

# KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

## AGENDA

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District will be held **Thursday, August 14, 2014, 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 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. Conference with Labor Negotiators (Government Code Section 54957.6)  
Agency Representatives: Patricia Gillette and Chuck Toombs  
Employee Organization: Kensington Police Officers Association
3. 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.

A Regular Meeting of the Board of Directors of the Kensington Police Protection and Community Services District will be held **Thursday, August 14, 2014, 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 Meeting July 8, 2014, Page 3
- b) Minutes of the Special & Regular Meeting July 10, 2014, Page 5
- c) Profit & Loss Budget Performance for July 2014, Page 21
- d) Park Revenue & Expenses Report for July 2014, Page 25
- e) Board Member Reports- None
- f) Training & Reimbursement Reports, Page 29
- g) Correspondence, Page 42
- h) Police Department Update, Page 45
- i) Monthly Calendar, Page 56
- j) Recreation Report-None
- k) General Manager's Report, Page 58
- l) Argument In Favor of Appropriations Limit, Page 61

### DISTRICT - NEW BUSINESS

1. General Manager/ Chief of Police Greg Harman will ask the Board to approve a park bench donated by the Kensington Community Council (KCC) in memory of former KPPCSD Director Joan Gallegos. Board Action. Page 63

2. KPPCSD Board President Len Welsh and General Manager/ Chief of Police Greg Harman will provide the Board with an update to the request for proposal process for solid waste and recycling services due to start September 2015. Possible Board Action.
3. The Policy Committee will present to the Board for a first reading the revised KPPCSD Board of Directors Policy Manual. Board Action. Page 65 (Please see attachments A, B, & C that follow the agenda packet)
4. General Manager/ Chief of Police Greg Harman will request Board approval for his attendance at the 2014 California Special Districts Association (CSDA) Annual Conference being held September 29<sup>th</sup> through October 2<sup>nd</sup>, in Palm Springs. Total estimated cost of his attendance at the conference is \$1,673. Board Action. Page 66

(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](http://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 7/8/14**

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Tuesday, July 8, 2014, at 6:00 P.M. at the Community Center, 59 Arlington Avenue, Kensington, California.

**ATTENDEES**

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Len Welsh, President	
Linda Lipscomb, Vice President	
Chuck Toombs, Director	
Tony Lloyd, Director	
<u>Staff Members</u>	
GM/COP Gregory Harman	
Lynn Wolter, District Administrator	
Keith Barrow (own time)	

Board President Welsh called the meeting to order at 6:09 A.M.

Board President Welsh reported that Director Gillette was absent.

**PUBLIC COMMENTS**

None

**STAFF COMMENTS**

The Board entered into Closed Session at 6:10 P.M. to:

1. Confer 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 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) With the General Manger/Chief of Police, discuss personnel appointment, employment, and evaluation of performance of District personnel.

At 8:55 P.M., the Board returned to Open Session and reported that it had taken no action.

**MOTION: President Welsh moved, and Vice President Lipscomb seconded, that the meeting be adjourned.**

**Motion passed 4 – 0.**

**AYES: Welsh, Lipscomb, Toombs, Lloyd    NOES: 0    ABSENT: Gillette**

## Meeting Minutes for 7/10/14

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday, July 10, 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	Jefferson Rosete & Family
Linda Lipscomb, Vice President	Nina Harmon
Chuck Toombs, Director	Janice Kosel
Tony Lloyd, Director	Celia Concus
	Vaidehi Dandekar & Family
<u>Staff Members</u>	John Stein
GM/COP Gregory Harman	Leonard Schwartzburd
Sgt. Kevin Hui (on duty)	Mabry Benson
Lynn Wolter, District Administrator	John Sullivan
Sgt. Keith Barrow (own time)	Charli Danielsen
	Simon Brafman
<u>Press</u>	Karl Kruger
Joel Koosed, Outlook	Gloria Morrison
	Anthony Knight

Board President Welsh called the meeting to order at 6:17 PM and took roll call. President Welsh, Vice President Lipscomb, General Manager/Chief of Police Harman, and District Administrator Wolter were present.

Director Lloyd arrived during the Closed Session.  
Director Gillette was absent.

### PUBLIC COMMENTS

None

### CLOSED SESSION

The Board entered into Closed Session at 6:18 P.M. to:

1. Confer with Labor Negotiators (Government Code Section 54957.6)  
Agency Representative: Chuck Toombs  
Employee Organization: Kensington Police Officers Association

2. 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. With the General Manger/Chief of Police, discuss personnel appointment, employment, and evaluation of performance of District personnel.

### **OPEN SESSION**

The Board came back into Open Session at 7:33 P.M.

President Welsh took roll call. President Welsh, Vice President Lipscomb, Director Toombs, and Director Lloyd were present. Director Gillette was absent.

President Welsh reported that the Board met to discuss:

- Labor negotiations with the KPOA and took no action.
- The General Manager/Chief of Police performance review, pursuant to California Government Code Section 54957b, and took no action
- The possible contract extension and terms of the extension of the General Manager/Chief of Police and took no action.
- Discuss personnel appointment, employment, and evaluation of performance of District personnel and took no action.

### **PUBLIC COMMENTS**

Janice Kosel said she had heard on the news that Tiburon had installed cameras at major points of ingress and egress and that, within six months, the town had experienced a reduction in home burglaries and car break-ins of over 50%. She encouraged the District to investigate and consider the issue.

President Welsh thanked her for her suggestion.

Nina Harmon, one of the Directors of the Kensington Fire Protection District (KFPD), spoke about comments contained in the minutes of KPPCSD's June Board meeting. She clarified that, five or six years ago, the contract called for a different arrangement but that now, the KFPD spends approximately \$100,000 per year on maintenance for the Public Safety Building, and the KPPCSD pays for one-half of the building's utilities and for plumbing and other repairs made to the portion of the building it rents.

Ms. Harmon said the KFPD Board agreed to reduce KPPCSD's rent to \$1.00 per year for three years to assist the KPPCSD financially.

President Len Welsh responded that the KFPD and KPPCSD are two separate districts serving exactly the same community and the two Boards should be thinking how best to

allocate resources to serve the community most effectively. He thanked the KFPD Board for granting the three-year window, citing it as a public service and a good thing.

Ms. Harmon also spoke about water flow and the questions that had been posed about whether Kensington residents should have to pay for expanding the water capacity of EBMUD's pipes. Ms. Harmon clarified that expanding the flow to meet demands for firefighting exceeded the minimums for EBMUD to provide adequate flow for regular purposes. As such, the community needed assume responsibility for the added cost. KFPD President Kosel added that the Fire Board had negotiated a 20% contribution from EBMUD for the water flow improvement project. Ms. Kosel also said that the water flow improvements that had already been made had resulted in an improved fire rating and reduced fire insurance premiums for homeowners.

President Welsh lauded the Fire District on its water flow improvement work.

Ms. Harmon expressed the Fire District's desire for a cordial, close, professional relationship with the KPPCSD. President Welsh thanked Ms. Harmon and encouraged the Fire District to participate in the regional fuel reduction project. Ms. Harmon replied that the Fire District was already participating.

Karl Kruger asked, again, for a meeting of the Finance Committee. He said that legal and overtime expenses exceeded the amounts budgeted. President Welsh responded that the Finance Committee would be meeting.

### **BOARD MEMBER COMMENTS**

Director Toombs suggested that Staff Comments and District New Business Item 1 precede Board Member comments.

### **STAFF COMMENTS**

GM/COP Harman introduced eleven-year-old Kensington Hilltop School student Vaidehi Dandekar, who had recently completed a Science Fair project about traffic in Kensington.

Miss Dandekar said she had worked with Officers Turner and Martinez to observe traffic at the intersection of Amherst and Arlington and at the Colusa Circle. She reported that, when an officer had been present at Colusa Circle, 51% of drivers stopped at the stop sign and 49% rolled through the stop sign, but that, when an officer had not been present, 28% of drivers stopped and 72% rolled through the stop sign. She reported that, when an officer had been present at the Amherst/Arlington intersection, 50% of drivers stopped at the stop sign and 50% rolled through, but that, when an officer had not been present, 29% of drivers stopped and 71% rolled through.

Miss Dandekar's father commended the officers for their assistance.

Anthony Knight asked at what time of day the traffic study had been conducted. Miss Dandekar responded, 4:00 PM for Colusa Circle and noon for Amherst/Arlington.

District – New Business Item 1. General Manager/Chief of Police Harman gave the oath of office to Reserve Police Officer Jefferson C. Rosete.

GM/COP Harman introduced Officer Rosete. GM/COP Harman said that Officer Rosete would be our third Reserve Office and that Kensington's Reserve Officers work for the District at no cost. Officer Rosete was pinned by his fiancée, who had accompanied Officer Rosete and his mother at the front of the meeting room. Upon completion of the ceremony, Officer Rosete was welcomed by a round of applause and by words of congratulations from the Directors and GM/COP Harman.

### **BOARD MEMBER COMMENTS**

Director Toombs said he had no comments.

Vice President Lipscomb reported that the final version of the Policy Manual had been received, there would be a meeting of the Policy Committee to review the document on July 21<sup>st</sup> at 6:00 PM, and she thanked the members of the committee for their work during the past two years.

Vice President Lipscomb reported that there had been a meeting of the Board of Supervisors regarding AT&T's application for cell towers in Kensington, in particular those planned for 801 Coventry and for 110 Ardmore. She reported that AT&T had originally sought to have 9 cell towers installed in Kensington and that, following a long process, 5 had been approved. She said that a 6<sup>th</sup> had subsequently been added. She reported that there had been much community opposition and that she and Vanessa Cordova of the Kensington Municipal Advisory Council (KMAC) had attended, as local representatives, along with other residents. She reported that she had spoken about the legal reasons why the towers ought not to be installed – especially because the installations likely would result in decreased property values. She also cited that this would constitute a commercial use in a residential area. Vice President Lipscomb said that AT&T planned to install 80 antennae in the East Bay, with six of them planned for Kensington, which she said seemed proportionately very high. She said that Supervisor Gioia was motivated to help Kensington and that his comments caused the matter to be put over for further study. Vice President Lipscomb cited the potential future problem of co-location and concluded by saying that Kensington attendees were unsuccessful in getting the project denied and that Kensington needed an ordinance to address this problem.

Director Tony Lloyd said he was delighted by Miss Dandekar's presentation and commented that, 25 years earlier, he and his daughters had done a similar school science project.



Director Lloyd announced he would not seek re-election to the KKPCSD Board. He said that serving on the Board had been a worthwhile experience and he hoped to continue to serve on District committees in the future. He thanked those present and received a round of applause.

President Welsh responded that he was sorry to hear that Director Lloyd would not be running and that Director Lloyd would always be welcome in any effort in which he would want to participate.

President Welsh reported on the Kensington Property Owners Association June 21<sup>st</sup> town hall meeting. He said that Nina Harmon, John Gioia, and he had made presentations. He reported that the subject of the litigation had come up and that, at the meeting, he had announced there had been a Court of Appeal decision on the lawsuit. He said the judicial opinion was very clear about the history of the litigation and why the court had made its decision, which was to dismiss the action against the three individuals who were sued, but that the action was still live against the District itself. He reported that the decision had been posted on the KPPCSD's website, and he encouraged everyone to read it.

President Welsh said the Request for Proposal for solid waste, which had been voted on at the Board's last meeting, had been discussed at the town hall meeting. He said attendees had expressed support for Bay View, the community's current service provider. He said that residents were not focused on rates but were focused on the service provided. He said many expressed a fear of the unknown. He said he would talk about this issue further, as it was on the agenda.

President Welsh said Nina Harmon and John Gioia had made good presentations.

President Welsh reported that the fuel reduction volunteers had made wonderful progress in their work around the Community Center. He extended special thanks to Charli Danielsen, Dan O'Brien, and Katie Gluck for their steadfast involvement. He also thanked Peter Liddell for his work in disseminating information on behalf of the Kensington Public Safety Council, which had taken over the project after the District's Park Committee had launched it. He reported that the group was seeking a regional, strategic, and coordinated effort.

Ms. Danielsen reported that upcoming work days would be Sunday, July 13<sup>th</sup> and Sunday, July 20<sup>th</sup> from 2:00 until 5:00 PM, and she said that GM/COP Harman had coordinated some dead tree removal work with the company that took care of park maintenance. She also said that all volunteers would need to sign waivers, which could be obtained electronically or at the District office.

President Welsh thanked Ms. Danielsen, and she received a round of applause.

## CONSENT CALENDAR

President Welsh pulled Item b, the Minutes of the Special Meeting June 14, 2014, to make an amendment. The minutes reported the meeting had been held on Thursday, June 14, 2014. June 14, 2014 was a Saturday.

**MOTION: Director Toombs moved, and President Welsh seconded, to adopt the Consent Calendar, with the Minutes of June 14, 2014 as amended.  
Motion passed 4 to 0.**

**AYES: Welsh, Lipscomb, Toombs, Lloyd    NOES: 0    ABSENT: Gillette**

## DISTRICT NEW BUSINESS

2. KPPCSD Board President Len Welsh and General Manager/Chief of Police Greg Harman provided the Board with an update to the request for proposal for solid waste and recycling services due to start September 2015.

President Welsh introduced the item, noting that, at the last KPPCSD meeting, the Board had authorized the Chief to enter into a contract with HF&H to advise and lead the District in the RFP process. He said he thought there might be a way to be more creative about this than going through a full-blown RFP, even though doing an RFP was considered to be best practice to ensure a competitive process for getting the lowest rate.

President Welsh said that the RFP process worked well when a government agency was large but that, when the government agency was small and had special needs and characteristics, he wasn't sure the RFP would be the best way to proceed.

President Welsh wondered if the District should explore, with HF&H, whether the District was currently receiving competitive rates, relative to the service provided, and whether this might be helpful in possible early negotiations with Bay View. President Welsh also wondered if such discussions might result in a faster, less expensive process.

President Welsh said he would like to see an ad hoc subcommittee of the Board formed to explore a possible negotiation concept with Bay View, in consultation with HF&H to obtain objective analysis, to determine if the District wanted to go down that path. He said his intent would be for the committee to report back to the Board at its July meeting.

President Welsh said he would like to see this possibility explored while the RFP process proceeded simultaneously.

President Welsh asked for Board comments on his suggestion.

Director Toombs said he was a firm believer in getting an RFP, because it would provide real competition. He questioned whether the District would ever get a fair contract out of Bay View unless the company had to compete in the market with others. He said he didn't think the community was so unique that the District needed to worry about finding another service provider.

President Welsh asked why Director Toombs didn't think Kensington was that unique. Director Toombs cited other East Bay communities with similar terrain and said these communities had had no problem finding companies to provide service. He reiterated that, unless there was a market competition, the District would never get a fair price.

Vice President Lipscomb said President Welsh's idea was interesting. She said Bay View was a good company but its owner had been litigious, and the District's contract with the company was a bad contract.

Vice President Lipscomb and President Welsh discussed the community survey that's to be conducted as part of the District's RFP agreement with HF&H.

Vice President Lipscomb said she agreed with Director Toombs that, if Bay View didn't think it was in competition with other providers, the company wasn't going to hold fast to price. She wondered if, by doing a lesser process, the District could still put Bay View in competition and if the District could obtain an expert opinion on the matter from HF&H.

President Welsh said HF&H said it would be willing to work on this possible process and that, if it were to do so, it would overlap the RFP process approved by the Board at its last meeting.

Vice President Lipscomb asked GM/COP Harman to confirm whether the contract with HF&H was based on an up-to amount. GM/COP Harman confirmed this was correct and that the work was not to exceed \$79,000 as long as the work the company performed fell within the scope of work defined in the contract. He said, if HF&F were to perform extra work, there would be additional charges.

President Welsh reported that HF&H said that, if a solid waste proposal were to be concluded prior to all the work described in the HF&H contract, HF&H's fees likely would be less than the not-to-exceed amount cited in the contract.

Vice President Lipscomb said, if the District were to go down this road, it would need to be done extremely quickly so that the previously approved RFP process and timeline would not be compromised.

President Welsh said, if they were going to proceed with this approach, it would need to be completed by September or October.

President Welsh said that any work that might be done with Bay View would not stop the RFP process.

GM/COP Harman clarified that the purpose of the prior Tuesday's meeting with HF&H and Bay View had been twofold: to discuss the survey, which would proceed in accordance with the Board's direction given at its June meeting; and to find out whether Bay View would be interested in bidding on the contract. GM/COP Harman reported that Bay View was interested in continuing service with the District.

GM/COP Harman said the District would be going down a parallel path, looking at the sole source possibility with Bay View, but still continuing down the RFP path in accordance with the timeline cited in the RFP proposal approved at the prior month's Board meeting. GM/COP Harman concluded by saying he was looking forward to completing the survey process and finding out what the community would want.

Vice President Lipscomb said she hoped that early discussions with Bay View would flush out whether or not the company was truly interested in bidding on the work. She also noted that the sole owner of Bay View was quite elderly and that, therefore any contract with Bay View would need to be really tight. GM/COP Harman responded that this concern had been discussed at the Tuesday meeting. He reported that, at the Tuesday meeting, Mr. Figone had said that it was his intention to set up the company as a trust, with Greg Christy, who had been with Bay View for at least 20 years, running the garbage operations and that the trust would be set up in Mr. Figone's children's names. President Welsh clarified that Mr. Figone had already set up the trust and that Mr. Figone had said the District could look at the terms of the trust.

GM/COP Harman said that one of his concerns had been that, were the District to enter into an agreement with Bay View, Bay View would turn around and sell itself to another company. GM/COP Harman said Mr. Figone had set up the trust to ensure that the company would be an ongoing concern, even if he (Mr. Figone) were no longer a part of the company.

Vice President Lipscomb said she thought possible problems in this area could be solved if the District, contractually, were to have the power to assign the contract. Vice President Lipscomb reiterated that the District's current contract with Bay View was a terrible contract. A member of the public questioned why this was so. Vice President Lipscomb summarized the history of how the contract had come to be: it was part of a settlement that had resulted from litigation in the mid-1990s.

President Welsh responded that he looked forward to a contract that would be less prone to litigation.

Director Lloyd said the Board should consider the pros and cons of having discussions with a vendor with whom the District had had a long-term relationship. He said the Board would need to be open to what the community would want. He questioned whether the Board had the time and expertise to accomplish the task of serious business

negotiations. He said he didn't want the RFP processed harmed. He said the District was in financial straits and that, if there were a possibility to significantly reduce the financial burden for short-term expenses such as consulting fees and legal fees, the Board had an obligation to look at it.

President Welsh invited public comments.

Karl Kruger said he thought this should be a very simple process: the company should make a proposal, and the District should contact other communities to find out what they're paying. He expressed the opinion it should take half a day to do. He questioned why the Board would want to spend thousands of dollars on something that could be done in-house because it was not complex. He said an attorney should then look at the contract.

Leonard Schwartzburd said he supported Mr. Kruger's comments.

Simon Brafman said he concurred with Mr. Kruger and Dr. Schwartzburd. He volunteered to serve on a committee to make their suggestion happen.

Gloria Morrison said she was pleased with Bay View's service but that service wasn't the whole story. She asked the Board to be very careful about the upcoming survey: it shouldn't be only about service; it should be about the components of the rate the community would be charged. She said there had been quite a large increase between the rates charged at the outset of the current contract and the present time. She said she agreed with Vice President Lipscomb: there were elements of the current contract that needed to be addressed. She said she had read in the newspaper that Walnut Creek had received five proposals after it put out its RFP.

John Stein said service wasn't an issue, and service shouldn't be included in the survey. He said what was important were the current contract and the owner. He said that, in his professional life, he'd been working with contracts for forty years. He said the District could not write a contract that would keep the District out of conflict with an entity that was not going to work with the District in good faith. Mr. Stein said Mr. Figone was in his mid-eighties and not in the best of health and that, now, he had created a trust and had appointed Greg (Christy) – his right hand man for a long time. Mr. Stein said this raised new questions, such as; how would you contract with a trust, what would happen if Greg (Christy) quit or died, and with whom would the District contract. Mr. Stein said he liked the idea of a parallel track but said it would need to be done in a matter of days because, with every passing day, the District would have less and less leverage. He said that time was not on the District's side. It was on Bay View's side.

President Welsh asked why there would be less leverage. Mr. Stein responded, if the discussions with Bay View occurred over a matter of days, there should be no problem but that longer than a few days could create problems. Mr. Stein said he was very concerned by what he had heard. Mr. Stein asked what amount, in legal fees, had been incurred because of Bay View in recent years. The answer: the amount had been much

more than the franchise fees that had been collected. He said that, if the District wanted to remain with Bay View, the District would likely need to increase the franchise fees to pay for legal fees, if history was an indication of the future. Director Lloyd asked why such legal fees would not apply to other vendors. Mr. Stein responded that most of the other vendors were Fortune 500 companies, which didn't behave in the manner that had been experienced with the current vendor during the past several years.

Vice President Lipscomb said that the current contract was poorly written, especially with respect to its cost-plus structure, and that, because the contract was poor, it had made legal challenges possible.

Mr. Stein cited that, rather than the contract, it was the vendor that had been problematic.

President Welsh interjected that there had been litigation in the late-nineties and that had been followed by a decade of peace. Then, conflict arose when the vendor said there were special circumstances that had stressed its costs and this drove another incident of litigation. He said that service was an issue and that, with a new vendor, one of the unknowns could be service.

Mr. Stein responded he had never heard of a community saying it had received bad service from Republic or Waste Management.

Mabry Benson asked what the timeline would be. President Welsh said the details of the timeline could be found online in the prior month's Board Packet. GM/COP Harman said the process should be completed by April 2015.

Vice President Lipscomb asked if double-tracking discussions with Bay View and proceeding with the RFP was being proposed. President Welsh said this was his proposal. Director Toombs said he had no problem with double-tracking but that he didn't want double-tracking to result in doubled costs. Director Toombs suggested there be a subcommittee of the Board. He recommended that the committee be comprised of only members of the Board and that it not include members of the public so the process wouldn't be slowed by provisions of the Brown Act.

President Welsh agreed with Director Toombs, asked that members of the public submit information they'd like considered, and asked if there were Board members who would be willing to serve on the committee. Vice President Lipscomb offered. President Welsh appointed an ad hoc committee consisting of himself and Vice President Lipscomb.

3. General Manager/Chief of Police Greg Harman presented, for a third reading and possible adoption, the KPPCSD Operational Budget for Fiscal Year 2014/2015.

GM/COP Harman reported that the Board had its first reading at its May 8, 2014 meeting and its second reading at its June 12, 2014 meeting and that no changes had been made to the budget at those meetings. He reported the following changes had occurred since the June meeting:

- Property taxes likely would increase at a greater rate than what had been anticipated when the budget had first been prepared. He indicated that a 6% increase would be conservative and recommended increasing estimated Property Tax Revenue by \$21,000. He said that, if property taxes increased by 8%, this would generate an additional \$25,000 in revenue.
- At its June 12, 2014 meeting, the Board voted to increase the Measure G amount and this would increase revenue by \$13,443.
- Consultants' fees had been increased by \$7,500 to reflect the possibility that the Board would proceed with updating its website.
- Changes to Consultants' fees and Legal fees, to address the costs associated with the upcoming solid waste RFP, would increase the combined costs of these items by \$14,000.
- A decrease of \$16,250 because the cost of purchasing new computers had erroneously been carried over from the prior year's budget

GM/COP Harman reported that the net effect of the above changes would reduce the projected shortfall from \$330,207 to \$268,436. He reported that this decrease of \$61,771 in the shortfall did not take into account the possibility of receiving up to \$50,000 from the West Contra Costa Unified School District, the likelihood of receiving \$100,000 in COPS funding, or the possibility of receiving an additional \$25,000 in property tax revenue.

GM/COP Harman recommended that the Board accept the KPPCSD Operational Budget for Fiscal-Year 2014/15 and that everyone work together to decrease estimated costs in order to end the year with balanced revenues and expenses.

Director Lloyd commended GM/COP Harman for his work on the budget and said he didn't like deficit budgets. He asked that efforts be made to reduce the shortfall.

Director Toombs reiterated Director Lloyd's comments.

Vice President Lipscomb also said GM/COP Harman had done a good job with the budget. She asked if the COPS funds were secure. GM/COP Harman responded, yes. She said that, with additional property tax revenues and possible WCCUSD reimbursements, the shortfall likely would be \$100,000.

President Welsh also complimented GM/COP Harman's work. He said the budget made the best of a difficult situation and that it was an honest assessment.

President Welsh solicited public comments.

Karl Kruger said he didn't think the budget was an honest assessment. He said the police department should be reduced by one officer, which would reduce expenses by \$110,000, and that legal expenses should be reduced from \$150,000 to \$75,000.

Vice President Lipscomb responded that the budget didn't drive the Board to spend money on consulting or legal expenses.

President Welsh responded that taking an officer off the street was not on the table. He said GM/COP Harman's approach was realistic and that the District may need to increase taxes in the future.

Mr. Kruger said he thought Measure L indicated the community would not approve any tax increases. President Welsh disagreed, saying he thought the community would approve funds needed to adequately fund police services. Mr. Kruger responded the No on Measure L people had been effective in saying the District should have gone with Option 2, even though the District didn't have the \$750,000 that Measure L opponents said it had.

Vice President Lipscomb and President Welsh said they appreciated Mr. Kruger's input.

Celia Concus referred to Jan Behrsin's letter to the editor in the June Outlook. She reported that Mr. Berhsin had said he'd checked with someone on the Board and asked whether or not the Board carried Directors and Officers Liability insurance. She said he'd been told that was the case, and he questioned why the Board hadn't availed itself of this insurance and the legal help it could have provided in the case of the writ. She cited that the Board had spent over \$200,000 on the writ. She concluded by asking why the Board hadn't used the insurance it carried.

Director Toombs replied that the insurance didn't cover the writ. President Welsh added that no one could get coverage for a lawsuit like the one presented by the writ. Director Toombs added that the first call made, after having been served by Ms. Concus' complaint, had been to the insurance carrier, and the carrier had said it didn't cover it. Vice President Lipscomb added that Ms. Concus had sued members of the Board as individuals, not as Directors. President Welsh said the Court of Appeal had resolved the matter.

Gloria Morrison said there was an error in the estimated cash projection, which had been included in the budget section of the Board Packet. CCC LAIF Accounts, line 134d should be reduced by \$100,547 and have a 6/30/14 estimate of zero, and the total 134 – CCC LAIF Accounts should be reduced by \$100,547 and have a 6/30/14 estimate of \$1,318,631. GM/COP Harman noted that this error had no effect on the budget's revenues or expenses. It affected the total amount of money in reserves.



**MOTION: Director Toombs moved, and Vice President Lipscomb seconded, that the Board adopt the budget for Fiscal-Year 2014 -2015.  
Motion passed 4 to 0.**

**AYES: Welsh, Lipscomb, Toombs, Lloyd    NOES: 0    ABSENT: Gillette**

Director Toombs recommended that the Finance Committee start meeting quarterly, citing that red ink was approaching sooner rather than later. He said that, although he agreed with some of Mr. Kruger's comments, he said that the Board was not about to cut an officer.

Director Lloyd said he also agreed with some of Mr. Kruger's comments and said that he thought a strategic plan, looking out two years and more, could reveal ways to cut expenses without having to consider dramatic measures such as cutting an officer. He said he thought the Finance Committee could provide diagnostic input to the Board.

At 9:43 PM, President Welsh noted the time and asked for a motion to extend the meeting.

**MOTION: Vice President Lipscomb moved, and President Welsh seconded, that the Board extend the meeting beyond 10:00, and for as long as needed, to complete all items.**

**Motion passed 4 to 0.**

**AYES: Welsh, Lipscomb, Toombs, Lloyd    NOES: 0    ABSENT: Gillette**

4. General Manager/Chief of Police Harman presented, for Board approval, Kensington Police Protection and Community Services District Resolution 2014-09, setting the Appropriations Limit for Fiscal-Year 2014-2015, ordering the consolidation of elections, and the specifications of the election order.

GM/COP Harman reviewed the memo he had prepared for the Board packet. He reported that the proposed Fiscal-Year 2015-2016 appropriations limit amount had been set at \$3,744,262 during the Board's June 12<sup>th</sup> meeting and that placing the measure on the November 2014 General Election ballot could save the District approximately \$15,000 in election costs, as compared to having the measure appear on a Special Election ballot. He said the resolution would need to be delivered to the County Clerk/Registrar of Voters no later than Friday, August 8, 2014. He also reported that the Board could submit an argument in favor of the measure and could seek assistance from Hanson Bridgett in preparing it and that the argument in favor would need to be submitted by August 20, 2014. He said that, if the measure should pass, the measure would set the District's appropriations limit through the 2018-2019 fiscal year. He noted

that the District would need to go to the voters again no later than June 2018 and concluded by recommending that the Board approve Resolution 2014-09.

Director Toombs asked if having the measure on the November ballot would be too soon. GM/COP Harman responded, no. Director Toombs noted that, every four years, the Board needed sign off on authorizing the collection of taxes to support the District, with a dollar amount (fixed by a formula), that would enable the ongoing operation of the District. He said that, without this, the funding levels would revert back to 1978 levels and then there wouldn't be a police department.

**MOTION: Director Toombs moved, and President Welsh seconded, that the Board adopt Resolution 2014-09, as drafted, and directed GM/COP Harman to take steps to move forward with it.**

**Motion passed 4 – 0.**

**AYES: Welsh, Lipscomb, Toombs, Lloyd    NOES: 0    ABSENT: Gillette**

5. General Manager/Chief of Police Harman asked for the Board's choice of vote for the candidate to fill the CSDA Board of Directors seat for Region 3, Seat C. The two candidates were incumbent Stanley Caldwell, Board Member of the Mt. View Sanitary District, and Shane McAfee, General Manager of the Greater Vallejo Recreation District.

GM/COP Harman recommended the incumbent, Mr. Caldwell.

Vice President Lipscomb said she had been impressed by both candidates but favored Mr. Caldwell, citing his past good work.

Director Toombs said Mr. Caldwell was very competent.

Director Lloyd reported that he had worked with Mr. Caldwell and had found him to be very competent.

**MOTION: Vice President Lipscomb moved, and President Welsh seconded, that the Board direct GM/COP Harman to cast the District's vote for Mr. Caldwell for Seat C of the CSDA Board of Directors.**

**Motion passed 4 – 0.**

**AYES: Welsh, Lipscomb, Toombs, Lloyd    NOES: 0    ABSENT: Gillette**

6. District Administrator Wolter asked the Board's approval to enter into a contract for website design and maintenance with PagePoint.

District Administrator Wolter reviewed the memorandum she had prepared. Highlights:

- In December 2013, the Board had set the goal of overhauling the District's website
- Since then, District staff had worked to solicit proposals and had obtained three: CivicPlus (\$25,000 estimate), Creatability, and PagePoint (both with estimates of amount not to exceed \$7,500).
- District Staff and President Welsh had met with and interviewed Creatability's Paul Wakefield and PagePoint's Aaron Gobler.
- District Staff and President Welsh had evaluated the benefits and drawbacks of two formats – Drupal (the website's current format) and WordPress – and determined that WordPress would be more user-friendly and would enable the District to upload Board meeting videos.
- Sgt. Hui had been taking care of uploads and this consumed approximately 10 hours of his time each week.
- PagePoint was familiar with the District's website and with the community and its offices were located nearby.
- The District's tech support service providers at Rubiconn had worked with Creatability's Mr. Wakefield and with PagePoint's Mr. Gobler and recommended both of them.

District Administrator Wolter concluded by recommending that the Board proceed with PagePoint, for an amount not to exceed \$7,500.

President Welsh said that he concurred with the information presented and said he looked forward to the website's content being updated and remaining current. He said the conversion to WordPress should result in better use of Staff time.

District Administrator Wolter added that Mr. Gobler had indicated he could have the new website up and running by September.

Vice President Lipscomb said she thought this should be done. She said the process should be simplified and that more than one person should be able to make updates.

Director Toombs asked how much of a reduction in Sgt. Hui's time might be seen with the conversion. President Welsh and GM/COP Harman replied, they hoped 100%. Director Toombs asked who would make updates instead. President Welsh responded that all members of the Staff and the Board President should be able to make updates. Director Toombs said it made no sense for an officer to spend 10 hours per week on the website. President Welsh and Director Toombs commended Sgt. Hui for his good work.

Director Lloyd asked how much Staff time it would take to bring the new system up to date. District Administrator Wolter said that updating the website would be part of the conversion process. Director Lloyd asked what the ongoing maintenance time would be. President Welsh estimated that updates and archiving would take no more than five hours per month.

John Sullivan asked if archiving would take documents out of the public realm. President Welsh responded, no.

Director Toombs asked if the PagePoint document contained in the Board Packet was an executable contract. President Welsh responded that what was being sought was Board authorization for GM/COP Harman to enter into a contract with PagePoint.

**MOTION: President Welsh moved, and Vice President Lipscomb seconded, that the Board authorize GM/COP Harman to enter into a contract with PagePoint for website design and maintenance.**

**Motion passed 4 – 0.**

**AYES: Welsh, Lipscomb, Toombs, Lloyd    NOES: 0    ABSENT: Gillette**

**MOTION: At 10:04 PM, Director Toombs moved, and Vice President Lipscomb seconded, that the Board conclude the Open Session and return to Closed Session.**  
**Motion passed 4 – 0.**

**AYES: Welsh, Lipscomb, Toombs, Lloyd    NOES: 0    ABSENT: Gillette**

No action was taken during the Closed Session.

**MOTION: President Welsh moved, and Vice President Lipscomb seconded, to adjourn the meeting.**

**Motion passed: 5 – 0.**

**AYES: Welsh, Lipscomb, Toombs, Gillette, Lloyd    NOES: 0    ABSENT:**

The meeting was adjourned at 11:30 PM.

# Memorandum

**Kensington Police Department**



**To:** KPPCSD Board of Directors

APPROVED      YES      NO

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

\_\_\_\_\_

**Date:** Thursday, August 07, 2014

FORWARDED TO:

\_\_\_\_\_

**Subject:** Consent Calendar Item C- Unaudited Profit & Loss Report

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

Please note that the 2014-2015 Fiscal Year Budget numbers have not been enter as of this report date by our accountant and we hope to have the report complete for next month's packet.

**KPPCSD**  
**Unaudited Profit & Loss Budget Performance**  
 July 2014

	<u>Jul 14</u>	<u>Budget</u>	<u>Jul 14</u>	<u>YTD Budget</u>	<u>Annual Bud...</u>
<b>Ordinary Income/Expense</b>					
<b>Income</b>					
<b>400 · Police Activities Revenue</b>					
410 · Police Fees/Service Charges	67.20		67.20		
418 · Misc Police Income	432.26		432.26		
<b>Total 400 · Police Activities Revenue</b>	<u>499.46</u>		<u>499.46</u>		
<b>420 · Park/Rec Activities Revenue</b>					
427 · Community Center Revenue	9,115.00		9,115.00		
438 · Misc Park/Rec Rev	2.00		2.00		
<b>Total 420 · Park/Rec Activities Revenue</b>	<u>9,117.00</u>		<u>9,117.00</u>		
<b>440 · District Activities Revenue</b>					
448 · Franchise Fees	8,499.31		8,499.31		
<b>Total 440 · District Activities Revenue</b>	<u>8,499.31</u>		<u>8,499.31</u>		
<b>Total Income</b>	<u>18,115.77</u>		<u>18,115.77</u>		
<b>Expense</b>					
<b>500 · Police Sal &amp; Ben</b>					
502 · Salary - Officers	81,325.28		81,325.28		
504 · Compensated Absences	2,315.83		2,315.83		
506 · Overtime	9,763.29		9,763.29		
508 · Salary - Non-Sworn	4,669.13		4,669.13		
516 · Uniform Allowance	666.60		666.60		
518 · Safety Equipment	234.85		234.85		
521-A · Medical/Vision/Dental-Active	14,118.54		14,118.54		
521-R · Medical/Vision/Dental-Retired	12,054.71		12,054.71		
522 · Insurance - Police	245.00		245.00		
523 · Social Security/Medicare	1,439.60		1,439.60		
524 · Social Security - District	323.17		323.17		
527 · PERS - District Portion	31,667.70		31,667.70		
528 · PERS - Officers Portion	7,379.28		7,379.28		

**KPPCSD**  
**Unaudited Profit & Loss Budget Performance**  
 July 2014

	<u>Jul 14</u>	<u>Budget</u>	<u>Jul 14</u>	<u>YTD Budget</u>	<u>Annual Bud...</u>
<b>Total 500 · Police Sal &amp; Ben</b>	166,202.98		166,202.98		
<b>550 · Other Police Expenses</b>					
552 · Expendable Police Supplies	458.51		458.51		
553 · Range/Ammunition Supplies	500.00		500.00		
562 · Vehicle Operation	3,783.41		3,783.41		
564 · Communications (RPD)	4,257.00		4,257.00		
566 · Radio Maintenance	181.71		181.71		
568 · Prisoner/Case Exp./Booking	75.60		75.60		
570 · Training	-977.02		-977.02		
574 · Reserve Officers	2,138.86		2,138.86		
576 · Misc. Dues, Meals & Travel	550.00		550.00		
580 · Utilities - Police	69.44		69.44		
582 · Expendable Office Supplies	474.10		474.10		
588 · Telephone(+Rich. Line)	732.74		732.74		
590 · Housekeeping	349.11		349.11		
594 · Community Policing	229.40		229.40		
599 · Police Taxes Administration	826.50		826.50		
<b>Total 550 · Other Police Expenses</b>	13,649.36		13,649.36		
<b>600 · Park/Rec Sal &amp; Ben</b>					
601 · Park & Rec Administrator	543.25		543.25		
602 · Custodian	1,750.00		1,750.00		
<b>Total 600 · Park/Rec Sal &amp; Ben</b>	2,293.25		2,293.25		
<b>635 · Park/Recreation Expenses</b>					
640 · Community Center Expenses					
642 · Utilities-Community Center	331.77		331.77		
<b>Total 640 · Community Center Expenses</b>	331.77		331.77		
672 · Kensington Park O&M	6,170.15		6,170.15		
<b>Total 635 · Park/Recreation Expenses</b>	6,501.92		6,501.92		
<b>800 · District Expenses</b>					

**KPPCSD**  
**Unaudited Profit & Loss Budget Performance**  
 July 2014

	<u>Jul 14</u>	<u>Budget</u>	<u>Jul 14</u>	<u>YTD Budget</u>	<u>Annual Bud...</u>
810 · Computer Maintenance	1,089.00		1,089.00		
820 · Cannon Copier Contract	689.10		689.10		
830 · Legal (District/Personnel)	14,955.56		14,955.56		
840 · Accounting	2,600.00		2,600.00		
890 · Waste/Recycle	735.24		735.24		
898 · Misc. Expenses	80.40		80.40		
<b>Total 800 · District Expenses</b>	<u>20,149.30</u>		<u>20,149.30</u>		
950 · Capital Outlay					
972 · Park Buildings Improvement	2,488.50		2,488.50		
<b>Total 950 · Capital Outlay</b>	<u>2,488.50</u>		<u>2,488.50</u>		
<b>Total Expense</b>	<u>211,285.31</u>		<u>211,285.31</u>		
<b>Net Ordinary Income</b>	-193,169.54		-193,169.54		
<b>Other Income/Expense</b>					
<b>Other Expense</b>					
700 · Bond Issue Expenses					
710 · Bond Admin.	2,300.64		2,300.64		
<b>Total 700 · Bond Issue Expenses</b>	<u>2,300.64</u>		<u>2,300.64</u>		
<b>Total Other Expense</b>	<u>2,300.64</u>		<u>2,300.64</u>		
<b>Net Other Income</b>	-2,300.64	0.00	-2,300.64	0.00	0.00
<b>Net Income</b>	<u><u>-195,470.18</u></u>	<u>0.00</u>	<u><u>-195,470.18</u></u>	<u>0.00</u>	<u>0.00</u>



# Memorandum

Kensington Police Department



**To:** KPPCSD Board of Directors

APPROVED      YES      NO

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

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FORWARDED TO:

**Date:** Thursday, August 07, 2014

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**Subject:** Consent Calendar Item D- Park Revenue & Expenses

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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 July 31, 2014 are attached to this memo.

25

**KPPCSD**  
**Account QuickReport**  
 July 2014

Type	Date	Num	Name	Memo	Split	Amount
<b>420 · Park/Rec Activities Revenue</b>						
<b>427 · Community Center Revenue</b>						
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
Total 427 · Community Center Revenue						9,115.00
<b>438 · Misc Park/Rec Rev</b>						
Deposit	7/9/2014			Tennis court f...	112 · General ...	2.00
Total 438 · Misc Park/Rec Rev						2.00
Total 420 · Park/Rec Activities Revenue						9,117.00
<b>TOTAL</b>						<b>9,117.00</b>

4:04 PM  
08/07/14  
Accrual Basis

**KPPCSD**  
**Account QuickReport**  
July 1 through August 7, 2014

Type	Date	Num	Name	Memo	Split	Amount
<b>600 · Park/Rec Sal &amp; Ben</b>						
<b>601 · Park &amp; Rec Administrator</b>						
Paycheck	7/14/2014		Di Napoli, Andrea		112 · General ...	286.25
Paycheck	7/29/2014		Di Napoli, Andrea		112 · General ...	257.00
Total 601 · Park & Rec Administrator						543.25
<b>602 · Custodian</b>						
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
Total 602 · Custodian						1,750.00
Total 600 · Park/Rec Sal & Ben						2,293.25
<b>TOTAL</b>						<b>2,293.25</b>

68

**KPPCSD**  
**Account QuickReport**  
 July 1 through August 7, 2014

Type	Date	Num	Name	Memo	Split	Amount
<b>635 · Park/Recreation Expenses</b>						
<b>640 · Community Center Expenses</b>						
<b>642 · Utilities-Community Center</b>						
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
Total 642 · Utilities-Community Center						331.77
Total 640 · Community Center Expenses						331.77
<b>672 · Kensington Park O&amp;M</b>						
General Journal	7/1/2014	NBS	NBS Government Fi...	JUL-SEP 2014	710 · Bond Ad...	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 Monthy ...	112 · General ...	2,615.00
Total 672 · Kensington Park O&M						6,170.15
Total 635 · Park/Recreation Expenses						6,501.92
<b>TOTAL</b>						<b>6,501.92</b>

88

# Memorandum

Kensington Police Department



**To:** KPPCSD Board of Directors

APPROVED      YES      NO

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

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FORWARDED TO:

**Date:** Thursday, August 07, 2014

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**Subject:** Consent Calendar Item # F- Training & Reimbursement Reports

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For the month of July, the following attached Training and Reimbursement Report pursuant to KPPCSD Board Policy # 4030 was submitted.

The attached document, a PowerPoint presentation on harassment prevention training was part of a webinar that Lynn Wolter, KPPCSD Directors Linda Lipscomb and Chuck Toombs completed.


There was no charge for the training.



AB 1825 Harassment  
Prevention  
Training

CSDA Webinar

July 16, 2014




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**AB 1825 Harassment Prevention**

Presented By

- Dennis Timoney, ARM  
SDRMA Chief Risk Officer

Dennis manages the Property/Liability and Workers' Compensation Claims Departments. In addition, Dennis supervises the Safety/Loss Prevention services for SDRMA.

Currently there are 479 members participating in the Property/Liability Program and 405 members participating in the Workers' Compensation Program.




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**AB 1825 Harassment Prevention**

Legal Requirements

- AB 1825 2 hour interactive presentation discussing the current status of Sexual Harassment / Hostile Work Environment Laws in California.
- Required training every 2 years.
- Newly hired / promoted Supervisors must have training within 6 months.
- Open and frank discussion of examples of sexual harassment / hostile work environment.




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AB 1825 Harassment Prevention

DFEH

In December of 2013, the Department of Fair Employment and Housing (DFEH) issued a Press Release announcing that DFEH had reached a Settlement Agreement with the City of San Diego for the City's failure to provide sexual harassment prevention training to supervisors and management staff with the City.

The complaint alleged that the San Diego was in violation of the Fair Employment and Housing Act (FEHA) by failing to provide sexual harassment prevention training to its supervisory employees, including elected and appointed officials and, may have failed to prevent discrimination from occurring.



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AB 1825 Harassment Prevention

DFEH

As part of the agreement, San Diego, without admitting liability, will comply with the FEHA and provide at least two hours of sexual harassment prevention training to all supervisory personnel, **including all elected and appointed officials**, within six months of their hire, election or appointment date and every two years later. For the next five years, San Diego will report to the Department every six months regarding the City's compliance with AB 1825 training requirements.



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AB 1825 Harassment Prevention

What is Sexual Harassment?



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AB 1825 Harassment Prevention

What is 'Sexual Harassment'?

The Fair Employment and Housing Act defines harassment because of sex as including sexual harassment, gender harassment, and harassment based on pregnancy, childbirth, or related medical conditions. Constitutes sexual harassment when this conduct explicitly or implicitly:

- \* Affects an individual's employment;
- \* Unreasonably interferes with an individual's work performance
- \* Or, creates an intimidating, hostile, or offensive work environment.




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AB 1825 Harassment Prevention

Legal Definition of Sexual Harassment

\* The Fair Employment and Housing Commission regulations define sexual harassment as unwanted sexual advances, or visual, verbal or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser.




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AB 1825 Harassment Prevention

Typical Sexual Harassment Cases

- \* An employee is fired or denied a job or an employment benefit because he/she refused to grant sexual favors or because he/she complained about harassment. Retaliation for complaining about harassment is illegal, even if it cannot be demonstrated that the harassment actually occurred.
- \* An employee quits because he/she can no longer tolerate an offensive work environment, referred to as a "constructive discharge" harassment case. If it is proven that a reasonable person, under like conditions, would resign to escape the harassment, the employer may be held responsible for the resignation as if the employee had been discharged.
- \* An employee is exposed to an offensive work environment. Exposure to various kinds of behavior or to unwanted sexual advances alone may constitute harassment.




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**AB 1825 Harassment Prevention**

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**Forms of Sexual Harassment**

• **Quid Pro Quo**  
*Quid pro quo* harassment occurs when employment decisions (hiring, promotions, salary increases, shift or work assignments, performance standards, grades, access to recommendations, assistance with school work, etc.) are based on an employee submission to or rejection of sexual advances, requests for sexual favors, or other behavior of a sexual nature. These cases involve tangible actions that adversely affect the conditions of employment.



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**AB 1825 Harassment Prevention**

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**Forms of Sexual Harassment**

• **Hostile Work Environment**  
**Hostile environment sexual harassment** refers to a situation where employees in a workplace are subject to a pattern of exposure to unwanted sexual behavior from persons other than an employee's direct supervisor where supervisors or managers take no steps to discourage or discontinue such behavior.  
*Quid pro quo* has been recognized as actionable for decades, but courts have only recognized hostile environment as an actionable behavior since the late 1980s as they made findings that the loss of employment or constructive dismissal has been caused by such behavior.



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**AB 1825 Harassment Prevention**

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**Hostile Work Environment**

- Unwanted sexual advances
- Offering employment benefits in exchange for sexual favors
- Making or threatening reprisals after a negative response to sexual advances
- Visual conduct: leering, making sexual gestures, displaying of suggestive objects or pictures, cartoon or posters
- Verbal conduct: making or using derogatory comments, epithets, slurs, and jokes
- Verbal sexual advances or propositions
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations
- Physical conduct: touching, assault, impeding or blocking movements



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AB 1825 Harassment Prevention

Expansion of Harassment Laws

- The victim does not have to be the person harassed, but could be anyone affected by the offensive conduct;
- Unlawful harassment may occur without economic injury to or discharge of the victim;
- The harasser's conduct must be unwelcome;
- The victim as well as the harasser may be male or female;
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a member of the public.



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AB 1825 Harassment Prevention

Expansion of Harassment Laws

- SB 292
- This bill would specify, for purposes of the definition of harassment because of sex under these provisions, that sexually harassing conduct need not be motivated by sexual desire.
  - The enactment of SB 292 overturns the *Kelley* decision and clarifies that an individual who sues for sexual harassment under FEHA is not required to prove that the harasser's conduct was motivated by sexual desire.



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AB 1825 Harassment Prevention

Is every act/occurrence Sexual Harassment?

- Elements necessary to establish 'sexual harassment' in the workplace:
- The conduct was unwelcome;
  - The harassing behavior was sexually/gender based.
  - The conduct was sufficiently severe or pervasive to alter the conditions of the complainant's work environment.
  - The environment created by the conduct would have been perceived as intimidating, hostile, abusive or offensive by a 'reasonable person', in the same circumstances as the complainant.



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AB 1825 Harassment Prevention

What is Welcome Conduct?

- Consensual dating, joking, and touching, for example, are not harassment if they are welcomed by the individuals involved.
- Conduct is *unwelcome* if the recipient did not initiate it and regards it as offensive. Some sexual advances are so crude and blatant that the advance itself shows its unwelcomeness.
- In a more typical case, however, the welcomeness of the conduct will depend on the recipient's reaction to it.



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AB 1825 Harassment Prevention

Hostile Work Environment

- Hostile environment / sexual harassment is "unwelcome conduct that is sufficiently severe or pervasive to alter the conditions of the employee's employment and to create an intimidating, oppressive, hostile, abusive or offensive work environment, or otherwise interfere with the victim's emotional well-being or ability to perform his/her work."
- Hostile Work Environment claims can also be based on marital status, pregnancy, race, color, ethnicity, national origin, age, disability, religion, sexual orientation, gender identity or expression, personal appearance, veteran status or any other legally protected characteristic.



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AB 1825 Harassment Prevention

Conditions of Hostile Work Environment

To determine whether behavior is severe or pervasive enough to create a hostile environment, the finder of fact (a court or jury) considers these factors:

- The frequency of the unwelcome discriminatory harassing conduct;
- The severity of the conduct
- Whether the conduct was physically threatening or humiliating, or a mere offensive utterance;
- Whether the conduct unreasonably interfered with work performance;
- The effect on the employee's psychological well-being;
- Whether the harasser was a superior in the organization.



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AB 1825 Harassment Prevention

CURRENT AFFAIRS



Jackson v. City of San Diego, Robert 'Bob' Filner



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AB 1825 Harassment Prevention

ALLEGATIONS

Sexual Harassment in Violation of California Government Code § 12940 et seq., Against All Defendants and DOES 1-25

- Plaintiff began employment with Defendants on January 3, 2013;
- On January 25, 2013 Plaintiff alleges that in a conversation with Filner in which Plaintiff told Filner he would do a good job on the speech Filner was ready to present, Filner allegedly stated "I would do a better job if you gave me a kiss".
- In February 2013, Plaintiff and Filner were in a elevator in City Hall. A police officer accompanied Plaintiff and Filner. While the police officer was fixing his hand cuffs Plaintiff alleges that Filner placed Plaintiff in a headlock and stated "you know what I would like to do with those handcuffs?."



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AB 1825 Harassment Prevention

ALLEGATIONS

- In or about late February/early March 2013, Plaintiff, Filner and assigned police officer got into an elevator. Filner realized he left his jacket and the officer went back to the Mayor's office to get it. The elevator door closed Filner pulled Plaintiff toward him while placing his arms around her without her consent. Filner allegedly stated "You know you are beautiful. I have always loved you. Someday I know you are going to marry me. I am so in love with you. Wouldn't it be great if you took off your panties and worked without them on?". Filner then stated "come on. Give me a kiss". Filner then kissed Plaintiff on the cheek. Filner only ceased trying to kiss her (plaintiff) when the elevator stopped and a staffer got in.



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AB 1825 Harassment Prevention

ALLEGATIONS

• In April 2013, Filner opened the lobby of City Hall to meet with citizens of San Diego, Plaintiff was required to be present at this event. Filner is known to love chocolate doughnuts and Plaintiff had pointed out to Filner where the doughnuts were. Without Plaintiff's consent, Filner placed Plaintiff into a headlock and pulled her along with him as he made his way towards the doughnuts. Because Filner's grip was too strong Plaintiff could not pull herself away. Filner allegedly stated "when are we going to get married; Wouldn't it be great if we consummated the marriage?."

• In late April/early May 2013 Filner allegedly put his arm around Plaintiff without her consent and stated "...you are so beautiful. I love you. One day we are going to get married. Let's make it happen".



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AB 1825 Harassment Prevention

Litigation Status

On February 10, 2014 the City of San Diego announced it had reached a settlement with the plaintiff, Irene McCormick Jackson in the Filner sexual harassment lawsuit.

The city has agreed to pay Jackson \$250,000 as a full and final settlement in this action. This settlement includes all attorney fees incurred by Jackson.

McCormick Jackson has been on unpaid leave. Under the settlement, her municipal employment will terminate on April 1.

Filner bears no financial responsibility for the settlement because the city agreed to defend and indemnify Filner in this litigation as a condition of his resignation as mayor.



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AB 1825 Harassment Prevention



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**AB 1825 Harassment Prevention**

**California Government Code**

- Government Code section 12940, subdivision (k), requires an entity to take "all reasonable steps to prevent harassment from occurring." If an employer has failed to take such preventative measures, that employer can be held liable for the harassment. A victim may be entitled to monetary damages even though no employment opportunity has been denied and there is no actual loss of pay or benefits.



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**AB 1825 Harassment Prevention**

**Employer Liability**

- All Public Entities regardless of the number of employees, are covered by the harassment section of the Fair Employment and Housing Act (FEHA).
- Employers are generally liable for harassment by their supervisors or agents. Harassers, including both supervisory and nonsupervisory personnel, may be held personally liable for harassing an employee or coworker or for aiding and abetting harassment.
- Unlike Quid Pro Quo, which only a supervisor/manager can impose, hostile work environment claims can result from the gender based unwelcome conduct of supervisors, co-workers, customers, vendors, or anyone else with whom the victimized employee interacts with.



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**AB 1825 Harassment Prevention**

**Employer Duties**

All employers have a legal obligation to prevent sexual harassment. Employers must take all reasonable steps to prevent discrimination and harassment from occurring.

Employers must help ensure a workplace free from sexual harassment by posting in the workplace a poster made available by the Department of Fair Employment and Housing.

Employers must help ensure a workplace free from sexual harassment by distributing to employees information on sexual harassment. An employer may either distribute a brochure that may be obtained from the Department of Fair Employment and Housing or develop an equivalent document, which must meet the following requirements:



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**AB 1825 Harassment Prevention**

**Employer Notification Requirements**

- The illegality of sexual harassment
- The definition of sexual harassment under state and federal laws
- A description of sexual harassment, utilizing examples
- The internal complaint process of the employer available to the employee
- The legal remedies and complaint process available through the Department and the Fair Employment and Housing Commission
- Directions on how to contact the Department and the Fair Employment and Housing Commission
- The protection against retaliation for opposing the practices prohibited by law or for filing a complaint with, or otherwise participating in investigative activities conducted by, the Department or the Commission



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**AB 1825 Harassment Prevention**

**Employer Duties**

- Fully and effectively investigate the allegations;
- Document all interviews, even if the witness declined to participate;
- There must be a finding:
  1. There are sufficient facts to support the allegations.
  2. There are not sufficient facts to support the allegations.
- Communicate the results of the investigation to the complainant and to the alleged harasser;
- Any action to be taken against the harasser is governed by the agency's Personnel Policy or Employee handbook.



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**AB 1825 Harassment Prevention**

**Affirmative Defenses**

- An employer should take immediate and appropriate action when the employer has actual notice of harassing or inappropriate conduct in the workplace;
- The employer must take effective action to stop any further harassment and to minimize any effects of the harassing conduct;
- The severity of the discipline imposed must correlate to the severity of the harassing conduct.
- Conduct Harassment Prevention training for all staff, including management and Board members.



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**AB 1825 Harassment Prevention**

**Affirmative Defenses**

- The employer provided all employees information regarding illegality of harassment in the workplace;
- Provide policy in Employee / Personnel manual;
- Post California Labor Law poster in the workplace;
- Advise employees of the internal, confidential complaint process;
- Identify the legal remedies and complaint process available to all employees through FEHA or EEOC;
- Harasser intentionally violated agency policy, state or federal law.



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**AB 1825 Harassment Prevention**

**Affirmative Defenses**

- Employer exercised reasonable care to prevent and promptly mitigate the harassing behavior;
- The employee (victim) unreasonably failed to take advantage of preventative or corrective opportunities provided by the employer to report the harassing conduct;
- Reasonable use of the employer's reporting procedures would have prevented at least some of the alleged harm that the employee sustained as a result of the harassing conduct.



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**AB 1825 Harassment Prevention**


**QUESTIONS?**

Thank you for your participation today.

A Certificate of Completion will be issued to each participant.

For additional information or to schedule agency training please contact Dennis Timoney at:

1-800-537-7790 or dtimoney@sdrma.org






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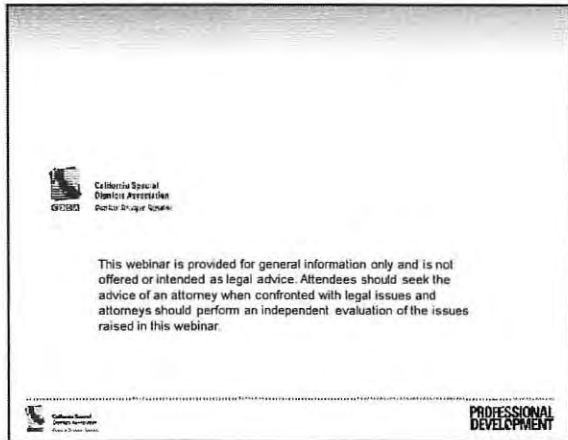
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# Memorandum

**Kensington Police Department**



**To:** KPPCSD Board of Directors

APPROVED

YES

NO

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

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FORWARDED TO:

**Date:** Thursday, August 07, 2014

**Subject:** Consent Calendar Item G- Correspondence

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The District correspondence received for the month of July.

Item #1- Letter dated June 25<sup>th</sup>, from Lillian Fujimoto asking if the "Yield Sign" at Lenox and Coventry could be changed to a "Stop" sign.

(This request was forwarded to County Public Works for consideration)

Item #2- Thank you card dated June 29<sup>th</sup>, from Girl Scout Troop 32222 for allowing them to plant a garden in an area of the Community Center.

Ocean View Avenue  
Kensington, CA. 94707

6-25-14

Dear General Manager and Police Chief Harman,

My husband and I often drive on Coventry Road to get to the Arlington Avenue area. There is a "Yield" sign on Lenox at its intersection with Coventry. On several occasions, while on Coventry Road, we've had to brake suddenly to avoid a collision with a driver on Lenox who is ignoring the Yield sign.

Is it possible to change the traffic sign to "Stop" or otherwise, make the intersection safer ?

Thank you.



Lillian T. Fujimoto



Dear Chief Harjo,

Thank you so much for letting us do this amazing project. You made the right decision! The boys and everyone loves it. Our garden has been so busy, but it could have been just a row of you. The only plant that didn't work was the Red string Mistle. It looks more like a dried-up branch than a plant. But the seed thing is another story. (I saw it in the garden to see it all - it's just a seed. We needed to water it and it's all right now! All the flowers are so pretty and we have a lot of bees and butterflies. It attracts a lot of bees and a couple. I think so - quick, was a - T.000 3 2 2 2

44

# July 2014 Police Department Report

August 8, 2014

- Department Personnel
  - We are fully staffed at 10 sworn positions with three reserve officers.
  - We are continuing the background process for a fourth reserve officer candidate.
- Commendations and Correspondence
  - On July 17<sup>th</sup>, Sergeant Hui received a thank you note from Penny Ha for the way he conducted himself during his investigation of her incident.
  - On July 19<sup>th</sup>, the Department received a thank you note and cookies from "Lily & Pam", who stated we were "super heroes" and "awesome!"
- Investigation of Alleged Misconduct
  - Citizen's Complaint #CI 2014-03 was initiated on May 12<sup>th</sup> 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.
- 9-1-1 / Richmond Communication Center Information.
  - The Ring Time Report for June identified 21 "911" calls for service with no calls having a ring time over 20 seconds. The average ring time for the month of June was 6 seconds.
  - The Ring Time Report for July identified 43 "911" calls for service with two calls having a ring time over 20 seconds. The average ring time for the month of June was 9 seconds.

- Community Networking
  - On 7-02-14, Chief Harman attended the West Contra Costa County Police Chief's meeting in Hercules.
- 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 Statistics

Officer:	Ramos K41 (0800 - 1800)	Turner (0600- 1800)	Wilson (1800- 0600)
Days Worked	14	14	8
Traffic Stops	7	40	2
Moving Citations	5	24	1
Parking Citations	0	5	1
Vacation Security Checks	4	29	20
Field Interviews	0	0	0
Traffic Collision Reports	4	1	0
Cases	3	3	1
Arrests	2	1	0
Calls for Service	18	64	8

BRIEFING/TRAINING:

- Reviewed Penal Code 602 - Trespassing
- Reviewed Case Law: People v. Waxler
- Reviewed Case Law: People v. Sprigs
- Reviewed KPD Policy 364 – Private Persons Arrests

46

## SERGEANT'S SUMMARY:

This month the task of finding a subject for my summary was easy because of a particular case we investigated, but it is time we stress the critical urgency beyond our previous attempts. The subject of locking doors and securing the premises under resident's control, to prevent physical harm or loss of valued possessions has been iterated, re-iterated, and re-re-iterated, but it is quite clear the message has been ignored despite many attempts by KPD to raise awareness. So in order to beat the putrid rotting carcass of the proverbial dead horse one more time, I will review the importance of locking and securing your property. This month however, I will try *not* to bore you to death, in the guarded hope some will regard what I have to say.

This month the officers of Kensington PD investigated a very serious and disturbing crime where a young girl woke up with a strange adult male in her bed. Although I can assure you there is a great deal more to the story, I am unable to share the details. I can tell you it was traumatizing for the victim, her family, and yes even for the officers who investigated it. First, I want to say the officers involved in the investigation did an outstanding job in producing quality work, conducting themselves in a professional manner, and in many cases working long hours with little to no sleep, to accomplish our mission.

Sergeant Barrow and I worked on this case as investigators and additionally I served the watch commander function. Often when an investigator is in the trenches during an intricate case, it is not uncommon to get so focused on the tasks at hand, the investigator can lose sight of the implications of information, and the bigger picture of intertwined events.

Once I finally had a day off following this case, I found myself reflecting on the case and processing some of the poignant emotions I was experiencing. I ultimately came to the conclusion this was a crime achieved because of, apathy, lack of awareness, and complacency, and it could have been easily prevented.

If what I have to say ruffles a few feathers I apologize but that is in fact the point. This is not the first time someone from the KPD has pled with the community to take a more active role in their own safety but thus far I believe such requests have largely fallen on deaf ears. Many of the people in Kensington seem to ignore the fact they are surrounded by some of the most dangerous urban areas in the country. A statement I have heard many times is, no crime happens in Kensington because good people live in Kensington. Although I would agree the majority of people in Kensington are decent, upstanding, hardworking people, who live by an acceptable moral standard, there is no barrier around Kensington to keep people of lower moral standard out.

The criminals who prey on Kensington residents are more often than not from another city. However, they can drive here, ride public transit here, and if they

get a good hit of methamphetamine or crack cocaine, they will walk up the 400 foot elevation climb from San Pablo Avenue to Arlington Avenue, like it is a leisurely stroll in the park. In short, your neighbor might not break into your house or rob you at gunpoint, but the people who do those things are close, mobile, and know what a target rich environment Kensington is.

As a patrol officer, a detective, and now a watch commander, I have found a common theme that comes out of these suspect's mouth's is they come to Kensington because people don't lock their doors, or their cars, and don't pay attention. My favorite example of this was a heroin addict from Albany who would ride the bus to various points in Kensington and then proceeded down the hill towards home, trying every car door he passed under the cover of darkness. He would net approximately \$40-\$50 a night with this modus operandi, focusing mainly on change trays. This went on for weeks as he hit various parts of the District, until we finally caught him. Certainly there are many unlocked cars in Kensington, and I would surmise there are just as many unlocked, or unsecured houses.

Unlocked cars that cause KPD officers to take report after preventable report, I can live with. It's an unfortunate use of resources but its part of our job. However, what disturbs me to my core is that any person regardless of their zip code would ever consider not taking basic steps such as locking their house to protect themselves and their loved ones.

There is no police force that will be able to protect everyone all the time. If you are standing next to a police officer you are for all reasonable purposes in a safe environment. As soon as you part ways with that officer your safety becomes solely your responsibility. As Kensington residents I would venture a guess you enjoy one of the fastest police response times in Contra Costa County, however it is all too common that events transpire faster than a person can even call the police, let alone wait for the police to arrive.

I do not mean to suggest all crime will be snuffed out simply by locking doors. But a less conducive environment will certainly reduce nearly every conceivable type of crime, certain crimes more than others, but none the less an almost certain reduction based on environmental factors. Many people will ignore this advice yet again, and continue living the way they always have. That is to be expected, as it has always been the way of things. I assure you I have nothing to gain by making this appeal to you to exercise better judgment and discipline, however the door you lock every day, every time you walk through it, may be the door that keeps some mysterious intangible evil from becoming a travesty for you or someone you care for.



## SIGNIFICANT EVENTS:

- 2014-3291 –On 7/6/14, Officer Turner and Corporal Stegman served an outstanding arrest warrant on a resident living in the 200 block of Cambridge Ave. The subject was located, arrested, and booked into the Martinez County Detention Facility (MDF).
- 2014-3292 –On 7/6/14, Corporal Stegman and Sergeant Hui responded to a domestic violence on the unit block of Arlington Ct. Corporal Stegman arrested the female suspect booked her at MDF.
- 2014-3295 –On 7/6/14 Officer Ramos took a report of a theft on the 200 block of Amherst Ave.
- 2014-3298 –On 7/7/14, Officer Ramos responded to the unit block of Lenox Rd regarding a report of a forcible sexual assault on a minor. In addition to Officer Ramos, Detective Sergeant Barrow, Corporal Stegman, Officer Turner, Officer Wilkins and Reserve Officer Armanino assisted investigating this case. The suspect in this case was located by the Berkeley Police Department and they turned the suspect over to KPD officers. The suspect was booked into MDF and remains in custody as of the date of this report. See Detective Sergeant Barrow's report for further.
- 2014-3305 –On 7/7/14, Officer Turner took a report of a burglary on the 200 block of Amherst Avenue.
- 2014-3340 –On 7/9/14, Corporal Stegman took a report of an identity theft from the unit block of Anson Way.
- 2014-3463 –On 7/13/14, Corporal Stegman took a report of a burglary on the unit block of Arlington Avenue.
- 2014-3564 –On 7/20/14, Officer Turner took a report of an assault on the 00 block of Anson Way. The suspect was cited and released and the case will be forwarded to the CCC DA's Office.
- 2014-3598 –On 7/22/14, Officer Turner took a report of a domestic violence assault, which allegedly occurred a day before, on the 00 block of Arlington Avenue.
- 2014-3745 –On 7/30/14, Officer Wilson took a report of annoying phone calls on the 300 block of Berkeley Park Blvd.

## TRAFFIC STATISTICS:

Team #1 took 5 traffic collision reports during the month of June.

12 moving citations were issued on Arlington Ave.

9 moving citations were issued on Colusa Ave.

8 moving citations were issued on Sunset Dr./ Franciscan Way.

1 Moving citation was issued on Grizzly Peak Blvd.

**\*\* Sergeant Hui**

**TEAM #2 STATISTICS**

Sergeant Hui (K42) - (1600-0400)

Master Sergeant Hull (K17) – issued 16 moving citations and 10 parking citations this month.

Officer:	Martinez (K31) (0600-1800)	Wilkins (K50) (1800-0600)
Days Worked	9	11
Traffic Stops	9	13
Moving Citations	5	10
Parking Citations	0	1
Vacation/Security Checks	4	128
Cases	1	0
Arrests	0	0
Traffic Accident Reports	0	0
Calls for Service	12	33

- Officer Martinez attended a two week traffic motorcycle enforcement school.
- Officer Wilkins took 12 hours of vacation leave.
- Sergeant Hui took 44 hours of vacation leave.
- Sergeant Hui took 8 hours of comp time.

**BRIEFING/TRAINING:**

- Reviewed Penal Code 602 - Trespassing
- Reviewed Case Law: People v. Waxler
- Reviewed Case Law: People v. Sprigs
- Reviewed KPD Policy 364 – Private Persons Arrests

**SERGEANT'S SUMMARY:**

With the month of August upon us, one event I always look forward to is National Night Out. For those of you that are unaware, National Night Out is August 5<sup>th</sup> this year and is "America's night out against crime." National Night Out originated to help develop and promote various crime prevention programs. In the District of Kensington, National Night Out manifests itself in the form of small gatherings hosted by residents. Officers from KPD attend each National Night Out party, talk about various programs that we offer within the community, and answer any questions that our residents might have.

I have always enjoyed National Night Out events simply because it presents an opportunity for Officers to interact with our residents on a much more informal level.

If you have not had the opportunity to attend a National Night Out party in the past, I would highly encourage you to do so. If you are not aware of anyone hosting a gathering in your neighborhood, please email Officer Douglas Wilson at [dwilson@kensingtoncalifornia.org](mailto:dwilson@kensingtoncalifornia.org) and he can assist.

**SIGNIFICANT EVENTS:**

- 2014-3748– On 7/30/2014, Officer Martinez responded to the unit blk of Franciscan Way on a report of a vandalism.

Reserve Officer:	Armanino (K47)
Days Worked	2
Traffic Stops	3
Moving Citations	3
Parking Citations	0
Vacation/Security	5
Checks	
Cases	0
Arrests	0
Traffic Accident Reports	0
Calls for Service	2

Traffic Totals for Team 2 – includes Master Sergeant Hull

17 citations were issued on Arlington Ave  
12 citations were issued on Colusa Ave  
3 citations was issued on Grizzly Peak Blvd  
1 citation was issued on Kerr Ave  
1 citation were issued on Kenyon Ave

**\*\* Detective Sergeant Barrow**

**SIGNIFICANT EVENTS:**

**2014-3305 Residential Burglary.**

On 7/7/14, Officer Turner responded to the 200 block of Amherst Avenue for a reported residential burglary. The suspect(s) entered through the unlocked front door and took numerous electronics and jewelry. The suspect(s) left in an unknown direction. This case is under investigation.

**2014-3463 Residential Burglary.**

On 7/13/14, Corporal Stegman and I responded to the 00 block of Arlington Avenue for a reported residential burglary. The suspect(s) entered through a rear locked door by kicking it in. The suspect(s) left in an unknown direction. This case is under investigation.

**KPD INVESTIGATIONS INFORMATION:**

**2012-7261 Residential Burglary**

On 11/24/12, Officer Martinez responded to the 00 block of Arlington Avenue for a reported residential burglary. During the investigation items of evidentiary value were recovered at the scene and submitted to the Contra Costa County Crime Lab. Due to a back log at the crime lab this case was suspended. On 7/2/14, we received a completed crime lab report identifying a suspect in this case. The suspect is already in custody for similar crimes but not related to this case. This case has been reopened and I will be conducting a follow-up investigation.

**2014-3298 Burglary/ Lewd and Lascivious Acts Committed Against a Child.**

On Monday, July 7, 2014, at 0113 hours, KPD Officers were dispatched to the 00 block of Lenox Road on a report of an unknown suspect found in bed with an 11 year old female victim. The suspect ran from the residence when the victim woke up and began to scream. An El Cerrito Police K9 unit searched the area but the suspect was not located.

At approximately 0439 hours, Berkeley Police Officers were dispatched to the 700 block Vicente Street in Berkeley for a reported prowler. Berkeley police officers stopped a subject matching the description of the Berkeley and Kensington suspect in the area of The Alameda and Tacoma Avenue in Berkeley.

An infield show-up positively identified Brian Hubbard, a black male adult, 22 years old, from the City of Richmond as the suspect in both incidents. Kensington Police took custody of Hubbard as the more serious crime occurred in Kensington. Hubbard was arrested and booked into the Martinez Detention Facility.

**Hubbard has been charged with 3 counts of PC. 459/460(a), First Degree Residential Burglary and 1 count of PC. 288(b)(1), Forcible Lewd Act upon a Child, with additional enhancements. Hubbard's bail was set at \$2,250,000.00. This case is still under investigation, other victims have been identified and we are working with the Contra Costa County DA's Officer seeking additional felony charges.**

## KPD INVESTIGATIONS

- I made court runs to file cases and retrieve court notifications.
- I updated the KPD Case Review Log.
- I review all cases and incidents to ascertain if any further follow up is warranted.
- I reviewed the "Trak Flyer" messages and maintained the flyer board.
- I assisted WestNet in serving several search warrants, made arrests, and surveillance for suspects.

## KPD Monthly Crime Statistics

July 2014

<b>Part 1 Crimes</b>	<b>Reported</b>	<b>Open/ Pending</b>	<b>Suspended</b>	<b>Closed</b>	<b>Arrest</b>
Homicide	0	0	0	0	0
Rape	1	0	0	1	1
Robbery	0	0	0	0	0
Assault	1	0	0	1	1
Residential Burglary	2	0	2	0	0
Larceny Theft	1	0	1	0	0
Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
<b>Part 1 Totals</b>	<u>5</u>	<u>0</u>	<u>3</u>	<u>2</u>	<u>2</u>
<b>Other Crimes</b>					
Auto Burglary	0	0	0	0	0
Identity Theft	1	0	1	0	0
Fraud	1	0	1	0	0
Forgeries	0	0	0	0	0
Restraining Order Violations/ Stalking/ Criminal Threats	0	0	0	0	0
Sex Crimes (other)	0	0	0	0	0
Assault/ Battery (other)	2	0	0	2	1
Vandalism	1	0	1	0	0
Drugs	0	0	0	0	0
Warrant	1	0	0	1	1
Hit and Run Felony	0	0	0	0	0
Hit and Run Misdemeanor	2	0	2	0	0
Other Misdemeanor Traffic	1	1	0	0	0
<b>Other Crime Totals</b>	<u>9</u>	<u>1</u>	<u>5</u>	<u>3</u>	<u>2</u>
<b>All Crime Totals</b>	<u>14</u>	<u>1</u>	<u>8</u>	<u>5</u>	<u>4</u>

- Traffic Accidents (Non Injury) 4
- Traffic Accidents (Injury) 1

Year to date totals were not prepared in time for this report and will be included in next month's report.

•• **Chief Harman**

After reviewing Corporal Stegman's comments above, I was tempted to edit them in order to tone them down a bit, but I decided against it. I believe his comments show two things, one, that police officers are human and two, that police officers care for those in the community they serve.

I know how I felt after receiving the call that morning and during my response to the scene. Those feelings were intensified once I arrived on scene, received the details of the case, and began directing our efforts in locating the suspect, supervising the investigation, and most importantly, the care for the victim.

Police officers do care about their victims however, when the victims are children, the emotions you go through are much more intense. The younger the victim, the harder it is to deal with.

When the suspect was taken into custody, I know all of the officers involved in the incidents were very relieved and thankful that the suspect was in our custody.

I was very proud of the way the officers dealt with these investigations, and especially the professionalism demonstrated by Sergeant Barrow and Corporal Stegman during their interview of the suspect. Hopefully, as a result of the statements obtained from the suspect, we will never have to deal with him again.

I can't talk about the investigation, but I can state that we, as a community, were very lucky that night. And yes, it is frustrating working as a police officer, when you know that we can reduce crime and the risk of tragedy by a simple action, locking your doors and windows.

# August 2014

August 2014							September 2014						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
3	4	5	6	7	8	9	7	8	9	10	11	12	13
10	11	12	13	14	15	16	14	15	16	17	18	19	20
17	18	19	20	21	22	23	21	22	23	24	25	26	27
24	25	26	27	28	29	30	28	29	30				
31													

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jul 27	28	29	30	31	Aug 1	2
3 12:00pm CC Rental (CCM)	4 7:30pm *KCC (CC3)	5	6	7 7:15pm EBC (CC 1)	8 5:00pm CC Rental (CCM)	9 10:00am CCRental (CCM)
10	11 6:00pm KPSC (CC3)	12	13 6:00pm GPF (CCM) 7:00pm *KFD Mtg (CC3)	14 6:30pm KPPCSD Mtg (CCM)	15	16 9:30am CC Rental (CCM)
17	18	19	20	21 7:15pm EBC (CC 1)	22 6:00pm CC Rental (CCM)	23 1:00pm CCRental (CCM)
24	25 7:30pm *KIC (CC3)	26 7:30pm *KMAC (CC3)	27	28	29	30
31	Sep 1	2	3	4	5	6

5/6



# September 2014

September 2014							October 2014						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
7	1	2	3	4	5	6	5	6	7	1	2	3	4
14	8	9	10	11	12	13	12	13	14	15	16	17	18
21	15	16	17	18	19	20	19	20	21	22	23	24	25
28	22	23	24	25	26	27	26	27	28	29	30	31	

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Aug 31	Sep 1	2 7:30pm Boy Scouts (CCM)	3 7:00am AA (CCM)	4 7:15pm EBC (CC 1)	5	6 4:00pm CC Rental (CCM)
7	8 6:00pm KPSC (CC3) 7:00pm Cub-Scouts (CCM)	9 7:30pm Boy Scouts (CCM)	10 7:00am AA (CCM) 6:00pm GPFF (CCM) 7:00pm *KFD Mtg (CC3)	11 6:30pm KPPCSD Mtg (CCM)	12	13 6:00pm CC Rental (CCM) 7:30pm KCC MOVIE NIGHT (KCC LAWN)
14 2:00pm CC Rental (CCM)	15 7:00pm Cub-Scouts (CCM)	16 7:30pm Boy Scouts (CCM)	17 7:00am AA (CCM)	18 7:15pm EBC (CC 1)	19	20
21	22 7:00pm Cub-Scouts (CCM) 7:30pm *KIC (CC3)	23 7:30pm Boy Scouts (CCM)	24 7:00am AA (CCM)	25	26 6:00pm Animal Faire (CCM)	27 Animal Faire (CCM)
28	29 7:00pm Cub-Scouts (CCM)	30 7:30pm Boy Scouts (CCM) 7:30pm *KMAC (CC3)	Oct 1	2	3	4

# General Manager July 2014 Report

## Budget

July begins our new fiscal year and a review of the expenses for the month identified one variance and that was in Police Overtime. During the month of July, we expensed \$9,763.29 in overtime. The majority of this amount was a result of a major investigation that took place earlier in the month.

Unfortunately, you cannot predict a major investigation and you hope that you don't have many during the course of your budget year. We increased the budgeted amount for overtime this fiscal year from \$40,000 to \$45,000 but just one month into the fiscal year, we find we have already expensed 22% of our overtime budget.

This will be an area in which we will monitor closely in the coming months.

## Kensington Park

### **Community Center & Annex**

On June 3<sup>rd</sup>, 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.

### **Park Repairs**

In July, the following additional maintenance items to the park were completed:

Trimming of overgrown Sycamore at the tennis court, \$480  
Repair of irrigation rotor, \$85

\*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 with the first clearing dates occurring on June 20<sup>th</sup>- 22<sup>nd</sup>. The next round of cleanup took place on Thursdays and Sundays, through the first three weeks of July.

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, August 11<sup>th</sup>, at 6:00 PM at the Community Center Room #3.

It is very important for those interested in Kensington's emergency preparedness to come to the meetings.

### **Solid Waste & Recycling**

As we move forward with the request for proposal process (RFP) to identify our solid waste and recycling contractor beginning September 2015, we have prepared a service survey and will be sending out the announcement of the survey and how to take it during the second week of August. Look for the postcard in your mail and if you do not receive one by August 20<sup>th</sup>, please check the website for more details.

### **Public Works**

#### **Resurfacing Project**

Thank you all for your patience during the third phase of the street resurfacing project. I know traffic and parking were very challenging during the construction period and will continue to be as the final street markings are made during August. However, please remain calm, it will be worth it when the project is completed.

#### **Colusa Street Lights**

We learned at the end of July that PG&E was planning on replacing several streetlights around the Colusa Circle area. Our County Supervisor John Gioia, arranged a public meeting with representatives from the County and PG&E that was held August 4<sup>th</sup> at Kensington resident Rodney Paul's home. Those in attendance were able to participate in the initial selection process of the replacement lights and poles. The selection process is continuing and for more information log into [colusa-improvement@googlegroups.com](mailto:colusa-improvement@googlegroups.com).

### **Website**

We have contracted with Pagepoint to revise our website in order to make it much more user friendly and up to date. The project will move through the months of August and September and you should be able to see the results by October 1<sup>st</sup>.

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

# Memorandum

Kensington Police Department



**To:** KPPCSD Board of Directors

APPROVED YES NO

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

\_\_\_\_\_

**Date:** Thursday, August 07, 2014

FORWARDED TO:  
\_\_\_\_\_

**Subject:** Consent Calendar Item L- Argument in Favor of Appropriations Limit

---

At the July 10<sup>th</sup>, KPPCSD Board meeting, the Board approved Resolution 2014-09 which, (a) called an election to establish the District's appropriations limit for Fiscal Year 2015-2016, and (b) authorized the District to use that number to calculate the limits for the next three years, through Fiscal Year 2018-2019.

The proposed Fiscal Year 2015-2016 appropriations limit amount was set at \$3,744,262, which is a 1% increase of the amount that was set for Fiscal Year 2014-2015 during the June 12<sup>th</sup> KPPCSD Board meeting. By placing this measure on the November 2014 ballot, the District will save on election costs of the consolidated election over the costs of a special election next year.

The board may want submit an argument in favor of the measure. Julie Sherman, our attorney at Hanson- Bridgett, offered to assist as needed in the drafting of this argument. The argument in favor of the measure has been reviewed by Julie Sherman and is attached to this memo for your consideration.

**The argument in favor of the measure if to be submitted, must be submitted by Wednesday, August 20<sup>th</sup> per the Registrar of Voters.**

ARGUMENT IN FAVOR OF MEASURE

This measure is necessary in order to ensure that your Police Protection and Community Services District can continue the present levels of police staffing for the next four years. It will not result in any increase in your taxes but will allow the District to make full use of the revenues it already receives.

An amendment to the State Constitution in 1979 imposed a limit on expenditures of most local government agencies, including the District. This "appropriations limit" was originally based on the level of the agencies' expenditures during Fiscal Year 1978-79. That base year was one year before the District voters approved a special tax to be used only for police protection services furnished by the District. As a result, the State-imposed expenditure limit would have prevented the District from making use of funds that an overwhelming majority of District voters had approved.

The State Constitution allows local agency voters to correct situations of this kind by approving temporary increases in the local appropriations limit. Kensington voters approved such an increase in 1981 and authorized its continuation at elections in 1984, 1986, 1990, 1994, 1998, 2002, 2006, 2010, when District votes approved a supplemental special tax, and most recently in 2011. Your Board of Directors is asking that the increased limit be continued for an additional four years. This will ensure that we do not have to reduce our complement of public safety officers.

- ◆ Passage of this measure **will not** increase your taxes or other costs.
- ◆ It **will** allow the District to maintain present levels of police protection, using funds it already receives.

We want to provide you high quality police service and consider this measure necessary to do so. Please vote yes on Measure \_\_\_\_.

\_\_\_\_\_  
President

\_\_\_\_\_  
Vice President

\_\_\_\_\_  
Director

\_\_\_\_\_  
Director

\_\_\_\_\_  
Director

The above signed authors of the primary argument in favor of Ballot Measure \_\_\_\_\_ at the Election of the Kensington Police Protection and Community Services District to be held November 4, 2014, hereby state that such argument is true and correct to the best of their knowledge.

62

# Memorandum

**Kensington Police Department**

**To:** KPPCSD Board of Directors

APPROVED



NO

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

**Date:** August 7, 2014

FORWARDED TO:

**Subject:** New Business # 1- KCC Park Bench in Memory of Joan Gallegos

The Kensington Community Council (KCC) has allocated up to \$1,000 to buy and install a park bench to dedicate in memory of Joan Gallegos, who was a KPPCSD Director for 12 years and served on the KCC Board for several years.

KCC would like to install the bench by the path on the far side of the upper lawn, across from Building E.

It is the hope of the KCC that with the KPPCSD Board's permission, the bench would be dedicated at a small ceremony at the KCC October 2014 Parade and Picnic.

# Memorandum

Kensington Police Department



**To:** KPPCSD Board of Directors

APPROVED      YES      NO

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

\_\_\_\_\_

FORWARDED TO:

**Date:** Thursday, August 07, 2014

\_\_\_\_\_

**Subject:** New Business Item #2 Update to RFP Process for New Garbage Contract

---

KPPCSD Board President Len Welsh and General Manager/ Chief of Police will provide the Board with an update to the request for proposal (RFP) process for solid waste and recycling services due to start September 2015.

64



# Memorandum

Kensington Police Department



**To:** KPPCSD Board of Directors

APPROVED YES NO

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

\_\_\_\_\_

FORWARDED TO:

**Date:** Thursday, August 07, 2014

\_\_\_\_\_

**Subject:** New Business Item #3 First Reading of the Revised KPPCSD Board Policy Manual

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The Policy Committee has been meeting since March 2012 reviewing, discussing, and making suggested revisions to the KPPCSD Board Policy Manual.

The Policy Committee membership has consisted of KPPCSD Directors Linda Lipscomb, Tony Lloyd, and Pat Gillette, former Director John Stein, and resident Barbara Dilts. The committee has been assisted by staff members Lynn Wolter and myself.

The committee is presenting for a first reading the suggested revised version of the manual at the KPPCSD Board meeting August 14<sup>th</sup>.

Attached to this memo as part of the agenda packet, you will find the following attachments:

- Attachment A: Original KPPCSD Policy Manual
- Attachment B: Redlined Version of the Changes
- Attachment C: Revised Draft Version (#16) of the Manual

# Memorandum

Kensington Police Department



**To:** KPPCSD Board of Directors

APPROVED YES NO

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

FORWARDED TO:

**Date:** Thursday, August 07, 2014

**Subject:** New Business Item #4 Attendance at CSDA 2014 Annual Conference

I am asking approval for my attendance at the 2014 California Special District Association (CSDA) Annual Conference & Exhibitor Showcase being held this year in Palm Springs.

Attached to this memo is a detail conference schedule for your review. If approved, I plan on attending the following breakout sessions:

"What You Need to Know if You Don't Have an HR Department"

"Walking the Political Tightrope between Employee Rights & Public Demands"

"A Recipe for Excellence in the Face of Micromanagement, Problem Personalities, and Other Board Issues"

"Rate Setting & the Role of Attorneys and Public Officials in Reviewing Cost of Service & Rate Studies for Compliance with Propositions 218 & 26"

"Fraud Prevention & Detection for Special Districts"

"Employment Practices Liability Update"

"When Tough Times Come: Working Your Way through a Crisis or Challenge"

I have also attached an estimated Expense Prepayment/ Reimbursement Report for your review. I have estimated the cost of my attendance at the conference to be \$1,674. (\$4,000 has been budgeted for this Fiscal Year for attendance at the CSDA Conference.)

## Tuesday, September 30

PROGRAM

7:30 a.m. – 5:00 p.m.

**Exhibitor Showcase Open**

7:30 – 8:45 a.m.

**Continental Breakfast with the Exhibitors (Raffle)**

(all attendees welcome)

9:00 – 10:45 a.m.

**Opening Keynote:**

**Stephen M.R. Covey**

**Leading at the Speed of Trust**



Author of the bestselling book, *The Speed of Trust™* Stephen is a sought-after and compelling motivational keynote speaker

and advisor on trust, leadership, ethics and high performance.

This dynamic presentation will go beyond a dialogue of trust as a soft social virtue and give leaders a greater vision of trust as a measurable, strategic advantage in all facets of life and work.

## (SCHEDULED BREAKOUT SESSIONS)

11:00 a.m. – 12:15 p.m.

### **Required Ethics AB 1234 Compliance Training (part 1)**

Meyers Nave

This two-part training covers general ethics principles and state laws related to: personal financial gain by public servants; conflict of interest, bribery and nepotism; gift, travel and mass-mailing restrictions; honoraria; financial interest disclosure and competitive bidding; prohibitions on the use of public resources for personal or political purposes; the Political Reform Act; the Brown Act open meeting law and the California Public Records Act.

*Must attend both sessions in order to receive your certificate.*

### **Words in Public Contracts Do Matter**

Bergman Dacey Goldsmith

This presentation will specifically address how standard provisions in public works contracts actually hurt, not help, the public entity. Solutions to these harmful provisions are also discussed and provided.

### **The Brown Act: Are You Doing it Wrong?**

Burke, Williams & Sorensen

In this advanced and interactive training session, attendees will work through a series of hypotheticals that illustrate common mistakes made by officials in complying with the Brown Act. An attorney with nearly a decade of experience dealing with citizens, gadflies and advocacy groups will explain applicable law and practical tips for avoiding errors. Attendees will learn how to properly form an ad hoc committee, what to do if the board wants to add an item to an agenda, and how to respond to a disruptive member of the public, among other things.

### **What You Need to Know When You Don't Have an HR Department**

Renee Sloan Holtzmann Sakai LLP

Given California's notoriously tricky employment laws, not having an HR department can be dangerous. Our panel will discuss the most common HR issues to confront managers in special districts and provide advice on how to deal with them.

### **CalPERS Dialogue with the Deputy Chief Actuary**

The Deputy Chief Actuary of CalPERS will provide an update on the actuarial office activities and answer employers' questions regarding changes in actuarial methods and assumptions, potential flexible funding options, GASB 68 requirements, proposed changes to risk pooling and other topics of interest. This is your opportunity to have an in-depth discussion with the Deputy Chief Actuary and to share any concerns or ideas with him.

### **Crisis Communications: How to Take Control and Tell Your Own Story When the Going Gets Tough**

Communication Advantage

This session will explore the rules of engagement when the news is bad: how to avoid defaulting to others to define the story; how to plan for recovery; and how to separate from the emotional and present the district in a way that protects, or begins to restore, credibility.



12:30 – 1:45 p.m.

**Lunch with the Exhibitors**

All conference attendees are welcome to attend a hosted lunch in the exhibit hall.

(SCHEDULED BREAKOUT SESSIONS)

2:00 – 3:15 p.m.

**Required Ethics AB1234 Compliance Training (part 2)**

Meyers Nave - See previous description.

**Walking the Political Tightrope Between Employee Rights and Public Demands**

Kronick Moskowitz, Tiedemann, Girard and El Dorado Hills Community Services District

Designed to help district management and elected officials know what to do and what not to do when you receive a complaint from a member of the public about one of the district's employees.

**At-Large Voting and the Rising Tide of VRA Claims**

Cota Cole LLP

We have recently witnessed an increase in challenges to at-large voting throughout the state. This session will address the at-large method of election with respect to potential claims under both the California and Federal Voting Rights Acts.

**Ten Attributes of Best Boards**

BHI Management Consulting

This session provides an overview of the actions and practices of those boards that have optimized their service to the public. The best boards are those that can look inwardly to find strong points and work together to represent the public in an efficient and well-ordered way. Come to this session and learn what the best boards do to optimize.



**How to Generate and Protect Funding for Your District: Practical Advice from Campaign, Polling and Legal Experts**

Burke Williams & Sorensen, Lew Edwards Group, Fairbanks, Maslin, Maulin, Metz & Associates, Santa Clara County Library District

Learn from a multidisciplinary panel of campaign, polling and legal experts about what other districts are doing to: permanently extend voter-approved taxes beyond their sunsets, protect existing taxes or fees from attacks, and address significant needs such as aging infrastructure. Hear one agency's story and "lessons learned."

**Breaking the Code: Plain Language for Special Districts**

Burke Williams & Sorensen, LLP

The use of plain language is an important aspect of government transparency. District officials and personnel participate in the preparation of many key district documents including resolutions, ordinances and public notices. This seminar provides an over-view on plain writing principles and techniques that will help make district documents clear and understandable.

Tuesday continued on the following page.



Palm Springs California is world famous for having the biggest concentration of mid-century modern architecture in the United States, and one of the largest collections of well-preserved 20th century modern properties – both commercial and residential – in the world. In 2006, the National Trust for Historic Preservation recognized Palm Springs for its achievements in preserving mid-century modern architecture.

## Tuesday continued

### (SCHEDULED BREAKOUT SESSIONS)

3:30 – 4:30 p.m.

#### **Board Member Compensation Rules: Salaries, Healthcare, PERS & Expense Reimbursements**

Meyers Nave

This session will address compensation, health care, expense reimbursements and other perks of being a board member, including when it is necessary to report gifts and meals to the FPPC. Attendees will leave with an understanding of the limits on compensation, gifts and what perks a board member can accept and what perks may create conflicts or be impermissible.

#### **Telecom Leasing: Maximizing Revenues While Protecting Your Interests**

Meyers Nave and Sunkay Associates

Discuss how special districts can protect the public interest while maximizing revenues from both existing and potential cell sites. The concept of auditing existing sites to recover missing revenues will be explored along with how carriers identify potential sites and how districts may unintentionally hinder being selected for new sites. The financial value of a cell site lease will also be discussed.

#### **A Recipe for Excellence in the Face of Micromanagement, Problem Personalities and other Board Issues**

Rauch Communication Consultants

When the board's policy direction and management are not in sync, the district cannot be effective. This session clarifies the job of the board, best practices for carrying out its role, and how it can interact most effectively with the manager.

#### **The Latest Updates in California & Federal Prevailing Wage Laws** Contractor Compliance & Monitoring, Inc.

California and Federal prevailing wage laws and regulations change almost every year; 2014 is no exception. New proposed legislation will overhaul the DIR's Compliance Monitoring Unit, all public works projects over \$30,000 require agencies to file a PWC-100 form, and federal Davis Bacon funded projects now cover surveying works.

#### **Lessons Learned for the 2014 Drought**

Kampa Community Solutions

The great drought of 2013/2014 will change the way water is managed statewide. Water self-sustainability, wastewater recycling and water reuse will be at the forefront of community planning activities and district management. This highly interactive session will provide you the tools and resources .

#### **Change Not for Change Sake – Public Sector Innovation**

CPS HR Consulting

CPS HR Consulting surveyed over 1,000 public sector employees to identify characteristics of the most and least innovative agencies. Discover what innovative government agencies do and don't do to achieve their mission and improve service.

4:30 – 5:00 p.m.

#### **Exhibit Hall Grand Prize Drawing**

Connect with exhibitors for one more chance to win one of our fabulous prizes!



### Fasten Your Seatbelts and Get Ready for Take Off!



6:00 – 9:00 p.m.

#### **Hangar Party at the Palm Springs Air Museum**

The Palm Springs Air Museum is home to one of the largest collections of flyable WWII aircraft housed in air-conditioned hangars with no ropes to keep you from interacting with exhibits. You'll feast on a USO themed buffet including a chicken and waffle station. Attendees will be in for a treat when "Company B – The Andrews Sisters Tribute" takes to the Bob Hope Stage.

\$50 per person includes dinner, two drink tickets, entertainment and transportation (optional event, payment and registration required)

# Wednesday, October 1

PROGRAM



8:15 – 9:00 a.m.  
**SDRMA Sponsored Full Plated Breakfast**  
(all attendees welcome)

11:00 a.m. – 12:15 p.m.  
**CSDA Finance Corporation Board and Annual Meeting**

11:00 a.m. – 4:45 p.m.  
**SPECIAL TRACK: SDRMA Safety Specialist Certificate Program**  
SDRMA is offering a new General Safety Specialist Certificate Program for SDRMA members only during the CSDA Annual Conference. The Certificate Program is an all-day specialized training program being presented by Bob Lapidus, CSP and Mary Beth O’Connell, CSP of Lapidus Safety Consulting. Participants who complete the training will receive a Safety Certificate for their respective agency and will also receive Credit Incentive Points, which will be applied to the agency to reduce annual program contribution amounts.  
*Pre-Registration Required*

*Wednesday continued on the following page.*



9:00 – 10:45 a.m.  
**SDRMA General Session, Safety Awards, Keynote**  
**Bob Gray, Memory Expert**  
**Experience the Power of Connections**

Take your connections to the next level. In this presentation, Bob reveals the untapped memory potential in each of us. Bob delivers two incredibly powerful memory demonstrations, which never fail to astonish. After entertaining the audience with his own memory, he enriches their minds by teaching the hilarious and practical ‘Chain’ system. (A system dating all the way back to ancient Greece, which is an invaluable tool for memorizing speeches, presentations lists, complex equations and more!)

Members of the audience always leave grinning and eager to test their new skills. Are you ready to accelerate you memory into rapid recall? The skills lay a short keynote presentation away.



Richard Neutra’s Kaufmann House located in Palm Springs, California at 470 West Vista Chino Drive was ranked second on a 2008 Best Southern California Houses of All Time, based on a survey of well-known architects, historians and preservationists.

## Wednesday continued

(SCHEDULED BREAKOUT SESSIONS)

11:00 a.m. – 12:15 p.m.

### Understanding Contractual Risk Transfer Techniques

SDRMA and Stutz, Artiano, Shinoff & Holtz

This session will address risk transfer techniques your agency should review and use before entering into any contractual agreement. If you are leasing/renting premises, who is responsible if an accident occurs? How much insurance should a contractor have? Do we really need 'indemnity' language in the agreement? These topics and more will be discussed.

### Rate Setting and the Role of Attorneys and Public Officials in Reviewing Cost of Service and Rate Studies for Compliance with Propositions 218 and 26

Best Best & Kreiger and Western Municipal Water District

The burden of proof for compliance with these two propositions is on public agencies. Courts will exercise their independent judgment when reviewing whether a public agency has complied with the substantive and procedural requirements of Proposition 218 and whether a fee is a tax under Proposition 26. This presentation will discuss the process for preparing a cost of service and rate study, and issues that attorneys and public officials should address in reviewing a cost of service and rate study.

### How to Not Only Lower OPEB Liabilities But Reduce Post-Employment Benefit Liabilities Too

PARS

Nationally retiree health care liabilities now exceed pension liabilities. Our session will address the latest benefits and funding strategies and trends to reduce this growing obligation facing special districts. Our expert panel will address questions that your district needs to know.

### Citizen Engagement: New Uses of Social Media and the Body Politic

Best Best & Krieger, Elsinore Valley Municipal Water District and Hi-Desert Water District

This multi-media workshop will combine the perspectives of a general counsel, social media expert and two water district public affairs experts to discuss innovative uses of social media to facilitate constituent communications and promote important issues of public policy on a regional basis.

### A Board Member's Guide to Reading and Understanding Financial Statements

Mann, Urrutia & Nelson


Just because you don't have a finance or accounting background doesn't mean you can't read and understand the financial statements of your district. The presenter will review the Statements of Net Position, Activities and Cash Flows as well as footnotes and will provide easy-to-understand guidance on what you should be looking for as a board member or general manager of a special district.

### Design-Build for Public Works Projects

Hanson Bridgett

Are you interested in learning more about design-build contracting on public works projects? This presentation will cover the various legal requirements that apply to special districts, the benefits that come with design-build, as well as anecdotes from actual public works projects.

12:30 – 2:00 p.m.

 **CSDA Annual Awards Luncheon**

All attendees welcome.

12:30 – 2:00 p.m.

### CSDA Annual Awards Luncheon

Join us as we celebrate the best of special districts with awards including: Board President of the Year, General Manager of the Year, the prestigious William Hollingsworth Award of Excellence, Chapter of the Year, Special District Leadership Foundation Awards and more!

### CSDA RECOGNIZES THE BEST AMONG SPECIAL DISTRICTS

Do you have a board member, staff member, local chapter or program that you feel deserves recognition?

Each year, CSDA presents various awards during the CSDA Annual Conference and Exhibitor Showcase. There are a number of different categories. Please consider outstanding individuals within your district for individual awards. Chapter awards and district awards are also open for nominations. Visit the Awards section of our conference website at [conference.csdanet.net](http://conference.csdanet.net) for more information.

*If you have any questions regarding the awards or the awards process, please contact Charlotte Lowe, executive assistant, at the CSDA office toll-free at 877.924.2732 or by email at [charlottel@csdanet.net](mailto:charlottel@csdanet.net). Deadline for submissions is Friday, August 15, 2014. All applicants will be notified of the winning submissions prior to the Annual Conference. Winners will be awarded at the CSDA Annual Conference & Exhibitor Showcase during the Awards Luncheon.*



## (SCHEDULED BREAKOUT SESSIONS)

2:15 – 3:30 p.m.

**Building Your Financing Dream Team**

CSDA Finance Corporation

Getting a capital improvement project financed by issuing bonds is a coordinated effort by the agency and a whole team of professionals. The key to a smooth, successful transaction is having the right people to help you through the process. In this panel discussion you will learn the roles and responsibilities of the various players, how the type of transaction determines who needs to be involved, and how recent regulations may affect your team composition.

**Navigating Medical Treatment in the Workers' Compensation Claims Process**

SDRMA and York Risk Services Group

Your injured worker tells you they cannot receive the required medical treatment because Utilization Review declined it. What does this mean? Who controls the doctors? Why is it so hard to schedule some procedures? What is an MPN? This session will discuss issues facing the injured worker and employer navigating the Workers' Compensation medical system. Everything you wanted to know about AME, IME, QME, PTP, UR, TTD and PD will be discussed!

**Fraud Prevention and Detection for Special Districts**

JG Davidson &amp; Company

Attendees at this session will learn to better understand and make clear distinctions between a procedure and a control, identify at what point in a process a key control is needed, more fully utilize a control generated document to facilitate better financial management, break down internal control review areas into manageable parts, and develop a plan to implement a comprehensive system of procedures and internal controls.

**Building Your Training Platform with TargetSolutions**

SDRMA and TargetSolutions

Identify how your agency can build on the TargetSolutions online training platform. By utilizing the platform your agency can reduce overall staff time for travel as well as training expenses.

**Consumption Based Fixed Rates – An Innovative New Conservation-Oriented Water Rate Structure Adopted by Davis, CA**

Bartle Wells Associates

Davis, CA is facing a costly transition from a 100% groundwater supply to a new conjunctive use groundwater-surface water supply. The \$100+ million project will be funded with debt proceeds that will result in fixed annual debt payments estimated to be larger than the current total annual enterprise expenses. Due to the amount of debt used to fund the project, future enterprise expenses are estimated to be about 80 percent fixed and only 20 percent variable. This presented a conundrum as an 80 percent fixed rate structure would be very expensive for small users and mute the overall conservation pricing incentive.

**The Great Board Chair**

BHI Management Consulting

The role of the board chair is key to optimal, well run meetings that best serve the public and get things done. The chair sets the tone for others that serve the public as board members. If you are a sitting board president or board chair, new or experienced; if you advise or assist the board chair in a staff capacity, come to this session to learn how to avoid pitfalls and optimize your service in this critical position.

*Wednesday continued on the following page.*

Singing cowboy Gene Autry was a familiar figure in Palm Springs when he was alive, and his larger-than-life statue ensures that he'll continue to be familiar for years to come.



# Wednesday continued

PROGRAM

## (SCHEDULED BREAKFAST SESSIONS)

3:45 – 4:45 p.m.

### Employment Practices Liability Update

SDRMA and Shurtz, Arizono, Soliman & Horst

The single largest risk your agency manages every day is your staff. This session will discuss current legal trends in work related litigation. What exactly is a “whistle blower”? What is the employer’s responsibility in providing “reasonable accommodations”? Does every employee qualify for California Family Rights/Family Medical Leave? Do these leaves run separately or concurrently? These issues and more will be discussed.

### Property Tax Essentials for Board Members – Increasing Your Finance IQ

Incl. Corbett & Coyle

Discussion of elements to be considered in preparation of property tax revenue projections. Topics include real estate trends impacting the recovery; residual revenue from successor agencies; recovery of values reduced under Prop 8; and increases in revenue from new development.

### Grant Management for Dummies: The ABC’s of Record Keeping Compliance and USFS Grant Management

PIO of Greater San Diego

Learn how to successfully manage grants while streamlining the grant management reporting process, capturing required statistical and in-kind data, reducing staff hours, staying in compliance, and keeping grant dollars where they need to be—in the field.

### Special Districts and CEQA – CEQA from Your Perspective

Bow, Bow & King

The panel will provide a brief overview of CEQA as it applies to districts and then engage the audience in a wide-ranging conversation based on questions submitted prior to or during the panel about how CEQA works for districts.

### Board Ethics and Conflicts of Interest Issues

Robert Cassidy, Willmore

We’ll address common ethical issues general managers should know in working with boards, including the complex conflict of interest rules applicable to board members and how those laws apply to your own work. Using case studies, we will look deeper into the ethical dilemmas you may face and ways to stay on the high ground.

### 21<sup>st</sup> Century Privacy Issues

Robert Cassidy, Willmore

Technology makes it possible for general managers to monitor employee conduct and gather an abundance of information about employees and job applicants. However, managers must balance their legitimate business practices against employee and applicant privacy rights. This workshop will explore the wide range of issues arising from the interplay between technology and privacy in the workplace. It will guide managers through the patchwork of federal and state laws and court decisions that govern these issues.

All attendees welcome.



6:00 – 8:00 p.m.  
 Special District  
 Leadership Foundation  
 “Taste of the City” Event



Meet us poolside at the Renaissance Palm Springs for a Rat Pack inspired fundraiser for the Special District Leadership Foundation. Sample delicious food and drinks while being serenaded by Nick D’Egidio. The sultry sounds of Sinatra are back, with the ultimate Frank Sinatra Tribute Show. From “Luck be a Lady” to “The Way You Look Tonight” and everything in between, get ready for the best in flashback entertainment.

This party has a purpose. Attendees at this reception will have the opportunity to participate in the Special District Leadership Foundation (SDLF) silent auction to raise funds for scholarships for the Special District Leadership Academy programs. A special wine raffle will also be held at 7:30 p.m. Be sure to purchase tickets throughout the conference for the chance to win a deluxe 35 bottle wine cellar fully stocked with 35 bottles of wine...almost a \$1,000 value. You must be present to win!

SDLF is an independent, non-profit organization formed to promote good governance and best practices among California’s special districts through certification, accreditation and other recognition programs. The SDLF and its activities are supported through the California Special Districts Association and Special District Risk Management Authority.

# Thursday, October 2

PROGRAM

## (SCHEDULED BREAKOUT SESSIONS)

8:30 – 10:00 a.m.

### Chapter Roundtable Discussion

Join CSDA board members and local chapter leaders from across the state to share best practices and discuss issues and opportunities. All attendees welcome.

### Hiring a Design Professional

*Robert Cassidy Whitford and Jennifer Irigoin, District*  
Special districts must comply with a qualifications based selection process under California's Little Brooks Act when hiring design professionals. We will provide an overview of the legal requirements and best practices regarding this selection process. During this interactive discussion we will share tips regarding how to request qualifications, evaluate submittals, interview, and select a firm to minimize the potential risk of challenge by an unsuccessful proposer. We will also discuss methods to reduce the risk of potential claims through successful contract negotiation strategies.

### Keep Calm & Update Your Status: Emerging Trends in Social Media

*Burke Williams Sorenson, LLP*  
The impact of social media in the public workplace continues to raise questions more rapidly than courts can provide answers. As one question is answered, new legal issues and forms of social media emerge to raise new questions. This cutting-edge session will cover the most current developments related to social media in the public workplace, including the Public Records Act, cyber-vetting of employees, recent litigation and more.

### When Tough Times Come: Working Your Way through a Crisis or Challenge

*Raouf Communication Consultants*  
Using actual case studies, learn how districts have overcome a variety of challenges, including: regulatory problems, legal attacks, public controversy, raucous board meetings, employee problems, and elections challenges. This session focuses on how to remain focused while managing crises and building public support.

### How to Obtain, Engage and Effectively Use Your General and/or Special Counsel

*Meyers Nave*  
This presentation will discuss, through best practices, and examples, how special districts of all sizes can procure and maximize use of legal services to protect assets and achieve the district's goals. This interactive presentation will assist participants by prompting questions and spotting issues related to some of the following: How to identify and obtain the appropriate legal representation for your district's needs, whether that is general and/or special counsel services, in-house v. contract; examples of how different types of special districts utilize legal services; and more.

### Rules of Order Made Easy!

Learn how to facilitate proper debate protocol in a board; the rights and obligations of the board and those of the public during a board meeting instructed by a registered parliamentarian; the six steps to handling a motion; and the three forms of amendments.

## Advocacy Team

1. Ralph Heim
2. Kyle Packham
3. Dorothy Holzem
4. Christina Lokke



## Don't miss it!

10:15 a.m. – 12:00 p.m.  
Closing Brunch: 2014 Legislative Outcomes: The Impact on Your Special District

CSDA's advocacy team will present attendees with the most up-to-date information on the outcome of the biggest state budget and legislative issues impacting special districts in 2014, as well as a sneak peak of what to expect in 2015. This year included major proposals on property taxes, new "green" local revenue opportunities, mandates, mandates, mandates and the continued implementation of public employee pension reforms.

Get all the latest legislative results and learn what they mean for special districts going forward.

APPENDIX A - EXPENSE PREPAYMENT/REIMBURSEMENT FORM

Name: AIZEL HARMAN

Event/Activity: CSDA ANNUAL CONFERENCE & EXHIBITOR

Location of Event/Activity: PALM SPRINGS 9/29-10/2 SHERATON

Approved by Board of Directors on: \_\_\_\_\_

		Prepay	Reimburse
1.	Event/Activity Registration Fee	\$ <u>550</u>	\$ _____
2.	Transportation		
	• Airfare	\$ <u>350</u>	\$ _____
	• Car Rental (\$ _____ per day for _____ days)	\$ _____	\$ _____
	• Car Mileage (\$ _____ per mile for _____ miles)	\$ _____	\$ _____
	• Taxi	\$ _____	\$ <u>50</u>
	• Parking ( <u>SFO</u> )	\$ _____	\$ <u>54</u>
3.	Lodging (\$ <u>134</u> per night for <u>3</u> nights)	\$ <u>472</u>	\$ _____
4.	Meals (Complete information requested on next page of form)		
	a. Breakfast <u>12 x 3</u>	\$ _____	\$ <u>36</u>
	b. Lunch <u>18 x 3</u>	\$ _____	\$ <u>54</u>
	c. Dinner <u>36 x 3</u>	\$ _____	\$ <u>108</u>
5.	Other (Explain details of request)	\$ _____	\$ _____
	Total Requested	\$ <u>1372</u>	\$ <u>302</u> = <u>\$1074</u>

Please attach all receipts documenting each expense above. This Expense Prepayment/Reimbursement Form must be submitted within 30 days after the event. All expenses reported on this form must comply with the District's Expense Policy for Board members, the General Manager/Chief of Police, and all non-sworn District employees.

Signed: \_\_\_\_\_

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_