

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS MEETING MINUTES

Thursday, April 13, 2023

Special Meeting

Via Teleconference

Special Meeting (Closed Session) – 6:00 p.m.

Call to Order [[TS 2:36](#)]

President Aquino-Fike called the special meeting to order at 6:03 p.m.

Roll Call [[TS 2:44](#)]

Director Cassandra Duggan, Vice-President Sarah Gough, Director Sylvia Hacaj, and President Alexandra Aquino-Fike were present at roll call.

Special Meeting Agenda Item Public Comments [[TS 3:16](#)]

None.

Adjourn to Closed Session [[TS 3:53](#)]

The Board adjourned to closed session to discuss significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2).

Regular Meeting - 7:00 p.m.

1. **Call to Order** [[TS 59:40](#)]

President Aquino-Fike called the regular meeting to order at 7:00 p.m.

2. **Roll Call** [[TS 59:54](#)]

Director Cassandra Duggan, Vice-President Sarah Gough, Director Sylvia Hacaj, and President Alexandra Aquino-Fike were present at roll call.

Staff present included Interim General Manager David Aranda, General Counsel Ann Danforth, and Administrative Clerk Rosa Ruiz.

3. **Report from Closed Session** [[TS 1:00:13](#)]

President Aquino-Fike reported that the closed session meeting adjourned at 6:46 p.m. and there was no reportable action.

4. **President's Comments** [[1:00:25](#)]

President Aquino-Fike underscored the importance of speaking succinctly given the full agenda. She requested that everyone treat each other with respect even when disagreeing.

5. **Public Comment** [[TS 1:01:34](#)]

- Addressing the Board were the following persons: 1) (Name not given) asked about speaking following director's comments; and 2) Sylvia Rosales-Fike requested a progress report from the Kensington Park Re-planting Strategy Committee.

6. **Conduct Swearing in Ceremony for the Police Department.** [[TS 1:07:23](#)]

Chief of Police Mike Gancasz reported that the Kensington Police Department is proud to announce the appointment and swearing in of three officers: Police Sergeant Brian Lande, Police Officer David Payne, and Police Officer Marrkel Smith. Chief Gancasz administered the Oath of Office to the officers.

Consent Calendar [[TS 1:17:40](#)]

7. Approve the Regular Meeting Minutes of March 9, 2023 and the Special Meeting Minutes of March 9, 2023.
- Motion by President Aquino-Fike, seconded by Vice-President Gough, to approve the Consent Calendar, carried (4-0) by the following roll call vote: AYES (Directors Duggan, Gough, Hacaj, and Aquino-Fike); NOES (None); Absent (None); ABSTAINED (None).

Comments & Reports

8. **Police Chief Report.** [[TS 1:18:42](#)]

Chief of Police Mike Gancasz announced that the Monthly Report March 2023 had been submitted as part of the agenda packet and posted on the KPPCSD web site.

9. **General Manager's Report.** [[TS 1:19:27](#)]

Interim General Manager Aranda reported that his report covered the time period of March 7, 2023 through April 7, 2023 and had been submitted as part of the agenda packet. The KCC Recreation Office Report April 2023 was also submitted.

10. **Director Comments.** [[TS 1:20:10](#)]

Director Gough highlighted two upcoming events: Elsie Neilson Park dedication and ribbon cutting event on April 14th and the Joint Special meeting with Kensington Fire Protection District (KFPD) on April 24th regarding consolidation.

11. **Board Correspondence.** [[TS 1:22:46](#)]

A letter from the community was sent to the Board.

Discussion and Action

12. **Ratify the March 2023 Bills Paid.** [[TS 1:24:54](#)]

Interim General Manager Aranda noted that the agenda packet contained the March 2023 bills that were paid.

- Motion by President Aquino-Fike, seconded by Director Duggan, to ratify the payment of the March 2023 bills, carried (4-0) by the following roll call vote: AYES (Directors Duggan, Gough, Hacaj, and Aquino-Fike); NOES (None); Absent (None); ABSTAINED (None).

13. **Receive Updates from the Board *Ad Hoc* Committees Established at the January 12, 2023 Board Meeting.** [[TS 1:26:23](#)]

Vice-President Gough presented a status update on work by the Police Department & District Office Permanent Location Committee including exploration of options for joint occupancy of the Public Safety Building (PSB) and exploring commercial property and land in Kensington. She reported that the Committee and the KFPD Temporary Public Safety Building (PSB) Committee, along with Police Chief Gancasz, have been meeting to discuss joint occupancy of the PSB. Additionally, the Committee has reviewed plans submitted by Bart Jones and Jim Watt along with other proposed conceptual plans for joint occupancy.

She reported speaking to many police experts from within and outside the community including former KPPCSD Interim Chief of Police Steve Simpkins, former Interim KPPCSD Chief of Police Walt Schuld, former Santa Rosa Police Chief and current Interim Police Chief for Emeryville and Novato Hank Schreeder, former BART Chief of Police Kenton Rainey, and current Chief of Police for Moraga John King. She also reported they spoke with Principal Architect Candace Wong of Ten Over Studios who is an expert on public safety design, El Cerrito City Manager Karen Pinkos, and Danville City Manager Joe Callebreggo. Additionally, to better understand the financial impacts of joint occupancy, the Committee consulted various legal experts on the lease back agreement and potential cost sharing between the two districts and risks to construction, along with a former commercial real estate banker. Additionally, they sought the advice of the KPPCSD Interim General Manager David Aranda and listened to input from the community.

The Committee also connected with Josh Dickinson, from local real estate firm Zip Code East Bay, who provided a survey (at no cost to the District) of vacant lots and commercial properties within Kensington as well as those available for lease or sale. Additionally, commercial real estate firm Citrine Advisors provided information and toured properties with staff without requiring a formal engagement. The Committee reached out to former Director Rachelle Sherris-Watt to understand the background of the 303 Arlington negotiations. They also reviewed past plans and presentations shared with the community over the years regarding the PSB and other options raised by the former boards.

Additionally, the Committee gathered information on the purchase as well as the costs to relocate the current portables to numerous sites. She noted that they have not explored any locations in Kensington Park. Finally, they gathered information on modular and steel buildings construction with other companies as potential lower cost options. The substance of the findings will be shared in a month or so once more analysis and information is obtained on the financial standing of the KPPCSD.

- Addressing the Board were the following persons: 1) Mabry Benson requested that the committee’s report be posted on the KPPCSD website and thanked the Committee for its work on this issue; 2) John [last name not given] asked about the premises presented to the numerous experts (i.e. requirements, costs, etc.), and asked about community input for the future report. He also read a letter dated April 11, 2023 to the KPPCSD and KFPD Directors from numerous residents regarding the Board’s failure to secure permanent sites within Kensington to house the independent departments, exploring the current KFPD temporary location at the Unitarian Church, investigating placing the modular at the parking lot by the Library or another location in Kensington, urging not to pursue further efforts for joint occupancy in the PSB, and exploring alternate locations; and 3) Andrew Reed commented that the community should be presented information in writing on the standards and/or requirements that must be met for the police building.

[1:47:33] Vice-President Gough reported that over the last month the Park Re-planting Strategy Committee met with Lisa Carrona, Kensington Improvement Club board member and retired landscape architect, who provided suggestions on replanting; they watched a seminar about carbon capture recommended by community member Sashawna Weckler; and met with representatives from the Lisjane Ohlone Nation who shared their insights and suggestions on proper care of our land. In conclusion, Director Gough reported that soon they would be meeting with a landscape architect who specializes in sustainable design and with a soil expert. Director Duggan reported receiving community input as follows: Catya de Neergaard (neighbor and experienced horticulturalist), KCC Director Jenny Parks, and Kensington Hilltop School PTA and the KEF leaders. A final report to the Board is anticipated in the next month or so.

14. **Discussion and Action regarding a Request to the Kensington Fire Protection District to Reserve Space in the Public Safety Building.** [1:54:55]

President Aquino-Fike made comments about the effort to investigate a permanent location for the police and district offices within the borders of Kensington. She noted that the District’s fiscal uncertainties and the need for analysis are a hindrance to the Board’s decision on moving forward on this effort. She proposed the following: 1) Get KFPD approval to reserve space in the PSB, which would require a delaying the framing of the first floor by May 19th; 2) If KFPD would be open to delaying construction on the first floor of the PSB, then KPPCSD would request that they provide us with a cost estimate associated with this delay by June 9, 2023; and 3) The KPPCSD provide its final answer regarding its interest in using the first floor of the PSB by June 30, 2023. If the Board is supportive, she proposed that Interim General Manager Aranda send a letter to the KFPD Board of Directors with these key points.

- Addressing the Board were the following persons: 1) Mike Logan, former KPPCSD board member, asked when the public would see the letter from the General Manager to the KFPD Board and asked what we are asking of the Fire Board; 2) Gail Feldman commented that the request to reserve space in the PPSB is premature since the District's needs are unknown; 3) Mabry Benson commented that many in the community think it is a good idea to have both boards in the PSB; 4) Catya de Neergaard commented that we should take a step back from sending this letter; 5) John Price commented that it is important to talk to the KFPD; 6) John Caccione commented that a delay of framing entails many other components and costs; 9) Julie Stein, President of the KFPD Board, commented that it was not clear what the KPPCSD letter is asking regarding the framing and said that the deadlines appear unreasonable; 10) Andrew Reed suggested that the proposal should be modified to request a first right of refusal along with a financial fee and it should eliminate the deadlines; 11) Andrew Paul Gutierrez commented that it would be a bad choice to try to fit two modern departments into an inadequate space; and 12) Sylvia Rosales-Fike suggested renewing the request that was made by a previous KPPCSD General Manager to reserve space in the PSB.

There was discussion about the option of the first of right of refusal for the space in the PSB.

- Motion by President Aquino-Fike, seconded by Vice-President Gough, to authorize and direct Interim General Manager David Aranda to draft a letter to the KFPD Board on behalf of the KPPCSD Board asking them to grant KPPCSD the right of first refusal for use of the first floor of the PSB, carried (3-1) by the following roll call vote: AYES (Gough, Duggan, and Aquino-Fike); NOES (Hacaj); ABSTAINED (None) and ABSENT (None).

15. **Discuss and Select a Board Member for the KPPCSD Board.** [[TS 3:04:47](#)]

President Aquino-Fike provided background information on the process to fill the vacancy left by the resignation of board member Eileen Nottoli who resigned effective February 10, 2023. She reported that four applications were submitted for the vacant seat as follows: Jonathon Angell, Candace Capogrossi, David Spath, and Lynn Wolter; however, it was noted that Jonathon Angell withdrew his application.

The Board asked the candidates and series of questions.

- The following persons addressed the Board: 1) Cyrus Modavi, former KPPCSD board member, spoke in support appointing Lynn Wolters Board and shared his experience working with Lynn while she served as an administrator for KPPCSD and pointed out her extensive work in the community; 2) Elaine Stelton expressed support for Lynn Wolter and relayed her interactions with Lynn as a running mate and expressed opposition to any candidate who would consider using the park for the Police Department; 3) Gail Feldman spoke in support of Candace Capogrossi and David Spath citing their community service; 4) John spoke in support of Candace Capogrossi and David Spath for the vacant board seat; and 5) Lisa Carrona spoke in support of David Spath and noted his extensive community service.

- At 9:48 p.m. Director Duggan made a motion, seconded by Director Hacaj, to extend the meeting until 11:00 a.m., carried (4-0) by the following roll call vote: AYES (Gough, Duggan, Hacaj, and Aquino-Fike); NOES (None); ABSTAINED (None) and ABSENT (None).
- Motion by Vice-President Gough, seconded by President Aquino-Fike, to nominate David Spath to be Director of the KPPCSD, carried (4-0) by the following roll call vote: AYES (Gough, Duggan, Hacaj, and Aquino-Fike); NOES (None); ABSTAINED (None) and ABSENT (None).

David Spath was appointed as the new Director of the KPPCSD Board to fill the term of office vacated by Eileen Nottoli (through December 6, 2024).

16. Discussion and Approval of Changes in Protocols for Kensington Police Protection & Community Services District in regard to COVID and Other Related Communicable Diseases. [TS 3:50:41]

Interim General Manager reported that since the dangers of COVID have drastically reduced, staff recommended approval of changes in protocols as follows: masks are optional; if you are ill, please stay home; no eating or drinking during the meeting (you are welcome to go outside the community center if you need to eat or drink); and any declaration by the Health Department of the State of California will trigger the possibility of Zoom meetings only or continuing in house meetings with masks required and six foot distancing being put into effect.

- Motion by Vice-President Gough, seconded by Director Hacaj, to approve the changes to the COVID protocol, carried (4-0) by the following roll call vote: AYES (Gough, Duggan, Hacaj, and Aquino-Fike); NOES (None); ABSTAINED (None) and ABSENT (None).

17. Discussion and Approval of a Contract between Kensington Community Council (KCC) and KPPCSD. [TS 3:52:00]

Director Hacaj reported that she continues to work with the KCC and anticipates closure soon.

- Addressing the Board was Lynn Wolter who provided an historical perspective on the KCC contract and briefly commented on her past litigation with the District.

18. Discussion and Approval to Hire a Part-time Janitor and Handyman for the District. [TS 3:56:12]

Interim General Manager Aranda presented the recommended action to hire a part time janitor/handyman due to the retirement of the current individual who has taken very good care of the park facilities.

- Addressing the Board was Mabry Benson who asked questions about costs.

- Motion by Director Hacaj, seconded by Vice-President Gough, to authorize the General Manager to hire a part time janitor/handyman, carried (4-0) by the following roll call vote: AYES (Gough, Duggan, Hacaj, and Aquino-Fike); NOES (None); ABSTAINED (None) and ABSENT (None).

19. **Discussion and Approval to Extend the Lease Agreement with Mobil Modular and the License Agreement with the City of El Cerrito.** [[TS 4:02:00](#)]

Interim General Manager Aranda presented the background and the recommended action to approve two motions to renew the leases for the KPPCSD to continue to have a headquarters building.

- Motion by Director Duggan, seconded by Vice-President Gough, to approve renewing the lease for one year with Mobile Modular at \$5488.80 per month and authorize the General Manager to sign that lease, carried (4-0) by the following roll call vote: AYES (Gough, Duggan, Hacaj, and Aquino-Fike); NOES (None); ABSTAINED (None) and ABSENT (None).
- Motion by President Aquino-Fike, seconded by Vice-President Gough, to approve renewing the Licensing Agreement with the City of El Cerrito at a cost of \$1857 per month and authorize the General Manager to sign that lease, carried (4-0) by the following roll call vote: AYES (Gough, Duggan, Hacaj, and Aquino-Fike); NOES (None); ABSTAINED (None) and ABSENT (None).

Interim General Manager Aranda noted that he would confirm with the City that the costs paid would allow the unit to be moved for KPPCSD's benefit if necessary.

20. **Discussion and Approval of Resolution No. 2023-03, A Resolution Establishing the District's Own Checking Account and Separating from the County of Contra Costa in Regard to Financial Transactions.** [[TS 4:10:15](#)]

Interim General Manager Aranda presented the background and recommendation. He noted that the action would provide a more streamline process.

- Addressing the Board was Gail Feldman who expressed concern about the action.
- Motion by Director Hacaj, seconded by Vice-President Gough, to approve Resolution No. 2023-03, establishing the District's own checking account and separating from the County of Contra Costa in regard to financial transactions, carried (4-0) by the following roll call vote: AYES (Gough, Duggan, Hacaj, and Aquino-Fike); NOES (None); ABSTAINED (None) and ABSENT (None).

Resolution No. 2023-03, A Resolution Of The Board Of Directors Of The Kensington Police Protection And Community Services District Establishing the District's Own Checking Account and Separating from the County of Contra Costa in Regard to Financial Transactions.

21. **Discussion and Approval of Resolution No. 2023-04, A Resolution Authorizing Investment of Monies in the Local Agency Investment Fund.** [[TS 4:21:25](#)]

Interim General Manager Aranda presented the background and recommended action to approve a resolution authorizing investment of monies in the Local Agency Investment Fund (LAIF).

- Motion by Director Hacaj, seconded by Director Duggan, to approve Resolution No. 2023-04 authorizing investment of monies in the Local Agency Investment Fund, carried (4-0) by the following roll call vote: AYES (Gough, Duggan, Hacaj, and Aquino-Fike); NOES (None); ABSTAINED (None) and ABSENT (None).

Resolution No. 2023-04 – A Resolution Of The Board Of Directors Of The Kensington Police Protection And Community Services District Authorizing Investment of Monies in the Local Agency Investment Fund.

22. **Discussion and Approval to Move Money from Local Agency Investment Fund to Five Star Bank.** [[TS 4:23:54](#)]

Interim General Manager Aranda presented the background and recommended action to move up to \$500,000 from the LAIF account into the Five Star Bank account for operational needs.

- Motion by Vice-President Gough, seconded by Director President Aquino-Fike, to approve moving up to \$500,000 from the Local Agency Investment Fund to Five Star Bank, carried (4-0) by the following roll call vote: AYES (Gough, Duggan, Hacaj, and Aquino-Fike); NOES (None); ABSTAINED (None) and ABSENT (None).

23. **Discussion and Approval Regarding Joining Contra Costa Special Districts Association and Related Actions.** [[TS 4:26:53](#)]

Interim General Manager Aranda presented information on joining the Contra Costa Special Districts Association (CCSDA) for \$150/year and explained the benefits of membership. He also provided information on the CCSDA 30th anniversary event and asked board members to notify him of their interest in attending the upcoming California Special Districts Association events.

- Addressing the Board was Larry Nagel, KFPD board member, who recommended membership in the CCSDA and attendance at their training sessions.

24. **Discussion and Direction Regarding a Contract Between the KPPCSD and All City Management Services for Crossing Guard Service at the Kensington School.** [[TS 4:31:57](#)]

Interim General Manager Aranda presented background information on the contract for crossing guard services. He pointed out that the proposed contract had significantly increased from \$18,245 per year for the school year of 21/22 to \$39,213 per year for the upcoming school year. Based on Mr. Aranda's findings and the District's limited resources, he

recommended not renewing the contract. He suggested working with the school and the community for other options. The Board suggested reaching out to the school, library, and preschool to notify them of this change.

- Addressing the Board was Mabry Benson who supported informing the preschool of the change.

Adjournment [[TS 4:41:28](#)]

The next regular meeting is scheduled for May 11, 2023.

The meeting was adjourned at 10:42 p.m.

SUBMITTED BY:

Lynelle M. Lewis, District Clerk of the Board

APPROVED: May 11, 2023

David Aranda, Interim General Manager

Alexandra Aquino-Fike, President of the Board

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS MEETING MINUTES

Thursday, April 13, 2023

Special Meeting

Via Teleconference

8:30 p.m.

Call to Order [TS 4:42:15]

President Aquino-Fike called the special meeting to order at 10:43 p.m.

Roll Call [TS 4:42:21]

Director Cassandra Duggan, Vice-President Sarah Gough, Director Sylvia Hacaj, and President Alexandra Aquino-Fike were present at roll call.

Staff present included Interim General Manager David Aranda, General Counsel Ann Danforth, and Administrative Clerk Rosa Ruiz.

[TS 4:42:44]

- Motion by Director Hacaj, seconded by Director Duggan, to extend the meeting to 11:15 p.m., carried (4-0) by the following roll call vote: AYES (Directors Duggan, Gough, Hacaj, and Aquino-Fike); NOES (None); Absent (None); ABSTAINED (None).

Special Meeting Agenda Item Public Comments [TS 4:43:18]

None.

Discussion and Action [TS 4:43:34]

1. **Approval to adjust the wording in the Memorandum of Understanding (MOU) between KPPCSD & Kensington Police Officers Association (KPOA) regarding holiday pay as required by CalPERS.**

David Aranda, Interim General Manager, reported that this issue recently came to the District's attention as a result of a recent CalPERS audit of holiday pay. The wording in the MOU between the KPPCSD and KPOA was insufficient according to CalPERS regulations. As a result, the Board needs to approve a recommendation to revise the wording in the MOU for "Holiday In Lieu Pay For Police Personnel." Mr. Aranda noted that despite the discrepancies (eliminating Lincoln's Birthday for the Juneteenth holiday), the number of holidays that police officers are paid remains at 14 (See attached Kensington Police Protection & Community Services District Side Letter MOU for July 1, 2022 until June 30, 2025.) Director Hacaj asked that an updated copy of the MOU be provided for the District.

- Motion by Director Hacaj, seconded by Director Duggan, to approve adjusting the wording in the MOU between the KPPCSD and the KPOA regarding holiday pay as required by CalPERS noting that the list of names of the holidays are staying the same as it currently is in the MOU, carried (4-0) by the following roll call vote: AYES (Directors Duggan, Gough, Hacaj, and Aquino-Fike); NOES (None); Absent (None); ABSTAINED (None).

Adjournment [[TS 4:47:15](#)]

The meeting was adjourned at 10:48 p.m.

The next regular meeting is scheduled for May 11, 2023.

SUBMITTED BY:

Lynelle M. Lewis, District Clerk of the Board

APPROVED: May 11, 2023

David Aranda, Interim General Manager

Alexandra Aquino-Fike, President of the Board

**Kensington Police Protection & Community Services District Side Letter MOU for
July 1, 2022 until June 30, 2025**

Article XII Holiday Pay Definitions

A. Holiday In Lieu Pay for Police personnel

For Classic and PEPR Members:

- Holiday Pay is defined additional compensation for employees who are normally required to work on an approved holiday because they work in positions that require scheduled staffing without regard to holidays. If employees are paid over and above their normal monthly rate of pay for approved holidays, the additional compensation is holiday pay and reportable to PERS. All employees (except for the Chief) are required to work without regard to holidays.
1. Each Employee shall be paid 14 holidays, listed below, at 8 hours per holiday.
 2. Each Employee shall be paid at their current base salary rate for 112 hours (14 holidays at 8 hours) in-lieu pay each year divided equally among semimonthly paychecks.
 3. Any Employee receiving in-lieu pay as described above shall not be entitled to time off on holidays.
 4. New employees who commence employment during the year shall receive in-lieu pay, as described above, on a pro-rated basis.

Holidays

- News Years Day
- Martin Luther King's Birthday
- President's Day
- Cesar Chavez Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Admission Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- The day after Thanksgiving
- Christmas