

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

JANUARY 8, 2015 AGENDA

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District will be held **Thursday, January 8, 2015, at 6:00 P.M.**, at the Community Center, 59 Arlington Avenue, Kensington, California. The Board will commence its monthly Regular Meeting in open session at **7:30 P.M.** If further Closed Door Session is required, the Board will return to Closed Door Session following the end of the Regular Meeting.

Roll Call
Public Comments

SPECIAL MEETING; CLOSED SESSION 6:00 P.M.

1. Conference with Labor Negotiators (Government Code Section 54957.6)
Agency Representatives: Patricia Gillette and Chuck Toombs
Employee Organization: Kensington Police Officers Association
2. Pursuant to California Government Code Section 54957b:
 - a. The Board will enter into closed session to discuss the General Manager/ Chief of Police performance review pursuant to California Government Code Section 54957b.
 - b. The Board will discuss the possible contract extension and terms of the extension of the General Manager/ Chief of Police.
 - c. The General Manager/ Chief of Police will discuss personnel appointment, employment, and evaluation of performance of District personnel.

REGULAR MEETING; OPEN SESSION 7:30 P.M.

The Board will return to Open Session at approximately 7:25 PM and report out on the Closed Door Session.

Regular Meeting of the Board of Directors of the Kensington Police Protection and Community Services District will be held **Thursday, January 8, 2015, at 7:30 P.M.**, at the Community Center, 59 Arlington Avenue, Kensington, California.

Note: All proceedings of the open session meeting will be videotaped.

Roll Call
Public Comments
Board Member/ Staff Comments

APPROVAL OF CONSENT CALENDAR

- a) Minutes of the Special & Regular Meeting December 11, 2014, Page 3
- b) Unaudited Profit & Loss Report for December 2014, Page 15
- c) Park Revenue & Expense Report for December 2014, Page 20
- d) Board Member Reports- None This Month
- e) Police Report December 2014, Page 27
- f) Training/ Reimbursement Report- None This Month
- g) Correspondence in December, Page 33
- h) Recreational Report- Not Received This Month
- i) Monthly Calendar, Page 56
- j) General Manager's November Report, Page 58

DISTRICT - NEW BUSINESS

1. Per KPPCSD Board Policy 4060.1, Board President Len Welsh shall appoint and publicly announce the members of the standing committees and Board Coordinators for calendar year 2015. Board Action. Page 61
2. General Manager/ Chief of Police Greg Harman will present the Contra Costa County Grand Jury Report #1405 dated June 3, 2014, his response to the report dated September 3, 2014, and Contra Costa County Ordinance Code 25-4.202- 25-4.610, for review, discussion, and possible Board action. Page 65

(If needed, the Board will return to Closed Session following the end of the Regular Open Session meeting.)

ADJOURNMENT

General Information

Accessible Public Meetings

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

General Manager/ Chief of Police Greg Harman, Kensington Police Protection & Community Services District, 217 Arlington Ave, Kensington, CA 94707

POSTED: Public Safety Building-Colusa Food-Library-Arlington Kiosk- and at www.kensingtoncalifornia.org
Complete agenda packets are available at the Public Safety Building and the Library.

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

Meeting Minutes for 12/11/14

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday, December 11, 2014, at 6:00 P.M., at the Community Center, 59 Arlington Avenue, Kensington, California. The Regular Meeting of the Board of Directors (BOD) of the Kensington Police Protection and Community Services District (KPPCSD) followed.

ATTENDEES

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Len Welsh, President	Linda Lipscomb
Pat Gillette, Director	Leonard Schwartzburd
Chuck Toombs, Director	Celia Concus
Vanessa Cordova, Director	Simon Braufman
Rachelle Sherris-Watt, Director	Jim Watt
	Paula Black
<u>Staff Members</u>	Karl Kruger
GM/COP Gregory Harman	Mabry Benson
Sgt. Hui (on duty)	Ciara Wood
Lynn Wolter, District Administrator	Gayle Tapscott
Sgt. Barrow (own time)	Gail Feldman
	Anthony Knight
<u>Press</u>	Mark Bell
Joel Koosed, Outlook	Peter Conrad
Rick Radin, The Journal	

GM/COP Harman administered the oath of office to newly elected Directors Vanessa Cordova, Rachelle Sherris-Watt, and Len Welsh.

Board President Welsh called the meeting to order at 6:05 PM and took roll call. President Welsh, Director Gillette, Director Toombs, Director Cordova, Director Sherris-Watt, General Manager/Chief of Police Harman, and District Administrator Wolter were present.

PUBLIC COMMENTS

Linda Lipscomb welcomed the new Directors and thanked President Welsh for returning to the Board. She reminded the Directors that Closed Session information and discussion was confidential and that the Directors were obliged, under the law and the KPPCSD Policy and Procedure Manual, to safeguard closed session information.

CLOSED SESSION

The Board entered into Closed Session at 6:08 P.M. to:

1. Confer with Legal Counsel – Existing Litigation (Government Code Section 54956.9(a))

Leonard Schwartzburd v. Kensington Police Protection and Community Services District (Case Number N12-1625).

2. Confer with Labor Negotiators (Government Code Section 54957.6)
 - a. Agency Representatives: Patricia Gillette and Chuck Toombs
 - b. Employee Organization: Kensington Police Officers Association

3. Pursuant to California Government Code Section 54957b;
 - a. Discuss the General Manager/Chief of Police performance review pursuant to California Government Code Section 54957b.
 - b. Discuss the possible contract extension and terms of the extension of the General Manager/Chief of Police.
 - c. The General Manager/Chief of Police will discuss personnel appointment, employment, and evaluation of performance of District personnel.

OPEN SESSION

The Board returned to Open Session at 7:33 P.M.

President Welsh took roll call. President Welsh, Director Toombs, Director Gillette, Director Cordova, and Director Sherris-Watt were present.

GM/COP Harman administered a ceremonial oath of office to newly elected Directors Vanessa Cordova, Rachelle Sherris-Watt, and Len Welsh.

President Welsh reported that, during its Closed Session, the Board:

- Item 1. Had a telephone conference with Legal Counsel about the Schwartzburd et al vs. Kensington Police Protection and Community Services District lawsuit in which the Board received information from and gave guidance to the District's attorney.
- Item 2. Met with the Labor Negotiators and took no action.
- Item 3. Had a discussion about the performance and a potential contract for the Chief of Police but took no action.
Other two items, b and c: took no action.

PUBLIC COMMENTS

Karl Kruger said he looked forward to the newly elected Directors paying attention to the District's economics issues.

Mabry Benson said she disagreed with the Board's position that its policies and procedures were merely advisory.

Jim Watt asked how a member of the public could get items on the agenda and said he would like the Board to discuss an updated reserve policy. President Welsh responded that reserves would be discussed at the upcoming Finance Committee meeting. In response to the question about how members of the public get items on the agenda, GM/COP Harman read Section 5020.20 of the District's Policy and Procedures Manual – the section that describes the process.

Mark Bell welcomed the new Board members and thanked the outgoing Directors. He said he looked forward to work continuing, with respect to the Community Center, the police force, and trash/recycling system.

BOARD MEMBER COMMENTS

Director Cordova thanked everyone for their attendance and support and said she would be seeking the community's input and skill set.

Director Gillette welcomed Directors Sherris-Watt and Cordova and said the Board had had a good Closed Session. She shared a story about an inadvertent 911 call and, in response, receiving an early morning house call from a Kensington officer. She extended her thanks for the police department's good service. She also thanked the department for its work in keeping the community safe during the stormy weather.

Director Sherris-Watt thanked people for braving the elements to attend the meeting. She thanked all who engaged during the campaign, encouraged criticism – hopefully constructive, and said she looked forward to working with the Board.

Directory Toombs welcomed Directors Cordova and Sherris-Watt, welcomed back President Welsh, and invited community participation.

President Welsh also welcomed Directors Cordova and Sherris-Watt, and he thanked outgoing Directors Lipscomb and Lloyd. He reported that he'd been approached by a visiting professor of UC Berkeley's Boalt School of Law who wanted to meet and hear about the Kensington paradigm. President Welsh said this professor wanted to include a professor and a student from the Kyoto University in the meeting. President Welsh said that Gretchen Gillfillan had provided him with a copy of the Kensington Improvement Club's "Kensington Past and Present" to share during the meeting about the Kensington and its unique dependence on citizen participation and volunteers. He shared that Kensington's police officers filled the roles of both social workers and police officers and that this model was being tested more than ever before. He concluded by saying that Kensington had a remarkably good reputation and was world famous.

STAFF COMMENTS

District Administrator Wolter said that, at the prior month's meeting she had committed to providing detailed information about Account 530 – Workers' Compensation. She reported that, on June 30, 2014, the District had pre-paid \$9,493.00 as its first quarter payment to the Special District Risk Management Association for Fiscal Year 2014-15; on September 30, 2014, the District had made a Fiscal Year 2013-14 reconciliation payment in the amount of \$9,831.91; and on September 30, 2014, the District had made its second quarter Fiscal Year 2014-15 payment in the amount of \$9,493.00. She said that these were the components of the year-to-date Profit and Loss Report total of \$28,817.91 and that the District's accountant would make the adjustment for the reconciliation amount so that it would be included in Fiscal Year 2013-14.

District Administrator also reported on upcoming California Special District Association trainings, which included mandated trainings for harassment and ethics. She said she would email the list of trainings to the Directors.

CONSENT CALENDAR

Karl Kruger asked that Item (b), the Unaudited Profit and Loss Report, be pulled in order to discuss accounts 401, 427, 564, and 594. He said he didn't look at the monthly amounts; he was interested in the year-to-date amounts. With respect to Account 564, he asked why, year-to-date, the District had spent \$44,000 while the budgeted amount, year-to-date, was \$65,000, and the budgeted amount for the year was \$156,000, and he asked for an explanation. District Administrator Wolter responded that the District's largest expense for this budget line was the contract with the City of Richmond, which provides dispatch service. She noted that Richmond was routinely late with submitting invoices and that timing issue explained the year-to-date difference. Mr. Kruger asked how financial performance could be evaluated when invoices were routinely late. He said he wanted not to have surprises at the end of the year.

Mr. Kruger asked about Account 594 (Community Policing) and why its year-to-date amount exceeded the amount budgeted for the year. District Administrator Wolter responded that, after the Board had approved the budget for Fiscal Year 2014-15, it had made the decision to redesign the District's website, in order to improve communication and community relations, for \$7,500 – an amount that was an addition to what had been approved during the budget process.

Mr. Kruger asked why the budgeted and year-to-date amounts for 401 (Levy Tax) were different and why the District was so far behind in receiving the revenue. District Administrator Wolter explained that, at the beginning of the fiscal year, the County issued a credit to the District based on what the County estimated it would receive in property tax payments. She explained that the actual amount wouldn't be known and disbursed to the District until after the County actually received payments from property owners and that, at that time, the County would convert the credit into an actual dollar amount. Mr. Kruger responded that the year-to-date amount for this revenue line shouldn't be the same as the actual budget amount.

MOTION: Director Gillette moved, and Director Sherris-Watt seconded, to adopt the Consent Calendar.

Motion passed 5 to 0.

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

DISTRICT NEW BUSINESS

1. Directors Chuck Toombs and Pat Gillette presented the proposed contract between the District and the Kensington Police Officer's Association.

GM/COP Harman reviewed his December 11, 2014 memorandum. At the last Finance Committee meeting, he had reported that, with updated information, the District's projected loss of \$268,000 had been eliminated, and the District would break even for the year. He said he had also prepared a five-year forecast, beginning with Fiscal-Year 2015-16, for the Finance Committee meeting. He said this forecast showed that, at the end of the fifth year, cash reserves would be approximately \$890,000. GM/COP Harman reported that, since the time of the Finance Committee meeting, members of the community had prepared their own financial analysis for the next six years but that elements of this analysis conflicted with the report he had prepared. He thanked Mr. Watt for bringing to his attention a recent change CalPERS had made to its employer contribution calculations. GM/COP Harman said that this revised calculation had changed his financial projections: The new CalPERS formula would add a cumulative total of approximately \$54,000, during the coming five-year period. He said he also had revised his numbers to reflect the officers' payments into CalPERS, as indicated in the proposed agreement (MOU).

GM/COP Harman summarized the aspect of the proposed MOU that would have the officers contributing to their pension – something they had not been doing previously. He said part of this change had been driven by PEPRA (Public Employees Pension Reform Act), which would go into effect in 2018. GM/COP Harman reported that the proposed MOU would get the officers' contributions to the PEPRA-required amounts one year ahead of schedule. GM/COP Harman reported that another key feature of the proposed MOU was the change in medical benefits for officers who would be hired in the future, noting that the medical benefits for current employees couldn't be changed legally. This change for future employees would accompany a change in retirement benefits – future employees would qualify for a 2.7% at 57, whereas current employees would qualify for a 3% at 50 retirement. He said these changes would translate into lower costs to taxpayers in the future.

GM/COP Harman reported that he had reviewed the projections submitted by members of the community, his own projections, and had spoken with CalPERS about its recent changes to its contributions calculation. He reported that CalPERS had changed the way in which it would calculate employer contributions: Future contributions would be a set amount plus a percentage of salary, whereas the current method was calculated on a percentage alone.

GM/COP Harman provided a brief history of CalPERS contributions. He said that, when CalPERS introduced its pension program in the 1970's, the contribution rate was 9%, and employees had paid it. Subsequently and in order to meet pension benefits, an employer contribution was added and that, as CalPERS' performance had varied, so too had the employer contribution percentages, with rates increasing from as low as zero in the early 2000's to 38.623% this year – a change impacting all municipalities. He noted that these contribution increases had been driven by CalPERS having been adversely affected by declines in both the stock and real estate markets. He reported that, in 1984, the District had negotiated that it would pay the officers' 9% portion of CalPERS in lieu of a salary increase and that, as a result, the District was now paying both the employers' portion of 38.623% and the officers' portion of 9% of salaries paid. He said that, under the proposed agreement, the officers would begin paying the officers' portion of CalPERS, and that, at the end of the proposed agreement, they would be paying the amounts that would be required by PEPRRA one year ahead of time. He said that, in exchange for increases in salary, the officers would, over time, increase their pension contribution percentage. Specifically, by the end of the proposed contract, the officers would receive a total increase of 16% and at least 12% would go back into their pension contribution.

GM/COP Harman reported that, in addition to the CalPERS amounts, there were other differences between his revised financial projections and those submitted by the Kensington Property Owners Association, with respect to inflation calculations (members of the community used a COLA of 2%, and he used the San Francisco Bay Area CPI of 2.5%) and with respect to the inclusion of revenues from franchise fees and increased property taxes as well as the mandatory 10% reserves in calculating ending cash reserves (GM/COP Harman included these three items, and the Property Owners Association excluded them). GM/COP Harman calculated that, including the anticipated costs associated with the proposed MOU, cash reserves would be \$789,942 at the end of Fiscal Year 2019-2020.

GM/COP Harman concluded by recommending that the Board postpone making a decision about the proposed agreement until after the District's accountant had performed an independent financial analysis and the Finance Committee had met with the District's accountant in January.

Gayle Tapscott said she had never heard of the Kensington Property Owners Association and as such was uncomfortable with that organization presenting information as though it were representing her. In response, Property Owners Association president Gail Feldman said that the organization had been established in 1972, it held annual meetings to which the public was invited, and periodically held meetings of its board of directors. She said it was at board meetings that work was done on things like the financial forecast it had submitted to the KPPCSD Board.

President Welsh asked if the organization's board meetings were open to the public. Ms. Feldman replied that the organization was a 504(c) – a private membership not-for-profit organization, under the tax law, and that, as such it wasn't obligated to provide public notification of its meetings. President Welsh thanked Ms. Feldman and Mr. Watt for the work they had done in preparing their analysis. Ms. Feldman replied that Paula Black and Christine Hafner had been helpful in preparing the document.

Anthony Knight said that the KPPCSD's Finance Committee met four times a year and that there were citizens on the committee who were representing the community. He said he was concerned that, as of this meeting, there was now a second finance committee, under the umbrella of the Property Owners Association that was doing its own research and drawing its own conclusions. He asked that the Property Owners Association not operate in isolation – it should invite outside participation. He concluded by saying he didn't like there being two finance committees. Ms. Feldman responded that, sometimes, the business the Property Owners Association board conducted was not conducive to making its meetings open to the public. She said that, at every annual KPOA meeting in the past, she had invited the community to join her board.

Director Cordova said she had asked Ms. Feldman if she could join the Property Owners Association's meeting to look over the numbers and said she wasn't a member of the Association. She said she had met with Ms. Feldman, just as she had met with others. Director Cordova said the Association's analysis wasn't

the only proposal being made and that the Board should welcome many perspectives as it looks at an expenditure that would impact the District long term.

Director Gillette said that, although she welcomed individuals to present information, she was concerned that information was being presented by an organization called the Property Owners Association because of the implied status. She said she had lived in Kensington for 38 years and didn't know who was on the Property Owners Association board. She said that, had she known about it, she would have attended Ms. Feldman's meeting. She concluded by thanking Ms. Feldman for the information.

President Welsh thanked Ms. Feldman and Mr. Watt for their information and said they had added value to the process.

Mabry Benson asked the Board to allow more time for community input, saying that the proposed agreement with the police officers was the biggest item of business for the District.

Paula Black said she was a board member of the Kensington Property Owners Association. She acknowledged that the District's business took a great deal of time, and she thanked the Board members for making the time to be prepared. She also thanked the police force and Directors Gillette and Toombs for doing a lot of work on the negotiations. She said that raising questions around the fiscal future of the community did not reflect on the Property Owners Association's feelings about police service – for which the community was very grateful. She said a precarious financial situation wouldn't serve the police officers any more than it would serve the taxpayers and that the work the Property Owners Association had done had focused on testing assumptions. She said that GM/COP Harman's memorandum was very helpful and that it begged the question about what level of reserves should the District have. President Welsh said he hoped this information would be discussed at the upcoming Finance Committee meeting.

Ciara Wood said that, if the proposed MOU might lead to an increase in property taxes, the Board should let the community know. She said that entering into an agreement, knowing that a tax increase would be needed but without making it known ahead of time, would be duplicitous.

Linda Lipscomb said that she had been affiliated with the Kensington Improvement Club (KIC) for many years and that the KIC had public board meetings on the fourth Monday of the month and that the Outlook provided these meeting dates in its publication. Ms. Lipscomb said that the officers' contract had expired in June and that there had been a lot of negotiation. She said the proposed agreement had been made available for quite some time and the new Directors should have had adequate time to become familiar with it. She said that, with respect to the financing of the agreement, she couldn't think of a good reason why franchise fees shouldn't be included in the calculation of total reserves or why the required 10% reserve shouldn't be included. She said the financial analyses needed to be completed at the next Finance Committee meeting because the officers had been waiting for the contract. She said that, if the contract couldn't be completed soon, the Board should build in some kind of retroactivity because the Board had promised the officers that it would deliver a contract. She said the reason the District existed, in large part, was for the police protection of the community. She said that the officers keep the peace and keep the residents safe and that they perform many of the social tasks of the community. She concluded by saying she wanted the officers to be well paid and to be under a contract.

Leonard Schwartzburd said he was pleased by the Board's open process and receptivity to community participation.

Chris Hafner said she had been a member of the Kensington Property Owners Association for six or seven years and that the organization would welcome more participation. She noted the Property Owners Association had, over the years, represented the community in meetings with the County about issues such as re-surfacing Kensington' roads. She said she was concerned about the affordability of the proposed MOU but was appreciative of the officers' service. She asked that, before a vote on the proposed agreement, there be a complete understanding of the financial impact of it. She said she didn't want to see an increase in special taxes or a drawing down of reserves to a dangerous level. She said she would like to see cost-cutting measures to counter the increases that had been projected with the new contract. She

concluded by saying she agreed with GM/COP Harman's recommendation to postpone a vote on the agreement.

Peter Conrad said he wanted to see increased efficiencies result in a balanced budget to keep our police department.

Director Toombs said that the biggest single cost to the District was police salary and that, with that salary, came a level of service. He said that if the community wanted to maintain the current level of service it would have to pay for it. He said that, if the community didn't want that level of service, the community would have to have a different discussion. He said that, if the community wanted to continue to operate within the current budget, Chief Harman could fire four officers, but that wouldn't provide the level of service the community expected. He said the financial discussions related to the proposed MOU should occur at the Finance Committee meeting but that a discussion about whether the community wanted to maintain the current level of service needed to occur at a town hall meeting: Would the community want a reduced level of police service or would it want to keep the current level of service with a tax increase? He said there would be a social cost associated with a reduced police force.

Director Toombs said he liked the proposed MOU because it was ground-breaking in its shifting of pension costs to the officers and in having new officers receive a different level of retirement and healthcare upon leaving. He said contracts with the officers were a matter of collective bargaining, not unilateral bargaining, and noted that the law prevented the Board from changing some aspects of the officers' compensation. He said he thought the MOU was a good one and that there was an issue surrounding its financial sustainability. He said if it proved not to be sustainable, the community would have to decide what it wanted to do: How much service would it really want and how much would it be willing to spend for it? Director Toombs concluded by saying he had no problem with postponing the vote.

Director Gillette said the goal of the proposed MOU had been sustainability for the future and that, if the community were to continue having a police force at the current level – which she thought many in the community wanted, the District needed to start getting some money back. She said the proposed MOU would have the officers begin paying towards their pensions now, rather than waiting until four years from now, at which time such payments would be mandated. She also pointed out that, under the current contract, someone could receive medical care for life after working for the department for only five years while, under the proposed agreement, a newly hired officer would have to remain for twenty years in order to receive this benefit.

Director Gillette said it was never the intent to enter into an agreement that would drive a future tax increase. She said that, based on the analyses provided during the negotiations, the proposed MOU would be financially sustainable and that she disagreed with the notion there had been intent to dupe the public into having to pay increased taxes as a result of the proposed MOU. She concluded by saying she thought the MOU was a good one and that she welcomed input from the community.

President Welsh said the proposed MOU would cover a four-year period and that this was driven by PEPRRA, which would require the officers to contribute to their pension fund. He said, regardless of the proposed MOU, the District would be closely monitoring its financial projections. He said that, if the District found, two years down the road, that it couldn't sustain the cost of the current level of staffing, it could hold open any vacancy resulting from an officer retiring, or it could actually lay someone off. President Welsh said there wasn't any duplicity possible with the proposed MOU.

Jim Watt said he hoped everyone understood the nature of the proposed MOU and the way in which police officers were paid. He said that salary was a big component but that the benefit package was just as big as the salary component and that it included a very rich retirement benefit. He said the proposed MOU was, for him, primarily a pension issue – not a salary issue. He provided a handout. He referred to Director Toombs' memo from the prior month's meeting that said the proposed MOU would cost the community \$233,000. He said he thought this amount failed to pick up on one of the more expensive components of the contract. He said that the increased salaries, from which the paybacks would be made, would increase pensionable salary amounts and would drive actual pension benefits higher. Mr. Watt said he calculated that these

salary increases would increase pension contribution costs by \$48,000 annually. He said that the purpose of the pension reform act was to try to bring down the cost of the safety employees throughout California and to establish a new level of pay for employees hired after January 1, 2013. He said, to accomplish this, there should be a two-tiered system, with two separate rates of pay for new and advanced employees. He said the proposed MOU did not have a two-tiered system. He said the proposed MOU would cause a continual depletion of cash reserves. He said he had determined this had been an ongoing trend since 2005. He noted that, in 2005, the District had reserves of \$2 million and that, today, the reserves were \$1.3 million. He said budget reserves were very important because they were needed to meet cash flow obligations or unexpected expenses and that, without them, one could go out of business. He said reserves were also needed to take care of building improvements for the Community Center. He said the Board needed to ensure that the terms of the proposed agreement were competitive, based on the combination of salary and benefits. He said the District's benefit package was a "Cadillac" one. He said he had research the salary and benefits packages of Albany, Hercules, Moraga, and Clayton, which he said were four very comparable communities that had been used in the Koff study. He said that, the combination of salary plus benefits, under the proposed agreement, would average \$198,000, which would be \$30,000 more than the payments made to three of the communities he had mentioned and \$60,000 more than payments made to Clayton officers. Mr. Watt said the Board should delay making a decision until after the Finance Committee had met and provided an approved budget forecast that incorporated the provisions of the MOU, along with recommendations on how to handle any structural deficit. He said total compensation should be more consistent with that of other agencies and that an appropriate reserve policy should be adopted.

Director Toombs responded to Mr. Watt's comments, saying there had not been a current Koff report. Instead, the last Koff report had been provided to show what the District looked like in 2013. He said a current Koff report could be compiled but that it would come with a \$5,000 cost. He said the Board had decided not to spend the money on an updated report. Director Toombs said the Board had always used total compensation (salary plus benefits) during negotiations. He said that, if the Board didn't do something about the lack of income coming into the town, it wouldn't matter if there were a police force because the community would never be able to afford it. He said the pension costs were runaway costs – that PERS unilaterally imposed increases on the District every time its stock portfolio failed. He said the District had no control over what PERS mandates the District to contribute. He said this was a huge structural problem with running any police force and that the District could not change this except by not having a police force. He said it would be up to the community to determine what level of service it wanted and what it would be willing to pay for it.

Director Toombs said none of the cities covered in the Koff report had a two-tiered system. Rather, they had tiers based on level of service, longevity, and whether or not an officer had certain POST certificates. He concluded by saying that if there weren't some level of pay increase to cover the pension contribution costs, in four years the community would have to impose a 12% pay cut. He said that no officer would stay under such circumstances and that this would be an unfair burden to place on the officers.

Director Gillette thanked Mr. Watt for his information and said she found it confirming because she and Director Toombs had, during negotiations that occurred between June and November, addressed most of the issues he had raised.

Celia Concus said she agreed with Director Toombs' suggestion of having a town hall meeting to discuss how much it cost to have a police department and what kind of a police department.

Linda Lipscomb agreed with Mr. Watt's having said it was important to have reserves. She said that, when calculating reserves, it was important to include all the reserves. She said she disagreed with the Property Owners Association not including the District's legally mandated 10% reserves or the franchise fees. She pointed out that El Cerrito currently didn't even have its legally mandated reserves and that other cities were in the same condition. She said that, while the community needed to discuss what level of reserves it would want and what level of police service it would want, those discussions should not delay the vote on the proposed MOU.

Ms. Lipscomb addressed Mr. Watt's having said that the officers' compensation package was "rich". She said page 91 of the December Board Packet contained 2013 Koff report information citing that total compensation for both the officers and the sergeants was below the average by 2% and 3.6% respectively. She said she supported the proposed MOU because it addressed the PEPR requirements while enabling the community to keep its unique police force.

At 9:42 PM President Welsh noted that it was almost 9:45 PM and that a motion would be needed if the Board planned to meet beyond 10:00 PM.

**MOTION: Director Gillette moved, and President Welsh seconded, that the Board extend the meeting until it completed all the business on the agenda.
Motion passed 5 to 0.**

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

Following a short break the meeting resumed.

**MOTION: Director Toombs moved, and Director Cordova seconded, that the Board accept GM/COP Harman's recommendation that it postpone a decision on whether to vote on the draft MOU until it has had the chance to carefully analyze these spreadsheets with the assistance of the District's independent accountant and that, to that end, the the Finance Committee meet in January, with the District's accountant, and with other interested citizens to comprehensively review the underlying assumptions in these spreadsheets and present a formal recommendation on the impact of the proposed MOU, along with its own recommendations about the 6-year analysis submitted, for consideration by the Board at its February meeting.
Motion passed 5 to 0.**

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

2. Per KPPCSD Board Policy #5010.60, the Board elected a President and Vice-President for calendar year 2015. Per KPPCSD Board Police 4060.1, the Board President shall appoint and publicly announce the members of the standing committees and Board Coordinators for calendar year 2015 no later than the Board's Regular meeting in January.

Director Gillette nominated President Welsh for President. Director Toombs seconded the nomination. President Welsh was elected by unanimous vote.

Simon Braufman congratulated the new members of the Board and asked if a town hall meeting could occur before the Board's February meeting.

Director Toombs nominated Director Gillette for Vice-president. President Welsh seconded the nomination. Vice-president Gillette was elected unanimously.

President Welsh revisited Mr. Braufman's having asked for a town hall meeting. He said important issues needed to be discussed, such as what level of service the community would want; what was the analysis of the budgetary situation; and what was the explanation for the Board having chosen the approach it had, with respect to the proposed MOU.

Vice President Gillette said she supported getting more public input but she that she wanted to there to be a specific parameters.

Director Toombs said he thought the Finance Committee should meet in January and evaluate the impact of the proposed agreement. He said the discussion at a town hall meeting needed to be about what level of service the community wanted to have and at what cost.

Vice President Gillette said it seemed premature to have a discussion about whether a tax increase might be needed and that she wanted to know what the format of the proposed town hall meeting would be.

Ms. Feldman said the issue wasn't whether people were willing to pay the officers more, but rather it was about how it would be funded. She said that the community needed to understand what could occur in the future – whether that might mean an increase in taxes or a restructuring of the police department's organization. She noted that Brown Taylor had done some work on this in the past.

President Welsh said a town hall meeting could be discussed at the Board's January meeting.

Linda Lipscomb said the community had elected the Directors to conduct the business of the District, which was to conclude a contract with the police officers. She said it was overdue, since the prior contract had ended in June. She said the Board had fully negotiated the contract and that it knew what the numbers were. She said that having a town hall meeting, at this point, to decide whether the community was going to have a police department was ridiculous. She said the District needed to finalize the numbers and put the contract through or reject the contract and re-open negotiations. She said discussions could happen in the middle of the contract about whether the community wanted to continue providing a local police force in the future. She said the District would continue to have reserves – perhaps not the level the Board would like. She concluded by saying the Board had gotten far off track because of popular pressure. She said the Board had been elected to make decisions and that, if the community didn't like their decisions, the community could vote them out at the next election. She concluded by reiterating that the Board's business was to conclude the agreement.

President Welsh said he agreed: that the Board was elected to make decisions on the community's behalf.

Director Toombs said that discussions needed to occur at the Finance Committee meeting about the level of decline projected for reserves and that, in the short term, the District could afford this decline. He said there should be a broader discussion about what the community wanted to spend its resources on in the long term and that this should be addressed at a town hall meeting.

President Welsh said he was struggling with the proposed town hall meeting. He said that the KPPCSD meeting was a town hall and that there were a lot of people in attendance. He said he supported Vice President Gillette's idea of focusing on the Finance Committee meeting and encouraging attendance at that meeting. He reiterated that every time the KPPCSD had a Board meeting, it was a town hall meeting. He questioned what different town hall meeting would accomplish.

Director Cordova responded that the Board wouldn't know unless it had such a meeting and said she didn't know, until she had asked constituents, what they thought about her contemplating the proposed MOU and how she would move forward with it. She said she would not have known how to move forward unless she had heard from other people about what they were willing to spend.

Discussion ensued about holding the January Finance Committee meeting on a Saturday.

Vice President Gillette said that consensus seemed to be that the Board would move forward with some form of the MOU as it was, perhaps with some changes. She noted that the bigger issue was what the Board wanted the budget to look like going forward. She said this larger issue needed to occur in a well-planned meeting, with proper direction from the top and planning. She expressed concern that, if this discussion were to follow too closely on the heels of the MOU, the proposed town hall meeting could turn into a free-for-all.

Vice President Gillette said she agreed with Director Toombs – that the MOU and the larger budget discussion were two separate issues. She said there needed to be community meeting about the larger issue

and that, if the community decided that it didn't want to have its own police force, the Board would get rid of the police force.

Director Cordova said the District was operating with a deficit budget year after year and that it seemed to have institutionalized this as a way of handling the budget. She said she'd never seen so many letters expressing concern about what would happen should the MOU go into effect.

Vice President Gillette said she had no desire to inhibit public discussion but that there was consensus on the Board that the proposed MOU was good in that it would enable the community to continue to maintain the level of service it currently had while paying its officers competitively. She said she welcomed input about the MOU, as some members of the community had already done, but said she didn't want to hear about the bigger issue because the community wasn't prepared for such a discussion.

President Welsh said the Board did need to discuss the bigger issue and that would be a longer-term process. He said that, no matter what MOU the Board would come up with, the District would still be in the trajectory that Mr. Watt had pointed out. There had been a long steady decrease in reserves and this would continue, regardless of what kind of deal would be struck with the police. He noted that the only things that would get the District out of the situation would be lay-offs or more taxes. He said these issues couldn't be settled in a single town hall meeting.

Director Toombs said the short-term discussion that needed to occur was whether the Board would adopt the proposed MOU and what it would cost and that would need to happen before the Board voted on the MOU. He reiterated that a long-term discussion would be needed about what the community wanted to do with its money.

President Welsh said the Board wasn't prepared to take action on a town hall meeting but that, if someone wanted to bring it up at the next meeting, they could.

Simon Braufman noted that, at the prior Finance Committee meeting, January 15th had been set as the next meeting date. He also said that it was not his intent to interfere with the proposed MOU, via a town hall meeting. He said he wanted the larger issues, which Director Toombs had raised, to be discussed.

Anthony Knight said what had gotten lost in the evening's discussion was that there were two boards serving Kensington: Police and fire. He said he had been attending Fire Board meetings for a couple of years and he had yet to hear people say the Fire Board was under-funded. He said residents had heard, for many years, that there was an inequitable split of property taxes between the Fire District and the KPPCSD. As a result, budgets were tight on one side but not on the other. He said this was an ongoing structural issue that needed public discussion. He said he saw public safety as one unified issue and that he wanted to see Fire Board members attending KPPCSD meetings and vice versa.

Mr. Knight said the Directors were the community's representatives, and they had been elected to govern. He said the Board got to the brink of making a decision and then wrung its hands. He said that some in the community waited until the Board was close to making a decision and then showed up and interjected delay tactics and that this was done at the expense of the police department. He said the officers had been waiting for salary increases, which were deserved. He asked why not make the increases retroactive, as of January 1st. Mr. Knight said he was looking at the situation from the officers' perspective and that, from that perspective, he would be heartsick at the evening's discussions.

Linda Lipscomb said she concurred with Mr. Knight's comments. She said one of the items abandoned during Board discussions with the police officers was retroactivity but that this had been done with expectation that the Board would have completed the contract process by its December meeting. She said the community hadn't elected the Board so it could take a public referendum on a contract it had worked hard to negotiate. She noted that the proposed contract would end in 2018 and that, while it was useful to have six-year projections, those projections did not directly pertain to the proposed contract. She said it would be fine to have community discussion about the long-term budget after it voted on the MOU and concluded by saying it was unfair not to complete the MOU.

Sergeant Barrow addressed the Board in his role as the president of the Kensington Police Officers' Association (KPOA). He said he was flabbergasted by the evening's discussion. He said that he had sat through a lot of negotiation meetings over a long period of time and that the KPOA thought it had reached agreement with the Board over the proposed contract months earlier. He said that now it appeared the contract vote would be delayed until February. He expressed concern that, at the February meeting, the vote would be delayed again. He questioned who was negotiating the contract and how long it would take. He said that, as the KPOA President, he reported to the other eight officers and that he was frustrated with the process because it had gotten out of hand. He said some in the community were uninformed and that information about what the officers were being paid, relative to other agencies, was inaccurate. He said that all other agencies were getting similar increases: Other agencies would be receiving 16% to 17% increases over three years to pay for the pension contributions; while the proposed Kensington MOU called for a 16% increase over four years. He concluded by saying that Kensington officers were being paid less than officers in other agencies.

Director Toombs and Vice President Gillette thanked Sergeant Barrow and said they valued his input.

President Welsh said the Board would need to consider things such as retroactivity. He said both the process and the agreement itself needed to be seen as fair. He said Sergeant Barrow's frustration was understandable, given the amount of time the process had taken, but that the dialogue needed to be finished

**MOTION: Director Toombs moved, and President Welsh seconded, to adjourn.
Motion passed 5 to 0.**

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

The meeting was adjourned at 10:40 PM.

Memorandum

Kensington Police Department



To: KPPCSD Board of Directors

APPROVED YES NO

From: Gregory E. Harman, General Manager/ Chief of Police

FORWARDED TO

Date: Friday, December 26, 2014

Subject: Consent Calendar Item B- December 2014 Unaudited Profit & Loss Report

For the month of December, the Unaudited Profit & Loss Budget Performance Report is attached for review.

Variances in revenue and expenses for the month, as well as year to date fiscal projections can be found in the "Budget" portion of the General Manager's Report.

KPPCSD
Unaudited Profit & Loss Budget Performance
 December 2014

	Dec 14	Budget	Jul - Dec 14	YTD Budget	Annual Budget
Ordinary Income/Expense					
Income					
400 · Police Activities Re...					
401 · Levy Tax	0.00		1,319,273.42	1,413,620.00	1,413,620.00
402 · Special Tax-Police	0.00		681,690.00	680,000.00	680,000.00
403 · Misc Tax-Police	0.00		69.00		
404 · Measure G Suppl...	0.00		501,949.76	501,443.00	501,443.00
410 · Police Fees/Servi...	125.10	375.00	1,050.05	750.00	1,500.00
414 · POST Reimburse...	480.40		1,231.99		
415 · Grants-Police	16,988.88		36,235.93		
416 · Interest-Police	0.00		0.00	625.00	2,500.00
418 · Misc Police Inco...	3,746.81	1,500.00	11,833.05	9,000.00	18,000.00
419 · Supplemental W/...	4,298.56		4,298.56		
400 · Police Activities ...	0.00		20.00		
Total 400 · Police Activiti...	25,639.75	1,875.00	2,557,651.76	2,605,438.00	2,617,063.00
420 · Park/Rec Activities...					
424 · Special Tax-L&L	0.00		34,334.92	33,000.00	33,000.00
427 · Community Cent...	9,160.00	3,100.00	29,788.00	11,000.00	30,000.00
436 · Interest-Park/Rec	0.00		0.00	25.00	100.00
438 · Misc Park/Rec Rev	0.00		82.00	250.00	500.00
Total 420 · Park/Rec Acti...	9,160.00	3,100.00	64,204.92	44,275.00	63,600.00
440 · District Activities R...					
448 · Franchise Fees	0.00		16,870.54	7,000.00	21,000.00
456 · Interest-District	0.00		0.00	87.50	350.00
458 · Misc District Rev...	0.00		407.00		
Total 440 · District Activi...	0.00		17,277.54	7,087.50	21,350.00
Total Income	34,799.75	4,975.00	2,639,134.22	2,656,800.50	2,702,013.00
Expense					
500 · Police Sal & Ben					
502 · Salary - Officers	83,352.82	81,748.58	490,787.16	490,491.52	980,983.00

KPF-CSD

Unaudited Profit & Loss Budget Performance

December 2014

	Dec 14	Budget	Jul - Dec 14	YTD Budget	Annual Budget
504 · Compensated Ab...	0.00	0.00	2,315.83	5,866.67	8,800.00
506 · Overtime	3,649.92	3,750.00	28,721.06	22,500.00	45,000.00
508 · Salary - Non-Swo...	4,801.80	6,825.00	25,982.95	40,950.00	81,900.00
516 · Uniform Allowance	666.60	666.66	3,999.60	3,999.96	8,000.00
518 · Safety Equipment	0.00		0.00	2,500.00	2,500.00
521-A · Medical/Vision...	15,032.97	15,858.83	102,910.57	111,011.85	190,306.00
521-R · Medical/Vision...	11,788.62	11,312.33	82,564.29	79,186.35	135,748.00
521-T · Medical/Vision/...	0.00		58,058.00	58,058.00	58,058.00
522 · Insurance - Police	245.00	436.67	2,641.00	2,619.98	5,240.00
523 · Social Security/...	1,248.98	1,359.00	5,397.53	8,154.00	16,308.00
524 · Social Security - ...	332.45	423.17	1,815.69	2,538.98	5,078.00
527 · PERS - District P...	32,450.81	31,565.00	191,101.39	189,390.00	378,780.00
528 · PERS - Officers ...	7,561.76	7,417.33	44,530.88	44,504.02	89,008.00
530 · Workers Comp	3,376.67	10,000.00	28,479.00	30,000.00	50,000.00
Total 500 · Police Sal & ...	164,508.40	171,362.57	1,069,304.95	1,091,771.33	2,055,709.00
550 · Other Police Expen...					
552 · Expendable Poli...	328.00	125.00	4,259.35	750.00	1,500.00
553 · Range/Ammuniti...	1,390.85		1,390.85	2,000.00	3,000.00
560 · Crossing Guard	876.23	876.25	4,205.90	5,257.50	10,515.00
562 · Vehicle Operation	2,784.76	5,000.00	22,881.75	30,000.00	60,000.00
564 · Communications...	0.00	13,005.83	44,071.36	78,035.02	156,070.00
566 · Radio Maintenanc...	181.69	1,812.50	908.45	10,875.00	21,750.00
568 · Prisoner/Case Ex...	0.00	450.00	2,426.38	2,700.00	5,400.00
570 · Training	1,043.80	833.33	5,899.26	5,000.02	10,000.00
572 · Recruiting	0.00	541.67	0.00	3,249.98	6,500.00
574 · Reserve Officers	54.00	337.50	2,026.19	2,025.00	4,050.00
576 · Misc. Dues, Meal...	0.00	261.67	2,285.00	1,569.98	3,140.00
580 · Utilities - Police	1,510.98	746.67	5,718.63	4,479.98	8,960.00
581 · Bldg Repairs/Mai...	0.00	83.33	275.95	500.02	1,000.00
582 · Expendable Offic...	542.81	500.00	2,775.15	3,000.00	6,000.00
588 · Telephone(+Rich...	715.23	742.00	4,059.20	4,452.00	8,904.00
590 · Housekeeping	248.43	333.33	2,144.73	2,000.02	4,000.00
592 · Publications	1,950.00	183.33	2,177.50	1,100.02	2,200.00

17

KPPCSD
Unaudited Profit & Loss Budget Performance
 December 2014

	Dec 14	Budget	Jul - Dec 14	YTD Budget	Annual Budget
594 · Community Polic...	61.40	166.67	8,213.42	999.98	2,000.00
596 · WEST-NET/CAL I...	0.00		13,655.00	13,925.00	13,925.00
599 · Police Taxes Ad...	0.00		1,681.81	1,650.00	3,300.00
Total 550 · Other Police ...	11,688.18	25,999.08	131,055.88	173,569.52	332,214.00
600 · Park/Rec Sal & Ben					
601 · Park & Rec Admi...	560.18	650.00	3,302.33	3,900.00	7,800.00
602 · Custodian	1,750.00	1,895.83	10,500.00	11,375.02	22,750.00
623 · Social Security/...	0.00	49.75	0.00	298.50	597.00
Total 600 · Park/Rec Sal ...	2,310.18	2,595.58	13,802.33	15,573.52	31,147.00
635 · Park/Recreation Ex...					
640 · Community Cent...	536.94	468.00	2,744.90	2,808.00	5,616.00
642 · Utilities-Comm...	0.00	66.67	895.59	399.98	800.00
643 · Janitorial Supp...	795.00		2,725.84	3,000.00	3,000.00
646 · Community Ce...					
Total 640 · Community...	1,331.94	534.67	6,366.33	6,207.98	9,416.00
672 · Kensington Park ...	2,755.00		23,358.26	79,524.00	79,524.00
678 · Misc Park/Rec E...	0.00		170.00		
Total 635 · Park/Recreati...	4,086.94	534.67	29,894.59	85,731.98	88,940.00
800 · District Expenses					
810 · Computer Mainte...	145.00	2,024.00	12,851.00	12,144.00	24,288.00
820 · Cannon Copier C...	387.05	475.00	3,014.25	2,850.00	5,700.00
830 · Legal (District/Pe...	30,205.73	12,500.00	70,583.58	75,000.00	150,000.00
835 · Consulting	0.00	625.00	0.00	3,750.00	7,500.00
840 · Accounting	1,283.75	2,979.17	4,143.75	17,874.98	35,750.00
850 · Insurance	0.00		29,531.20	29,000.00	30,000.00
860 · Election	4,754.76		8,608.25	10,000.00	10,000.00
865 · Police Bldg. Lease	0.00		0.00	1.00	1.00
870 · County Expendit...	0.00	7,000.00	2,716.38	8,500.00	22,300.00
890 · Waste/Recycle	5,575.75	9,883.33	35,085.93	59,300.02	118,600.00
898 · Misc. Expenses	509.03	1,100.00	5,952.43	6,200.00	12,300.00

KPI - USD
Unaudited Profit & Loss Budget Performance
 December 2014

	Dec 14	Budget	Jul - Dec 14	YTD Budget	Annual Budget
Total 800 - District Expe...	42,861.07	36,586.50	172,486.77	224,620.00	416,439.00
950 - Capital Outlay					
962 - Patrol Cars	0.00		0.00		30,000.00
963 - Patrol Car Acces...	0.00		0.00		16,000.00
972 - Park Buildings I...	0.00		0.00		
Total 950 - Capital Outlay	0.00		0.00		46,000.00
Total Expense	225,454.77	237,078.40	1,416,544.52	1,591,266.35	2,970,449.00
Net Ordinary Income	-190,655.02	-232,103.40	1,222,589.70	1,065,534.15	-268,436.00
Other Income/Expense					
Other Expense					
700 - Bond Issue Expens...					
701 - Bond Proceeds	0.00		-175,583.24		
710 - Bond Admin.	0.00		4,681.72		
720 - Bond Principal	0.00		123,024.10		
730 - Bond Interest	0.00		20,606.66		
Total 700 - Bond Issue E...	0.00		-27,270.76		
Total Other Expense	0.00		-27,270.76		
Net Other Income	0.00	0.00	27,270.76	0.00	0.00
Net Income	-190,655.02	-232,103.40	1,249,860.46	1,065,534.15	-268,436.00

Memorandum

Kensington Police Department



To: KPPCSD Board of Directors

APPROVED YES NO

From: Gregory E. Harman, General Manager/ Chief of Police

FORWARDED TO

Date: Friday, December 26, 2014

Subject: Consent Calendar Item C- December Park Revenue & Expenses

The KPPCSD Board and the Park Buildings Committee has requested a separate and detailed accounting of park revenues and expenses.

This information is obtained through our QuickBooks software. Revenue and expenses from July 1, 2014 through December 23, 2014 are attached to this memo.

KPP-CSD
Account QuickReport
 July 1 through December 23, 2014

3:27 PM
 12/23/14
 Accrual Basis

Type	Date	Num	Name	Memo	Split	Amount
420 · Park/Rec Activities Revenue						
424 · Special Tax-L&L						
General Journal	10/1/2014	JV07...	CCC Taxes-LLD	SP ASSESS ...	114 · Land & L...	34,334.92
Total 424 · Special Tax-L&L						
427 · Community Center Revenue						
Deposit	7/9/2014	V918...		CCC Primary...	112 · General ...	100.00
Deposit	7/9/2014	109		July & Aug 2...	112 · General ...	90.00
Deposit	7/9/2014			Partial Paym...	112 · General ...	125.00
Deposit	7/9/2014	150		Partial Paym...	112 · General ...	175.00
Deposit	7/9/2014	2073		CC Rental 7/...	112 · General ...	600.00
Deposit	7/9/2014	6717		CC Rental ad...	112 · General ...	75.00
Deposit	7/9/2014	7397		2nd Half of R...	112 · General ...	7,500.00
Deposit	7/9/2014			CC Rental 5/...	112 · General ...	450.00
Deposit	8/4/2014	731		CC Rental 7/...	112 · General ...	375.00
Deposit	8/4/2014	3358		CC Rental 7/...	112 · General ...	900.00
Deposit	8/4/2014	3201		CC Rental 8/...	112 · General ...	500.00
Deposit	8/18/2014	9001		AA rent for A...	112 · General ...	90.00
Deposit	8/18/2014	1023		CC Rental 8/...	112 · General ...	1,400.00
Deposit	8/18/2014	602		CC Rental 8/...	112 · General ...	450.00
Deposit	8/18/2014	1139		East Bay Coll...	112 · General ...	598.00
Deposit	9/9/2014	3274		CC Rental on...	112 · General ...	600.00
Deposit	9/9/2014			CC Rental ad...	112 · General ...	75.00
Deposit	9/9/2014	3052		CC Rental on...	112 · General ...	1,200.00
Deposit	9/9/2014	4157		CC Rental on...	112 · General ...	600.00
Deposit	9/30/2014			9-13-14 CC ...	112 · General ...	450.00
Deposit	9/30/2014	5927...		10-18-14 CC ...	112 · General ...	180.00
Check	10/15/2014	15914	Carol Melgoza	Refund of Co...	112 · General ...	-180.00
Deposit	10/21/2014	243		CC Rental 10...	112 · General ...	300.00
Deposit	10/21/2014	3118		CC Rental 11...	112 · General ...	375.00
Deposit	10/21/2014	1708...		CC Rental 8-...	112 · General ...	500.00
Deposit	10/21/2014	1708...		CC Rental 8-...	112 · General ...	500.00
Deposit	10/21/2014	1708...		CC Rental 8-...	112 · General ...	210.00
Deposit	10/21/2014			CC Rental 10...	112 · General ...	1,800.00
Deposit	11/12/2014	1068		CC Rental 10...	112 · General ...	500.00

3:27 PM

12/23/14

Accrual Basis

KPPCSD

Account QuickReport

July 1 through December 23, 2014

Type	Date	Num	Name	Memo	Split	Amount
Deposit	11/12/2014	1210		CC Rent Wa...	112 · General ...	90.00
Deposit	12/1/2014	1816		CC Rental for...	112 · General ...	180.00
Deposit	12/1/2014	V921...		Election pay...	112 · General ...	100.00
Deposit	12/23/2014	7612		1st half of 20...	112 · General ...	7,500.00
Deposit	12/23/2014	3739		CC rental pa...	112 · General ...	450.00
Deposit	12/23/2014	571		CC rental pa...	112 · General ...	450.00
Deposit	12/23/2014	2288		CC rental pa...	112 · General ...	180.00
Deposit	12/23/2014	1477		CC rental pa...	112 · General ...	300.00
Total 427 · Community Center Revenue						29,788.00
438 · Misc Park/Rec Rev						
Deposit	7/9/2014			Tennis court f...	112 · General ...	2.00
Deposit	8/18/2014	4314		Tennis court f...	112 · General ...	40.00
Deposit	11/12/2014	4479		Tennis Court ...	112 · General ...	40.00
Total 438 · Misc Park/Rec Rev						82.00
Total 420 · Park/Rec Activities Revenue						64,204.92
TOTAL						64,204.92

22

KPI-CSD
Account QuickReport
 July 1 through December 23, 2014

3:27 PM
 12/23/14
 Accrual Basis

Type	Date	Num	Name	Memo	Split	Amount
600 · Park/Rec Sal & Ben						
601 · Park & Rec Administrator						
Paycheck	7/15/2014		Di Napoli, Andrea		112 · General ...	286.25
Paycheck	7/30/2014		Di Napoli, Andrea		112 · General ...	257.00
Paycheck	8/15/2014		Di Napoli, Andrea		112 · General ...	274.25
Paycheck	8/29/2014		Di Napoli, Andrea		112 · General ...	255.41
Paycheck	9/15/2014		Di Napoli, Andrea		112 · General ...	276.94
Paycheck	9/30/2014		Di Napoli, Andrea		112 · General ...	312.64
Paycheck	10/14/2014		Di Napoli, Andrea		112 · General ...	250.69
Paycheck	10/29/2014		Di Napoli, Andrea		112 · General ...	310.80
Paycheck	11/13/2014		Di Napoli, Andrea		112 · General ...	269.06
Paycheck	11/27/2014		Di Napoli, Andrea		112 · General ...	249.11
Paycheck	12/12/2014		Di Napoli, Andrea		112 · General ...	271.43
Total 601 · Park & Rec Administrator						3,013.58
602 · Custodian						
Check	7/15/2014	15698	William Driscoll	Com. Center ...	112 · General ...	875.00
Check	7/30/2014	15726	William Driscoll	Com. Center ...	112 · General ...	875.00
Check	8/15/2014	15754	William Driscoll	Com. Center ...	112 · General ...	875.00
Check	8/29/2014	15784	William Driscoll	Com. Center ...	112 · General ...	875.00
Check	9/15/2014	15817	William Driscoll	Com. Center ...	112 · General ...	875.00
Check	9/30/2014	15850	William Driscoll	9/16 - 9/30/1...	112 · General ...	875.00
Check	10/15/2014	15890	William Driscoll	10/1 - 10/15/...	112 · General ...	875.00
Check	10/30/2014	15936	William Driscoll	10/16 - 10/31...	112 · General ...	875.00
Check	11/14/2014	15959	William Driscoll	11/1 - 11/15/...	112 · General ...	875.00
Check	11/28/2014	15987	William Driscoll	11/16 - 11/30...	112 · General ...	875.00
Check	12/15/2014	16020	William Driscoll	12/1 - 12/15/...	112 · General ...	875.00
Total 602 · Custodian						9,625.00
Total 600 · Park/Rec Sal & Ben						12,638.58
TOTAL						12,638.58

23

KPPCSD
Account QuickReport
July 1 through December 23, 2014

Type	Date	Num	Name	Memo	Split	Amount
635 · Park/Recreation Expenses						
640 · Community Center Expenses						
642 · Utilities-Community Center						
General Journal	7/1/2014	REV ...	Kensington Police P...		210 · Account...	-445.60
Check	7/15/2014	15696	Pacific Telemanage...	CC Pay Phon...	112 · General ...	78.00
Check	7/30/2014	15720	EBMUD	840 Coventry...	112 · General ...	29.47
Check	7/30/2014	15722	PG&E	Community C...	112 · General ...	224.30
Check	8/15/2014	15750	Pacific Telemanage...	CC Pay Phon...	112 · General ...	78.00
Check	8/15/2014	15775	PG&E	Community C...	112 · General ...	196.93
Check	8/15/2014	15778	EBMUD	2 Arlmont 6/2...	112 · General ...	383.66
Check	9/15/2014	15813	Olivero Plumbing Co.	Test and certi...	112 · General ...	116.00
Check	9/15/2014	15833	Pacific Telemanage...	CC Pay Phon...	112 · General ...	78.00
Check	9/15/2014	15847	EBMUD	Coventry 7/3 ...	112 · General ...	32.12
Check	9/15/2014	15847	EBMUD	1 Windsor 7/...	112 · General ...	204.55
Check	9/30/2014	15853	PG&E	Community C...	112 · General ...	212.84
Check	10/15/2014	15902	Pacific Telemanage...	CC Pay Phon...	112 · General ...	78.00
Check	10/15/2014	15916	EBMUD	2 Arlmont 7/3...	112 · General ...	350.36
Check	10/30/2014	15933	PG&E	Community C...	112 · General ...	248.88
Check	11/14/2014	15957	Pacific Telemanage...	CC Pay Phon...	112 · General ...	78.00
Check	11/14/2014	15982	EBMUD	840 Coventry	112 · General ...	32.12
Check	11/28/2014	15989	PG&E	Community C...	112 · General ...	232.33
Check	12/15/2014	16018	Pacific Telemanage...	CC Pay Phon...	112 · General ...	78.00
Check	12/15/2014	16048	EBMUD	2 Arlmont	112 · General ...	216.59
Total 642 · Utilities-Community Center						2,502.55
643 · Janitorial Supplies						
Check	9/15/2014	15839	UBS	Com. Center ...	112 · General ...	716.07
Check	9/30/2014	15857	UBS	Com. Center ...	112 · General ...	85.01
Check	9/30/2014	15870	UBS	Community C...	112 · General ...	67.41
Check	10/15/2014	15908	UBS	Community C...	112 · General ...	27.10
Total 643 · Janitorial Supplies						895.59
646 · Community Center Repairs						
Check	9/15/2014	15838	William Driscoll	Com. Center ...	112 · General ...	10.98
Check	10/15/2014	15913	Mighetto Electric	Inv. # 2657 P...	112 · General ...	939.86

24

KPP-CSD
Account QuickReport
July 1 through December 23, 2014

Type	Date	Num	Name	Memo	Split	Amount
Check	11/28/2014	16009	Summer Rain Land...	Community C...	112 · General ...	980.00
Check	12/15/2014	16037	Summer Rain Land...	Community C...	112 · General ...	595.00
Total 646 · Community Center Repairs						
Total 640 · Community Center Expenses						
672 · Kensington Park O&M						
General Journal	7/1/2014	REV ...	Kensington Police P...	NBS	210 · Account...	-2,774.60
General Journal	7/1/2014	REV ...			153 · Prepaid ...	1,091.66
Check	7/30/2014	15720	EBMUD	1 Windsor Irri...	112 · General ...	2,038.49
Check	7/30/2014	15726	William Driscoll	Park Restro...	112 · General ...	425.00
Check	7/30/2014	15738	Summer Rain Land...	July Monthly ...	112 · General ...	2,615.00
Check	8/15/2014	15747	EBMUD	1 Windsor Sc...	112 · General ...	736.11
Check	8/29/2014	15784	William Driscoll	Park Restro...	112 · General ...	425.00
Check	8/29/2014	15790	Summer Rain Land...	Aug. Monthly ...	112 · General ...	2,050.00
Check	9/15/2014	15847	EBMUD	1 Windsor Irri...	112 · General ...	1,402.69
Check	9/30/2014	15850	William Driscoll	9/1 - 9/30/1...	112 · General ...	425.00
Check	9/30/2014	15872	NBS Government Fi...	LMD Quarate...	112 · General ...	1,129.96
Check	9/30/2014	15875	Summer Rain Land...	September 2...	112 · General ...	2,050.00
Check	9/30/2014	15875	Summer Rain Land...	upper wood s...	112 · General ...	505.00
Check	9/30/2014	15875	Summer Rain Land...	hand railing r...	112 · General ...	880.00
Check	9/30/2014	15877	Andrea DiNapoli	Greg - Certifi...	112 · General ...	6.00
Check	10/30/2014	15935	Summer Rain Land...	October 2014	112 · General ...	2,050.00
Check	10/30/2014	15935	Summer Rain Land...	Repair tennis...	112 · General ...	230.00
Check	10/30/2014	15935	Summer Rain Land...	Install bark to...	112 · General ...	2,040.00
Check	10/30/2014	15936	William Driscoll	Oct. Restroo...	112 · General ...	425.00
Deposit	11/12/2014	0714...		Reimburse...	112 · General ...	-880.00
Check	11/14/2014	15982	EBMUD	1 Windsor Irri...	112 · General ...	1,057.91
Check	11/14/2014	15982	EBMUD	1 Windsor Sc...	112 · General ...	200.04
Check	11/28/2014	15987	William Driscoll	11/1 - 11/30/...	112 · General ...	425.00
Check	11/28/2014	16009	Summer Rain Land...	November 20...	112 · General ...	2,050.00
Total 672 · Kensington Park O&M						
678 · Misc Park/Rec Expense						
Check	10/30/2014	15939	California Park & R...	Membership t...	112 · General ...	170.00

3:28 PM

12/23/14

Accrual Basis

KPPCSD

Account QuickReport

July 1 through December 23, 2014

Type	Date	Num	Name	Memo	Split	Amount
Total 678 · Misc Park/Rec Expense						170.00
Total 635 · Park/Recreation Expenses						26,697.24
TOTAL						26,697.24

26

December 2014 Police Department Report

December 26, 2014

- Department Personnel
 - We are fully staffed at 10 sworn positions with three reserve officers, however, we now have an officer off on a work related injury.
 - We are continuing the background process for a fourth reserve officer candidate.
- Commendations and Correspondence- None This Month
- Investigation of Alleged Misconduct
 - Citizen's Complaint CI #2014-03 was initiated on May 12th on an allegation that an officer failed to perform his duty and that another allowed this failure to occur and had used a despairing remark in describing the community. This investigation is being conducted by Sergeant Hui.
 - Department Investigation DI #2014-04 was initiated on May 23rd on an allegation that an officer engaged in conduct unbecoming an officer while off duty. This investigation is being conducted by Chief Harman.
 - Citizen's Complaint CI #2014-06 was initiated on October 31st on an allegation that a police officer was rude during a traffic stop. This investigation is being conducted by Sergeant Hui.
- 9-1-1 / Richmond Communication Center Information.
 - The Ring Time Report for December has not been received as of this report date.
- Community Networking- None This Month

- Community Criminal Activity
 - This section of the Watch Commanders Reports are prepared by Corporal Stegman for Team One, Sergeant Hui for Team Two, and Sergeant Barrow for Investigations.
- Watch Commander Reports
 - **Corporal Stegman Team 1**

All December statistics will be presented in the January 2015 report due to the timing of this report.

BRIEFING/TRAINING:

- Reviewed penal code sections changed by the passage of Proposition 47.
- Reviewed Pipeline Emergency Response Guidelines.

SERGEANT'S SUMMARY:

I would like to take the opportunity on behalf of myself, my team, and Kensington PD, to wish everyone a happy and safe holiday.

SIGNIFICANT EVENTS:

- 2014-6287— On 12/1/14, Officer Ramos responded to a report of annoying telephone calls on the 00 block of Edgcroft Rd.
- 2014-6385— On 12/7/14, Officer Ramos responded to a report of hit and run on the 100 block of Westminster Ave.
- 2014-6396— On 12/8/14, Officer Ramos responded to a report of an identity theft on the 00 block of Norwood Ave.
- 2014-6521— On 12/15/14, Officer Ramos responded to a report of vandalism on the 100 block of Colusa Ave.
- 2014-6645— On 12/21/14, Officer Ramos recovered an un-reported stolen vehicle on the 400 block of Yale Ave.
- 2014-6648— On 12/21/14, Officer Ramos responded to a report of a burglary on the 00 block of Yale Circle.
- 2014-6648— On 12/22/14, Officer Wilson responded to a report of an identity theft on the 00 block of Kingston Rd.

•• **Sergeant Hui- Team 2**

Due to the timing of this report, Sergeant Hui's Team 2 December report will be reported next month.

•• **Detective Sergeant Barrow**

SIGNIFICANT EVENTS:

2014-6608 Burglary

On Thursday, December 19, 2014, Officer Wilkens was dispatched to a reported residential burglary in the 100 block of Arlington Avenue. The victim reported numerous person items stolen from the residence. **This case is under investigation.**

2014-6378 Burglary

On Saturday, December 5, 2014, Officer Turner was dispatched to a reported residential burglary in the 00 block of Reed Place. The victim reported a bicycle had been stolen from their garage. **This case is under investigation and maybe linked to another similar burglary case.**

2014-6211 Burglary and Possession of Stolen Property.

On Thursday, November 27, 2014, I was dispatched to the 200 block of Columbia Avenue for a reported theft of a bicycle. Dispatch further advised the victim had recovered the bicycle in the area of Sunset Drive and Franciscan Way and the suspect fled through the Sunset Cemetery. I arrived and conducted a search of the area with the aid of El Cerrito Police. We received reports that the suspect was running through back yards and jumping fences in El Cerrito. I located the suspect and detained him but the victim in this case had left the area for Thanksgiving dinner and could not be reached for an infield line-up. The suspect was identified and released at the scene. **This case is under investigation and I will be seeking an arrest warrant for him.**

KPD INVESTIGATIONS INFORMATION:

I helped in several patrol investigations, booking, and transporting of suspects. I am finishing up several investigations and will be reporting on their progress next month (January).

I also assisted WestNet in serving several search warrants, made 4 arrests, and conducted two days of surveillance of suspects.

As always I would ask that if you see anything suspicious to please call 911 and report it as soon as possible.

KPD Monthly Crime Statistics

December 2014

Part 1 Crimes	Reported	Open/ Pending	Suspended	Closed	Arrest
Homicide	0	0	0	0	0
Rape	0	0	0	0	0
Robbery	0	0	0	0	0
Assault	0	0	0	0	0
Residential Burglary	3	3	0	0	0
Larceny Theft	1	0	1	0	0
Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
Part 1 Totals	<u>4</u>	<u>3</u>	<u>1</u>	<u>0</u>	<u>0</u>
Other Crimes					
Auto Burglary	0	0	0	0	0
Identity Theft	3	3	0	0	0
Fraud	0	0	0	0	0
Forgeries	0	0	0	0	0
Restraining Order Violations/ Stalking/ Criminal Threats	1	1	0	0	0
Sex Crimes (other)	0	0	0	0	0
Assault/ Battery (other)	0	0	0	0	0
Vandalism	1	0	1	0	0
Drugs	0	0	0	0	0
Warrant	4	0	0	4	4
Hit and Run Felony	0	0	0	0	0
Hit and Run Misdemeanor	2	0	2	0	0
Other Misdemeanor Traffic	0	0	0	0	0
Other Crime Totals	<u>11</u>	<u>4</u>	<u>3</u>	<u>4</u>	<u>4</u>
All Crime Totals	<u>15</u>	<u>7</u>	<u>4</u>	<u>4</u>	<u>4</u>

- Traffic Accidents (Non Injury) 0
- Traffic Accidents (Injury) 0

KPD Crime Statistics

YTD 2014

Part 1 Crimes	Reported	Open/ Pending	Suspended	Closed	Arrest
Homicide	0	1*	0	0	0
Rape	1	0	0	1	1
Robbery	0	0	0	0	0
Assault	9	1	0	8	4
Residential Burglary	14	8	5	1	1
Larceny Theft	26	2	23	1	0
Vehicle Theft	4	3	1	0	0
Arson	1	0	1	0	0
Part 1 Totals	<u>55</u>	<u>14</u>	<u>30</u>	<u>11</u>	<u>6</u>
Other Crimes					
Auto Burglary	0	0	0	0	0
Identity Theft	25	12	13	0	0
Fraud	10	1	9	0	0
Forgeries	0	0	0	0	0
Restraining Order Violations/ Stalking/ Criminal Threats	2	1	0	1	1
Sex Crimes (other)	1	0	1	0	0
Assault/ Battery (other)	4	0	0	4	2
Vandalism	20	6	14	0	0
Drugs	10	0	0	10	10
Warrant	19	0	0	19	19
Hit and Run Felony	1	0	0	1	0
Hit and Run Misdemeanor	20	4	15	1	0
Other Misdemeanor Traffic	13	1	0	12	11
Other Crime Totals	<u>125</u>	<u>25</u>	<u>52</u>	<u>48</u>	<u>43</u>
All Crime Totals	<u>180</u>	<u>39</u>	<u>82</u>	<u>59</u>	<u>49</u>
Traffic Accidents (Non Injury)	35				
Traffic Accidents (Injury)	3				

* 2011 case

This report has only been updated through December 25, 2014 due to scheduling problems. The full and updated report will be attached to the January 2015 monthly report.

•• **Chief Harman**

Sergeant Kevin Hui has been accepted and has been assigned part time to the Northern California Computer Crimes Task Force. As a result of this part time assignment, and with an officer off on a work related injury, we had to reassign some personnel and change some shift assignments.

Sergeant Hui will be assigned to the Northern California Computer Crimes Task Force on Mondays and Tuesdays. He will be assigned as the Relief Watch Commander for Team 2 on Wednesdays and Saturdays.

Master Sergeant Hull has been assigned to be the Team 2 Watch Commander.

Officer Chris Turner has moved from Team 1 to Team 2 Day Watch, and Officer Juan "Manny" Ramos has been reassigned from his Traffic Officer duties to Team 1 Day Watch.

With these new assignments, we had to change the Watch Commanders shift hours from 1600 hours (4PM) to 0400 hours (4 AM), to 1200 hours (12 PM) to 2400 hours (Midnight).

The biggest change in service this has created, is that until our injured officer returns to duty, will be without our Traffic Officer during the week.

Hopefully, by July, we will be back to full staffing levels.

Memorandum

Kensington Police Department



To: KPPCSD Board of Directors

APPROVED YES NO

From: Gregory E. Harman, General Manager/ Chief of Police

FORWARDED TO:

Date: Friday, December 05, 2014

Subject: Consent Calendar Item G- December Correspondence

The District Correspondence received during the month of December.

- Item #1- E-mail dated 12-10-14 at 0738 hours, from Gina Moreland to the KPPCSD Board regarding the police contract.
- Item #2- Letter dated 12-11-14 written by Jim Watt to the BOD and presented at the KPPCSD December 11th Board meeting regarding the police contract.
- Item #3- E-mail dated 12-10-14 at 1552 hours, from Ann Harlow regarding police contract.
- Item #4- E-mail dated 12-11-14 at 1256 hours, from Catherine de Neergaard to the KPPCSD Board regarding police contract.
- Item #5- E-mail dated 12-11-14 at 1550 hours, from Lisa Cole to the KPPCSD Board regarding police contract.
- Item #6- E-mail dated 12-11-14 at 1558 hours, from Sylvia Hacaj to the KPPCSD Board regarding police contract.
- Item #7- E-mail dated 12-10-14 at 1618 hours, from David Bergen to the KPPCSD Board regarding police contract.
- Item #8- E-mail dated 12-10-14 at 0944 hours, from Marilyn Cole to the KPPCSD Board regarding police contract.

From: Gina Moreland <gm@kensingtoncalifornia.org>
Subject: police contract discussion
Date: December 10, 2014 7:38:54 AM PST
To: lwelsh@kensingtoncalifornia.org, pgillette@kensingtoncalifornia.org, ctoombs@kensingtoncalifornia.org, vr.cordova@alum.berkeley.edu,
rsherriswatt@kensingtoncalifornia.org

TO:

Len Welsh
Pat Gillette
Chuck Toombs
Vanessa Cordova
Rachelle Sherris Watt

Count us as additional citizens of Kensington concerned about the lack of communication and community-wide dialog about the proposed police contract. This is a major decision with long-lasting fiscal effects. By well-reasoned accounts, the contract would be financially unsustainable. This matter, including the alternatives such as merging with El Cerrito, should be deliberated on fully, and new members of the KPPCSD should have a chance to become informed, meet with residents and not be pushed into decision-making on such an important issue.

Gina Moreland & Jack Miller
808 Coventry Rd.

December 11, 2014

Dear KPPCSD Board

My letter dated December 5, 2014 is contained in your packet and provides you with some comments and recommendations for the MOU. I'd be happy to answer any question you may have, otherwise I'll provide my overview of the situation.

FIRST, the synopsis of the MOU does not fully capture the true costs of this contract. As stated in my December 5 letter, converting pension costs into salary costs will add significantly to the District's pension obligations. I estimate it will add about \$48,000 per year in costs. Over a 10-year period, discounted at 7.5% per year, this would add a net present value cost of \$329,000. And, over 20 years these NPV costs would be \$489,000.

Also, the MOU raises the pay rates for these officers each year of the contract, thereby reducing the incentive to bring new officers in at lower rates. A second tier for each officer should be established in order to take advantage of the 2013 PEPR Act.

SECOND, since a primary goal of the Board's negotiating team was to minimize budget impacts, by not placing "future burdens on the District" the costs of this MOU need to be analyzed by the Finance Committee to determine if this goal has been met. The recent budget forecasts presented by Gail Feldman on behalf of the KPOA and Chief Harman suggest the budget will have long term structural deficits - see Exhibit A. At the same time, the Finance Committee needs to adopt a realistic Reserve Policy that will provide guidance on proposed budget obligations.

THIRD, the Board needs to demonstrate that the terms of the contract are at a competitive rate based on the combination of salaries and benefits. The December agenda packet included a June 2013 Compensation Study done by Koff & Associates, suggesting Kensington's police salaries were slightly below a market basket of other agencies; a situation which was to have been rectified by the recent 3% pay raise to all officers. However, the Koff study found that the "District's benefit package, in terms of cost, is greater than that of the market".

In order to substantiate the MOU salary rates, Toombs and Lipscomb prepared a salary comparison on December 3, after the MOU was negotiated, comparing Kensington's rates against 5 other agencies. While Kensington's salaries came in below these other agencies, this analysis failed to take into consideration the total compensation package for Kensington's officers. In Exhibit B, I have provided a much more realistic comparison which includes benefits along with actual wages. This table indicates that Kensington salary and benefit pay is significantly more than other agencies. In 2014 the average for all sworn Kensington police officers will be \$197,000 per year. This is \$30,000 per year more than an officer receives in Albany, Moraga and Hercules and \$60,000 more than the pay received in Clayton.

FOURTH, the MOU document as drafted contains some mistakes and could use better clarification - see Exhibit C. One change certainly bears mentioning. On page 4 of the MOU it states in two places that once the employee is paying the employee's share the District will file a resolution that the employee's pension contributions will be picked up by the District. It should read picked up by the employee. I have also added some suggested business changes to Exhibit C.

In conclusion, I would strongly recommend that the Board delay any final decision on this important contract until the Finance Committee has provided an approved budget forecast incorporating the terms of this MOU with recommendations on how to handle any structural deficit, that information is provided indicating that the total compensation package is becoming more consistent with other agencies and that an appropriate reserve policy has been adopted.

Thank you.

Jim Watt

EXHIBIT A

BUDGET RESERVES

The data below shows a rather steady decline in the District's reserves as far back as 2005 and continuing through 2010 when measure G was passed adding over \$450,000/year of additional revenues. Current estimated projections (neither officially adopted) indicate this trend will continue through budget year 19/20. While the difference in budget projections needs to be rectified by the Finance Committee, either estimate shows a long-term structural decline in reserves.

Year ending June 30	Reserves
2005	\$2,082,200
2006	\$2,882,300
2007	\$1,885,200
2008	\$1,966,600
2009	\$1,617,200
2010	\$1,731,700
2011	\$1,641,300
2012	\$1,759,000
2013	\$1,566,700
2014	\$1,383,700

PROJECTIONS

	Feldman Est.	Harman Est.
2015	\$1,259,600	\$1,417,817
2016	\$997,500	\$1,381,300
2018	\$714,000	\$1,105,700
2019	\$556,400	\$987,800
2020	\$351,600	\$876,500

EXHIBIT B

**POLICE COST COMPARISONS
SALARIES AND BENEFITS – BUDGER YEARS 2014-15**

<u>Agency</u>	<u>Population</u>	<u>Total Police FTE</u>	<u>Total Salary/Benefits</u>	<u>Average Cost/Employee</u>
KENSINGTON	5,100			
		10	\$1,965,081	\$196,509
Year 4 of MOU – 17/18			\$2,141,641	\$214,164

ALBANY	18,500			
Police Total		34	\$5,677,882	\$166,996
MORAGA	16,000			
Police Admin.		2	\$427,871	
Police Patrol		<u>10</u>	<u>1,594,384</u>	\$159,384
Police Total		12	\$2,022,255	\$168,521
HERCULES	19,500			
Police Admin.		3	\$1,305.825	
Police Patrol		<u>21</u>	<u>2,771,429</u>	\$131,973
Police Total		24	\$4,077,254	\$169,886
CLAYTON	11,000			
Police Total		11	\$1,465,000	\$133,181

ALBANY

POLICE SUMMARY

FISCAL YEAR 2014-2015 BUDGET UPDATE - ADOPTED

POLICE EXPENSES BY YEAR

	2012-2013 Actual	2013-2014 Budget (As Amended)	2013-2014 Estimated	2014-2015 Original Budget	Proposed Adjustment (June 2014)	2014-2015 Updated Budget
<u>Department / Division # and Name</u>						
0130 Police Department	\$5,381,276	\$6,271,746	\$5,810,866	\$6,399,401	\$104,315	\$6,503,716

POLICE EXPENSES BY TYPE

	2012-2013 Actual	2013-2014 Budget (As Amended)	2013-2014 Estimated	2014-2015 Original Budget	Proposed Adjustment (June 2014)	2014-2015 Updated Budget
Salaries and Benefits:	\$4,929,196	\$5,510,769	\$5,167,266	\$5,681,729	(\$3,847)	\$5,677,882
Services and Supplies:	374,951	569,225	457,600	517,920	4,202	522,122
Other Expenditures:	77,129	191,752	186,000	199,752	103,960	303,712
TOTAL PUBLIC SAFETY	\$5,381,276	\$6,271,746	\$5,810,866	\$6,399,401	\$104,315	\$6,503,716

POLICE DEPARTMENT EXPENSES BY FUNDING SOURCE

<u>POLICE DEPARTMENT FUNDING</u>						
	2012-2013 Actual	2013-2014 Budget (As Amended)	2013-2014 Estimated	2014-2015 Original Budget	Proposed Adjustment (June 2014)	2014-2015 Updated Budget
General Fund (100)	\$5,338,375	\$5,950,746	\$5,665,066	\$6,108,401	\$78,855	\$6,187,256
State COPS Grant (108)	24,753	151,000	133,300	150,000	20,460	170,460
Law Enforcement Grants (131)	16,870	50,000	5,000	30,000	(20,000)	10,000
Asset Forfeiture (261)	0	5,000	4,500	0	5,000	5,000
Police Equipment Reserve (825)	1,277	115,000	3,000	111,000	20,000	131,000
TOTAL FUNDING	\$5,381,276	\$6,271,746	\$5,810,866	\$6,399,401	\$104,315	\$6,503,716

ALBANY

EXHIBIT B

CITY OF ALBANY FISCAL YEAR 2014-2015 POSITION ALLOCATION PLAN

<u>Department</u>	<u>Classification</u>	<u>Allocated</u>	<u>Allocated</u>	<u>Proposed</u>	<u>Change</u>
Fire	Fire Chief	1.00	1.00	1.00	-
	Fire Marshall	1.00	1.00	-	(1.00)
	Fire Captain	3.00	3.00	3.00	-
	Fire Lieutenant	3.00	3.00	3.00	-
	Fire Engineer	6.00	6.00	6.00	-
	Fire Fighter	6.00	6.00	6.00	-
	Sub-Total		20.00	20.00	19.00
Police	Police Chief	1.00	1.00	1.00	-
	Police Lieutenant	2.00	2.00	2.00	-
	Police Sergeant	6.00	6.00	6.00	-
	Police Officer	17.00	17.00	17.00	-
	Communications Clerk (Dispatcher)	5.00	5.00	6.00	1.00
	Communications Clerk (Information Technician)	1.00	1.00	1.00	-
	Police Services Technician I	1.00	1.00	1.00	-
	Clerk Typist II	0.80	0.80	0.80	-
	Community Engagement Specialist	-	-	0.75	0.75
Sub-Total		33.80	33.80	35.55	1.75
GRAND TOTAL - ALL POSITIONS		87.80	87.80	95.55	6.75

MORAGA

TOWN OF MORAGA

EXPENDITURE
 TYPE: 101 GENERAL FUND
 FUND: 610 POLICE ADMINISTRATION
 DEPT:

ACCOUNT CODE	EXPENDITURE DESCRIPTION	ACTUAL FY 2010-11	ACTUAL FY 2011-12	ACTUAL FY 2012-13	UNAUDITED FY 2013-14	ADOPTED FY 2014-15	FY 2013-14 TO FY 2014-15 \$ INC(DEC)	\$ INC(DEC)	% INC(DEC)
PERSONNEL:									
101-610-001-01	SALARIES - REGULAR SWORN	268,215	287,973	294,783	299,461	303,719	4,258	1.4%	
101-610-002-01	RETIREMENT - PERS SAFETY	36,994	54,690	56,566	52,389	60,832	8,443	16.1%	
101-610-003-01	HEALTH INSURANCE	34,160	32,059	32,125	31,840	39,540	7,700	24.2%	
101-610-003-02	DENTAL INSURANCE	3,664	3,786	3,913	3,263	3,942	679	20.8%	
101-610-003-03	LIFE INSURANCE	214	420	422	401	468	67	16.8%	
101-610-003-04	WORKERS' COMPENSATION	8,401	2,961	6,318	7,930	10,699	2,769	34.9%	
101-610-003-05	DISABILITY INSURANCE	1,441	1,523	1,639	1,593	2,320	727	45.7%	
101-610-005-02	UNIFORM ALLOWANCE	2,181	2,100	2,100	1,817	2,100	283	15.6%	
101-610-004-02	MEDICARE	-	-	-	-	4,154	4,154		
101-610-007-01	EMPLOYEE ASSISTANCE PROG	102	94	96	80	96	16	20.0%	
TOTAL PERSONNEL COSTS		355,372	385,606	397,963	398,774	427,871	29,097	7.3%	
		2.00	2.00	2.00	2.00	2.00			

SERVICES/SUPPLIES:

101-610-021-01	COMMUNICATIONS	9,015	7,587	5,872	13,678	15,900	2,222	16.2%
101-610-022-01	SUPPLIES AND MATERIALS	5,992	6,978	6,091	6,587	7,000	413	6.3%
101-610-026-01	CONTRACT SERVICES - DISPATCH	105,348	99,948	70,450	92,858	159,604	66,746	71.9%
101-610-026-02	CONTRACT SVCS - ANIMAL CONTROL	86,044	86,724	85,045	85,767	86,224	457	0.5%
101-610-026-03	CONTRACT SVCS - OTHER	79,376	90,149	83,719	85,658	93,790	8,132	9.5%
101-610-030-03	POSTAGE	1,047	969	707	892	700	(192)	-21.5%
101-610-031-04	COPIER LEASE	3,698	3,942	3,550	3,560	3,800	240	6.8%
101-610-038-01	ADVERTISING & LEGAL	111	319	1,215	-	1,300	1,300	#DIV/0!
101-610-040-01	MEMBERSHIPS & DUES	1,070	950	950	1,070	1,000	(70)	-6.5%
101-610-041-01	TRAVEL/CONF/MEETINGS/TRAINING	505	828	1,318	2,476	2,000	(476)	-19.2%
101-610-042-01	SUBSCRIPTIONS	96	-	-	-	-	-	
101-610-050-01	COMMUNITY PROMOTIONS	291	392	337	380	500	120	31.6%
101-610-051-08	EMERGENCY PREPAREDNESS	1,226	1,959	7,436	5,384	8,000	2,616	48.6%

41

MORAGA

TOWN OF MORAGA

TYPE: FUND: DEPT:	EXPENDITURE 101 GENERAL FUND 620 POLICE PATROL	ACCOUNT CODE	EXPENDITURE DESCRIPTION	ACTUAL	ACTUAL	ACTUAL	UNAUDITED	ADOPTED	FY 2013-14 TO FY 2014-15	
				FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	\$ INC(DEC)	\$ INC(DEC)
			PERSONNEL:							
		101-620-001-01	SALARIES - REGULAR SWORN	711,532	747,967	764,519	886,846	941,381	54,535	6.1%
		101-620-001-06	SALARIES - OVERTIME	155,208	174,185	155,564	210,987	200,000	(10,987)	-5.2%
		101-620-001-07	SALARIES - COURT TIME	22,097	30,442	26,235	24,107	30,000	5,893	24.4%
		101-620-001-08	SALARIES - DETECTIVE DIFFER		967	581	1,983	2,039	56	2.8%
		101-620-001-09	SALARIES - EDUC INCENTIVE	6,734	7,226	9,124	13,840	15,604	1,764	12.7%
		101-620-001-10	SALARIES - PAGER PAY	4,152	3,134	3,075	2,240	3,038	818	36.5%
		101-620-001-11	SALARIES - SHIFT DIFFERENTIAL	8,735	8,442	8,238	11,448	5,311	(6,130)	-53.5%
		101-620-002-01	RETIREMENT - PERS SAFETY	121,568	168,806	174,425	174,371	184,878	10,507	6.0%
		101-620-002-03	RETIREMENT - ICMA	6,478	7,931	9,847	14,134	14,400	266	1.9%
		101-620-003-01	HEALTH INSURANCE	79,445	82,844	88,694	80,640	113,650	33,010	40.9%
		101-620-003-02	DENTAL INSURANCE	11,945	11,985	11,829	14,914	17,689	2,775	18.6%
		101-620-003-03	LIFE INSURANCE	867	898	946	2,249	2,340	91	4.1%
		101-620-003-04	WORKERS' COMPENSATION	21,520	7,947	18,744	24,052	33,048	8,996	37.4%
		101-620-003-05	DISABILITY INSURANCE	4,079	4,531	5,037	6,573	7,168	595	9.0%
		101-620-004-02	MEDICARE	13,439	14,340	14,280	16,782	12,831	(3,951)	-23.5%
		101-620-005-02	UNIFORM ALLOWANCE	9,222	9,005	8,985	9,980	10,500	520	5.2%
		101-620-007-01	EMPLOYEE ASSISTANCE PROG	430	404	408	460	480	20	4.3%
			TOTAL PERSONNEL COSTS	1,177,451	1,281,054	1,300,528	1,495,605	1,594,384	98,778	6.6%
			FTE	9.00	9.00	9.00	10.00	10.00		
			SERVICES/SUPPLIES:							
		101-620-022-01	SUPPLIES AND MATERIALS	9,036	9,035	8,733	7,618	8,500	882	11.6%
		101-620-031-02	MAINTENANCE - EQUIPMENT	1,770	938	276	545	1,500	955	175.3%
		101-620-036-02	EQUIPMENT MAINT - VEHICLES	14,990	16,054	20,277	17,018	14,500	(2,518)	-14.8%
		101-620-036-01	GAS AND OIL	10,988	36,603	39,489	41,154	41,000	(154)	-0.4%
		101-620-040-01	MEMBERSHIP & DUES	216	445	370	220	400	180	81.8%
		101-620-041-01	TRAVEL/CONFERENCES/MTGS	504	588	45	372	500	128	34.4%
		101-620-042-01	SUBSCRIPTIONS	601	361	374	436	550	114	26.1%
		101-620-043-02	POST TRAINING	1,704	1,168	15,243	25,070	16,444	(8,926)	-35.6%
		101-620-051-12	SPECIAL INVESTIGATIONS	500						
		101-620-052-02	TRAFFIC STUDIES	1,417			3,404	2,500	(904)	-26.6%

HERCULES

GENERAL FUND				FY 2012-13	FY 2013-14	FY 2013-14	FY 2014-15	% Change
				ACTUALS	ADOPTED	YEAR-END	BUDGET	From
					BUDGET	ESTIMATE	PLAN	FY2013-14 Est
Department: POLICE DEPARTMENT								
Division: ADMINISTRATION								
Fund No: 100; Dept/Division No: 5160								
SALARIES AND BENEFITS								
<i>Salaries and wages</i>								
601	10	00	REGULAR	675,020	780,921	661,361	721,427	
601	12	00	REGULAR PART-TIME	102,735	0	0	0	
601	13	00	TEMPORARY PART-TIME	0	0	0	0	
601	20	00	4850 PUBLIC SAFETY DISBIL	0	0	0	0	
601	21	00	WORK COMP TEMP DISABILITY	0	0	0	0	
601	30	00	OVERTIME PAY	70,069	47,563	54,729	44,175	
601	31	00	HOLIDAY OVERTIME PAY	0	0	0	0	
601	40	00	SHIFT DIFFERENTIAL	7,795	9,201	9,406	5,200	
601	41	00	POLICE TRAVEL TIME	0	0	0	0	
601	42	00	OFFICER IN CHARGE	0	0	0	0	
601	43	00	FIELD TRAINING OFFICER	0	0	0	0	
601	44	00	ACTING/INCENTIVE PAY	13,446	13,807	9,188	13,807	
601	45	00	ADMIN/EXECUTIVE PAY	2,254	7,389	1,682	9,119	
601	46	00	BONUS	0	0	0	0	
601	48	00	LONGEVITY PAY	30,351	33,482	30,147	29,487	
601	75	00	OTHER COMPENSATION	14,900	15,210	8,642	15,210	
601	80	00	SEPARATION PAY	0	0	0	0	
<i>Salaries and wages total:</i>				916,570	907,573	775,154	838,425	8%
Employee benefits								
606	01	00	PERS ER CONTRIB PUB SAFE	210,772	242,032	191,125	271,203	
606	01	01	EPMC	567	0	0	0	
606	02	00	PERS ER CONTRIB	18,337	20,707	20,137	24,516	
606	02	01	EPMC	214	0	0	0	
606	03	00	PERS EE CONTRIB PUB SAFE	1,664	0	0	0	
606	03	01	EPMC	42	0	0	0	
606	04	00	PERS EE CONTRIB	1,838	0	0	0	
606	04	01	EPMC	148	0	0	0	
606	05	00	PERS SURVIVOR BENEFIT	214	218	188	194	
606	07	00	PARS ER CONTRIB	0	0	0	0	
606	10	00	SOCIAL SECURITY	0	0	0	0	
606	11	00	MEDICARE	11,385	10,735	9,359	9,065	
606	20	00	401A EXECUTIVES	5,852	5,932	5,121	5,274	
606	21	00	AUTO ALLOWANCE	0	0	0	0	
606	22	00	UNIFORM ALLOWANCE	1,900	3,900	2,600	2,600	
606	23	00	SAFETY APPAREL	0	0	0	0	
606	30	00	EDUCATION INCENTIVE	6,950	7,221	5,987	6,018	
606	40	00	HEALTH INSURANCE	113,372	121,620	133,983	123,731	
606	41	00	MEDICAL INSURANCE	0	0	0	0	
606	41	01	RETIRES	0	0	0	0	
606	42	00	DENTAL INSURANCE	16,383	18,875	17,965	17,745	
606	43	00	VISION INSURANCE	2,028	2,483	2,284	2,396	
606	44	00	LIFE INSURANCE	848	993	837	904	
606	45	00	LONG TERM DISABILITY INS	3,020	3,201	3,181	3,680	
606	46	00	ACCIDENTAL DEATH & DISM.	46	50	52	74	
606	57	00	ALLOC COMPENSATD ABSENCES	0	0	0	0	
<i>Employee benefits total:</i>				395,580	437,967	392,820	467,400	19%
SALARIES AND BENEFITS TOTAL:				1,312,150	1,345,540	1,167,974	1,305,825	12%
SERVICES								
611	30	00	COMPUTER SERVICES	0	0	0	0	
611	40	00	CONSULTING SERVICES	0	0	0	0	
611	80	00	MEDICAL/HEALTH SERVICES	4,998	10,000	8,500	10,000	
611	90	00	OTHER PROFESSIONAL SRVC	15,096	20,000	18,250	20,000	
613	05	00	VEHICLE REPAIRS	0	0	0	0	
613	10	00	REPAIR & MAINT	0	0	0	0	
613	30	00	HVAC	0	0	0	0	

44

HERCULES

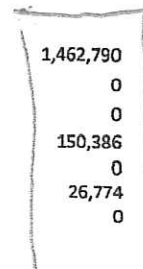
GENERAL FUND				FY 2012-13	FY 2013-14	FY 2013-14	FY 2014-15	% Change
				ACTUALS	ADOPTED	YEAR-END	BUDGET	From
					BUDGET	ESTIMATE	PLAN	FY2013-14 Est
613	50	00	VEHICLE REPAIRS	2,239	5,000	5,000	5,000	
614	20	00	ELECTRICITY	0	0	0	0	
614	20	05	GENERATOR @ PD	0	0	0	0	
614	60	00	TELEPHONE	11,557	13,000	13,000	13,000	
614	60	01	CELL PHONE/PAGER	897	1,500	2,660	3,000	
615	10	00	EMPLOYEE RECOGNITION	93	500	250	500	
615	20	00	MEMBERSHIPS	1,148	1,500	1,500	1,500	
615	30	00	NOTICES & PUBLICATIONS	44	100	100	300	
615	40	00	TRAINING & CONFERENCES	0	4,000	1,500	4,000	
615	40	01	MEETINGS AND MILEAGE	32	1,000	50	1,000	
615	40	02	POST TRAINING	15	0	0	0	
616	10	01	COPIER LEASE	4,807	9,532	9,532	9,532	
616	10	02	WESTNET RENTALS	0	0	0	0	
618	10	01	CREDIT CARDS FEES	0	0	0	0	
618	20	00	OTHER GOVT AGENCY CHARGES	590,997	537,172	537,172	537,872	
618	30	00	OTHER MISCELLANEOUS SRVC	20,000	34,761	22,400	35,226	
SERVICES TOTAL:				651,922	638,065	619,914	640,930	3%
SUPPLIES								
620	20	00	FUEL & OIL SUPPLIES	14,090	15,000	15,000	15,000	
621	10	00	AMMUNITION & FIREARMS SPL	2,122	15,000	15,000	20,000	
621	20	00	AUDIO & VIDEO SUPPLIES	120	0	0	0	
621	40	00	FILM, DEVELOPMT & PHOTO	0	0	0	0	
621	60	00	POLICE SUPPLIES	1,916	10,000	10,000	10,000	
621	80	00	UNIFORM & SAFETY APPAREL	2,571	5,000	4,200	5,000	
621	90	00	MISC OPERATING SUPPLIES	9,047	15,000	14,500	15,000	
622	10	00	GENERAL OFFICE SUPPLIES	149	0	0	0	
622	20	00	PAPER SUPPLIES	0	0	0	0	
622	30	00	POSTAGE & DELIVERY	1,423	2,000	1,000	2,000	
SUPPLIES TOTAL:				31,438	62,000	59,700	67,000	12%
OTHER EXPENSES								
630	10	00	BAD DEBTS	0	0	0	0	
630	90	01	ASSET FORFEITURE	1,502	0	0	0	
639	30	99	IT	69	0	0	0	
639	40	99	GENERAL FUND	0	0	0	0	
639	50	99	LEGAL SERVICES	0	0	0	0	
OTHER EXPENSES TOTAL:				1,570	0	0	0	#DIV/0!
INTERFUND/ ALLOCATED COSTS								
661	10	00	INFO SERV CHG ALLOCATE	65,700	65,700	65,700	123,261	
661	20	00	VEHICLE REPLACEMENT CHG	10,843	10,560	10,560	0	
661	30	00	FAC MAINT CHG ALLOCATE	80,501	80,501	80,501	88,020	
INTERFUND/ ALLOC COSTS TOTAL:				157,044	156,761	156,761	211,281	35%
TOTAL DIVISION EXPENDITURES:				2,154,125	2,202,366	2,004,349	2,225,036	11%

Department: POLICE DEPARTMENT
 Division: PATROL
 Fund No: 100; Dept/Division No: 5164

SALARIES AND BENEFITS

Salaries and wages

601	10	00	REGULAR	1,325,731	1,395,600	1,409,816	1,462,790
601	20	00	4850 PUBLIC SAFETY DISBIL	0	0	0	0
601	21	00	WORK COMP TEMP DISABILITY	0	0	0	0
601	30	00	OVERTIME PAY	141,144	121,608	169,692	150,386
601	31	00	HOLIDAY OVERTIME PAY	0	0	0	0
601	40	00	SHIFT DIFFERENTIAL	20,588	28,886	17,561	26,774
601	41	00	POLICE TRAVEL TIME	0	0	0	0



CONTINUED

HERCULES

CONTINUED

<u>GENERAL FUND</u>				FY 2012-13	FY 2013-14	FY 2013-14	FY 2014-15	% Change
				ACTUALS	ADOPTED	YEAR-END	BUDGET	From
					BUDGET	ESTIMATE	PLAN	FY2013-14 Est
601	42	00	OFFICER IN CHARGE	14,007	17,356	16,519	17,337	
601	43	00	FIELD TRAINING OFFICER	373	511	0	0	
601	44	00	ACTING/INCENTIVE PAY	6,409	8,678	11,970	8,639	
601	45	00	ADMIN/EXECUTIVE PAY	1,265	0	1,730	0	
601	46	00	BONUS	0	0	0	0	
601	48	00	LONGEVITY PAY	17,444	22,517	17,058	28,811	
601	75	00	OTHER COMPENSATION	145	21,380	6,071	10,391	
601	80	00	SEPARATION PAY	0	0	0	0	
601	99	00	VACANCY SAVINGS	0	0	0	0	
<i>Salaries and wages total:</i>				1,527,106	1,616,536	1,650,417	1,705,128	3%
<i>Employee benefits</i>								
606	01	00	PERS ER CONTRIB PUB SAFE	446,309	553,748	540,470	701,458	
606	01	01	EPMC	969	0	0	0	
606	02	00	PERS ER CONTRIB	0	0	0	0	
606	03	00	PERS EE CONTRIB PUB SAFE	2,840	0	0	0	
606	03	01	EPMC	186	0	0	0	
606	05	00	PERS SURVIVOR BENEFIT	325	357	358	388	
606	11	00	MEDICARE	21,495	23,301	22,355	22,016	
606	20	00	401A EXECUTIVES	508	695	0	0	
606	21	00	AUTO ALLOWANCE	0	0	0	0	
606	22	00	UNIFORM ALLOWANCE	450	0	1,232	0	
606	23	00	SAFETY APPAREL	0	0	0	0	
606	30	00	EDUCATION INCENTIVE	11,381	15,346	12,820	17,151	
606	40	00	HEALTH INSURANCE	167,220	208,157	229,120	288,323	
606	41	00	MEDICAL INSURANCE	0	0	0	0	
606	41	01	RETIREES	0	0	0	0	
606	42	00	DENTAL INSURANCE	20,147	23,777	25,712	26,816	
606	43	00	VISION INSURANCE	2,740	3,419	3,817	4,032	
606	44	00	LIFE INSURANCE	1,311	1,618	1,587	1,866	
606	45	00	LONG TERM DISABILITY INS	3,654	3,589	4,511	4,230	
606	46	00	ACCIDENTAL DEATH & DISM.	17	14	22	21	
606	57	00	ALLOC COMPENSATD ABSENCES	0	0	0	0	
<i>Employee benefits total:</i>				679,552	834,021	842,002	1,066,301	27%
SALARIES AND BENEFITS TOTAL:				2,206,658	2,450,557	2,492,419	2,771,429	11%
SERVICES								
613	50	00	VEHICLE REPAIRS	20,076	65,000	41,200	65,000	
613	90	00	REPAIR & MAIN. SERV	0	0	0	0	
614	20	00	ELECTRICITY	423	490	490	490	
614	60	00	TELEPHONE	8,944	10,303	10,303	10,303	
615	20	00	MEMBERSHIPS	125	200	200	200	
615	40	02	POST TRAINING	8,327	20,000	9,300	20,000	
SERVICES TOTAL:				37,895	95,993	61,493	95,993	56%
SUPPLIES								
620	20	00	FUEL & OIL SUPPLIES	45,821	65,000	50,000	65,000	
621	30	00	BOOKS, PERIODICALS & SUBSC	0	0	0	0	
621	80	00	UNIFORM & SAFETY APPAREL	0	0	0	0	
622	30	00	POSTAGE & DELIVERY	42	100	100	100	
SUPPLIES TOTAL:				45,863	65,100	50,100	65,100	30%
OTHER EXPENSES								
639	30	99	IT	0	0	0	0	
639	40	99	GENERAL FUND	0	0	0	0	
OTHER EXPENSES TOTAL:				0	0	0	0	#DIV/0!
INTERFUND/ ALLOCATED COSTS								
661	10	00	INFO SERV CHG ALLOCATE	32,941	32,941	32,941	58,005	
661	20	00	VEHICLE REPLACEMENT CHG	89,967	89,967	89,967	43,185	
661	30	00	FAC MAINT CHG ALLOCATE	52,005	52,005	52,005	58,585	
INTERFUND/ ALLOC COSTS TOTAL:				174,913	174,913	174,913	159,775	-9%

46

CITY OF CLAYTON ORGANIZATION CHART

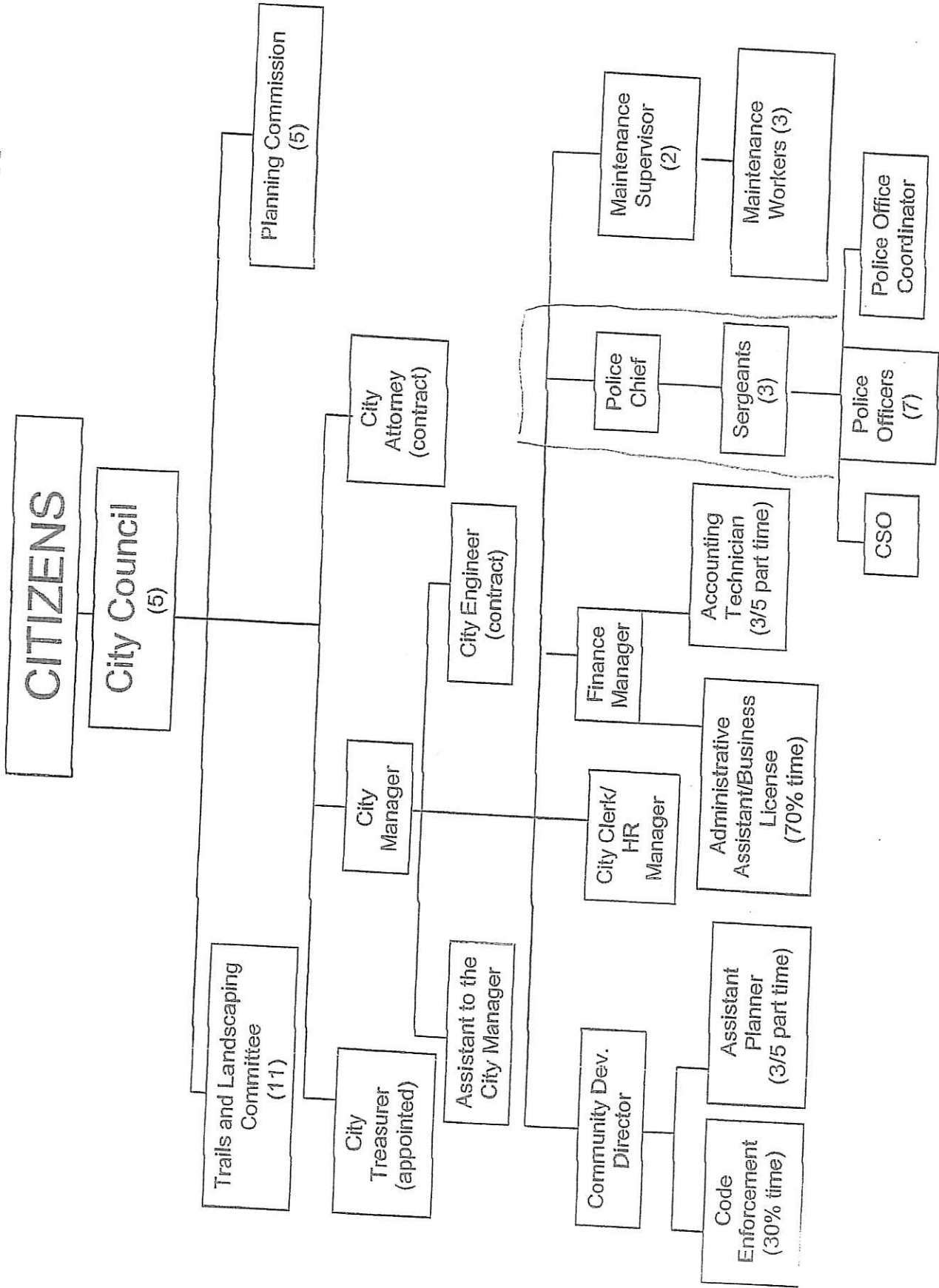


EXHIBIT B

CLAYTON

City of Clayton
 Budget Police Dept 06
 Adopted Budget 2014-15

Account Number	Account Name	2012-13 Actual	2013-14 Adopted Budget	2013-14 Projected	2014-15 Adopted Budget
7111	Salaries/Regular	843,484	828,110	831,000	858,300
7113	Overtime	108,444	95,000	125,580	100,000
7116	Part-time Salaries	3,727	3,748	3,875	4,200
7218	LTD Insurance	5,587	6,473	6,336	7,050
7220	PERS Retirement	338,650	276,795	325,755	277,400
7231	Workers Comp Insurance	13,207	20,937	26,937	37,000
7232	Unemployment Insurance	-	-	5,942	5,942
7233	FICA and Medicare	14,513	13,592	14,343	14,400
7241	Auto Allowance/Mileage	4,525	4,440	4,800	4,440
7242	Uniform Allowance	6,075	9,000	9,000	9,000
7246	Benefit Insurance	155,316	156,443	161,473	147,300
7311	General Supplies	5,572	4,500	4,800	5,000
7312	Office supplies	2,289	2,350	2,350	2,350
7314	Postage	527	500	400	500
7324	Dues and Subscriptions	5,240	18,652	5,448	5,500
7325	EBRCSA system user fee	-	-	8,808	9,000
7332	Telecommunications	12,189	11,000	10,700.00	11,000
7342	Machinery/ Equip Maint.	2,594	1,500	1,000	1,500
7343	Vehicle Maintenance	15,877	13,500	17,000	17,000
7344	Vehicle Gas, Oil, and Supplies	33,998	33,000	34,000	34,600
7345	Office Equip. Maint. & Repairs	1,473	1,400	1,798	1,860
7363	Business Expense	154	100	-	-
7364	Employee recognition	428	428	473	500
7365	Volunteer Appreciation	-	189	273	300
7373	Education and Training	7,558	7,000	7,000	13,000
7374	Recycling Education	-	-	300	-
7375	Training Reimbursable	-	-	764	-
7389	Misc. Expenses	2,177	-	97	500
7408	Crossing Guard Services	8,114	8,415	8,500	9,164
7411	Prof. Services Retainer	3,845	-	8,208	19,200
7417	Janitorial Services	2,700	2,700	2,700	2,700
7419	Other Prof. Services	9,607	4,007	6,496	3,233
7424	Dispatch Services	158,076	158,076	168,400	178,500
7425	Lab Fees	21,812	18,000	13,631	13,903
7427	Cal ID Services	11,125	11,648	11,681	12,265
7429	Animal Control Services	58,727	59,014	59,889	61,686
7432	Emergency Services	67	100	105	100
7433	Integrated Justice System (ACCJIN + ARIES)	9,755	9,521	9,755	13,465
7486	CERF Charges/Depreciation	-	-	-	25,000
Total Expenditures		1,867,432	1,786,117	1,899,417	1,906,859

Salary
962,500

BENEFITS
902,500

1465,000

XP

EXHIBIT C

LEGAL AND BUSINESS ISSUES

The following are some suggested changes to the MOU to make it easier to navigate, understand and deal with economic uncertainty.

1. Provide a cover page and table of contents similar to that used by Moraga – see Exhibit A.
2. On page 4, at the end of both classic and new members it says that the District will provide employee pension contributions. Shouldn't this say that employees shall make the employee pretax contribution?
3. Page 4 - Pension Plan - Should be 2% @ 50 / 2.7% @ 57. This is Plan Two, so why not spell it out.
4. Page 4 – Final compensation – This language is very confusing. Should read per the underlined on attached Exhibit B.
5. Page 4 #4 – Rethink granting accrued vacation over 200 hours.
6. Pages 9-10 Add another tier for classifications Officers to Corporal. The existing categories to be termed advanced (e.g. Officer Advanced, corporal, advanced and Sergeant advanced). The second tier would just be Officer, Corporal and Sergeant with salary rates that are 2.5%, 5.0%, 7.5% and 10.0% below the advanced rates for years 1 to 4 of the MOU.
7. Page 10 Step Increases – What does it mean that an employee is eligible for a step increase upon “affirmation by the Chief of Police that there has been satisfactory growth in the service value of the employee” Why not add “and the employee’s performance has been in accordance with the Personnel Actions referenced in Article XII and set forth in the Kensington Police Department Policing Manual”.
8. Page 11 A Should the first sentence end with “whichever is greater”?
9. Page 11 B 3rd paragraph 1st line should read “compensation time on there (3) specific dates”

Given the economic uncertainties regarding property tax revenue, PERS contributions, personnel changes and necessary capital improvements, it simply does not make sense to be locked into a 4-year contract. The contract should be broken into 4, 1-year contracts, consisting of a primary term and 3, 1-year options, with options exercisable not sooner than 180 days, nor later than 90 days prior to the existing term expiration. If the option is not exercised, the parties agree that “meet and confer” sessions shall commence as soon as possible with the mutual intent of ratifying a new MOU within 90 days or prior to June 30.

This change would require a Notice provision, to allow for notices deliverable by mail, FAX or personal delivery.

On Dec 10, 2014, at 3:52 PM, Ann Harlow wrote:

Please do not vote on the proposed police contract at this month's KPPCSD Board meeting, and please consider a shorter term contract if possible. If it's true that we're already third highest in the state for costs per officer, that seems ridiculous given the low danger level of the job.

Ann Harlow

Hi KPP&CSD Board,

I've very concerned about the proposed four year police contract which is not within our means according to several analyses.

It is worthy thinking about reducing the budget and size of the police force to something we can afford. I've lived in Kensington for 50 years. For most of those years we had a smaller less expensive police force that was more than adequate for the needs of our community and in some ways more responsive. It is time to set prudent limits to police spending.

If it isn't feasible to reduce spending in the near future, please reduce the length of the police contract to one year which would give the community more time to consider.

The overspending issues relative to income are, I believe, along with other issues notably the lawsuits and publicized animosities, strongly correlated with the lack of growth in Kensington property values compared to neighboring communities.

Please don't make a hasty decision tonight that locks us into something we can't afford for four years and which dangerously lowers our reserves.

Regards,

Catherine de Neergaard
Kensington in the North Berkeley Hills, CA

On Dec 11, 2014, at 3:50 PM, Lisa Cole wrote:

> Dear Board Members,

>

> I understand that the KPPCSD board plans to consider the new police contract MOU at tonight's board meeting. I believe the board should postpone any vote on this contract until the January meeting to allow time to consider the overall budget, and present a well thought out financial plan to the public.

>

> The proposed contract is more than 80% of the KPPCSD budget. I am concerned about the District's current and future finances.

>

> The contract needs to be considered in the context of an updated budget, and we need a plan to maintain our reserves - not to use them to pay operating costs.

>

> Vanessa Cordova and Rachelle Sherris-Watt will be joining the board tonight. They need enough time to ask questions, review the financial situation and take soundings from the community, in order for the board as a whole to make the best decision of for our community.

>

> Please postpone the vote and take the time to address these issues.

>

> Kind regards,

> Lisa Cole

Beloit Avenue

> Kensington

On Dec 11, 2014, at 3:58 PM, Sylvia wrote:

To the Members of the KPPCSD Board:

I had intended to attend this evening's meeting but due to the weather and lack of child care as my husband has been delayed on business travel I regret I will not be able to do so. I am disappointed that the Board intends to move forward on the vote for the new police contract considering that the incoming board members are only being sworn in this evening. I am also disappointed in the seeming lack of interest of the board in genuinely taking in and responding to public comment, including possible modifications to the contract, based on the valid concerns raised by community members for Kensington's long-term fiscal health.

I am a member of the Kensington Property Association and am very grateful to them for taking the time and effort to help put a fine point on the budget as it is impacted by the proposed contract. The Board's task is great and given that you are all volunteers, I hope that you view their information gathering and analysis helpful in partnership with you to help you represent the citizens of Kensington.

The police contract forms the bulk of the KPPCSD budget. It has serious implications for the financial health of the District. The District has been running an operating deficit for the last few years and under the proposed terms we will continue to have budget shortfalls. This will negatively impact the financial health of our district and raises

pressing questions about whether tax increases or service reductions will be required. The Board's plan to continue to reduce our reserves worries me.

I strongly believe the Board needs to take more time over this decision. I hope that you will take my views and those of other Kensington homeowners who are raising the same concerns seriously in determining both the process and the outcome of this matter.

Best regards,
Sylvia Hacaj

From: David Bergen
Subject: The KPOA position on the proposed new contract
Date: December 10, 2014 4:18:31 PM PST
To: "Vanessa Cordova" <vncordova@alum.berkeley.edu>, "Rachelle Sherris Watt" <rsherriswatt@kensingtoncalifornia.org>, "Charles Toombs" <cet@mcinerney-dillon.com>, "Pat Gillette" <pkgillette@gmail.com>, "Len Welsh" <lenwelsh@gmail.com>

1 Attachment, 342 KB

Dear Members of the KPPCSD,

I wish to state for the record that after reading the attached document from the KPOA, I am fully in support of their position as stated therein. And I hope you will follow their suggestions.

I have been following the various posts on Next Door Kensington and I am appalled by what I have found out about the way the police department is run, and the reckless way the previous board has been spending our money.

I moved to Kensington in 1956 and always held a high opinion of our police department, baring one unfortunate experience in 2010 with an officer (no longer there).

This is not Gotham City, it is Mayberry, it is not a high crime area! We do not need the kind of overpriced police department we now have. We certainly do not need to pay the officers, however good they may be at their jobs, what they receive now in pay and benefits, and certainly not what is now being proposed.

Remember that a large number of residents here are retired and on fixed incomes. Most of us cannot afford the very high cost of the police department.

There is a lot wrong with this department ... the number of supervisory officers for the number of subordinate officers, the controversial extra pay given the chief, the vehicle given the Chief for his private use, the fact that the Chief is also General Manager ... an enormous conflict of interest, etc., etc. I could go on ...

The first thing that the board should do to ameliorate these problems, is to hold off on the proposed four year contract until it can be shown that it can be paid for without bankrupting the district. And, very important, to give the new members of the board the time necessary to get up to speed on a very complicated set of issues. If it cannot be shown that it won't bankrupt the district, then it should be dropped entirely.

Your sincerely,

David Bergen

670 Oberlin Ave.



Why_Force_t...pdf (342 KB)

54

From: Marilyn Stollon < >
Subject: Police contract
Date: December 10, 2014 9:44:14 AM PST
To: "vncordova@alum.berkeley.edu" <vncordova@alum.berkeley.edu>

I would like to encourage the board to consider other options before voting to extend the contract and locking the community into a set of rising costs that would force us to pay more assessments with no end in sight.

M. Stollon

Sent from my iPad

January 2015

February 2015

Su	1	2	3	4	5	6	7
Mo	8	9	10	11	12	13	14
Tu	15	16	17	18	19	20	21
We	22	23	24	25	26	27	28
Th							
Fr							
Sa							

January 2015

Su	4	5	6	7	8	9	10
Mo	11	12	13	14	15	16	17
Tu	18	19	20	21	22	23	24
We	25	26	27	28	29	30	31
Th							
Fr							
Sa							

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Dec 28	29	30	31	Jan 1, 15 7:15pm EBC (CC.1)	2	3
4	5 7:00pm *Cub-Scouts* (CCM)	6 7:30pm *Boy Scouts (CCM)	7 7:00am AA (CCM)	8 6:00pm KPPCSD Mtg (CCM)	9	10 3:00pm CC RENTAL (CCM)
11	12 4:00pm *Girl Scouts* (CCM) 7:00pm *Cub-Scouts* (CCM)	13 7:30pm *Boy Scouts (CCM)	14 7:00am AA (CCM) 6:00pm *GPEF (CCM) 7:00pm *KED Mtg (CC3)	15 7:15pm EBC (CC.1)	16	17
18	19 7:00pm *Cub-Scouts* (CCM)	20 7:30pm *Boy Scouts (CCM)	21 7:00am AA (CCM)	22	23	24
25	26 7:00pm *Cub-Scouts* (CCM) 7:30pm *KJC (CC3)	27 7:30pm *Boy Scouts (CCM) 7:30pm *KMAC (CC3)	28 7:00am AA (CCM)	29	30	31

February 2015

February 2015

Su	1	2	3	4	5	6	7
Mo	8	9	10	11	12	13	14
Tu	15	16	17	18	19	20	21
We	22	23	24	25	26	27	28
Th							
Fr							
Sa							

March 2015

Su	1	2	3	4	5	6	7
Mo	8	9	10	11	12	13	14
Tu	15	16	17	18	19	20	21
We	22	23	24	25	26	27	28
Th	29	30	31				
Fr							
Sa							

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Feb 1	2 7:00pm *Cub-Scouts* (CCM) 7:30pm KCC Board Mtg (CCM)	3 7:30pm *Boy Scouts (CCM)	4 7:00am AA (CCM)	5 7:15pm EBC (CC 1)	6	7 5:00pm Hilltop 6th Grade Dance (CCM)
8	9 4:00pm *Girl Scouts* (CCM) 7:00pm *Cub-Scouts* (CCM)	10 7:30pm *Boy Scouts (CCM)	11 7:00am AA (CCM) 6:00pm *GPEF (CCM) 7:00pm *KED Mtg (CC3)	12 6:00pm KPPCSD Mtg (CCM)	13	14 VALENTINE'S DAY
15	16 PRESIDENTS' BIRTHDAY 7:00pm *Cub-Scouts* (CCM)	17 7:30pm *Boy Scouts (CCM)	18 7:00am AA (CCM)	19 7:15pm EBC (CC 1)	20	21
22	23 7:00pm *Cub-Scouts* (CCM) 7:30pm *KIC (CC3)	24 7:30pm *Boy Scouts (CCM) 7:30pm *KMAC (CC3)	25 7:00am AA (CCM)	26	27	28

General Manager December 2014 Report

Budget

As for revenue collected during the month of December, we are still waiting for our anticipated full funding of our property tax revenue from the County. We are also still waiting for our remaining \$63,000 in revenue due from our COPS grant funding.

The biggest variance in expenses for the month occurred in Legal Fees, Account 830, in which we are showing we expensed \$30,205.73 the month of December, which is the October billing of \$15,157.73 and the November billing of \$15,048.

This is also the case in Account 580 Utilities, in which we paid \$1,510.98, which is our expenses for the months of November and December.

Kensington Park

Community Center & Annex

On June 3rd, Measure L (The Community Center Safety Project bond measure) lost in the election. This means that the Park Buildings Committee and the KPPCSD Board will need to re-group and determine how we will move forward with the repairs and upgrades to the Center.

The first step in this process will be in arranging a structural engineer's report on the condition of the building. I am meeting in January with at least two engineering firms to get bids on the project.

Park Repairs

In December, the following repairs were made in the park in addition to our normal maintenance items:

Sump pump replacement to the west side drain of the Community Center, \$595

*Please note that most of the repairs that we make in the park are the result of vandalism. If you see vandalism being committed, please call the police department immediately.

Fuel Reduction Project

The Park & Recreation Committee has formed a sub-group and has called on citizen volunteers to begin a wild land fire fuels reduction project in the park. The group's first project area is the area surrounding the Community Center. The next round of cleanup

dates will be starting up again on Thursdays, beginning January 8th, from 2 to 5 PM.

Those wishing to volunteer for future projects can contact me for information on dates and projects scheduled.

Emergency Preparedness

The agenda and the minutes of the Public Safety Council posted are on the KPPCSD web page.

The next meeting of the Kensington Public Safety Council will take place Monday, January 12th, at 6:00 PM at the Community Center Room #3.

Solid Waste & Recycling

Great news! The KPPCSD Board voted to contract with Bay View at its November 13th meeting. Not only do we get to continue our great service with Bay View, we were able to avoid the costs of the request for proposal process.

Please go to the District's website to view the new contract.

Public Works- Streets

County Public Works re-installed the new and improved speed bumps to the Colusa Circle median in an effort to slow traffic in the Colusa Circle. Upgrades to the Colusa and Santa Fe intersection have also been made in an effort to improve pedestrian safety.

EBMUD

EBMUD is replacing the 37 Million Gallon Summit Reservoir, built in 1898, and replacing it with a 3.5 Million Gallon partially buried tank. EBMUD is also building a new pumping plant to replace the current outdated plant. EBMUD will landscape the site and add a walking path along Grizzly Peak at the end of the project. This project is scheduled to be completed in early 2017.

EBMUD's contractor will be bring in equipment and temporary office space to the Summit Reservoir site in mid to late December.

In January, EBMUD will begin excavation and prepare the foundation for the 400,000 gallon temporary tank that will supply water during the main reservoir demolition and reconstruction. This process will take several months.

During the next several months' activity, noise and construction traffic around the site will be noticeable. Standard Work hours are Monday through Friday 7:00 am to 6:00 pm.

For more information about this project go to <http://www.ebmud.com/water-and-wastewater/project-updates/summit-reservoir-replacement>. If you have questions, or would like to be added to the email list for this project please contact Michelle Blackwell in Community Affairs at (510) 287-2053 or mblackwe@ebmud.com<<mailto:mblackwe@ebmud.com>>

Website

The new and improved District website is up and running!

We are continuing our efforts to post more documents and fine tune the site.

The Board packets, monthly reports, minutes, recordings of the KPPCSD Board Meetings, and our Bay View – County Solid Waste contracts are available for review on our website at: www.kensingtoncalifornia.org

Check it out!

Memorandum

Kensington Police Department



To: KPPCSD Board

APPROVED _____

NO

From: Gregory E. Harman, General Manager/ Chief of Police

Date: October 17, 2014

FORWARDED TO _____

Subject: New Business Item #1- Board Committee Assignments

Per KPPCSD Board Policy 4060.1, Board President Len Welsh shall appoint and publicly announce the members of the standing committees and Board Coordinators for calendar year 2015.

Attached to this memo you will find a copy of KPPCSD Board Policy 4060.1-6 for review.

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

POLICY MANUAL

POLICY TITLE: Committees and Coordinators of the Board of Directors
POLICY NUMBER: 4060

4060.1 Standing Committees and Coordinators

The Board President shall appoint and publicly announce the members of the standing committees and Board Coordinators for the ensuing year no later than the Board's regular meeting in January.

4060.1.1 Board committees that are legislative bodies as defined by the Brown Act must meet the open meeting requirements of the Brown Act. If any language of this District policy conflicts with the Brown Act, the requirements of the Brown Act take precedence. For more information about what constitutes a legislative body as defined by the Brown Act (see California Government Code Sections 54950 through 54963).

4060.1.2 Committees of the Board of Directors shall consist of:

- A. Members of the Board.
- B. Members of the Kensington community where deemed appropriate by a majority vote of the Board.

4060.1.3 Coordinators shall be Board Members.

4060.2 The Board's standing committees may be assigned to review District functions, activities, and/or operations pertaining to their designated concerns, as specified below. Said assignment may be made by the Board president, a majority vote of the Board, or on the initiative of the committee. Any recommendations resulting from said review should be submitted to the Board via a written or oral report.

4060.3 Standing Committees of the Board

Emergency Preparedness Committee;
Solid Waste Committee;
Finance Committee:

- 4060.3.1 The Board's standing Emergency Preparedness Committee shall be concerned with the development of a community emergency preparedness plan in cooperation with Kensington Fire Protection District.
- 4060.3.2 The Board's standing Solid Waste Committee shall be concerned with the implementation of the solid waste/recycling contract and ensuring that it meets State and Local mandates.
- 4060.3.3 The Board's standing Finance Committee shall be concerned with the financial management of the District, including recommendations on the annual budget and major expenditures, investment policies, long-range planning, and comments and commendations regarding the annual audit and certified public accountant.
- 4060.4 The Board's Coordinators may be assigned to review District functions, activities, and/or operations pertaining to their designated concerns, as specified below. Said assignment may be made by the Board President or a majority vote of the Board, or on his or her own initiative. Any recommendations resulting from such review should be submitted to the Board via a written or oral report.

4060.5 Board Coordinators

Finance and Administration;
 Intergovernmental/External Issues;
 District Policies and Procedures;
 Public Safety Building
 Park Planning and Recreation; and
 Park Funding
 Community Outreach

- 4060.5.1 The Board Coordinator for Finance and Administration shall be concerned with the financial management of the District and serve as chair of the standing Finance Committee.
- 4060.5.2 The Board Coordinator for Intergovernmental/External Issues shall be concerned with new laws and legislation affecting the District and liaison with other governmental and legislative bodies.
- 4060.5.3 The Board Coordinator for District Policies and Procedures shall be responsible for developing and proposing updates to the District's Policy Manual and for proposing and reviewing policies for usage of the Kensington Park.
- 4060.5.4 The Board Coordinator for the Public Safety Building shall be responsible for negotiating and overseeing the long-term lease agreement with the Kensington Fire District.

03

4060.5.5 The Board Coordinator for Park Planning and Recreation shall be concerned with monitoring the maintenance of the Park property, coordinating with other organizations responsible for recreational activities in the Park, and developing plans for future development of the park property.

4060.5.6 The Board Coordinator for Park Funding shall be concerned with coordinating fund-raising programs for further development of the park.

4060.5.7 The Board Coordinator for Community Outreach shall work with the General Manager to promote community awareness.

4060.6 Ad Hoc Committees

The Board President shall appoint ad hoc committees as may be deemed necessary or advisable by himself/herself or the Board. The duties of an ad hoc committee shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made.

Memorandum

Kensington Police Department



To: KPPCSD Board

APPROVED

NO

From: Gregory E. Harman, General Manager/ Chief of Police

Date: October 17, 2014

FORWARDED TO:

Subject: New Business Item #2- Grand Jury Report & Response

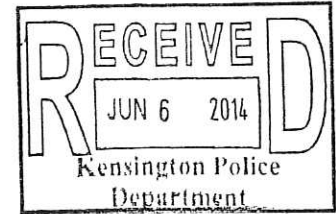
On June 6, 2014, I received a copy of the Contra Costa County Grand Jury Report No. 1405, "The Public Records Act in Contra Costa County", which is attached to this memo.

On September 3, 2014, I responded to the Grand Jury Report as required by law, and my response is attached to this memo.

I had indicated in my response, that the Board would have the discussion on the report before or at the December 11th KPPCSD Board meeting. Unfortunately, both the November and December meeting's main agenzized items had to do with the Kensington Police Officers Association new proposed contract, and there wasn't time to address the Grand Jury Report.

Finally, attached to this memo is a copy of the Contra Costa County's policies regarding public information and records.

My recommendation to the Board is that the County's policies regarding public information and records be reviewed and formatted to the District's use by the Board's Policy Committee, to be incorporated into the revised KPPCSD Board Policy manual.



June 3, 2014

Gregory Harman, General Manager/Chief of Police
Kensington Police Protection & Community Services District
217 Arlington Avenue
Kensington, CA 94707

Dear Chief Harman:

Attached is a copy of **Grand Jury Report No. 1405, 'The Public Records Act In Contra Costa County'** by the "2013-2014" Contra Costa Grand Jury. As the Kensington Police Protection & Community Services District is a subject of the report, this report is being provided to you at least two working days before it is released publicly in accordance with California Penal Code section 933.05(f).

Section 933.05(a) of the California Government Code requires that a person or entity that is the subject of a report shall respond to each finding in the report by indicating one of the following :

- (1) The respondent agrees with the finding;
- (2) The respondent disagrees with the finding; or
- (3) The respondent partially disagrees with the finding.

If the respondent wholly or partially disagrees with a finding, the respondent shall specify the portion of the finding that is disputed, and shall include an explanation of the reasons therefore.

In addition, Section 933.05(b) requires that the respondent reply to each recommendation of the report by stating one of the following actions:

1. The recommendation has been implemented, with a summary describing the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis. This response should explain the scope and parameters of the analysis or study, and a time frame for the matter to be prepared for discussion. This time frame shall not exceed six months from the date of the publication of the Grand Jury Report.

4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation thereof.

Please be aware that Section 933.05 specifies that no officer, agency, department or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report. Please ensure that your response to the above noted Grand Jury report complies in form and substance with the legal requirements for such responses. We expect your response, no later than **SEPTEMBER 3, 2014** under the Penal Code.

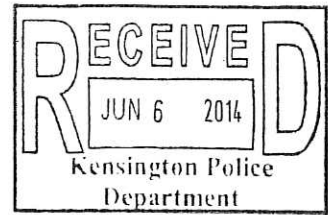
Please send a copy of your response in hard copy to the Grand Jury, as well as a copy by e-mail in Word to clope2@contracosta.courts.ca.gov .

Sincerely,



Stephen D. Conlin, Foreperson
2013-2014 Contra Costa County Civil Grand Jury

Enclosure



**A REPORT BY
THE 2013-2014 CONTRA COSTA COUNTY GRAND JURY**
725 Court Street
Martinez, California 94553

REPORT 1405

**THE PUBLIC RECORDS ACT IN
CONTRA COSTA COUNTY**

Letting the Sun Shine In

APPROVED BY THE GRAND JURY:

Date: 5/22/2014


STEPHEN D. CONLIN
GRAND JURY FOREPERSON

ACCEPTED FOR FILING:

Date: 5/30/14


JOHN T. LAETTNER
JUDGE OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report 1405

THE PUBLIC RECORDS ACT IN CONTRA COSTA COUNTY

Letting the Sun Shine In

TO: Contra Costa County Board of Supervisors
All Contra Costa County Cities,
All Contra Costa County School Districts,
All Contra Costa County Fire Districts,
Selected Special Districts in Contra Costa County

SUMMARY

The California Public Records Act (the "CPRA" or "Act") is the law that ensures the public has access to records generated by public agencies. The Act, however is complex and flawed. Employees responsible for fulfilling CPRA requests do not always respond in the manner required by the law. Contra Costa County has adopted a Better Government Ordinance; it allows the public even greater access to government records and information and clarifies some of the uncertainties of the ACT. The practice of making public records available on a governmental entity's website is an economical and practical means of complying with the Act.

METHODOLOGY

In preparing this report, the Contra Costa Civil Grand Jury:

- Interviewed an individual who makes frequent requests for public records from agencies in Contra Costa County and one who bears responsibility for insuring compliance with the law.
- E-mailed and made in-person requests for routine public records to a cross-section of agencies within the County.

Reviewed:

- The California Public Records Act, Government Code Section 6250 et seq.;
- The Summary of the California Public Records Act 2004 prepared by the California Attorney General's Office;

- Contra Costa County's Better Government Ordinance, 25-2.202 et seq.;
- Contra Costa County Administration Bulletin Number 120.5, Public Access to County Records;
- The People's Business: A Guide to the California Public Records Act published by the League of California Cities;
- Materials concerning audits of public agencies for Public Records Act compliance published by Californians Aware, the Center for Public Form Rights.

BACKGROUND

The CPRA, enacted in 1968, ensures that the public has access to governmental records, and that those records will be disclosed to the public upon request, unless there is a specific reason provided by the Act not to do so. Access to information concerning the conduct of governmental activities permits the public to better monitor the functioning of government and reduces the likelihood of waste, fraud and corruption.

The Act strongly favors the release of the requested records. For example:

- The request need not be in writing. There may be good reason to do so to establish the exact nature of the documents sought and the time frame for responses, but it is not required by law.
- The person requesting the records does not need to identify him/herself. Although it may be easier for the responding agency to deal with the request and get back to the party making the request, only in a few specified situations need the requester be identified.
- The request need not state the purpose of the request.
- The governmental entity has the burden of justifying the denial of a request.
- The agency must respond to the request within 10 days, or provide notice to the requester within 14 days concerning the existence of the requested records, and the records must be produced within a reasonable time.
- The agency must assist the requester by attempting to identify records that contain the information sought.
- Fees may be charged for the costs of reproduction of the records, but not for the time required to conduct a search.

Despite the CPRA's strong mandate and the important policy that lead to its enactment, members of the public and the press are occasionally rebuffed or given the runaround when making legitimate CPRA request. In some cases this may be the result of imprecise requests:

- The scope of the request must be reasonably clear.
- The requester may ask for records that don't exist. The government entity need not create information or write reports in response to requests under the Act.
- The government entity need only produce records that are reasonably identified.

The CPRA does present problems in its implementation. It is complicated in that it contains many exceptions to disclosure, including such matters as attorney-client communications, code enforcement records, law enforcement records, pending litigation, personnel records, and recipients of public services, among others.

If an agency in or of the County opposes disclosure of the records, it can argue that one or more of the exceptions apply. Unless the person making the request is persistent and challenges the agency's right to withhold the record, the agency may avoid disclosure. The requesting party's only option at that point is to threaten litigation or actually file a lawsuit, a choice that realistically is an option available only to the press or other entities with significant resources but less likely to be exercised by individual members of the public.

The Board of Supervisors has adopted the "Better Government Ordinance," (the "BGO"), that expands the public's access to records beyond those available to the public under the CPRA. The BGO applies to the offices of County government under the authority of the Board of Supervisors. Independent districts are covered only by the Public Records Act.

An increased number of County agencies maintain websites that provide links to public records. This has been of major assistance to citizens seeking information, and it is an efficient and inexpensive way of complying with the Public Records Act.

Among the most valuable classifications of documents whose publication would strengthen integrity in government are: Statements of Economic Interests, Employment Contracts, Annual Audits, Travel and Entertainment reimbursements and agendas and supporting documents for public meetings.

Compliance with the Act in Contra Costa County

Compliance with the Act by those agencies reporting to the Board of Supervisors is generally good, but compliance by cities and special districts is uneven, with some being very forthcoming and others less so. There are several reasons that could account for the failure to comply, from an unwillingness to provide information during the existence of a public controversy to simple ignorance about the requirements and workings of the Act. The County provides annual training about the CPRA and compliance. This, no doubt, accounts for the greater receptiveness of County offices to document requests.

E-mail requests were sent to 41 different cities, special districts and divisions of County government. The same request was made to each entity; a request for a copy of the contract of the highest-ranking official for that entity. The request did not identify the name of the person making the request nor did it reveal any connection with the Grand Jury. In many instances an e-mail response with the appropriate document attached or a reference to the document online was received within an hour or so from the time of the inquiry. Several took from one to three days. Several took seven days; one took 24 days. Several of the e-mails bounced and had to be re-directed to a different e-mail addresses where the response was normally prompt once the request reached the appropriate staff member. There was no response from 12 of the offices.

Visits, including visits to some of the offices that failed to respond to the e-mail requests, resulted usually in positive responses. When the Statement of Economic Interest form (Form 700) was requested, it was produced in a matter of minutes in some instances. At other times, an e-mail was sent to the requester with the document attached.

Requests pursuant to the CPRA do not need to be in writing; the requesters do not have to reveal their identity, explain the purpose of the request or with whom they might be affiliated. However this information was requested on several occasions and one entity insisted that the request be in writing.

Several patterns emerged in response to CPRA requests.

- Requests by e-mail were generally directed to knowledgeable individuals within the office so the resulting response was timely and professional.
- Personal visits to offices, while usually successful (the requested record was provided), often revealed the staff's uncertainty about who in the office should respond to the request.
- In-person visits often resulted in requests for the requestor's name and purpose of the request, disclosures the law does not require.
- The quickest responses came when the information was already on the entity's website and could be referenced easily.
- The requests were for very routine documents that are clearly subject to the Act and should be readily forthcoming.

FINDINGS

1. The State of California's policy of transparency in government is embodied in the California Public Records Act (CPRA).
2. Contra Costa County's policy of transparency in government has been strengthened by its adoption of the Better Government Ordinance.

3. Contra Costa County conducts periodic training of its employees regarding how to respond to requests for records under the CPRA and the Better Government Ordinance.
4. The response to CPRA requests by departments reporting to the Board of Supervisors is generally timely and appropriate.
5. The response to CPRA by cities and special districts within Contra Costa County is uneven. Some entities are responsive, while others have a delayed responses or fail to respond entirely.
6. Employees of cities and some special districts who deal with CPRA requests are unfamiliar with the Act and the responsibilities of their agency when records are requested.
7. Among the most valuable documents that could be included on websites are: Statements of Economic Interests, Employment Contracts, Annual Audits, Travel and Entertainment reimbursements, and agendas and supporting documents for public meetings.

RECOMMENDATIONS

1. Cities and special districts in Contra Costa County should consider adopting a policy similar to the Better Government Ordinance, expanding the right of the public to access to public records.
2. Cities and special districts in Contra Costa County should arrange for periodic training of employees who are responsible for responding to Public Records Act requests.
3. Cities and special districts should consider making certain public records that are clearly disclosable under the CPRA available on their websites:
 - a. Statements of Economic Interests
 - b. Employment Contracts
 - c. Annual Audits
 - d. Travel and Entertainment reimbursements
 - e. Agendas and supporting documents for public meetings.

REQUIRED RESPONSES

	<u>Findings</u>	<u>Recommendations</u>
Contra Costa County Board of Supervisors	1-7	1 - 3
City of Antioch	1-7	1 - 3
City of Brentwood	1-7	1 - 3
City of Clayton	1-7	1 - 3
City of Concord	1-7	1 - 3
Town of Danville	1-7	1 - 3
City of El Cerrito	1-7	1 - 3
City of Hercules	1-7	1 - 3
City of Lafayette	1-7	1 - 3
City of Martinez	1-7	1 - 3
Town of Moraga	1-7	1 - 3
City of Oakley	1-7	1 - 3
City of Orinda	1-7	1 - 3
City of Pinole	1-7	1 - 3
City of Pittsburg	1-7	1 - 3
City of Pleasant Hill	1-7	1 - 3
City of Richmond	1-7	1 - 3
City of San Pablo	1-7	1 - 3
City of San Ramon	1-7	1 - 3
City of Walnut Creek	1-7	1 - 3
Acalanes Union High School District	1-7	1 - 3
Antioch Unified School District	1-7	1 - 3

74

	<u>FINDINGS</u>	<u>RECOMMENDATIONS</u>
Brentwood Union School District	1-7	1 - 3
Byron Unified School District	1-7	1 - 3
Canyon School District	1-7	1 - 3
Contra Costa Community College District	1-7	1 - 3
John Swett Unified School District	1-7	1 - 3
Knightsen Elementary School District	1-7	1 - 3
Lafayette School District	1-7	1 - 3
Liberty Union High School District	1-7	1 - 3
Martinez Unified School District	1-7	1 - 3
Moraga School District	1-7	1 - 3
Mount Diablo Unified School District	1-7	1 - 3
Oakley Union Elementary School District	1-7	1 - 3
Orinda Union School District	1-7	1 - 3
Pittsburg Unified School District	1-7	1 - 3
San Ramon Valley Unified School District	1-7	1 - 3
Walnut Creek School District	1-7	1 - 3
West Contra Costa Unified School District	1-7	1 - 3
Contra Costa County Office of Education	1-7	1 - 3
Kensington Police Protection and Community Services District	1-7	1 - 3
Pleasant Hill Recreation and Park District	1-7	1 - 3
Contra Costa Water District	1-7	1 - 3
Diablo Water District	1-7	1 - 3

	<u>FINDINGS</u>	<u>RECOMMENDATIONS</u>
West Contra Costa Health Care District	1-7	1 - 3
Contra Costa County Fire Protection District	1-7	1 - 3
Crockett-Carquinez Fire Protection District	1-7	1 - 3
East Contra Costa Fire Protection District	1-7	1 - 3
Kensington Fire Protection District	1-7	1 - 3
Moraga-Orinda Fire District	1-7	1 - 3
Rodeo-Hercules Fire Protection District	1-7	1 - 3
San Ramon Valley Fire Protection District	1-7	1 - 3

74

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

September 3, 2014

Mr. Stephen D. Conlin
Grand Jury Foreperson
725 Court Street
Martinez, CA, 94553-0091

Dear Mr. Conlin,

This letter constitutes the response of the Kensington Police Protection and Community Services District ("KPPCSD" or "the District") to the Grand Jury Report No. 1405, "The Public Records Act In Contra Costa County" ("the Report") filed by the Grand Jury on June 3, 2014. The Report sets forth findings and recommendations related to the District and this response addresses each in turn.

FINDINGS/DISTRICT RESPONSE

Findings 1-7 of the attached report;

Per Section 933.05(a) of the California Government Code, **we the respondent agree with the findings.**

RECOMMENDATIONS/RESPONSE

The Grand Jury made recommendations 1-3a-e of the attached report and the District responds to each in turn.

Response to Recommendation #1:

Per Section 933.05(b) of the California Government Code, **we the respondent indicate that the recommendation requires further analysis.**

We will obtain a copy of the Contra Costa County's Better Government Ordinance and conduct a review and public discussion of the ordinance at an upcoming Kensington Police Protection & Community Services District board meeting, to consider adopting a similar policy. This meeting will be held on or by December 11, 2014.

Response to Recommendation #2:

Per Section 933.05(b) of the California Government Code, **we the respondent indicate that the recommendation has been implemented, and that employees will continue to receive periodic training on responding to Public Records Act requests.**

Response to Recommendations #3a-e:

Per Section 933.05(b) of the California Government Code, **we the respondent indicate that the recommendations 3b-e have been implemented, and that documents identified in recommendation 3a will be placed on the District's website by December 11, 2014.**

CONCLUSION

With this response to the Grand Jury Report No. 1405, the District believes it has fulfilled its obligation to respond to this report as required by law.

I will make myself available for any further questions or documentation that may be needed.

Sincerely,



Gregory E. Harman, General Manager/ Chief of Police

Chapter 25-4 - PUBLIC INFORMATION

Sections:

Article 25-4.2. General

25-4.202 - Definition of public information.

As used in this division, "public information" includes the content of "public records" as defined in the California Public Records Act (Gov. Code § 6252), whether provided in documentary form or in an oral communication.

(Ord. 95-6).

25-4.204 - Release of documentary public information.

- (a) Release of documentary public information, whether for inspection of the original or by providing a copy, shall be governed by the California Public Records Act (Gov. Code § 6250 et seq.) in any particulars not addressed by this division.
- (b) Inspection and copying of documentary public information stored in electronic form shall be made to the person requesting the information in any form requested which is reasonably available to the county, its officers or employees, including disk, tape, printout, monitor or modem, at a charge no greater than the cost of the media on which it is duplicated, plus the direct costs of equipment, supplies and labor costs associated with duplicating the electronic file which is requested.
- (c) To the extent permitted by law, nothing in this subdivision precludes a charge to recover development and maintenance costs for providing a higher level of service in providing access to computerized records when the cost has been approved by the board of supervisors. In establishing this charge, the board of supervisors shall take into account any savings to the county from the computerization of the service. In addition, such a charge may be levied only when the original method of providing the service is maintained and available to the public without the increased charge.

(Ord. 95-6).

25-4.206 - Release of oral public information.

Release of oral public information shall be accomplished as follows:

- (a) Factual information about the county, unless exempt from disclosure under state or federal law or not disclosable under this division, may be released to a telephone caller or an office visitor by responsible employees conversant with the factual information. One or more brief factual questions may be answered as soon as the employee has obtained the information. More extensive information may be confined to an interview by appointment or by reference to information in documentary form.
- (b) Information concerning the county's policies, positions on public issues, plans or intentions, or reactions to events may be released to a telephone caller or office visitor by the person with primary policy responsibility for the subject matter or by his or her designated spokesperson. Each department head shall, to the extent practicable, designate one or more spokespersons to be available for this purpose during normal business hours. Employees not authorized to provide such information may be prevented from doing so.
- (c) Public employees shall not be prohibited from or disciplined for the expression of their legally protected personal opinions on any matter. Opinions should not be represented as those of the county, misrepresent the county's opinion, or interfere extraordinarily with the course of business of county departments.

- (d) Department heads, with the advice and consultation of the county counsel, shall be encouraged to establish specific policies outlining legally protected opinions.

(Ord. 95-6).

Article 25-4.4. Public Records

25-4.402 - Public review file—Policy body communications.

- (a) Every policy body supported by county staff shall maintain a file, accessible to any member of the public during office hours, containing a copy of any letter, memorandum or other communication sent to or received from a quorum of a policy body irrespective of subject matter, origin or recipient, within the last thirty days except commercial solicitations, periodical publications or communications exempt from disclosure under state or federal law.
- (b) The clerk of the board of supervisors shall maintain a listing of the name, address and telephone number of the custodian of all communications sent to or received by each policy body under the jurisdiction of the board of supervisors. This list shall be available to any individual upon request.
- (c) Multiple-page reports, studies or analyses which are accompanied by a letter or memorandum of transmittal need not be included in the file so long as a copy of the letter or memorandum of transmittal is included.

(Ord. 95-6).

25-4.404 - Nonexempt public records.

The following policies shall govern specific types of documents and information:

- (a) Drafts and Memos. No preliminary draft or county memorandum shall be exempt from disclosure under Government Code Section 6254, subdivision (a) if it is normally kept on file. Preliminary drafts and memoranda concerning contracts, memoranda of understanding, or other matters subject to negotiation or pending board of supervisors' approval shall not be subject to disclosure pursuant to this provision until final action has been taken.
- (b) Litigation Material.
 - (1) No prelitigation claim against the county shall be exempt from disclosure under Government Code Section 6254, subdivision (b).
 - (2) When litigation is finally adjudicated or otherwise settled, records of all communications between the county and the adverse party shall be subject to disclosure, including the text and terms of any settlement. Counsel for the county shall not solicit or agree to any settlement term which would restrict public disclosure after settlement of all terms and communication records between the parties, and any such term shall be void and unenforceable. All such records shall be released as soon as reasonably possible.
- (c) Personnel Information. None of the following shall be exempt from disclosure:
 - (1) To the extent that such information is provided to the county and is summarized by the county for its reporting purposes, job pool characteristics and employment and education histories of the collective applicants, including the following information:
 - A. Sex, age and ethnic group,
 - B. Years of graduate and undergraduate study, degree(s) and major or discipline,
 - C. Years of employment in the private and/or public sector,
 - D. Whether currently employed in the same position for another public agency, and

- E. Other nonidentifying particulars as to experience, credentials, aptitudes, training or education entered in or attached to a standard employment application form used for the position in question;
 - (2) The professional biography or curriculum vitae of every employee who has provided such information to the county, excluding home address, telephone number and social security number;
 - (3) The job description of every employee of the county;
 - (4) The exact amount of salary and county paid benefits of every employee of the county;
 - (5) Any memorandum of understanding between the county and one or more employees;
 - (6) In the case of non-merit system employees, the record of any confirmed misconduct of a public employee involving personal dishonesty, misappropriation of public funds, resources or benefits, unlawful discrimination against another on the basis of status, abuse of authority, or violence, and of any discipline imposed for such misconduct;
 - (7) In the case of merit system employees, the record of any arbitration or merit board proceeding in which a county employee has been found to have committed acts of dishonesty, misappropriation of public funds or property, unlawful discrimination, unlawful abuse of authority or violence against another person, including the discipline imposed.
- (d) Law Enforcement Information.
- (1) The district attorney and sheriff are encouraged to cooperate with the press and other members of the public in allowing access to local records pertaining to investigations, arrests and other law enforcement activity. However, no provision of this division is intended to abrogate or interfere with the constitutional and statutory power and duties of the district attorney and sheriff as interpreted under Government Code Section 25303, or other applicable state law or judicial decisions.
 - (2) Local records pertaining to any investigation, arrest or other law enforcement activity shall be disclosed to the public after the district attorney or court determines that a prosecution will not be sought against the subject involved or the statute of limitations for filing charges has expired, whichever occurs first. Notwithstanding the occurrence of any such event, individual items of information in the following categories may be segregated and withheld if, on the particular facts, the public interest in nondisclosure clearly outweighs the public interest in disclosure:
 - (A) The names of juvenile witnesses (whose identities should nevertheless be indicated by substituting a number or alphabetic letter for each individual interviewed);
 - (B) Personal or otherwise private information related or unrelated to the investigation if disclosure would constitute an unwarranted invasion of privacy;
 - (C) The identity of a confidential source;
 - (D) Secret investigative techniques or procedures;
 - (E) Information whose disclosure would endanger law enforcement personnel; or
 - (F) Information whose disclosure would endanger the successful completion of an investigation where the prospect of enforcement proceedings is concrete and definite.
- (e) Attorney-Client Communications. After the effective date of the ordinance codified in this division, no record of a communication between an officer, department or policy body of the county and a legal advisor to the county shall be exempt from disclosure under Government Code Section 6254, subdivision (k) as a confidential attorney-client communication to the extent that it:
- (1) Concerns an actual or potential conflict of interest; or
 - (2) Analyzes a proposed legislative action or position of the county;

- (3) Analyzes or interprets the Ralph M. Brown Act (Gov. Code § 54950 et seq.), the California Public Records Act (Gov. Code § 6250 et seq.), any other law supporting or abridging the public's right of access to information, or any provision of this division; or
- (4) Reports to the board of supervisors on the progress of negotiation of any matter, including a factual review of the positions taken to date by representatives of the county and of the other party or parties to the negotiation, after the negotiation has been completed. Legal advisors shall be instructed to prepare any such report in a manner that separates factual information of this type, known to both parties, from evaluative comments and recommendations, which may be withheld from disclosure as a confidential communication.
- (f) Contracts, Bids and Proposals. Contracts, contractors' bids, responses to requests for proposals and all other records of communications between the county and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded.
- (g) Budgets and Other Financial Information. Budgets, whether proposed or adopted, for the county or any of its departments, programs, projects or other categories, and all bills, claims, invoices, vouchers or other records of payment obligations as well as records of actual disbursements showing the amount paid, the payee and the purpose for which payment is made, other than payments for social, forensic or other services whose records are confidential by law, shall not be considered exempt from disclosure under any circumstances.

(Ord. 95-6).

Article 25-4.6. Public Records Access

25-4.602 - Confidentiality waiver request.

Whenever a county officer asserts, as a justification for nondisclosure of a public record, the exemption protecting personal privacy in Government Code Section 6254(c), the exemption for names and addresses of crime victims in Government Code Section 6254(f)(2), the exemption for taxpayer information in Government Code Section 6254(i), any confidentiality or privilege statute referenced under Government Code Section 6254(k), the exemption for personal financial data in Government Code Section 6254(n), and any other claimed exemption based upon the personal or proprietary interests of a private natural or corporate person, the officer shall cooperate with the requester's efforts to communicate with the subject of the record as follows, upon request, if the requester fulfills the related terms and conditions.

- (a) If the requester is seeking information concerning an unknown number of persons, the officer or designee shall inform the requester of the number or approximate number of persons to whom the public record request pertains. If ascertaining that number involves itemized labor or other costs reflecting more than ten minutes of staff time in research, the requester may be required to pay those itemized costs.
- (b) The requester shall prepare one stamped envelope for each of the persons sought to be contacted, with the requester's return address on the envelope. Within the envelope the requester shall place a letter explaining why the information is being sought and asking the person to contact the requester. The requester may also include a self-addressed, stamped envelope for that purpose. The envelope shall be presented to the officer for mailing.
- (c) The officer or designee shall affix to each envelope so received the mailing address of the person who is the subject of the information request and shall mail it, provided that a mailing address is included in the officer's records. Any staff time required to do so shall be required to be paid by the requester, at the pro rata hourly rate of the employee addressing the envelopes.
- (d) If the subject of the record signs a privacy waiver, the record shall be released to the requester if it could lawfully be released to the person authorizing release.
- (e) If the subject of the record is legally incompetent to waive privacy interests, the officer shall address the requester's envelope to the parent, guardian, conservator or judicial officer, as the

case may be, if known, with the duty and authority to make such decisions for the incompetent person.

- (f) If, in the judgment of the department head, the requestor is someone who may misuse the information, or if the records or the subjects of the records are of a sensitive nature, the department head may include in the mailing a caution that the individual need not waive his or her privacy interests. The requester shall be provided a copy of the caution and an opportunity to include a response in the mailing.

(Ord. 95-6).

25-4.604 - Immediacy of response.

Notwithstanding the ten-day period for response to a request permitted in Government Code Section 6256, a request for a public record described in any nonexempt category under Section 25-4.204 which is received by a department head shall be satisfied no later than the close of business on the day following the request unless the department head advises the requester in writing that the request will be answered by a specific future date. The statutory deadlines are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request. If the voluminous nature of the information requested, its location in a remote storage facility or the need to consult with legal counsel warrants an extension of ten days as provided in Government Code Section 6256.1, the requester shall be noticed as required within three business days of the request.

(Ord. 95-6).

25-4.606 - Minimum withholding.

Information that is exempt from disclosure shall be masked, deleted or otherwise segregated in order that the nonexempt portion of a requested record may be released and keyed by footnote or other clear reference to the appropriate justification for withholding required by Section 25-4.608 of this division.

(Ord. 95-6).

25-4.608 - Justification of withholding.

Any refusal to disclose a public record shall be justified, in writing, as follows:

- (a) A withholding under a permissive exemption in the California Public Records Act, this division or other law shall cite that authority and explain in practical terms, citing one or more examples, as to how the public interest would be harmed by disclosure.
- (b) No records or information shall be withheld on the basis of the public interest balancing test in Government Code Section 6255, or by citing any case law application of that statute.
- (c) A withholding on the basis that disclosure is prohibited by law shall cite the statutory authority in the Public Records Act or elsewhere.
- (d) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any statutory or case law, supporting that position.

(Ord. 95-6).

25-4.610 - Fees for duplication.

- (a) No fee shall be charged for making public records available for review.
- (b) No fee shall be charged for a copy of documents routinely produced in multiple copies for distribution, e.g., meeting agendas and related materials which are twenty or fewer pages in length per document.
- (c) A fee of one cent per page may be charged for a copy of documents routinely produced in multiple copies for distribution, e.g., meeting agendas and related materials which contain more than twenty pages per document.

- (d) For documents assembled and copied to the order of the requester, a fee not to exceed ten cents per page may be charged, plus any postage costs.
- (e) The department or the county may, rather than making the copies itself, contract at market rate to have a commercial copier produce the duplicates and send the charges directly to the requester.
- (f) Nothing in this section shall be interpreted as intending to preempt any fee set by or in compliance with state law.

(Ord. 95-6).