

## Meeting Minutes for 12/14/17

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday, December 14, 2017, at 6:00 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	Karl Kruger
Len Welsh	Mabry Benson
Sylvia Hacaj, Director	Leonard Schwartzburd
Chris Deppe, Director	David Bergen
	Linda Lipscomb
	Simon Brafman
<u>Staff Members</u>	
Anthony Constantouros, General Manager	Celia Concus
Rickey Hull, Interim Chief of Police	Gail Feldman
	Marilyn Stollon
<u>Press</u>	

President Sherris-Watt called the meeting to order. President Sherris-Watt, Vice President Nottoli, Director Welsh, Director Deppe, and GM Constantouros were present. President Sherris-Watt announced that Director Hacaj would join the Board later, in Closed Session.

### CLOSED SESSION PUBLIC COMMENTS

None.

The Board entered into Closed Session.

### 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.

#### 4. Reception for Community Volunteers.

President Sherris-Watt said she considered these volunteers as the one percent of Kensington that values local involvement and that rolls up its sleeves and works, and she congratulated them. She thanked them for their skills and insight, which they used to make Kensington better. She cited these accomplishments:

- Divided the positions of GM and COP
- Hired and promoted outstanding individuals to fill those roles.
- Made the first GM in Kensington's history.
- First Interim Chief to complete a full calendar year since 2014.
- Selected a new dispatch center that provides better reporting.
- Hired terrific new general counsel, at lower cost and increased professionalism and accountability.
- Hired two consultants to begin a review of the District's administrative function and police department to provide employees and the community with an operation that's responsive and reliable.

None of this could have been accomplished without the assistance of community volunteers.

Under special contributions, the Board recognized:

- Michelle Zatcoff, a graphic designer who created the District's new logo.
- Camden Richards, a graphic designer who created the artwork that appears on the Kensington notecards.
- Josh Dickenson donated the cost of producing the notecards.
- David Bergen made the meetings "hum along."
- A. Stevens Delk helped fine-tune policies and procedures.
- David Spath provided significant meeting assistance.
- Simon Brafman, Kim Zvik, and David Spath, ran for the Board's vacant seat.

She thanked these individuals.

She acknowledged committee members:

Solid Waste – Lisa Cole, A. Stevens Delk, Mary Korn, Anthony Knight, Mark Wegner, Lisa Caronna, Gail Feldman, Kathy Stein, and Ciara Wood. This committee examined the solid waste contract, possibly restarted the hazardous waste program, clarified the franchise fee schedule, searched for new places for receptacles, toured county facilities, and acted as facilitators for all Kensington residents in securing the best access to unlimited green waste, possible future food composting, and backyard pick-up.

Technology Committee – David Bergen, Chris Deppe, Simon Brafman, A. Stevens Delk, Dori Oren, and David Spath. This committee brought the District operational microphones, Wi-Fi, hearing assistance, constantly recorded meetings, searchable documents, and – coming in January – a new website.

Park Grounds – Director Welsh reported that this committee had been working for over two years. The committee began by working to ensure that the park buildings were fire-safe. Expertise had been volunteered by Charli Danielson and Dan O'Brien. In addition to these two people, committee members were – Peter Liddell, Mabry Benson, Katie Gluck, Lisa Caronna, Gretchen Gillfillan, and Paul. As a result of this committee's work the park is more fire-safe.

Park Planning – Paula Black, Peter Conrad, Gretchen Gillfillan, Katie Gluck, Todd Hodson, Ciara Wood, Anne Forrest, the KCC Board, Lisa Caronna, and the KIC Board. The committee developed an RFP for hiring an architectural firm, listened to proposals, recommended a firm, examined budgeting, kept the community involved and informed.

Finance Committee – President Sherris-Watt reported that, when the committee finishes, it will have a financial model that will rival NASA. The committee pursued accountability, fiscal responsibility, made sure that OPEB, PERS, and legal fees were above board. She thanked committee members Rob Firmin, Paul Haxo, Karl Kruger, Lori Trevino, Jim Watt, Gail Feldman, and Linda Lipscomb.

Emergency Services – Maya Churi, Paul Dorroh, Derek Suring, Paul Moss, and Larry Nagel. This committee worked hard to connect the District with CERT and Nixle, and to adopt preventive measures.

Policy and Procedures – A. Stevens Delk, Barbara Dilts, and Marilyn Stollon. They worked to show the Board what other districts are doing.

Community Outreach – Andrew Gutierrez and David Spath. The committee helped the Board engage with the community and let the Board know that the toolbox of the past was not going to be enough. They'd been willing letter writers on all platforms and had shared information about the District. She thanked them for keeping the greater community connected and hoped to utilize their skills in the future.

Additional assistance had been provided by Celia Concus, Catherine de Neergaard, Meldon Heaslip, Len Schwartzburd, and members of the Kensington Fire Protection District. Their assistance was difficult to define, which is why they ended up in a catchall category. They provided additional research, artistic design, donated money, and gave up evenings and weekends.

She said these individuals had still shown up, even when things hadn't gone their way. She was proud and impressed that these people were neighbors, and she thanked them.

All received a round of applause, and there was a pause in the meeting for everyone to have cake.

The meeting resumed.

President Sherris-Watt called the meeting to order and took roll call. President Sherris-Watt, Vice President Nottoli, Director Welsh, Director Hacaj, and Director Deppe were present.

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

### PUBLIC COMMENTS

Linda Lipscomb thanked the Directors. She knew how difficult it was to do the work they did, and they didn't get paid to do it. They did the work because of commitment. She urged them strongly to bargain in good faith with the police union – not to hang back until the Board knew what would come from the study. She said the Board could imagine how difficult it was to hold one's job during a period when one saw instability in the framework that, more or less, guaranteed one's job. She said the Board could also see how difficult it would be to attract people for what used to be a wonderful source of officers – the reserve group: People who become familiar and used to the kind of policing the community expects – they come to know residents' names, the streets, whose dog gets off leash... That's what the people of Kensington expect. It's difficult to get people to come and serve as uncompensated reserve officers in a situation that's constantly in flux. She urged the Board to bargain in good faith, represent the community well, to carry forward and not string it out.

Simon Brafman thanked the Board for this evening. He also thanked them for the presentations about the renovations on the building and the future police organization. He'd like to see residents involved in looking at the future of police services.

## CONSENT CALENDAR

President Sherris-Watt said she wanted to pull Item a from the Consent Calendar because there'd been questions about it. She announced that items that had appeared as part of the Consent Calendar in the past had been moved to an informational packet that had been attached to the agenda. These items would no longer be part of the agenda but would appear on the website. The agenda document would, from now on, pertain only to items being discussed at an agenda's particular meeting.

Karl Kruger said that he had some comments on the financial statement and that Jim Watt had sent him an email earlier in the day. Mr. Watt's questions were:

- Account 564 Communications – Expenditures had been \$34,000 per month, and he wanted to know if this would be the ongoing monthly expense because, at that rate, the annual amount would be \$400,000. The budgeted annual amount was about \$220,000, which included the cost of changing dispatch providers. The District had been billed \$34,000 in the month of November. Mr. Kruger added that, year-to-date, the amount expended had been \$121,000.

President Sherris-Watt responded that the District would not continue to spend \$34,000 per month.

- There'd been an agreement, for 521T – OPEB Trust, to prepay this, which would save \$20,000. This hadn't been paid. Why not?

President Sherris-Watt responded that GM Constantouros should communicate, again, with Debbie Russell that this needs to be paid. She said this had been agreed to by the Finance Committee, and she hoped this had been an error. Director Hacaj asked by when this needed to be paid. President Sherris-Watt said it was typically paid in July or August.

Mr. Kruger said he had a number of detailed items, and he would bring them to the next Finance Committee meeting. But he did want to address:

- The combination of Accounts 502, 504, 506, and 508, the District had overspent by \$44,000 year-to-date. 502 was a little under, and overtime was high. If the District were to continue at this rate, the District would end the year at about \$105,000 over budget.
- Account 808 is also about \$10,000 over budget.

He said that these were pretty big numbers and that, for the past few years, the District had not overspent payroll. Overtime may have been high, but total payroll had always been in line. President Sherris-Watt responded that the Board had been looking at these and was following up with staff.

- Account 972 Park Building Improvement – He asked where the District was on that payment schedule. He noted very little had been paid, year-to-date, and he asked why. Director Hacaj responded that the District had been getting billed at the end of each phase. She noted that the money in this account was also for construction, which had begun yet. Mr. Kruger asked if the project was on schedule. Director Hacaj responded that the project had just begun to fall behind – more detailed cost estimates would probably occur the next month. She added that the money needed to be in the budget because the District needed to show all the dollars committed, or in hand, before it goes to bid in February or March. There's more in the account than would be spent because it needed to be shown in order to go to bid for a public project. She confirmed that payments were up to date, with respect to work that had been completed.

**MOTION: President Sherris-Watt moved, and Vice President Nottoli seconded, to accept the Minutes of November 16, 2017.**

**Motion passed: 5 – 0.**

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

**NOES:**

**ABSENT:**

**BOARD COMMENTS**

President Sherris-Watt announced that the KPPCSD would be participating in the Kensington Fire Protection District's toy drive. She invited residents to donate unwrapped new gifts by bringing them to the Public Safety Building.

President Sherris-Watt said that, at the prior meeting, speaker cards had been used and she had referred to everyone by their last names. She had done so because there had been a guest who would not have known who everyone was.

**OLD BUSINESS**

- 9a. The Board had its second reading, for possible adoption, of Ordinance 2017-01, an ordinance of the Board of Directors of the Kensington Police Protection and Community Services District Prohibiting Unauthorized Encroachments on District Land and Adopting Criminal and Civil Procedures, Penalties, and other Remedies for such Encroachments.

President Sherris-Watt reported that, at the prior month's meeting, the Board had had a first reading of the document.

President Sherris-Watt solicited public and Board comments, but there were none.

**MOTION: President Sherris-Watt moved, and Vice President Nottoli seconded, that the Board hold a reading of the ordinance, which is Exhibit One that's 2017-01, by moving to read the title only.**  
**Motion passed: 5 – 0.**

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

President Sherris-Watt announced there would be a second reading, by title only.

**MOTION: President Sherris-Watt moved, and Director Hacaj seconded, that the Board adopt the ordinance: The Kensington Police Protection and Community Services District – an ordinance of the Board of Directors of the Kensington Police Protection and Community Services District Prohibiting Unauthorized Encroachments on District Land and Adopting Criminal and Civil Procedures, Penalties, and other Remedies for such Encroachments.**  
**By a roll call vote, the motion passed 5 - 0:**

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

President Sherris-Watt announced that the ordinance would be posted, in full, at the District office, the Community Center, and other prominent places around the community. She asked staff to post the document by December 22<sup>nd</sup> and said it would go into effect 30 days from December 14<sup>th</sup>.

Vice President Nottoli recommended that the ordinance be posted in the same places the agendas are posted. President Sherris-Watt responded that wouldn't be possible, given the timing of the Outlook's publication but that notification could be placed in social media and other prominent locations.

- 9b. The Board considered appointing an ad hoc steering committee to work with Matrix Consulting Group in its evaluation of options related to delivering police services.

GM Constantouros introduced the item, saying it was related to the Matrix Consulting presentation that had been on the Board's prior meeting on November 29th. There had been discussion about having a steering committee to work with Matrix and to provide feedback during key portions of the evaluation. The steering committee could include up to two Board members, and it was recommended that the committee be comprised of three members, including the GM.

President Sherris-Watt said that she was happy to take GM Constantouros' recommendation and that she had full confidence in all the Board members to ensure the clearest and most concise outcome for the Matrix survey. Her suggestion was that one Director, Director Hacaj, serve as the ongoing member of the committee and that the other Directors serve on a rotating basis, one month at a time, to provide perspective. This would allow each of them to provide their various points of view about their various areas of interest. Vice President Nottoli would have good perspective on community engagement. Director Welsh would have good insight into finding out how the surveying of other agencies was going – what standards were being used for comparing other agencies to Kensington's own. Director Deppe would provide great insight into how the Board could communicate findings to a wider community.

Director Hacaj said she'd volunteered to serve on the committee because she believed the intent of the exercise is for there not to be any pre-determined outcome. The Board is committed to fact-finding and putting forth the findings. She appreciated Linda Lipscomb's comments about the police force – she'd been working for Save the Children and had been laid off during the economic crisis. So, she understands uncertainty. But, she also understands this is nothing personal. She values every one of the officers and believes everyone is doing their best for Kensington. The Board's responsibility is to look at this structurally. She reiterated that there is no predetermined outcome. She's very detail oriented, has done a lot of projects, and is good at keeping the big picture in mind.

Director Deppe said he was fine with this and suggested it would be good to have an update on the project every two weeks, at each Board meeting. He said this, combined with the rotation, would be fine. This would ensure it didn't go off course. Director Hacaj responded that such a report was a task the consultants would have to provide – a regular bulleted report.

GM Constantouros said he could provide this, too. The Board would be able to provide input about areas of interest, and the updates would be more about process than results – results would not be likely every two weeks. Director Deppe responded that he was interested in hearing about progress as often as possible – perhaps have it as a standing item.

President Sherris-Watt said that she didn't want to disrupt continuity and that the Board wants valid and open answers. She also wants to ensure that the Board is representing a lot of viewpoints of the community.

GM Constantouros noted that Director Deppe's point had been that it would be better to over-communicate. The process the Board was discussing would really cut down on the possibility of getting to the end of the study and having people wonder how the conclusion had been obtained.

Director Welsh asked President Sherris-Watt about her concept of the second director's involvement. He said he'd thought she'd planned to suggest a basic rotation rather than a subject matter involvement. If something came up and a subject matter consultation were needed, then it would be appropriate for GM Constantouros to speak with a specific Director about it. But, he thought a simple rotation would be better. She responded that she would be happy with a monthly rotation.

President Sherris-Watt asked for public comments:

Simon Brafman asked if the Board would have a member of the community serve on the committee. President Sherris-Watt responded that it would not. The community would be brought into the process through focus groups and town hall meetings. At the last meeting, the Board had discussed that choosing a community member would be problematic because community members were wonderfully committed and involved. He responded that he thought someone from the community needed to be involved, from the very beginning, to ensure the focus showed that the interest was to serve the community, not the Board.

Director Hacaj said the intent of the proposal was very clear: It's to come up with the best analysis for the service for the community. There would be multiple opportunities, throughout the process, for everyone in the community to be involved. The Board wants everyone to have that influence. The committee would be for process management – to keep things moving forward. She didn't envision the committee needing to do much because Matrix is very experienced. The Board's job is to ensure the community's involvement occurs at the input sections. Just one or two members of the public should not be involved because that's where problems could occur.

Director Welsh said there would be regular updates at Board meetings, and he could cross-examine the Board, just as everybody else could. Director Welsh added that the Board would be transparent and that there would be town hall meetings.

Mr. Brafman said he'd brought up the committee idea and thought this was different than community involvement on the committee, and he asked the Board to reconsider this.

Celia Concus said the discussion at the prior Board meeting had also addressed the fact that there were POBAR issues, which would preclude the public from having access to certain information: Some Board members might have more knowledge than others and, therefore, could provide information to Matrix during its study. President Sherris-Watt responded that this was correct and said there was some information the Board would not be able to see, even as directors.

President Sherris-Watt said she appreciated Mr. Brafman's comment but disagreed with it. Matrix has a mandate to complete its work in a timely manner, given that it's difficult for staff and the officers to be going through the process. She wants to assure that the Board is trying to be very neutral about this and is keeping out of any analysis, until the process is complete.

**MOTION: President Sherris-Watt moved, and Director Welsh seconded, that the Board adopt a steering committee consisting of GM Constantouros and Director Hacaj, with a second Board Member to join on a rotation schedule, as suggested by Director Hacaj and GM Constantouros and decided upon by the Board.**

**Motion passed: 5 – 0.**

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

**NOES:**

**ABSENT:**

- 9c. The Board considered Proposals from Bob Deis of the Public Management Group:
- 1) Develop job descriptions, titles, and labor market compensation.
  - 2) Review District human resources practices and policies and provide staff training.
  - 3) Update the Board's Policy and Procedures Manual

GM Constantouros reported that this item related to the November 16, 2018 meeting, at which Mr. Deis had made a presentation about the District's administrative support services and had identified areas where there could be improvements. There are areas where the District has no staffing or does not provide certain services. Mr. Deis' proposal is a three-part one:

- Look at the positions that his study recommended, come up with job descriptions, come up with a market compensation, and a cost analysis. The proposal is for \$11,115.

- Look at human resource practices and policies and provide training to the staff. Currently, the District does not have a human resources function. This proposal is \$8,700.
- Update to Board's Policy and Procedures Manual. This is a time and materials based proposal. If the Board would like to proceed with this, the Board should set a limit of \$10,000 and assign a Board member to work with the GM on this project. GM Constantouros doesn't think this project needs to be too complicated because there are best practices and examples of very good procedures manuals that could reduce the amount of time and work required. The procedures manual – even if completed to 80% – would be an improvement. The last 20% could be completed over a period of time.

GM Constantouros said he thought the Board should consider doing all three of these studies. There is no personnel function. Personnel law changes annually, there's tremendous liability, this is where legal costs are amplified in the budget, and this would eliminate that part of the way the system has worked in the past – because there's no one at the District who can do this work. The Board is aware of the shortcomings of the current policy manual. His highest priority is to get the administrative work/organization functioning, but he'd like the Board to consider the other two elements as well.

Director Welsh noted that revising some things in the manual are higher priorities than revising others. He'd like to see the eight to ten highest priority items that need to be fixed and fixing them. Then, see where costs are, and if costs permit fixing the rest of it, proceeding – as a second stage.

Vice President Nottoli said the District already had the California Special District Association (CSDA) model policy and procedure manual. To a large extent, it would be easier to do the whole manual than to try to work with the existing document. She favors doing this work internally, rather than having it be done by a consultant because the CSDA model is in hand.

Director Welsh responded that there were a lot of things in the manual and that, when one gets an “off-the-shelf model” there might be a tendency to want to adhere to that. Things would need to be tailored.

Vice President Nattoli responded that it would be a lot of work but should be done internally because an outside consultant wouldn't know how the District operates.

Director Welsh said he knew there were things in the manual that were bad and needed to be fixed. He sees a two-stage process. Perhaps the consultant could review the document and make a proposal on how to go about this.

Director Hacaj said that, if, in the next six weeks, the Board could take a look at the CSDA model – because she favors using this model – and then make comments and determine whether it would be worth taking this to Mr. Deis. Also, once Mr. Deis had examined the human resources issues, he'd have a better idea of what might be needed. In general, she agreed with Vice President Nottoli to approach this internally, using the CSDA model. Then, turn it over to Mr. Deis, if the Board was of the opinion it needed to do so.

Director Welsh asked how the others thought this would evolve; a special meeting, a working group, or some other approach.

Director Hacaj responded that Vice President Nottoli had already done a lot of work on this with her committee and that every Director could have access to the document and could feed suggestions to her.

The District's legal counsel, Ann Danforth, interjected that this type of exchange could be a violation of the Brown Act. She advised against one-way communications with Vice President Nottoli on the matter.

GM Constantouros reiterated that this is a very large job that could easily be underestimated. He said he'd done this twice, and both times it had taken more than a year, working continuously with professional staff. Although this one isn't that complicated, there's a tendency to underestimate the

amount of work. Part of the process would involve public input because some of the policies would be discretionary.

Director Hacaj said that revamping the manual was a very high priority, but she's concerned about budget implications, especially since the District needs to examine where it is at this time in the fiscal year.

Vice President Nottoli said that, given all the other demands on the budget, she agreed with Director Hacaj. She said her concern with a piecemeal approach was the possibility of missing places where there are references to other sections. She'd like to take the CSDA model, eliminate those policies that are irrelevant for the KPPCSD and then compare the CSDA version against the current manual to identify differences. She's concerned with giving out a contract on a time and materials basis, even with a dollar amount cap. The Board wouldn't know how far Mr. Deis would get into it: He could get \$10,000 into it and still not have a draft to present to the public. She said she would take on the bulk of the work and would keep a redlined version so that everyone could see what she had eliminated. She's concerned that there be enough money for the Community Center, the policy analysis contract, and these other two important services Mr. Deis had proposed. She's concerned about all the money, and, as Mr. Kruger had pointed out, there are some budget items that are going over budget. She appreciated the overtime the police have been working because, once understood, the community would probably be pleased about it.

Director Welsh suggested going with Vice President Nottoli's proposal for a couple of months, seeing what kind of progress has been made, and then making a decision whether that process is working or the Board should hand it off to Mr. Deis.

Director Hacaj suggested that, if the irrelevant sections could be eliminated, Mr. Deis could then look at the remaining sections and could give the Board a sense of how much it would cost to complete the process.

President Sherris-Watt asked if Public Management Group would find it acceptable to revisit item three. GM Constantouros responded in the affirmative and said he appreciated Vice President Nottoli undertaking such a huge effort.

Director Deppe asked by when the Board would like to have this project completed.

Director Welsh responded that Mr. Deis had estimated it would take sixty days to complete. Therefore, Director Welsh proposed giving the internal approach the same amount of time and then turning the revised document over to Mr. Deis, which would add another two months.

GM Constantouros noted that Mr. Deis' approach would include what good administrative practices are because he has experience in those areas.

President Sherris-Watt solicited public comments.

Leonard Schwartzburd said his understanding was that writing the draft would be held entirely by the Board, with assistance from the hired consultant. He asked if there would be room for members of the public to be part of that process. He said he understood how labor intensive this would be because he's the principal author of the policy and procedures manual for the American Academy of Psychotherapists. Therefore, he understands the process and could have something to contribute. He suggested having a committee that would draw upon members of the community to help.

President Sherris-Watt responded that the Board might look at that, but first it would look at the CSDA template that's about 120 pages. Dr. Schwartzburd noted that this was the number of pages he'd written. She said that much of it had already been written and that the Board's thinking was it would review this sample manual and then ascertain how it would use Mr. Deis or members of the public.

Dr. Schwartzburd asked if the Policy and Procedures Manual was a governing document or if it was advisory. He noted there was history with this.

Ann Danforth responded that her own history with the District was far shorter than that of the esteemed speaker. She said she believed that, in practice, the manual had been more of a guiding document, with some elements being observed more strictly than others.

Mabry Benson provided some history about prior attempts to revise the manual: Linda Lipscomb and Tony Lloyd had worked for about two years to revise the document and then had brought a product to the Board. However, it had never been approved because there had been disputes about the “whys and wherefores.” She asked if the Board would present the document as a final “take it or leave it” document or if it would address it section by section, which would take years. It would help to have justification for why things are included. She noted that, in the past, the first section presented to the Board had become bogged down in divisive discussion.

Director Hacaj responded that this might be where Mr. Deis’ expertise could be helpful.

Ms. Benson said it would not be a good thing to spend a lot of money and then have the same problem.

President Sherris-Watt said the entire Board was motivated to change the manual because there are problems with it and because the manual is not in legal compliance. The CSDA manual was appealing because that organization monitors updates.

Mr. Benson said she was providing an historical warning – it might not be easily accomplished, even though it’s needed.

Celia Concus asked if the Board was putting the “cart before the horse” because the District has to decide what’s going to happen with the police department. Will the independent police department Kensington has be improved upon? Or, will police services be contracted out? Some jobs might disappear or be much diminished.

Director Hacaj responded that this was one of the weaknesses of the current manual – it had been written in such a way that there were many things that didn’t belong in it and that there were important things missing. There are imperatives that can’t wait too long.

Ms. Concus said her concern was about things like elaborate job descriptions, and she wondered about minutes – she was concerned that no one was taking minutes that night.

President Sherris-Watt responded that the minutes would be taken from the recording. Regarding item one, she said that Mr. Deis would be looking only at the administrative side. While there could be a reduction, these are services the District is missioned to provide, whether the police services are in-house or not. So, there would still be a need for a Board secretary and a GM. Mr. Deis would not be looking at the Police Services Specialist category. He would only be looking at the jobs that provide the running and administration of the District. There might be other payroll solutions. Ms. Concus asked if this was a matter of identifying the cost of doing this study and weighing it against the benefit to the community, given that the final decision hadn’t been made about police services.

Director Hacaj asked GM Constantouros to comment because he’d encountered difficulties during his first six months on the job. He responded that there were functions not being done by anyone; thus, there was a huge liability. He said Ms. Concus’ question about the police had been well taken. But, none of the positions would be full-time, and the amount of time needed would have to be gauged. The positions would be reduced to an as-needed basis, but the current administrative structure is inadequate, based on what’s needed legally and professionally.

Ms. Concus said it didn’t make sense to have extensive job training for someone who might not have a job. GM Constantouros responded that there’s plenty of work and that this won’t be the case.

Gail Feldman said she'd hoped for back-up information from what Mr. Deis had proposed. She suggested that the Board ask its GM to get into the nuts and bolts of some of the recommendations in the report. Her impression of the report is that it's what one might want to do in an ideal world. But, it seemed more "Cadillac" to her than what the District's in a position to do at this time, particularly with respect to the recommended positions. She said that there are certain functions that have to happen and that most of what Mr. Deis had outlined fit with what would be needed for ground operations. One thing with which she disagreed was that there's a \$3 million budget and the District doesn't need a CFO to run a \$3 million budget. There are some things in the report about which the Board should have more discussion with the GM. Before the Board engages Mr. Deis to look at job descriptions, the Board needs to understand which things are needed in the form of staff and what things could be contracted out but with a better definition of what would be needed from those contractors.

Director Hacaj responded that this is really what this project would be about. It's not just job descriptions. It's looking at the functions and how they could be delivered, and perhaps contractors would deliver them.

Vice President Nottoli responded that that Mr. Deis should be recommending to the Board that it could have a particular function – such as payroll – performed by other organizations.

Ms. Feldman suggested that the Board go back to the GM and the consultant and ask for greater clarity in a proposal before the Board would vote on it.

President Sherris-Watt asked GM Constantouros if there could be room for him to go back to Mr. Deis and ask for greater clarity. GM Constantouros responded that this is not a "Cadillac" report: It's for rudimentary services. He asked the Board to keep in mind that he's part-time, too, though he's been working more than two days per week, which had been the original intent.

Leonard Schwartzburd said he was deeply concerned about what the function of the Policy and Procedures Manual is –whether it's a governing document or a set of guidelines. His concern is based on history. There has to be something that governs those who govern. If not the manual, what is it? He asked what governed the Board, and what it must do.

President Sherris-Watt responded that the Board must follow the law that pertains to special districts. The current Policy and Procedures Manual has operated as guidelines. She'd like a manual by which the Board could be governed confidently. Because of the contradictions and difficulties with the current document, it wouldn't be wise for the Board to act under its auspices.

Dr. Schwartzburd said there was an approach, which he and Director Welsh had discussed: There is a procedure that could govern the need for a variance from the policies and procedures so there wasn't just an ad hoc decision. If there's a feeling that the policies and procedures are confusing, a procedure could be initiated that would allow them to be used as guidelines but not governing in a particular case. That would require the Board to explain why it's varying from the policies and procedures. There could be a built-in procedure for varying from the policies and procedures. If deemed necessary, the Board should be prepared to explain it.

President Sherris-Watt responded that this made sense and that the Board would be more timely in replacing its Policy and Procedures Manual.

Dr. Schwartzburd said he's not worried about these Directors, and this isn't the reason. It's an issue of principle. There is good reason to be concerned, in terms of history.

Linda Lipscomb addressed Vice President Nottoli and said that she was taking on quite a bit. Ms. Lipscomb said she'd had the fortunate and unfortunate duty of looking at the existing policy manual, which contains everything from job descriptions to letters of employment – things she would not ordinarily expect to find in a policy and procedures manual. The proposal to use a professional to sort

this out, in a top down way, and adapting it to the KPPCSD's specific procedures would be a good thing. She doesn't think that \$30,000 is out of line for this project, based on the amount of time she and her committee had put into its work – meeting every two weeks and using the good services of Barbara Diltz and others. The Board would find that it would have to have a large number of meetings with personnel and someone from management. The GM would have to attend these meetings because she'd found herself asking the then GM/COP, "How do you actually do that here?" There was no point in having a CSDA policy if it pertained to something the KPPCSD never does. She noted that President Sherris-Watt was correct: The backstop is the law. The manual is a manner of proceeding, but it is not law. There are occasions when it intersects with law and there are sections of the manual that need to comply with the law. She had found work on the manual to be difficult and she reiterated that she didn't think the proposed amount was out of line. She didn't know how appropriate it would be to have community involvement in crafting administrative policy because it's a professional sphere. The District had never had the budget for this, which was why she and others had worked on it themselves. Placing the task with a professional would remove the possibility for rancor that had occurred whenever changes had been proposed in the past.

Director Deppe suggested that the Board listen to someone who'd been through this, and Director Hacaj said she tended to agree.

President Sherris-Watt said she'd been nervous about the cost for item three, but Director Welsh's and Ms. Lipscomb's perspective had led her to believe the Board should let Mr. Deis take on this work.

Director Hacaj asked if Mr. Deis could look at the CSDA sample manual, after Vice President Nottoli had had an opportunity to eliminate from it things that aren't relevant to KPPCSD, and then come back with a more firm proposal of cost and timeframe.

Director Welsh said there were two issues:

- Having the community participate in drafting the document, which he said would be a mistake. However, the document should be presented to the community when it neared completion. Community participation had bogged down the process in the past and would likely do so again.
- Having Vice President Nottoli work on the document for about a month to prepare it for submission to Mr. Deis. This would reduce the amount of work he'd need to do.

Director Deppe had a question about the language that appeared in Mr. Deis' "Plan of Work," and he asked about Board involvement. Director Hacaj responded that it should read, "with your staff" and that she agreed that there should be Board involvement.

Director Deppe's concern with item two is that, if there isn't an HR department or person, who would ensure that all the training occur. And, he noted that training was only part of the problem.

Director Hacaj noted that Mr. Deis' reorganization should have regular HR trainings or someone to provide that function.

GM Constantouros responded that this was included in Mr. Deis' item one. The important thing is that this be ongoing. There can't be just a one-time training. The initial training would get things started.

Director Hacaj said it would be worth exploring ways to provide HR services to the District.

Director Welsh said the point was that these things have to be done, and Mr. Deis would help figure out how to get them done.

Linda Lipscomb said she'd always felt that there's a paucity of support staff in the District. Some additional staffing is probably needed. She thanked those who had participated in helping the District without compensation, but this couldn't be relied upon. She hoped this could be put into the mix.

**MOTION: President Sherris-Watt moved, and Director Welsh seconded, that the Board accept the recommendation of GM Constantouros and engage Bob Deis to develop job descriptions, titles, and labor market compensation; review District human resource practices and policies and provide staff training; and, at a later date, update the Board's Policy and Procedures Manual with an initial limit of \$10,000 and that the Board appoint Director Nottoli to work with Bob Deis on item two – to define possible discrepancies between his suggested job titles and the way the District actually operates and on providing information and direction for the development of the Policy and Procedures Manual along with GM Constantouros.**

**Motion passed: 5 – 0.**

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

**NOES:**

**ABSENT:**

### NEW BUSINESS

- 10a. The Board considered approval of an extension of Interim Chief of Police Rickey Hull's Employment Agreement.

District's legal counsel, Ann Danforth, introduced the item. The current Interim Chief of Police (ICOP) contract is due to expire this month. Given that the District is in a time of analysis and consideration of alternatives, it seems prudent to maintain status quo in management until there are more answers about the long-term future of the police department. Therefore, staff is recommending to further extend this contract for another six months. She thanked Vice President Nottoli for finding an error in the date: The contract would run until June 30, 2018, not May 17, 2018. Other than the dates, the substantive changes in the agreement related to the fact that there are now separate positions for the GM and the ICOP. Therefore, she'd removed the tasks and responsibilities that had been those of the GM. She also clarified that the position is subordinate to the GM, which is expressly stated in the GM's contract. She recommended that the Board consider the agreement, take public comment, and then, if the Board so decides, it should approve the agreement and authorize the Board President to negotiate and execute the document.

President Sherris-Watt noted that the incorrect date appeared only in the staff report, it did not appear in the agreement. She asked about the fact that the longevity pay did not appear in the contract. Ms. Danforth responded that she wasn't sure where that had appeared in the other contract. President Sherris-Watt said the District might be following the additional benefits under the POA's MOU, and it should appear under Item 9: It's a current benefit.

Director Deppe asked about Item 1c: Ms. Danforth said it should be amended to read, "The General Manager shall have the authority to exercise the District's duties and responsibilities under this agreement."

President Sherris-Watt extended a huge thank you to Chief Hull, who has cheerfully put up with the District and worked very hard to bring the best policing service to the District.

Director Welsh seconded the thank you.

**MOTION: President Sherris-Watt moved, and Director Welsh seconded, that the Board accept this employment agreement for Interim Chief of Police Hull with the following changes: Item 1c shall read, "The General Manager shall have the authority to exercise the District's duties and responsibilities under this agreement" and under Item 9, in the list of benefits to be received, the Board add longevity pay.**

**Motion passed: 5 – 0.**

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

**NOES:**

**ABSENT:**

President Sherris-Watt said ICOP Hull had the full confidence of the Board, and the Board appreciates his service.

10b. Director Deppe provided an update on the status of the District's technology, including its website.

Before Director Deppe joined the Board, the Board had entered into an agreement with Streamline to move the website into a more modern, ADA compliant system. He'd been working on bringing the system live for the past couple of months. He proposed that the going live date be January 11<sup>th</sup> and giving a presentation at that evening's Board meeting. There would be some "redirects" from the old domain. He reported that he'd need to train District Administrator Wolter on how to post text and video content. There will be a new domain called KPPCSD.org, and both the website and email addresses will change to correspond. There's a new logo for the new website.

President Sherris-Watt reported that Michelle Zatcoff, a volunteer, had designed the logo. She explained that this would not replace the police officers' logo. The logo would be for the District and administrative side.

Once live, requests sent to the old address would be redirected to the new website. Director Deppe has been working a lot on the new website, but there will still be some rough spots. The new website is controlled by the content management system, which means that the look is largely controlled by a template. The old site will be kept live for a couple of months, so that if something's missing, one could still access it and move it into the new site. There will be an email address to which people could send comments.

The site is meant to represent what the KPPCSD does and is not meant to be for all of Kensington. There are things that occur in Kensington over which the Board does not have control and so should not be included on the website.

Director Deppe is trying to move all documents into searchable PDF formats, and he'd like any new content on the site to be searchable PDFs. He's willing to help train staff, if needed. The site has a search function, but it doesn't work with scanned copies. By 2019, the District's agendas will have to be searchable.

There are links to external sites, but the District needs to focus on its core responsibilities. Director Hacaj responded that this made a lot of sense, especially because it's so easy now for groups to develop their own websites. Director Deppe said the District would need to be careful about which links it places on the website: in particular it would need not to provide political links in order not to be accused of having any bias.

The District needs a social media steering committee to decide what goes on the website. Vice President Nottoli noted that there would need to be a policy, similar to the one the Kensington Improvement Club has for the Arlington Avenue sign, for staff to follow.

Simon Brafman asked if changes in net neutrality would impact the District's website and how it functions. Director Deppe responded that the District pays a flat monthly fee for the website. So, it shouldn't have an impact.

Marilyn Stollon said that, in all the research she'd done over the years of different websites, some were more transparent than others. She asked what had been done for transparency with the new website. Did anyone look at what had been done on other sites?

Director Deppe responded that he'd looked at Google analytics about what documents people look for. He wants to make sure that the most commonly looked at documents are the easiest to find. He did look at some other cities' sites, but the District's new website was set up to make it easy to find information.

If members of the public indicate that something needs to be improved, work will be done to make the improvement. The search function will also help.

President Sherris-Watt said Director Deppe had provided her with a preview the previous week, and she'd found that it had improved clarity. With respect to transparency, there's a section of the website that shows every document needed to qualify as being transparent.

Director Deppe said the that transparency element was a part of the website template provided by Streamline and that this helps the District gauge how well it's doing with meeting transparency requirements.

David Bergen thanked Director Deppe and said the new website had been nicely done. He asked who would be the new web master, and Director Deppe responded that it would be himself for a while.

President Sherris-Watt asked if there were volunteers who wished to serve on an ad hoc social media steering committee with Director Deppe. Director Hacaj responded that she'd be happy to do so: She's passionate about finding ways to knit the community together.

10c. Vice President Nottoli presented and overview and update on the community's solid waste services.

Vice President Nottoli directed those present to her report in the Agenda Packet and said that the Solid Waste Committee had accomplished a lot.

President Sherris-Watt especially noted the Recycling Guide for Kensington Residents and the new 2018 rates, which would become effective on January 1<sup>st</sup>.

Director Welsh said that Vice President Nottoli has done a lot of work, becoming knowledgeable about byzantine and difficult issues and that she'd established relationships with the various players.

Director Hacaj said she was very appreciative and impressed by Vice President Nottoli's work. It's clarified many things.

President Sherris-Watt said that Director Welsh had done a lot of work on this, too.

Mabry Benson asked if the recycling table reflected the fact that El Cerrito Recycling was no longer taking certain items. Vice President Nottoli responded in the affirmative, explained why El Cerrito was no longer taking them, and said that Kate Rauch (from Supervisor John Gioia's office) had been very helpful and was working to get a new contract, between the County and El Cerrito, that would allow Kensington residents to resume dropping things, like CFL light bulbs, electronic devices, and alkaline batteries, at the El Cerrito Recycling Center. However, because Kensington was not a member of specific joint powers agreement, its residents could not drop hazardous materials at the recycling center. She also said that the recycling guide would be included with ratepayers' December invoices and would be on the website. Ms. Benson thanked Vice President Nottoli.

Vice President Nottoli reported that Bay View Refuse had indicated that it might be possible to have a quarterly pick-up of household hazardous waste so residents could avoid having to drive to the household hazardous waste drop-off location in Richmond. But, because the El Cerrito Recycling Center takes so many things, she's not sure what hazardous items residents would really have.

Linda Lipscomb said it was important for the community to have unlimited green waste pick-ups. Without it people wouldn't trim back as much as they do, which is important because of Kensington's interface with Tilden Park. Vice President Nottoli noted that El Cerrito's green waste is limited to 64 gallons per week.

President Sherris-Watt thanked Ms. Lipscomb and Director Welsh for the work they'd done on the solid waste contract: It provides for a lot of services.

10d. The Board elected a President and Vice President for the calendar year 2018. This was in accordance with Board Policy 5010.60.

Director Welsh nominated President Sherris-Watt for President. Vice President Nottoli seconded the nomination. She was elected unanimously.

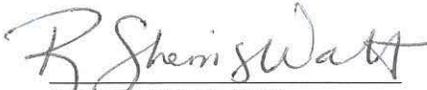
Director Hacaj nominated Vice President Nottoli, who had done a stellar job, to continue as Vice President. Director Welsh seconded the nomination. She was elected unanimously.

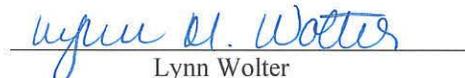
Leonard Schwartzburd expressed his appreciation and admiration for the enormity of the job the Directors had taken on.

**MOTION: Director Hacaj moved, and Director Deppe seconded, to adjourn the meeting.  
Motion passed: 5 – 0.**

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

The meeting was adjourned.

  
\_\_\_\_\_  
Rachelle Sherris-Watt  
KPPCSD Board President

  
\_\_\_\_\_  
Lynn Wolter  
District Administrator

# KPPCSD Community Volunteers

We wish to acknowledge the following residents for their outstanding contributions to the District in 2017.

Special Contributions - Michelle Zatcoff, Camden Richards, Josh Dickinson, David Bergen, A. Stevens Delk, David Spath, Simon Brafman, Kim Zvik

## Solid Waste

Lisa Cole

A Stevens Delk

Mary Korn

Anthony Knight

Mark Wegner

Lisa Corona - Design  
Consultation

Cathy Stein - County  
Representative

Ciara Wood - Trail  
Management

## Technology

David Bergen  
Simon Brafman  
A Stevens Delk  
Dori Oren

David Spath - Meeting  
Assistance



Kensington Police Protection  
Community Services District

## Park Grounds

Charli Danielsen

Katie Gluck

Peter Liddell

Simon Brafman - Park  
Operations



## Park Planning

Paula Black

Peter Conrad

Gretchen Gillfillin

Katie Gluck

Todd Hodson

Ciara Wood



Anne Forrest - KCC President

Lisa Corona - KIC

## Finance

Rob Firmim

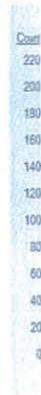
Paul Haxo

Karl Kruger

Lori Trevino

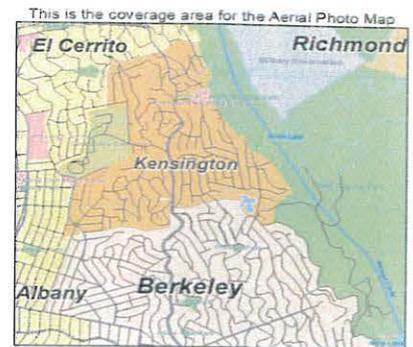
Jim Watt

Linda Lipscomb - Data  
Collection



## Emergency Services

Maya Churi  
Paul Dorroh  
Derek Suring  
  
Paul Moss - Nixle  
Larry Nagel - KFPD



## Policy and Procedures

A Stevens Delk  
Barbara Dilts  
  
Marilyn Stollen - Research



## Community Outreach

Andrew Paul Gutierrez  
David Spath



## Additional Assistance Provided By

Celia Concus  
Catherine de Neergaard  
Melden Heaslip  
Len Schwartzburd  
Kensington Fire Protection Board

