

## KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

### BOARD OF DIRECTORS MEETING MINUTES

Thursday, October 13, 2022

Via Teleconference

### Special Meeting – 6:00 p.m.

#### Call to Order [6:41]

President Sylvia Hacaj called the meeting to order at 6:03 p.m.

#### Roll Call [6:52]

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

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

#### Special Meeting Agenda and Public Comments [TS7:40]

– Addressing the Board was Cassandra Duggan who asked about a plan for hybrid meetings.

#### 1. **Teleconference Meetings During State of Emergency.** [TS 9:08]

General Counsel Danforth highlighted the recommended action. Director Logan said KPPCSD needed to begin meeting in person. Director Sherris-Watt said that the Board should establish protocols for hybrid meetings to guarantee safety of the staff, Board, and the community.

- Motion by President Hacaj, seconded by Director Sherris-Watt, to adopt Resolution No. 2022-24 to continue holding remote meetings by teleconference, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

**Resolution No. 2022-24** – A Resolution of the Board of Directors of the Kensington Police Protection and Community Services District Making Findings and Determining a Need To Continue Holding Remote Meetings by Teleconference.

#### Adjournment to Closed Session [TS 16:53]

The Board adjourned to Closed Session at 6:31 p.m. for a conference with its labor negotiator.

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KPPCSD Special Meeting Minutes  
October 13, 2022  
Page 2 of 6

## Regular Meeting - 7:00 p.m.

### Call to Order [TS [1:09:06](#)]

President Sylvia Hacaj called the meeting to order at 7:05 p.m.

### Roll Call [TS [1:09:17](#)]

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

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

### Announcement from Closed Session

President Hacaj reported that the Board adjourned at 6:55 p.m. The Board gave direction to its General Counsel.

### Public & Consent Calendar Comments [TS [1:09:38](#)]

– No public comment.

### Consent Calendar [TS [1:10:22](#)]

- Motion by President Hacaj, seconded by Director Sherris-Watt, to adopt Consent Calendar Items 1-2, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

#### 1. **Meeting Minutes for September 8, 2022.**

Approved meeting minutes.

#### 2. **Financial Reports.**

Received and accepted the financial reports for July 1-August 31, 2022.

### Discussion and Action

#### 3. **Strategic Plan.** [TS [1:20:14](#)]

Interim General Manager Tony Constantouros reported that the Board discussed the Draft Plan in January 2022 and recommended updating the plan in 2023. Martin Rauch, of Martin Rauch & Associates, stated that the Plan is complete but needs timelines and responsibilities. Board members made comments about addressing the updates.

DS SH TC LML

KPPCSD Special Meeting Minutes

October 13, 2022

Page 3 of 6

- Addressing the Board was the following person: 1) Pat Gillette supported postponing consideration of the Plan at this time.

There was Board consensus to schedule a session in 2023 to review the Plan once the new Board members and a new General Manager are in place.

4. **Adopt Amendment to Conflict of Interest Code.** [TS [1:29:27](#)]

General Counsel Danforth presented the recommended action to adopt a resolution amending Appendix A to Policy 1000 to comply with the state law requirement to biennially review and update as necessary the District’s list of officials required to disclose their financial interests. She pointed out that since 2020, the District’s organization has experienced the following changes that affect the positions named in the current List of Required Filers: 1) In 2021, the Board eliminated the Finance Committee, and 2) The District recently changed the name of the “Business and Finance Manager” position to “Finance Director.”

- Motion by President Hacaj, seconded by Vice-President Logan, to adopt Resolution No. 2022-24 amending its Conflict of Interest Code by adding a new Appendix A to Policy 1000 of the Policies and Procedures Manual, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

**Resolution No. 2022-24** – A Resolution Of The Board Of Directors Of The Kensington Police Protection And Community Services District Amending Its Conflict Of Interest Code By Adding A New Appendix A To Policy 1000 Of The Policies And Procedures Manual.

5. **Fiscal Year 2022-23 Budget Amendment #1.** [TS [1:32:35](#)]

Interim General Manager Tony Constantouros presented the recommended actions to adopt Resolution No. 2022-25 Adopting Amended Budget For Fiscal Year 2022-23 and highlighted the key items in this budget amendment. He introduced Adam Benson, who has assisted the KPPCSD with financial analysis in the formulation of the budget amendment.

Board members commented on several line items (i.e. staffing positions, reserves, overtime costs, salary savings, park improvements, building upgrades, board conferences, general fund reserves, and OPEB Trusts costs) to identify savings.

- Addressing the Board were the following persons: 1) A. Stevens Delk commented on park and recreation and waste management positions, and asked about the 2021 audit; 2) Jim Watt commented on the 2021 audit completion and expressed concerns about use of Bayview Refuse funds; 3) Cassandra Duggan expressed concern about the 2019 audit, Bayview set aside funds, and money for the new police building; and 4) David Spath, on behalf of the Kensington Police Officers Association, read comments submitted to the Board regarding their concerns about the amended budget .
- Motion by President Hacaj, seconded by Vice-President Logan, to adopt the amended budget with the following amendments: Line 647 remove \$15,000 from that expense, Line 825 remove \$7,000 from that expense, Line 521T remove \$61,683 of expense, add a line under the police salaries which indicates a vacancy savings of \$72,417 which would create a balanced budget,

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KPPCSD Special Meeting Minutes

October 13, 2022

Page 4 of 6

carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

6. **Approve Kensington Police Officers Association Memorandum of Agreement (MOU).**

[TS [2:45:54](#)]

Renne Public Law Group Attorney John Holtzman highlighted the changes to the Memorandum of Understanding (MOU) with the Kensington Police Officers Association (KPOA).

- Motion by Director Sherris-Watt, seconded by Vice-President Logan, to approve a three-year MOU with the KPOA effective July 1, 2022 and authorize the General Manager to sign the agreement, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

7. **Employment Agreement with Michael Gancasz.** [TS [2:55:03](#)]

Renne Public Law Group Attorney John Holtzman highlighted the changes in the at-will employment agreement with Chief of Police Michael Gancasz.

- Motion by Vice-President Logan, seconded by President Hacaj, to approve an at-will employment agreement effective July 1, 2022 with Chief Michael Gancasz and authorize the Interim General Manager to sign, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

8. **Administrative Staff Compensation Adjustments.** [TS [3:02:56](#)]

Interim General Manager Tony Constantouros presented the recommended action for the Board to consider approving a 7 ½% increase to the compensation of two specified non-represented staff.

- Motion by President Hacaj, seconded by Director Nottoli, to approve the General Manager's recommendation for a 7.5 percent cost of living increase to the compensation of specified non-represented staff that include the Finance and Business Manager and the District Clerk of the Board effective July 1, 2022, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

9. **Extension of Interim General Manager Employment Agreement.** [TS [3:07:22](#)]

General Counsel Ann Danforth presented the recommended action to approve an extension of Interim General Manager Tony Constantouros' employment agreement. She reported that the District retained Tony Constantouros as its Interim General Manager on May 22, 2022 and this contract expires on October 31, 2022. The District has not yet hired a permanent General Manager and we believe that we are unlikely to have a candidate ready to start work for the District until after the holidays. Accordingly, staff recommended that the Board renew Mr. Constantouros' employment until January 31, 2023. There was Board discussion about the end date.

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KPPCSD Special Meeting Minutes

October 13, 2022

Page 5 of 6

- Motion by Director Sherris-Watt, seconded by President Hacaj, to approve the extension of Interim General Manager Tony Constantouros' employment agreement through February 17, 2022, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

**10. Contract for Removal of Diseased, Distressed or Dead Trees in Kensington Park.**

[TS [3:14:21](#)]

Director Nottoli presented a proposal to negotiate and execute a contract with Professional Tree Care Company for removal of specified diseased, distressed or dead trees in the park. The Board asked questions about tree removal, a tree replacement plan, the schedule, and coordination of outreach with the school, the KCC and to the whole community.

- Motion by Director Nottoli, seconded by Director Sherris-Watt, to approve a contract with Professional Tree Care Company as proposed in the staff report, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt, and Hacaj; (NOES) None; and (ABSENT) None.

**Comments & Reports**

**11. Director Comments.** [TS [3:29:39](#)]

Director Sherris-Watt presented a draft report outlining several Kensington Park improvements project for the Board to review and prioritize in the future. The Board will have conversations about the improvements in the future.

- Addressing the Board were the following persons: 1) A. Stevens Delk who commented on the use of the waste franchise fees; and 2) Sylvia Elsbury pointed out that KCC gave the District a check for \$15,000 and asked whether it could be used for some park improvement projects.

President Hacaj thanked her colleagues for the work they have done. She also thanked the Police Department staff for their work to make the relocation successful.

**12. General Manager's Report.** [TS [3:44:33](#)]

Interim General Manager commented that the October 6<sup>th</sup> test hybrid meeting went well. Police Chief Gancasz presented a status update on the relocation of the Police Department from the Public Safety Building to the new location at 10940 San Pablo Avenue, Building B, in El Cerrito. He reported that in-house staff completed the move and it came in under budget. Additionally, he reported that the move would result in long-term operational cost savings, the PD have additional resource, and staff morale was high. Board members commended the Chief and staff on the job they did.

- Addressing the Board was Bill Hansell, KFPD General Manager, who thanked the KPD on behalf of the Fire District and said it was a great cooperative effort.

DS SH TC LML

KPPCSD Special Meeting Minutes  
October 13, 2022  
Page 6 of 6

**13. Board Correspondence.**

- Filed with the Board was the KCC Recreation Office Report – October 2022.

[TS 1:12:03] Director Sherris-Watt requested clarification on the KCC report listing the blessing of animals on October 23. Following Board discussion about whether this is a public or a religious event, they directed the General Manager to contact KCC to determine the distinction and report back to the Board.

**Adjournment** [TS 3:54:16]

President Hacaj adjourned the meeting at 9:51 p.m.

The next regular meeting is scheduled for November 10, 2022.

SUBMITTED BY:

DocuSigned by:  
*Lynelle M. Lewis*

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Lynelle M. Lewis, District Clerk of the Board

APPROVED: November 10, 2022

DocuSigned by:  
*Tony Constantouros*

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Tony Constantouros, Interim General Manager

DocuSigned by:

*Sylvia Hacaj*

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Sylvia Hacaj, President of the Board

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