

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS MEETING MINUTES

Thursday, May 12, 2022

Via Teleconference

Draft

Special Meeting (Closed Session) – 6:30 p.m.

Call to Order [[TS 6:16](#)]

President Sylvia Hacaj called the Special Meeting to order at 6:34 p.m.

Roll Call [[TS 6:29](#)]

Director Chris Deppe, Vice-President Mike Logan, Director Eileen Nottoli and President Sylvia Hacaj were present at roll call. Director Rachelle Sherris-Watt joined the meeting at 6:36 p.m.

Staff present included Interim General Manager Richard J. Benson, General Counsel Ann Danforth, and Clerk of the Board Lynelle M. Lewis.

Special Meeting Agenda Public Comments [[TS 7:13](#)]

- The following persons addressed the Board: 1) Cassandra Duggan, representing Savekensingtonsfuture.info, requested the Board begin holding in person meetings; and 2) Anthony Knight requested holding in person meetings.

1. Teleconference Meetings During State of Emergency [[TS 11:46](#)]

- Motion by Director Sherris-Watt, seconded by Director Deppe, that we adopt Resolution No. 2022-08 making findings and determining a need to continue holding remote meetings by teleconference, carried (4-1) by the following roll call vote: (AYES) Directors Deppe, Nottoli, Sherris-Watt, and Hacaj; (NOES) Director Logan; and (ABSENT) None.

Resolution No. 2022-08 – A Resolution Of The Board Of Directors Of The Kensington Police Protection And Community Services District Making Findings And Determining A Need To Continue Holding Remote Meetings By Teleconference.

Adjournment to Closed Session [[TS 22:22](#)]

President Hacaj announced that the Board would go into Closed Session to discuss two items.

Regular Meeting - 7:00 p.m.

Call to Order [[TS 1:06:46](#)]

President Sylvia Hacaj called the Regular Meeting to order at 6:02 p.m.

Announcement from Closed Session [[TS 1:06:56](#)]

President Hacaj announced the Board gave further direction to its labor negotiator. She also announced the Board approved a contract for a new Interim General Manager (IGM) as the current IGM Richard Benson has to end his engagement with KPPCSD. Former General Manager Tony Constatouros will return as IGM on May 16th.

Roll Call [[TS 1:07:42](#)]

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

Staff present included Interim General Manager Richard J. Benson, General Counsel Ann Danforth, and Clerk of the Board Lynelle M. Lewis.

Public & Consent Calendar Comments [[TS 1:08:25](#)]

- The following persons addressed the Board: 1) Catherine DeNeergaard said Board decisions should be made in public and suggested looking at Blake Gardens Park for Kensington; 2) Mark Constantini said the children should not be evicted out of the park; 3) Danielle Madugo said she was happy to see the proposal for a joint meeting with Kensington Fire Protection District (KFPD) regarding the Public Safety Building (PSB), the current site poses fault displacement hazards, and urged focusing on new building construction for both districts; 4) Cassandra Duggan, representing Savekensingtonsfuture.info, read a petition requesting a pause on the PSB construction to address community concerns and to preserve the park for community recreation; 5) Anthony Knight asked for clarification on the status of IGM Rick Benson; and 6) Mabry Benson said the time for discussing alternatives for housing the police and fire departments has passed, and said there is an advantage to having the police at one end of the park; and 7) Kyle Virgien urged the Board to reconsider its priorities and not replace community services with the police.

Consent Calendar [[TS 1:29:32](#)]

Item 1, 2 and 4 were removed from the Consent Calendar.

1. Meeting Minutes for the Special and Regular Meetings of April 7 and April 14, 2022.

Director Nottoli said that the Minutes needed pagination and Director Sherris-Watt pointed out corrections to the spelling of names.

- Motion by Director Sherris-Watt, seconded by President Hacaj, to accept the Meeting Minutes for the Special and Regular Meetings of April 7 and April 14, 2022 to include Director Nottoli's recommendation to paginate the pages and the Director Sherris-Watt's corrections to spelling of names, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

Approved Meeting Minutes with corrections.

2. **Contract with Richard Benson for Consulting Services.**

President Hacaj reported that Tony Constantouros would be the Interim General Manager beginning May 16th and that Rick Benson would be retained as a consultant as needed.

- Motion by President Hacaj, seconded by Director Sherris-Watt, to approve the contract as described by the General Counsel with Richard Benson for consulting services to the District upon his change of status after May 16th, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

Approved the contract and authorized President Sylvia Hacaj to execute it on behalf of District.

3. **General Funds Transfer to LAIF Account**

- Motion by President Hacaj, seconded by Director Deppe, to approve the transfer of \$1.2 million from the General Fund checking account into the Local Agency Investment Fund (LAIF), carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

Approved the transfer of \$1.2 million from the General Fund checking account into the Local Agency Investment Fund (LAIF).

4. **March 2022 Financial Reports**

Board members commented on variances in the reports (i.e. utilities costs, landscaping costs, how parks should be reflected in the budget, dues and subscriptions, and Covid costs). Following discussion, there was consensus to have staff provide the Board with a quarterly budget update.

- Motion by President Hacaj, seconded by Director Sherris-Watt, that we accept the financial reports, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

Received and accepted the March financial reports.

Discussion and Action

5. **General Manager Compensation** [[1:46:33](#)]

Interim General Manager Richard Benson introduced the recommended action to enroll the District General Manager position and other administrative staff in the California Public Employees Retirement System (CalPERS) and classify the position as salaried (\$12,350.00-\$13,899.60), part-time (24-30 hours/week).

Board members commented on costs for adding more staff to CalPERS, suggested reevaluating the current staff structure, and asked about the process and timing for joining CalPERS.

- The following persons addressed the Board: 1) Mark Constanini questioned if this was a good return on investment; 2) Vida Dorroh suggested looking at consolidating the two districts to save tax dollars; 3) Steve Simirin endorsed having a unified board and questioned whether Kensington can support its own police force; 4) Danielle Madugo asked if there is a way to hire a district manager for both districts; and 5) Marilyn Stollon said we need to keep the General Manager and Chief of Police separately and supported the current recommendation.
- Motion by Director Sherris-Watt, seconded by Director Sherris-Watt, to direct the General Manager to take necessary actions to enroll the District General Manager position and other administrative staff working more than 20 hours in CalPERS and classifying the position as salaried not hourly although part-time for 24-30 hours, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

6. **Temporary District Location** [[TS 2:17:08](#)]

Interim General Manager Richard Benson introduced the recommended action to: (1) Approve locating, on a temporary basis, the KPPCSD administrative and police operations to 10940 San Pablo Avenue, Unit B, in El Cerrito; and (2) Authorize the Interim General Manager to enter into agreements relating to the relocation with the City of El Cerrito, Mobile Modular Management Corporation, and the KFPD. He explained the terms with the City of El Cerrito and noted that remodeling costs are still unknown.

Board members asked questions about the timeframe for occupancy, penalty for going beyond contract terms, costs for removal of the modular unit, modular renovation costs, and use of a modular building for new location.

- The following persons addressed the Board: 1) Mark Constantini said he was impressed with the critical thought process; 2) Danielle Madugo asked about mutual aid with El Cerrito and why the PD cannot join the FD the church, suggested more collaboration with the KFPD and said moving the PSB would eliminate the seismic hazard; 3) Paul Dorroh asked how the KFPD subleasing amount was determined; 4) John Price said the two boards needed to pause and come up with a solution that works for everyone and not have the police in the park; 5) Bill Hansell, KFPD General Manager, explained the KFPD financial offset, said remaining in the PSB is risky, and noted support for the staff recommendation; 6) Marilyn Stollon suggested using the parking lot for a permanent building and said to keep moving forward; 7) John Gaccione said there is no reason to pause on the renovation of the PSB and supported the staff recommendation; and 8) Candy Capogrossi said to move ahead with the proposal and asked about the life span for a modular building.
- Motion by President Hacaj, seconded by Vice-President Logan, to approve the General Manager to move forward with locating, on a temporary basis, the KPPCSD police and administrative operations to 10940 San Pablo Avenue, Unit B, in El Cerrito; to enter into

agreements relating to the relocation with the City of El Cerrito, the Mobile Modular Management Corporation, and the Kensington Fire Protection District in the terms described in the staff report including a \$15,000 limit maximum for modifications, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

7. Proposal to Call a Joint Meeting with the Kensington Fire Protection District [[TS 3:07:53](#)]

President Hacaj introduced the recommended action to direct staff to contact the KFPD to propose a joint meeting to update the public regarding the status of housing the two agencies.

Board members presented their viewpoints on this issue (i.e. a public forum with the two chiefs and general managers or a joint meeting with board members).

- At 9:45 p.m., Director Sherris-Watt made a motion to extend the meeting until 10:30 p.m. The motion was seconded by Director Deppe, and it carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.
- The following persons addressed the Board: 1) Cathy Garza favored an in person joint meeting; 2) Sneha Patel supported holding a joint meeting; 3) John Price supported a community meeting to include other Kensington organizations; 4) Anthony Knight asked who was participating in this meeting; 5) Sylvia Elsbury said the meeting should be in person with two board members, two general managers, and two chiefs; 6) Danielle Madugo supported a joint agendized meeting with all directors; 7) David Fike supported a joint in person meeting of both boards; 8) Mark Constantini urged convening a public meeting with public engagement; 9) Candy Cappogrossi invited everyone to the Kensington Property Owner's Association meeting on May 21st; 10) John Gaccione commented on park access concerns for the police; 11) Katie Brohawn supported holding a public forum and urged people to stand at the bottom of the hill to preview the best location for the police; and 12) Marilyn Stollon supported holding a structured public meeting and would like to have a Zoom option.

There was Board discussion about the structure of the joint meeting.

- At 10:20 p.m. President Hacaj made a motion to extend the meeting until 11:00 p.m. Director Sherris-Watt seconded the motion, and it carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.
- Motion by President Hacaj, seconded by Director Sherris-Watt, that our Interim General Manager contact the General Manager of the KFPD to craft a proposal for a public informational meeting that would include presentations of the current plans for the renovated fire building and a presentation by the KPPCSD Chief of Police on the space needs and regulations he believes are needed, and allow for the public to ask questions, and perhaps have their architect present, and if they need a facilitator was needed we would jointly pay for it, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli,

Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

8. Review 1st Draft of New Agreement with the Kensington Community Council (KCC) [\[TS 4:05:05\]](#)

General Counsel Danforth highlighted the draft agreement's most significant new provisions and noted that this was just a starting point for consideration. Board members provided comments and suggestions.

- The following persons addressed the Board: 1) Sneha Patel applauded efforts to negotiate a new agreement and supported establishing an ad hoc committee and ask the Board to provide the rationale for each change; 2) Sylvia Elsbury supported the creation of an ad hoc committee and asked whether the goals for recreation programs are best codified in a contract or working with KCC; 3) Mark Constantini suggested decreasing fees charged to KCC and providing scholarships to people with needs; 4) Cathy Garza said this version micromanages programming and voiced support for the ad hoc committee; and 5) Danielle Madugo supported the creation of an ad hoc committee and said assessing fees to non residents could be inappropriate since El Cerrito residents have children who attend school in Kensington.

Following Board discussion, there was consensus to direct Interim General Manager Benson to find a meeting date to discuss the draft agreement.

9. Annual Approval of the Kensington Park Assessment District Levy [\[TS 3:58:46\]](#)

Interim General Manager Benson introduced the recommended actions to adopt three Resolutions for Fiscal Year 2022-23 to collect the Kensington Park Assessment Pursuant to the Landscaping and Lighting Act of 1972.

- Motion by President Hacaj, seconded by Vice-President Logan, to adopt Resolution No. 2022-05 Initiate Proceedings For The Levy And Collection Of Assessments For The Kensington Park Assessment District for Fiscal Year 2022-23, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.
- Motion by President Hacaj, seconded by Director Sherris-Watt, to adopt Resolution No. 2022-06 Approve The Annual Report For The Kensington Park Assessment District For Fiscal Year 2022-23, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.
- Motion by President Hacaj, seconded by Director Sherris-Watt, to adopt Resolution No. 07-2022 Declare the District's Intention To Levy And Collect Assessment For The Kensington Park Assessment District for Fiscal Year 2022-23, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

Comments & Reports

10. Director Comments [[TS 4:32:28](#)]

Board members thanked Interim General Manager Richard Benson for his service to the District.

11. General Manager Comments

None.

12. Board Correspondence

- KCC Report – May 1, 2022

Adjournment [[TS 4:32:55](#)]

President Hacaj adjourned the meeting at 11:01 p.m.

The next regular meeting is scheduled for Thursday, June 9, 2022.

SUBMITTED BY:

Lynelle M. Lewis, District Clerk of the Board

APPROVED: June 9, 2022

Richard J. Benson, Interim General Manager

Sylvia Hacaj, President of the Board

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS MEETING MINUTES

Friday, May 27, 2022

Via Teleconference

Special Meeting

Call to Order [[TS 10:58](#)]

President Sylvia Hacaj called the Special Meeting to order at 12:06 p.m.

Roll Call [[TS 11:18](#)]

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

Staff present included Interim General Manager Tony Constantouros, General Counsel Ann Danforth, and Clerk of the Board Lynelle M. Lewis.

Discussion and Action

1. Kensington Community Council (KCC) Agreement. [[TS 11:47](#)]

General Counsel Ann Danforth summarized the most significant new provisions of the second draft agreement.

Directors commented on the provisions in the draft agreement. There was Board discussion about the need for adult programs, resurrecting a three-month extension of the existing contract to provide for summer programs, compensation, including a financial firewall between KCC and the Outlook newspaper, American with Disabilities Act compliance, the renewal date, the non-resident fee (percentage versus flat rate), and establishing an ad hoc committee to review the document.

Special Meeting Agenda Public Comments [[TS 49:16](#)]

The following persons addressed the Board: 1) A. Stevens Delk said she was uncomfortable with board members sending comments to the General Counsel that are unknown to the community and commented on storage space use, program limitations for non-residents, the cost of living provision, and inconsistent timelines throughout the document; and 2) Vida Dorroh supported including a non-resident fee, asked about KPPCSD taking over adult recreation directly, and asked about the park administrator.

Following Board discussion, President Hacaj appointed Directors Sherris-Watt and Hacaj to the ad hoc committee to review the draft agreement and to participate in negotiations with KCC. General Counsel Danforth will return to the Regular Meeting of June 9th with a request for an authorization for the General Manager to negotiate and execute an extension of the current KCC agreement until the end of the summer subject to General Counsel approval to ensure current KCC summer programs can move forward (with KCC concurrence).

Adjournment [[TS 1:14:05](#)]

President Hacaj adjourned the meeting at 1:09 p.m.

The next regular meeting is scheduled for Thursday, June 9, 2022.

SUBMITTED BY:

Lynelle M. Lewis, District Clerk of the Board

APPROVED: June 9, 2022

Tony Constantouros, Interim General Manager

Sylvia Hacaj, President of the Board