

DRAFT

Kensington Police Protection and Community Services District Board of Directors

59 Arlington Avenue, Kensington California

Minutes for Special Meeting

Thursday, October 4, 2018

Call to Order/Roll Call 6:30 pm.

KPPCSD Board: Director Deppe, Director Hacaj, Board President Sherris-Watt

Absent: Vice President Nottoli, Director Welsh

Staff: General Manager, Tony Constantouros; Interim Chief of Police, Rickey Hull; Jon Holtzman, Renne Public Law Group

Consultants: Matrix, Richard Brady; Matrix Consulting, Greg Matthews, Matrix Consulting

Transcription: GoTranscript, <https://gotranscript.com/>

Closed Session:

- a. CONFERENCE WITH LABOR NEGOTIATORS: Agency representatives:
General Manager Anthony Constantouros and Jonathan Holzman
Employee organization: Kensington Police Officers Association

The Board reported out that they had given direction to their labor negotiators.

Call to Order/Roll Call 7:00 pm.

Public Comments:

Cyrus Modavi: This actually from the KIC meeting. One of the former poll inspectors from town who volunteers with polling had brought up the concern that, given how long the ballot is this year and that they're expecting a higher turnout, she was concerned about the space. I believe since this building is under your purview and we don't know what's going on for construction and what not.

Given that thing about how long the ballot is going to be and the fact that children and elders might want to sit down while they do it. Just to be aware of size constraints and I just said I'd bring that up for her.

Pat Gillette: I also want to ask the board members since the issue of whether there will be a vote, if there was ever a proposal to contract out has become an item of discussion in the election. I feel it will be appropriate for the sitting board, including the people who are running for office to express their opinion and their intention in that regard. I humbly request that the board do that. In view of transparency.

President Sherris-Watt: The sitting Board never entertains election items during a Board meeting. This meeting is for the purposes of the business of the Board. However, if candidates wish to address that issue in some other forum, they're welcome so to do.

Pat Gillette: It's not an election issue. I just mentioned that it has become an issue in the election. To me, as people who sit on this Board and are attempting to represent the interest of the community, it would be helpful if the Board would indicate whether they intend to hold a vote. As anything that's required by the law but even if it isn't required by the law so that the community understands exactly what the position of this Board is. Running for election or not.

Peter Liddell: I'd just like to ask the board to please agendaize acceptance of the local Hazard Mitigation Plan for the next meeting.

Linda Lipscomb: I think this should have been presented with lots of preparatory work and a long lead time for the community to be able to absorb and discuss the items that are in the Matrix report. It deserves it. We're paying a good fee for it and it's complex. Thank you.

Barbara Steinberg: I didn't quite understand what you said about when we would know about whether there's a vote. It was a terribly important part. You represent the community and the community will feel better about this whole project of the question of whether that will change the police department if we know that there's going to be involving on opinions will be represented.

Board/Staff Comments:

Director Deppe: The community traffic meeting was on the 25th. It was very successful. There were a lot of residents that came and expressed concerns about traffic in Kensington. It's really good that they could talk to the county representatives to understand where the responsibilities lie. There have already been follow-up meetings planned.

The Board of Supervisors of Contra Costa County passed resolutions: adopting a 20 mile an hour school speed zone near Hilltop School, on Kenyon coming down from Highland, coming down from Highland to Arlmont and Highland going from Arlmont - all those areas are now 20 miles an hour.

New Business:

a. **Discussion of Contra Costa District Attorney letter re petitions and possible response**

Jon Holtman: The District is in receipt of a letter from the Contra Costas District Attorney that is dated August 31, 2018. It was actually received the first couple of days of September regarding the issue of Kensington's handling of 2009 initiative petitions. You recall that the concerns were raised because the petitions were taken out of District offices and then returned. They were given to Director Deppe who copied, not the names on the petition, but merely the actual substance of the petition, the printed part of the petition. Not the names.

After this came to our attention, we turned the matter over to the District Attorney's office, which has jurisdiction over this issue and as I said on early September, we received a letter from the District Attorney's office indicating that they are not going to be pursuing charges with respect to this issue. The District Attorney's office also did discuss the fact that the petitions should have been destroyed under state law within eight months of when they were received by the registrar. Which would have basically meant they should have been destroyed in 2010. Also discussed the fact that they should have been better secured and also that they should not have been accessed.

The District Attorney's office concluded that these were not known violations, frankly because the folks who they interviewed were not aware that there was a law that branded this. We responded to this letter shortly after it was received then a couple days requesting permission from the District Attorney's office to make this letter public.

The District Attorney's office did not respond to our letter which came from your regular counsel, Ann Danforth. In the last week or so, The Attorney's office indicated that the letter to us could be used as public record subject to redacting some personal information.

The purpose of placing on the calendar, other than to ensure that the public is aware of it and could comment on it, is also to get direction from the board on what, if any, response we are going to make to this letter. The letter does criticize in particular the Interim Chief, as well as his predecessors. It's clear enough and we've already said to him through the DAs office that had he been aware it was obviously a lot of things we would have done differently in history. That much is clear. We've also been clear that we will be conducting the training that they have suggested.

Pat Gillette: I think what you left out Jon is if there was criticism in the letter of Interim Chief of Police and I believe our General Manager for not securing the documents which apparently contain private citizen information. Once we discovered that this information had been disclosed and it was being investigated, the box of ballots was just left unsecured.

I'm wondering if there should be action that will be taken to so that our Chief of Police and our General Manager are somehow disciplined? Counseled? Reprimanded? In some way reprimanded for not respecting the privacy after it became clear [in a way] that it wasn't before.

President Sherris-Watt: [in response to a speaker not giving their name] It's a citizen's right not to have to give their name, address, length of time lived at a public meeting. We fully respect that right.

Speaker: My understanding of the timeline of the box of those petitions it was under Harmon who received them and he was the General Manager at the time. He's the one who told whoever to put it in this box and they got not labeled and I suspect that would have been staff who should have been labeled it, but I guess there is not a great filing system.

President Sherris-Watt: [in response to heckling of the speaker by a meeting attendee] I'm sorry, do you have comments? Please wait until the speaker is finished and then you are welcome to come to the podium. Otherwise, respect the right of the speaker.

Speaker: The problem lies in that these were, years ago, stored away in an unlabeled box. Clearly the whole chain wasn't aware that there was an issue with this. It's a mountain out of a mole hill.

Vida Dorroh: I'm the one that handed that box to the Board. The sitting Board at that time. It was not a normal brown box. It was a blue box and it had American flag ribbons tied around it. I brought my objections and my concerns because my signature was probably on every other page of that as a signature collector and I was very concerned. I understand that mistakes were done.

My concern right now is as I read this letter, it says on April 19th, 2018, inspectors arrived at Kensington PD, observed a ballot box sitting on a counter in a small hallway near the front door of the police department. Now, this is after the meeting and after it was fully understood by everyone that these were confidential material and should not be in public. My question is, why couldn't they give the instructions to say, "This has to be secured until the DA or whatever we are going to do with it." I brought that question up that night and your so-called counsel who's not here tonight said, "Oh, you're making a tempest out of a teapot." My concern is that, did we learn a lesson from this mistake? Obviously not, because the box was left sitting in front for somebody else. Anybody from the street could come and look at it. Thank you.

Andrew Gutierrez: These items were placed in that box in 2009, and during that period we had a Board. Some of whom were pretty high-flying lawyers I'm told. They should have known better than to not get rid of these ballots after eight months. To talk about an incident that occurred nine years later, it's the height of hypocrisy. These people, these lawyers who were on the board at that time should have known that the boxes and the ballots should have been destroyed. Why didn't they do it? They had such high competence in our GM/Chief of Police Harmon that they probably didn't bother to supervise him. Let's get past it folks.

Director Hacaj: In some of the comments in the letter, the DA is describing a lot of responsibility to the District on a regular basis for dealing with election materials. That is not my understanding - the county runs our elections. I'm not saying that in this case we were not responsible, but in general, the county runs our election, the county has all these election functions. How then is it for a police chief to have to be dealing with election code or election materials?

Jon Holtzman: In a small district like this, but even in a larger city, police chiefs are not typically involved in election matters. This was not necessarily well known to all. That's why I think the DA found that they could not establish a known violation and it was simply clear that

nobody was familiar with these laws. The DA did suggest and I think it's correct, that on the off chance that at some point staff deals with an election matter in the future, that we educate staff and we will do so.

President Sherris-Watt: [reading] Vice President Nottoli, "The District Attorney's letter is curiously silent on the responsibility of the county elections office. After all, it is the agency authorized to oversee elections, and as such, they have the expertise on election law requirements. The county did not destroy the petitions or seal the box. Nor I understand that the county elections provided guidance to then Sergeant Hull on how to handle the documents when he was asked to pick them up.

The DA letter also places no blame on chief of police General Manager Herman who clearly, to use the words of the DA, "Had personal interest in the petition." Whatever his reasons, GM/COP Harman did not destroy the petitions as required, or even seal the box or mark it confidential. However, it happened the unmarked and unsealed box was placed alongside other boxes in storage at the public safety building."

b. Phase 2 Matrix Report – Police Contract Services Feasibility Analysis

General Manager: Phase 2 is an important aspect of the study because it includes quantitative information, talks about past costs, talks about the differences between the contracting or maintaining the department here and also about intermediate options where some aspects of police services and some functions are contracted out.

Richard Brady: This is a draft report and after review with the police and with the General Manager, over the next few weeks, this will be finalized. This has been a very transparent process. We felt that presenting the results in draft form will be important to this community.

We worked with the community to develop assumptions about service delivery and in phase one, we evaluated the current police services. In phase two, to evaluate this feasibility of the alternatives.

Secondly, to use those assumptions to identify potential contracting partners. We will talk about some of the assumptions we've used in selecting those potential contract partners in a second. Thirdly, based on information that we've received from potential contract partners and our analysis of what law enforcement would look like on a contractual basis. A quantitative analysis of the staffing requirements and a feasibility study such as that as well as the cost and qualitative aspects of service delivery compared to the current police services that you've got.

To determine the next step, because if you do go forward, an important part of this is not just for listening to the consultants, but to test the market in terms of police services, a potential contracting agency, how it would provide and what they would offer in terms of costs. It is important to say if we go through this that these costs have not been run past the other communities. These are our assessments of what the costs would be.

We had a meeting on March 17th [2018] which was to look at current police services, in terms of their quality and reach to the community, although that meeting too talked about some of the alternatives.

Then we had a meeting on April 28th, another town hall style meeting that looked more closely at the assumptions that we would use in our analysis of contract service delivery and the input on those kinds of services. We presented a paper, at our meeting with the Board on May 24th, in which we pretty much just talked about the phase one report.

The second thing we did was an online survey. 628 people responded. There was input, mostly on the quality of current services by the Kensington police and suggestions for improvement in those services as well as a lot of input on the alternatives including contract services.

Next thing we did was contact the actual neighbors to find out what their tentative interest was at this point in the process. We talked to them about how they would deliver services in a contractual situation. We got information from their cities and online relating to personnel costs and other operating costs associated. We looked at the transitional costs associated with going from your own field of service to a contract service. Then we develop the analysis.

Once we go through this, we'll finalize the draft report and it will be available to the community. Let me remind everybody what the recommendations were in page 1. It first of all gave you a management staffing and operations assessment for Kensington police services now and looking at opportunities for improvements. Part of that it is the standard for looking at any alternatives as we're trying to compare Kensington police services to best practices. The best practices where there are the best policing ideas, community policing ideas, management effectiveness, et cetera.

An important assumption has got to be that you want to change the level of service in a contract service delivery system. It's important to set the stage. That analysis says that you need to have two people on duty at all time, even though call levels are low, the community requires it for the safety of the officer as well as for the effectiveness of the service.

That is an important standard for most communities including very small communities like yours across the country. That requires a chief, four sergeants and four or five police officers or corporals. One person should be a supervisor at all times. That's important quality control of a servicing community. It's important to identify training needs, it's important to make sure that officers are directed to problems in the community, that you're able to address things when there are minor issues.

We had a number of other recommendations besides that training was sufficient within the county that's largely because of the levels of staffing is right now, it's less than a two. That's a significant issue. You can't break people off training and call people on duty.

Training is essential in modern policing and that is an issue here. There were some issues associated with equipment, issues like why you want cameras and other forms of equipment that are becoming the standard for transparency and accountability to the community. There were some management issues that were recommended and more administrative support.

A significant issue for you is now and has been for some time is the fact that there's a compensation disparity, significant compensation disparity that will always make it difficult to recruit quality staff, it'll always make it an issue to retain quality staff.

Any alternatives we explore say that Kensington would be a dedicated area for whoever's providing service. That wouldn't be an additional couple of square miles that your neighboring community would serve. There'll be somebody on duty here all the time. They'll always be staffed with sworn officers, not with non-sworn. Non-sworn can handle most of your workload, but it's not the level of service that you want and it's not the level of service that's appropriate for a community to just have civilians patrolling the community.

Adjacency is critical. One thing you don't have right now is the ability to get additional resources when a call or some event requires more than one person. For handling the workflow, having an adjacent community was an important factor and important part of the assumption. Because this is a service-oriented community and that's been clear in every single one of these meetings I've been to that you don't just want to have a service that takes whatever another community has.

No matter how many commonalities you may have with any of your neighbors, you need your own community policing approach.

As you go through this process, if you go through this process, you're having a flexibility to think about what we're going to describe as hybrid measures in which you entertain not just having all police services under contract, but having selected police services to meet some of the service needs that you got right now like command presence in night hours, like property and evidence issues.

Greg Matthews: Based on all the feedback that was received through the town hall meetings, through the questionnaire, emails from the community and a framework that was established, we selected three communities to directly contact about these potential contract services and those three communities were Berkeley, Albany, and El Cerrito.

The way we reached out these communities is we started with emails and or telephone calls. If we didn't get a response, we tried on several occasions then ultimately, we would meet with different staff whether the chief of police, the chief of police and state manager, et cetera. The outcome of those meetings or contacts is as follows:

Despite repeated attempts, Berkeley did not have an interest in this.

Albany did meet with us and we had a conversation with their old lieutenant who is now their present chief of police. We spent several hours talking about the criteria that we just mentioned a few moments ago, talking about service delivery issues, etcetera.

With respect to El Cerrito, we met not only with the chief of police, but also with some of his staff and the city manager. Based on that feedback, the El Cerrito was the community that expressed the most interest relative to the three communities that we contacted.

What's important for us to point out here is that, remember, this is snap shot in time, interests can change over the course of months and years, just as city councils change, as the leaderships and

police departments change, as city managers change, et cetera. Recognize that this was the interest that was expressed in late spring, and early summer. What we determined is, based on the interest we would utilize El Cerrito, because they were also most forthcoming with the information, as the framework in which we would establish a potential full-service contract operation.

What does that look like? What does the whole service contract look like? Fundamentally as we said, it starts out with a manager. The manager could either be a captain level individual, a lieutenant, different departments would do it differently. The agencies didn't commit, but they did suggest that they would actually dedicate an individual person.

It starts out with field supervision, that first-line supervision is critically important. With respect to the model that we developed, we suggested that that one and a half full time equivalence would be needed for field sergeant to provide Kensington supervision. Now, these sergeants wouldn't be dedicated exclusively to the Kensington PD, they share other deeds, but on average, they'd be available about 12 hours a day, to do the number of things suggested earlier.

They would dedicate five officers to the Kensington PD, five officers are the equivalent of one full time position, 24/7. Unlike the in-house operation where we suggested you need two full time personnel in a contract situation, one personnel would be adequate to staff the Kensington PD, because he would have backup officers available from the adjoining agencies, and that's one of the reasons why adjacency is so critical. Another thing that was determined that would be needed is, one full time police administrative assistant to provide the administrative support that is important in this kind of endeavor.

What does this look like? It looks like a total of eight sworn personnel in a full contract service operation, one civilian personnel, and that compares to our phase one recommendation in a revised in-house operation for Kensington Police Department of ten sworn personnel, and one civilian.

The phase one that involves in-house police approach is a little over a million dollars compared to your existing operation, and you can see the sample full services contract as devised at about \$860,000 more than your current operations. You're really looking at a significant cost regardless of the approach that you take.

It's very important to point out here, that both the recommended in-house service delivery approach that we suggested in phase one, as well as the full services contract that we devised in that model, are more expensive, and frankly significantly more expensive than your current police operation. We're looking at \$850,000 more a year. One of the fundamentals relative to why these costs are significantly more expensive in the in-house police approach of cost impacts, we recommended additional staff resources, we recommended additional and higher job classifications, more service, we recommended a higher salary.

That's number one. You have to continue paying the contractor's service delivery model if you were to go to that approach, retiring posts and appointment benefits. You have very, very good benefits here for your public safety personnel. That's just something you would continue to pay.

It's an extremely good benefit that's provided to your officers. It's essentially lifetime medical bill. That's one of the things that would continually to be paid for the 37 some odd retirees that you've already captured in the community, and that would be accomplished whether you continue services as is, or you go to contract, you still have to pay those costs.

Then you have an unfunded crew liability for helpers that you're paying now, and if you go to contract, your helper status changes, and when your helper status changes, your annual payments go up. That's another reason for the contractor cost going up. Then we have our built chain of the model, administrative overhead charge, that can range widely, some communities may forego an administrative overhead charge, some may not.

What we have discovered that the administrative overhead charge ranges from about 8-15% of costs, so a contract where a million dollars is to provide the law enforcement, or police services at a 15% overhead rate, you get another 150,000 on top of that. That's for finance, manager services.

Richard Brady: We established in phase one that there are issues associated with current police operation. There are issues associated with current police operations in terms of being able to cover the town adequately, in terms of management systems, in terms of having a trained workforce, in terms of having modern policies in place. Relating to ethics, relating use of force, and things like that. To solve all of those problems and to reduce those risks will take money. You've got a choice as a community about how you want to do it. You can live with the current risk and that has a certain cost associated with it in terms of what you're paying as well as the risk, the non-financial risks to the community. Or you could look at other options.

Spending the money doesn't guarantee that you eliminate those risks, there is risk in this world, but by addressing the line personnel issues by having adequate staffing in the community and having it adequately trained and supervised will go a long way to reducing risk. Having a professionally managed police force, will go a long way to addressing those risks. While there are maybe only, in our analysis, only modest cost savings associated with comparing it to the recommended level of in-house police departments, there are other advantages associated with essentially risk reduction.

Like guaranteed coverage, improved management, transferring the responsibility for some of those risks to somebody else, another community. Which also have the power to look at the hybrid models. Again, this is an analysis that's based on hundreds of assumptions. We constructed our analysis of the feasibility, financial and resource feasibility based on a series of assumptions, but you really don't know what would happen until you test them.

We think it would be, in this situation, a good governance structure, to go, the approach, to take the next step and to see what would actually happen in this public marketplace. In terms of how any of your neighbors would provide the service. Either all law enforcement services or some hybridized approach of some part of it or some parts of it, how they restructure and what are the costs.

Catherine Mercurio: I'd like to know what the advantages, disadvantages are for the various options that were listed on the website for your report, and whether there's actually any financial advantage to some of the hybridization models. I would assume that there's probably some risk advantages, but again, in reading the report online, I didn't see how those were defined.

Richard Brady: You correctly identified that there is both financial as well as our general risk issues associated with all of these. We identified, toward the end of our report about five or six hybrid ideas including some of the ones I mentioned a little bit about. The idea here is that these are elements of a full-service police department that are largely being done on an as-needed or on a collateral like an additional duty basis for people. There's risk associated with it doing property and evidence like for example, in having property brought into the system, to use that example, and recording it and putting it safely in place.

These are all issues that police departments deal with, but you again have fallen below this critical mass of what our police department needs in terms of resources to function effectively. You've got a choice. You can spend the money and do it yourself and that has one cost associated with it or get the assistance of another community, which may be less. Because you're only buying it on a part-time basis.

President Sherris-Watt: When you looked at the full-service contract, were you assuming that we were adopting the technology of another agency? Were you assuming that then because the partner agency already has body cameras, we would have that technology?

Richard Brady: Largely it would be adopting their technology. They wouldn't want to operate in an environment of using body-worn cameras in their own community and not having body-worn cameras in a contract community. They would have to have consistency. You would have to be using their computer dispatch system and records management system. As a result, there would be some upgrades. That would be a benefit.

Director Deppe: Looking at it from a, probably end-user point of view, from the citizens' point of view, both on the hybrid and on a full contracting, what would be in the day-to-day interaction with the police be different?

Richard Brady: It should not be different. Police officers are trained to be professionals, and are trained to have a, especially today, have a customer service, community-oriented philosophy and approach to them. They're here for safety and protection of the community, and here in a contract environment, as it exists in scores of communities in California, and hundreds across the United States exist, and they are providing the same community-oriented service as they provide service to their own community. We're recommending that they go the extra step and make sure that they work with you to define what your expectations are about service, dealing with the public, et cetera, and it's all on the top of the table.

Director Deppe: One of the things you brought up from the phase one report is that because we have a small department, officers spend a fair amount of time doing non-policing, overhead or whatever functions. If we went to a hybrid contracting model, will that still be the same?

Richard Brady: All officers have a certain administrative responsibility, but if you are in an environment where you're contracting with an agency that has a records unit and has a property and evidence clerks, and it has other staff, then they are doing many of those things that you're doing now.

Greg Matthews: One of the examples of a hybrid model that would potentially look a little different is if you utilize Kensington Police in-house for the day shift that will be two officers at all times.

Having said that, if you contracted out the night shift, instead of two officers like you would have in a Kensington in-house police department, you'd have one officer in a contract and then you'd paid extra probably for backup services. That's one distinction with respect to how we could potentially operate differently in patrol.

Vida Dorroh: Are you including the 10% to 15% overhead in the sample full-service contract? The 3.79 includes the 10% or currently were paying 9% on the fire department? Secondly, are you saying that we are going to be paying for mutual aid which we now have for free. Indeed, all the police officers are helping El Cerrito a lot more than we're getting help from El Cerrito, and is free both ways. You're saying that if we could go hybrid that we will be paying for that service?

Richard Brady: On your first question, that has an overhead 15% included. Most police departments around the country that are in a similar environment share resources. Sometimes there are equal amounts of responses, and sometimes they're not, as this case maybe. What we're saying in our hybrid is that it would be to have another community provide a night shift coverage when the workload is extraordinarily low and the risk is relatively low. That you can be covered by another town, and you would pay for that coverage. That's what we're saying. It's different than reciprocal help. It's saying, "We're having you cover another shift, or we're having you be our back up 100% of the time."

Vida Dorroh: Finally, some of the other communities around us have got peculiar citywide rules in place. For example, the city of El Cerrito the police department will not respond to any homes or businesses to remove somebody who's laid down on the front porch. Is that going to be applied to us too because these are the same police officers that they would be servicing Kensington? In other words, whatever city of El Cerrito wants their police to act, we are going to be subject to it too.

Richard Brady: That's the whole reason why we suggested that you have a community policing form with your potential contractor is that these are the things that we want to enforce. This is the style policing we want. That's part of what we expect in the contracts. In contract situations now like in Orange County, California, where 13 communities contact with the sheriff's department. The sheriff's department is to enforce local ordinances as well as the state laws. That means that there are going to be different elements to the enforcement.

David Spath: I very much appreciate the report. How will guaranteed coverage be different if you're fully staffed for your recommendation, that is two officers are on duty at the same time

versus a contract? In that sense, if we met your recommendations of 10 officers, 4 sergeants, 1 corporal, 4 police officers and a chief, the guaranteed coverage would be the same as contracted?

One general comment with regards to the cost estimate. I appreciate the cost estimate, and the recommendation you have for 25% raise. Realistically speaking the district doesn't have a financial capacity to provide that. I would think a realistic estimate would not be 25% even though the police officers would be great if they get it. Our revenue stream is not significant, as far as the increase over time. Coming up with the 25% increase in salary seems to be almost a none starter.

Richard Brady: At this point, you don't know what your neighboring communities minimum staffing levels are, and where they are each day, and your ability to free people up to do anything. Quite often police departments will assign somebody to-- I don't know, be in a school all day and they don't call in somebody on overtime necessarily to do that. That's something that you've got to discover in the whole contract negotiation.

Cyrus Modavi: I was hoping that the board is also going to be opening up all these numbers and models to the community. You have another community gathering and you make this raw data available for others in the town to look over it because I believe even the-- what was it? the refuse contract at ramification where KPOA got really got upset, they had not been able to look at the numbers and see where all these assumptions were coming from. This is a town where we like to say we are one of the most educated towns around here. I would hope the board is willing to entertain another public meeting to disburse the information for others to analyze and interrogate.

President Sherris-Watt: This is a public document, and will be on our website. We intend to have an executive analysis go to every household in Kensington. This is just the beginning. Tonight, we receive the information and from this point on we begin to discuss digestion and dispersal.

Dakota McKenzie: Inconsistency confuses me. In phase one of the matrix report, you talked about our need for community policing versus the warrior culture in the prevalence of other departments. Yet here, you are saying all departments have a similar culture-- level of professionalism. I would like to hear a little bit more about that. Also, there seems to be an important aspect left out. I'd like to know if your figures are taking into the account that we will not, if we go for contracts to be able to negotiate future contracts and so most likely they won't go back.

Richard Brady: Again, on the first question, by professionalism, we meant that they have training levels that meet state requirements that they have professional staff standards in place. There's civilian citizen oversight of the police. These are things that you need to establish and have to feel comfortable with in a contracting partner. That they have a style of policing as well as enough samples of professionalism that meets your needs.

In terms of the cost assigned, there's a variety of things that happen. Many contracts have a maximum amount that the contract can go on for a year with justification. That's the most common approach to controlling them.

We actually have our five-year projections of the major alternatives in the report. I can't predict the future inflation in contract negotiation. There different things that happen in the future depending on which alternative you take. For example, if you go to inactive status on first by contracting with another community, you've got something which you're starting to pay on a 15-year basis.

Hoda Perry: I look at this number on the phase one report that's writing there \$3,941,000 and then on the full service is \$ 3,791,000. The difference is just \$150,000. If you want to contract, if Kensington want to have a full staff, and give the raise to the office, and also the retirement and everything comparing, comparing with Kensington contract out, the only difference in a one year is only \$150,000. I think Kensington can come up to lower that \$150,000. I have no idea why everybody is talking about contracting out when we have no authority over the contractor. If anything happens Kensington will run to the office, and nobody, nobody can promise us that the contractors they are going to have the trained staff, that the staff will always be available, it may not happen.

They tell you they don't have officer to send to Kensington. A murder happens, a burglary, if at any time happen that we call on officer and they say we don't have officer, because they are busy. Even we just have two officers, one from the morning and one at night shift. There are all these Kensington officers available to us. I have no idea who actually got this idea of contracting out when the price is not different.

There is no guarantee, that's my problem. If the contract out there is no guarantee that what you're getting, no safety and no saving money.

Director Hacaj: I think what the speakers is talking about is a very common misconception about the idea of contracting. I just want to say we live in this community, too. I have two young children. I have neighbors who are deaf. I have neighbors who are old, I have neighbors who are infirm. The idea that, I would be okay with the model that is as you described, which I find pretty bad service; I wouldn't want that.

Mabry Benson: Everybody needs to read the full report, because this summary has left out lot of important details. If there were any questions about-- I suggest you do that. One thing, we just heard a couple of complaints about cost. We know the cost are always going to go up, because our police, our rents are going to go up, Car gas is going to go up. In fact, all of us that work really going to hope we get a pay raise, periodically. Those costs are going to go up. That's just, unfortunately, the way even modern inflation works.

There was another confusion about the staffing that one of the basic assumptions was that we would always have one officer, at least officer on duty at all times. I think it's one at night and two during the day. Right now, we have one at night but they're not supervised. What they proposed for us to bring up to snuff is to have the night time office supervised, which is not in

the contract. We have the supervisor down in El Cerrito, but there would be a dedicated person here all the time. You could go to the local office and there'll be somebody.

I think there is a little confusion with the previous lady. It's either \$850,000 estimate more than what we're paying. We're already paying 2 million a year for this service. I figured that for 2200 houses, we need to pay \$455 dollars more per year for parcel to provide top quality police service. Right now, our police services are sub-quality. Another point somebody was confused about, what about when somebody is sick, the advantage in being associated with the bigger department is every employer assumes, "We're going to have 10% of people off for whatever reason." It's called that a deep bench. That's why we're in trouble now because we don't have any back any back up of officers to replace those who are sick, or because of disability have gone for good. Read the report, there's a lot more details that I think a lot of your questions will be answered there.

Paul Dorroh: It appears from the full draft that of the three candidates, one that essentially didn't say anything. They haven't responded, they're definitely not interested, maybe that changes in time. One has said, not at this time because there are also in transition. We got one candidate who the full draft says, have reservations, and specified four different reasons for that, but was modestly interested in the hybrid model. That seems to be the only active opportunity on the table at the moment. I'm wondering question number one why would we want to pursue an RFP at this time when there is really only one bidder.

Regardless of what the contract says in terms of limits on increase per year, I think we all know that the real driver of cost in this kind of situation is personnel. How much control would we have over the personnel cost of the contracting agency that would be providing this service? None.

President Sherris-Watt: You have a third option, which is to bring your services back. Personnel costs will be escalating, but they also have to be affordable for the partnering agency. We know that police chiefs go out to breakfast. None of these will be secret.

Anthony Knight.: I just have to say that one of the more attractive features of the current Kensington police department is that there's a local station house. I can even remember the number of times when I had an issue that was police related when I could go downhill from my house and be fairly sure that there was a person there that I could talk to directly. Of course, that's not always true, because sometimes they're out on patrol, you have to call the phone. But the fact of the matter is we have a local station house. What I'd like to know, and I think is, if we contract out full service with El Cerrito, are you still retaining the local station house concept.

If we get full service with El Cerrito, is it going to be like the Berkeley hills? I don't know if you guys know that the Berkeley hills is a dedicated beat, but is there a station house in the Berkeley hills? No there is not. It's all controlled. If you want some action in person, you have to walk down to Grand Street, and you have to stand in line there.

Richard Brady: In a contract model we could specify that they wear KPD officers' uniforms, and drive KPD cars. Many communities to do that.

Dane Gillette: Basically, I agree with what Paul said and I'm not going to reiterate that. If we're going to base a discussion on going to El Cerrito, with one bid only option, and two has ambivalence, I think it reinforces the concerns Paul expressed about their not needing to be particularly competitive about what they'd come back with for us.

The other point I want to make, which is included in the draft report in the discussion of El Cerrito, why it is ambivalent, and the concerns it has, is specifically, and I quote the report, "A concern that the Kensington community is divided regarding contracting and the potential impact on the service delivery environmental community relations. And that is an issue that can easily be solved by having the election that is required by the ordinance [of 2009]."

Pat Gillette: I have a question. As I understand it, and correct me if I'm wrong, we would have a dedicated officer, and then somebody who would be available to come in to supplement that under the model that you contracted out, is that right? Okay, so is this person who would come in to supplement the dedicated officer always going to be the same or is that going to be whoever's available at the time?

Richard Brady: To your advantage it probably will be whoever's available, whoever's present.

Pat Gillette: How do you know whoever's available at the time is what you said, which means that part of what makes Kensington a special community in terms of the way we have traditionally provided policing services is that we know our officer and they know us. They know the community, they know roads, they know the common places where people hang out, and so we could be losing that for the second officer. Whereas, if we went with two officers per shift as was proposed in your other model, we wouldn't be losing that.

My second question is, as you may recall, when you published your contract, on the website you mistakenly included a draft of talking points internally. This was for the Provincetown, Massachusetts draft report outline. Where you all were talking to your people internally about how to present a report to a town which is contracted with you to evaluate possible services. In this thing, this draft report outline, where you're talking with each other what you say is, "In spite of some acceptance, evidenced in our employee survey, there will be much opposition from both staff and community for many/most of the harder "shared services" This report is to lead them-meaning the community- down the path which shows them how this is in their best and inevitable interest in doing." My question is, is that what you're doing here? Leading us down the path that you think is correct which may or may not be consistent with what the community wants.

Richard Brady: Any of you who know Massachusetts might know of the special circumstance that we were referring to. Provincetown and Truro are at the end of this 100-mile road that goes from Falmouth all the way to Provincetown. By the time you get to Provincetown, the houses are all what they cost here, unlike most of the rest of Massachusetts. People can't afford to live there. They would post jobs for even police officers, for the city town managers, and no one would supply a resume, because they don't want to commute, like we do here often, three hours each way. They don't want to do that, so a very real driver for that study was the fact that long term, they had to have shared services, because their current model was unsustainable.

So, our job if you look at the entire report, which I don't think you have from that memo explained pretty clearly that that is the only strategy they had available to deliver services and remain a town in the next 10-20 years.

General Manager: Mr. Brady is that your approach? I think the other part of that question was, is that your approach here also?

Richard Brady: No. I think that all we've done here is show you the facts. If it's \$150,000 given a certain set of assumptions for year one, that's what our assumptions led us to. Is that's enough to make a decision? Yes \$150,000 isn't much in one year, but it's a million dollars in seven, I don't know. I don't know what's important to our community. It wasn't just the fact the dollars and cents that there were other risks that we're trying to quantify here. All we're trying to do is show you've got a lot of choices. You can keep your current approach to policing, which has its own coverage issues and its own risks, or you could try to fix those in a number of ways. That's all we're trying to do.

Mike Logan: I'd like to know what it would look like if we were to have a hybrid model. I see that some of the points that you have in your patrol services, it would eliminate four positions I see here.

I'd like to add that I've always said also that I would want a local station here, I wouldn't really accept anything else.

Richard Brady: Again, in the report, we lay out lot of several alternatives. Again, one of us from here said there's an all [unintelligible 01:41:06] approach to some of these hybrid ideas. Most of them are meant to try to find either a cost-effective way of providing current services, or to find an approach to fill some of the gaps we found in service. Something like having a-- contracting with the community for overnight hours or midnight to six or something like that, is a way to cost-effectively provide coverage in an area, where if you look at that chart that you had open to-- there are extraordinarily few calls for service between midnight and six, for example.

This model of having a few people on duty, maybe you can have another approach. That is a way of looking at the basic, the core service of the patrol being provided in a different way. There are other ideas, for example, contracting for a trained, dedicated, experienced detective to handle follow-up investigation, and right now you don't have one of those. I keep hearing about service to the community is important, well, many communities or neighbors included, have people who are crime prevention specialist who work with the school, work with community groups on burglary prevention ideas, about designing burglary reduction types of things like not having shrubs right up against your front door, leaving lights on. Those things that are basically common sense, but there's a lively industry in the burglary industry for people who don't do those things.

Lisa Corona: I read the report earlier today and in the executive summary, there was a lot of information about CalPERS. There was inactive status, active status, terminated status, pros and cons of doing all that. I got confused. I guess my question really is, how would we consider those

costs? What is your recommendation and are they included anywhere in these numbers that are here with us?

Greg Matthews: To answer your last question first, yes, the costs for the unfunded accrued liability is included in all the models, and then unfunded accrued liability is different depending on the model. If you retained your own in-house police service, as we recommended in the phase one report, you'd be considered an active CalPERS participant and you'd be paying the UAL, over the course of 15 or 30 years, unamortized schedule.

If you go inactive for a contract by example, you'd be paying a flat rate over 15 years. There's a component that's involved in the CalPERS, whether you go active or inactive, there's also a terminated component. You would not do that very likely here, so it's probably something you don't need to worry about because that would be very, very expensive to you, and it's extremely unlikely that you would ever go terminated.

One thing that you did not bring up, that's referenced in the report is you can remain active, even if you were to contract services out by retaining once one person. That's also another component that you can think about. That's all part of this hybrid discussion we've been having tonight. That is, there are literally dozens of different looks you can add, if you have some hybrid model. It could be one chief of police here and everything else contracted, that way you can stay active but that would be a hybrid approach to doing things-- services here.

Jim Watt: There is one, however, that I need to get some clarification on. That is, that it talks about if in fact, we stay as a full-service Police Department as defined by Matrix, that we will need to have a new position, salary costs of \$319,000. How many people are we talking about?

Greg Matthews: You're talking about moving from two sergeants to four sergeants. You're talking about increasing a part-time administrative person to a full-time administrative person, it's potentially unlikely that you would promote every officer, because again, as part of our discussion here, you want a fully professionalized operation. One of our background assumptions was that you would recruit those additions at the top-level salary.

Jim Watt: If we go full ticket on this thing, we're talking about increasing the cost of Kensington residents at a tune of \$1,007,000. That and now we're going to have to have a little extra in reserve for all of this. \$1 million with a little over 2000 households means, as you've heard earlier, that we're going to be asking for a tax increase that's going to be approaching \$500 per person.

You realize that we have one of the lowest crime rates in California, and for the last couple of years, we've only had six to seven officers here working, the others were on administrative leave, or on disability and we have kept a very, very low crime rate. We're now being told by our consultants that best practices, a term which I just don't understand, requires that we are now supposed to go up in our account. We used to be here with 10 people, including the general manager, now we're talking about 11, maybe 12.

Richard Brady: You haven't had 10 for quite some time, you may be co-authorizing them on the budget, but in practice for several years you've had nowhere near that. We're using the basis of,

the number of people that you had, which would be more like six or seven. That has resulted in one person on duty, a large number of shifts most weekends and many nights as well. Yes, we're recommending a number of staff that is equivalent to what has been authorized, but that's not the number that you have had.

John Stein: I had a couple of questions/comments. The first one has to do with your chairperson said that we have a third option if things go bad, if the contract-- that loses, we could always bring the service back. I'd like to just ask you, the Board, to develop a financial model for how much that would cost, because I think what you would find is that, what we have to do is build the department back up while you're contracting out. It would cost many, many hundreds of thousands of dollars which you'd need to add to your reserves before you can contract out.

In other words, you can't just go into contract on day one, and on day two have a fully staffed and functioning police department. You have to run parallel, you have to hire people, develop policy and procedure manuals and do everything to start a new police department, while you're contracting out all your current functions. I would ask the board to develop that financial model which then should be a part of this process because it would be a part of the cost. The second comment question has to do with the comment that [Director Deppe] made about what would be different for the end user.

My question is pretty close to that, quite the same, and that is, Kensington I think is one of the five safest communities in California, if I'm not mistaken. Is that right Linda? Five or top?

Worst case scenario, we're the 13th safest community in California, so by spending a million extra dollars, how much safer are we going to be? I don't think you can just say, "Well, let's just go spend a million dollars," and not know the answer to that. It seems to me we're already safe.

There's also no mention in the report about the ordinance which requires that the community be asked, in terms of a vote, whether they want to contract out. I don't know if you have any thoughts on that, or if you think that that's a non-issue or would you like to comment? You guys want to comment on that?

President Sherris-Watt: First, on the how much safer for a million dollars, I don't think we're examining this issue with the idea that we're going to suddenly magic away any incidence of crime in Kensington. What we're analyzing is risk management. Over time, what is the risk to an officer who is on patrol alone, getting injured? What is the risk for having a force that is down by 10% or 20% continually? We're analyzing those risks, because what happens when the apple cart is upended, is that you have a big financial burden.

The idea with the Matrix study was, what are current best practices? When we look at those best practices, we say, "What's going on with the best and brightest minds in policing right now? What are they saying the standards are? How do we improve safety for people? We put that together [with our funding] and we look to get as close to that as we can.

There's a lot of discussion about oversight, that we would not have oversight should we form a police partnership. Well, the fact is that your Board does not have oversight of the police department in the way that many people assume. We do not have day to day operations

oversight. That is the role of the Chief of Police and the General Manager. The Board is setting policy.

In terms of whether we would vote or not, I personally have to know what the issue is that I'm asking the voter to approve or disapprove. Am I asking the voter to approve a nebulous, keep our police in house or contract out? I can't explain that to a voter. Am I asking the voter to approve a \$500 parcel tax?

John Stein: There's an ordinance that you have to deal with.

President Sherris-Watt: Our attorneys, two sets of attorneys, have already said that that ordinance is invalid.

John Stein: I can find two other attorneys who can say it's very valid.

The only thing that I would encourage the board to do is, look at El Cerrito's finances, because El Cerrito is in major financial trouble. I would just be very, very careful, who you pick for your partners.

Director Deppe: We asked Matrix to do a deep analysis of both looking at our existing force and looking at options. You have to be able to ask these questions if you're going to move forward. You can't be afraid of the answers. It's not that we have a predetermined outcome, but this is really important. We shouldn't be afraid to ask difficult questions, that's the only way that we're going to make progress. Thank you.

Dakota McKenzie: It seems like the phase one the Matrix report, basically said that we need to have what we already have, except that we haven't had it, because for the last couple of years, we haven't had a Chief of Police. The department that we used to have, hasn't been functioning at full mast.

I just wanted to say that, that it didn't feel that their report took that into account. I am very interested in-- if we were to retain full control of our police, then some of the hybrid options, that might make good sense. At one point, it says something about, when officers get sick, when we're sitting out, we're not covered. Isn't there a way, of part of the hybrid model that could cover them? Yes. If we were to attain local control, just what are the particular aspects of the hybrid model that would be your recommendation?

Linda Lipscomb: We're already authorized for 10 officers and I think we should hire and see how it goes. If we go to El Cerrito, they are in terrible shape with CalPERS. I mean terrible. You might even get your first sweetheart contract out of it, but as soon as they economize that, their costs are going to be going up because they're back-shoveling their deficit there as well. At that point, you won't be in a bargaining position because, as was pointed out, you will not have a staff you can go back to.

Richard Brady: The sergeants are a really critical part of this equation. No matter what police department we look at, I think any organization, mid-level supervisors are the most important people. There's been a lot of discussion this evening about how do you take a low crime community, making it lower. That would be great to get it as close to zero as you could, but

that's not the only important aspect of policing. You're talking about people who have-- We're putting our lives in their hands. Today, the ethical expectations of police are more important than any time in the last two decades. That is best managed by having a professional force that is trained, has policies in place, has experienced professional management in place, and is directly supervised on a constant basis.

Supervisors are important for identifying what training needs are out there. Identifying how officers could better pace with the community, can help direct proactive activities to problems in the community. That is the most important thing that you need and you lack. You don't have 10 people right now. I haven't done exit interviews with people who have left here in recent years, but you haven't had 10 people in recent years. You got a problem with the basic numbers here, you have to ask yourself, why people aren't attracted to this law enforcement agency, and why they're not calling.

Cyrus Modavi: Quick question, would a company recruiting with a company that essentially in having-- whether debating to actually shut down the company or form it out, have a good ability to recruit, where you don't have a full-time chief or there's no interim state, and they have a board that is waffling its way through things, with having recruiting a difficult challenge?

Richard Brady: No. What I'm saying that's why this community has to make its mind up and have a decision. That's what this is, this has been all about the choices that you have, you want to vote the financial and other basics, make that decision and then those things will follow in turn.

Chief Hull: I am still currently recruiting. I have resorted to direct mailing police departments and I've also put another advertisement up on the California Police Officers Association website. Once the academy in Oakland, Alameda, Napa and Contra Costa County get started, we will be sending officers into those academies to try to recruit unaffiliated recruits.

Director Hacaj: Thank you Matrix, for a really in-depth report. Maybe there are some errors, but they did a lot of hard work, working their part to try to model things. I want to remind everybody why this report was undertaken. It was undertaken at the request of the ad hoc committee, a 10-citizen committee, to look into this question following the dismissal of chief Harman in a very unfortunate incident of several years ago.

I would like to encourage the finance committee to look at, as they are considering the budget-- We should be looking with the GM and Chief of Police at the recommendations of Matrix for our internal department, and looking at the next 6, 18 months and potentially some strategic planning, for two and three-year goals. Also, what ideas are too costly and not right for our district. I know that Matrix was looking at us as a small community, they did not look at us as a big city model. When they are talking about best practices, they are talking about best practices for our community.

I think that the board has to look at -before we can even consider any kind of RFP, whether it's a hybrid or whatever, there's lots and lots of options, which is great frankly, but we shall have to identify what we think is important. Whether it's an in-house model, or not an in-house model, what are we willing to invest in? This is not about only us, this is about our officers and their

working conditions, their training, their professional development. That's part of the reason why we may lack attraction. We have to provide a certain environment and we don't have a lot of opportunities for advancement, we have to think about these things.

We should be looking at adopting a budget for police services, that looks into the future and identify what we want. Then when we identify what we want, we can look at how we provide it ourselves, and if we wanted to partner with other agencies for aspects of these services. We couldn't do an RFP until we create what we are going to benchmark against. What Matrix has done is given us, extreme models. The \$1 million fully loaded everything in-house and a contract model, again, fairly conservative based on certain assumptions. This is just a starting point for us to work from.

I also wanted to say that, we have partnerships for solid waste, we have partnerships for the park and rec services with KCC and volunteers. We've talked about the fact that we are already a hybrid agency. We contract out for dispatch, we contract out with internal affairs investigations, and we contract out for background checks. The very first page of my board book when I started in 2016, is this page right here: "The mission statement for KPPCSD is to provide services that enhance the community of Kensington. The KPPCSD vision statement is to develop partnerships to strengthen service capabilities." This was approved by the board on the 9th of April of 2009. This was the page that greeted me and I think we should be looking carefully at partnerships in all aspects. We will only be stronger for it.

President Sherris-Watt made a motion to cancel the October 11, 2018 meeting.

Director Hacaj seconded the motion.

The motion passed 3-0.

President Sherris-Watt made a motion to adjourn.

Director Deppe seconded the motion.

The motion passed 3-0.

The meeting ended at 9:19 pm.

Rachelle Sherris-Watt

KPPCSD, President

Tony Constantouros

KPPCSD, General Manager