

## Meeting Minutes for 11/16/17

A Regular Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday, November 16, 2017, at 6:30 P.M., at the Community Center, 59 Arlington Ave., Kensington, California. A Regular Meeting (Open Session) followed.

### ATTENDEES

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Rachelle Sherris-Watt, President	Ann Danforth, District's Legal Counsel
Eileen Nottoli, Vice President	William Glass
Sylvia Hacaj, Director	Farhat Doud
Chris Deppe, Director	Bob Deis
	A. Stevens Delk
<u>Staff Members</u>	Leonard Schwartzburd
Anthony Constantouros, General Manager	Anne Forrest
Rickey Hull, Interim Chief of Police	Todd Hodson
Lynn Wolter, District Administrator	Lisa Coronna
	Celia Concus
<u>Press</u>	Gail Feldman
Linnea Due	Meldon Heaslip
	Marilyn Stollon

President Sherris-Watt called the meeting to order at 6:34 P.M. President Sherris-Watt, Vice President Nottoli, Director Hacaj, Director Deppe, GM Constantouros, ICOP Hull, and District Administrator Wolter were present. President Sherris-Watt announced that Director Welsh had had an accident and would not be able to attend the meeting.

### CLOSED SESSION PUBLIC COMMENTS

None.

The Board entered into Closed Session at 6:35P.M.

### CLOSED SESSION

- 2a. Conference with Labor Negotiators  
Agency designated representatives: (General Manager Anthony Constantouros and Jonathan Holtzman).  
Employee organization: Kensington Police Officers Association.

The Board returned to Open Session at 7:39 P.M.

Roll call: President Sherris-Watt, Vice President Nottoli, Director Hacaj, and Director Deppe were present. President Sherris-Watt announced that Director Welsh had had an accident and would not be able to attend the meeting.

President Sherris-Watt reported that, during Closed Session, the Board had given direction to its labor negotiators.

### PUBLIC COMMENTS

A. Stevens Delk noted that, at the prior Board meeting, Jim Watt had remarked upon public comments: The agenda language suggested that this was the time to comment on a consent calendar item. However, when someone had begun to comment on the minutes during public comments, that individual had been told to wait until the consent calendar was taken up. She noted that the Board's policy was not to answer questions at this time. She said that, at the last month's meeting, Catya de Neergaard had reported that Kensington residents were now being turned away when they tried to take fluorescent bulbs and other items to El Cerrito's recycling center. Dr. Delk added that, because of the Board's no reply policy, President Sherris-Watt had told Ms. de Neergaard that Vice President Nottoli would address her concerns during Board comments; However, Vice President Nottoli hadn't done so.

Dr. Delk said that free use of El Cerrito's recycling center had been made possible by a joint powers agreement (JPA) that had been formed in 1991; however, Kensington had not been a member. She explained that, because of the cost of disposing certain hazardous materials, El Cerrito's center was no longer able to provide free service to non-members. The center did still accept other things, such as batteries and electronics, with no charge. Although Kensington had not joined the JPA, it had entered into an agreement with the County in 1997, which enabled residents to make use of the household hazardous waste facility in Richmond, at a cost of about \$12,000 per year. She reported that Vice President Nottoli had been busy: She'd obtained an estimate for a single household hazardous waste drop-off event, and the quote had been \$70,000; she had spoken with Bay View Refuse about the possibility of a by-appointment-only or a quarterly curbside pick-up of hazardous waste, and she'd spoken with El Cerrito about options. She suggested that, until Kensington could identify a cost-effective option, residents should combine hazardous waste drop-offs with neighbors for once-a-year trips to the Richmond facility.

### BOARD COMMENTS

Director Deppe reported that, during the prior night, at least four Franciscan Avenue mailboxes had been broken into. He suggested that people empty their mailboxes timely. He also reported that, because of this, he'd contacted the Post Office and signed up for "Informed Delivery," a program in which the Post Office scans one's mail and then sends an email containing images of every mail item one is supposed to receive. He noted that people could sign up for this program online.

President Sherris-Watt thanked the Kensington Community Council (KCC) for its annual fall parade and thanked GM Constantouros for representing the KPPCSD as the parade's Grand Marshall. She also thanked the Kensington Police Department for providing traffic control and for its outreach program on Halloween. She reported that there would be a special Board meeting on November 29<sup>th</sup> – there had been a Finance Committee meeting scheduled for this night, but it would be cancelled and replaced by the Board meeting.

President Sherris-Watt requested that agenda item 9a, the presentation by Bob Deis, occur after agenda item 8a, the Glass Associates presentation.

### STAFF COMMENTS

None.

## CONSENT CALENDAR

President Sherris-Watt asked if anyone wanted to pull items from the Consent Calendar. No one did.

**MOTION: President Sherris-Watt moved, and Vice President Nottoli seconded, to adopt the Minutes, Items a and b on the Consent Calendar.**

**Motion passed: 4 – 0.**

**AYES: Sherris-Watt, Nottoli, Hacaj, Deppe**

**NOES:**

**ABSENT: Welsh**

## OLD BUSINESS

8a. Director Hacaj introduced the item. Glass Associates had come in July and presented its concepts for the renovation of the Community Center, focusing on the seismic, disability access, and energy efficiency upgrades. In accordance with the process, Glass Associates had spoken with community members at three community events during the past few months. This evening, Glass Associates would present design drawings, which continued to be based on the work the company had done with its contractors. She thanked people for attending and noted that this was an important project for the community and one the District was committed to seeing through in a timely manner. Given what had just happened in Sonoma County, the District might be able to get its project in under the wire, before prices for materials and labor began to increase. The District would be getting costs from the cost estimator in December, and these would enable the Board to make more decisions going forward. She welcomed Farhat Doud and Bill Glass to make their presentation.

Farhat Doud:

- In July, the company had been in the schematic design phase, at which time it had met with users of the building, the Park Building Committee, and the Board. This included initial findings and solutions.
- Now, the company was here to report on the design development phase – looking into how things would actually be working. The company had been working with structural, mechanical, and plumbing consultants to determine this.
- The impetus of the project was to make the building seismically sound, based on a report that had been done by Gregory Wallace. There were a few structural failings, and, primarily, these had to do with the roof not being properly secured to the walls.
- The cost of the structural issues had triggered the ADA (Americans with Disabilities Act) and the energy issues.
- Meetings with different users had resulted in other requests and needs. These had driven a list of options. It was hoped there would be some convergence of the options and the necessities that would enable the District to get “more bang for the buck.”

Ms. Doud summarized the site improvements:

- Primarily ADA work – by code, one parking space must be installed, along with its loading and unloading area, and then an ADA-compliant path of travel must be created, from one’s car to the building’s entrances. To achieve the needed ADA grade, nearby areas would need to be re-graded and primary entrance/exit doors would need to be retrofitted.
- Structural aspects – The primary problems are with the roof: It’s not adequately tied to the walls. It’s recommended that the roof be tied at all edges and at the trusses. She also noted that the roof did not have adequate sheer capacity, so a layer of plywood would need to be added. This would provide an opportunity to install insulation. The front wall is an unrestrained cantilever: It doesn’t support itself or the roof. The glazing (windows) at the top of the front wall prevents the roof from being tied to the wall. Adding a series of columns, secured at the foundation and tied, through the wall, to the roof, could resolve the roof issue.
- Interior ADA revisions – The bathrooms need only minor changes: some of the fixtures would need to be upgraded, and a minor plumbing change would be needed. The kitchen would need

a fair amount of work to make it ADA compliant. The counters would need to be lower, thus all the counters and cabinets would need to be replaced, and a new sink would need to be installed. The flooring would be removed, and there would need to be more clearance at the back door. There would be a rollout table that could be stored underneath the counter: This would provide additional workspace, especially for children participating in cooking classes.

- Energy upgrades – Adding insulation to the ceiling of the main room would be a significant improvement. The ceilings in the other rooms had been insulated during the 1987 remodel. The clerestory windows would be changed to dual-paned low-e windows. Regarding the heating units: The current heaters meet the energy modeling for the building. In order to present the absolute minimum scope of the project, Glass Associates moved replacing the heaters into the “optional” category. Bill Glass added that the energy study had shown that the building did quite well, from an energy efficiency standpoint, but there were a few things that needed to be done: primarily roof insulation. He reported that lighting upgrades might or might not be required, but that, once touched, these could trigger other code issues. Ms. Doud cited that energy, including things like occupancy sensors and dimmers, also fell under accessibility code issues.
- Construction Task – Minimum Scope Rough Order of Magnitude Cost Summary: Total budget \$1,043,000. The architects and their consultants derived this cost summary, using their experience, and the numbers were based on what is known now about the project to date. The cost estimators would provide more accurate numbers later, once Glass Associates progressed with the detailed construction documents. This estimate included the basics Ms. Doud had just reviewed: seismic, ADA, building envelope, and electrical upgrades; site work; and some finish work.
- Requested improvements – Items identified by meeting with the user/community groups and committee members.
  1. Additional accessible parking spaces: There had been requests for more accessibility parking spots because of the large number of seniors in the community. To add a second space would require carving into the hillside, which would be difficult to accomplish because of the grade changes and the catch basin. (Estimate: \$109,500)
  2. Southwest wall options: Keeping the front wall would cost a bit more. It would be more efficient to remove what’s there and install a steel framing. This would free up a lot of options in terms of melding the indoor and outdoor features of the Community Center.

First option: French doors. Installing glazing along this wall would require some sort of shading that could also emphasize the location of the main entrance and create a visual extension of the building’s interior. With this much glazing, some were concerned about a loss of privacy and light control; thus, Glass Associates included the option of installing shades.

Second option: a pivot and slide NanaWall, which would make it possible to open the entire wall.

Third option: fixed glass along the wall.  
(Options estimates: \$67,500 - \$91,000)
  3. Heating: The existing heaters work, based on the low use of the building, but are 30 years old and aren’t efficient. It would be easy and cost effective to replace them. Another heating option would be to install furnaces with ducting – a separate system for each room. A third option would be a hybrid – install a furnace and ducting in the main room and then upgrading the existing heaters in the other rooms. (Estimate: \$111,600 - \$149,500)
  4. Storage options: Glass Associates received a lot of comments that there wasn’t enough storage in the building and that it would be good to have a built-in AV/sound system. People also noted there weren’t enough outlets. Adding a storage wall, with cabinets and built-in seating, would address some of the issues. (Estimate for storage: \$31,200 - \$39,000) (Estimate for A/V and sound system: \$12,000)

5. Fireplace options: Keep but cover the fireplace with cabinetry, add a mantel, or install a fireplace insert. (Estimates: \$2,500 - \$9,500)
6. Restroom access from side rooms and entry area improvement option: Add a moveable screen wall. This would provide a discreet way for people to travel from the side rooms to the restrooms, for people to have a place to “land” when arriving at the building, and provide a location for a bulletin board. (Estimate: \$14,500)

Ms. Doud noted that the options denoted by darker red boxes were items that would be good to do during construction. These were described as invasive and would, therefore, be more cost effective to do during this renovation project. Items denoted by the lighter colored boxes were ones that could be done later, without much intrusion or added cost.

Ms. Doud reported that Glass Associates would proceed with the construction document phase that would cover the basic elements and the bid alternates. This would result in more accurate numbers and would enable Glass to proceed with final documents for the bid process.

President Sherris-Watt thanked Ms. Doud for her presentation and said this would not be the public’s only opportunity to comment. She also clarified that the cost estimate slides had not been included in the handout because updated cost estimates would be provided in a couple of weeks, and they might be different from the amounts shown during the presentation.

Director Hacaj suggested posting the design elements on the District’s website.

Leonard Schwartzburd asked if the public could have copies of PowerPoint presentation. Director Hacaj responded that it would be put up on the website. Dr. Schwartzburd asked if the insulation values been calculated and whether solar had been considered to address the building’s heating needs. Bill Glass responded that the energy consultant and engineering consultants had included the calculations that had to do with conformance with Title 24 and that this had included the option changing the cinderblock wall to glazing and outdoor canopy. Dr. Schwartzburd said his question also entailed installing solar panels. Mr. Glass responded that, to meet Title 24, buildings had to be solar-ready. Therefore, at the end of the project, the building would be solar-ready. He clarified that installing solar panels would not be needed to meet the energy code and that the reason not to install panels at this time would be the first cost. He noted the project basics were already over the intended budget but, if the Board wished to proceed with this, it could be done.

President Sherris-Watt introduced Anne Forrest and Todd Hodson, President and Vice President of the Kensington Community Council (KCC), and said this organization had been working with Director Hacaj and the Park Buildings Committee on this project. Mr. Hodson asked if installing columns, at a cost of about \$70,000, was the least expensive option for the southwest wall. Mr. Glass responded that the structural aspect of it was the least expensive, but it became more expensive when the doors and glazing were added: These numbers were included in the cost sheets. Mr. Hodson said the KCC was responsible for Kensington’s recreation and ran the Kensington After School Enrichment Program (KASEP) and summer camp. Because the KCC was one of the Community Center’s major users, it had great interest in seeing the renovation timely completed and had been anticipating the project for many years, having contracted with a local architect in 2009 to develop initial drawings – an effort that had initiated the process. Since then, the KCC had been saving and fundraising to help with this project, and he commended Glass Associates for doing a great job conceptualizing what was possible. The KCC had approved a motion to offer \$250,000 of unrestricted funds toward the renovation of the Community Center to be used for the basic elements of the project. This amount included \$32,540 of donated and matching funds. Additionally, the KCC had passed a motion to buy several of the options, should the KPPCSD Board choose to proceed, for an additional amount not to exceed \$210,000, for the following items: the NanaWall; the full upgrade of the heating system, including ducting for the side rooms and the main room; the storage wall, not including the fireplace; and the acoustical ceiling. Any offer

from KCC would be predicated upon the renovation project becoming fully funded and a contract for completion signed. Mr. Hodson noted that the KCC had funded the renovation of the recreation building and the park restrooms and that the KCC looked forward to fundraising with the KPPCSD in the upcoming year to ensure the Community Center project would become a reality. He also hoped other residents and K-groups would join in the effort.

Director Hacaj thanked the KCC, and President Sherris-Watt said the KPPCSD Board was honored and delighted to be the KCC's partner and was grateful for its gift.

Lisa Caronna, a member of the Kensington Improvement Club (KIC) announced that the KIC had designated \$15,000 for the Community Center: \$5,000 had been donated previously for the new sound system, which left \$10,000 for the renovation project.

President Sherris-Watt said the KIC had come forward quickly when donations had been needed for the sound system. She added that a total of \$15,000 was no small gesture and thanked the KIC's board.

President Sherris-Watt thanked Ms. Doud and Mr. Glass.

### NEW BUSINESS

9a. The Board received and discussed the Administrative and Support Study completed by Bob Deis, Senior Consultant of the Public Management Group. Mr. Deis made the presentation.

GM Constantouros said he'd been Kensington's GM for about five months and had noticed some improvements could be made in the administrative aspect of the District's function – the foundation by which all District services were accomplished: Goals were accomplished and tasks were completed efficiently. He also noted there were duties that were either not assigned or not being done. He cited the personnel function as one of these and noted that, as a result, attorneys were called in during or after a complaint process – an expensive way of managing personnel. He noted there also were no best practices or a sense of how to implement these, priorities weren't clear, there weren't policies in a number of areas, and there were limited redundancies (no back-up for functions). The best way to proceed was to have a quick overview of the administrative functions, so he'd called on Bob Deis, of the Public Management Group to perform this. Without any cost estimate, the review provided a third-party analysis of the organization and how it could be improved. He said there likely would be some additional costs and some cost savings that could be realized from a future step of this process. The goal: To ensure that the foundational things were done well, efficiently, and cost effectively. He introduced Mr. Deis.

Mr. Deis began the discussion by citing that the GM had been hired on a part-time basis, with no benefits and within the Board's cost parameters. The GM has been consumed with transactional details or other issues that should be done by someone else, who should be paid less to do them. It would be hard for the GM to remain part-time if he were to do everything currently expected of him. The GM was also concerned about what was not getting done and that things had been getting assigned incrementally. The Board wanted a professional manager to assist in the Board's more strategic priorities and to hold the service providers accountable. With the hiring of the new GM, it was time to reevaluate how duties were assigned. And, because of budget parameters, this had been a high level review.

Mr. Deis presented a slide showing a triangle divided into three sections – corporate support accountability and value systems; ensuring excellent services; and innovation and focus on the future – that diagrammed the framework for good governance and provided the basis to enable an agency to know whether it was performing well.

- First building block: Most of an agency's work is open to public display and criticism because of things like the Public Records Act and the Brown Act. In exchange for tax dollars, an agency needs to perform well and ethically. If this section fails, an agency can fail.
- Second and third building blocks: Ensuring excellent service. Excellent service can't be provided if an organization hasn't mastered the first building block. If this is taking place, a high performing agency is pursuing innovation, focusing on strategic priorities, and solving problems. For the KPPCSD, examples would be 1) evaluating how police services are provided, which would be a once-in-a-generation kind of conversation that would be high impact, with potential high risk; 2) renovating the Community Center; and 3) working with the Fire District.

Problems can occur between the governing body and the Chief Executive when the corporate support systems aren't functioning well and the Chief Executive is mired in the first block. And, most of the time, the elected officials are focused on the top of the triangle. When this occurs, the Board and the community become disappointed in the Chief Executive's performance, or the CEO leaves. Therefore, the first building block is important.

Roles and duties of a General Manager:

- Ensure first block is functioning well but being done by someone else.
- Hold service providers accountable, directly or through someone else.
- Partner with the Board and community to pursue strategic priorities in order to make the community better.

The Goal of the Project: To look at the first block to see how things are being done and to ensure all items are fulfilled so that the GM is freed up to do perform tasks in the other two blocks.

Project methodology, given the budget parameters:

- Surveyed and interviewed employees
- Reviewed policy documents
- Provided employees the opportunity to respond to the draft report. Good feedback was given, especially in the area of history and how the District got to where it is.

The review was not an evaluation of staff performance: Staff is doing well, given that the District is conservatively funded and given the backdrop of lots of changes in District management over the past three years. His recommendations might create disagreement and discomfort.

Corporate Support:

The Clerk of the Board is the gatekeeper for the Board and is important to the GM and Board. This person has mostly to do with Board meetings: preparing for them, conducting the Board meetings, following up to ensure that whatever decisions made are executed. For example: if the Board approves a contract, the Clerk of the Board ensures it gets signed before goods or services are received. The Clerk of the Board is also responsible for the central filing system and for preparing the agenda.

Observations: This duty has been shared among people.

Standards, backup, and cross training could be improved.

Follow-up is not always done.

The Board's Policy and Procedures Manual isn't current and is lacking items usually found in such a document.

Board minutes are detailed. Most public agencies focus on memorializing Board decisions and how they were made.

Recommendations: Update Board policies and procedures.

Clarify who's fully charged with being Clerk of the Board, along with all the duties for which that position responsible.

Consider alternatives to the minutes. Most agencies rely on the audio/video collection of public comments.

Asset management: Ensure proper maintenance, performance and timely replacement.

Observations: It's unclear who's responsible for managing the assets.

Recommendation regarding Community Center renovation: GM and staff should be more involved. Someone will need to be project manager, oversee construction, determine the financial strategy, and be accountable to the Board. This is usually the GM. There need to be discussions about financing scenarios and a financial strategy for paying for the balance of the cost of the building. Can it be financed? How does financing market look? Will the District rely on grants and/or its general fund? These usually come from staff.

There's no replacement schedule and fund. Usually, agencies look at their technology and fleet, estimate when replacements will be needed, and begin putting money aside during the life cycle. This ensures money's available when needed.

Recommendations: Ensure someone's identified as being in charge of this responsibility.

Formulate a replacement program and financing component.

Develop a financing plan for the Community Center.

Get the GM and staff more engaged in the renovation project.

IT – Technology is very important for all stakeholders. How do residents, both those who attend meetings and those who don't, learn what's going on at the District? Directors and service providers use technology to fulfill duties and operate efficiently.

Observations: IT is not centralized or assigned.

The payroll system is highly manual, which makes human error possible or leaves the District vulnerable if someone leaves or gets sick.

Recommendations: Assign the responsibility to manage IT oversight and ensure vendors are coordinated.

Seek an alternative to the payroll system.

Citizen Point of Contact – People answering the phones and solid waste. Is it reliable, consistent, available and responsive?

Observations: This is a shared responsibility of two part-time people.

There are no documented standards: What are the hours of operation? What coverage is there at lunchtime?

Recommendations: Determine who's responsible for what.

Solid Waste: Sit down with vendor annually. How does vendor interface with community? District staff is responding to some of this.

Solid waste provider performance: Is it consistent with the contractual obligations? Consider changes as needed. These contracts are usually long because the vendor needs to amortize its equipment. Who's monitoring the contract?

The Board should look at the solid waste franchise fee of 7%. Are other jurisdictions receiving more? Does the Board want to increase it?

Assign solid waste to one person to take care of.

Recreation: KCC provides this service.

Observations: KPCCSD has an interest in parks and recreation, should determine its own goals in this area, and should pursue them with KCC and other partners.

There is no staff person assigned to recreation performance standards.

Community Center fees haven't been increased in a long time.

Recommendations: Review and update the fee schedule.

The District should identify, monitor, and address performance goals of KCC, park and the Community Center.

Public Information and Engagement – a big issue in public agencies. Technology and livelihoods are changing. There is no plan or assigned role to effectuate a plan for reaching out to the community on an ongoing basis. This requires staff support. Board meetings are well attended, but how many people are not attending? They, too, should have benefit of what's occurring.

Recommendations: Develop an information engagement program within the District's fiscal capacity.



Review the Board's committees and consider consolidating or eliminating them.

Legal issues: He didn't spend any time talking to legal counsel. Any new policies must involve this person.

Finance, Budget, and Accounting – internal controls to safeguard assets. The Board should establish policies to ensure short and long-term solvency, and it should ensure transparency with its budget and audit and compliance with the law and Board policy.

Observations: There's no comprehensive fiscal policy from the Board.

The budget process and document don't conform to best practices.

The budget is a planning, control, and priority-setting document.

The District's missing the equivalent of a CFO (Chief Financial Officer), with a high-functioning fiscal management skillset.

Recommendations: Create a part-time CFO

Improve the budget, replace the payroll system, and enhance long-term planning and forecasting.

Address retiree health and PERS costs.

Human Resources Management – ensure a capable workforce that's well trained, equitably compensate, treated fairly, and accountable for its performance.

Observations: He would not recommend an HR person for a district this size, but most of the discord in the District has derived from HR issues.

Job descriptions not developed using HR standards or adopted by the Board.

Performance evaluations were completed by previous management, but are coming past due.

Laws in this area change constantly and require agencies to remain current.

Recommendation: Invest in a one-time review of the District's HR practices.

Develop missing policies.

Train staff, as needed.

Complete updated performance reviews.

Update job descriptions and related compensation.

Redefine staff roles and duties. Rearrange staff – assign clerical work to a position and pay it less, and identify professional work and pay that person appropriately.

Suggestions:

- Update the GM job description. The last job description was done about ten years ago. There's a possible job for a part-time business support manager to assume some of the higher-level duties to support the GM. Give clerical duties to a part-time administrative assistant. Hire a part-time CFO as a fiscal advisor. Have a police services specialist who might be dedicated to the police department.
- Every one or two years and in open session, the Board should reflect on state of the District, consider emerging opportunities and threats, and develop realistic goals.
- The budget implements these goals.

Next steps:

- Memorialize the new administrative support structure. Assign duties to new job descriptions with similarly required skill sets.
- Write new job descriptions, and set compensation appropriately.
- Commission a one-time HR review.
- Update the Board's Policy and Procedures Manual.

Board comments and questions:

Vice President Nottoli asked how Mr. Deis would work the Clerk of the Board position. Mr. Deis replied that the business support person could ensure that everything's done, but an administrative assistant could do some of it, such as the minutes.

Public comments and questions:

A. Stevens Delk, a member of the Solid Waste Committee, noted that Mr. Deis had indicated that the Bay View Refuse and Recycling contract might not be well managed and said that, for four months, she'd been trying to get diversion information. However, reports prior to mid-2014 could not be found at the District office, and there was a problem getting the reports. She had submitted a PRA request in September but still had not been able to obtain wanted information. She described Bay View as "the tail wagging the dog." With respect to Mr. Deis having cited the franchise fees as a possible source of more revenue, this money would be restricted to things related to waste management. She noted that, since the District had doubled its franchise fee, from 2% to 4% two years earlier, no money had been spent had been spent on waste management. She asked why this needed to be further increased and said the District should do more to assure property owners that their needs are met and their money well spent.

Mr. Deis responded that he hadn't commented upon whether Bay View was well managed, but that quarterly reports and financial reports were usually required of solid waste providers and that the District could audit Bay View's books. He suggested that following up on this contract should be assigned to someone.

President Sherris-Watt said that she'd spoken to Director Welsh and that he'd encouraged the Board to accept Mr. Deis' report. She thanked Mr. Deis and said his report was very informative and addressed many of the concerns she'd had about the District. She said she knew that the District was legally out of compliance with certain mandates and that there were tasks not being performed. She noted that the Board was required to have a Clerk of the Board and that it did have one, but it was a person overwhelmed with other duties.

**MOTION: President Sherris-Watt moved, and Director Hacaj seconded, to accept Bob Deis' report.**

**Motion passed: 4 – 0.**

**AYES: Sherris-Watt, Nottoli, Hacaj, Deppe**

**NOES:**

**ABSENT: Welsh**

President Sherris-Watt reported that Director Welsh had asked that the Board request that Mr. Deis prepare a more extensive cost estimate for outlining some of his recommendations. President Sherris-Watt asked specifically for:

- Reevaluating the Board's Policy and Procedures Manual.
- Creating job descriptions or categories.
- Supplying the Board with policies and best practices, specifically those related to the fiscal arena.
- Supplying the Board with recommendations for someone to perform a human resources review.

Vice President Nottoli asked for a timeline for accomplishing these tasks.

**MOTION: President Sherris-Watt moved, and Director Hacaj seconded, that the Board request this.**

**Motion passed: 4 – 0**

**AYES: Sherris-Watt, Nottoli, Hacaj, Deppe**

**NOES:**

**ABSENT: Welsh**

Gail Feldman asked if the Board was asking Mr. Deis to provide a cost estimate for performing the work. President Sherris-Watt responded in the affirmative.

President Sherris-Watt clarified that Mr. Deis had completed this review under the GM's direction but that the cost for this work likely would exceed the GM's limit.

Celia Concus said that, in a short amount of time, it was difficult to know the history of many of these areas and why things are the way they are. She cited the history of making changes in the Policy and Procedures Manual: It had gone on for many years and had involved major efforts. She noted that the role of the GM and the split of the GM/COP position had just occurred and that there had never been a description of what the role of the GM was supposed to be. She also cited the history of how the franchise fee increase had come about and why its use was limited. She asked how the set of priorities might best be established and said there were nagging issues about what was happening with members of the police department. While she understood there was a police officers' bill of rights, she asked if there was some clue about what the public might be able to know.

Ms. Danforth responded that she could not speak to this because it was not on the evening's agenda. With respect to the franchise fee issue, she said that, historically, franchise fees had not been considered fees within the context of Proposition 218. They're not for the purpose of repaying the agency for the cost of providing a service. They're imposed for the use of the agency's facilities. The KPPCSD had been conservative in placing its franchise fees in a separate account and using them only for solid waste expenses – because some court might ultimately rule that the franchise fee was a 218 fee. This past summer, the California Supreme Court ruled that franchise fees are not subject to proposition to Proposition 218. Therefore, they may be used at the discretion of the District for any legitimate public purpose.

President Sherris-Watt noted that the wonderful thing about working with GM Constantouros and Bob Deis was that there are other agencies with professional standards that provide a roadmap for the KPPCSD. The District had a copy of the CSDA's policy and procedure manual template, which the Board could look at as a way to update and improve its own policies. She wants to operate from the professional standards and regulations and tailor them to the District's needs.

Director Hacaj noted that it was 9:45 P.M.

**MOTION: President Sherris-Watt moved, and Director Hacaj seconded, to continue the meeting until 10:30 P.M.**

**Motion passed: 4 – 0.**

**AYES: Sherris-Watt, Nottoli, Hacaj, Deppe**

**NOES:**

**ABSENT: Welsh**

### OLD BUSINESS

- 8b. The Board discussed a Staff Report on Clean Energy and considered endorsing 100% Clean Energy and taking action to opt-up to 100% Clean Energy.

District Administrator Wolter reported that, at the Board's last meeting, she had been directed to find out what additional costs would be involved with moving to the standard of Deep Green. She contacted Mr. Killigrew at Marin Clean Energy, and he examined one year's electrical bills for the Community Center, which she had provided to him. Mr. Killigrew ascertained that the energy would be provided by solar or wind and that the cost would be between \$6 and \$8 per month.

Director Hacaj asked if the Kensington Community Council (KCC) paid the electricity bills for the Recreation Building. District Administrator Wolter responded in the affirmative.

Vice President Nottoli asked if the KPPCSD paid for part of the electricity for the Public Safety Building. District Administrator Wolter responded in the affirmative and said that the Fire District Board would control whether its district participated in the green energy program.

President Sherris-Watt said that this was a valuable adoption and that it reflected the District's, the Board's, and community's values.

Director Deppe asked if District Administrator Wolter had an email from Mr. Killigrew documenting this. District Administrator Wolter responded in the affirmative.

Meldon Heaslip thanked District Administrator Wolter and noted that she had copied him on the email exchange with Mr. Killigrew. Thus, he'd been able to see the PG& E bills for the Community Center and said based on these, the cost for opting up – had the District done so a year earlier – would have been \$63.

**MOTION: President Sherris-Watt moved, and Vice President Nottoli seconded, that the Board adopt the Deep Green option for Marin Clean Energy (MCE) that will provide 100% clean energy for the Community Center and direct staff to convey the choice to MCE.**

**Motion passed: 4 – 0.**

**AYES: Sherris-Watt, Nottoli, Hacaj, Deppe**

**NOES:**

**ABSENT: Welsh**

Director Hacaj asked that staff contact the KCC and encourage it to convert the Recreation Building to green electricity because it's a District asset and the cost is minimal.

President Sherris-Watt suggested that the Fire District should do the same with the Public Safety Building.

- 8c. General Manager Constantouros presented an update of the Police Services Request for Proposals.

GM Constantouros reported that interviews of two firms had occurred on November 3<sup>rd</sup>, and the interview panel had recommended one of them for reference checks. He'd completed most of the reference checking, and the selected firm, Matrix, had been receiving excellent reviews. He had estimated that the bids would have been in the range of \$50,000 - \$100,000, and the quotes from the two firms had been \$74,000 (Matrix) and \$94,000 (the other firm). He reported that he'd like to schedule a special meeting on November 29<sup>th</sup> at 7:00 P.M. and that Matrix could be make a presentation at that time. He would provide a copy of Matrix's proposal, and Matrix would describe how it would conduct its analysis. He encouraged the public to attend the meeting so it could see an overview of the process before it begins.

President Sherris-Watt directed staff to schedule a special meeting of the Board for Wednesday, November 29<sup>th</sup>, at 7:00 P.M. She said this would take the place of the regularly scheduled Finance Committee meeting.

Director Hacaj asked if other items could be added to that agenda. President Sherris-Watt responded in the affirmative.

GM Constantouros said staff would get out the agenda the next week, which would be a short week, due to the holiday. Therefore, he asked that any additional agenda items be provided by Monday.

### NEW BUSINESS

- 9b. The Board discussed and considered adopting Board Ordinance 2017-01 Prohibiting Encroachments on District Land.

Ann Danforth reported that, where there is publicly owned land, there are frequently encroachments and that this had been a concern for years. One of the problems with encroachments is that the people who install the encroachments may not voluntarily remove them, and the process of compelling these people to remove them can be expensive. Other agencies had faced this problem before and she was offering

something that had been used by others: A process that would allow the District to issue a notice of violation and compliance order to anyone responsible for unpermitted encroachments on public land. That order would provide a date for compliance and the steps necessary for compliance, which might include restoring the property to its pre-encroachment condition. If the guilty party failed to remove the encroachment by that date, they would be faced with citations and an abatement process, would be responsible for all costs incurred by the agency, and would be responsible for daily fines after the compliance date passed. Failure to comply could result in a lien imposed against their property, upon which the District could foreclose. The existence of such measures often results in their not having to be used, because the property owners recognize the possibility of stiff consequences. The ordinance contains opportunities for the property owners to raise objections, as a matter of fairness and to ensure, prior to the end of the process. She said that, although it seems complex, the ordinance would be cost effective and consistent with what's been approved by the courts.

Ms. Danforth explained that there's a particular process to follow when a public agency adopts an ordinance. After holding a hearing on the ordinance, the Board should introduce and hold a first reading of the ordinance. The law requires that the entire ordinance be read at this point, unless the Board passes a motion to read by title only. If the Board passes such a motion, the President would read only the ordinance title. At that point, there would be a motion to pass the first reading, by roll call vote. The item would be continued to the next regular meeting for second reading and adoption. She clarified that the ordinance would need to be approved at a regular meeting.

Director Hacaj asked who would enforce the citation, the abatement and the daily fines, and who would deliver them. Ms. Danforth responded it would be the GM or his designated person. She suspected that members of the police force would deliver the notices, unless the owner lived out of town – in which case certified mail would be used.

Director Hacaj asked if previous notices would count in the process. Ms. Danforth responded in the negative: The process would have to start anew. She also clarified that the encroachment would be determined to be a misdemeanor by the GM and only if it was a repeat offense.

**MOTION: President Sherris-Watt moved, and Vice President Nottoli seconded, that the Board accept this as a first reading by reading the title.**  
**Motion passed: 4 – 0.**

**AYES: Sherris-Watt, Nottoli, Hacaj, Deppe**      **NOES:**      **ABSENT: Welsh**

President Sherris-Watt read the title of the ordinance. “This is An Ordinance of the Board of Directors of the Kensington Police Protection and Community Services District Prohibiting Unauthorized Encroachments on District Land and Adopting Procedures, Penalties, and Other Remedies for Such Encroachments - Ordinance 2017-01.”

**MOTION: President Sherris-Watt moved, and Director Deppe seconded, that the Board accept this as a first reading.**  
**Motion passed: 4 – 0.**

**AYES: Sherris-Watt, Nottoli, Hacaj, Deppe**      **NOES:**      **ABSENT: Welsh**

President Sherris-Watt announced that this item would appear again on the December 14<sup>th</sup> agenda.

District Administrator Wolter said that her understanding was that this ordinance needed to be posted. Ms. Danforth responded that it would need to be posted, in full, within 15 days of passage.

9c. ICOP Hull discussed discrepancies in recent Police Statistics Reports.

ICOP Hull reported that, last month, Jim Watt had noted a significant error in the Police Statistics Reports. This had been ICOP Hull's error: One month there had been 350 total incidents, and the next month had shown 2,510 incidents. He discovered that the new RMS report keeps statistics for five agencies, including Kensington. He hadn't narrowed the parameters of his search for the month that had reported 2,510 incidents. The corrected report had been placed on the table in the back of the room. Recently, he'd had a meeting with everyone and had discovered that the numbers weren't reflective of the true activity because there had been a couple of officers who had been entering the data in a section of the software that hadn't registered when he'd totaled the monthly statistics. This has been corrected.

Marilyn Stollon asked about the format: Was there something tailored for Kensington. She also noted that there were some things that were difficult to understand because they were abbreviated. She asked if footnotes could be added. ICOP Hull responded that the parameters were for Kensington only and that the abbreviations were explained under the description column.

9d. ICOP Hull presented an update on traffic solutions.

President Sherris-Watt asked if ICOP Hull could report on the police department's recent success. ICOP Hull said that he and Director Deppe had met to discuss traffic. Currently, the police department was operating with seven officers, four of whom were working patrol. Thus, there was one officer working the day shift patrol and one working the graveyard patrol. Also available were a sergeant, a detective, and an interim chief of police who could act as cover units and sometimes as primary units – when the day shift officer is tied up. Because there's only one officer during the day, that officer is handling everything that comes in that is patrol-related: dispatch calls, counter calls, security detail, etc. Solutions: the biggest one he could offer is to hire two more officer so the department could have more patrol coverage during the day: One officer focused on patrol and another focused on traffic. He said the day shift in Kensington could get busy, which was why the ICOP, sergeant and detective often responded to calls. If the District wanted more robust traffic enforcement, there should also be a change in the schedule.

ICOP Hull reported that officers had just uncovered and resolved about 20 staged home break-ins in Richmond, El Cerrito, and Kensington. This had required participation of the whole department, especially the sergeant and detective who had managed the case. Simultaneously, the streets had to be covered. With 20 crime scenes in three to five cities, this had been an all-out effort.

Leonard Schwartzburd asked if the 20 crimes had occurred in Kensington, and how many officers there would be with the addition of two officers. ICOP Hull responded that seven officers were active now and that the department was authorized for ten. He reported that one person wasn't working and that the department had lost one person who had not been replaced. Therefore, two more officers would put the department back to nine. He noted there were eight officers on the payroll.

As for the 20 crimes in four cities, ICOP Hull responded that there had been three crimes in Kensington, approximately fifteen in El Cerrito, one in Richmond, and possibly one or more in Benicia. ICOP Hull explained that when there was a crime scene with stolen property, the department gathered the property. Kensington PD had sent a notice to nearby cities informing them that it was working on a certain type of crime. As responses came back, these cities had reported they'd had a lot of this kind of activity and had information that helped Kensington PD identify suspects. Collaboration among the cities is leading to a successful conclusion. As the lead agency, Kensington PD has all the property and will need to call the victims to have them come to get their property.

President Sherris-Watt added that one agency must take the lead and be the storehouse and collector of the information. She said that the Board wanted to thank the police department for its commitment – especially Sergeant Barrow and Detective Martinez, who did such good work.

ICOP Hull thanked the other officers in the department – everyone had a role to play.

Director Hacaj asked about officers being mandated to be in certain places during the day. She asked if this was ICOP Hull’s mandate or someone else’s. ICOP Hull responded that some of it was contractual and some of it mandated by him. Director Deppe asked for an explanation of “contractual.” ICOP Hull responded this was the contract with the school district for patrolling and police coverage.

ICOP Hull reported that the past Sunday Albany had suffered a power outage. As a result, the phone numbers had been affected. When this happens, Albany’s calls automatically roll over to the Berkeley dispatch center. Thus, Kensington's 9-1-1 calls rolled over to Berkeley, but the non-emergency calls had not. Therefore, he was in the process of getting two dedicated lines that would have the capability to roll over to Berkeley dispatch in the event of another Albany outage.

Celia Concus said she was happy to hear that there had been some resolution to the burglaries. With respect to the suggestion of hiring two more officers, she said her understanding was that neighboring agency officers would respond, if needed. Therefore, she questioned whether additional officers were really needed. She said the current status had been working.

President Sherris-Watt noted it was almost 10:30 P.M. and said that it was ICOP Hull’s recommendation to hire two more officers and that the Board would take no action on it this evening.

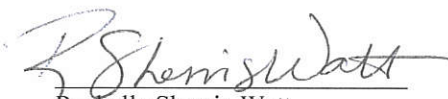
**MOTION: President Sherris-Watt moved, and Vice President Nottoli seconded, to adjourn.  
Motion passed: 4 – 0.**

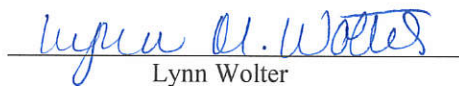
**AYES: Sherris-Watt, Nottoli, Hacaj, Deppe**

**NOES:**

**ABSENT: Welsh**

The meeting was adjourned at 10:29 P.M.

  
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Rachelle Sherris-Watt  
KPPCSD Board President

  
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Lynn Wolter  
District Administrator