

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS MEETING MINUTES

Thursday, July 14, 2022

Via Teleconference

Draft

Regular Meeting - 7:00 p.m.

Call to Order [[TS 7:13](#) – Part 1]

President Sylvia Hacaj called to order the Regular Meeting at 7:01 p.m.

Roll Call [[TS 7:30](#) – Part 1]

Director Chris Deppe, Vice-President Mike Logan, Director Eileen Nottoli, Director Rachelle Sherris-Watt, and President Sylvia Hacaj were present at roll call.

Staff present included Interim General Manager Tony Constantouros, Acting General Counsel Jon Holtzman, and Clerk of the Board Lynelle M. Lewis.

Public & Consent Calendar Comments [[TS 7:47](#) – Part 1]

- Addressing the Board were the following persons: 1) Cassandra Duggan requested the number of attendees in the meeting and commented on the SaveKensington’s Future petition regarding keeping the Fire and Police Departments in one location; 2) Vida Dorroh asked questions about the 2022-23 budget; 3) Rob Firmin commented on the Kensington Fire Protection District (KFPD) taking over the Public Safety Building (PSB) and noted objection to putting the Police Department in Kensington Park; and 4) Larry Nagel, President of the KFPD, asked that the Zoom meeting be placed in gallery view.

Consent Calendar [[TS 16:55](#) – Part 1]

- Motion by President Hacaj, seconded by Director Sherris-Watt, to adopt the Consent Calendar Items 1 and 2, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

1. Meeting Minutes for the Special and Regular Meetings of June 9 and June 30, 2022.

Approved the meeting minutes.

2. May 2022 Financial Reports.

Received and accepted the financial reports.

Discussion and Action [[TS 17:37](#) – Part 1]

3. Architect's Report Regarding Potential Relocation Sites.

Interim General Manager Anthony Constantouros introduced George Miers, partner with Swatt Miers Architects, who presented a feasibility report of relocating the District offices in or adjacent to Kensington Park. President Hacaj noted that the report is for information only and no action would be taken.

Mr. Miers provided a slide presentation on the feasibility of using the Annex, Building E, and the parking lot along Arlington Avenue. He noted that each site was looked at and reviewed for space needs, suitable topography, parking, traffic flow and other aspects pertinent to the location of a police facility.

- Addressing the Board were the following persons: 1) Rob Firmin commented on benefits of the temporary modular in the hillside of the parking lot; 2) Catherine DeNeergaard commented that the temporary modular in the hillside had promise; 3) Pat Gillette asked whether a site design could be developed requiring less square footage or if a land swap with the church had been considered; 4) Sarah Gough asked about consideration of pedestrian safety issues by the Annex and reserving parking for the library; 5) Sylvia Elsbury asked if the park bond would allow for construction of District offices on park land; 6) David Spath why the Board did not consider the empty part of the park on the Arlington side of the Library; 7) John Gaccione asked what additional studies would be required to build into the hillside; 8) Sylvia Rosales-Fike asked if research had been done on cities who have reserved parks for recreational purposes only and also if an environmental study had been done relative to having a police department in the park; 9) David Fike asked if community input on the design solution process would be considered; 10) Mark Lorenz asked if this a permanent building and what questions should the community be asking; and 10) Danielle Madugo asked about the property lines for the parking lot and whether there a way to push out Kensington Park Road is to make it bigger.

There was consensus by the Board to focus on Site 3 (the parking lot along Arlington Avenue), to direct the Interim General Manager to continue discussions with Arlington Community Church, and to have Swatt Miers bring back a range of costs for the options.

4. Election to Establish Appropriation Limits [[TS 32:18](#) – Part 2]

Interim General Manager Anthony Constantouros presented the recommended actions: 1) calling an election for the purpose of submitting to the qualified electors of the District the question of establishing the District's appropriations limit, fixing the date of said election and requesting the services of the County Clerk; 2) submitting the suggested Argument in Favor in support of the proposed measure or delegate the finalization of the language to a two-person subcommittee; and 3) selecting a two-member subcommittee to prepare any rebuttal and/or finalize the Argument in Favor.

There was Board comment and two suggested amendments to the Argument in Favor were presented as follows: 1) This measure is necessary in order to ensure that your Police Protection and Community Services District can continue the present levels of staffing *and services* for the

next four years continue the present; and 2) It will allow the District to maintain the current level of police protection, recreation, and community services, using funds it already receives (second bullet).

- Motion by Director Sherris-Watt, seconded by President Hacaj, to adopt Resolution No. 2022-18 calling an election for the purpose of submitting to the qualified electors of the District the question of establishing the District's appropriations limit, fixing the date of said election and requesting the services of the County Clerk; carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

The Board directed the General Manager to submit the Argument in Favor in support of the proposed measure with the two amendments presented. President Hacaj appointed Vice-President Logan and Director Sherris-Watt to the two-member subcommittee should there be a necessity to prepare any rebuttal and/or finalize the Argument in Favor.

Resolution No. 2022-18 – A Resolution Of The Board Of Directors Of The Kensington Police Protection And Community Services District Calling An Election For The Purpose Of Submitting To The Qualified Electors Of The District The Question Of Establishing The District's Appropriations Limit Under Article XIIIb Of The California Constitution, Fixing The Date Of Said Election And Requesting The Services Of The County Clerk.

5. **Annual Supplemental Special Tax for Police Protection (Measure G), FY 2022-23.** [[TS 43:01](#)– Part 2]

Interim General Manager Anthony Constantouros presented the recommended action to approve and adopt the resolution establishing the annual supplemental special tax for police protection for FY 2022-23.

- Motion by President Hacaj, seconded by Vice-President Logan, to adopt the Resolution No. 2022-19 establishing the annual Supplemental Special Tax for police protection for FY 2022-23, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

Resolution No. 2022-19 – A Resolution Of The Board Of Directors Of The Kensington Police Protection And Community Services District Establishing The Annual Supplemental Special Tax For Police Protection.

6. **Kensington Community Council (KCC) Recreation Services Agreement.** [[TS 45:40](#) – Part 2]

Interim General Manager Anthony Constantouros presented a brief status update on the temporary relocation efforts and highlighted actions related to the El Cerrito license agreement.

7. **Approve Kensington Police Officers Association Memorandum of Agreement (MOU) Effective July 1, 2022.** [[TS 51:25](#) – Part 2]

Interim General Manager Anthony Constantouros presented the recommended action to approve a three-year Memorandum of Understanding (MOU) with the Kensington Police Officers Association (KPOA) effective July 1, 2022, and authorize the Board President to sign.

Board members asked for clarification on why the Lieutenant position was not included in Article I, questioned the shift differential hours (Article VII), suggested changing the Lincoln's birthday holiday to the federal holiday of Juneteenth (Article XII), and clarification on repayment of educational reimbursement (Article IX).

- Addressing the Board was Jim Watt who asked about salary categories.
- Motion by President Hacaj, seconded by Director Sherris-Watt, to authorize the Interim General Manager to discuss with the union the four amendments to the MOU: 1) excluding the Lieutenant position from the language in Article 1, 2) removing the Lincoln's holiday in exchange for the Juneteenth holiday, 3) changing the hours during which the night differential is paid to cover from 11:00 p.m. to 6:00 a.m., and 4) to change the language in the educational reimbursement section about repayment to cover not just people who voluntarily quit but who are dismissed. If those changes are made the Interim General Manager and the Board President are authorized to sign the MOU and if not a special meeting will be called. The motion carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.
- At 9:55 p.m., it was moved by Acting General Counsel Jon Holtzman, seconded by Director Sherris-Watt, to extend the meeting to 10:30 p.m., and the motion carried (4-1) by the following roll call vote: (AYES) Directors Deppe, Logan, Sherris-Watt, and Hacaj; (NOES) Nottoli; and (ABSENT) None.

8. **Employment Agreement with Michael Gancasz.** [[TS 1:16:34](#) – Part 2]

Interim General Manager Anthony Constantouros presented the recommended action to approve an At-Will Employment Agreement with Chief Michael Gancasz and authorize the Interim General Manager to sign.

Board members asked clarifying questions about several provisions in the agreement related to the retirement medical provision, comps for other chiefs in the area, paid administrative leave, various terms used in the agreement (i.e., employer, varied pronouns used versus his name), conflict of interest and legal fees, an email address for notices, and the administrative appeal process.

Acting General Counsel Holtzman suggested holding a special closed session meeting to review the Board's concerns with the agreement and bring the agreement back to the next regular meeting.

- Addressing the Board was David Spath who asked about the vesting requirement for retiree health benefits.

9. **Administrative Staff Compensation Adjustments and Salary Schedule.** [[TS 1:31:05](#) - Part 2]

Interim General Manager Anthony Constantouros presented the recommended actions to approve a 7 ½% increase to the compensation of the non-represented staff and to adopt a revised salary schedule reflecting changes to the KPOA MOU and the Chief of Police contract.

There was Board discussion about positions in the comprehensive salary schedule, and there was Board consensus for staff to fix the schedule and table approval for the next regular meeting.

10. **Teleconference Meetings During State of Emergency.** [[TS 1:14:43](#) – Part 2]

- Addressing the Board was Cassandra Duggan who opposed continuing teleconference meetings.
- Motion by President Hacaj, seconded by Director Deppe, to adopt a resolution to continue holding remote meetings by teleconference, carried (4-1) by the following roll call vote: (AYES) Directors Deppe, Nottoli, Sherris-Watt, and Hacaj; (NOES) Director Logan; and (ABSENT) None.

Resolution No. 2022-20 – A Resolution of the Board of Directors of the Kensington Police Protection and Community Services District Making Findings and Determining a Need To Continue Holding Remote Meetings by Teleconference.

Comments & Reports

11. **Director Comments.**

None.

12. **General Manager Comments.**

None.

13. **Board Correspondence.**

- KCC Recreation Report – July 1, 2022

14. **Adjournment** [[TS 1:37:55](#) – Part 2]

President Hacaj adjourned the meeting at 10:22 p.m.

The next regular meeting is scheduled for August 11, 2022.

SUBMITTED BY:

Lynelle M. Lewis, District Clerk of the Board

APPROVED: August 11, 2022

Tony Constantouros, Interim General Manager

Sylvia Hacaj, President of the Board