that public service cost is likely to be less or similar to costs of alternate means of service delivery. The term “consolidation” in reference to special districts under California law, means uniting or joining two or more districts under a “new” successor district in a single step. (GC 56030). The definition of “new” in this context is currently under review by LAFCO. However, in recent communications the Executive Director of LAFCO has suggested that the appropriate process may instead be a “reorganization”, rather than a “consolidation.” Ultimately, the final resulting organizational structure would be the same in either case, as discussed in more detail below.

Reorganization would involve a “district dissolution” of the Kensington Fire Protection District and a reorganization of their services under the KPPCSD (the successor district) pursuant to GC 56021 and GC 56073. The process would be overseen by LAFCO, as discussed further below. LAFCO is currently querying other county LAFCOs about additional potential reorganization options; these are expected to result in the same basic outcome, through slightly different paths.

¹⁶ LAFCOs were formed in the State of California **to encourage the orderly formation of local governmental agencies** and review proposals for the formation of new local governmental agencies and for changes in the organization of existing agencies. There are 58 LAFCOs working with nearly 3,500 governmental agencies (400+ cities, and 3,000+ special districts). Agency boundaries are often unrelated to one another and sometimes overlap at random, often leading to higher service costs to the taxpayer and general confusion regarding service area boundaries. LAFCO decisions strive to balance the competing needs in California for efficient services, affordable housing, economic opportunity, and conservation of natural resources. Most references to “LAFCO” in this section are to the Contra Costa County LAFCO.

As discussed above, by statute, a CSD can provide fire protection services, but fire districts cannot provide law enforcement services. This is why either the KPPCSD or a new CSD must end up as the resulting successor district.

How Would a Merged District Function in Kensington?

Under a consolidation or reorganization involving the KPPCSD and KFPD, there would be one elected governing board to oversee all district services (fire, police, parks, and garbage collection). A name change might be enacted by the Kensington Police Protection and Community Services District to reflect the additional responsibilities for fire protection and emergency services.

LAFCO could “temporarily” increase the number of members to serve on the board of directors of the consolidated or reorganized district to 7, 9, or 11. These must be sitting members of the boards of directors of the districts to be consolidated or reorganized” according to GC 61030: “Upon the expiration of the terms of the members of the board of directors of the consolidated or reorganized district whose terms first expire following the effective date of the consolidation or reorganization, the total number of members on the board of directors shall be reduced until the number of members equals five.”

In this “unified” district, operational and capital expense for public safety services, fire services contracts, police personnel, equipment, and buildings would no longer be financed by two separate districts with their own allocation of tax dollars, instead there would be one district with oversight and responsibility to manage all tax dollars for fire, emergency services, police, garbage, and parks and recreation.

What Would Happen With KFPD Revenue in a Reorganization?

The county auditor-controller and the LAFCO executive director indicated, during interviews and through correspondence, that ad valorem property taxes currently allocated to the Kensington Fire District would typically be allocated to the CSD by action of the county board of supervisors pursuant to Cal. Revenue and Taxation (R&T) Code Sec. 99 as part of the district consolidation or reorganization process. The county auditor-controller stated that the overriding value is “Revenue would follow along with transferred responsibility.”

The executive director of Contra Costa LAFCO said that “During my tenure, the practice has been that the agency taking over the service(s) receives the

allocation of the property tax. For example, if the CSD were to take over fire service from KFPD, it would receive the approximately 30% of the 1% ad valorem that KFPD currently receives.” However, LAFCO cannot offer an “iron-clad guarantee” about the specific transfers. The legal parameters found in the Revenue and Taxation Code (R&T) are very specific about how the process works. This is covered in R&T 99 “Jurisdictional Changes and Negotiated Transfers.”

The first step in the revenue transfer process requires that “LAFCO notifies the assessor and auditor of receipt of an application, and the auditor notifies each local agency who services area or responsibility will be altered by the jurisdictional change.”

Based on data from the assessor, the auditor determines the amount and proportion of property tax revenue attributable to these local agencies, and what proportion of this will be subject to a “negotiated transfer” discussion between the local agencies.

Where a local agency is a special district, “the board of supervisors of the county or counties in which the districts are located shall, on behalf of the district or districts, negotiate any exchange of property tax revenues”. Because the transfer from the fire district to the CSD includes 100% of services that do not overlap with other agencies, this would be unlikely to affect the proportional share of property tax with the other local agencies (i.e., the school district, regional parks, etc.). This process would therefore likely result in only an exchange of revenue between the two Kensington districts.

The question as to whether the county board of supervisors might attempt to divert revenue away from Kensington during this process has been raised.¹⁷ Given repeated comments from the auditor-controller to the effect that the overriding value in the process is “revenue follows responsibility” this appears unlikely. In addition, the Subcommittee was told by the LAFCO executive director that “The proposal cannot be presented to the Local Agency Formation Commission until LAFCO receives notice that there is agreement on the property tax transfer from all parties.” Thus, proceedings to consolidate or reorganize can be terminated if there is not a satisfactory agreement regarding revenue transfer. This precludes any actual loss of Kensington revenue resulting from an initiation of the process.

The transfer agreement described above does not include the special taxes previously approved by Kensington voters for police or fire services. These would be passed through to the successor district in the LAFCO process.

¹⁷ See LAFCO April 22, 2009, meeting packet for a discussion of this issue.

However, their use would continue to be restricted for the purpose voted on originally; police special taxes would have to be used for police services, fire special taxes likewise.

An example of how this process works can be found in the resolution adopted by LAFCO in 2006, which provided for the consolidation of the Crockett CSD (Contra Costa LAFCO Resolution No. 04 – 22), wherein the tax revenue transfers from the Valona Sanitary District and County Service Area P-1 were transferred to the CSD.

Beyond Revenue, What Would Happen to KFPD Assets and Obligations in a Reorganization or Consolidation?

LAFCO has the authority to set the terms and conditions under which a reorganization would occur under the terms of GC 57450-57463 and GC 56885-56890. This is done with input from, and would be fully vetted by, the affected local agencies. LAFCO authority is very broad in scope in this area, including transfer of “property, real or personal,” “any moneys or funds” and “employees,” and designation to a successor district “all of the rights, duties and obligations” of “contracts and obligations of the extinguished local agency”. LAFCO appears to have the power to ensure:

- All assets, buildings and property of the KFPD would become property of the CSD, including the public safety building.
- Contracts for services as currently provided for fire could be continued.
- Essentially, that “the successor agency ‘steps into the shoes’ of the former district and assumes its corporate powers.”¹⁸

Thus, in Kensington’s case, district consolidation or reorganization would be about changing the government structure of a district, and not the positions and services that are provided. Fire fighters and police officers would continue to hold separate positions and job duties. Labor contracts would not be affected by the reorganization process. Under the contract with El Cerrito, the City of El Cerrito would continue to control salaries and benefits for fire department personnel, and KPPCSD would set them for police. The existing termination provisions of the contract for fire services with El Cerrito would also remain in place.

¹⁸ Best et al. “The Metamorphosis of Special Districts.” CALAFCO white paper.

Further legal review would be required to determine whether terms of existing contracts (e.g., the contract for fire services between the KFPD and El Cerrito) could be changed by either party prior to its expiration.

Initiation of Consolidation/Reorganization: What Determines How It Starts and Whether the Process Could Go Forward?

LAFCO is still examining whether both consolidation and reorganization would be potential appropriate vehicles for Kensington districts to use in a merger. There are three potential routes for initiating a petition for consolidation or reorganization. Although the two options have a great deal of overlap in initiation, in the service of clarity, the present understanding is described separately below.

Consolidation

- KPPCSD can submit a resolution of application to LAFCO for consolidation (either solely or jointly with the KFPD).
 - A survey, prior to taking such action, would be useful to get a sense of how the community feels about consolidation, but would not otherwise directly impact the LAFCO process.
- A petition, by not less than 10% of the registered voters in Kensington, is required.
- LAFCO can itself initiate the process.
 - Similarly to a citizen petition, LAFCO can initiate certain types of changes of organization, such as consolidation.
 - Given the history of the discussion in Kensington, LAFCO has indicated that they are unlikely to initiate at this time.

Reorganization

This process includes two overlapping pieces: the “dissolution” of the KFPD and the “activation of the latent power” of the KPPCSD to provide fire and emergency services.

- KPPCSD can submit a resolution of application to LAFCO for Reorganization (either solely or jointly with the KFPD).
 - KPPCSD can initiate both parts of the process of reorganization.

- Again, a survey, prior to taking such action, would be useful to get a sense of how the community feels about reorganization, but would not otherwise directly impact the LAFCO process.
- The process can be initiated through a petition, by not less than 10% of the registered voters in Kensington.
 - Petition can only initiate the dissolution of the KFPD.
 - Activation of the latent power of the KPPCSD can only be initiated by the CSD (GC 56824.10).
 - This may lead to a “bifurcated application,” which appears not to be desirable (according to LAFCO).
- Finally, LAFCO can, itself, initiate the process.
 - Similarly to a citizen petition, LAFCO can initiate certain types of changes of organization, such as consolidation, but cannot itself act to activate a latent power of the KPPCSD.
 - Consequently, this also may lead to a “bifurcated application.”
 - And, given the history of the discussion in Kensington, LAFCO has indicated that they are unlikely to initiate at this time.

Upon receipt of an application for consolidation or reorganization, LAFCO would begin a sequence of steps (quotes from Lou Ann Texiera, Executive Director, LAFCO):

“LAFCO receives and processes an application.”

“If approved by the Commission, and if a protest hearing occurs, the requisite number of valid protests may result in putting the question of ‘reorganization’ or ‘consolidation’ before the voters.”

“Generally speaking, if 25% or more of the registered voters or landowners file a written protest objecting to the reorganization, the matter goes to the voters (election = simple majority applies); and if 50% or more of the voters or landowners file a written protest, the ‘reorganization’ is terminated.”

However, “In certain types of ‘consolidations’ if one of the districts objects, the protest calculation is measured differently.” The nature of this difference will require additional investigation.

Pros and Cons of District Consolidation

A stated goal of this effort at the outset was to produce a summary list of pros and cons. An attempt was made to capture many voices in the community in these lists, rather than to serve as points of advocacy or debate, per se.

Reasons to Consolidate Districts (Pros)

- A unified CSD would have access to and greater control over the allocation and use of the total distribution of local property tax dollars and unrestricted revenue for fire, emergency medical services, law enforcement, park, and other services as needed by the community (Figure 24 in the District Financial Structure section illustrates the revenue and expense of combined Districts).
- Consolidation eliminates the issue of historical uneven distribution of ad valorem property tax (Figure 8 in the District Financial Structure section shows the percentages of the property tax revenue for each district).
- Special taxes for police services and fire services would continue to be used for the purposes enacted by the voters.
- Potential exists for cost avoidance by eliminating redundant services such as, office overhead and equipment, administrative personnel, audit, accounting and financial management, and legal.
- Could realize synergies with other potential operational or governance changes (e.g., bifurcation of the general manager/chief of police position)
- Any cost savings from greater efficiencies could be used to reduce or contain the supplemental taxes or fees that constituents pay to maintain the same level of service.
- Public safety policies, disaster preparedness and emergency response, would be under the oversight of one district and could result in improved coordination and use of resources for disaster preparedness and response.
- A single governance structure could facilitate greater community participation if there is one governance meeting, instead of two.
- Community values for the various public protection services and parks would be considered together in making budgetary spending decisions

Reasons Not to Consolidate Districts (Cons)

- The KFPD directors are unanimously opposed to the idea of consolidation, which could impact proceedings through LAFCO.
- The cost for repair of aging infrastructure, purchase of required fire equipment would be inherited by the CSD. The district would be responsible for building a reserve for emergencies or future upgrades.
- Workload of CSD board would increase and may require formation of additional committees and meetings.
- The shared general manager/chief of police position may not be appropriate for managing the broader service functions, particularly the Fire service responsibilities. An additional full-time executive-level position could add significant cost to the CSD.
- Reorganization will take significant time and effort and could result in other issues not being addressed by both the KFPD and KPPCSD.
- Elected officials currently serving may not want to serve a district that provides the services for fire, police, parks, and garbage collection.
- Potential to dilute focus on critical cost-containment issues around Police Services
- The current CSD board and administration may not at this time be seen as being able to manage the additional responsibility.
- Information from official sources is not trusted or believed to be reliable by some, making it difficult to find an agreed-to understanding of the impacts of a reorganization.

Sample of Small Cities and Community Service Districts Providing Police and Fire Services

Table 2. How Other Small Cities Provide Police and Fire Services

HOW OTHER SMALL CITIES AND URBANIZED COMMUNITY SERVICE DISTRICTS PROVIDE POLICE AND FIRE SERVICES

Towns	Population	Provision of Police	Provision of Fire	Total City Budget	Budget for Police & Fire	Governance for Police	Governance for Fire
Atherton	6,995	City Police Department	Menlo Park Fire District	\$11.8 M	\$6.3 M Police \$12 M Fire	Atherton City Council	Menlo Park Fire Protection District
Ross	2,493	City Police Department	Ross Valley Fire Dept. JPA	\$7.0 M	\$1.5 M Police \$1.7 M Fire	Ross Town Council	Ross Valley Fire Service Joint Powers Authority governed by Council Members from Ross, Fairfax, San Anselmo
Moraga	16,000	Town Police Department	Moraga-Orinda Fire Protection District	\$8.9 M	\$2.5 M Police	Moraga Town Council	Moraga-Orinda Fire Protection District
Fairfax	7,441	Town Police Department	Ross Valley Fire Dept. JPA	\$ 8.1 M	\$2.9 M Police \$2.0 M Fire	Fairfax Town Council	Ross Valley Fire Joint Powers Authority (JPA)
Piedmont	11,000	City Police Departments	City Fire Department	\$24.3 M	\$5.8 M Police \$5.3 M Fire	Piedmont City Council	Piedmont City Council
West Lake Village	8,423	Contracted out LA County Sheriff	LA County Fire Department (LAFD)	\$ 18.7 M	\$2.3 M Police	West Lake Village Council oversees contract	Los Angeles County Board of Supervisors
Rolling Hills Estates	8,201	Contracted out to LA County Sheriff.	LA County Fire Department (LAFD)	\$ 7.0 M	\$1.8 M Police Patrol	Rolling Hills oversees contract L.A. County	Los Angeles County Board of Supervisors

Costs expressed in \$ Million

Table 3. How Other Urbanized Community Service Districts Provide Police and Fire Services

HOW OTHER SMALL CITIES AND URBANIZED COMMUNITY SERVICE DISTRICTS PROVIDE POLICE AND FIRE SERVICES

Community Service Districts	Population	Provision of Police	Provision of Fire	Total City/CSD Budget	Budget for Police & Fire	Governance for Police	Governance for Fire
Marinwood, Marin County	6,094	Marin County Sheriff	Marinwood Fire Department	\$4.9 M	\$2.28 M Fire	Marin County Board of Supervisors	Marinwood CSD Board of Directors
Crockett Community Services District	3,094	Contra Costa Sheriff	Crockett-Carquinez Fire District & Contra Costa Fire	N/A	Not Available	Contra Costa County Board of Supervisors	Crockett-Carquinez Fire District & Contra Costa Fire Board of Directors
Pebble Beach Community Services District, Monterey County	4,470	Monterey County Sheriff CHP for traffic enforcement	Contracted to Cal-Fire (a State Ambulance through Monterey County.)	\$12 M	\$6 M Fire & \$.195 M for Traffic Patrol	County Board of Supervisors	State of California
Stallion Springs CSD, Tehachapi, Kern Co	3,200	Stallion Springs P.D.	Kern County Fire Department	\$2.4 M	\$5 M Police	Stallion Springs CSD	Kern County Board of Supervisors
Mountain House, CSD San Joaquin Co.	12,600	San Joaquin County Sheriff (contract)	French Camp McKinley Fire District (contract)	\$27 M	\$1.37 M Police \$2.25 M Fire	San Joaquin Board of Supervisors	French Camp Fire District Board of Directors

Analysis of the Information on How Police and Fire Services Are Provided and Governed in Similar Towns and Community Service Districts

The purpose of including these tables in the report on reorganization is to understand how police and fire service is provided and overseen in similar types of jurisdictions with similar populations, in or close to urban areas and that provide police and fire protection services. These are only examples and not a comprehensive set of small cities and CSDs. There are only a few CSDs throughout the state that are responsible for providing police services. The majority of CSDs do not provide fire services because they are within the sphere of influence of a larger fire protection district. This is also true for the small cities that were surveyed. However, an interesting exception is the Marinwood CSD, which is most similar to Kensington's CSD. It has its own fire department and does not directly control police services, which are provided by the Marin County Sheriff's Office. Almost all the fire districts serve more than one town or community.

These governance structures and provision of services may have been in place for a long time, and we did not investigate whether these are favored by the residents of the jurisdictions. California's development pattern was primarily rural–suburban when many fire districts were formed, which is primarily why these services have been provided through districts in many parts of California.

Population size and budget may be a factor in determining whether a community can afford to have its own fire department. Most of the small towns surveyed fit a pattern of having fire and emergency services provided by either a larger fire district or through a contract with a larger fire department. Only the City of Piedmont, with a population of 11,000, has both its own fire and police departments. Piedmont also has a very high tax base, which may be another factor in which services are directly provided by the city.

Historical models of services often influence the models of service provision into the future and depend on how a district is funded through property tax allocations, many which were set in the 1970s following Prop 13.

Sources

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Consolidation Subcommittee Report—Part 2: Kensington District Financial Structure

Introduction

The local governance of Kensington is carried out through the efforts of two special districts: the Kensington Police Protection Community Services District (KPPCSD, which manages primarily police, park, and waste disposal services) and the Kensington Fire Protection District (KFPD, which manages primarily fire protection and emergency medical services). As a background to other discussions in the Committee's scope of work, particularly the topic of district consolidation, a thorough review of the financial structure of Kensington's districts was carried out. The Committee's review covered a range of 20 years of audited financial reports, and resulted in a large number of summary graphs. These will be available online in the Committee's section of the KPPCSD website, and the intent is to update this dataset for both Kensington districts annually.

The data for these analyses were compiled by the accountant for the KPPCSD and KFPD, Deborah Russell, using the audited financial data reports from the two districts—many thanks to her, for both insight and assistance!

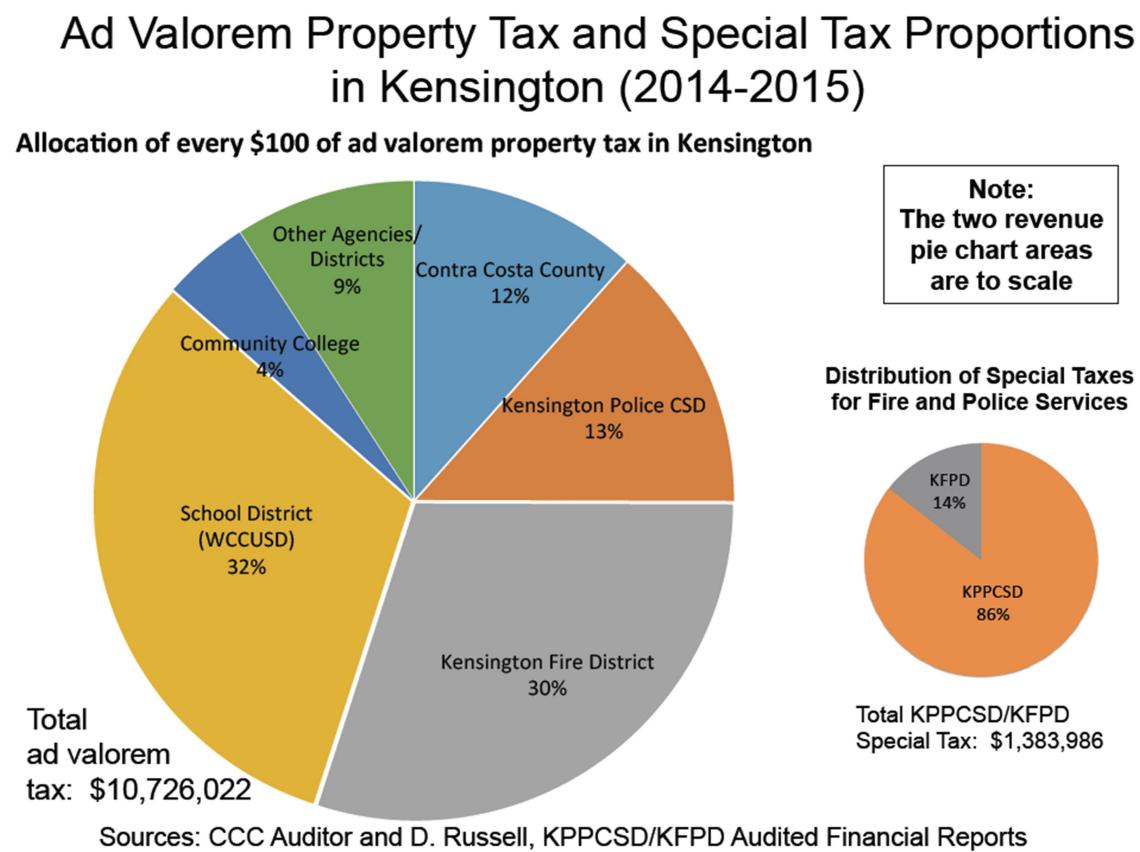
District Revenue

The predominant sources of revenue for the KPPCSD and the KFPD are shown in Figure 8. The largest single source for each district is from ad valorem property taxes—those taxes that are calculated as a percentage of the assessed value of each home. These are shown in the pie chart on the left of Figure 8. The relative proportion of the “slices of the pie” allocated from each property tax dollar was set through the effect of Proposition 13 and the subsequent implementation efforts.¹⁹ For reasons beyond the scope of this work, the resulting percentage ultimately allotted to the KFPD was unusually high at ~30% (El Cerrito is 18%, & the county average is 15.6% for FY2014–2015)²⁰ and the value for the KPPCSD somewhat low at ~13%.²¹

¹⁹ For an extensive review and discussion of the historical process leading to the current property tax system, see the publication from the Legislative Analyst's Office titled “Understanding California’s Property Taxes” by Mac Taylor, dated November 29, 2012.

²⁰ LAFCO Fire EMS MSR Public Review Draft 2016-2-04-29 p. 27.

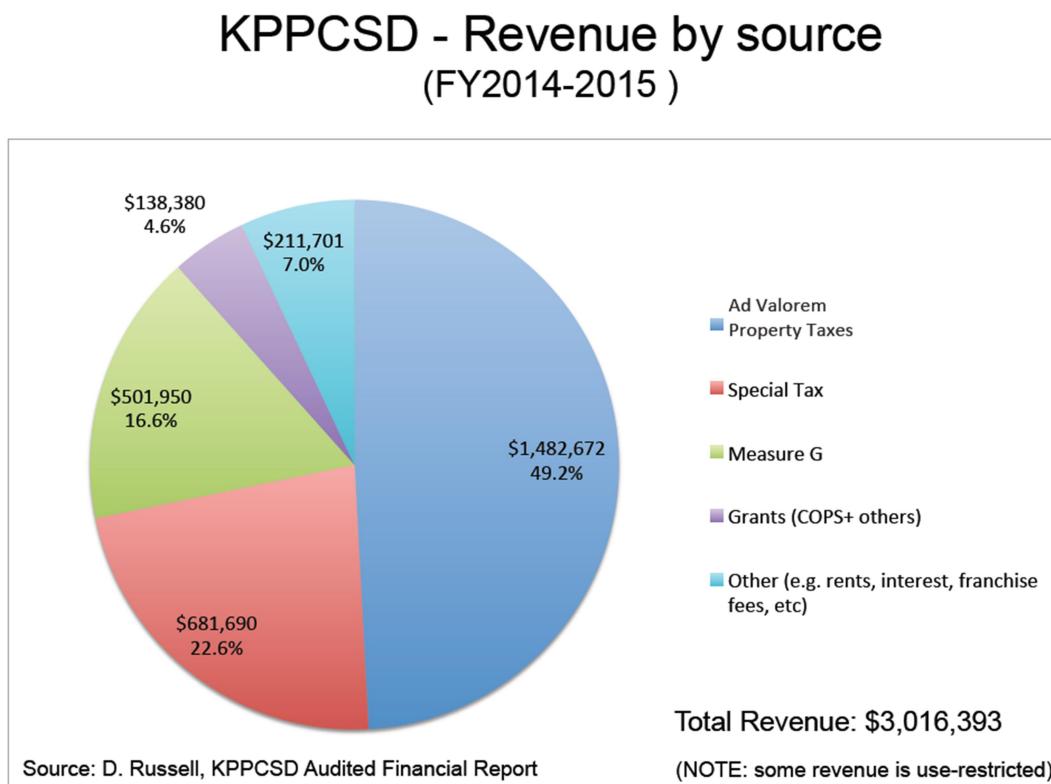
Figure 8. Ad Valorem Property Tax and Special Tax Proportions in Kensington (2014–2015)



The difference in property tax revenue has resulted in very different financial bases for the two districts, and much of the revenue for the KPPCSD is derived from so called “special taxes,” which are usually set on a per-parcel basis (rather than a percentage). These are indicated in the smaller pie chart on the right of Figure 8. The two districts, historically, have been run at near identical staffing ratios (just under 2/1,000 for the Kensington fire and police departments), and thus the operating expense drivers over time would be expected to be largely similar. The in-depth analysis of the similarities and differences in revenue and in expenses will be reviewed in the following pages.

²¹ From the 2011 LAFCO Final Law Enforcement MSR, p44, “Cities generally spend greater than 25 percent of their allocated general fund expenditures on police services, with the majority of agencies in Contra Costa County spending 50 percent.” Direct ad valorem comparator values were not available.

Figure 9. KPPCSD—Revenue by Source (FY2014–2015)



Note:

The detailed breakdowns of KPPCSD and KFPD revenue for the fiscal year FY2014–2015 are shown in Figure 9 and Figure 10, respectively. In this year, KFPD received 92.7% of its revenue from the ad valorem tax, whereas KPPCSD received 49.2%. Conversely, KFPD received 5.7% of its revenue from special taxes, whereas KPPCSD received 39.2% from Measure G and another Special Tax. These special taxes for KFPD and KPPCSD are use-restricted for Fire and Police Services, respectively. The historical revenue totals for the two districts, covering a 20-year period through FY2014–2015, are shown in Figure 11.²² Total tax-based revenue (from ad valorem and special taxes) in FY2014–2015 was \$ 2,666,312 for KPPCSD and \$ 3,464,066 for KFPD, a difference of 30%. KPPCSD, in addition, receives significant

²² It should be noted that for the 20-year historical graphs, compilation from the first decade was set at 5-year windows, in order to circumvent the problems caused by the very different compilation standards and requirements for the audited financials across the period. Consequently, for brevity the first few points of these graphs are separated by 5-year gaps, whereas the points after 2006 are separated by 1-year gaps.

revenue from franchise fees (which are use-restricted for waste disposal-related issues), supplementary grants, and rental charges for the Community Center (Figure 9). KFPD receives >98% of its revenue from its tax-based sources (Figure 10). Total revenue for FY2014–2015 was \$3,016,393 for KPPCSD, and \$3,519,280 for KFPD, the latter a 17% increase relative to the former. Total revenues for the two districts combined are \$6,535,673, resulting in a 46% (KPPCSD) to 54% (KFPD) split of revenue from all sources.

Figure 10. KFPD—Revenue by Source (FY2014–2015)

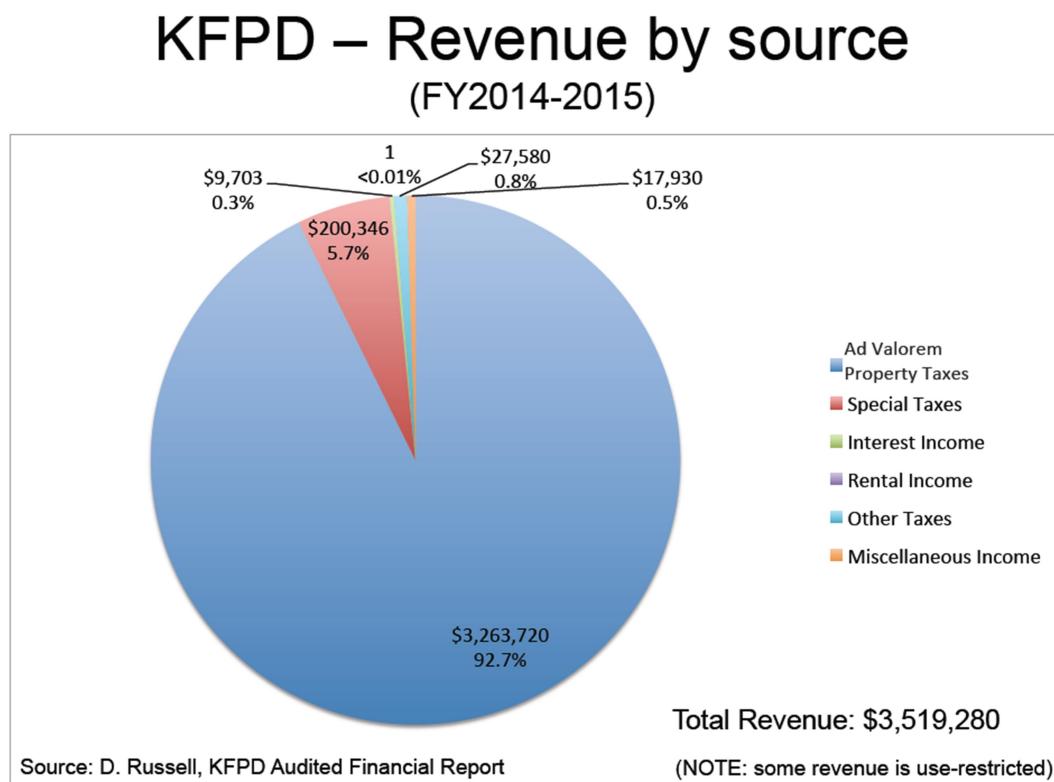
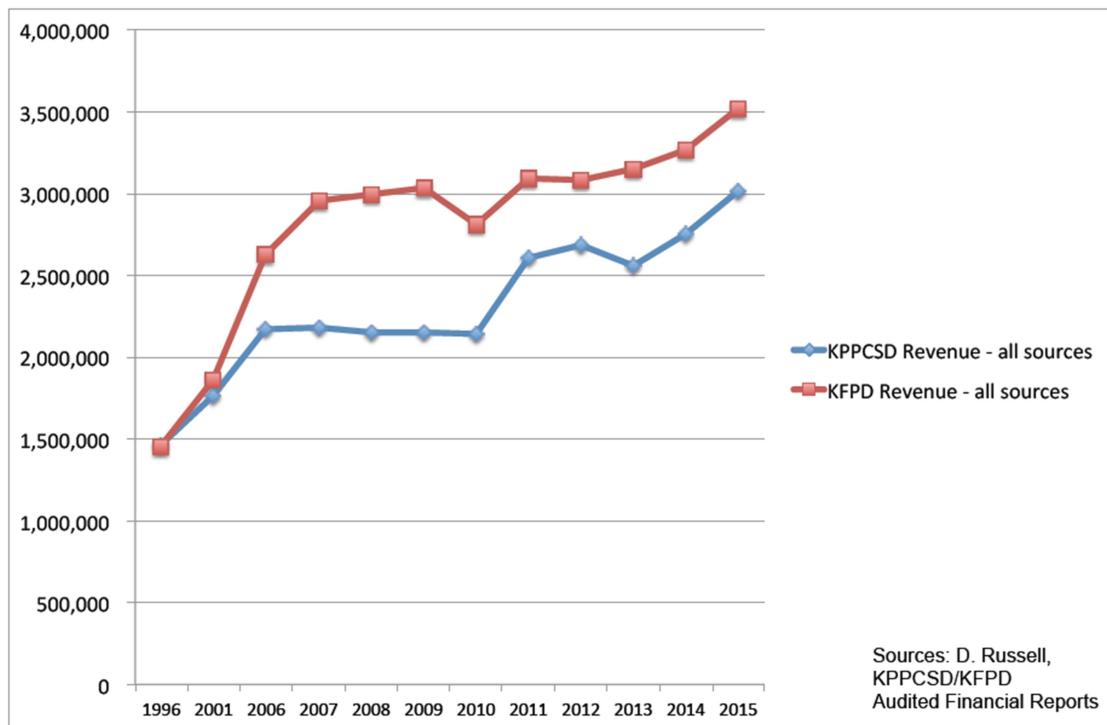


Figure 11. KPPCSD and KFPD Revenue—Historical

KPPCSD and KFPD Revenue - Historical



Historical analysis indicates that revenues of the two districts were essentially identical 20 years ago (Figure 11). Over the years 1996 to 2006, revenue for KPPCSD increased 49%, whereas that for KFPD increased 80%. However, beginning in the mid-2000s, revenue for KPPCSD flattened out as the first special tax hit its maximum-allowed level (and now can no longer increase on a yearly basis); total revenue subsequently slightly decreased through 2010. In 2010, Kensington voters passed Measure G, which in FY2014–2015 contributed about a sixth of total revenue. Measure G taxes (initially \$200 for single-family parcels) are subject to Consumer Price Index (CPI) increases; those since the measure have passed have generated an annual contribution to overall revenue increases.²³

During this time, KFPD revenue continued to increase steadily, save for 2010 (where the KFPD special tax revenue was not collected, by board decision). Total revenue increases for the two districts over the 20-year review period

²³ The average Bay Area CPI has been ~2.6%/year for 2011 to 2015, from the SF-Oak-SJ tables at bls.gov. The total percent revenue contribution over the last four review years from Measure G increases has been 3.7%.

were 107% for KPPCSD and 142% for KFPD. Increases over the 5 years following the passage of Measure G were 16% for KPPCSD and 14% for KFPD. Over most recent decade, for which yearly results were analyzed, the KFPD had an aggregate revenue that exceeded that of KPPCSD by \$6,124,436.

Figure 12. KPPCSD Revenue, Total/Police Operating & Capital Expenses—Historical

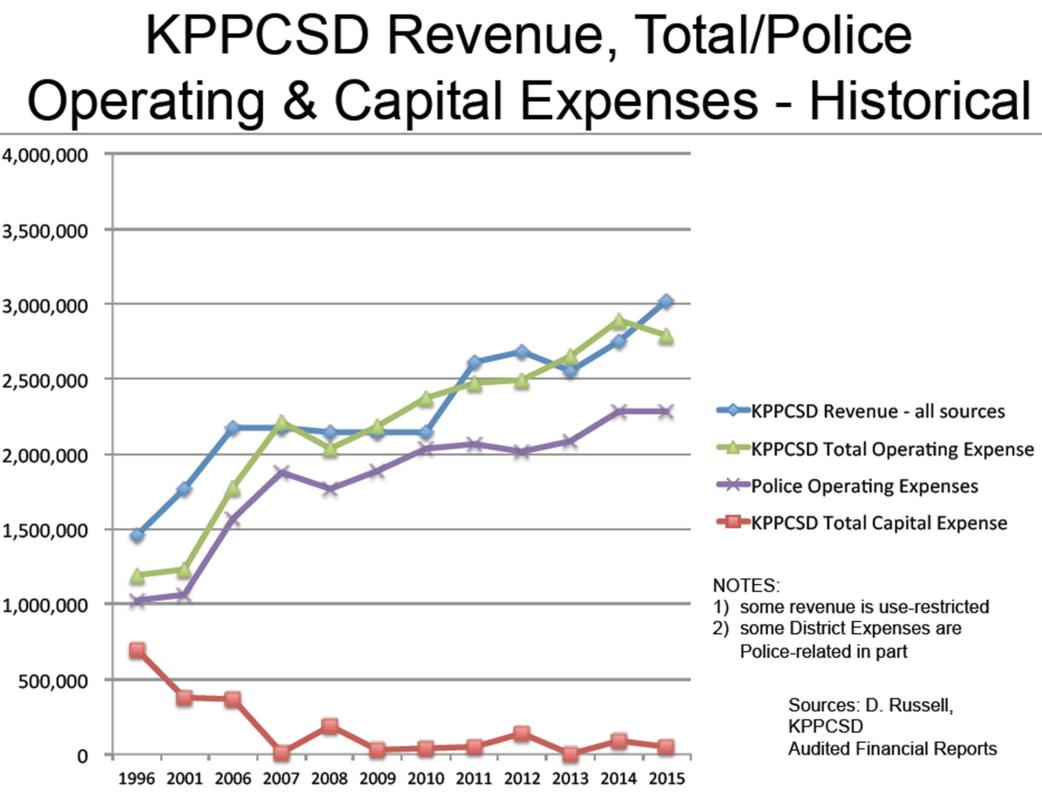


Figure 13. KFPD Revenue, Total & Fire Operating Expenses—Historical

KFPD Revenue, Total & Fire Operating Expenses - Historical

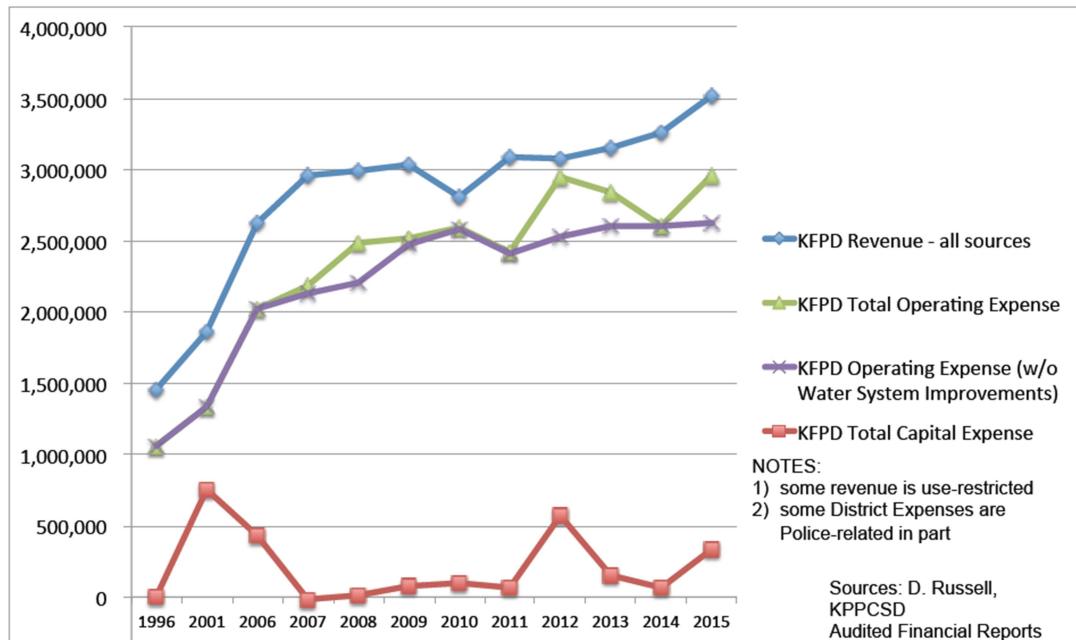
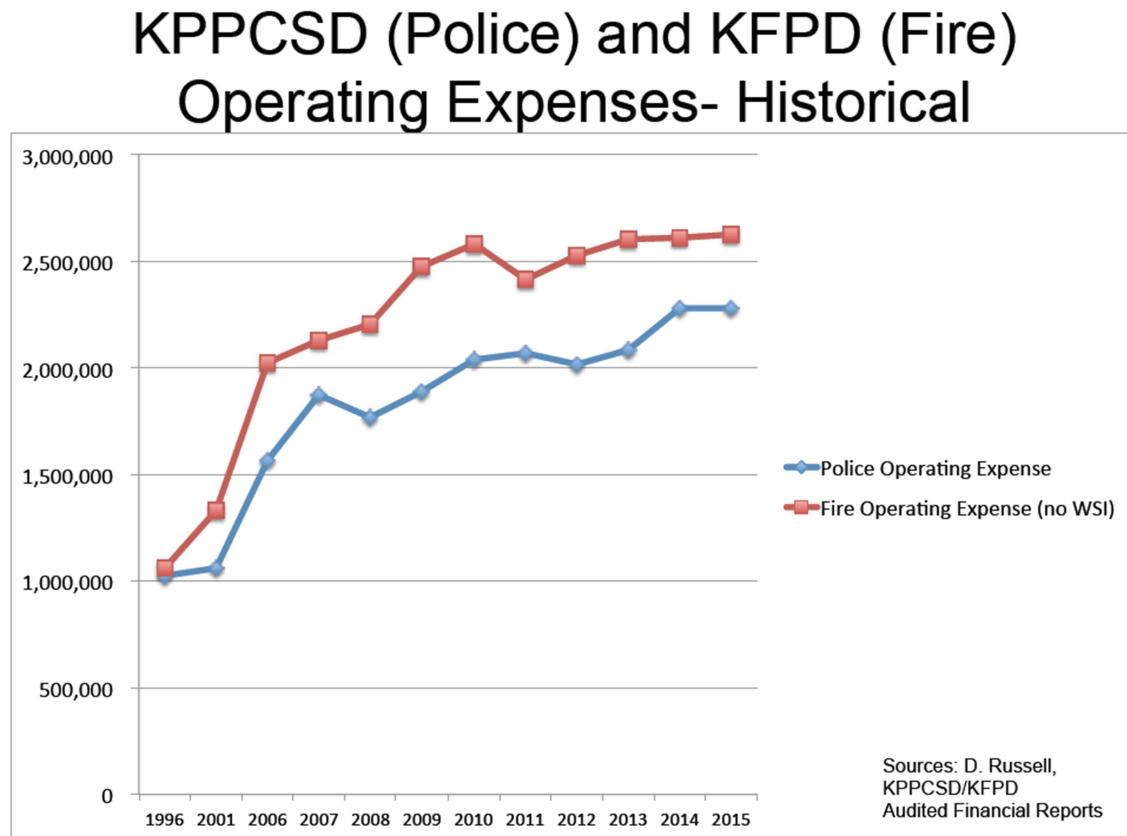


Figure 14. KPPCSD (Police) and KFPD (Fire) Operating Expenses—Historical



District Expenses and Revenue Context

In Figure 12 and Figure 13, covering KPPCSD and KFPD respectively, historical district data for three expense categories (two for operating expenses and one for capital expenses) are displayed along with the revenue data previously shown in Figure 11. The various expense categories will be examined in greater detail below.

Figure 14 shows the historical operating expenses for fire and police services. In theory, these are the most comparable features of the two districts, since staffing levels are very similar (at roughly 2/1,000 residents, or 10 full-time employees). As with revenues, 20 years ago, these expenses were roughly equal. However, from 1996 to 2006, as shown in Figure 14, operating expenses for fire services increased much faster than for police services (91% vs. 53%). As the KFPD began contracting with the city of El Cerrito for fire services in 1996, and most of the KFPD costs in Figure 14 are the result of this contract, the rate of increase may have been connected to the cost of

the contract.²⁴ Whatever the reason, expenses were significantly different at the end of this period.

Fortunately, during this time period the revenue for KFPD increased by 80%, as mentioned previously (note the revenue and expense lines in Figure 13). This large increase in revenue allowed the district to cover the significant cost increases in the early years of contracting with El Cerrito. Had the increase in revenue been limited to that of the KPPCSD in the same time period (49%, shown in Figure 12), the KFPD would have been running a large deficit relative to total (operating and capital) expenditures.

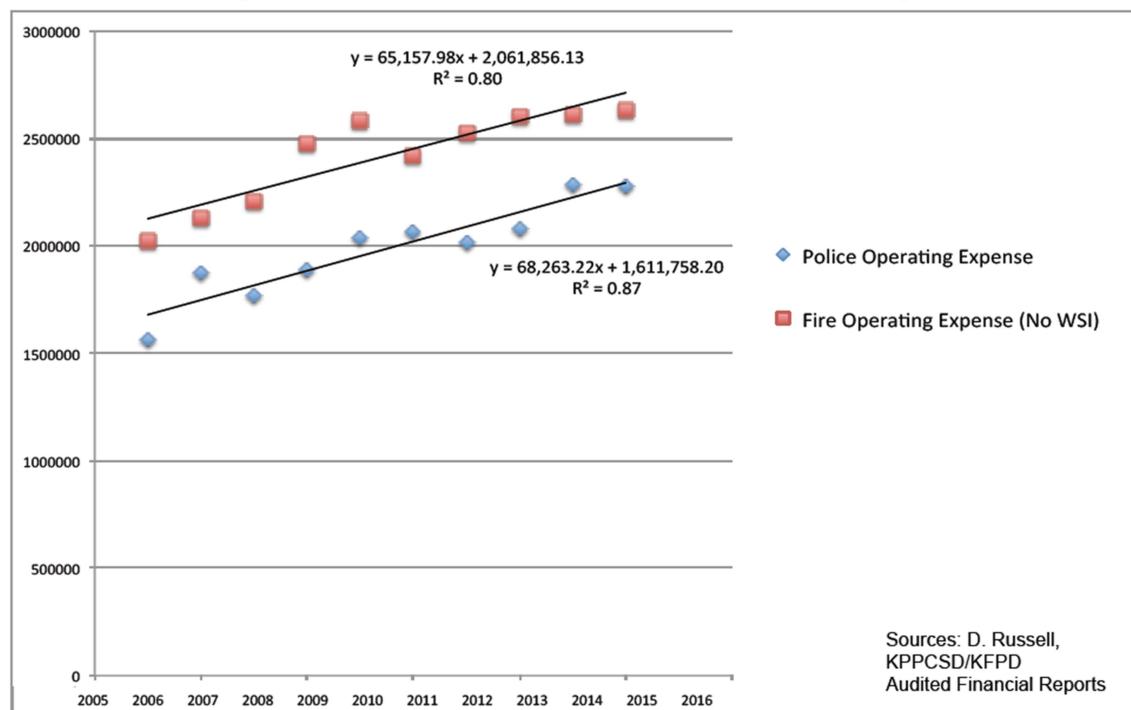
Through 1996 to 2006, whereas KPPCSD police expenses were increasing at a slightly slower rate than revenue, total district operating expenses were increasing at a greater rate than revenue (compare slope of the purple and green expense lines with that of the blue revenue line in Figure 12). Capital expenditures, while decreasing, were still significant. However, from 2006 to 2010, as revenue declined slightly and operating expenses continued to increase, the KPPCSD began to approach a more precarious financial position. The passage of Measure G brought the district back to a more stable footing, though expense control is still of paramount importance, given the overall revenue limitations.

A subset of the data from Figure 14, with the expenses for the two districts fit to trendlines, is shown in Figure 15.

²⁴ According to data compiled for the KFPD board (KFPD Board packet, June 2014, p.36), during this period, the cost of contract increased by more than 5% six times and by more than 11% twice.

Figure 15. KPPCSD (Police) and KFPD (Fire) Operating Expenses—Trends Over Last 10 Years

KPPCSD (Police) and KFPD (Fire) Operating Expenses – trends over last 10 years



These trendlines indicate that, over the last 10 years, the change in operating expenses for police and fire services roughly parallel one another. The slope of the two lines indicates roughly a \$65K to \$68K increase on a yearly basis. These slopes indicate average annualized increases of ~3.2% for Fire services and ~4.2% for police services over the 10-year period.

Projecting increases into the future is a challenging exercise, and beyond the scope of the Committee's efforts. However, some data is available to help the community to anticipate future expenditures. As part of the detailed analysis of the recently approved KPPCSD memorandum of understanding with Kensington police officers, Adam Benson of PLG provided a breakdown of anticipated increases in police operating expenses.²⁵ For the 3 fiscal years comprising FY2015–2016 through FY2017–2018, expenses are projected to

²⁵ KPPCSD 3/10/16 Meeting agenda packet, p. 198.

change by +0.8%, +4.3%, and +2.9%, for an average of 2.7%. This is slightly below the annual average over the last 10 years. Note that these figures do not include other district expenses, some of which are significant drivers of expense growth for KPPCSD (discussed below).

The Subcommittee was, unfortunately, unable to obtain any comparable projections of personnel costs by requesting from the KFPD directly.²⁶ However, because changes in KFPD operating costs are largely, though not entirely, a consequence of changes in the El Cerrito Fire Department operating costs, it is helpful to examine the projections made by the city of El Cerrito in their budgeting process. Using the most recent budget projections available,²⁷ total operating expenses are projected to change over the same 3 years by -5.3%, 3.7%, and 3.3%, for an average of 0.6%.

Interestingly, although KPPCSD has not provided formal revenue projections (and in general relies on the county for estimates), for the 3 fiscal years comprising FY2015–2016 through FY2017–2018, the ad valorem increases projected by the city of El Cerrito are 0.8%, 26%, and 8.0%, respectively.²⁷

²⁶ In response to a discussion of the formal committee request at the April 10, 2016, KFPD board meeting, the head of the KFPD finance committee indicated that they had been working on five year projections, which would be reviewed at the May finance committee meeting (see the KFPD June 2016 board packet for minutes of this discussion). Although the proposal to modify the Kensington Public Safety Building was specifically outside the scope of the budget projection request, the finance committee subsequently declined to provide budget projections, citing the Public Safety Building impact (B. Navellier, communication via email, 5/31/16).

²⁷ FY 2016-2017 and 2017-2018 Proposed Budget Book FINAL, available at: <http://www.el-cerrito.org/documentcenter/view/6062>, downloaded from the El Cerrito Finance dept. web page. Accessed July 7, 2016.

KPPCSD and KFPD Operating Expense Details

A detailed breakdown of KPPCSD expenses²⁸ for FY2014–2015 is shown in Figure 16, with a historical stack plot review of this data over the 20-year review period shown in **Error! Reference source not found.**. In addition, further analysis of the FY2014–2015 data, specifically for police service operating expenses, is shown in Figure 18 and **Error! Reference source not found.**. Similarly, a high-level breakdown of KFPD expenses²⁹ for FY2014–2015 is shown in Figure 20, and a detailed description of the items in the largest category,³⁰ the contract for fire services with the city of El Cerrito, is shown in Figure 21. The comparison between the total district operating expenses for the KPPCSD and KFPD is shown in Figure 22.

Two features are quite notable in Figure 16, and as trends in **Error! Reference source not found.**. Most obviously, the cost of police services dominates the expense landscape for the district. Growth drivers vary depending on the year, but can be dominated by one or more of salary, medical insurance, or PERS categories. The second feature involves the recent growth in KPPCSD legal expenses. These expenses doubled in successive years (FY2011–2012 and FY2012–2013). And although they have leveled off in the last 2 years of the review period, this may have only been a temporary hiatus.

Taken in the context of revenue, it is clear from Figure 12 that total expenses and total revenue are exceedingly close to one another for KPPCSD, leaving little margin for error or financial flexibility on an annual basis. In this context, several areas are deserving of community attention as issues of note. These include close monitoring of increases in salary/medical/retirement benefit costs, being aware of opportunities to make small (extra) pre-payments into the PERS funds for retirement benefits (thus reducing long-term obligations) and scrutiny of actions that increase wasteful or unnecessary legal expenses (whether by the KPPCSD Board, individual directors or employees, and/or members of the community).

²⁸ These expense categories are derived from the district accounting practices as captured in the audited financials. In some cases, D. Russell, Kensington district accountant, was able to provide additional helpful detail (e.g., for Brown Taylor consulting costs).

²⁹ These categories are also as described in the KFPD audited financials.

³⁰ As these items are not broken out in the audited financials, the data is copied from the table in the KFPD board packet for June 2014 (beautified slightly for this use).

Figure 16. KPPCSD Operating Expenses FY2014–2015

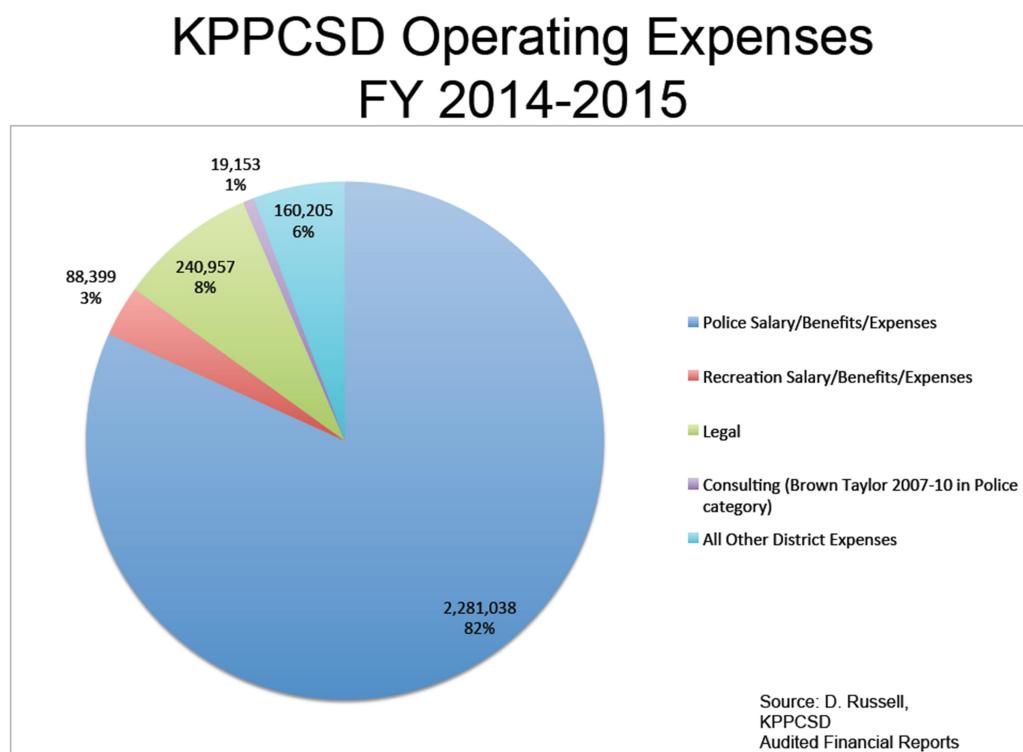


Figure 17. KPPCSD Historical Expenses

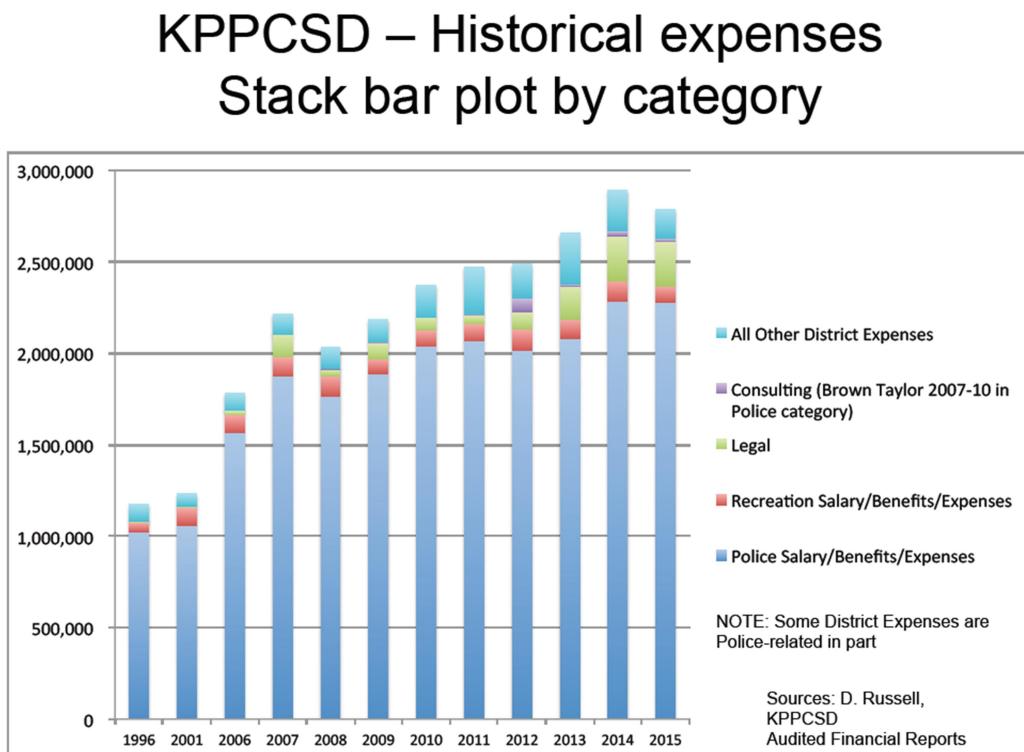


Figure 18. KPPCSD Police Operating Expenses FY2014–2015

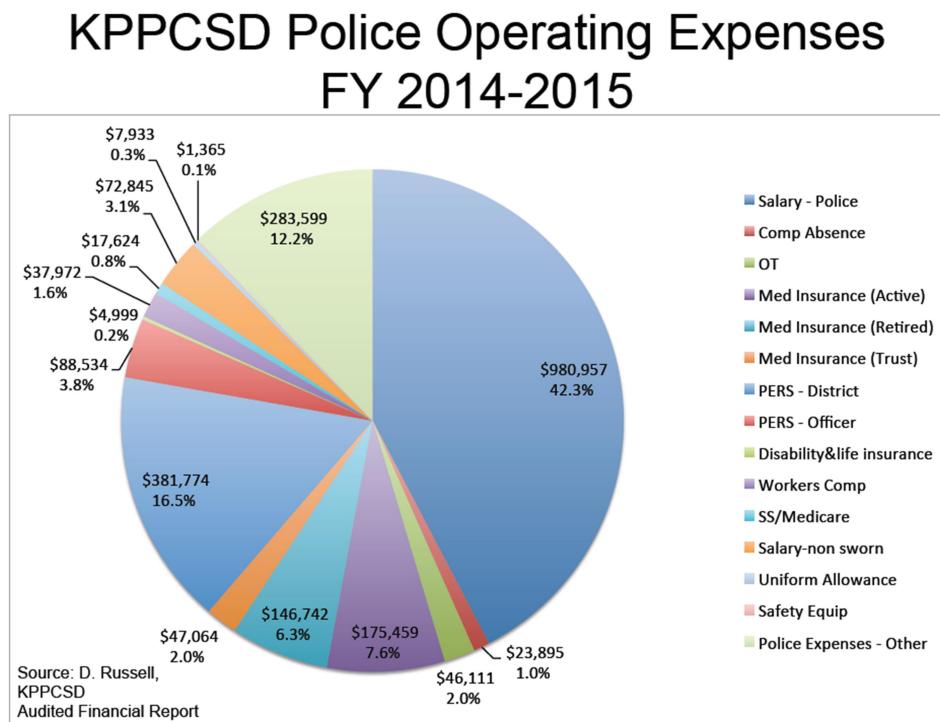


Figure 19. Breakout of Police Expenses—“Other” FY2014–2015

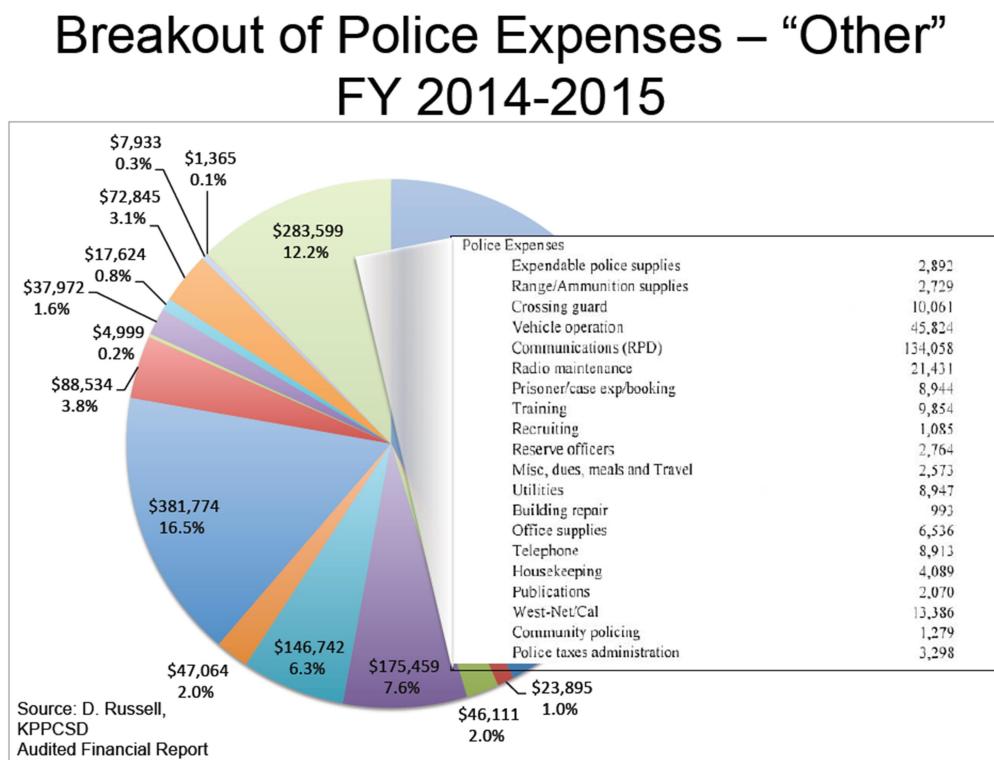
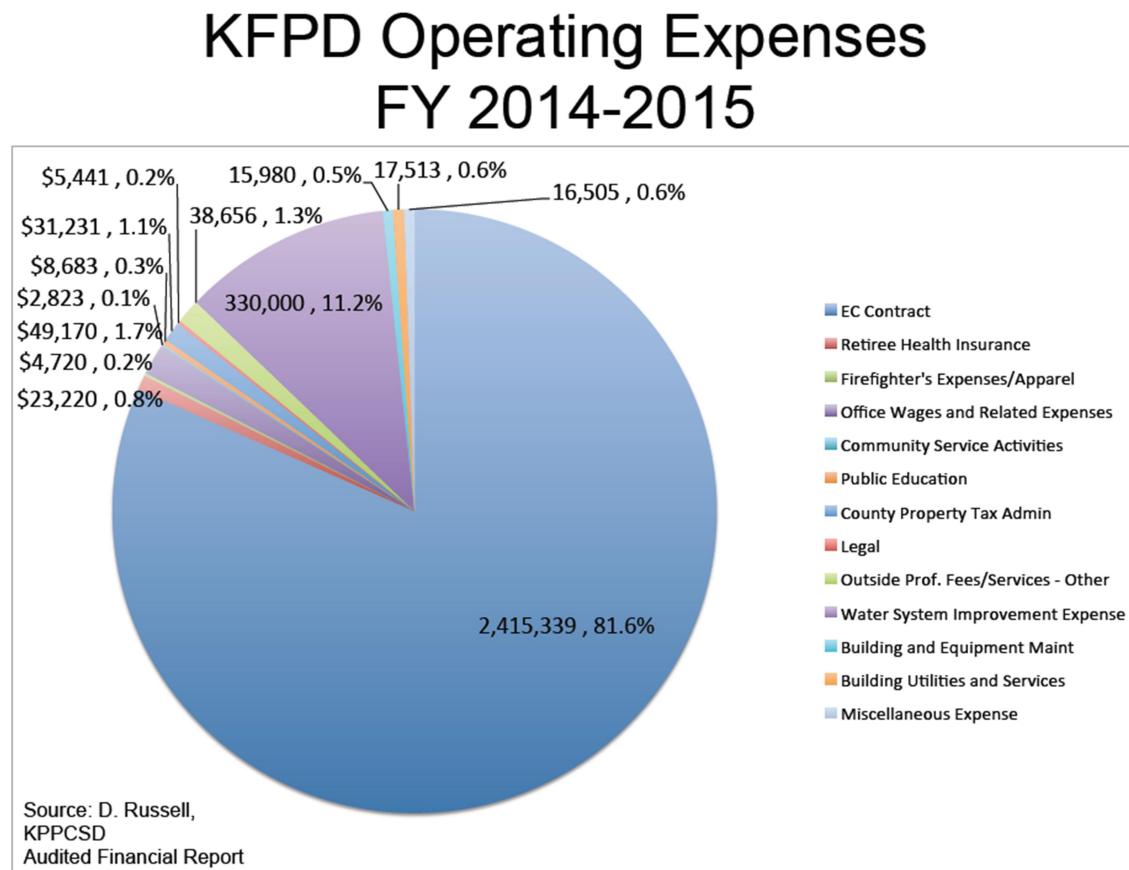


Figure 20. KFPD Operating Expenses FY2014–2015



By contrast, even with the significant cost increases for fire services incurred by the KFPD in the period from 1996 to 2006, revenue growth over the last 20 years has been faster. The growth in these costs has since leveled out, and recent (see Figure 13) and projected property tax revenue growth appears to be in excess of the expenditure trends. As shown in Figure 20, the fire services contract costs were the dominant expenditure of the KFPD. This is followed by the expenses for water system improvements funding the collaboration with East Bay Municipal Utilities District (EBMUD) (which are primarily listed as operating rather than capital expenses). These have totaled a little under \$1,400,000 in the last decade.

Because the lack of detail regarding the underlying expenses in the contract with El Cerrito covered in the KFPD audited financials, it was not possible to systematically analyze the dataset. However, some features of Figure 20 and Figure 21, summarizing FY2014–2015, are notable. In the contract with El Cerrito, personnel costs are listed at 27.75% of the El Cerrito Fire

Department (ECFD) personnel total. Given recent personnel totals in the ECFD (running at 33), this equates to about 9 FTEs.³¹

PERS costs are about 21.4% of personnel costs. In addition, an overhead charge of 9% is added to all fire service personnel costs, including medical, retirement and other insurance benefits. Beyond personnel and overhead, other costs and charges (e.g. supply and infrastructure) add an additional ~\$127K, or approximately 6% of personnel costs. Typically, these charges are presented annually to the KFPD finance committee, and then the KFPD board for approval.

Although the fire services contract is the dominant feature of the expenses shown in Figure 14, the KFPD is also bears full responsibility for its portion of the cost of the fire department operating expenses in using the Kensington Public Safety building (ongoing costs, e.g., utilities, are and have been historically split with the KPPCSD). The total “non-personnel” costs are roughly 10% of total operating costs (absent water system improvements and legal fees).

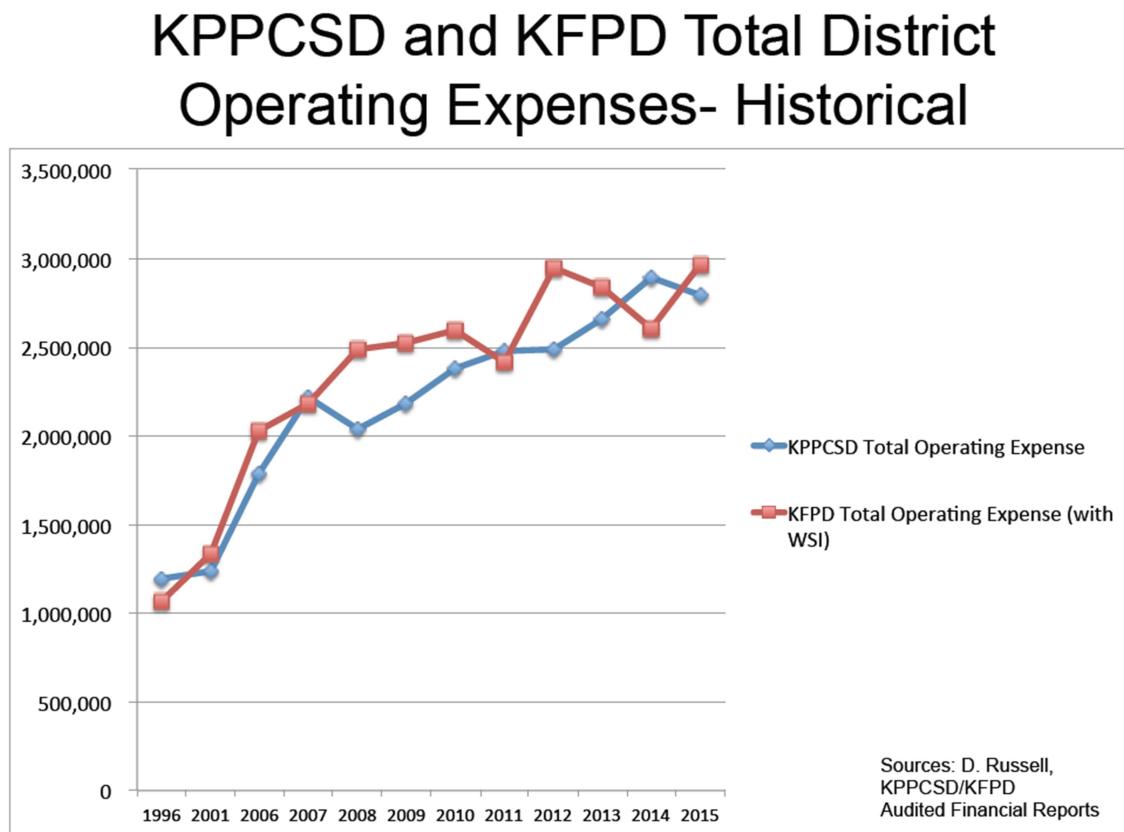
The total of all of these expenses for KPPCSD (police, parks and other district expenses), and for KFPD (the fire services contract, water systems improvements and other district expenses) is shown in Figure 22. The two lines of this graph are equivalent to green lines in each of Figure 12 and Figure 13.

³¹ EC Adopted Biennial Budget book. Fiscal Years 2014-15 & 2015-16. The ECFD has been running below its formal approved count of 37, using overtime to supplement.

Figure 21. KFPD Contract With El Cerrito Breakdown FY2014–2015

LINE ITEM DETAIL BUDGET EXPENDITURES					
		Proposed Budget FY14-15			
101 GENERAL FUND					
2510 FIRE					
5100 SALARIES & BENEFITS					
51110 Salaries	4,483,822	27.75%	\$	1,244,260.61	
51130 Temporary/Part-time Salaries	0	27.75%	\$	-	
51140 Overtime Pay	569,099	27.75%	\$	157,924.97	
51145 FLSA Overtime pay	94,639	27.75%	\$	26,262.32	
51146 Non Suppression Overtime pay	75,000	27.75%	\$	20,812.50	
51150 Special Pay	26,675	27.75%	\$	7,402.31	
51210 PERS Contributions	1,589,312	27.75%	\$	441,034.08	
51220 FICA/MEDICARE	77,505	27.75%	\$	21,507.64	
51230 Benefits & Insurance	979,052	27.75%	\$	271,686.93	
51240 Workers Compensation	93,770	27.75%	\$	26,021.18	
51990 Salary Savings	(569,011)	27.75%	\$	(157,900.55)	
TOTAL	7,419,863		\$	2,059,011.98	
5200 PROFESSIONAL SERVICES					
52190 Misc Professional Services	6,500	33.33%	\$	2,166.45	
52220 Medical Services	15,000	33.33%	\$	4,999.50	
TOTAL	21,500		\$	7,165.95	
5300 PROPERTY SERVICES					
53110 Utilities	12,651	0.00%	\$	-	
53230 Building Maintenance Services	15,000	33.33%	\$	4,999.50	
53240 Landscape/Park Maint Svcs	20,000	0.00%	\$	-	
53250 Vehicle/Equip Maint Svcs	80,000	25.00%	\$	20,000.00	
53290 Misc R&M Svcs	68,850	33.33%	\$	22,947.71	
53320 Vehicle & Equip Lease	0	0.00%	\$	-	
53330 Vehic Replcmnt Rental Charge	128,532	18.83%	\$	24,202.58	
53910 Solid Waste Services	6,000	33.33%	\$	1,999.80	
TOTAL	331,033		\$	74,149.58	
5400 OTHER SERVICES					
54210 Telephone Expenses	12,000	20.00%	\$	2,400.00	
54220 Mobile/wireless Expenses	12,000	20.00%	\$	2,400.00	
54310 Legal Notices & Advertisements	1,000	25.00%	\$	250.00	
54410 Printing and Binding	1,000	25.00%	\$	250.00	
54610 Travel & Training	20,000	25.00%	\$	5,000.00	
54910 Dues & Subscriptions	12,000	25.00%	\$	3,000.00	
54990 Other Administrative Services	15,000	25.00%	\$	3,750.00	
TOTAL	73,000		\$	17,050.00	
5500 SUPPLIES					
55110 General Office Supplies	6,000	25.00%	\$	1,500.00	
55120 Postage & Delivery	1,300	25.00%	\$	325.00	
55130 Photocopying Charges	3,000	25.00%	\$	750.00	
55210 Fuel	40,000	27.00%	\$	10,800.00	
55230 Medical Supplies	20,000	30.00%	\$	6,000.00	
55240 Clothing & Uniform Supplies	15,000	33.33%	\$	4,999.50	
55250 Vehicle & Equipmnl Supplies	0	25.00%	\$	-	
55290 Other Operating Supplies	7,000	25.00%	\$	1,750.00	
55520 Building Supplies	10,000	25.00%	\$	2,500.00	
TOTAL	102,300		\$	28,624.50	
5600 CAPITAL OUTLAY					
56310 Improvements, Not Buildings	10,000	0.00%	\$	-	
56710 Other Equipment < \$10K	15,000	0.00%	\$	-	
56720 Other Equipment > \$10K	0	0.00%	\$	-	
TOTAL	25,000		\$	-	
5800 OTHER CHARGES					
58220 Licenses & Permits	1,000	25.00%	\$	250.00	
TOTAL	1,000		\$	250.00	
GRAND TOTAL		7,973,696		\$ 2,186,252.01	
OVERHEAD CHARGES (9% of Personnel)		667,788	27.75%	\$ 185,311.08	
TOTAL COMPENSATION COST SHARE		101,800	50.00%	\$ (50,900.00)	
UNRECONCILED CONTRACT AMOUNT				\$ 2,320,663.09	
RECONCILIATION 2012-2013 FY BUDGET TO ACTUAL				\$ 43,775.43	
COMPENSATION COST SHARE					
RECONCILIATION FY 2012-13 BUDGET					
TO ACTUAL				\$ 1,205.23	
PROPOSED EC CONTRACT FEE FY 2014-2015				\$ 2,365,643.75	

Figure 22. KPPCSD and KFPD Total District Operating Expenses—Historical



District Capital Expenses and Related Items

Both KPPCSD and KFPD have had significant capital expenses through the review period (shown as the red lines in Figure 12 and Figure 13), but the analysis of these expenses is complicated for a couple of reasons. First, they are structurally quite different. The KPPCSD's were quite complex in the early part of the review period due to the nature of funding historical land acquisitions for the park's lands around the Community Center, building modifications and other items. In the period 1996 to 2006, such capital expenditures were close to \$2,000,000. After 2006, KPPCSD capital expenditures have totaled a little under \$600,000, through FY2014-2015. However, capital modifications to the Community Center are anticipated in the near future. These will be expected to represent a major capital expenditure for the district, which bears primary responsibility for the land and buildings in the area. In addition, the KPPCSD has contributed \$127,000 in non-capitalized building modification costs for the Public Safety Building (PSB, annualized over 10 years beginning in 1999).

The KFPD has primary responsibility for the PSB, built in the late 1960s to consolidate the offices of the Kensington fire and police departments, and has chosen to purchase its two fire engines on a 15-year rotating basis. Due to the revenue growth in excess of operating expenditure growth, the district has generally been able to accumulate cash reserves in anticipation of these expenses, and realize a cost savings versus leasing the equipment. One new engine has recently arrived in FY2015–2016, whereas another is anticipated in FY2018–2019. The expected total cost for the two engines together is \$1,224,000.³² Major capital expenditures for the PSB are listed in FY2005–2006 and FY2011–2012, totaling about \$950,000 together. However, the KFPD is anticipating a major capital-intensive modification of the PSB. The modifications under analysis,³² which may include a complete rebuild, would likely represent the largest single capital project in Kensington during the review period.

The bottom line of the revenue versus expenditure analyses can be seen largely reflected in the diverging lines of a simple graph of the total cash balance of the KPPCSD and KFPD, shown in Figure 23. For the last 10 years, the aggregate of all expenses, operating and capital, KPPCSD (\$24,859,247) and KFPD (\$27,375,708) differ by about 10%, or ~\$250,000 per year. The revenue aggregate for KPPCSD (\$24,407,032) and KFPD (\$30,531,468) in that same period differs by about 25%, roughly \$600,000 per year. As a result, over that period KPPCSD has run a slight deficit of ~\$45,000/year and KFPD has run a surplus of ~\$316,000/year. The total cash balance, which differed by 17% in 1996, and 36% in 2006, differs by 236% in 2015. The FY2014-2015 totals are \$5,812,171 for the KFPD and \$1,589,637 for the KPPCSD.

³² KFPD Board packet, June 2016.

Figure 23. KPPCSD and KFPD Total Fund Cash Positions—Historical

KPPCSD and KFPD Total Fund Cash Positions - Historical

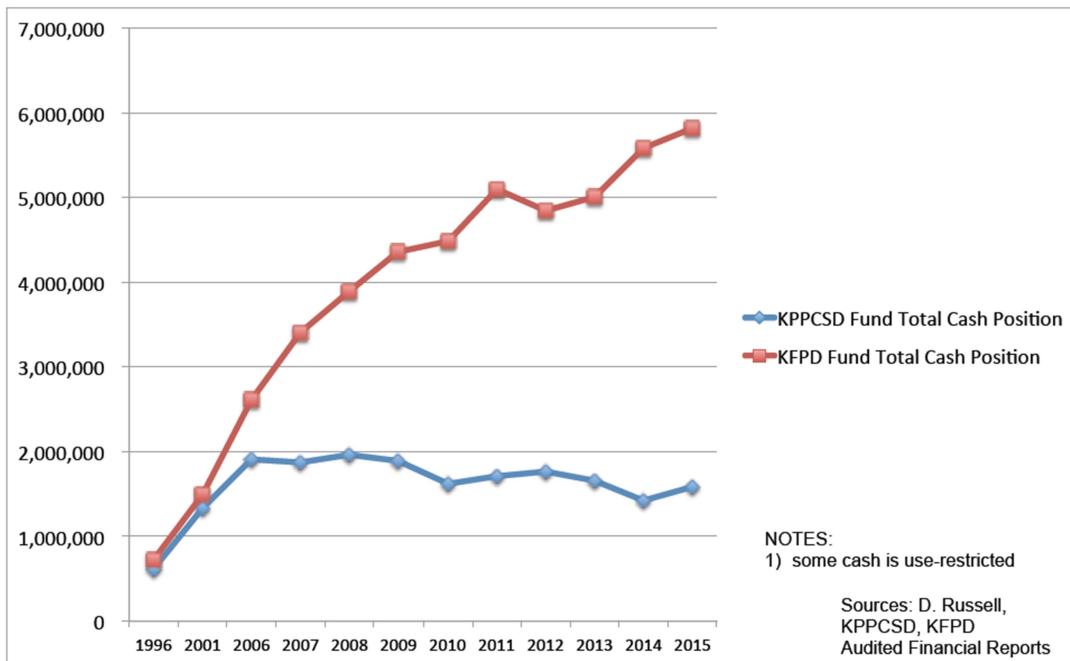
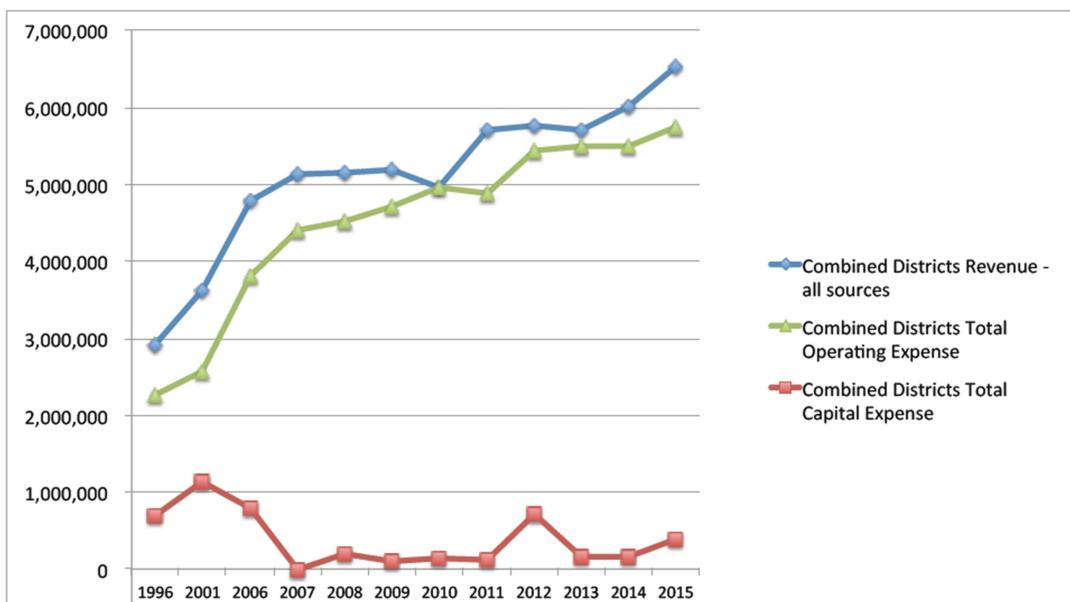


Figure 24. KPPCSD and KFPD Historical Data Combined—Revenue, Total Operating & Capital Expenses

KPPCSD & KFPD Historical Data Combined - Revenue, Total Operating & Capital Expenses



Financial Consolidation Modeling

One of the goals set out for this analysis has been to enable the examination of the Revenue and Expense data for the two Kensington districts together as a “Combined District.” These data are shown in Figure 24, using the same historical plot style used above in the examination of the individual districts.

It is clear that the combined organization would have a reasonably stable financial footing, given the revenue and cost observations and projections discussed previously. A consolidated district, as of FY2014–2015, would have had ~\$400,000 annual tax revenue in excess over total operating and capital expenses, and a total fund balance of \$7,401,808.

Going forward, the dataset compiled to enable this analysis can be easily updated with the numbers from the audited financials on an annual basis. As a result, it will be possible to maintain and extend a continuing financial analysis of both Kensington districts. This will enable the community to evaluate revenue and expense projections, and incorporate and understand the effects of future capital programs currently being contemplated (such as the renovations to the Community Center and Public Safety Building).

Appendix A. Final Process Framework

Ad Hoc Committee for Governance and Operations Structure 2015–2016

The Kensington Police Protection and Community Services District Board is embarking on a comprehensive review of the way it currently governs and delivers critical services to the community. This proposed framework provides a solid foundation for a collaborative process informed by research, independent and objective expert analysis and the welcomed engagement of the community.

Background and Scope

At its March 12, 2015, meeting, the board instituted an ad hoc committee to respond to the community's call for the assessment of possible alternatives to the district's current governance and operations structure, including:

- Bifurcation of the current GM/COP position;
- Contracting with other agencies, in part or whole; and
- Consolidating with the fire district.

Directors Toombs and Cordova were charged to co-chair the committee, the members of which will be appointed to serve in an advisory capacity, ultimately providing recommendations to the board for further consideration and formal action.

Recruitment and Appointment of Committee Members

The committee should expect to perform independent fact-finding and prepare written report of its recommendations for the Board and Community to review and deliberate. As such, prospective Committee members should possess some level of objectivity, diligence and the Skillset required to assess and communicate the feasibility of the proposed alternatives to the Board and Community. The Committee Chairpersons also welcome enthusiasm and innovation.

The Board is currently accepting applications from interested members of Community who wish to be considered for appointment to the Committee. The application is posted on the District website and will also be provided to those residents who have previously expressed an interest in serving. The Board is requesting that applications be submitted no later than August 1, 2015.

The Committee Chairpersons respectfully hold differing views on the necessity of an applicant interview, as no other ad hoc committees require either an application or interview. As such, they will defer to the opinion of the Board and Community on this matter.

The Committee Chairpersons recommend no less than five (5) but no more than 10 members, a formula informed by the number of directors on the board. This allows two (2) options for the Board to consider:

1. Each board member can appoint two candidates; or
2. The full board can select all candidates by majority vote.

Regardless, the Committee Chairpersons hope to complete Committee selection no later than August 31, 2015.

Once seated, the Committee may select two co-chairpersons by majority vote, unless the Board or Community wishes two Directors to assume these roles. The Committee will be subject to all provisions of the Brown Act including but not limited to public notice, in order to assure as much public awareness and community input as possible.

Community Outreach

The Committee is committed to engaging the Community throughout this process. The Committee Chairpersons propose the following public participation activities to be conducted over the next 12 months:

- Regular monthly Committee meetings with public comment, which will be publicly noticed
- Four (4) educational forums in a town hall setting to solicit Community input;
- A dedicated Committee page and comment portal on the District website to allow residents to submit comments and questions for the Committee to deliberate and respond; and
- Monthly email alerts and Nextdoor posts, which will include a

link to the monthly updates on the District website.

The Committee may also determine the need for a professional facilitator to manage the proposed educational forums. The Board should consider providing a budget for this and other Community Outreach activities.

Collaboration With External Partners

In developing recommendations to the Board, the Committee will focus on areas of expertise within the professional skillset of its members. However, it's not unreasonable to expect that some areas within this proposed scope might require some external assistance.

That said, the Committee Chairpersons also recognize the Community's concern around the engagement of outside consultants, and have researched many options for collaboration, including:

- Tapping subject-specific expertise from individuals and groups beyond the Committee;
- Partnering with recognized academic think tanks specializing in law enforcement policy, research and/or government administration;
- Community-based facilitators for education forums to offset the cost of paid consultants; and
- Negotiating with our current public finance consultant to partner with resident expertise in the development of financial impact assessments.

The Committee Chairpersons have identified many opportunities for cost-savings, particularly with the proposed institutional partners, who can provide the District with less expensive but more cutting-edge technical expertise or assist with grant funding from the Department of Justice and other sources.

Proposed Benchmarks and Deliverables

As the proposed governance and operations alternatives are delicately interconnected, the Board will work with the Community to prioritize the sequence in which the Committee will conduct its feasibility studies.

September 2015: Getting Acquainted

The Committee will convene to review the scope of its work, conduct an inventory of existing reports and relevant data, and establish a regular schedule of future meetings. Depending on the will of the Board and Community, the Committee may elect or be assigned new co-chairpersons.

December 2015: Assessment of Current Structure

By December, the Committee will have initiated its fact-finding mission on a variety of issues, including, but not limited to:

- The nature of police services the Community desires;
- The recommended level of police services required to meet the regulatory requirements for a jurisdiction of this size;
- The sustainability of the current property tax base, as well as the exploration of other revenue and operational models; and
- The impact of scaling police services to current revenue or vice versa; and more.

After gathering information, the Committee is expected to hold at least one educational forum to obtain community input. It will then present a written and oral progress report to the Board and Community no later than December 2015.

March 2016: Assessment of Contracting Services

The Committee will investigate whether contracting out, in part or whole, will provide reasonable and cost-effective services the community wants. By March, Committee will have completed its fact-finding on varying levels of collaboration, including, but not limited to:

- Research of similar service models in jurisdictions more focused on community policing;
- Identifying and engaging potential interagency law enforcement partners, like El Cerrito Police Department, UC Berkeley Police, Contra Costa Sheriff's Office and East Bay Regional Park District.

April 2016: Midterm Status Update

In April, the Committee will present a mid-term written and oral status report to the Board and Community on its work to date.

July 2016: Consolidating With the Fire District

The Committee's look at consolidation may include the assessing the potential to impacts relative to costs, service and community confidence in emergency response. This may include:

- The ability to maintain the highest standard of police service, fire protection and emergency paramedic services; and
- The feasibility of maintaining cost-effective contracts with two separate bargaining units, each with distinct total compensation packages.

The Committee will enlist the Local Area Formation Commission, or LAFCO, California Special Districts Association and academic think tanks to explore the success and challenges facing other urban special districts, small cities and towns that deliver combined police and fire services.

October 2016: Bifurcation of the GM/COP Position

The Committee will research the bifurcation of the current GM/COP position and analyze the economy of a variety of alternatives posed by the Community, including, but not limited to a:

- Part-time GM;
- Full-time police captain or lieutenant instead of COP;
- Shared GM or COP.

The Committee will also present cost benefits of all alternatives to our current structure of GM/COP relative to all alternative scenarios, such as contracting out or district consolidation.

November 2016: Final Report of Findings

The Committee will make a presentation of its tentative final report in a community educational forum prior to presentation of that final report to the

Board with its findings for the Board 's consideration at its November 2016 Board meeting.

Recommendation

The Committee Chairpersons thank the Board and Community for this opportunity to strategically position the Committee for success, and encourages comments and suggestions to ensure community wide support and Board adoption of the process presented herein.

Respectfully submitted July 9, 2015 by:

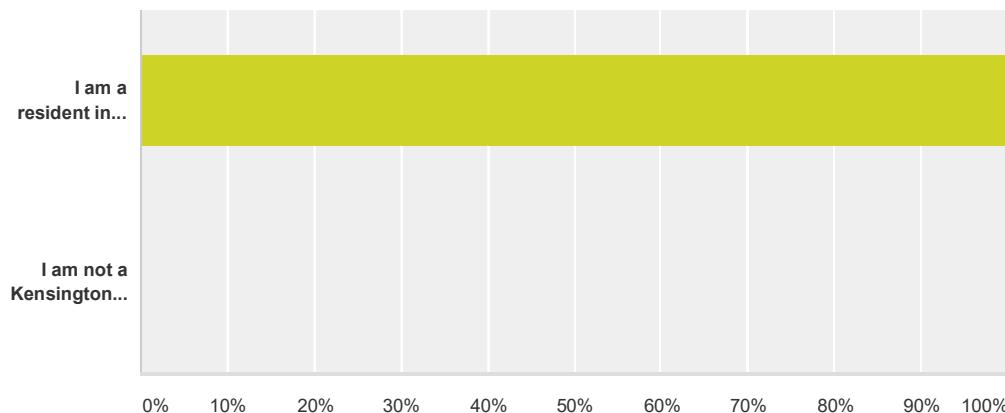
Charles Toombs, Director Vanessa N. Cordova, Director

A handwritten signature in blue ink that reads "Charles Toombs".

Appendix B. Results of Kensington Operations and Governance Survey on Police Services

Q1 I acknowledge that I am a resident in Kensington and I agree to take this survey only once.

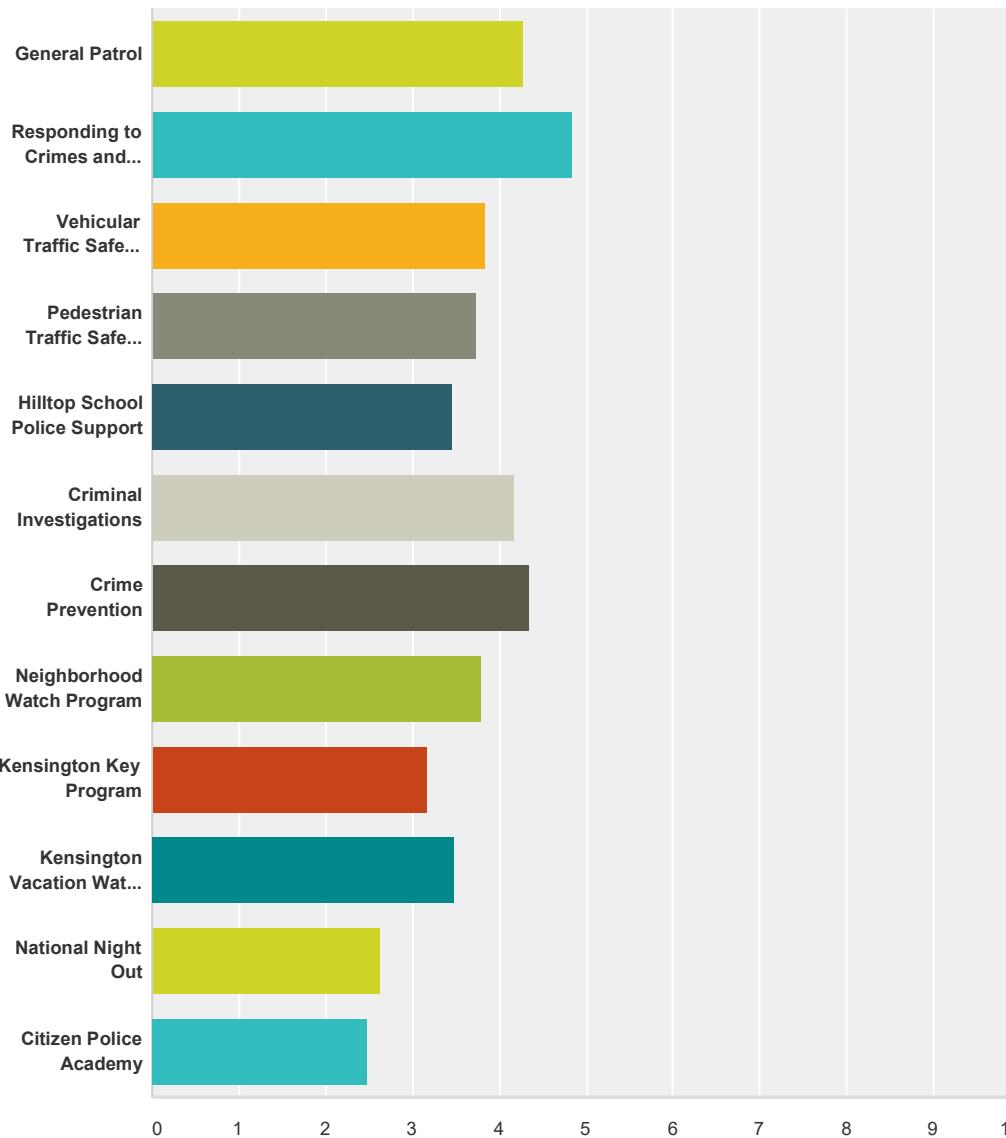
Answered: 440 Skipped: 10



Answer Choices	Responses	
I am a resident in Kensington and I agree to take this survey only once.	99.77%	439
I am not a Kensington resident.	0.23%	1
Total	440	

Q2 Please tell us how important each police service is to you. Select one answer for each service on a scale of 1 to 5, 1 = not important and 5 = extremely important.

Answered: 447 Skipped: 3

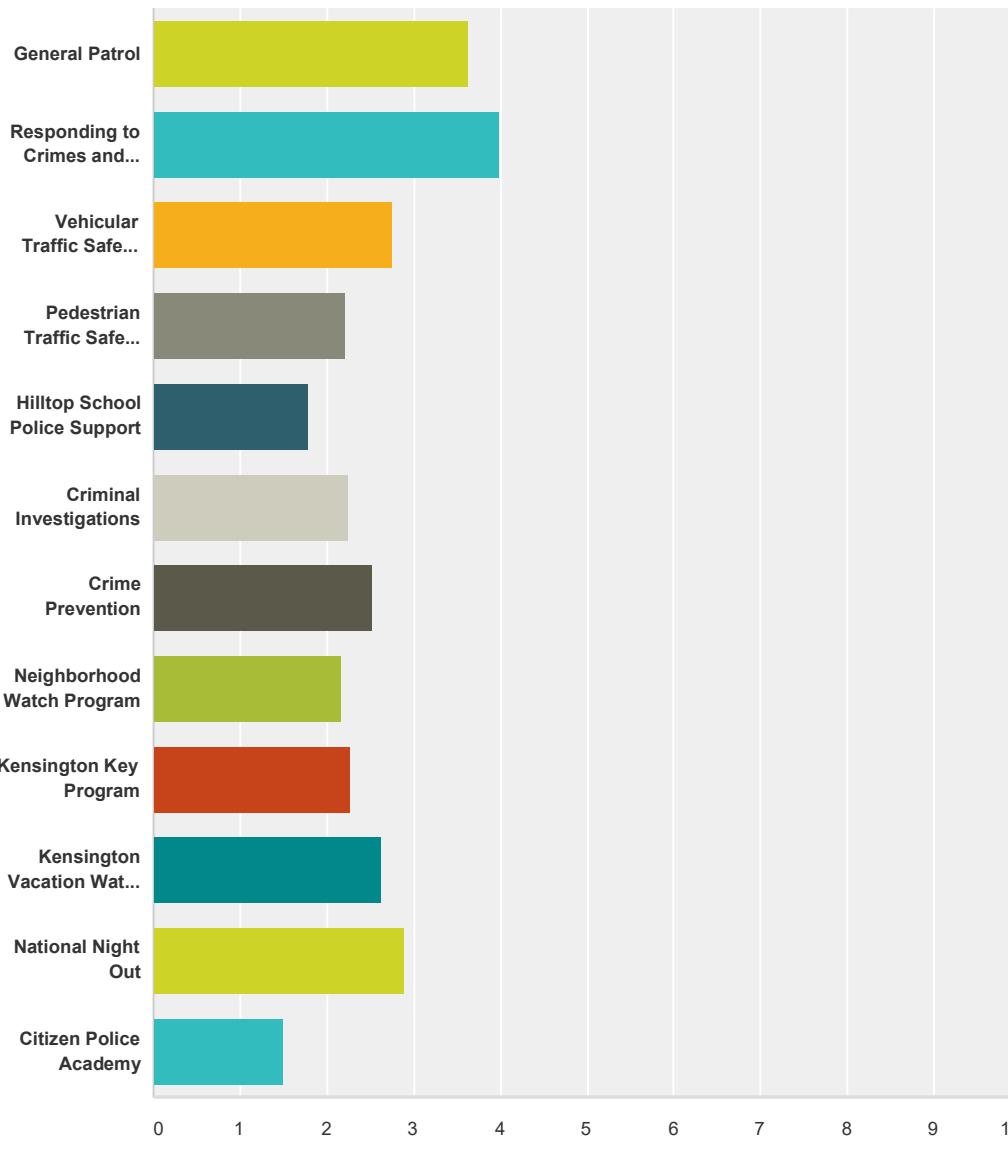


	1 (Not Important)	2	3	4	5 (Extremely Important)	Don't Know	Total	Weighted Average
General Patrol	1.62%	4.17%	12.04%	28.01%	53.47%	0.69%	447	4.25

	1 (Not Important)	2	3	4	5 (Extremely Important)	Don't Know	Total	Weighted Average
General Patrol	1.62% 7	4.17% 18	12.04% 52	28.01% 121	53.47% 231	0.69% 3	432	4.28
Responding to Crimes and Calls for Service	0.45% 2	0.68% 3	2.48% 11	6.76% 30	88.96% 395	0.68% 3	444	4.84
Vehicular Traffic Safety and Control	2.01% 9	10.74% 48	21.03% 94	31.54% 141	33.78% 151	0.89% 4	447	3.85
Pedestrian Traffic Safety and Control	4.71% 21	11.21% 50	23.32% 104	25.78% 115	34.30% 153	0.67% 3	446	3.74
Hilltop School Police Support	8.74% 39	10.54% 47	24.22% 108	25.56% 114	22.65% 101	8.30% 37	446	3.47
Criminal Investigations	2.03% 9	6.55% 29	13.32% 59	26.64% 118	49.89% 221	1.58% 7	443	4.18
Crime Prevention	0.90% 4	5.39% 24	10.79% 48	24.27% 108	57.75% 257	0.90% 4	445	4.34
Neighborhood Watch Program	5.00% 22	7.05% 31	21.59% 95	30.91% 136	31.59% 139	3.86% 17	440	3.80
Kensington Key Program	12.19% 54	13.54% 60	15.80% 70	16.70% 74	17.16% 76	24.60% 109	443	3.17
Kensington Vacation Watch Program	8.80% 39	11.51% 51	22.12% 98	25.06% 111	24.83% 110	7.67% 34	443	3.49
National Night Out	24.94% 111	16.63% 74	26.74% 119	15.28% 68	8.99% 40	7.42% 33	445	2.64
Citizen Police Academy	22.97% 102	18.24% 81	19.82% 88	12.16% 54	5.41% 24	21.40% 95	444	2.48

Q3 Please tell us how satisfied you were with your “direct experience” of any of the Kensington police services listed below. Select one answer for each service, where you had direct experience, on a scale of 1 to 5. 1 = very poor experience and 5 = excellent experience.

Answered: 449 Skipped: 1

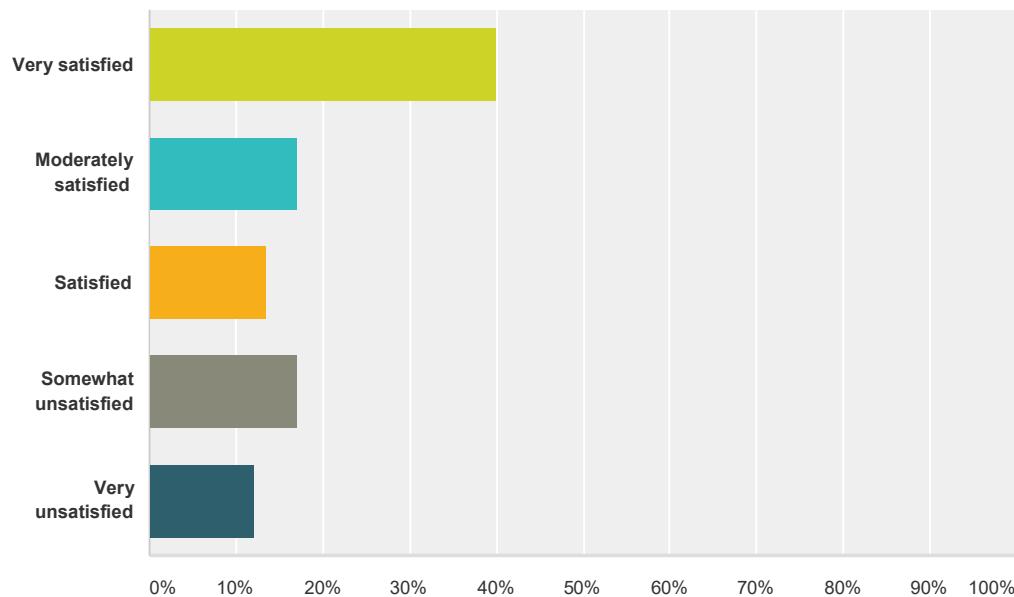


0 - (No Experience with this service)	1 - Very Poor Experience	2	3	4	5 (Excellent Experience)	Total	Weighted Average

	0 - (No Experience with this service)	1 - Very Poor Experience	2	3	4	5 (Excellent Experience)	Total	Weighted Average
General Patrol	26.04% 113	7.37% 32	8.99% 39	16.36% 71	16.59% 72	24.65% 107	434	3.64
Responding to Crimes and Calls for Service	24.83% 110	8.13% 36	4.51% 20	8.35% 37	15.58% 69	38.60% 171	443	3.98
Vehicular Traffic Safety and Control	41.10% 180	12.33% 54	9.82% 43	14.38% 63	11.64% 51	10.73% 47	438	2.75
Pedestrian Traffic Safety and Control	60.37% 262	7.83% 34	6.91% 30	8.76% 38	7.83% 34	8.29% 36	434	2.21
Hilltop School Police Support	75.98% 329	2.08% 9	5.31% 23	6.00% 26	3.93% 17	6.70% 29	433	1.80
Criminal Investigations	60.46% 263	9.20% 40	5.75% 25	5.06% 22	8.97% 39	10.57% 46	435	2.25
Crime Prevention	56.24% 239	4.71% 20	7.76% 33	8.71% 37	7.76% 33	14.82% 63	425	2.52
Neighborhood Watch Program	65.50% 281	3.03% 13	6.99% 30	7.93% 34	5.59% 24	10.96% 47	429	2.18
Kensington Key Program	67.51% 293	2.30% 10	3.46% 15	3.92% 17	7.60% 33	15.21% 66	434	2.27
Kensington Vacation Watch Program	55.99% 243	3.92% 17	4.61% 20	8.06% 35	10.14% 44	17.28% 75	434	2.64
National Night Out	45.79% 201	4.78% 21	7.74% 34	12.98% 57	12.30% 54	16.40% 72	439	2.90
Citizen Police Academy	85.05% 364	2.34% 10	3.27% 14	1.17% 5	3.04% 13	5.14% 22	428	1.50

Q4 Overall, how satisfied are you with the police services provided in Kensington?

Answered: 444 Skipped: 6

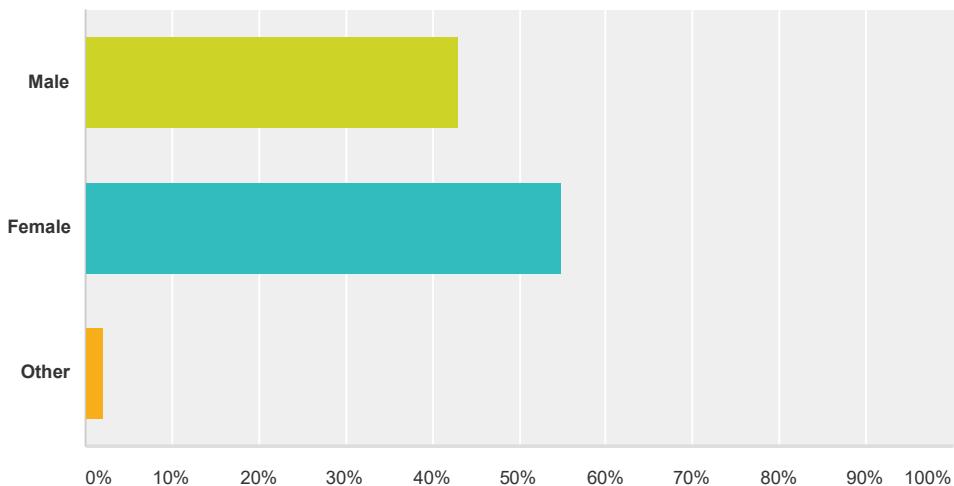


Answer Choices	Responses
Very satisfied	40.09% 178
Moderately satisfied	17.12% 76
Satisfied	13.51% 60
Somewhat unsatisfied	17.12% 76
Very unsatisfied	12.16% 54
Total	444

183	There needs to be a separation of the GM and COP positions for it is clearly a conflict of interest. Also, there seem to be too many cars for the too few officers and I don't at all understand the need for new weapons, etc. The lack of transparency of the Board and how the KPPCSD is run, which isn't a confidence builder.	4/27/2016 2:48 PM
184	Continuing education and supervision of officers; prompt and forthright communication with the community re problems of officer conduct by COP; rebuilding of trust with the Kensington community. Outsource to El Cerrito or separate the CM/COP position.	4/27/2016 2:03 PM
185	I would recommend being able to fill out such a survey shortly after a "direct experience" with a specific Kensington Police officer, same as you can rate your satisfaction everywhere else, your medical provider, sales service, or even just the cashier at a supermarket.	4/27/2016 1:52 PM
186	I would like more interaction with the police, as in bicycle patrols, etc. There are far fewer patrols than there used to be. In fact, when a police car came down Coventry the other day, neighbors commented upon it, because it was such a rarity. They used to patrol all the time. And they could be nicer! (some are very nice, others not...)	4/15/2016 11:16 AM

Q6 Gender?

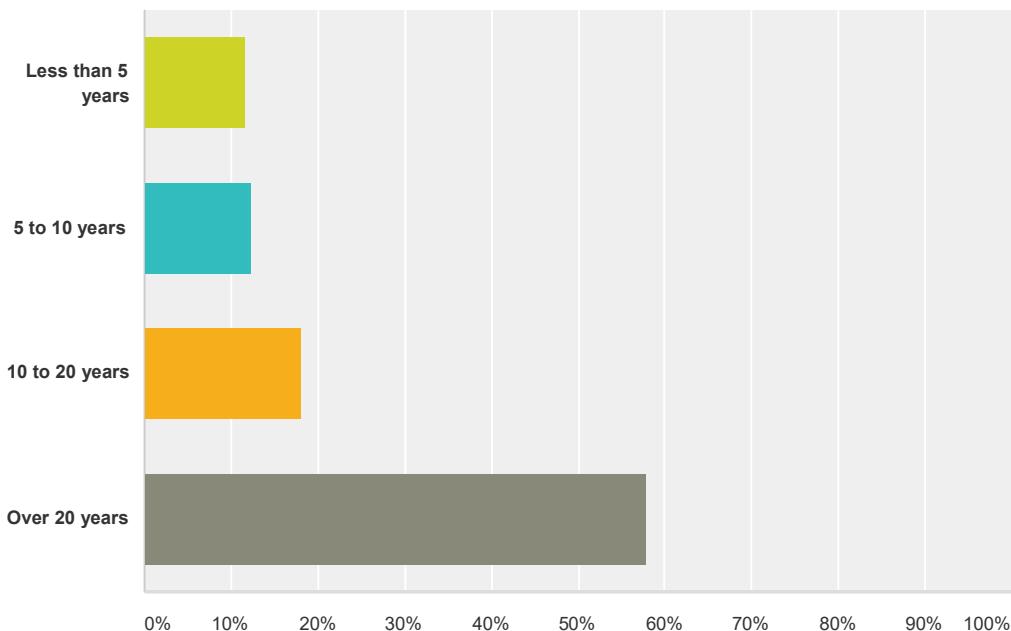
Answered: 448 Skipped: 2



Answer Choices	Responses
Male	43.08% 193
Female	54.91% 246
Other	2.01% 9
Total	448

Q7 How long have you lived in Kensington?

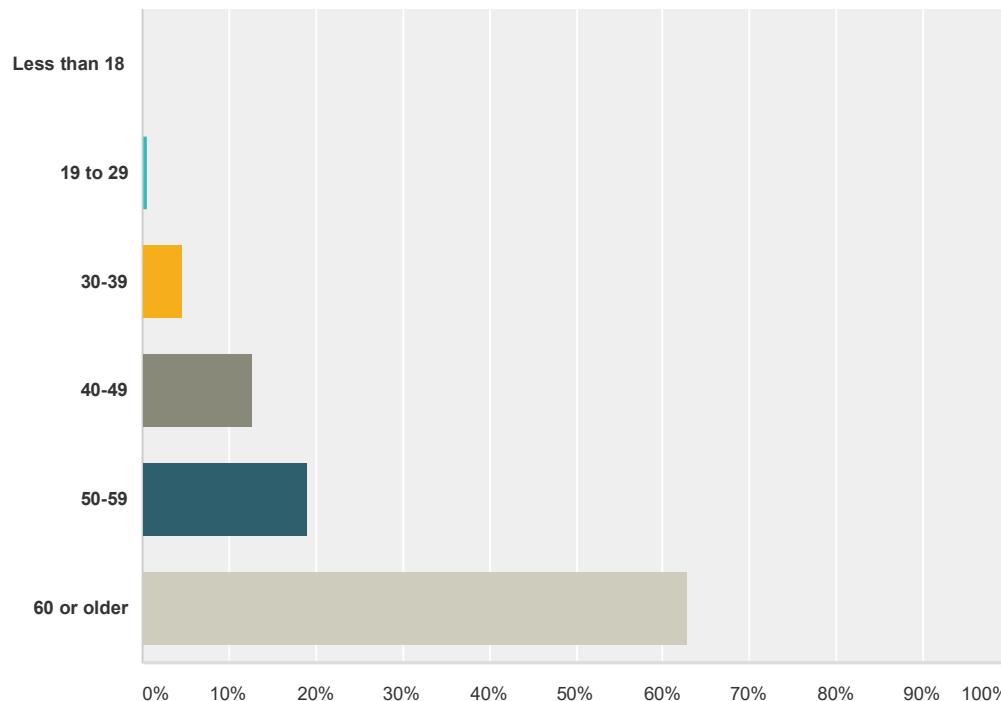
Answered: 446 Skipped: 4



Answer Choices	Responses
Less than 5 years	11.66% 52
5 to 10 years	12.33% 55
10 to 20 years	18.16% 81
Over 20 years	57.85% 258
Total	446

Q8 Which age range best describes your age?

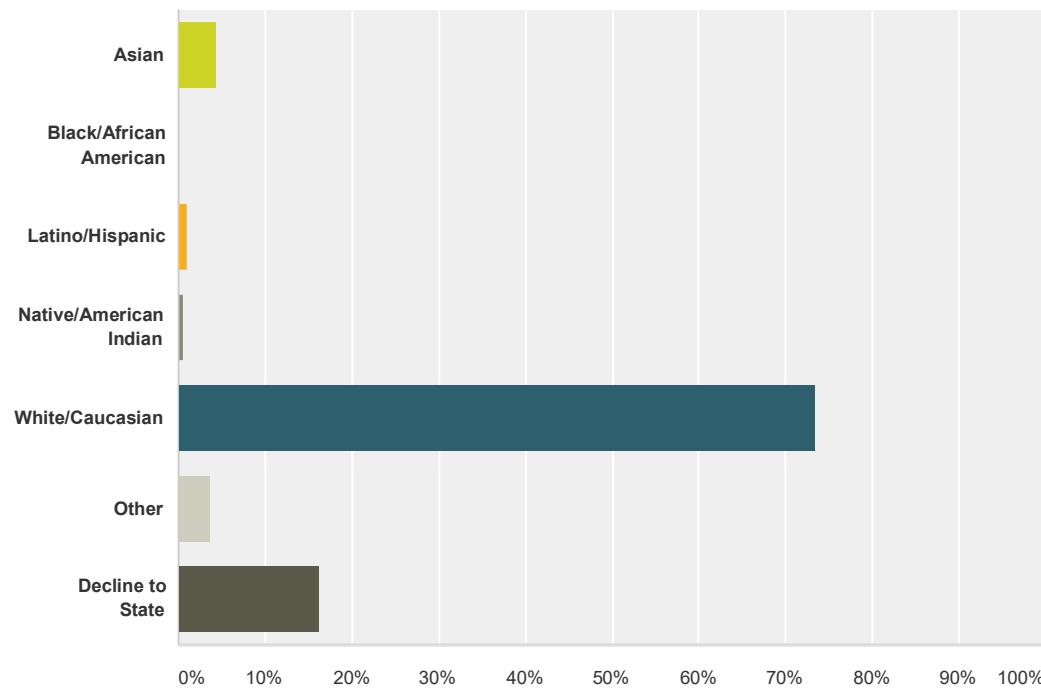
Answered: 449 Skipped: 1



Answer Choices	Responses
Less than 18	0.22%
19 to 29	0.67%
30-39	4.68%
40-49	12.69%
50-59	18.93%
60 or older	62.81%
Total	449

Q9 Race/Ethnicity

Answered: 448 Skipped: 2



Answer Choices	Responses
Asian	4.46% 20
Black/African American	0.22% 1
Latino/Hispanic	1.12% 5
Native/American Indian	0.67% 3
White/Caucasian	73.44% 329
Other	3.79% 17
Decline to State	16.29% 73
Total	448

Appendix C. Police Officer Duties

Collateral Services/Duties

- General Patrol
- Maintaining Policy Manual
- Police Records
- Traffic Control/Safety
- Hilltop School Safety
- Supervision
- Internal Affairs
- A Victim of Violent Crime Advocate
- Community Crime Alerts
- Key Program
- Vacation Watch
- Detective Services
- Electronic Satellite
- Pursuit Devices
- Critical Reach

Administrative/Technological Support Functions

- FTO (Field Training Officer)
- Fleet Management
- Evidence Technician (CSI)
- AEDs and Inspection
- Traffic Signs/Radar
- Radios
- Maintain Legal Source Book Resource
- Daytime community presentations
- LiveScan
- CLETS Administrator) (restraining orders
- Aries Liaison (Data)
- Impact Weapons Coordinator
- Maintain Critical Reach
- New Officer Training
- Parking Citations
- Maintain electronic satellite pursuit devices
- Patrol Vehicle Keys
- P.A.S. Coordinator
- Squad Room Forms
- Property Room
- Court Traffic Surveys
- Police IT/social media
- ARIES Data Liaison
- Background Investigator
- PA System/KPPCSD Recordings & Agenda
- Phreaks Rep (police (restraining orders)
- Continuous Professional Training
- Dispatch: outsourced to Richmond
- Court Liaison
- Monthly Reports

Appendix D. Bifurcation Agencies Studied Spreadsheet

Ad Hoc Committee on Governance and Operations Structure - Subcommittee Study of the Bifurcation of Dual Role Position: General Manager/Chief of Police												
Agencies Studied												
Agency Name	Agency Type	Service(s) Provided		Population	Annual budget \$	Admin Staff (Excludes Police)	Police Staff	Size of Governing Board, Members	# Agency Board Mtgs/Yr 2015	Crime Statistics include Violent & Prop. Crimes	Salary/Benefits	Comments
Agencies: Shared GM/Chief - Current												
Kensington Police Protection and Community Service District	CSD	Police, Park and Rec, Refuse (Contract)	5,281 (2014)	2.86 M	2 PT = 1 FTE	9 + Chief; sworn officers per 1000 population - 1.89	5	20 (normally meet once/month)	2014 - 48 2013 - 90 2013 - 89 2011 - 96	Interim GM/Chief: \$145K; district provides health benefit through cafeteria plan; PERS pension w/employee initially paying 3% of employee contribution, reduced to 2%		
Broadmoor Police Protection District	PPD	Police	4,500	1.7 M	Admin. Assist.	Chief + 8 full time(2 Corporals + 6 PO); 3 part-time PO; sworn officers per 1000 population - 2.0	3	12 (normally meet once/month)	2014 - 58 2013 - 69 2012 - 75 2013 - 68	GM /Chief: \$150K w/no benefits; PERS benefits based on employment with SF Police Dept.	25 Reserves (#1: 6 part-time act as sworn cops; #2: 19 do not act as sworn cops); 2 part-time investigators (ex-SF Police retired); 12 hr shifts, 2 per shift; 12 vehicles including 2 motorcycles (converting to all SUVs):	
Rodeo-Hercules Fire Protection District	FPD	Fire Suppression, Paramedic, Education, Fire Prevention	35,000	7 M	Admin. Assist.	20 Fire Safety	5	12 (normally meet once/month)		Fire Chief: Wages: \$236K; Retirement \$12.5K (2013) - State Controller		
Agencies: Shared GM/Chief - Past												
Sutter Creek	City	Police, Public Works (Parks, Rec & Building), Planning & Building Development, Refuse (Contract), Wastewater	2442 (2014); 2457 (2015)	3.68 M	8.4	5 including Chief; sworn officers per 1000 population - 2.03	5	24 (normally meets twice/month)	2014 - 45 2013 - 62 2012 - 69 2011 - 70	GM: Salary: 95K ; PERS 5.9K; No Health Benefit (Proposed 2015/16 budget)); Police Chief: Salary: \$88.9K (2014 SCO); Benefits: PERS 3% @50; employer contrib: \$26.2K (no employee cont.; Health: \$14.4K	GM serves as Public Works Manager; seeking part-time police chief and to add PO	
Agencies: Split Positions & Similar Services												
Lake Shastina	CSD	Water, Wastewater, Fire (Volunteer), Police, Animal Control	2847 (Est. 12/2015) From LSCSD docs	2.47M			5	20 (normally meet once/month)	2014 - 23 2013 - 12 2012 - no data 2011 - no data	GM: Salary: \$103,150 (2014 SCO); Chief of Public Safety: Salary: \$61,500 (2014 SCO)	Last GM was apparently on leave from 10/14 to 3/15 (terminated); interim/acting GM since; wastewater leadman served as interim GM until May, 2016; Still seeking full time GM; Non-PERS for Police Officers	
Marinwood	CSD	Fire, Rec, Parks	6094 (2010)	4.92M	2-Adm.: (DM + clerk); 7 FTE: (3 Parks; 4-Rec; also seasonal emp.)	11 FF including Chief	5	20 (normally meet once/month)		District Manager (1 year in position): Salary: \$98K 4 weeks paid vacation, 12 sick days, Medical: 90%/10%, Dental 100%, Vision: 100%, Life: 100%, Pension: 2@62 PEPRA, Fire Chief (14 years in position): Salary: \$107, 4 weeks paid vacation, 12 sick days, Medical: 80%/20%, Dental: 100%, Vision: 100%, Life: 100%, Pension: 3@50 (employee pays 100% of employee share)	DM allocated 50% to Fire; 25% to Parks; and 25% to Rec,	

Ad Hoc Committee on Governance and Operations Structure - Subcommittee Study of the Bifurcation of Dual Role Position: General Manager/Chief of Police

Agencies Studied (Cont.)

Agency Name		Agency Type	Service(s) Provided	Population	Annual budget \$	Admin Staff (Excludes Police)	Police Staff	Size of Governing Board, Members	# Agency Board Mts/Vr 2015	Crime Statistics include Violent & Prop. Crimes	Salary/Benefits	Comments
Agencies: Split Positions & Similar Services (Cont.)												
Clayton	City	Police, Public Works & Engineering (Plans/Specs Approval & Enforcement., Facilities Maintenance, Stormwater), Community Development (Building Permits), Parks & Rec, Refuse (Contract)	11,209 (2014); 11,288 (2015)	4.1M if no change in Police Salary/Benefit ; Police 4% raise; less 3% pension give back	City Manager, Asst to CM, City Attorney (Contract), Asst. City Attorney, City Clerk/HR, City Treasurer, City Engineer (Contract), Finance Man.w/1.3 FTE support; Commun. Dev. Dir. w/0.9 FTE support: 5 FTE Maintenance staff	11 sworn including Chief (3 Sgt + 7 Police Officers); Csommunity Service Office and Police Office Coord.; sworn officers per 1000 population - 0.97	5	27 (normally meet twice/month)	2014 - 115 2013 - 103 2012 - 113 2011 - 109	GM: Salary: 200K (per 2015 contract amendment); City covers full CALPERS retirement payment as well as 100% of Health Benefits; Police Chief: Salary: \$119.3K; employee pays 50% of normal PERS cost: 11.15%; health benefit: Dental only; Employer Deferred Comp. contrib: \$2.7K		
Ross	City	Police, Building (Permits, Plans Inspect.), Planning, Public Works, Recreation	2,475 (2014); 2493 (2015)	8.20M	14 FTE including TM, Town Clerk/Admin Man, Planner, Public Works, Building and Recreation	8 sworn including Chief (2 Sgt + 5 Police Officers); Sworn officers per 1000 population - 3.26	5	23 (normally meet once/month)	2014 - 25 2013 - 49 2012 - 25 2011 - 37	Town Manager: Salary: \$191K; Deferred Compensation - 6% of salary; Employee pays full employee PERS contribution; Town's Medical/Dental Plans for family coverage; Vacation/yr - 20 days; Management Leave/yr - 6 days; Life Ins: \$50,000 PERS: 2% @ 60 formula Police Chief: Salary: \$131.8K (Eff. 3/16/2016), additional increases 2.5% on 8/2016, 2% on 3/2017, 7/2017 and 3/2018 (\$143,318); Employee pays full employee PERS contribution (9%) to increase to 12% on 7/2017; Education pay of \$250/month; Medical Plan: Family	Fire protection is regional, Building Dept. (contract), Public Works Dir. (contract), Legal (contract), Accountant, (contract) ; 24/7 Police coverage w/1 PO one duty	
Belvedere	City	Police, Building, Planning, Public Works, Recreation (Community Center)	2,121 (2015) Dept. of Finance	6.89M (2015/16)	City Manager plus 14: Fin. Officer, City Clerk; Building (3); Planning (3); Public Works (4); Contract for Legal Services (City and Deputy City Attorney) and City Engineer	7 sworn including Chief (2 Sgt. + 4 Police Officers) Poice Secretary; Sworn officers per 1000 population - 3.30	5	16 (normally meet once/month)	2014 - 37 2013 - 26 2012 - 20 2011 - 18	City Manager: Salary: \$186.3K; Benefits: \$61.8K; Police Chief: Salary: \$147.7K; Additional costs including Benefits: \$39.6K	Tiburon pays Belvedere half of compensation for services of Police Chief as a shared arrangement. Police Chief serves as a Captain in Tiburon Police Department.	
Stallion Springs	CSD	Police, Water, Wastewater, Road Maintenance, Refuse, Parks & Rec	2488 (2010)	2.61M (2014/15 Exp); 2.38M (2015/16 Prop.)	GM plus 12: AA, OA and Fin. Officer.; Public Service: 8; Parks&Rec: 1 (Coordin) plus Aids	5 including Chief (1 Sgt + 3 Police Officers); sworn officers per 1000 population - 2.0	5	22 (normally meet once/month)	2014 - 15 2013 - 16 2012 - 15 2011 - 12	GM: Salary: 95K (2016); Benefits same as other District employees; Police Chief: Salary: \$103K; employee pays employee PERS contribution, 9%.	Chief serves as Asst. GM; PERS contracting Benefits	

Ad Hoc Committee on Governance and Operations Structure - Subcommittee Study of the Bifurcation of Dual Role Position: General Manager/Chief of Police											
Agencies Studied (Cont.)											
Agency Name	Agency Type	Service(s) Provided	Population	Annual budget \$	Admin Staff (Excludes Police)	Police Staff	Size of Governing Board, Members	# Agency Board Mtgs/Yr 2015	Crime Statistics include Violent & Prop. Crimes	Salary/Benefits	Comments
Agencies: Part-time General Manager (Cont.)											
Mountain Meadows	CSD	Roads, Drains, Signage		0.16K	Part-time GM		5	23 from 5/20 to 12/17		Part-time GM, David Aranda; works 15 hr/week Employ 22 road maintenance workers; grant funded	
Saddle Creek	CSD	Wildlife/Wetlands Protection, Landscape Maintenance, Mosquito Abatement, Road Maintenance, Storm Drain Maintenance, Operate Community Entrance Control Gate		0.57M	GM/Treasurer, (Part-time Contract GM), Site Manager, Assist. Site Manager, Clerk, 3 to 7 Maintenance Staff (only 3 appear full time, 2013)		4	12 (normally meets one/month)	Consultant GM Peter Kampa: 62.7K (2016) Contract amount	Gated Community associated with a Golf Course Development, which in 2006 had 397 parcels. Saddle Creek CSD does all the maintenance and provides other services within the development.	
Los Osos	CSD	Water, Wastewater, Fire (Contract w/County), Road, Storm Drain & Landscape Maintenance, Solid Waste, Parks & Rec., Wetlands	7,086 (2016)	6.2M	GM (contract GM); 22.9 FTE including GM) Admin: 3; Water: 8.5; Reserve Firefighter: 11.40		5	16 (normally meet once/month)	Consultant GM Peter Kampa: 97K: (2016) Contract Amount		
Lake Don Pedro	CSD	Water	3,200	1.59M			5	20 (normally meets once/month)	Consultant GM Peter Kampa: 75K/yr Contract Amount based on 20 hours/week (10/2014); Amendment 1/2015: additional \$80/hour @ 60 to 80 hours/month for emergency water supply management		
Muir Beach	CSD	Water, Road Maintenance, Recreation, Volunteer Fire Dept	300	250K -300K	1/2 GM, 1/2 Water Manager, 3 Part-time handy men, contract for book keeping and secretary for mtg minutes		Normally meet once/month		1/2 GM : 55K/yr for 20 hours/week plus Kaiser medical plan @\$850/mon	1/2 GM has temporary agreement to work more than 20 hours/week at same hourly rate	

KEY

CSD - Community Service District

PPD - Police Protection District

FPD - Fire Protection District

DM - District Manager

CM - City Manager

PT - Part-time

GM - General Manager

COP - Chief of Police

FT - Full-time

Appendix E. Bifurcation Sample Salaries (No Benefits) for Agencies Studied

Examples of Salary—Dual GM/COP or Fire Chief

Salary Range: \$145,000 to \$236,000

Agencies with police services:

- Broadmoor PPD \$150,000
- KPPCSD \$145,000

Agencies with fire services:

- Rodeo-Hercules FPD \$236,000 (2013)

Examples of Salary—Full-Time Managers

Salary Range: \$95,000 to \$200,000

Agencies with multiple services including police

- Clayton \$200,000
- Ross \$191,000
- Belvedere \$186,345
- Sutter Creek \$95,000
- Colma \$190,000 (Previous City Manager of Sutter Creek)
- Stallion Springs CSD \$95,000
- Lake Shastina CSD \$102,150 (2014 SCO)

Agencies with multiple services not including police

- Marinwood \$98,000

Examples of Salary—Part-Time General Managers (Contract)

Range of contract amounts: \$62,700 to \$97,000

- Saddle Creek \$62,700 (No fixed number of hours)
- Los Oso \$97,000
- Lake Don Pedro \$75,000 (Maximum 20 hours/week)

Examples of Salary—Police Chiefs

Salary Range: \$61,500 to \$147,700

Agencies with multiple services including police

- Clayton \$119,000
- Ross \$131,800 (3/16) to 143,300 (3/18)
- Belvedere \$147,700
- Stallion Springs CSD \$103,000
- Sutter Creek \$86,772 to \$105,471 (From Job Description)
- Lake Shastina CSD \$61,500 (2014 SCO)

Appendix F. Bifurcation Agency Interviews

Study of Bifurcation of the Dual-Role General Manager/Chief of Police Position

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Agencies with "Current" Shared General Manager/Chief of Police Position

Broadmoor Police Protection District

Meeting: March 18, 2016, 9 am. 388 88th St. Daly City

Chief of Police Emeritus Dave Parenti, Broadmoor Police Protection District

Attending: Lisa Caronna and David Spath

General Info and Background:

- COP Emeritus Dave Parenti (Past Chief Broadmoor and assisting new Chief Stellini) – Parenti is retired from San Francisco District Attorney Office.
- 2006 came to Broadmoor.
- In 2013 he retired after 10 years with Broadmoor - 3 as the Chief.
- As Chief, Parenti worked full time for with annual salary of \$162,500,
- New Chief, Art Stellini, recently hired - \$150K/year salary, no benefits and is recently retired from Lieutenant in SF.

Services:

- Police with 24/7 coverage

Stats:

- Population: Approx 4,500
- Approx 1,700 parcels and units of housing (includes apartments/condos).
- Approx. 6,000 calls for service per year and 4-6 dispatch 911 calls a day.
- Have 3 Board (Commission) members – 2 are ex police officers from other departments.
- Board selects Chief and Chief hires all staff.
- Board meetings – have posting down to a science.
- Board function follows the money. They are check and balance to all expenditures and revenue of the District.
- Administrative duties of the board include budget adoption and approval of Audit annually. No annual appropriation ordinance.
- Community participation: 6-7 people attend meetings.

Budget and Funding:

- Budget – 1 year at a time.
- Have 1,700 parcels and units of housing that pay into special tax funding for police.
- \$397 per parcel and per unit of housing (includes apartments and condos) Can raise tax up to 5% a year by law. Raised only once in 02 or 03 and at no other time. 90% voted to approve tax in Broadmoor – very supportive community. Love the police department.
- Total Revenue: \$1.7M = \$397/unit, Special Tax: \$700+ plus Educational Revenue Augmentation Fund (ERAF) money and \$100K Cops grants + tickets, which amounts to about \$60,000 annually
- No reserve set-aside. If they get into a bind, they could get a loan from County on property owned by the District if needed. This has never been an issue.
- Officer salary: \$96K/year salary + 20,128 medical + 36,480 PERS + \$6K holiday pay.

- Have 10 police cars and 2 motorcycles
- Don't put money aside for capital improvements. No capital improvements needed. Have a new building. Wait for extra money then buy extras that are desired.
- Vehicles: \$40,000/ car. They put \$10K a year into car replacement fund. Moving toward SUV's for all vehicles.

Staffing and Duties:

- Staff: 1 Chief, 1 Commander, 8 sworn officers, 3 part-time officers, 25 reserves. Of the reserves, 6 are level 1 and can ride alone, 19 are level 2 and must be with supervisor. Reserves time is about 6000 hours per year. Reserves receive no compensation.
- Have 2 Corporals, no Sergeants.
- Supervision is a Corporal or Chief at all times except one night shift with senior officer/supervisor.
- 12 hours shifts; 6 am to 6 pm and 6 pm to 6 am.
- For investigations: Hire 2 part-time people as needed for investigations. Both are retired from SF police department. Paid at \$30/hour
- Have 1 Administrative Executive who does all admin work - payroll, bills, board packets, etc.
- Chief needs to be good facilitator.
- For Police policies they use – Lexipol
- Provide 40 hr/year training time for officers.

Grievances and Discipline:

- When internal investigation is needed they use outside investigation firm.
- No conflicts of interest between board and officers.
- Corporals do the investigation on officers. If action against Corporal they go to outside investigation.
- Chief does Skelly hearing. Then goes to Board – historically.
- Opinion on binding arbitration? Don't like it.

Assistance by County:

- All money goes through the County including bills, payments, and payroll.
- County holds funds in interest bearing account.
- Dispatch services go through County dispatch.

Negotiations:

- They pay their officers in the top 1/3 for pay in county - \$90K+
- All medical is paid for and all PERS will be 3% employee contribution for next three years – up to 9%.

Bifurcation:

Pros: None

Cons:

- Likes that there is no GM over Chief – not needed. Good idea for Chief to do everything Finance, HR, Board, etc.
- GMs do not understand policing.
- Doesn't think having manager would be good idea for them. Wouldn't help. It works well now.
- Chief has have good facilitator skills.

Misc:

Pressure to consolidate? Community doesn't want Daly City to do police work in Broadmoor.

San Mateo LAFCO has recommended that consideration be given to annexation by the City of Daly City or creation of a County Service Area with Colma Fire Protection District and contract for services with a full service providing agency such as San Mateo County or the City of Daly City. (San Mateo LAFCO, North County Cities and Special Districts Municipal Services Review/Sphere of Influence Study, September, 2015)

San Mateo Sheriff already took over Millbrae, Half Moon Bay and San Carlos

Recently moved to insurance with Golden State Risk Management Authority that saved them money.

Agency with Shared Manager/Chief - Dual Role Position

Kensington Police Protection and Community Service District (KPPCSD)

Meeting: March 4, 2016, 217 Arlington Ave, Kensington, CA

Interim General Manager/Chief of Police: Kevin Hart

Attending: Simon Brafman, David Spath, Lisa Caronna

General info and background:

- Kevin Hart hired in June 2015 as Interim GM/Chief – approx. 9 months in the position.
- Spends 50 to 60 hours a week working for Kensington to get the job done.
- Always available 24/7 and tries to be available for meetings with community groups and the public when requested (KCC, KIC, events, etc.)

Services:

- Police
- Park and Recreation
- Solid Waste

Stats:

- + 5,000 population
- 2,200 homes

Board:

- 5 member Board of Directors with 4 year terms

Staffing:

- 1 Chief, and 9 officers
- 1 FTE – Admin ($\frac{1}{2}$ time person for minutes and admin support and for accounts payable and $\frac{1}{2}$ time person for accounts receivables, property room, evidence, training coordinator (keeps logs).
- By Contract: 2 people - one for building maintenance, and one for grounds maintenance.

Estimated Division of Time Between General Manger and Chief of Police (COP)

- COP: Most of the time is law enforcement related – 85-90% of total time.
- GM : 10-15% of total time.
- Primary duties: Most of his time spent on staff reports, board meetings, agenda development, public records requests.
- Financial: Budget preparation takes time followed by monitoring budget particularly expenditures.
- Meetings: Board, Finance Committee, Parks Committee, Community Meetings (KCC, KIC), events, farmers market. When asked he tries to get there.
- Recreation: Has long-term contract with KCC for Rec and Building E maintenance.
- Park Maintenance issues are minimal – estimated at 5% of a day on average.
- Park maintenance: 5% of day

- Solid Waste: 9-year contract. Need to monitor franchise fees. Most complaints are from Bay View for debris containers that the citizens acquire from vendors other than Bay View – Total time on Solid Waste estimated at 2% of a day on average.
- MOU contract negotiations: Does not recommend being negotiator; leave to professional labor negotiator

Who do you represent when you go meet the public?

- Mixture of COP and GM representation at meetings.
- He is able to answer most questions with community as both GM and COP

What do you think about Part-time Chief?

- Big morale issue for officers. Chief will not be perceived as devoted to the force.
- Supervision needed at all times. Police deal with critical issues – need guidance.
- Potentially suffer without full time Chief. Level of crime might increase.
- Role of Chief important to set tone for the department.
- Important how Chief relates to and manages staff
- When he came on board, he interviewed every employee to learn, among other things about their expectations of him.
- He informed them of 2 things: 1. Do your job. 2. I'm not your friend, I'm your Chief of Police.

Grievances and Discipline:

- COP here does notice of discipline and the Skelly hearing then appeal to Board of Directors
- More typical procedure: Usually, notice of discipline, Skelly hearing, final notice of discipline and then goes to Board as final appeal.
- Note: Board as the appeal authority cannot know details of the investigation.

What about a Captain in lieu of a Chief?

- Person making the final decision on everything who has the final authority and legal authority to provide police services - That's a Chief. Salary can vary but the role is Chief.

What if starting from the beginning/What structure might work

- Could see Part-time GM with full-time COP

Bifurcation:

Pros: Part-time General Manager – Great for the Chief, less work!

Cons:

- Funding if both full-time GM and COP
- Police business is the majority of the workload – 80-95%. The remaining 15% can be accomplished with the right Chief with experience in budget, finance, contract issues, workers comp, human resources. Individual expertise most critical factor.

Note: He can see why it's only been one position.

Agency with Shared Manager/Chief - Dual Role Position

Note: Typical for all Fire Protection Districts - Fire Chief is also Administrative Manager

Rodeo-Hercules Fire Protection District (RHFPD)

Meeting: March 17, 2016 9 am. 1680 Refugio Valley Roar, Hercules

Fire Chief Charles Hanley, Rodeo-Hercules Fire Protection District

Attending: David Spath, Lisa Caronna

General Info and Background:

- Chief Hanley has been with the RHFPD for 5-1/2 years (Prior to that he worked for 27 years with Santa Rosa Fire Department)

Services:

- Fire Protection and Emergency Services

Stats:

- 2 fire Stations in FPD. 1 in Rodeo and 1 in Hercules. Serves approximately 35,000 pop.

Board

- He is in frequent communication with the City Manager, Board Chair and with individual board members.
- They have 11 Board meetings a year (December is Black).

Budget and Funding:

- Budget about \$7M
- Has a 1-year budget plan. He does it himself.
- RHFPD is not fully funded – big problem. Other FPD's such as Moraga, San Ramon Valley, Menlo Park and Southern Marin are fully staffed and funded. Those FPD's are not like FPD's in heavily urban areas.
- He needs more funding sources! Education Revenue Augmentation Fund (ERAFF) monies taken away as well as other sources of revenue such as reduction in property taxes paid by refineries. Funding is huge issue right now. They have 2 fire stations and may need to close one as they did previously during difficult budget years.

Staffing and Job Duties:

- Existing Admin Staffing: 1 Chief, 1 Battalion Chief, 1 Administrative Assistant
Note: He had Administrative Service Officer but the position was eliminated with budget cuts and brought back at a lower position.
- The Fire Chief typically plays both roles as Chief and as top administrator for the fire districts – no matter how big or small. Has a dual role function.
- As Chief and top Administrator, need to be subject expert on all aspects of fire ops and overall governance. He has Masters in Public Administration.

- Skills needed to be Chief and Administrator: good management style; know about funding; how to implement revenue measures; Human Resources
- Need to raise training level to do the job. California Special Districts Association has Leadership Academy focusing on all aspects of administrative leadership, working with boards and staff, board responsibilities, fiscal accountability and general good governance skills. i.e., need diverse skills to be top administrator.
- Administration part of position almost 100% of his time.

Grievances and Discipline:

- Discipline: Fire Fighters Bill of Rights governs many issues.
- He is typically the 3rd level of disciplinary appeal for firefighter.
- Don't have and prefers binding arbitration. It forces folks to work together to avoid arbitration.

Negotiations:

- Uses IEDA to negotiate union contracts; At the table providing direction to negotiator if necessary.
- He has negotiated contracts with L1401 and L1230 and negotiates all concession bargaining.

Bifurcation:

- Pros: NA
- Cons: Don't need separate General Manager position. Need Administrative Services Officer who functions as Clerk of the Board. That would be enough. Do need another set of eyes and someone to flesh out issues facing the District. Having another high-level staff person to bounce ideas and strategy with is important.
- Part-time versus full-time GM? Reporting to part-time GM doesn't work. Extremely difficult for a full time manager to report to a part-time administrator. Need full-time to cover.

Miscellaneous:

- Fire Districts are vulnerable if someone is suing. A city has more resources that get spread around whereas a fire district loses funding directly which impacts fire services.
- Difference between Police and Fire: Police have POST which is training mandated by law. Fire has training "inferred by law" based on industry standards, which are not as well defined and much more difficult to train for - the scope and impacts can be very broad leaving the fire departments more vulnerable to lawsuits.
- Small special districts better off contracting out: Neighboring city based on lowest bid; County: may be too expensive – Pension cost much more due to de-pooling; probably would be able to pay more in salary to keep employees.

Agencies with Split Positions and Similar Services

City of Sutter Creek

Meeting: February 23, 2016 Telephone Interview

City Manager Amy Gedney

Attending: Lisa Caronna

Amy Gedney started as CM in Sutter Creek in 2014

Population 2,200 (small)

Entire Sutter County population only 33,000

Amy Gedney was CM in Justine and they previously had shared CM/COP until 1999 when it was split into 2 positions.

Sutter Creek: Police Department: Budgeted for 1 chief and 4 officers. Currently recruiting for part-time Chief, hoping to get 5th officer and reduce over-time.

Officers work four 12 hour shifts to have officer on duty at all times and then use OT as needed.

State Attorney General had report on conflicting role of shared position - wasn't against the law but recommended it be split.

Sutter Creek had a shared dual position of GM/COP but it had been separated for 4 years when she entered the job.

Sutter Creek began the arrangement of the shared position prior to city encountering budget difficulties. Then they hired Assistant City Manager Sean Rabe as the CM. Sean is now the CM for City of Colma.

Part-time police chief. How does that work?

They have sergeant for day-to-day patrol and need an administrative Chief.

Looking for PERS retired Chief that can keep under the 960 hours/year and perform the job.

Need administrative duties to be fulfilled.

Chief needs to fulfill what the community wants and needs. They want someone who:

- can meet and work with business community
- provide guidance and direction to young officers
- be in charge and "mind the store"
- motivate officers and complete proper training
- be community oriented

- Chief provides the leadership!

Maintaining POST training a big deal for officers.

Mindset of cops today is different than 20 years ago. Multiple studies on why people become cops. Young cops need guidance.

It's a career choice to be a Chief and it's a profession with standards and expectation of duties including leadership.

As CM, she needs comfort knowing that the police are performing within acceptable guidelines and standards.

Budget for full-time chief.

\$103K full-time salary and approx. \$165K loaded.

As regards possible discipline of the chief? Hasn't come up but she might hire outside investigator for fairness issues.

Agency with shared City Manager/Chief of Police Position – “Past”

City of Sutter Creek

Meeting: March 18, 2016, 11 am, 1188 El Camino Real, Colma CA

General Manager: Sean Rabe, City Manager of Colma and previous City Manager for Sutter Creek

Attending: David Spath, Lisa Caronna

Meeting Notes:

Sean Rabe's experience in City of Sutter Creek

General Info and Background:

- When the City Manager left Sutter Creek, the Council asked the Chief of Police to take on the dual role CM/COP.
- This shared role position in Sutter Creek was for approximately 8 years.
- The 3 primary functions were: City Manager, Chief and JPA Sewer Manager.
- A skilled lieutenant was assisting in the running of the police department and other admin duties. When the lieutenant left, Sean was hired in an administrative position as Assistant City Manager.
- Sean Rabe's career with Sutter Creek started as Assistant City Manager.
- Grand Jury Report indicated CM/COP exceeded his expenditure authority when upgrading wastewater treatment facility. CM/COP was shifted back to Chief of Police partially to address perceived span of control issues and difficulty in managing both PD and General Admin.
- The position was then bifurcated and Sean Rabe was promoted to Interim City Manager and Chief position went back to Chief only.
- Building good will was very important at that time.
- When Sean became CM there were 5 police officers budgeted (including the Chief)
- As CM Sean spent 70% of his time working on General Administration versus 30% on waste water / sewer JPA
- Note: City of Lone (in approx 2003-04) had a shared CM/COP for 2 to 3 years. They ran into same issues. Hard to be at all places at all times. They went back to split positions.

Services:

- Police
- Parks (contracted out to JPA)
- Planning and Building Development
- Refuse
- Wastewater

Stats:

- Population approx. 2,400
- Approx 3 square miles

Board

- 5 member City Council

Budget and Funding:

- \$3.7 Mil annual budget
- GM/COP salary was approx \$110 K for all tasks.
- Refuse, Finance, and Planning contracted out
- Fire provided by a special district
- Not enough support in community to pay more for services.

Staffing:

- City Manager
- Police Dept: Chief, sergeant and 3 officers.
- Not a lot of crime. Lots of mutual aid and assistance. If help needed they call and help is available from adjacent jurisdictions and the County.
- Full time City Clerk, Admin. Analyst, three public works maintenance employees.

Grievances and Discipline:

- Doesn't know of serious discipline issues in Sutter Creek.

Assistance by County:

- Contracted with Sheriff for 911 dispatch. Dispatch would call the on-call officer on an as needed basis. Not a problem. Works OK. Not much crime.
- Looked at contracting out with Sheriff but it would cost more money.
- Good relation with DA's office. DA would do the investigation and other services as needed.

Negotiations:

- No discussion

Bifurcation:

Pros:

- Need someone good at multi-tasking and looking at the good of the entire community.
- Combined roles works in short time-frame as interim measure but not as a permanent solution.
- Part-time General Manager? Strong staff make the difference. A part-time General Manager cannot be expected to know all financial specifics. With strong support a part-time Manager could work. Sean recommended that Sutter Creek consider a part-time City Manager when he left that position due to budget constraints and lighter workload.
- Would avoid any potential conflict of interest issues although not necessarily a problem
- In Kensington he thinks we might consider a part-time older, experienced person as GM to help steady the ship and work with COP.
- Need separation of duties so public is comfortable reporting staff issues.
- Part-time JPA manager works for him as dual role because no employees to supervise.

Cons:

- Police officers resented the time that the dual CM/COP was spending on non-police issues.
- Lieutenant shouldered the workload of Chief and Administrative duties.
- Unrealistic to think that full-time CM/COP could do everything.
- Separate CM and COP can be expensive
- Part-time CM hard to find who will stay in that position. Plus, new PEPRA rules don't allow PERS employee to work more than 960 hours a year and not multiple years unless the terms of the temporary position are clearly defined. Annuitant can't fill permanent position has to be temporary and time limited with term and end of term defined.

Sean Rabe City Manager of Colma – a few notes

- 1,400 people in town above ground and 1.6 million buried.
- \$13.7 mil (not including Capital Improvement projects at \$1.8M) budget
- 3 sq miles.
- Police, Public Works/Planning, Recreation
- Colma – CM has ultimate authority for hiring and firing.
- Contractors can't oversee employees – must be employee.
- 140% in reserve when he started. 120% now – good revenue sources with retail sales tax the largest revenue source
- 20 officers = 9 officers/1,000 residents
- Have 2 BART stations, car dealers, 80,000 people on weekends – shopping mostly
- 4 people come to each Council meeting and love the Council.

Agency with Part-Time Chief – Shared with Another Jurisdiction

City of Belvedere

Meeting: April 7, 2016, 1:30pm – Telephone Interview

City Manager, Mary Neilan

Attending: David Spath, Lisa Caronna

General info and background:

- Belvedere hires a ½ time Police Chief, Tricia Seyler, and Tiburon hires her as a Captain for the other ½ time creating a full time shared position.
- Historically Belvedere contracted with County of Marin Sheriff office. Belvedere's Chief was through the Sheriff's Office. Chief Seyler was working for the county as Chief in Belvedere when 2 things happened:
 - 1. She retired from the County in July 2015 and the City wanted her to stay on in Belvedere. Since it had a different retirement system it was possible.
 - 2. Tiburon has a larger police force and they had a captain vacancy they wanted to fill. They knew Tricia so the Tiburon Chief and Town Manager came to Mary to share Tricia and the position.
- It was really based on this particular individual. Tricia knew both cities well and they knew and valued her work.
- In April, 2015, they agreed to a contract to share her position 50/50. This started as a trial and it is now permanent.
- Tiburon gets a better deal. She's working harder in Tiburon as Captain because it's a bigger force with bigger issues.
- Captain's job is more on duty position dealing with schedules and details of operations and assuming the Chief's role in his absence.
- If Chief in Tiburon retires, Tricia would likely be Chief for both cities.

Model for others?

- It's the person, Tricia Seyler, who makes it all work smoothly.
- Her visibility part of the job has not changed; public does not look at her as part-time Chief
- The 2 positions required different levels of time commitments. Chiefs can share multiple jurisdictions. Marin County is model – Twin Cities police now Central Marin Police Authority where 3 communities joined together into one police force.
- Could merge the Belvedere Department with Tiburon but community wants identity of their own police department in Belvedere.
- Officers would prefer full-time Chief but probably more about merging issue.
- Officers don't want to merge with Tiburon. Tiburon bigger with bigger issues. Officers like the residential community focus of Belvedere.
- Not sure what they would do if Tricia left – hire full-time chief, part-time, or share Chief with Tiburon.

Staffing:

- Belvedere: 1 Chief, 2 sergeants, 4 officers = 7 sworn + 1 secretary
- In PERS system
- Investigations follow-up by Secretary who supports investigation work - making calls, following up on leads, etc.
- IT support is managed city-wide. They contract out IT.
- County of Marin provides dispatch.

Coverage:

- 24/7 coverage; One officer is on patrol 24 hours/7 days a week
- On Thursday, Friday and Saturday there is double coverage until 3:00am.
- When no supervision of officer on duty, they can make calls to Tiburon with questions when/if they are in a bind. Supervisor always on duty there and they have strong relationship of cooperation and working together.

Part-time Chief Issues:

- Officers in Belvedere would prefer full time Chief. However, the 2 departments are 5 minutes apart by car. In practical sense no difference.
- Tricia makes herself available when needed – much like larger dept with multiple divisions – the Chief floats around.
- Crimes of opportunity are the biggest issues in Belvedere. Mostly property crimes, crime associated with construction activities, burglary, and identity theft.
- Traffic speed always an issue. Belvedere is residential only so no through traffic.
- Have license plate readers for Belvedere and Tiburon.
- Cameras - Very “very” effective deterrent with only 3 roads in and out.
- Installed 2 license plate readers at each of those 3 intersections for total of 6 cameras. Total cost for cameras of \$75,000. One in each direction on each pole. Annual Cost: 10,000/yr + installation 2,500 per installation.
- Community Policing is big – community engagement and personal contact
- Chief visibility with the community hasn’t changed – because transition was smooth and familiar for residents.
- Depth of resources makes a difference – bigger department has more flexible services.

Board:

- Chief meets with City Council every month and attends special meetings - working currently with Council on block captain project, full community presence.
- Tiburon – As a Captain she doesn’t go to Council meetings.

Budget and Funding:

- Chief responsible for her own budget and monitoring.
- Chief proposes police budget; then gets reviewed by City Manager and Finance Officer
- City Council sets policy/goals
- They pay a modest salary for Chief compared to the other Chiefs in Marin County. Would be 5% more to hire Chief who is not a retiree.
- City Manager negotiates the MOU with the Police Officers Association

Grievances and Discipline:

- Chief is first step in grievance process; City Manager is second step
- No grievances in past 3 years since Mary's arrival.
- Chief conducts discipline evaluation and take disciplinary action on officers.

Pros of part-time Chief:

- Cost savings

Cons of part-time Chief:

- Officers want full-time Chief
- Might be hard to find qualified part-time Chief

Agencies with Split Positions and Similar Services

City of Clayton

Meeting: March 29, 2016, 11am 6000 Heritage Trail

City Manager: Gary Napper

Attending: David Spath, Lisa Caronna

General info and background:

- Gary Napper has been City Manager for City of Clayton for 15 years.
- Has worked with 5 Clayton Chiefs in past 15 years
- 32 years' experience as a CA City Manager; MPA degree.

Services:

- Police
- Stormwater
- Parks and Street Maintenance
- Planning and Land Use
- Code Enforcement
- Contract out for Recreation: Gym/ Sports Field use

Stats:

Board:

- 12 meetings a year plus special meetings
- Board meetings – On regular basis, only CM and City Clerk attends meetings – no other staff attend unless they have an item on the agenda.
- Have 2 standing committees: Planning Commission, Trails and Landscaping Committee – He does not attend these meetings.

Budget and Funding:

- Clayton gets 7% of the 1% property tax – that's all.
- Have reserve of \$5mil \pm 120% of annual budget.
- Contract for dispatch services with Concord
- 10 vehicles – 1 per officer
- Budget – Finance Manager develops the prelim budget for the police department, City Mgr. reviews/changes it, City Council approves it, and then turns it over to the Chief for implementation. Overtime issue: Fixed amount, Chief has to work with it.
- When he came into the CM position, he implemented zero based budgeting and established new budget lines for City operations.

Staffing:

- Police department staffing: 10 + Chief = 11 sworn total
- 1 Chief, 3 Sergeants, 7 officers; plus 2 civilian police employees
- 1 Reserve officer is class 1 level 1

- Have up to date tools and equipment.
- Chief's base salary \$122,000
- Vacancies a few years ago when 4 left. 2 of those officers returned because they were better suited to the smaller Clayton community.
- They are going to lose 3 officers to Oakley in October (New police force in Oakley; former Clayton Chief is now new Oakley Police Chief)
- The new Chief in Clayton is retired Commander of Sheriff's Office, was a former Danville Chief working through the County Sheriff contract – now in Clayton.
- Currently has approval for over-hiring 3 replacement officers in anticipation of officers leaving.
- CM is the hiring authority for all personnel; officers approved with Chief's recommendation

Working with Police Chief:

- Good relationship – CM provides guidance regarding expectations of the Clayton community.

Grievances and Discipline:

- Discipline – CM imposes the discipline after recommendation from Chief and Skelly Hearing; then goes to outside hearing officer (non-binding) – then from hearing officer to City Council.
- He works with the Chief to resolve issues early on when possible.
- Grievance – 1st step Chief; 2nd step CM; 3rd step City Council whose decision is final. No binding arbitration.

Assistance by County:

- County provides building permits and animal control services.

Negotiations:

- Negotiations are difficult and done by Gary for City.
- POA bring in their union negotiators.
- Gary works with City Council to set parameters.
- PERS - Clayton – has 1st tier for 3% @55 (hired before 7/2010); has 2nd tier for 2% @50 (hired after 7/2010) and 3rd tier for 2.7% @57 (hired after 1/2013, subject to PEPRA)
Employees pay full employee contributions except Classic Tier 1, which pays 3% this year, 6% in FY 2016-17, and full 9% in FY 2017-18.

Bifurcation of the dual role position:

Pros:

- CM's and Chiefs are 2 different disciplines.
- Need generalist background for big picture.
- Visionary aspects to the GM position are important.
- CM background includes different expertise in Land-use or Finance where Police looks at existing public safety.
- CM can be used as scapegoat to implement elements that the officers may not like.
- More community sensitivity with CM in place

- Example 1: CM involvement: Oak tree on State Parks land fell on property in Clayton. Clayton has no jurisdiction in State Parks but through CM contacts with other agencies, situation was able to be resolved.
- Example 2: City Manager Richmond, Bill Lindsey: When he got there the city had entrenched resistant staff.. He turned that around because he was able to implement a cultural change within the organization.
-

Cons:

- Resources – costs more!
- Part-time GM possible with very limited services – need to find the right person with the right skills.
- GM/Chief dual position needs strong admin assistant particularly with financial skills.
- Part-time GM might work but it's the style of management: "All about the right fit."

Qualities of Chiefs in small agencies:

- Type of officer attracted to Kensington similar to Clayton. Quieter community with less heavy action. Typically not "A-team" of top notch officer candidates applying due to pay scales.
- Chiefs who come from big agencies need to be more hands on in small operations. Understand that even smallest of issues need to be addressed.
- Small agencies have less resources than bigger organizations - cultural adaptation issues for the Chief from larger organization.
- Most importantly Chief needs to understand community expectations and values. Must be more public service orientated.

Misc:

- City of Livingston, CA in 90s may have had shared City Manager/Police Chief position for a while.

Agencies with Split Positions and Similar Services

Marinwood Community Service District Interview

Meeting: March 22, 2016, 1pm 775 Miller Creek Road, San Rafael CA

General Manager: Eric Dreikosen

Attending: David Spath, Lisa Caronna

General info and background:

- Eric has been in the General Manager positions for just over a year. Eric is the 3rd GM for Marinwood since 1960.
- Previous experience: Non-profits – Boys and Girls Clubs – Napa 7-1/2 years and prior 13 – 14 years. Total of 20 + years with Boys and Girls Clubs.
- He was on the Park & Rec Commission of Marinwood CSD prior to be selected through a recruitment process.

Services:

- Park Maintenance□
- Recreation Services□
- Fire Protection and Emergency Services□
- Street lighting

Stats:

- Marinwood is in an unincorporated part of Marin County
- 4,800 population
- 2,200 households

Board

- 5 member Board of Directors with 4 year terms – Primary responsibilities of the Board is governance and setting policy.
- Agendas: Marinwood has one Board + 2 Advisory Commissions (1 Park and Recreation, 1 Fire) - Minutes by admin staff and Fire Chief
- Have 13 meetings a year for Board + Special Meetings
- 2 Commissions- each meet once a month
- GM along with Fire Chief and Rec Director attend all Board meetings + Admin staff take minutes.

Budget and Funding:

- Annual budget \$4.9 (Expenses) - \$5.2 Million (Revenue)
- Budget approx: 50% Fire Dept and 50% Parks & Recreation
- District gets 20% of the 1% property tax.
- No reserves!
- Have unfunded liabilities
- Have revenue challenges

- Capital improvements through Measure A in Marin County Receive \$80K/yr for 9 years for park maintenance.
- Lease fire engines. \$43K /yr.
- Contract out street landscaping
- Have 2 special taxes: Park Maintenance and Fire assessments. CPI built into them. They typically raise taxes to maximum allowed annually.
- Parks Tax: Recently passed a measure for the parks tax to change reading from each "parcel" to each "unit" in the District. This should bring in more revenue funds. Have a couple of commercial centers and registered second unit. \$189/unit.
- Fire Tax: Brings in \$1.02 mil and is based on square footage.
- Once the budget is set and approved, then GM and Chief work together. They provide fire service to County Service Area (CSA) 13

Staffing:

- Fire Chief + 10 firefighters (include 1 relief person) for full coverage. Firefighter schedule: 2X4 schedule (2 days on and 4 days off) with 3 FF per 2-day shift.
- Can be difficult to maintain coverage so they also have Agreements with San Rafael: Shared services agreement, + mutual aid + staff sharing at time and 1/2. They reconcile quarterly and pay each other).
- Parks and Recreation Director
- Parks Maintenance staff: three (3) full-time maintenance staff.
- Recreation Staff: three (3) full-time positions: 2 Recreation Supervisors with individual responsibilities and a Senior Administrative Assistant primarily serving this department.
- The Rec department also employs approximately 175 seasonal staff for summer camps and pool operations.
- Total Admin = 1 Full time GM and 1/2 time Admin Assistant. Budget for full-time admin assistant position in July 1, 2016. Assistant performs accounting, HR processing, clerical, meeting minutes, etc. – everything.

Working with Fire Chief:

- Works well – GM stays out of the management of fire dept. Fire management and operations by the Chief.
- Fire chief is there for a reason and has the expertise on operational and administrative management specific to a fire department. GM lets him do his job.
- GM helps Fire with legal and HR issues.
- GM is resource to the firefighters in potential conflict between the Chief and Firefighter personnel. Not an issue currently in Marinwood.

Grievances and Discipline:

- Most grievances taken care of by Fire Chief
- Chief has full authority to discipline firefighters. No review by GM has been required as yet. Per MOU the process is Chief, then GM, then Board. GM serves as Skelly Officer.

Assistance by County:

- Legal - County counsel is the counsel for Marinwood
- County is the bank for Marinwood. Cash flow loans (0.25% interest rate) are attained while waiting for tax installments.

- Accounting systems are currently the same as County but may change with new County system being implemented.

Negotiations:

- General Manager in the room during the negotiations with contract negotiator taking the lead. Fire Chief not involved in negotiations. Strains relationship with Firefighters for Chief to participate.
- Note: have lowest firefighter pay in the County on salary – with OT and other benefits gets higher.

A few years ago Board initiated Sustainability Study that looked at options particularly organizational changes for District to address loss of revenue and increasing health care costs and retirement obligations. Sustainability Study looked at options including:

- Combining Fire Chief and GM
- Contracting out for part-time Fire Chief: Marin County Fire, San Rafael, & Novato
- Recommendations of Sustainability Study included:
 - Contract w/San Rafael for Battalion Chief to serve as part-time Fire Chief.
 - Consolidating other management positions including District Manager with Fire Chief or eliminate Parks Manager
- Board decision
 - Keep existing structure of separate District Manager and Fire Chief; do not contract for part-time Fire Chief; eliminate Parks Manager

Special Districts with Fire Services in Marin: So. Marin FPD, Ross FPD, Novato FPD, and Marinwood CSD's

Bifurcation:

- Pros: Technical expertise as well as subject matter expertise.
- Cons: None mentioned

Expense:

- GM: 1 year in job: Salary: \$98K; 4 weeks paid vacation; 12 sick days
- 90% health – 100% on dental, vision, life Ins. Pension: 2 @ 62 PEPRA (employee pays 100% of employee share)
- Fire Chief: 14 years in job: Salary: \$107K; 4 weeks paid vacation; 12 sick days
- Health: 80% - 100% on Dental, Vision and Life Ins.
- Pension: 3@50 (employee pays 100% of employee share)

Agencies with Split Positions and Similar Services

Lake Shastina Community Service District **Meeting: March 24, 2016, 11 am - Telephone Interview**

Interim General Manager: Mike Colombo
Attending: David Spath, Lisa Caronna

General Info and Background:

- Mike Colombo – Interim General Manager since January. Has been with the District for many years in waste water division.
- In the past year they have had 3 GM's acting in the position. Currently recruiting to fill it on permanent basis.
- He came up in public works field, entered into management, was appointed to the interim GM positions and has applied for permanent position.
- Currently he has dual role of Interim GM and supervisor for waste water.
- Lake Shastina started as a private planned development. In the late 70's the developer went bankrupt. Special District was created at that time for the area.
- Always had full time General Manager.
- For a period of time in the past, police and fire were combined in one "safety" department with one chief for both agencies. There were problems with that structure because the Chief was spending more time with fire and not enough with police.
- At one point in time, the Property Owner's Associations (POA's) contracted with District for administrative and General Manager services – but stopped that about 2 years ago.
- POA's share some costs for ½ of admin building for office space and ½ of clerical salaries.
- Community polarized due to recent bond measure failing.

Services:

- Water
- Sewer
- Police
- Fire
- Animal Control
- 4 property owner associations provide supplemental services such as recreation and roads

Stats:

Population – approx 2,800 people and 1/3rd built out.

Board

- 5 Board members
- Board meetings once a month. Also many special meetings. Trying to limit the number of special meetings.
- Fire and Police Chiefs attend board meetings for monthly update and reporting

Budget and Funding:

- Budget process: Standing committee appointed by board and includes board members, community members, GM, and dept. heads. Each department is reviewed separately and then the whole package goes to board.
- Annual budget – not multi year.
- Trying to save for Capital Improvement budget. Infrastructure is old – late 70's construction. No proper maintenance. Water and wastewater need capital funding. Present Multi-year Capital Improvement Reserves (5): \$1.5M – \$2.0M (includes GF, Sewer, Water, Police & Fire)
- Police budget a problem – no new bond passed since 1997 for police. Tax set at that time. Approx \$65/yr. X 3,900 parcels + \$100K COPS grant (pays for 1 officer) Total for police = approx \$350K/yr.
- Fire District has a tax
- No other property tax; do not get any of county property tax
- Water and Sewer charges fees for service.
- Required to have reserves for water and sewer and fire department + small reserve for police department.
- They recently moved to Teamsters medical benefit and saved \$48K/yr.
- Public Works staff are in PERS system but not Police.
- Police Salaries: Poor county can't afford to pay what others pay in police salary. Same problem throughout the county.
- Every agency has openings for police officers. \$5K - \$15K signing bonus is common in the area to attract police officers.

Staffing:

- Full time GM
- Public works supervisor – 4 positions includes supervisors – 6 total
- Chief plus 3 police officers (Chief works part-time on patrol)
- Just created Sergeant position to act as Chief in his/absence.
- Currently have 2 full time officers and one half time officer.
- Police: 2 shifts and agreement with sheriff to cover 11 pm – 6 am. Plus, on-call officers responding as needed. Reserve officer program also helps with shift issues. Sheriff provides investigation support through mutual aid agreement.
- At the end, 4 positions in the police department.
- District took over animal control from the county years ago and wanted to give it back but county said no; money loser.
- Fire department has Chief and 22 volunteers – all volunteer fire dept.
- Clerical staff: 3 in finance – accts receivable, billing and oversee administrative tasks.

Working with Fire and Police Chiefs:

- He allows Chiefs to run their divisions but they need to keep GM informed so GM can inform the Board.

- Good communication is critical
- No conflicts between the 2 Chiefs and GM.

Grievances and Discipline:

- Discipline – Chief is the 1st line to take disciplinary action: Grievance goes to GM as 1st level for decision, Chief can deny request for reconsideration but GM handles grievance.

Hiring:

- Chief does the legwork and GM and Chief do hiring together. GM goes to outside agency for person on the interview panel for neutral opinion. Recommendation to GM for final selection

Assistance by County:

- Sheriff provides 911 dispatch. Contract with Sheriff for all supplemental services covered under mutual aid agreement.
- They have no contracts with outside services. Just mutual aid agreements.
- Waste collection by county.

His thoughts on contracting out Services:

- Depends on what is contracted out. Must have person making sure the contract is implemented and the work is getting done to the level that is required. Previously contracted for wastewater but it doesn't work. Too much to monitor and repair. Work actually must get done. Must oversee the work and comply with regulatory agencies.
- Refuse works better because easy to monitor and know if they aren't doing their jobs.
- Contracting out must be services that are easy to monitor.
- Looked at contracting with Sheriff Office for police services; found to be too expensive
- Long-term contract for legal services

Negotiations:

- Negotiations include Board member, District Lawyer, GM, and one person from the community. Made lots of progress since he's been there. Only GM and Lawyer talk during negotiations.
- Unions have head of Teamsters Local representing them so the District also needed professional negotiator.
- Recommends independent negotiator specializing in negotiations.

Part-time Chief?

- Retired person or officer with a couple years left and wants easier job with salary and benefits to get to retirement might be good candidate for part-time Chief.
- Note: PERS very strict on what retirees can and cannot do.
- In small communities, part-time Chiefs are common. Police Chief also provides patrol.

Part-time GM?

- GM full-time verses part-time is related to number of services and complexity. With 4 departments and turmoil they need full-time GM.

Bifurcation:

Pros:

- General Manager job takes all his time. Can't dedicate time to other primary service areas. Example: Currently he does minimum for waste water division.
- GM shared role with another major service area is problematic because don't have time to do 2 jobs at the same time.
- Doing justice to 2 primary areas of an operation can be difficult.

Cons:

- If you are single service District and if that person has good support from lead (such as Sgt. for Police) to deal with day-to-day operational issues, a dual position GM/Chief might work.
- The person in the position matters – needs to have expertise in both positions.

Agencies with Split Positions and Similar Services

Stallion Springs CSD

Meeting: March 24, 2016, 2pm - Telephone Interview

General Manager: Lori Rogers

Attending: David Spath, Lisa Caronna

Meeting Notes:

General Info and Background:

- Lori Rodgers has been the General Manager for Stallion Springs since July 2015
- She was previously with Kern County Department of Agricultural and Measurement Standards – 15 years
- Stallion Springs CSD originally designed as retirement community. Now 50-50 retired and young families. Many workers nearby at CCI (prison) and Edwards AFB.
- Chief of Police is also Assistant General Manager. Dual role for him. He is responsible for wastewater treatment reporting and public works along with other low priority duties as needed. It works well.
- David Aranda was GM and he left in 2010. Then there was another GM till Oct 2014. Then current Chief was interim GM (3-4 months), then David Aranda returned until 2015 when she took the position.
- Always had separate GM and Chief: Too much for one person to do it all.

Services:

- Water
- Waste Water
- Solid Waste under contract; residents bring waste to transfer station for pick up
- Police
- Roads
- Park and Recreation
- Mail Boxes for USPS delivery/pick up (provide and maintain)
- Arts Commission - (CCNR's compliance review)
- Note: Property Owners Association provides enforcement of CC&R's. Conduit of info between Board and residents.

Stats:

- 2,800 residents
- 1300 homes – fast growth in the area.
- Cost of homes low \$200K to \$500K
- 500 sewer lots – Area called Basin has higher density. $\frac{1}{4}$ to $\frac{1}{3}$ acre parcels.
- Bigger lots - $\frac{3}{4}$ acre to 3 acres – have septic system
- Area: approx 400 acres. - 0.625 square miles

Board:

- Board of 5 - Regular monthly meetings and Special meetings
- No standing committees – want finance committee in the future.

Budget and Funding:

- Budget is currently being developed by GM working with past GM as a consultant. Work with department heads of other units: present available funding, consider wish lists, develop budget and then present to the Board.
- Have capital reserves for all departments
- Contract out IT - \$500/month for regular monitoring + extra for fixing problems; Police Chief is also the webmaster, maintains web site
- PERS employees pay and district pays. Both employer and employee contributions.
- Medical through Blue Shield; not PERS
- Revenue: Property Tax mostly. County now takes 25% of property tax for admin of property tax and County stopped doing any payroll.
- Solid waste contract has a fee that is included in the water bill.
- They are just above disadvantaged community status so it's hard to get grants.
- Contract out legal services: Mostly regulatory ground water management issues.
- Partnering with Tehachapi Recreation for pool maintenance.
- Police get funding from SLEF and AB109
- Road assessment has stayed the same last 20 years: \$150/yr/parcel
- They passed a new tax for a police officer when assessment from loan for capital funding was complete. Same dollar amount for new purpose.
- Parks/Rec operates in the red: \$65K revenue and \$135K expenses to date (Feb. 2016)
- County did payroll under contract; now in house

Staffing:

- Admin: 1 GM, plus 3 office staff (financial officer, office administrator, part time admin assistant)
- Police: 1 Police Chief, 1 Sergeant, 1 full-time officer, 1 part-time officer (to be full-time in 2017.)
- Chief takes patrol shifts, use standby: They have 12-hour shifts with on-call overnight and they also work with Sheriff for assistance through mutual aid agreement.
- Public Services (water, wastewater, roads): 5 field staff
- Park and Rec: 2 rec positions and 1 park coordinator. Big summer staff.
- Uses Volt: part-time temp service for seasonal employees.
- Fire (no personnel): Kern County Fire – They have small engine house on the property that fire uses.

Working with Fire Chief:

- No issues mentioned

Grievances and Discipline:

- Grievances begin with employee to supervisor: With police, the Chief is first level, GM is second level. GM makes decision in 5 days – then goes to Board as final determinant.
- Discipline: in process of revamping. Sgt, then Chief (Chief could initiate as well)

Assistance by County:

- Sheriff provides police dispatch services.

Negotiations:

- No unions

Notes:

- Not looked at part-time GM or part-time Chief.
- Looked at contracting or merging with another police agency. Not implemented
- Waste water thinking of joining with other agencies. Not implemented
- Merging the district? Not really discussed. Only have 500 sewer lots with only 300 active. Revenue is set.
- Waste water treatment – want to go tertiary and sell recycled water. Looking into State Revolving Fund financing.

Bifurcation:

Pros:

- Too many pieces to share GM with another major role.
- Need GM who is looking out for the whole community.
- More services require more time by GM.

Cons:

- Limited services allow for easier dual role position.

Agencies with Split Positions and Similar Services

Town of Ross

Meeting: March 17, 2016, 2pm. 31 Sir Francis Drake Blvd. Ross

City Manager Joe Chinn

Attending: David Spath, Lisa Caronna, Garen Corbett (phone)

General Info and Background:

- CM Joe Chinn, 8 months with Town of Ross. Formerly worked in City of Rancho Cordova as Assistant City Manager for 8 years and prior to that in Elk Grove and Sacramento as the finance Director and administrative Services Manager.
- Joe Chinn has experience with CSD's and was on the Board of El Dorado CSD.
- Did Consulting including Incorporation Studies

Services:

- Police
- Parks and Rec
- Planner + contract out some planning services
- Public Works
- Contract out Fire services

Stats:

- Population: approx. 2,400

City Council:

- 5 members 4 year terms – annual rotation of Mayor
- Meet monthly + Special Meetings

Budget and Funding:

- \$8.2 Million annual budget
- Their recreation budget is \$1million revenue and expenditures – big for small town.

Staffing and Duties

- Total FTE's 22 (many part-time recreation staff)
- Police department: 1 Chief, 2 Sergeants and 5 Officers – total of 8. Provide 24/7 coverage with one officer always on duty. He thinks that works for their needs and for coverage.
- Town Manager authority to appoint and terminate Police Chief

Grievances and Discipline:

- Note: No discussion on this topic

Union Negotiations:

- They hired outside negotiator when union hired their negotiator. Don't use department heads.

Bifurcation:

Pros:

- Police services need a full time chief.
- Hard for Police Chief to view overall community issues
- GM provides the professional staff to the committees
- A GM is not specialized – has good skills to deal with multiplicity of community issues and for working with and for the total community. Need Finance, HR, IT.
- GM also good at strategic planning for future. Professional Manager makes a difference.
- GM is community liaison to meet with adjacent agencies and meet with the County.

Cons

- GM salary can be high and an issue for small agency. One option might be a senior analyst level of staff would have a lower salary and a clear structure to assist the Chief/GM dual position.

Part-time verses full-time GM

- After discussion of Kensington services, he thought a part-time GM and full-time COP could work but he felt that a senior "seasoned" GM would be important for a manager over the police or Fire Chief.

Misc:

CSD is not like an incorporated Town. Town has more services than a CSD. Finance and HR are the same.

Town Manager: Salary: \$191K; Deferred Compensation - 6% of salary; Employee pays full employee PERS contribution; Town's Medical/Dental Plans for family coverage; Vacation/yr – 20 days; Management Leave/yr – 6 days; Life Ins: \$50,000

PERS: 2% @ 60 formula

Police Chief: Salary: \$131.8K (Eff. 3/16/2016), additional increases 2.5% on 8/2016, 2% on 3/2017, 7/2017 and 3/2018 (\$143,318); Employee pays full employee PERS contribution (9%) to increase to 12% on 7/2017; Education pay of \$250/month; Medical Plan: Family coverage up to CalPERS Bay Area Kaiser rate with Town paying 90% and employee paying 10%; Dental Plan: Town paid (Delta Dental), one thousand (\$1,000) plan; Vacation/yr – 15 days; Management Leave/yr – 64 hrs

PERS: 3%@55 formula

Agencies with Part-Time General Managers

Mountain Meadows Community Service District

Meeting: Feb 18, 2016 - Telephone Interview

General Manager David Aranda

Attending: Lisa Caronna

David Aranda recently started with Mountain Meadows after retiring from Stallion CSD as the GM for 16 years.

At Mountain Meadows he gets no benefits and works about 15 hours week - has pension from previous PERS retirement.

Total annual budget for Mountain Meadows approx. \$160,000/yr. – Small budget

Services: Roads, Drains, Signage

Board - 15hrs/week estimated working with the Board

Board meets once a month with future goal of meeting once a quarter.

He has flexibility on his time and hours or days he works.

The District had no employees for many months - Board Member takes minutes when he's not there.

New Grant: Grant provides for 12 employees who will work on maintenance issues throughout the District. Engineer will do a small road contract. Engineer oversees the work.

Aranda is day-to-day GM and oversees what the community needs.

Board members should NOT get into day-to-day activities of the District.

The only CSD's with true Police Services are: Stallion, Broadmoor, Lake Shastina, Kensington, and Bear Valley CSD - The rest are security services - not the same.

Aranda's Stallion Springs experience:

- Stallion had a Police Department and a Police Chief.
- They looked at combining GM and COP and decided not to take that route. The Police Chief, however, does have dual roles as Police Chief /Assistant Manager
- The General Manger is full-time.
- During emergency police activity – GM would typically not get involved.
- In Stallion they have book-keeper and payment processor positions. GM reported to the Board personally. Police Chief did not attend Board meetings on regular basis.
- If there was a Police issue at Board, the GM was instructed by the Board and then reported back.

- When Stallion looked at contracting out with Kern Co Sheriff. Numbers didn't pencil out at all. Too expensive.
- Stallion police department: 20% budget, 30% manpower. GM spent minimal time on police issues.

Pros:

- GM has "overall responsibility of the community"
- Community and staff in the police department could come to GM with issues about police.
- Before, during or after action by police or, if the community feels something not done correctly, they have top person to go to without fear of retribution.
- More ability to discuss police issues of all kinds with Board.

Cons:

- GM must get along with the Chief and work together. The relationship matters!

Notes:

David interested in data on consolidation issue and Committee will send to him once completed

Recommended contacting Pete Kampa who contracts with smaller CSD's who can't afford or don't require a full-time GM.

Agencies with Part-Time General Managers

**Peter Kampa of Kampa Community Solutions
Part-time General Manager Services for Community Service Districts**

Meeting: March 29, 2 pm – Telephone Interview (includes follow-up email)

Agencies represented are:

- Lake Don Pedro CSD
- Saddle Creek CSD
- Los Osos CSD

General Manager: Peter Kampa

Attending: David Spath, Lisa Caronna

Discussion on roles responsibilities and criteria for part-time General Manager for Special Districts.

Important questions for the an agency considering a part-time General Manager:

- Is the organization capable of supporting the structure of a manager not being there on daily basis?
- Are policies in place that allow the rank and file and management to make decisions?
- How many day-to-day decisions need immediate response?
- Can decisions be packaged and be dealt with when Manager has time?
- Can daily duties currently handled by a full-time GM be moved to another position?
- Can issues be handled electronically?

To have part-time manager be successful:

- Think about the GM role and responsibility in terms of effectively implementing the Board's policy and achieving specific and measurable goals and objectives toward achievement of your plans, and not part-time verses full-time.
- Given the right personnel resources, policy direction and authority from the Board, and a clearly articulated vision supported by achievable goals and objectives, the primary role of the GM becomes one of team motivation, general oversight of staff and informing the Board and community of your successes.
- If the GM's resources are limited and squeezed where the GM becomes the "go to" person for everything, they will be bogged down in the daily operation.
- Hire good department managers, such as the Police Chief, give them administrative support staff, and allow the GM to delegate the operations to those closest to it.
- Policies/procedures might be needed to ensure that the GM has clearly defined authority to act in accordance with the wishes of the Board.
- Determine pure management functions from other work and reassign as needed. Many activities GM's perform are non-management tasks more appropriately assigned to staff such as accounting and administrative assistants.
- Responsible people need to be in key positions and be able to take on more work, or hire part time or temporary help during high workload periods.

- Either decisions get made on the spot by mid-management or they have to wait for GM to respond. With part-time GM you need time to respond. The part time GM must be a good delegator and have good communication systems to ensure that mid management acts in the same manner as the GM.
- A strategic plan needs to be developed and adopted by the Board. Clear goals are important. GM is the technical special district expert and should lead or be part of the strategic planning process. The Board sets the vision of where it wants the District to be in 2, 5, 10 or more years, from a 30,000 foot level, and asks the GM to propose means, methods and actions to lead the District to achieve the Board's vision. Portions of the planning process can be initiated and completed by Board members within their specific areas of interest or expertise, but leaving the management decisions to the GM. They can take the load off the GM to make them more productive in a shorter period of work time by allocating personnel and financial resources where necessary on a short term basis to absorb high workload.
- Board needs to be clear about what they want to get done. Example: In 5 years community will be well educated about ways to avoid property crimes resulting in a 20% decrease in property crime.
- Comprehensive policies and Board procedures, forward thinking plans, solid management objectives that support the Plan, and a system to measure performance will result in continuity of Board and management's understanding of the roles, responsibilities and expectations of each. This continuity lives on past changes in Board members and managers to provide for a continuously efficient and accountable operation.
- If the "face" of management is required most of the time by the Board and/or the community then it's probably not a good fit for part-time GM position.
- Sometimes there may be too many time demands such as citizen requests or activists to consider a part-time GM.

How he works:

- Uses "Go-To-Meeting" computer video and staff meeting recording program to resolve issues from afar.
- The agency scans payroll, accounts payable, invoices and other documents for his electronic review and approval. Need people to handle getting the information to him.
- Manager needs to be face of District with the community – More important in certain areas or with certain services. Need to identify the services that are most important to community
- Depending on what is happening in the District, demand on GM time could be significant. Example: Water district – has emergency water project going on for 1 year! When project is complete, he will drop back to being 50 – 75% GM. Other consultants can fill the gap during high workload such as communications professionals.
- GM could be more administrative with intergovernmental relations verses in person. Examples: Working with LAFCO, Tax Measures, Elections.
- 2 Districts that he works for have had revolving door with GM's. They didn't know what they wanted or needed. He prepared specific scope of work that is identified in the contract.
- The contract needs flexibility – example: Los Osos, bankruptcy, controversy, big issues to deal with – time uncertain. Started with a three month introductory "get to know each other" period, then role and cost determined for longer term.

- Human Resources: He makes decisions on quality of key staff, expects performance, measures success and takes action to let them go if there are significant problems. He also interviews individuals for key positions. HR can take time!
- Might need to add staff to pick-up non-GM administrative work needed in the District with part-time GM.
- Of the 3 GM contracts that he has, one has hourly time of 24 hours a week for that District. He managed that same district as a full time manager 20 years ago, but it now has solid mid-management staff. The others are by scope of services.
- The contracts all have standard consultant services sections.

Saddle Creek CSD

- Smallest and least complex. – letter agreement for services. Provides road, street lights, mosquito abatement, common area maintenance and wetlands management services
- Staff: 6 staff + 2 part-time bookkeeper and admin person. 560 homes
- Fee: Saddle Creek \$62K +-

Lake Don Pedro CSD

- Provides water service to 1450 connections
- Staff: 5
- Population: 3,000
- \$75K base fee

Los Osos CSD

- Population: 15,000
- Staff 12 (+25 reserve volunteer firefighters)
- Fee: \$75K base fee + \$21K travel expenses
- 3 month introductory rate on contracts Develop the scope of work and from there move on.
- Los Osos was without accountant. He brought in prior accountant he'd worked with and then hired CPA firm and contracted out the work, saving 50% of accountant's salary.
- Negotiations: Unions in Los Osos. He will be negotiating in the future. Legal counsel very involved in all aspects of Los Osos CSD.
- Los Osos has Schedule A contract with firefighters which lays out procedures for all aspects of management of a district managed firefighter reserve program of 25.

Discipline and Grievances:

- Can fall on the GM. Needs to train his managers and employees on process. He does investigation as needed. Also conducts Skelly hearings for employees.
- He's involved in pre-discipline with supervisory staff. Dept. Heads take action. He is Skelly officer. Then to Board of Directors or a sub-set of the Board depending on the District.
- Chief of Police must understand need for formal record-keeping on discipline.
- HR can take time – need processes in place and training of staff.

Misc:

- Hard time finding part-time managers.

- As a consultant, PEPRA doesn't apply to his contracts.
- He hasn't worked as a part-time GM with police Chiefs – no experience on working with police departments but has managed fire chiefs and fire departments. Had following thoughts.
 - Quality of COP would be important
 - GM should have enough knowledge of police services to determine if COP is doing good job
 - Leave hiring within Police Dept. up to COP

Agencies with Part-Time General Managers

Muir Beach Community Service District Meeting: April 8, 2016, 2pm – Telephone Interview

**General Manager: Bill Hansell
Attending: David Spath, Lisa Caronna**

General info and background:

- Bill Hansell was hired as a part-time General Manger for Muir Beach in November 2015
- He is an Architect
- He was on the Board of Marinwood CSD for 9 years. He learned a great deal on Board of Marinwood. Prepared fire tax measure, negotiated with Unions, etc.
- He is currently meeting with personnel committee at Muir Beach to review job time commitments.
- Previous General Manager was District resident for part-time position who also volunteered some time.
- Muir Beach is somewhat isolated and built on volunteerism. Over time there have been added regulations and mandates for CSD's that require compliance.
- The premise when Hansell entered the job was that they didn't need full-time person but reality is that workload is more than part-time.
- Now need resources to do what is necessary and required by laws/regulations.
- For Part-time General Manager, need to determine the actual work needed and allocation of time to complete the tasks.

Services:

- Volunteer Fire Department
- Water supply
- Recreation
- Roads: 5 roads maintained by CSD
- + interagency meetings and coordination. National Parks Service, State Parks, Muir Woods parking restrictions and more people parking outside and blocking roads, etc.

Stats:

- Population: Approx 300 residents
- Approx 160 houses

Board:

- Once a month board meetings and 25 people attend – good attendance

Budget and Funding:

- Operation budget: \$250K – \$300K
- Revenue from property tax, fire tax, water use fee plus capital improvements assessment for water, Measure A recreation funding from Marin County sales tax.
- Reserve \$600K-\$700K.

- His original part-time GM contract was for 20 hours/week average. Salary with no benefits except medical.
- Board recently agreed to alter contract to be actual time spent.
- In June the Board will revisit the GM position.
- Currently \$55K for 20 hours a week. + medical Kaiser plan \$850/mo +- . Temporary agreement will continue to pay at the same hourly rate for hours worked above 20 hours/week.

Staffing:

- ½ time GM, ½ time Water Manager, 3 part-time handy persons.
- Has contract with book-keeper.
- Has contract secretary for board minutes.
- No recreation staff (volunteers)
- No fire staff (volunteers)

Assistance by County:

- Use County Council for legal issues – except for those where there is conflict of interest.

Criteria to determine part-time verses full-time GM:

- Determine what is minimal workload and what is ideal workload,
- Determine what are long term issues and what are temporary issues.
- Start with policy of services, determine what services are required and level of service desired.
- Board and public need to know expectations of services. Then develop job description and move forward.

City Manager of City of Turlock (Former Career Police Chief)

City of Turlock

Meeting: April 7, 2016, 11 am - Telephone Interview

City Manager: Gary Hampton

Attending: David Spath, Lisa Caronna

General info and background:

- Gary Hampton has 33 years in law enforcement and was the Chief for 15 years.
- Last 8 years served as needed in the interim role as City Manager. Also was head of Public Safety department in Tracy in charge of both police and fire.
- At one time he also had oversight for Economic Development/Community Preservation.
- In all roles there are recurring challenges with incompatible areas of conflict.
- 7-8 months he was the interim City Manager in Turlock and also in Tracy for period of time. It's common for police chiefs to have interim role with both positions during recruitment and transition periods.
- Check with Fair Political Practice Commission (FPPC) – Interim role determined to be not holding two offices. Might have issue of incompatibility.
- Further inquiry with FPPC. Written opinion with FPPC on whether it falls into incompatible offices. Want something in the file from the FPPC.
- Also, find out if there are business and professional code responsibilities vested by the office.

Grievances and Discipline:

- Serving in both roles could create some conflict with due process on personnel actions. Weingarten rights, or Labor groups with rights.
- When Police Chief is also the appeal person they need to separate themselves from disciplinary action until they hear the appeal.

Citizen Complaints:

- Within police department, citizens' complaints must have clear process to accept complaint. Penal Code mandates process to take in complaints on peace officers. Also must have Skelly hearing officers. Rains (attorney for Police Unions) will argue that Police Chief cannot sit as hearing officer if they have been involved in hearing citizen complaints. Need to designate CM as hearing officer, or, Chief must divorce himself as the person involved in the investigation of the complaint or in taking the findings of investigation and applying discipline.
- Police Officer's Bill of Rights (POBOR) and Penal Code both have rules on receiving and processing complaints.

Dual role:

- He sees no difficulty with dual role of PC and CM in a small service District such as Kensington when it has clear policies and procedures in place.

- Can be landmines with police chief and manager as one. Be clear on process for discipline and have clean break for GM/PC to be Skelly officer.
- He thinks Town of Rio Vista has a shared Police Chief/CM.

Skills related to combined position:

- POST certificate mandatory. California Police Officer Certificate. Expires in 3 years if no longer doing police work.
- Good candidate needs diversity of experience. His experience is that in large agencies the police jobs at Sgt./Lt/Captain level are more limited in scope – more specialized. Small agency (100 officers or less) skills are more diverse because the officers perform more diverse activities. Because of the need to handle more diverse issues in a smaller agency a broader skill set is developed.
- Mid-size police agency the best source to find candidates for dual role position.
- GM/Chief needed to keep district out of trouble – need 15 years' experience.
- Recommend looking for: Lieutenant or Sergeant level in 50 to 100 sworn agency.
- Need leadership skills for both Police Chief and CM, Management skills.

Biggest challenges going from Chief to Manager:

- Planning and Development: Finer points of development agreements, planning, engineering, CEQA
- Financial: comprehensive annual reports, CAFR's, unfunded liability, annual audit, etc.
- Administrative costs important
- Turlock - Use consultants for services. Have very lean staff in Turlock.
- Financial services are augmented with consultants although use of such services ebbs and flows based on City Council's attitude towards spending on external services versus building in-house resources.

Example of transition to CM:

- He learned on the job: 2009 he entered interim CM position in Tracy with \$3.6 mil budget deficit that had to be resolved in 5 months.
- For the 5 month \$3.6 mil deficit he met with all the labor groups and in 3 weeks everyone came back with 5% reductions. Priorities were developed to determine cuts. City Council wanted mix of reductions while ensuring comprehensive services preserved, not just public safety. Council chose to cut safety while keeping certain level of policing and maintaining quality of life for the community. Fire was cut 10%. Police 18%, Administration was cut 34%, and Recreation was decimated. They lost managers and doubled up on job duties. The job was done!
- CM administers Council policy. Responsible manager administers the will of Council vision.
- City Manager is a learned profession – not education based. No college courses on the CAFR.
- As CM he has moral obligation to the District to maintain cost as low as possible.
- Raised in Antioch area. Know lots of people. 6 police chiefs in the state are from his past police departments.
- Many City Managers have been Police Chiefs. Bob Murray, former COP the CM 3 years then opened head hunter firm. ICMA might have other examples.
- Roy Wasden hired as Police Chief in Modesto and then hired as City Manager for Turlock. He worked with divided Council for – 5 years.

- For Roy Wasden to be successful City Manager the Council knew that he had a strong work ethic, strong ethical/moral background, unquestioned integrity in the County, capacity and personality to resolve conflicts between Councilmembers

Hiring retirees:

- PERS and PEPRA rules: 6 months separation from PERS, then limited on number of hours/year they can work.
- Need to determine if Chief/Manager is safety verses non-safety with PERS?
- Further due diligence with FPPC – get that in order.
- GM/Chief: Make them a contract employee 401A (not PERS). Non-safety position. Would get lots of applicants!

Police Chiefs from City of Berkeley and City of Albany

**City of Berkeley, Chief Michael Meehan and
City of Albany, Chief Mike McQuiston
Meeting: Feb 25, 2016, 2100 Martin Luther King, Berkeley - Public Safety Building.**

Attending: Simon Brafman, David Spath, Lisa Caronna

Both Chiefs agreed on the need for 5 officers minimum to cover one beat 24/7 assuming a 70% show-up rate (normal for vacation, training, sick leave, etc.)

These positions all require supervision over and above the 5 officers. Always should have supervision of officers. Line supervisor is critical. There are liability issues with no direct supervision of officers.

There are approx. 18,000 state and local law enforcement agencies in United States and approx. 50% have less than 10 officers in the force.

Both Chiefs wondered how our small department kept up with training – which is critical. Staff development is important, requiring ongoing training to maintain and improve skills and keep up with emerging policing procedures.

State of California Police Officers Standards and Training (POST) Commission minimum training is approx. 24 hours/every 2 yrs. Berkeley trains officers approx. 60hrs/yr. With a bigger force they have more opportunities for training. Berkeley does most of their training in-house by sending officers to “train the trainer” programs.

Berkeley police officer job criteria includes requirement of two years of college credit – a high standard held by only 10% of police departments nationwide. The Field Training Officer (FTO) program is based on the San Jose model. Once recruits go through the police academy, they have daily written evaluations on performance while they undergo field training. The officers have a 2-year probationary period. Albany officers have 18 mo. probationary period.

Both Chiefs confirmed there are no strict national standards for officers/1,000 population. Trends are generally 3/1,000 on the east coast and 1.5/1,000 on the west coast.

Both Chiefs indicated that they developed their own budgets based on parameters set by the City Managers. Berkeley Chief benefits from administrative budget specialist staff while Albany Chief essentially develops his own budget.

Both Chiefs had the authority to take disciplinary action against officers. Berkeley Chief was limited to three day suspensions. Anything longer or more severe requires City Manager action. Albany Chief indicated greater latitude in taking disciplinary action.

- Both felt that having a Chief as the lead verses Captain or Lieutenant was important. Reasons cited include:
 - Paramilitary organization use to hierarchy
 - Leadership and vision for the department is critical
 - Important for morale of officers
 - Might not get good people to apply without Chief (not perceived as a real police force)

Chief means something in that the officers are working for one person in clearly defined role

Job requirements to be a Chief vary from agency to agency. Credentials could include: Police Officers Standard Training (POST) offers both a Management Course and an Executive Development Course. Another resource is a book by Police Officers Research Forum (PERF) titled: "Command Performance"

Advantages to being part of the [CA Police Chiefs Association](#) include mentoring, networking, professional development, current affairs, and legislative and legal updates. Possibly could be a member with lesser rank. Need to check. Aside from Chiefs, members include CHP Captains and cities that contract with the County Sheriff and hold the title of Chief in name only as temporary assignment.

Examples of Part-time Chiefs? No examples and both Chiefs did not recommend part-time Chiefs – need point person full time.

Positions that share City Manager or General Manager with Police Chief? No good models. Cleaner approach is clear separation of duties. Although it's not uncommon for Chiefs to oversee other area such as animal control, parking enforcement, etc. The check and balance is still the City Manager position separate from the Chief.

The best management is through leadership and example – not discipline. More important to set standards for all to meet. Significant change can take time and comes through the culture, peer pressure and strong leadership.

One example of sharing a Chief among cities is Central Marin Police Authority JPA that merged small police departments in a new agency with one Chief that includes Larkspur, Corte Madera, San Anselmo, and portions of Greenbrae.

[Lexipol](#): Writes policy for many police agencies. Policies based on state law, case law, and state and national standards including [IACP](#), [CALEA](#), etc. Excellent source to keep up with policy issues. Policies can be modified to fit local needs and ordinances. Albany Chief said he believed KPD was looking into this circa 2003, unknown if adopted.

Chief Meehan passed out a few samples of part-time chief job articles from around the country from a brief web search. This was based on subcommittee email where we indicated that as one area of interest.

Executive Recruitment Firm Interview - Specialize in Chief Recruitments

Joel Bryden, Murray Associates – Executive Recruitment Firm

March 14, 2015 4pm – Telephone Conference

Attending: Simon Brafman, David Spath, Lisa Caronna

1. Intro question — Briefly describe your experience and the services you provide related to recruiting police chiefs.

Police Chief Walnut Creek for 25 years. Now works with Bob Murray part-time. Handles 4-5 executive searches at time. Completed approx. 35 searches in 2-1/2 years – approx. 10 were for Police Chiefs. He is one of 3 career Chiefs working at Murray Assoc doing recruitment work. Bryden also teaches a course on the role of Police Chiefs for the California Police Chiefs Association.

2. What do you think of the Chief of Police holding multiple job duties at the same time?

Police force doesn't like part-time Chief with other primary duties. Officers would appreciate a full time Chief.

In San Diego as Chief, Bryden was responsible for big events. Attended numerous meetings. He needed to decide when to wear a suit or a uniform, i.e.; when to present as the Chief and when to be the Department Head.

3. Does size of the department matter for full-time verses part-time Chief?

It might make a difference but anything can happen anytime so Chief must always be available 24/7. The smaller the department and the less activity and community meetings, etc., the more an agency might try to hire a part-time. He doesn't know of any part-time Chief positions.

4. Kensington has one shared GM/Chief of Police position that has dual roles. Other than Broadmoor, know of any other agencies that share this position?

He thinks Monterey County had a similar position in the past but would need to check. There was also a Chief for two separate police departments - he thinks they may have merged.

5. For chief of Police positions, are there any government codes or laws that apply to the job duties and/or qualifications?

POST - has information. Years of management experience typically required. There are training and certificates appropriate for Chief positions - management certificate is baseline with 4 year degree plus higher education — then executive certificates.

6. Any examples of Part-time Chiefs? What conditions make this a good option?

With lack of oversight - little things turn into big things. Example: use of force policy - make sure it's legal and follows department procedures. People may cut corners without proper oversight. Problems can cost lots of money. Need good oversight.

7. If there's a window of time when there isn't a Sergeant on duty to supervise an officer, what

do you think of that?

That could be a problem depending on the professionalism of the department. With a shooting or a serious auto accident the responding officer needs to handle the situation perfectly – those incidents require more than one person and officers may need guidance. Always should have 2 officers on duty for safety.

Also need to worry about burnout of the officers. Need to be careful with overtime.

8. Any examples of Captain or Lieutenant verse Chief as the head of a police department?

Not permanently. Often as interim solution – Typically 2-4 months during Chief recruitment period. Longest was City of Arvin where a Sargent was running department and CM for 14 or 15 months. The highest rank is called the Chief.

9. When recruiting for Chief position, how often do people apply who are retired from another agency? pros and cons?

Yes, happens frequently - he worked 5 years with Walnut Creek after retiring. Fort Bragg Chief started second career at 50.

Con: Cruisers don't work – need full energy to lead Police department.

Pros: Experienced officer from larger police department can bring high standards to another agency.

Normal commitment is 5 years when coming from another retirement system. After 5 years the Chief gets additional service credit. Increasing retirement benefits is the biggest reason to work after retiring from another police department.

10. Typical person to apply for Chiefs position in a small agency?

Mostly positions lower than Chief would apply for Chief job in smaller agency.

Typical age is 50, 51, 52 for Chiefs jobs post retirement.

11. Can Kensington hire retired police officers in the PERS system?

Most officers come from PERS agencies. PERS cracked down on retirees coming back to work for other agencies. There are requirements such as need to show emergency need for hiring PERS retirees. They can work for a 6 month period and then can't do it again with PEPRA rules.

12. Is it a good idea and/or necessary for a Police Chief to have a supervisor such as a general manager or city manager? If so, why?

Yes, generally true. Main reason to separate decision making. Chief decisions based on law enforcement and separate from any political pressure as might happen if they reported directly to Board.

Example: Alcohol at Walnut Creek - staggered closing times of establishments serving liquor in downtown area. Chief needs to make decisions based on what is best for the community and give his best advice – not a political perspective.

Another example: Martinez Chief reported directly to the Council and then they changed so the position reported to the City Manager. Buffer is good for decision-making. Having a non-political Chief position is preferred.

Is there a conflict of interest with the shared position related to discipline and appeals? Chief should not be the first level of discipline. Their decision should be final. POBOR and Penal Codes also apply. Need separation and clear processes.

What about binding arbitration?

Don't like binding arbitration. Arbitrator could render decision detrimental to police department. Example: SF had to take the officers back due to timeline on text messages per arbitrators decision.

After describing the non-police services in the KPPCSD we asked:

Could you see part-time GM and full time COP?

Yes, could see that happening. Better to have part time GM and full time COP.

He also thought we could find a Chief who could also handle the limited GM duties.

Chief has skillset to fulfill the role of GM. Chief is typically the most high profile position in a City. They typically have skills for community interaction, finance, budget, public policy, etc. Need to find the right person.

Richard Pearce, Fire Chief, City of Tiburon and President of Fire Protection District Association of California

March 4, 2016 4pm – Telephone Conference

Attending: Lisa Caronna

Richard Pearce is on numerous boards including President of the Fire Protection District Association of California, the Risk Authority Board, Workers Comp Board, and others.

Possible examples of where Police and Fire are or have been together in the past:

- Marinwood, CSD
- Elk Grove CSD
- Copperopolis CSD (one Chief with 2 Fire Districts)

Possible examples of past or current Consolidated Police and Fire

- Sunnyvale
- Rohnert Park

Fire Protection Districts: Subject to Health and Safety codes – more finite focus. Fire District services can include:

- Fire Suppression
- Emergency Medical
- Rescue
- Public Education
- Prevention

A Fire District cannot take on non-fire services.

Yes, Fire Chief is also the top administrator for the Fire Protection District.

As regards the dual role inherent in the Chief's job, need to watch out for the Fire Fighter's Bill of Rights! The bill has extracted the Board out of the personnel issues. Any discipline stops at the Chief. He needs to keep Board advised but not in the decision-making.

As Chief, he has others conduct investigations and make discipline recommendations to him so he can be the final decision maker. They have layers including Battalion Chiefs and others to handle investigation and make recommendations to him.

Harassment claims go directly to him as the Chief. Recommends outside investigations for harassment claims.

In Tiburon, appeals go to binding arbitration, not to the Board per their MOU. Arbitration decision is final. They are all stuck with it.

In Tiburon, he has finance officer and prevention bureau division. In small Districts, the Chief is

also the CEO and works with the Board.

They have 26 fire fighters and 3 support staff.

Police and Fire are totally different disciplines. Single focus department is clearer and easier to focus.

Fire suffers when people have competing Districts. Similar to cities where cuts happen.

There are some Fire Districts with Part-time Chiefs.

Leslie McGill, California Police Chiefs Association

March 25, 2016 4pm – Telephone Conference

Attending: Lisa Caronna

Kensington is the only Special District with police services that is a member of the California Police Chiefs Assn. The rest are Municipal Police Departments. There are numerous small police departments within small cities.

She knows of 2 examples where there was one Chief overseeing 2 agencies. In both cases, it didn't work out and they separated.

Part time Chiefs: Some small agencies in SoCal have police Chiefs that are technically part-time but not referred to that way. Sierra Madres is one example.

Typically the Chief is a full time position.

Captain is in charge of police department only as an interim or acting role while recruiting for Chief. They are given the title "Acting Chief" during the time it takes to recruit permanent Chief. Sometimes the duration is a couple of months, sometimes up to 2 years. It's typically a cost saving device when it is extended for 2-year period of time.

Not uncommon for Chief to serve as CM during recruitment of CM. Typically another high-ranking officer acts as the Interim Chief. Example: Moraga, Chief became Acting CM and moved another officer into Chief role. Pasadena also.

League of CA Cities is good resource for dual role City Manager/COP

Believes that dual role is usually done in very small agency for limited time.

Police Chief can also be the Fire Chief for limited duration and also dual role as other department heads for limited periods.

Qualifications by Chief to be City Manager? Depends on the individual. Lots of examples of COP becoming CM's

Possible Contacts:

- Chief Gridley, Biggs, CA – Police Chief is also Assistant City Manager.
- Tracy Chief left to be the City Manager of Turlock where he used to be the Chief of Police. Turlock has history of hiring police Chiefs to be CM's. Last CM was prior COP in Modesto.

POST – must be sworn CA police officer to be police Chief in CA – recommend contacting POST for more details on training requirements.

California Police Chiefs Assn also has training on role of Police Chief.

Requirements to be Chief: Most have supervisory or management training in POST, FBI academy, etc. + advanced degree typical for Chiefs and Bachelor's Degree is basic.

Ms. Catherine Smith, Fire District Association of California

February 29, 2015 – Telephone Conference

Attending: Simon Brafman, David Spath, Lisa Caronna

Attending: Lisa Caronna

Fire Chiefs also act as GM's – Have dual role without the dual role title.

No cookie cutter plan for Fire Districts. Can be flexible to meet needs of community.

Services and staff are determined by the Board — what they want and can afford.

Most Fire Chiefs have other duties along with Chief role.

Recommend contacting David Aranda for info on CSD's

Recommend contacting Fire Chief at Tiburon - Richard Pearce - for detailed info on Fire Districts

Fire Chiefs fundamentally act as both Chief and GM. Dual roles and issues are similar.

Appendix G. Legal Opinions on Dual-Role Position

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Date: December 15, 2015

From: Kevin E. Hart,
Interim General Manager/Chief of Police

To: The Kensington Community

Subject: **Release of Privileged and Confidential Attorney-Client Communication**

At a Special Meeting held on December 14, 2015, the Kensington Police Protection and Community Services District Board of Directors voted to release an attorney-client privilege letter, written by Randy Riddle and Teresa Stricker of the Public Law Group.

Please see the attached letter for your reference.



Renne Sloan Holtzman Sakai
Public Law Group

1220 Seventh Street Suite 300
Berkeley, CA 94710
(510) 995-5800

Memorandum

PRIVILEGED AND CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION

To: Board of Directors, Kensington Police Protection and Community Services District

From: Randy Riddle 
Teresa L. Stricker 

Date: December 8, 2015

Re: Legality of Dual General Manager/Chief of Police Position

You have asked whether it is unlawful for the Kensington Police Protection and Community Services District (“District”) to appoint a single person to serve as both its General Manager and Chief of Police. In connection with this request, we have been provided with the attached April 2, 2015 opinion addressing the same issue provided by the District’s prior counsel.

This memorandum provides our analysis and conclusion on this question along with our thoughts about the conclusions the District’s prior counsel reached.

I. SUMMARY ANSWER

In our opinion, there is no legal prohibition against one person serving the dual role as the District’s General Manager and Chief of Police.

First, we conclude that the Community Service District Law (“CSD Law”), the enabling law governing the District, does not limit the District from assigning its General Manager the additional title and duties of Chief of Police.

Second, we conclude that having a single person serve as both the General Manager and Chief of Police would not violate the doctrine of incompatible offices. That doctrine is not applicable because, in our view, the Chief of Police position is not a separate public office within the meaning of the doctrine. Moreover, in our view, the General Manager and Chief of Police positions are not incompatible.

Our conclusion is consistent with the District’s prior counsel’s opinion that there is no legal restriction on the District’s ability to appoint one individual to the dual role of General Manager/Chief of Police. While not entirely free from doubt, in our view, it is highly unlikely



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that a court would reach a different conclusion notwithstanding the supervisory responsibility for all District staff the CSD Law imposes on the General Manager. And our conclusion is not altered by state statutes that preclude cities and counties – but not community service districts – from assigning their general managers as their police chiefs or sheriffs, or the fact that the District appears to be the only community service district that has assigned its General Manager as its Chief of Police.

II. BACKGROUND

As we understand it, the agency that is now the District was originally formed in 1947 as a police protection district. In 1954, the District became a community services district for the purpose of providing police protection services. In 1955, the District began providing other services as well.

In 1994, to highlight that the District's primary purpose is to provide police protection services, the Board of Directors changed the agency's name from the Kensington Community Services District to the Kensington Police Protection and Community Services District. (District Resolution 93-07.)

It is our understanding that since the 1950s, the District has had one individual serve as both its General Manager and Chief of Police. The General Manager/Chief of Police serves at the pleasure of the Board of Directors.

According to District's current job description for the General Manager/Chief of Police, with respect to the Police Department, the General Manager/Chief of Police (1) is "the chief executive officer of the department and the final departmental authority in all matters of policy, operations and discipline," (2) "is responsible for planning, directing, coordinating, controlling, training and staffing all activities of the department," "for enforcement of rules and regulations within the department," and for the preparation of required reports, (3) "sets objectives for the department, makes plans, develops procedures and organizes and re-organizes, provides for staff and equipment, adopts rules and regulations for the administration of the department, sets policy, coordinates efforts and relationships, reports on departmental accomplishments, maintains public and employee relationships, develops the budget, directs departmental training activities, controls personnel files," investigates "citizen complaints regarding actions of officers, performs performance evaluations," and "provides direction to the department," and (4) conducts investigations, prepares reports, and testifies in court.

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III. ANALYSIS

A. The Community Services District Law Does Not Preclude the District from Combining Its General Manager and Chief of Police Positions

The CSD law does not prevent the District from appointing one person to fulfill the combined roles of General Manager and Chief of Police.

The CSD Law explicitly requires the District to appoint a general manager who serves at the pleasure of the Board of Directors. (Gov. Code § 61050.) The CSD Law makes the District's General Manager responsible for (1) “[t]he implementation of the policies established by the board of directors for the operation of the district,” (2) “[t]he appointment, supervision, discipline, and dismissal of the district's employees, consistent with the employee relations system established by the board of directors,” (3) “[t]he supervision of the district's facilities and services,” and (4) “[t]he supervision of the district's finances.” (*Id.* § 61051.)

The CSD Law further authorizes the District to provide for police protection services “by establishing and operating a police department that employs peace officers” who meet the state’s qualifications for all peace officers. (Gov. Code § 61100(i).) But even where a community service district provides police protection services, the CSD Law does not require the district to appoint a chief of police. And although state statutes require *cities* to appoint a police chief and *counties* to appoint a sheriff, those statutes have no application to community service districts. (See Gov. Code § 2400 [counties]; §§ 3501, 3605 [general law cities].)

Further, none of the provisions of the CSD Law expressly limit a community service district’s general manager from simultaneously serving as the district’s police chief or performing any district police duties himself or herself, so long as the general manager meets the state’s peace officer qualifications and fulfills his or her statutory duties as general manager. And no judicial or Attorney General opinion has construed the CSD Law to impose such limits on a community service district’s general manager. Accordingly, we conclude that the CSD Law does not limit the District’s General Manager from also serving as the District’s Chief of Police.

Finally, the CSD Law expressly permits a community service district to appoint its general manager to also serve as its treasurer, should the district’s board of directors choose to appoint a treasurer rather than have the county treasurer serve as the district’s treasurer. (Gov. Code § 61050.) This legislative grant of flexibility to community service districts to satisfy their staffing needs within their often considerable budgetary constraints by appointing their general managers to dual positions reinforces the conclusion that the CSD Law was not intended to prohibit the District’s General Manager from simultaneously serving as its Chief of Police.

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B. The Incompatible Offices Doctrine Does Not Preclude a Single Individual from Serving as the District's General Manager and Chief of Police.

Section 1099 of the Government Code codified the common law doctrine of incompatible offices. (Gov. Code § 1099(f).) That doctrine precludes a person from holding simultaneously two public offices if the performance of the duties of either office could have an adverse effect on the other. (74 Ops.Cal.Atty.Gen. 82 (1991), 1991 WL 495459 at p. *1.) Under the doctrine, a public officer who accepts a second public office automatically vacates the first office if the two are incompatible. (Gov. Code § 1099(b); *People ex rel. Chapman v. Rapsey* (1940) 16 Cal.2d 636, 644.)

In our view, while the question is not free from doubt, the doctrine of incompatible offices does not preclude one person from serving as both the General Manager and Chief of Police for the District for two independent reasons. First, because the position of Chief of Police is not a public office within the meaning of the doctrine, the doctrine does not apply. Second, even if the doctrine applied, we conclude that the General Manager and Chief of Police positions are not incompatible within the meaning of the doctrine.

1. Because the Chief of Police Position Is Not a "Public Office" within the Meaning of the Doctrine, the Doctrine Does Not Apply.

The doctrine of incompatible offices applies where both positions are "public offices" within the meaning of the statute. If one or both of the positions is a position of employment, and not a public office, the doctrine does not apply. (Gov. Code § 1099 (c).) Because, in our view, the Chief of Police position is not a separate public office, the doctrine does not bar the General Manager from serving simultaneously as the Police Chief.

For purposes of the doctrine, "a public office is a position in government, (1) which is created or authorized by the Constitution or by law; (2) the tenure of which is continuing and permanent, not occasional or temporary, (3) in which the incumbent performs a public function for the public benefit and exercises some of the sovereign powers of the state." (68 Ops.Cal.Atty.Gen. 337 (1985) 1985 WL 167494 at p *5.) A public office may be created under local legislation. (See e.g. 82 Ops.Cal.Atty.Gen. 201 (1999) [fire chief position established under city charter and city administrator position established under by city ordinance are both public offices].)

The question of whether a public employee exercises sufficient sovereign powers to constitute a public office within the meaning of the doctrine of incompatibility is not always straightforward. As one court has explained:

If specific statutory and independent duties are imposed upon an appointee in relation to the exercise of the police powers of the

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State, if the appointee is invested with independent power in the disposition of public property or with the power to incur financial obligations upon the part of the county or State, if he is empowered to act in those multitudinous cases involving business or political dealings between individuals and the public, wherein the latter must necessarily act through an official agency, then such functions are a part of the sovereignty of the State.

(*Schaefer v. Superior Court* (1952) 113 Cal.App.2d 428, 432-433.) But not every public employee with the duty or power to exercise some part of a sovereign's powers is an officer within the meaning of the doctrine of incompatible offices. (See *Neigel v. Superior Court* (1977) 72 Cal.App. 3d 373 [police officer does not hold a public office]; 78 Ops.Cal.Atty.Gen. 362 (1995) [sheriff's deputy chief does not hold a public office]; 74 Ops.Cal.Atty.Gen. 82 (1991) [city fire division chief does not hold a public office]; 82 Ops.Cal.Atty.Gen. 83 (1999) [city's community development director does not hold a public office].)

Neigel v. Superior Court (1977) 72 Cal.App.3d 373, is instructive. There, the court considered whether a city police officer held a public office within the meaning of the incompatible offices provision incorporated into the city's charter. Although the police officer had the duty and power to exercise a part of a sovereign's governmental powers, the court concluded that the officer did not hold a public office because (1) the officer's duties were not prescribed by the charter, (2) he was not "clothed with policy-making authority," and (3) he did not serve for a term or at the pleasure of the appointing authority. (*Id.* at p. 378.)

In reaching this conclusion, the court expressly rejected the argument that because police officers are public officers for some purposes, they are also public officers for purposes of the incompatibility of office doctrine:

The city relies on cases holding that a policeman falls within the category of a public officer because he is entrusted with the duty and power to exercise a part of the sovereign governmental powers of the entity for which he is acting. (*Logan v. Shields*, 190 Cal. 661, 664-665; *Estrada v. Indemnity Ins. Co.*, 158 Cal.App.2d 129, 134-135; *Brown v. Boyd*, 33 Cal.App.2d 416, 422; *Noble v. City of Palo Alto*, 89 Cal.App. 47, 52.) However, the fact that policemen have been held to be public officers for certain purposes does not lead inevitably to the conclusion that they are 'officers' for all purposes. (*Davis v. Kendrick*, 52 Cal.2d 517, 519.) The meaning of the words 'officer' or 'official' varies with the conditions and circumstances in which they are used. (*Davis v. Kendrick, supra*, 52 Cal.2d 517, 519; *Pockman v. Leonard*, 39 Cal.2d 676, 683, app.

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dism., 345 U.S. 962; *Martin v. Riley*, 20 Cal.2d 28, 34; *Estrada v. Indemnity Ins. Co.*, *supra*, 158 Cal.App.2d 129, 134.)

(*Id.* at p. 378.)

In reliance on *Neigel*, the Attorney General concluded that even where a city's municipal code granted its community development director the sovereign power to issue code enforcement citations, the community development director did not hold a public office for purposes of the incompatibility of offices doctrine. (82 Ops.Cal.Atty.Gen. 83 (1999).) The Attorney General reasoned:

The director's formal job description indicates that he exercises managerial functions for the city under the supervision and direction of the city manager. Such managerial functions and supervision are indicative of an employment relationship rather than the holding of a public office. (78 Ops.Cal.Atty.Gen., *supra*, at 368, 1995 WL 767221.) Moreover, the director holds a civil service classification with the city as did the police officer in *Neigel v. Superior Court*, *supra*, 72 Cal.App.3d at 373. He does not serve a definite "term" or at the pleasure of the appointing authority, and his policy-making authority is limited by the conditions of his job description and his subordination to the city manager,

(82 Ops.Cal.Atty.Gen. 83, 1999 WL 236160 at p. *3.)

Here, although there is no question that the District's General Manager is a public office within the meaning of the incompatibility of offices doctrine, we conclude that the Chief of Police position is not a separate public office.

First, just as the city charter at issue in *Neigel* did not prescribe police officer's duties, the CSD Law does not mention – much less require the appointment of, or prescribe the duties for – a community services district police chief.

Second, as we understand it, the District itself has never adopted legislation establishing the Chief of Police position as a separate public office. To the contrary, the Board has expanded the duties and title of the General Manager office to include police chief functions.

Third, like the police officer position in *Neigel*, the District's Chief of Police position is not "clothed with policy-making authority." Any policy-making authority exercised by the General Manager/Chief of Police is attributable to the duties the CSD Law imposes on the District's General Manager, not the additional police chief duties that Board has chosen to incorporate into the General Manager's position.

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The Chief of Police position, like the community development director position examined by the Attorney General, is merely a managerial position that would report to and be supervised by the General Manager had the District not combined those two positions. (See Gov. Code § 61051.) And, in our view, the fact that the General Manager/Chief of Police serves at the pleasure of the Board of Directors does not transform the Chief of Police position into a separate public office. Indeed, the CSD Law expressly requires the General Manager to serve at the Board's pleasure. (*Ibid.*)

Finally, the Attorney General's opinion in 68 Ops.Cal.Atty Gen. 7 (1984) does not alter our conclusion that the District's Chief of Police position is not a separate public office within the meaning of the incompatibility doctrine. In that opinion, the Attorney General concluded that a deputy sheriff held a public office within the meaning of the doctrine based on state statutes creating the public office of county sheriff and based on the deputy sheriff's position as a peace officer. (1984 WL 162108 at p. *1.)

For two reasons, in our view, this Attorney General's opinion is inapposite. First, unlike the sheriff position before the Attorney General, there is no state or local law creating the community service district's chief of police position or prescribing the duties for that position. Second, relying on *Neigel*, the Attorney General concluded that peace officers are public officers within the meaning of the doctrine of incompatibility. (*Ibid.*) But as discussed above, the *Neigel* court reached the opposite conclusion, holding that the peace officer did *not* hold a public office for purposes of the doctrine. Indeed, 11 years later, the Attorney General reconsidered the same issue and concluded that a sheriff's deputy chief is not a public office within the meaning of the doctrine. (78 Cal.Atty.Gen 362 (1995).)

Because the District's General Manager/Chief of Police position constitutes only one public office, we conclude that the doctrine of incompatibility does not apply.

2. The General Manager and Chief of Police Positions are Not Incompatible.

Even if Chief of Police position were a separate public office within the meaning of the incompatible offices doctrine, we conclude that the General Manager and Chief of Police positions are not incompatible under the doctrine.

"Offices are incompatible, in the absence of statutes suggesting a contrary result, if there is any significant clash of duties or loyalties between the offices, if the dual office holding would be improper for reasons of public policy, or if either officer exercises a supervisory, auditory, or removal power over the other." (Gov. Code § 1099 (a); 73 Ops.Cal.Atty.Gen. 183, 183-184 (1990); *People ex rel Chapman v. Rapsey* (1940) 16 Cal.2d 636, 641-642.)

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Here, in our view there is no potential for a clash of duties or divided loyalties between the General Manager and Chief of Police. As noted above, the Chief of Police is a managerial position – a department head – who would report to, and be supervised by, the General Manager had the Board not combined those two positions. (Gov. Code § 61051.) With these roles combined, rather than supervising a Chief of Police, the General Manager is responsible for performing the police chief duties himself or herself. We see no public policy reason to conclude that the two roles are incompatible.

Moreover, in our view, neither position has supervisory, auditory or removal power over the other. As explained previously, the General Manager/Chief of Police reports directly to the Board of Directors. The fact that the CSD Law would give the General Manager supervisory and removal power over the Chief of Police had that position not been combined with the General Manager position does not mean that the General Manager/Chief of Police has supervisory or removal power over himself or herself. Rather, as explained above, the General Manager/Chief of Police serves at the pleasure of the Board.

C. Our Opinion Is Consistent with Prior Counsel's View that the District May Lawfully Appoint One Person as its General Manager/Chief of Police.

Our conclusion is consistent with the District's prior council's opinion that there is no legal restriction on the District's ability to appoint one individual to the dual role of General Manager/Chief of Police.

The District's prior counsel cautioned that a court may reach a different conclusion. Counsel advised that a court may conclude that the General Manager's supervisory authority for all District employees under the CSD Law makes the Chief of Police position incompatible should the court determine that the Chief of Police position is a separate public office. Counsel further cautioned that because it appears that the District is the only community service district to assign its General Manager the additional role as Chief of Police – and because state statutes that are *not* applicable to community service districts preclude general managers of cities and counties from simultaneously serving as a city police chief or county sheriff, the District may be more susceptible to legal challenge.

While of course not entirely free from doubt, for the reasons addressed above, in our opinion, it is highly unlikely that a court would conclude that the District may not assign its General Manager the additional Chief of Police title and duties, notwithstanding the unique staffing approach the District has taken.

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Memorandum

ATTORNEY-CLIENT PRIVILEGED & CONFIDENTIAL

TO: Kensington Police Protection & Community Services District Board of Directors
FROM: Catherine J. Groves and David S. Gehrig
DATE: April 2, 2015
RE: Compatibility of Roles: General Manager and Chief of Police

I. ISSUE

Is it unlawful for the Kensington Police Protection & Community Services District ("KPPCSD" or "the District") to have one person simultaneously fill the role of General Manager and Chief of Police?¹

II. BRIEF ANSWER

No. There is no express prohibition against one individual fulfilling the duties of General Manager and Chief of Police for a community services district. The Community Services District Law (Cal. Gov't Code §§ 61000 *et seq.*, "the CSD Law" or "the Law"), does not prohibit one individual from holding the dual roles of General Manager and Chief of Police. Additionally, the doctrine of incompatible offices does not prohibit one individual from holding the dual roles of General Manager and Chief of Police for a community services district because the General Manager and Chief of Police are not two separate public offices, but rather a single public office (General Manager) with a second title and additional duties for the Chief of Police.

However, because there is no precedent directly on point, and because KPPCSD appears to be the only community services district with a dual role for its General Manager and Chief of Police, a legal argument could be made that the KPPCSD's arrangement does violate the doctrine of incompatible offices. While we don't believe such an argument would be legally correct, it is possible that a court could take a different view.

III. SUMMARY OF FACTS

We offer the following summary of facts based on only a cursory review of historic agency documents. The agency that is now the KPPCSD was initially formed as a police protection district in 1947. In 1954, the agency was reformed as a community services district, but still for the purpose of providing police protection services. The authority to provide park and recreation services was added in 1955. In 1994, and pursuant to Resolution 93-07, the name of the

¹ As special counsel to KPPCSD, we have not previously been asked to address this legal question.

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agency was changed from Kensington Community Services District to Kensington Police Protection and Community Services District in order to indicate that the primary purpose of the District was to provide police protection services. It is our understanding that KPPCSD has had one individual serve as General Manager with the dual title of Chief of Police since the 1950s. Additionally, we understand that the District has a written job description for General Manager which includes both the duties of General Manager and Chief of Police in a combined list of duties.

Our investigation indicates that there are up to twelve community services districts in California that also provide police services. Of these, it appears that only KPPCSD employs a single individual as both the General Manager and Chief of Police. The results of our investigation are summarized below:

	COMMUNITY SERVICES DISTRICTS	NUMBER OF TITLES FOR GENERAL MANAGER AND CHIEF OF POLICE ROLE	NUMBER OF INDIVIDUALS PERFORMING BOTH ROLES
1.	Kensington Police Protection and CSD	Two (General Manager and Chief of Police)	One
2.	Broadmoor Police Protection District	One (Chief of Police); note that Broadmoor is not a community services district	One
3.	Stallion Springs CSD	Two (Chief of Police and General Manager)	Two
4.	Bear Valley CSD	Two (Chief of Police and General Manager)	Two
5.	Lake Shastina CSD	Two (Chief of Police and General Manager)	Two
6.	Capistrano Bay CSD	One (General Manager)	One (General Manager, who is not a police officer, has management responsibility over two Patrol Officers; there is no chief)
7.	Diablo CSD	One (General Manager)	One (police services are provided to District pursuant to an agreement with Contra Costa County Sheriff's

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			Department)
8.	Mountain House CSD	One (General Manager)	One (police services are provided to the District pursuant to an agreement with San Joaquin County Sheriff's Department)
9.	Pauma Valley CSD	Two (Administrator and Security Captain)	Two
10.	Santa Lucia CSD	Two (General Manager and Director of Security)	Two
11.	Southern Coachella Valley CSD	Zero (four directors only)	Administration and law enforcement are contracted out
12.	Surfside Colony CSD	Zero (five directors only)	(not clear if police services are provided)
13.	Saddle Creek CSD	One (General Manager)	One (not clear if police services are provided)

Interestingly, KPPCSD is the only agency that describes itself as a "Police Protection and Community Services District." All of the other agencies listed above either call themselves a community services district, or in the case of Broadmoor a police protection district. Also, and perhaps of most relevance, of those agencies that have both a General Manager and a Chief of Police title, only KPPCSD has a single individual serving both roles. The closest arrangement from another agency is with the Capistrano Community Services District, which has the General Manager provide administrative services as well as management responsibility over two Patrol Officers.

IV. ANALYSIS

1. Community Services District Law

The CSD Law does not prohibit one individual from holding the dual roles of General Manager and Chief of Police. The CSD Law expressly requires the board of a community services district to appoint a General Manager. (Cal. Gov't Code § 61050.) Section 61051 of the Law establishes the roles and responsibilities of the General Manager. While section 61100(i) allows a community services district to provide police services to its constituents, it does not require a District to create a Chief of Police position. Additionally, there is no indication in the legislative history or any legal authority interpreting these provisions that one individual cannot hold the

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roles of both the General Manager and Chief of Police for a community services District. Thus, neither the CSD Law nor the legal authority interpreting the CSD Law prohibits one individual from serving as both the General Manager and Chief of Police of a community services district.

Moreover, the Law expressly allows a District to have a single individual serve as both the General Manager and Treasurer. (Cal. Gov't Code § 61050.) This would appear to indicate a general legislative intent to grant community services districts, which are often thinly staffed and budget-constrained, additional flexibility to satisfy their staffing needs.

2. Incompatible Offices Doctrine

The doctrine of incompatible offices must also be considered in evaluating whether one individual may serve as both the General Manager and Chief of Police of a community services district. The common law doctrine, which has been codified in Cal. Gov't Code § 1099, applies when one individual holds two public offices resulting in a conflict between potentially overlapping public duties.

A. Basic prohibition

The seminal case, *People ex rel. Chapman v. Rapsey* (1940) 16 Cal.2d 636, outlines the common law doctrine of incompatible offices which has since been codified in Cal. Gov't Code § 1099². Section 1099(a) provides that "[a] public officer...shall not simultaneously hold two public offices that are incompatible." Section 1099 states that offices are incompatible when:

- [A]ny of the following circumstances are present, unless simultaneous holding of the particular offices is compelled or expressly authorized by law:
- (1) Either of the offices may audit, overrule, remove members of, dismiss employees of, or exercise supervisory powers over the other office or body.
 - (2) Based on the powers and jurisdiction of the offices, there is a possibility of a significant clash of duties or loyalties between the offices.
 - (3) Public policy considerations make it improper for one person to hold both offices.

If the performance of the duties of either office could have an adverse effect on the other, the doctrine precludes acceptance of the second office. Once a second, incompatible public office is accepted, such acceptance constitutes an automatic resignation from the first office. (Cal. Gov't Code § 1099(b).) The doctrine of incompatible offices does not apply if one of the

² When codifying the common law doctrine, the legislature included the following legislative note: "SEC. 2. Nothing in this act is intended to expand or contract the common law rule prohibiting an individual from holding incompatible public offices. It is intended that courts interpreting this act shall be guided by judicial and administrative precedent concerning incompatible public offices developed under the common law." (Stats 2005 ch. 254.)

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positions is merely employment and not a public office. (Cal. Gov't Code § 1099(c); See also 58 Ops.Cal.Atty.Gen. 109, 111 (1991).)

In applying this doctrine, courts typically first determine whether the positions are public offices and, second, whether the offices are incompatible. (See *Rapsey, supra*; 90 Ops.Cal.Atty.Gen. 24 (2007); 56 Ops.Cal.Atty.Gen. 556, 557 (1973); 40 Ops.Cal.Atty.Gen. 238, 239 (1962).)

B. Two Public Offices

Based on *Rapsey*, the Attorney General has set forth the following elements for determining whether an employment position is a "public office":

[A] public office is a position in government (1) which is created or authorized by the Constitution or some law; (2) the tenure of which is continuing and permanent, not occasional or temporary; (3) in which the incumbent performs a public function for the public benefit and exercises some of the sovereign powers of the state. (68 Ops.Cal.Atty.Gen. 337, 342 (1985).)

Here, the General Manager position is a public office because it was statutorily created by the CSD Law and has authority to implement board policies, appoint, supervise, discipline and dismiss employees, and supervise the District's facilities, services, and finances.

The Chief of Police position does not rise to the level of a public office because the CSD Law does not expressly require (or allude to) the creation of an office of the Chief of Police. Government Code section 61100(i) allows community services districts to "provide police protection and law enforcement services by establishing and operating a police department that employs peace officers pursuant to Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code." Chapter 4.5 of the Penal Code establishes the definition of the term "peace officer," but does not require the creation of a public office of the Chief of Police.³ Moreover, there does not appear to be any provision in the Penal Code nor any cases or California Attorney General opinions that expressly require the creation of an office of the Police Chief. While the enabling legislation of other local governmental entities, such as counties and cities, contain express provisions requiring the creation of a public office of Sheriff or Police

³ We note that courts have previously concluded that a police officer falls within the category of a public officer because the individual is entrusted with the duty and power to exercise a part of the sovereign governmental powers of the entity for which the individual is acting. (*Logan v. Shields* (1923) 190 Cal. 661, 664-665; *Noble v. City of Palo Alto* (1928) 89 Cal.App. 47, 52; *Brown v. Boyd* (1939) 33 Cal.App.2d 416, 422; *Estrada v. Indemnity Ins. Co.* (1958) 158 Cal.App.2d 129, 134-135; *People v. Woods* (1970) 7 Cal.App.3d 382, 387.) However, these cases do not analyze the doctrine of incompatible offices and their facts are distinguishable from those at hand. Additionally, other cases, such as *Nigel v. Superior Court* (1977) 72 Cal.App.3d 373, when applying the doctrine of incompatible offices, have concluded that peace officers are not public officers. In the words of the court, "the fact that policemen have been held to be public officers for certain purposes does not lead inevitably to the conclusion that they are "officers" for all purposes....The meaning of the words "officer" or "official" varies with the conditions and circumstances in which they are used." (*Nigel* at 378.)

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Chief, the enabling legislation for community services districts contains no such provision.⁴ (See Cal. Gov't Code §§ 24000 and 36501.)

In other instances, the California Attorney General has found that a public office may be created pursuant to a local agency's own legislative action, such as a city charter, city code or a resolution. (See 82 Ops.Cal.Atty.Gen. 201 (1999), 66 Ops.Cal.Atty.Gen. 176 (1983), and 76 Ops.Cal.Atty.Gen. 38 (1993). For instance, in 82 Ops.Cal.Atty.Gen. 201, the Attorney General concluded that it was a violation of the incompatible offices doctrine for the same individual to serve as both the City Administrator and Fire Chief, where the city charter established the position of Fire Chief and the city code established the position of City Administrator. This opinion can be distinguished from KPPCSD's General Manager/Chief of Police position in that there is no District ordinance or resolution establishing the position of Chief of Police.

Accordingly, we conclude that the Chief of Police position is not a separate public office under the common law doctrine of incompatible offices, but rather is merely a title and set of duties that are included within the duties of the General Manager public office. Necessarily, because only one of the titles is a public office, these two separate titles and combined role do not create incompatible offices. KPPCSD's current combined role of General Manager/Chief of Police does not violate any statutory laws or the common law doctrine of incompatible offices.

C. Conflict Between Offices

While the above analysis demonstrates that the doctrine of incompatible offices does not apply to the facts at hand because the role of Chief of Police is not statutorily created and, therefore, is not a public office for purposes of the doctrine, for the sake of argument we will nevertheless address whether the performance of both jobs by a single individual would give rise to a conflict.

As described above, Cal. Gov't Code § 1099 provides that offices are incompatible when one of the offices can assert authority over the other office, there is a significant clash of duties or loyalties between the offices, or public policy considerations make it improper for one person to hold both offices. Essentially, the incompatible offices doctrine seeks to prevent one individual from having divided loyalties. (68 Ops.Cal.Atty.Gen. 337, 339 (1985).) The Attorney General does note, however, that occasional conflicts of interest which are "inevitable" when performing dual responsibilities do not necessarily cause offices to be incompatible. (74 Ops.Cal.Atty.Gen. 82, 85 [noting that the position of fire division chief and city council member are not incompatible even though there is some overlap, including issues of budgetary priorities, and employment decisions against the chief's superiors].)

⁴ Note that the California Attorney General concluded that one individual could not serve as both a county supervisor and deputy sheriff in the same county. (68 Ops.Cal.Atty.Gen. 7, 8 (1984).) However, the opinion relied on a number of statutory provisions that created the office of a county sheriff, set forth the sheriff's duties, and the board of supervisors' control over the sheriff, which provisions do not exist in the CSD Law. Moreover, the county supervisor is an elected position, which creates a very different legal relationship with employees of the agency than KPPCSD's General Manager has with the Chief of Police position.

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Here, we do not perceive an actual clash of duties or loyalties because the roles of the General Manager and Chief of Police are distinct, and just two titles which both report directly to the KPPCSD Board of Directors. On the other hand, under the CSD Law, the General Manager is responsible for "the appointment, supervision, discipline, and dismissal of [all of] the district's employees." (Government Code section 61051(b).) This alone could cause a court to find that there is a conflict between the two positions, since Government Code section 1099 defines a conflict between public offices as existing when "either of the offices may audit, overrule, remove members of, dismiss employees of, or exercise supervisory powers over the other office or body."

V. CONCLUSION

The CSD Law does not prohibit one individual from holding the dual roles of General Manager and Chief of Police for the District. Moreover, the doctrine of incompatible offices also does not prohibit one individual from serving the dual roles of General Manager and Chief of Police, primarily because only the General Manager position is a public office. The Chief of Police position is not a public office, but only a title and set of duties that are incorporated into the General Manager position. While there is no case law or Attorney General opinion directly on point to confirm this conclusion, we nonetheless conclude that it is lawful for the KPPCSD to have a single individual serve as both the General Manager and Chief of Police.

However, our conclusion comes with several caveats and cautions. First, the law regarding incompatible offices is sufficiently vague to allow for an argument (unpersuasive in our view) that the two positions are both public offices that are incompatible with each other. If a court were to determine that the General Manager and Chief of Police positions were both public offices, it is not only possible but likely that the court would find the two offices to be incompatible based on the fact that the General Manager has supervisory authority over all other employees of the District. Second, it appears that KPPCSD's current arrangement is unique among community services districts as we were not able to find another community services district that has a single individual serving as both a General Manager and the Chief of Police. This makes KPPCSD more visible and possibly more susceptible to challenge. Finally, it is well established that a Chief of Police for a city and the Sheriff for a county are both considered public offices, based on statutes particular to those types of agencies. While the legal analysis is different for cities and counties, the fact nonetheless makes KPPCSD's arrangement unique.

Based on the foregoing, and in light of public sentiment within Kensington, the District may desire to revisit its policy decision to have one individual fulfill both the role of General Manager and Chief of Police, even though a change is not legally required.

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Appendix H. KPPCSD Interim Chief of Police/General Manager Job Description

Interim Chief of Police/General Manager - Kensington, California

Job Description:

Kensington is a special district that consists of two square miles in west Contra Costa County, bordered by the cities of Berkeley, Albany, El Cerrito, and Tilden Park. It is comprised of primarily upper middle class homes and two small business areas. There are five thousand residents living in the District. The Kensington Police Protection and Community Services District ("KPPCSD") is responsible for the police department, the parks, and the garbage services for the community. The KPPCSD is a five member elected Board serving staggered 4-year terms.

The Chief of Police/General Manager is hired by and serves under the direction of the KPPCSD Board of Directors. The District office is housed in the public safety building at 217 Arlington Avenue, Kensington. The facilities are shared with and operated by the Kensington Fire Protection District.

The Board is seeking an interim Chief of Police/General Manager to oversee the 10-member police force, 4 non-sworn employees and approximately three million dollar budget while the Board and community explore options for the administration and organization of the District. This interim Chief of Police and General Manager will have a small part-time staff to assist him/her in the performance of the required duties.

The ideal candidate would be an experienced police executive who, while familiar with all modern policing methods, excels in problem solving and community building.

Job Description:

See Appendix A.

Education:

Bachelor of Arts or Bachelor of Science Degree preferred.

Dates of Employment:

During this interim period, the KPPCSD will be re-examining its structure and determining the preferred staffing and organization structure of the District's functions. The initial term for the

interim Chief of Police/General Manager will be from June 1, 2015 through February 28, 2016. That term may be extended, by mutual agreement of the KPPCSD and the interim Chief of Police/General Manager, on the same terms and conditions as set forth in the initial contract with a timeline agreed on by both parties. The employment relationship will be at will. The terms of the relationship will be more fully set forth in the contract.

Salary and Benefits:

The salary and benefits are negotiable based on education and experience.

To Apply:

Please submit a cover letter, comprehensive resume, and salary history to Kensington Police Department, 217 Arlington Avenue, Kensington, CA 94707 by Monday, May 4, 2015. Interviews will be held on Monday, May 11, 2015 beginning at 7 pm and on Thursday, May 14, 2015 beginning at 6 pm.

Qualifications/Requirements:

- Have at least five years of progressive supervisory command experience in a law enforcement agency.
- Be at least 21 years of age.
- Be a US citizen.
- Possess and maintain a valid California Class C Driver License.
- Be a sworn peace officer in the State of California within the previous three years, hold a valid California POST Supervisory Certificate or higher.
- Meet all other requirements for peace officers as established by law and the California Commission on Peace Officer Standards and Training (POST).
- Have no felony convictions.
- Pass a polygraph examination.
- Pass a medical and psychiatric examination.

APPENDIX A
JOB DESCRIPTION
GENERAL MANAGER/CHIEF OF POLICE

GENERAL

The General Manager/Chief of Police (GM/COP) shall be responsible for all of the following:

- (a) The implementation of the policies established by the Board of Directors for the operation of the District.
- (b) The appointment, supervision, discipline, and dismissal of the District's employees, consistent with the employee relations system established by the Board of Directors.
- (c) The supervision of the District's facilities and services.
- (d) The supervision of the District's finances.

The GM/COP is appointed by and serves under the direction of the Kensington Police Protection and Community Services District (KPPCSD) Board of Directors. The KPPCSD is responsible for providing police services and solid waste and recycling collection services within the Kensington community, and for managing the Kensington Park and its facilities. General responsibilities for managing District affairs and particular responsibilities for managing the different areas of District business are described separately.

DISTRICT AFFAIRS

The GM/COP shall be responsible for preparing the District Budget and for negotiating and maintaining all District records, District agreements, and District contracts.

The GM/COP shall be responsible for obtaining and preparing District Election material, as needed, and develop a working relationship with State and County legislators and be prepared to introduce or support legislation that affects the District's ability to serve the community. The GM/COP shall represent the District at State, County, and local public meetings.

The GM/COP shall prepare agendas for District Meetings, prepare and furnish Board Directors with all the appropriate information needed for Directors to conduct District meetings, and maintain a calendar of required events throughout the year.

The GM/COP shall prepare and submit all documents required by law and the Public Records Act, or other information in the public interest, to the public and/or appropriate agencies in a timely fashion.

POLICE DEPARTMENT

Authority: The GM/COP is the chief executive officer of the department and the final departmental authority in all matters of policy, operations and discipline. He/she exercises all lawful powers of his/her office and issues such lawful orders as are necessary to assure the effective performance of the department.

Responsibilities: Through the GM/COP the department is responsible for the enforcement of laws and ordinances coming within its legal jurisdiction. The GM/COP is responsible for planning, directing, coordinating, controlling, training, and staffing all activities of the department for its continued and efficient operation, for the enforcement of rules and regulations within the department, for the completion and forwarding of such reports as may be required by competent authority and for the department's relations with Kensington citizens.

Functions: The GM/COP sets objectives for the department, makes plans, develops procedures, organizes and re-organizes, provides for staff and equipment, adopts rules and regulations for the administration of the department, sets policy, coordinates efforts and relationships, reports on departmental accomplishments, maintains public and employee relationships, develops the budget, directs departmental training activities, controls personnel files and investigates and properly disposes of citizen complaints regarding the actions of officers, performs annual performance evaluations of Sergeants, and provides direction to the department.

As circumstances require, the GM/COP shall also observe and investigate persons and situations which require attention that may affect enforcement of law or prevention of crime, perform miscellaneous services relative to public reports, testify in court, investigate crimes for the purpose of apprehension and prosecution of offenders and the recovery of stolen property.

SOLID WASTE HANDLING AND DISPOSAL

The KPPCSD provides services within the Kensington community to collect, transfer, and dispose of solid waste, and provide additional solid waste handling services, including, but not limited to, source reduction, recycling, and composting activities. The GM/COP shall supervise the solid waste handling programs within Kensington by working with the solid waste hauler, county staff, community members, and designated Board Directors on the implementation of the Solid Waste Contract. In addition, the GM/COP shall be responsible for providing information to the Board of Directors regarding possible rate changes and for ensuring the District meets State and local mandates regarding waste reduction and recycling.

PARK AND RECREATIONAL SERVICES

The KPPCSD is responsible for providing recreational services to the community through the ownership of the Kensington Park and its facilities. The Kensington Community Council (KCC), a non-profit volunteer organization, provides and manages recreation programs in the park.

The GM/COP shall be responsible for managing the Kensington Park and its facilities with the assistance of the Park Administrator and oversee park development, maintenance and repair of recreation facilities, coordinating with the KCC and its staff when necessary. The GM/COP shall work with designated members of the Board of Directors to negotiate the agreement between the KCC and the KPPCSD as needed and work with designated members of the Board of Directors to negotiate lease or rental agreements for KPPCSD facilities and property.

Appendix I. General Manager Job Duties: California Government Code for Community Service Districts

Division 3 61050-61053

GOVERNMENT CODE SECTION 61050-61053

61050. (a) The board of directors shall appoint a general manager.

(b) The county treasurer of the principal county shall serve as the treasurer of the district. If the board of directors designates an alternative depositary pursuant to Section 61053, the board of directors shall appoint a district treasurer who shall serve in place of the county treasurer.

(c) The board of directors may appoint the same person to be the general manager and the district treasurer.

(d) The general manager and the district treasurer, if any, shall serve at the pleasure of the board of directors.

(e) The board of directors shall set the compensation, if any, for the general manager and the district treasurer, if any.

(f) The board of directors may require the general manager to be bonded. The board of directors shall require the district treasurer, if any, to be bonded. The district shall pay the cost of the bonds.

61051. The general manager shall be responsible for all of the following:

(a) The implementation of the policies established by the board of directors for the operation of the district.

(b) The appointment, supervision, discipline, and dismissal of the district's employees, consistent with the employee relations system established by the board of directors.

(c) The supervision of the district's facilities and services.

(d) The supervision of the district's finances.

61052. (a) Except as provided by Section 61053, the county treasurer of the principal county shall be treasurer of the district and shall be the depositary and have the custody of all of the district's money.

(b) All claims against a district shall be audited, allowed, and paid by the board of directors by warrants drawn on the county treasurer.

(c) As an alternative to subdivision (b), the board of directors may instruct the county treasurer to audit, allow, and draw his or her warrant on the county treasury for all legal claims presented to him or her and authorized by the board of directors.

(d) The county treasurer shall pay the warrants in the order in which they are presented.

(e) If a warrant is presented for payment and the county treasurer cannot pay it for want of funds in the account on which it is drawn, the treasurer shall endorse the warrant, "NOT PAID BECAUSE OF INSUFFICIENT FUNDS" and sign his or her name and the date and time the warrant was presented. From that time until it is paid, the warrant bears interest at the maximum rate permitted pursuant to Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2.

61053. (a) Notwithstanding Section 61052, a district may establish an alternative depositary pursuant to this section.

(b) The board of directors shall appoint a district treasurer who shall serve in the place of the county treasurer.

(c) The board of directors shall adopt a resolution that does each

principles. The procedure shall provide that bond principal and salaries shall be paid when due. The procedure may provide that checks to pay claims and demands need not be approved by the board of directors before payment if the district treasurer determines that the claims and demands conform to the district's approved budget.

(5) Designate a bank, a savings and loan association, or a credit union as the depository of the district's money. A bank, savings and loan association, or credit union may act as a depository, paying agent, or fiscal agency for the holding or handling of the district's money, notwithstanding the fact that a member of the board of directors, whose funds are on deposit in that bank or savings and loan association is an officer, employee, or stockholder of that bank or savings and loan association, or of a holding company that owns any of the stock of that bank or savings and loan association.

(d) The board of directors and the board of supervisors of the principal county shall determine a mutually acceptable date for the withdrawal of the district's money from the county treasury, not to exceed 15 months from the date on which the board of directors adopts its resolution.

(e) In implementing this section, the district shall comply with Article 1 (commencing with Section 53600) and Article 2 (commencing with Section 53630) of Chapter 4 of Part 1 of Division 2 of Title 5. Nothing in this section shall preclude the district treasurer from depositing the district's money in the county treasury of the principal county or the State Treasury pursuant to Article 11 (commencing with Section 16429.1) of Chapter 2 of Part 2 of Division 4 of Title 2.

(f) The district treasurer shall make quarterly or more frequent written reports to the board of directors, as the board of directors shall determine, regarding the receipts and disbursements and balances in the accounts controlled by the district treasurer. The district treasurer shall sign the reports and file them with the general manager.

Appendix J. International City Manager's Association (ICMA) Code of Ethics With Guidelines



ICMA Code of Ethics with Guidelines

The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in April 2015. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in June 2015.

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

Tenet 1. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.

Tenet 2. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.

GUIDELINE

Advice to Officials of Other Local Governments. When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities.

Tenet 3. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

GUIDELINES

Public Confidence. Members should conduct themselves so as to maintain public confidence in their profession, their local government, and in their performance of the public trust.

Impression of Influence. Members should conduct their official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.

Appointment Commitment. Members who accept an appointment to a position should not fail to report for that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time, but once a bona fide offer of a position has been accepted, that commitment should be honored. Oral acceptance of an employment offer is considered binding unless the employer makes fundamental changes in terms of employment.

Credentials. An application for employment or for ICMA's Voluntary Credentialing Program should be complete and accurate as to all pertinent details of education, experience, and personal history. Members should recognize that both omissions and inaccuracies must be avoided.

Professional Respect. Members seeking a management position should show professional respect for persons formerly holding the position or for others who might be applying for the same position.

Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity in order to be appointed to a position.

Reporting Ethics Violations. When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report the matter to ICMA. In reporting the matter, members may choose to go on record as the complainant or report the matter on a confidential basis.

Confidentiality. Members should not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

Seeking Employment. Members should not seek employment for a position having an incumbent administrator who has not resigned or been officially informed that his or her services are to be terminated.

Tenet 4. Recognize that the chief function of local government at all times is to serve the best interests of all of the people.

GUIDELINE

Length of Service. A minimum of two years generally is considered necessary in order to render a professional service to the local government. A short tenure should be the exception rather than a recurring experience. However, under special circumstances, it may be in the best interests of the local government and the member to separate in a shorter time. Examples of such circumstances would include refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or severe personal problems. It is the responsibility of an applicant for a position to ascertain conditions of employment. Inadequately determining terms of employment prior to arrival does not justify premature termination.

Tenet 5. Submit policy proposals to elected officials; provide them with facts and advice on

matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

GUIDELINE

Conflicting Roles. Members who serve multiple roles – working as both city attorney and city manager for the same community, for example – should avoid participating in matters that create the appearance of a conflict of interest. They should disclose the potential conflict to the governing body so that other opinions may be solicited.

Tenet 6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

Tenet 7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

GUIDELINES

Elections of the Governing Body. Members should maintain a reputation for serving equally and impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not participate in an election campaign on behalf of or in opposition to candidates for the governing body.

Elections of Elected Executives. Members shall not participate in the election campaign of any candidate for mayor or elected county executive.

Running for Office. Members shall not run for elected office or become involved in political activities related to running for elected office, or accept appointment to an elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

Elections. Members share with their fellow citizens the right and responsibility to vote. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office.

Elections relating to the Form of Government. Members may assist in preparing and presenting materials that explain the form of government to the public prior to a form of government election. If assistance is required by another community, members may respond.

Presentation of Issues. Members may assist their governing body in the presentation of issues involved in referenda such as bond issues, annexations, and other matters that affect

the government entity's operations and/or fiscal capacity.

Personal Advocacy of Issues. Members share with their fellow citizens the right and responsibility to voice their opinion on public issues. Members may advocate for issues of personal interest only when doing so does not conflict with the performance of their official duties.

Tenet 8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

GUIDELINES

Self-Assessment. Each member should assess his or her professional skills and abilities on a periodic basis.

Professional Development. Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

Tenet 9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

Tenet 10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

GUIDELINE

Information Sharing. The member should openly share information with the governing body while diligently carrying out the member's responsibilities as set forth in the charter or enabling legislation.

Tenet 11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

GUIDELINE

Equal Opportunity. All decisions pertaining to appointments, pay adjustments, promotions, and discipline should prohibit discrimination because of race, color, religion, sex, national origin, sexual orientation, political affiliation, disability, age, or marital status.

It should be the members' personal and professional responsibility to actively recruit and hire a diverse staff throughout their organizations.

Tenet 12. Public office is a public trust. A member shall not leverage his or her position for

personal gain or benefit.

GUIDELINES

Gifts. Members shall not directly or indirectly solicit, accept or receive any gift if it could reasonably be perceived or inferred that the gift was intended to influence them in the performance of their official duties; or if the gift was intended to serve as a reward for any official action on their part.

The term “Gift” includes but is not limited to services, travel, meals, gift cards, tickets, or other entertainment or hospitality. Gifts of money or loans from persons other than the local government jurisdiction pursuant to normal employment practices are not acceptable.

Members should not accept any gift that could undermine public confidence. De minimus gifts may be accepted in circumstances that support the execution of the member’s official duties or serve a legitimate public purpose. In those cases, the member should determine a modest maximum dollar value based on guidance from the governing body or any applicable state or local law.

The guideline is not intended to apply to normal social practices, not associated with the member’s official duties, where gifts are exchanged among friends, associates and relatives.

Investments in Conflict with Official Duties. Members should refrain from any investment activity which would compromise the impartial and objective performance of their duties. Members should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict of interest, in fact or appearance, with their official duties.

In the case of real estate, the use of confidential information and knowledge to further a member’s personal interest is not permitted. Purchases and sales which might be interpreted as speculation for quick profit should be avoided (see the guideline on “Confidential Information”). Because personal investments may appear to influence official actions and decisions, or create the appearance of impropriety, members should disclose or dispose of such investments prior to accepting a position in a local government. Should the conflict of interest arise during employment, the member should make full disclosure and/or recuse themselves prior to any official action by the governing body that may affect such investments.

This guideline is not intended to prohibit a member from having or acquiring an interest in, or deriving a benefit from any investment when the interest or benefit is due to ownership by the member or the member’s family of a de minimus percentage of a corporation traded on a recognized stock exchange even though the corporation or its subsidiaries may do business with the local government.

Personal Relationships. Member should disclose any personal relationship to the governing

body in any instance where there could be the appearance of a conflict of interest. For example, if the manager's spouse works for a developer doing business with the local government, that fact should be disclosed.

Confidential Information. Members shall not disclose to others, or use to advance their personal interest, intellectual property, confidential information, or information that is not yet public knowledge, that has been acquired by them in the course of their official duties.

Information that may be in the public domain or accessible by means of an open records request, is not confidential.

Private Employment. Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

Representation. Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

Endorsements. Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, marketing materials, social media, or other documents, whether the member is compensated or not for the member's support. Members may, however, provide verbal professional references as part of the due diligence phase of competitive process or in response to a direct inquiry.

Members may agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.

Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.

Appendix K. Contracting City/Agency Police Department Data

Table 4. City/Agency Police Services Data

City/Agency	Population ^a	Area in Sq. Miles	Cost		Staffing ^b				Response Time or Part 1 Calls ^c		Service Calls ^d	
			Police Budget 2015-2016	Cost Per Capita	Sworn	Un- Sworn	Total	Staff Per Capita	Minutes Absolute	Seconds per Square Mile	Average 2009– 2011	Per Capita
Kensington	5,077	1	\$2,379,938.00	\$469	10	1	11	2.2	2:45	165	5,000	1.0
Albany	18,539	1.7	\$6,682,743.00	\$360	26	8	34	1.8	NA ^e	NA	12,976 ^f	0.7
El Cerrito	24,599	3.7	\$11,292,173.00	\$459	41	11	52	2.1	4:45	77	10,500	0.4
Richmond	103,701	30.1	\$75,037,831.00	\$724	184	95	279	2.7	6:11	12	110,600	1.1
Univ. of California	36,198 ^g	NA ^h	\$22,000,000.00	NA	70	238	308	NA	NA	NA	75,006	NA
Orinda	18,681	12.7	\$4,544,132.00	\$243	14	2.4	16.4	0.9	5:33	26	16,200	0.9
Lafayette	24,285	15.4	\$4,876,449.00	\$201	17	6	23	0.9	4:50	26	21,400	0.9
Oakley	38,194	16.2	\$9,029,000.00	\$236	30	15	45	1.2	3:47	14	36,165	0.9

^aFrom 2010 Census or more recent city projections.

^bCurrent 2016 staffing data from interviews or recent publications.

^cFrom 2011 Contra Costa County LAFCO MSR Report for Contra Costa cities.

^dFrom 2011 Contra Costa County LAFCO MSR Report for Contra Costa cities.

^eNA = Not Available (applies to whole table). Albany does not track response times for Part 1 crimes as they can be quite variable and, therefore not that meaningful (e.g., response to in-progress violent crime is immediate, minutes; response to not in progress home burglary may be much longer, hours).

^f2014 data for Albany.

^gStudent population.

^hNA = Not Applicable for comparison to city data.

Table 5. City/Agency 2014 Part 1 Crime Statistics: FBI Uniform Crime Reporting Database^a

City/Agency	Population	Violent Crime					Property Crime				
		Total	Murder and Non-Negligent Manslaughter	Rape	Robbery	Aggravated Assault	Total	Burglary	Larceny-Theft	Motor Vehicle Theft	Arson
Albany	19,350	31	0	3	24	4	478	105	319	54	0
Berkeley	117,753	431	3	35	263	130	5,102	932	3,615	555	15
El Cerrito	24,485	77	0	3	43	31	926	158	667	101	8
Kensington	5,281	2	0	1	0	1	46	16	25	5	0
Lafayette	25,355	17	0	2	7	8	439	96	324	19	0
Oakley	38,851	45	2	2	16	25	469	134	225	110	3
Orinda	18,904	4	0	0	2	2	187	62	115	10	0
Richmond	108,464	843	11	63	378	391	4,281	937	2,114	1,230	27
UC Berkeley	36,198 ^c	41	0	6	28	7	1,010	57	922	31	9

^ahttps://ucr.fbi.gov/crime-in-the-u-s/2014/crime-in-the-u-s-2014/tables/table-8/table-8-by-State/Table_8_Offenses_Known_to_Law_Enforcement_by_City_2014.xls https://ucr.fbi.gov/crime-in-the-u-s/2014/crime-in-the-u-s-2014/tables/table-9/table-9-pieces/Table_9_Offenses_Known_to_Law_Enforcement_California_by_University_and_College_2014.xls.

^bStudent population.