

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

AGENDA

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District will be held **Thursday, July 27, 2017, 6:30 P.M.**, at the Kensington Community Center, 59 Arlington Avenue, Kensington, California. The Board will commence a Regular Open Session Meeting **Thursday, July 27, 2017, at 7:30 P.M.**, at the location listed above. If further Closed Session is required, the Board will return to Closed Session following the end of the Regular Meeting.

Notes: All proceedings of the Open Session will be video and audiotaped.

The Kensington Community Center has devices to assist the hearing impaired. Please ask a Board member or staff for assistance.

The Community Center has WiFi. The policy, its limitations and conditions are on page 3.

1. **Call to Order/Roll Call 6:30 P. M.**
2. **Closed Session – Public Comments**
 - a. PUBLIC EMPLOYEE EMPLOYMENT, DISCIPLINE OR DISMISSAL: The Board will be briefed on personnel matters pursuant to Government Code Section 54957 (b)(1). (2 items).
 - b. PUBLIC PERFORMANCE EVALUATION: Title, General Manager. Government Code Section 54957.
3. **Open Session – Call to Order/Roll Call 7:30 P.M.**
4. **Public Comments:** For items not appearing on the agenda. Members of the public may address the Board on any matter listed below at the time the Board is considering the agenda item. Please observe our five-minute time limit.
5. **Board/General Manager/Chief of Police Comments**

6. **Consent Calendar**

a. Minutes –

June 22, 2-17 Pg. 3

July 13, 2017 Pg. 16

b. Correspondence Pg. 27

c. Notice of Vacancy for the Position of Director of KPPCSD Pg. 34

7. Review of first phase design concepts of community center renovation to address seismic upgrade, ADA compliance, and improved energy efficiency. Presentation by Glass Associates, Inc. Pg. 35

8. The Board will discuss and determine the process for an appointment on August 14, 2017 of a Director to fill the current vacancy. Pg. 36

ADJOURNMENT

General Information - Accessible Public Meetings

NOTE:UPON REQUEST THE KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT WILL PROVIDE WRITTEN AGENDA MATERIALS IN APPROPRIATE ALTERNATIVE FORMATS, OR DISABILITY-RELATED MODIFICATION OR DISABILITIES TO PARTICIPATE IN PUBLIC MEETINGS. PLEASE SEND A WRITTEN REQUEST, INCLUDING YOUR NAME, MAILING ADDRESS,PHONE NUMBER AND A BRIEF DESCRIPTION OF THE REQUESTED MATERIALS AND PREFERRED ALTERNATIVE FORMAT OR AUXILIARY AID OR SERVICE AT LEAST 2 DAYS BEFORE THE MEETING. REQUESTS SHOULD BE SENT TO:

District Administrator, Kensington Police Protection & Community Services District, 217 Arlington Ave, Kensington, CA 94707

POSTED: Public Safety Building-Colusa Food-Library-Arlington Kiosk- and at www.kensingtoncalifornia.org

Complete agenda packets are available at the Public Safety Building and the Library.

All public records that relate to an open session item of a meeting of the Kensington Police Protection & Community Services District that are distributed to a majority of the Board less than 72 hours before the meeting, excluding records that are exempt from disclosure pursuant to the California Public Records Act, will be available for inspection at the **District Office, 217 Arlington Ave, Kensington, CA 94707** at the same time that those records are distributed or made available to a majority of the Board.

Meeting Minutes for 6/22/17

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday, June 22, 2017, at 6:30 P.M., at the Community Center, 59 Arlington Ave., Kensington, California. A Regular Meeting (Open Session) followed.

ATTENDEES

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Rachelle Sherris-Watt, President	Ann Danforth, District's Legal Counsel
Eileen Nottoli, Vice President	Deborah Russell, District's CPA
Len Welsh, Director	Linda Lipscomb
Sylvia Hacaj, Director	Karl Kruger
Vanessa Cordova, Director (by phone)	Jim Watt
	Pat Gillette
<u>Staff Members</u>	Andrew Gutierrez
Anthony Constantouros, GM	Larry Nagel
Rickey Hull, ICOP	
Lynn Wolter, District Administrator	
<u>Press</u>	
Linnea Due	

President Sherris-Watt called the meeting to order at 6:39 P.M. President Sherris-Watt, Vice President Nottoli, Director Welsh, Director Hacaj, GM Constantouros, ICOP Hull, and District Administrator Wolter were present. President Sherris-Watt announced that Director Cordova would be participating, by phone, from Via Ghibellina 42, Florence, Italy.

CLOSED SESSION PUBLIC COMMENTS

None.

The Board entered into Closed Session at 6:40 P.M.

CLOSED SESSION

- a. Conference with legal counsel – anticipated litigation: Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of California Government Code Section 54956.9 (one potential case).
- b. Public Employee, employment, discipline, or dismissal: The Board was briefed on personnel matters pursuant to Government Code Section 54957(b)(1). Three items.

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The Board returned to Open Session at 7:43 P.M.

President Sherris-Watt took roll call. She, Vice President Nottoli, Director Welsh, and Director Hacaj were present. Director Cordova participated by phone from Via Ghibellina 42, Florence, Italy.

President Sherris-Watt announced there was nothing to report from the Closed Session.

ICOP Hull reported that the video equipment wasn't working, so only an audio recording would be made.

PUBLIC COMMENTS

Larry Nagel, a Fire District Director reminded everyone that there would be a presentation on Saturday, June 24, 2017, to discuss the plans for Kensington's firehouse. He said it would be a "monumental undertaking."

Linda Lipscomb announced that Pat McLaughlin had passed away. Ms. Lipscomb said Ms. McLaughlin had been a pillar of the community, having served on the KPPCSD Board and on many community committees. She said that Ms. McLaughlin had worked for Pillsbury Madison and Sutro, and had raised a daughter, Cathy, who had been born with Down syndrome and had lived much longer than thought because of Ms. McLaughlin's good care. Ms. Lipscomb concluded by saying that Ms. McLaughlin was an adept Board and committee member and was worthy of respect and gratitude and that she hoped everyone would remember her.

Director Welsh noted that Ms. McLaughlin made wise contributions to meetings and that he would miss her.

Karl Kruger said that there had not been a financial statement at the last meeting and that there was not one in this evening's packet. He said that it made him nervous not to have a financial statement and that the last one provided had been in April. He noted that, if he were sitting at the Board table he'd be really nervous. He asked when people could look forward to receiving the next financial statement. President Sherris-Watt responded that there should be one in the July packet.

Jim Watt said he commented, at the Board's prior meeting, that there were many aspects of the Fire District's plans that should be discussed by the KPPCSD Board, given that the Fire Board expected the KPPCSD to pay for one-third of the cost. He said he'd asked that a discussion of these plans be placed on the agenda, in accordance with Section 5020 of the Policy Manual, which allowed members of the public to ask for items to be placed on the agenda, with the final decision made by the GM. He said that his item hadn't been placed on the agenda and that he wasn't pleased with the way it had been handled. He provided his perspective about the Fire District's plans. He noted there was information in the June Outlook, on the Fire District's website and presented at the Kensington Property Owners' Association's Board meeting:

- Cost of the proposed building could be as much as \$12 million, with the KPPCSD expected to pay \$4 million of this.
- Annual cost to the KPPCSD: \$317,000, which it could not afford without making cuts in police service or seeking taxpayer help.

He suggested that an alternative would be upgrading the existing structure. He noted that the Outlook article had reported that it would not be possible to bring the existing building into seismic compliance. But, he said the seismic analysis on the Fire District's website indicated that these repairs could be made and that this could make the building available for immediate occupancy, following a seismic event. He said reports had indicated that the building didn't meet ADA requirements but that no ADA analysis had been done. He noted the first and second floor were accessible. He said the Outlook article had

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reported that the building didn't meet current operational needs, but that he thought many of the changes were unnecessary. He cited that a seismic upgrade would cost \$750,000 and would total about \$1 million, including soft costs: Thus, the KPPCSD would be responsible for about \$330,000 of this, or about \$25,000 annually.

Mr. Watt said that the proposed plan would double the building's current size, from about 5,800 square feet to about 11,800 square feet and would reduce the number of parking spaces. He said the plans called for three bays, although the Fire District owned only two fire trucks. He asked if the building should include a large public conference room, when the KPPCSD had plans to upgrade the Community Center. And, he suggested consolidating restrooms into gender-neutral ones. He said this could reduce the number of square feet to about 7,000: With costs averaging about \$1 million per square foot, this could result in significant savings. He concluded by encouraging the Board to do more homework.

Pat Gillette said she echoed Jim Watt's comments and added that the two Districts were obligated to serve the residents and ensure financial security. She said she hoped there would be public discussion among the KPPCSD Board because she wanted to know what the Board's position on it was. She added that this proposed project threatened the financial security of the District, that she hoped this wasn't what the Board wanted, and that this wasn't the will of the community. She said she hoped there would be consideration of other, less expensive, alternatives such as relocating or retrofitting and concluded by saying she hoped the KPPCSD Board wouldn't be passive and let this happen.

Andrew Gutierrez welcomed Tony Constantouros and said that the transition to a GM had been a long time coming. He said that, twelve years earlier, during former IGM/COP Barry Garfield's tenure, the issue of the combined GM/COP position had been raised several times. But, he said the issue of cost had been a concern. He cited drawbacks of the positions being combined:

- High legal costs
- Lack of Police oversight
- Scandal
- Credit card misuse
- High garbage rates
- Poor traffic enforcement
- Rancorous meetings
- Important issues being discussed in secret because of the Police Officers' Bill of Rights

He said he was pleased that Rickey Hull had accepted the position of IGM/COP. He added that people should be thankful that he had accepted the job. He noted that some were of the opinion that IGM/COP Hull was unqualified by reason of education and that he'd not been properly vetted and noted that IGM/COP Hull's predecessors had been properly vetted. He said that ICOP Hull worked well with the Board, had 20 years of experience, was honest, showed good judgment, had common sense, got things done, and had shown commitment to the community. He said that some were pre-empting discussions on future police services, citing signs throughout the community that said to keep Kensington's police department independent. He said that this was a return to the "past mentality" and that civic-minded people were calling for a full analysis of what would be best for the community, in terms of cost and quality of police services. He noted that some had cited that Kensington was the fifth safest community in California but that three of those five communities had contracted out police services. He said fire services had been contracted out to El Cerrito and served as a good template. He concluded by saying he was confident that the Board would approach the Fire Building with the same openness and integrity it had with other issues.

BOARD COMMENTS

President Sherris-Watt announced that the Finance Committee would meet the following Wednesday, at 7:00 P.M.

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Director Welsh said it was essential for people to attend the June 24th meeting: It would be the first time the community would have a chance to engage with the Kensington Fire District. He said that the Community Center and the Public Safety Building were the two biggest capital projects for the community. He said that the two Districts needed to work together to manage the fiscal burden on the taxpayers and that, if the Districts didn't work together and there was a lopsided burden on one side, there would be a probability/possibility of having to go to the taxpayers to ask for more money. He said he looked forward to a reasoned discussion at the Saturday meeting.

STAFF COMMENTS

ICOP Hull said that he'd met Pat McLaughlin in 1996, that they'd been friends, and that he hadn't known she'd passed away. He said the last time he'd seen her had been at the El Cerrito Plaza and he'd offered her a ride home.

President Sherris-Watt thanked people for their remembrances and said it had been very nice. She added that Pat McLaughlin had been a committed member of the Finance Committee and had made important contributions.

CONSENT CALENDAR

President Sherris-Watt asked if anyone wanted to make corrections to the minutes.

A. Stevens Delk noted that the footer was incorrect and needed to be changed to June 8, 2018.

Director Welsh asked that, in the second paragraph under Board Comments on page six, the words "on the community as a whole" follow the words "least budgetary impact."

President Sherris-Watt noted that, with respect to page five, there had been an update, prior to the Board meeting, that had corrected Director Hacaj's location in the Czech Republic: The name of the city should have read "Cvrcovice" instead of "Curcovice." President Sherris-Watt clarified that District Administrator Wolter had copied this correctly from the first agenda, but there had been an update that had changed the "u" to a "v." President Sherris-Watt added that this location also appeared on page four.

Director Cordova said that the roster of attendance should have included Director Hacaj and herself as having attended by teleconference. She said that, according to Government Code 54953(b), teleconferencing was attending. She noted that she and Director Hacaj had commented and voted throughout the meeting.

MOTION: President Sherris-Watt moved, and Director Welsh seconded, to approve the Consent Calendar, with the June 8, 2017 minutes as amended.

Motion passed: 5 – 0.

AYES: Sherris-Watt, Nottoli, Welsh, Cordova, Hacaj NOES: ABSENT:

NEW BUSINESS

7. The Board considered and adopted Resolution 2017-16, prepared by NBS, confirming the assessment and ordering the levy for the Kensington Park Assessment District for fiscal year 2017-18.

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Jim Watt asked whether the \$37,000 in revenue was shown in the budget. District Administrator Wolter responded that this appeared in the revenue section as Account 424, was identified as the Landscape and Lighting District, and was for the new part of the park.

MOTION: President Sherris-Watt moved, and Director Hacaj seconded, to adopt Resolution 2017-16 to confirm and order the assessment of the levy for the Kensington Park Assessment District for the fiscal year 2017-18.

Motion passed: 5 – 0.

AYES: Sherris-Watt, Nottoli, Welsh, Cordova, Hacaj NOES: ABSENT:

8. The Board considered and adopted Resolution 2017-15, authorizing General Manager Tony Constantouros to transfer monies from the Local Agency Investment Fund.

President Sherris-Watt introduced the item and said that the resolution named only Tony Constantouros and needed to match the adjoining form. Thus, she said that only Tony Constantouros would be authorized.

MOTION: Director Welsh moved, and President Sherris-Watt seconded, to adopt Resolution 2017-15, authorizing General Manager Tony Constantouros to transfer monies from the Local Agency Investment Fund.

Motion passed: 5 – 0.

AYES: Sherris-Watt, Nottoli, Welsh, Cordova, Hacaj NOES: ABSENT:

9. The Board discussed and adopted Resolution 2017-12, the annually permitted CPI increase to the Measure G Special Supplemental Tax for its inclusion in the Fiscal Year 2017/18 Budget. The Board considered one of three actions: not increasing the tax; increasing the tax below its CPI maximum; or approving the maximum CPI addition.

President Sherris-Watt introduced the item by saying that Measure G contained a CPI and that, every year, the Board needed to decide whether to increase the tax to its maximum level, which for the current year was 3.789%; not to increase the tax; or to increase the tax to a level less than the maximum. She noted that, if the increase were not to be included, it could not be reclaimed at any point in the future.

Mabry Benson and A. Stevens Delk asked for clarification about the manner in which increases could be implemented. Legal Counsel Ann Danforth responded that Measure G had been implemented to address the tax lagging behind the rate of inflation but that increases were limited to the CPI from April to April: If the Board did not increase the tax in a particular year the Board could only consider the subsequent year's 12-month, April-to-April, CPI. She said there would be no possibility of a catch-up.

President Sherris-Watt reported that this issue had come before the Finance Committee and that there had been some disagreement about it: A minority of the Committee had voted against any increase because it didn't want to burden those taxpayers who had limited incomes. She said the majority of the Committee thought the revenue needs were such that the Board should look for revenue wherever it could.

Pat Gillette said it would be irresponsible of the Board not to pass this increase because of the District's significant financial challenges: the Community Center and, perhaps, the Public Safety Building. She added that those on limited incomes would want to know the District would be providing the expected level of service.

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Director Cordova said that the CPI escalator was not compulsory and that part of the language of Measure G stated that the GM had to make a case that the additional revenue was needed. She said she'd read the GM's report but didn't see any persuasive argument for the increase. She asked to hear from the GM.

Legal Counsel Ann Danforth said the increase was not compulsory but said she didn't recall any language in the measure that required the GM to show necessity – she asked if Director Cordova could advise what the language was. Director Cordova responded that it was in Section 3 and that she'd provided this to the GM and Legal Counsel earlier in the day. President Sherris-Watt noted that Measure G funds could only be used for police protection service. Director Cordova said that there was a need to control costs instead of going to the taxpayers and that she didn't mind voting for it if there was a strategy to find cost savings. Director Welsh read Section 3. Director Cordova responded that the language to which she had referred was in Section 4, which Director Welsh then read: It stated that the GM needed to create a separate account into which the revenue raised was to be placed and to report, at least once a year, on the amount of funds collected and spent under the ordinance and the status of any project being carried out with funds collected under the ordinance.

President Sherris-Watt said that she was sympathetic to people on both sides of the argument, that she had voted against Measure G increases in the past, but that she was aware that the District had pressing issues. She said the Board had just hired a GM who had not yet had the chance to identify possible cost savings.

Director Welsh said that he was in agreement and that a good way to go about fiscal prudence was to keep pace with ongoing price increases, due to inflation. He also noted that it was less painful to pay tax increases incrementally each year than to hold back that then have to ask for a larger increase because of having fallen behind.

MOTION: Director Welsh moved, and Director Hacaj seconded, to adopt Resolution 2017-12 the annually permitted CPI increase in the Measure G Special Supplemental Tax for inclusion in the Fiscal Year 2017-18 Budget and that the increase be approved at the maximum CPI addition. Motion passed: 4 – 1.

AYES: Sherris-Watt, Nottoli, Welsh, Hacaj NOES: Cordova ABSENT:

10. The Board reviewed the adoption of a rental agreement between the KPPCSD and the Kensington Fire Protection District for the use of office and parking space at 217 Arlington Avenue.

President Sherris-Watt reported that she had been authorized by the Board to negotiate with the Kensington Fire Protection District (KFPD). She said that the Board Packet contained documents from prior years' budgets and that line item 830 – Police Building Lease, in the 2012-13 Budget, had been \$30,596. She noted that this amount had increased by 3% the following year to \$31,514. For the subsequent three years, she reported the rent had dropped to \$1.00 per year. She said that she'd also reviewed the minutes of both Boards and that the KFPD minutes from June 2014 had indicated, under new business, that it had approved a three-year lease with the KPPCSD: The minutes cited the KPPCSD's financial difficulties as the reason for this lease and that it was not that Board's intention to continue the \$1.00 per year rent beyond the three-year period.

President Sherris-Watt said that, when she began meeting with KFPD Vice President Janice Kosel, the KFPD had no intention of continuing the \$1.00 per year lease. She reported that the KPPCSD occupied 2,900 square feet of the 5,800 square foot building. She said she'd looked at Kensington commercial rental properties, but none had been available; thus, she'd looked to modular space companies and had received a quote of about \$26,000 per year, amortized over three years. However, she said, this would have been for 1,000 fewer square feet, without any parking. She said \$26,000 had been her opening offer and the KFPD's opening offer had been \$60,000. The amount settled upon was an annual lease of

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\$35,468.05, which had been derived by applying 3% increases to each of the three years during which \$1.00 had been paid, with a term of 18 months paid on a month-to-month basis. All other terms, she said, would remain the same as they had been in the past. She added that the term was meant to take both Boards to the start of the Public Safety Building renovation.

Director Welsh asked if the KFPD had taken a vote on this proposal yet. President Sherris-Watt responded that the KFPD Board had voted upon and rejected her \$26,000 proposal unanimously. She added that the KFPD had voted in favor of the \$35,468.05 annual lease amount and that, if the KPPCSD Board voted to approve – pending legal approval, the document would become effective July 1, 2017.

Director Welsh said this was penny-wise and pound-foolish because the Districts needed to think about the single community, and how best to serve it, and to stop thinking in terms of "turf." He said the Boards needed to start thinking about the upcoming expenses and to provide the best possible single governmental presence. He said he wouldn't vote against the proposal but asked that the Fire Board members think more about the future and "get off this rental thing."

President Sherris-Watt said she disagreed and said the Districts were two separate entities – the Fire District has its own legal counsel, its own manager, and its own Chief. She added that she didn't see this as a loss of funds as a community member: It was moving categories. She added that she would fight for the KPPCSD's dimes and budget. But, she said that she didn't feel the discussion about rent was outside the norm and that the lease amount was below the market rate for commercial real estate. She also said she understood the need to indemnify because of the possibility of a slip-and-fall.

Karl Kruger said that the community owned the building and that it was not a fire station: It was a safety building that had been paid for and belonged to the community. But, he said there were annual maintenance costs, which were budgeted at \$18,140 (including water and gardening services) for the upcoming fiscal year. He said that, if the KPPCSD had to pay anything, it should be a percentage of the annual maintenance costs. He noted that all the fire department was going to do was give this money to El Cerrito. He said that the KFPD Board had voted a week earlier to increase the amount paid to El Cerrito for the fire service contract by 10.7% and that El Cerrito had given its firefighters a 3% pay increase. In the previous year, he said the KFPD had increased its payment to El Cerrito for the fire service contract by 7.79% - in a year when inflation had been 2.7%. He said he didn't like subsidizing El Cerrito because the KFPD wasn't willing to stand up to it. Thus, he said that he didn't want the KPPCSD to pay any more than \$1.00 but that, if the Board wasn't willing to do that, then it should pay only a percentage of the annual maintenance costs.

Director Cordova said that she had spoken with the Fire District Manager earlier in the day and that she'd been told that the 20-year average for capital improvements had been approximately \$103,000 per year. She noted that the Kensington Police Department occupied 35% of the building. She said this manager also informed her that these kinds of capital lease obligations between government agencies were common throughout the County. She added that most agencies that charged back to other agencies did so at market rate.

President Sherris-Watt said that, with respect to the repairs mentioned by Mr. Kruger, there had been \$40,000 of damage to the evidence room the prior year. Thus, she said that if the KPPCSD had been asked to pay for that it would have been costly. However, she said the KFPD had indicated it thought there would be few repairs in the coming year.

Celia Concus said that the Fire District had big expenses and needs and should be reimbursed for its maintenance costs.

Linda Lipscomb said that in one town there would be interdepartmental charges. The difference, she said, was that, in such a case, there was a single revenue source and a single board deciding where those funds should be allocated. She said that, in Kensington, there were two separate Districts but that she thought there should be one town, with one revenue stream, headed up by a GM, and decisions made in the best interests of the allocation of the revenues for fire and police protection and for the park and

recreation. She said both Districts faced significant costs with respect to the Public Safety Building and the Community Center. She noted that, on pages 31 – 39 of the document the Fire District had posted on its website, it said the Public Safety Building was “in generally good shape” from a seismic standpoint. She noted that 40% of the services performed out of the Public Safety Building went to El Cerrito – something she said was not unusual among communities when done under various compacts on an as-needed basis. However, she said this was a regular occurrence: Thus, Kensington taxpayers were paying two separate service districts that should comprise one town’s services. She said she was glad the lease would be for only eighteen months because she would like to see it revisited – it should be a \$1.00 per year lease. She said that, if the KPPCSD failed to pay the \$35,000 the Fire District wouldn’t expel the KPPCSD and rent the space to someone else. She said Kensington taxpayers owned the building and were on both ends of the deal. She urged the Board to consider the one-town concept in order to stop this provincialism.

Leonard Schwartzburd said that he hadn’t seen any analysis where the efficiencies would be, whether things were done one way or another. He said he didn’t envy this Board because it was having to rehabilitate of the KPPCSD because there had been a great deal of mistrust in the past. He noted that, historically, the KPPCSD Board had operated inefficiently, whereas the KFD Board had operated efficiently. He said there appeared to be an effort to subsume the Fire Board. He said it was audacious for a group that had operated inefficiently to make that kind of demand. He said that the Board needed to be given time in its rehabilitation project and that he trusted the process by which Tony Constantouros had come to the community. He noted that people and institutions didn’t change over night.

Pat Gillette said she agreed with Linda Lipscomb, Director Welsh, and Karl Kruger. She urged the Board to think about this carefully because she thought the majority of Kensington residents would be shocked to hear that taxpayers were charging taxpayers rent. She said she wondered if it this might be a gift of public funds for the KPPCSD to pay the KFD. She said she was disappointed that the KPPCSD had started negotiations at \$26,000: Negotiations should have started at \$1.00. She said there needed to be consideration of what was best for the community. She noted that the Fire District received \$0.31 on the dollar, while the KPPCSD received \$0.13 on the dollar: The Fire District received more money than the KPPCSD. She added that Kensington received less service from the fire department than it received from its police department because most fire calls were going to El Cerrito, not to Kensington. She said the two Boards should be working for what was best for the community: The KPPCSD should not be taking \$35,000 out of its budget and paying the Fire District. She asked if there wasn’t another way to accomplish this. She said the Fire District was also asking the KPPCSD to contribute 30% to the new building and then asking it still to pay rent. She cited that the community owned the building, not the Fire District, and suggested that another option should be considered that wouldn’t stretch the KPPCSD’s budget further than it was already. She asked what the Fire District would do if the KPPCSD didn’t pay – would the KPPCSD be kicked out? She said that it was Kensington’s Public Safety Building, that this was what the building should be used for, and that the community shouldn’t be paying rent to itself.

A. Stevens Delk said that \$35,000 represented a little over 1% of the KPPCSD’s budget. She said that, as a taxpayer, she wanted this money to go to the Fire District. She said she was tired of hearing that the Fire District received 30% and the KPPCSD received 13%. She noted that this was only the ad valorem tax money. She reported that the Fire District received about \$3 million in ad valorem money and the KPPCSD received about \$1.3 million; in addition the KFPD received special tax money of about \$200,000 per year. She reported that the KPPCSD had two special taxes that netted about \$1 million per year. Thus, she said that ad valorem taxes plus special taxes totaled \$3.2 million for the KFPD and \$2.5 million for the KPPCSD. Furthermore, she said the KPPCSD had an assessment to purchase the park that totaled \$200,000 but never showed up on the KPPCSD’s ledger, and a Landscape and Lighting District tax. She said Kensington taxpayers also paid \$1.2 million for garbage and recycling service – another amount that didn’t show up on the KPPCSD’s ledger: It went directly to Bay View Refuse and Recycling. Combined, she said that KPPCSD received slightly more per year: Ad valorem taxes, plus special taxes, plus the Bay View rate that didn’t actually flow through the

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KPPCSD. She concluded by saying that the Fire District received twice as much in property taxes than the KPPCSD but not in the total amount of money.

In response to A. Stevens Delk's comment about the park purchase money that doesn't show on the District's books, Deborah Russell said that this was listed as a fiduciary account in the audit but that it didn't appear in the budget.

Director Welsh said that, two years earlier, he'd asked to have a joint finance meeting with the Fire District and that he'd like to renew this request. He said it would be good if both finance committees could sit down, go over the costs of each District, talk about revenue – thinking about it as one community – how the costs and revenues best line up. He said this should not be a fight: It should be working together.

MOTION: President Sherris-Watt moved, and Director Welsh seconded, that the Board adopt the rental agreement between the KPPCSD and the Kensington Fire Protection District for use of space at 217 Arlington Avenue for an eighteen-month lease of \$35,468.05 per annum, paid in monthly installments, pending approval by general counsel.

Motion passed: 5 – 0.

AYES: Sherris-Watt, Nottoli, Welsh, Cordova, Hacaj NOES: ABSENT:

Director Hacaj noted that the Fire District had said it would not consider \$1.00 rent.

11. The Board reviewed and considered adopting the 2017/18 Preliminary Budget for the KPCSD, as prepared by IGM Rickey Hull. This was the second reading.

President Sherris-Watt said this was the second reading; the Board had first discussed it in May.

ICOP Hull said there were some big items involved with the budget that had been summarized on pages 45 – 46. He noted that one of the big items was the dispatch transition from Richmond to Albany and that this transition would eventually save approximately \$30,000 per year. He noted that, when the budget had been compiled, the Public Safety Building rent had not been known. President Sherris-Watt clarified that the Finance Committee had asked that this amount remain at \$1.00 until the negotiations had been completed. ICOP Hull also said that the increase that had been used for Measure G had been 3% instead of 3.789% and that this larger amount had not been incorporated in all parts of the budget. He said the District would be negative due to some of the big-ticket items such as the OPEB payment and the renovations.

President Sherris-Watt added that this budget had been passed by a 3 – 2 vote of the Finance Committee. She said there had been concern about the allocation for long-term capital projects and funding sources. She noted it was difficult to develop a budget when one didn't have all the numbers, but this needed to be done before the start of the new fiscal year. She said the Finance Committee had approved the dramatic increase in OPEB funding, which had been set based on a recent actuarial report that had shown the KPPCSD to be behind in its funding. She said the District was waiting for the new CalPERS healthcare premium amounts, which should be ready by the end of June.

Jim Watt said there were a number of cleanup items that needed to be attended to.

- 521 A and R Medical – the 2018 premium costs were needed
- 564 Communications – he said he disagreed with Deborah Russell: The \$139,000 needed to be added back in because it likely would be spent in the current fiscal year. Ms. Russell responded that she'd been told that the check would need to be written in Fiscal Year 2016-17 but that the contract wouldn't start until July 1st. Thus, she said this would be a pre-paid expense for Fiscal Year 2017-18 and explained that the amount had been added back in for the cash carryover from the current year into the next. She confirmed that the entry was correct.

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- 865 Building Lease – needed to be increased to reflect the new agreement.
- 890 Waste/Recycling – showed no expenditures. If some of the franchise fees were to be used in the upcoming fiscal year, this line would need to be changed. Ms. Russell said that, if the District were to spend franchise fees for an allowed expense, it would show in this line item. Director Hacaj noted that franchise fees could be used for about \$10,000 of construction debris removal costs associated with the Community Center renovation. She added that some of the expense might occur in the upcoming fiscal year and some in the following year and said she would be comfortable waiting to amend the amount, until more information was available. Vice President Nottoli said that another possible expense item would be garbage cans for the Colusa Circle area. Director Welsh asked whether a portion of the District's administrative expenses – those associated with waste management – could be paid for by the franchise fees and whether Vice President Nottoli and GM Constantouros would look into this. Legal Counsel, Ann Danforth, noted that a decision about a current California Supreme Court could shed light on what these fees could be used for. Vice President Nottoli said that she'd spoken with the consultant who'd done the 2014 survey, that he'd provided an estimate for an RFP of \$70,000, and that money would be needed to cover the costs of negotiating a contract. She also said that she'd learned at a recent meeting that some cities were using franchise fees to pay staff for time spent on solid waste issues. Ms. Russell asked if such pay could be retroactive. Vice President Nottoli responded that this would be a question for legal counsel.
- Measure G – the amount should be increased to \$547,947, based on the Board's approval to increase the amount collected.
- 409 Asset Seizure – Ms. Russell said that the amount had just been received and that she would need to reflect the change. Mr. Watt noted this would increase the District's fund balance by \$143,000.
- 424 Taxes L&L – needed to be changed to \$37,503.
- 448 Franchise Fees – the County expected to receive \$38,000 from the District. But, he said the budget indicated that the District would pay \$48,000 to the County. He noted that the County had indicated that Kensington was paying Bay View Refuse approximately \$1,250,000. A 7% fee would equal about \$89,000, which meant the amount going to the County would be about \$38,000. He said the numbers didn't jive. Ms. Russell responded that the amount had been a "guestimate."
- 502 Police Salaries – at the Finance Committee meeting, there had been a discussion about the amount shown: It had been based on a spreadsheet prepared by Ms. Russell and showed each officer's pay. At the bottom of the sheet, he said there were two vacancies: one to replace an officer who might retire and another to be filled on July 1st. However, he said that the budget didn't show that this position would be filled and that this would be a tenth officer position, with a new officer on a full-time basis. He added that, when the Ad Hoc Committee had prepared its report on the pros and cons of bifurcation, it had been determined that bifurcation would be the preferred approach. But, it also had been determined that there would be costs associated with bifurcation because the GM would cost \$100,000. He said he was opposed to filling this tenth position because the GM cost needed to be offset. He added that the studies he'd done had shown there was no difference in the rate of crime, with or without a tenth officer and said ICOP Hull needed to increase the number of reserve officers. ICOP Hull responded that his goal was to budget for ten officers but to operate with nine. He noted that the department had not had even nine officers working for the prior two years. He said he wanted to see the effect that operating with nine, instead of ten, officers would have on the budget. He noted that what was lost in the arguments about staffing the department were quality of life issues for the officers and the residents. ICOP Hull said he had one reserve officer who was ready to come on board and two possible reserve officers in the background process. ICOP Hull added that patrol staffing was currently being done with a skeleton crew and that, as the on-duty officer count increased, overtime should decrease.

President Sherris-Watt paused the meeting to note that it was almost 9:45 P.M. and was time to vote on whether to extend the meeting.

MOTION: Director Hacaj moved, and Vice President Nottoli seconded, to extend the meeting past 10:00 P.M.

Motion passed: 4 – 1.

AYES: Nottoli, Welsh, Cordova, Hacaj NOES: Sherris-Watt ABSENT:

At 9:45 P.M. President Sherris-Watt noted that Director Cordova would need to leave.

Director Welsh noted that the District had been getting by for two years with a very reduced police staff, that this had been extremely hard on the officers, and that it wasn't sustainable.

Mabry Benson said she was opposed to providing a tenth officer in the proposed budget: The District had been making due with three officers out and crime rates weren't "skyrocketing." She said Kensington's isolation and confusing streets were the reason. She noted that Officer Wilkens had returned to work and ICOP Hull could devote all his time to police work. She said that, if someone were to be hired and the budget then showed the hire couldn't be sustained, then that person could be let go. She also said that, if the position were budgeted, it would be filled and noted that it would be less expensive to pay overtime than to have a full-time officer. She cited other looming expenses – for the Community Center and for the Public Safety Building. She said the District was paying for a GM, though she expected this to save money in the long run. The District, she said, needed the money for these issues and not for a tenth officer.

Karl Kruger said he had been one of the dissenting votes on the Finance Committee. He noted that, when the GM position had been discussed, there had not been discussion about an eleventh position. He said there was an operational problem – ICOP Hull didn't have enough people. But, he said this didn't mean that ICOP Hull should add someone to the budget. He said that the GM should look at operations and make a decision. Mr. Kruger said he also liked that item 865 (Building Lease) showed \$1.00.

Celia Concus said there should not be a tenth officer in the budget but that, if deemed necessary, it should be done mid-year. She said the culture within the police department needed to be examined – she wanted to know why more young people weren't interested in hiring into Kensington. She said there should be exit interviews when officers leave.

At 9:45 P.M., President Sherris-Watt noted that it was 7:00 A.M. for Director Cordova and that she had an 8:00 A.M. appointment. Thus, President Sherris-Watt said she would excuse Director Cordova from the meeting and thanked her for participating.

Director Hacaj said that an important part of GM Constantouros' job would be to look at operations and to make recommendations about them. She noted that one of the reasons the Board had selected GM Constantouros had been that he'd had a long history of overseeing police departments. She also noted that ICOP Hull hadn't yet had a chance to be a full-time ICOP and that the Department had been operating under difficult conditions. She noted that it would take four to six months to hire a new officer; thus, she suggested pushing a new hire to October 1st. She added that this should give GM Constantouros and ICOP Hull time to review operations. She said she expected to have another budget discussion in December in order to change the budget and make it more realistic. She also noted that ICOP Hull would have more time to do police work and that Officer Barrow was no longer participating in WestNet.

Vice President Nottoli said that during her meetings with the Chiefs of neighboring communities, they had commented that there was a shortage of police officers. She said fewer people were attending police academies and, of those, not all were graduating. Thus, she said the District would be lucky to get an officer by October.

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ICOP Hull said that the budget showed only ten positions. He also said that the problem with young bright officers was that opportunities were wide open for them: Kensington's recent young officers had left for more opportunity, including higher pay, at other agencies. He cited that one of Kensington's former young officers would be making about \$180,000 because of overtime opportunities.

Director Hacaj asked if the budget could be amended to change the hire date to October 1st. ICOP Hull responded in the affirmative and added that, at the earliest, someone would be hired in January. Board consensus was that the hire date should be changed to January, because this would reflect when an officer would be retiring.

President Sherris-Watt asked that Line 594 Community Policing be decreased from \$6,000 to \$2,400 because there would be a new website. District Administrator Wolter said she'd taken the Streamline Training a few days earlier and had learned that the District would still need Aaron Gobler to upload the video onto the website. Thus, she said there should be some accommodation for this in the budget. President Sherris-Watt responded that the Board would look into how this would be handled in the future. She said she would be comfortable increasing the amount to \$3,000. Director Hacaj asked that there be about \$5,000 for community outreach.

President Sherris-Watt also addressed 646 Community Center Repairs – she asked if the amount should be \$5,500 since the building would be renovated.

Director Hacaj said she wanted to make sure that Fiscal-Year 2016-17 funds that had not been spent would be rolled over to the Fiscal-Year 2017-18. Ms. Russell responded that money not spent in the prior fiscal year would roll over, but the line item for the upcoming fiscal year could be increased. Director Hacaj said she wanted this to be done for Line 972 Park Building Improvements. Ms. Russell said the amount budgeted for the upcoming year was \$250,000 and asked if the request was to increase this amount to \$300,000. Board consensus was that this was correct.

Jim Watt said the Board was missing \$200,000. He said that, at the Finance Committee meeting there had been discussion about adding \$200,000 – based on Director Hacaj's request at that meeting: Thus, the total should be \$350,000: The \$150,000 in reserves needed to be increased to \$350,000. Director Hacaj asked for confirmation that the budget didn't reflect what had happened at the Finance Committee meeting. Ms. Russell noted that she'd not been invited to the Finance Committee meetings; thus, she'd developed the budget based on notes she'd received. Board direction given to Ms. Russell was to increase the amount in reserves from \$150,000 to \$350,000 and to add \$50,000 to Account 972, which Ms. Russell said she'd already done.

Ms. Russell said she had comments of her own:

- Officer Wilkens had returned to active duty, so a reduction needed to be made to the amount of money she'd assumed the District would be receiving from Workers' Comp.
- Account 830 – she'd used the format provided by President Sherris-Watt but, perhaps, some things had not been coded correctly. The \$7,500 should be under 835 Consulting and one of the amounts was related to the Community Center. Director Hacaj confirmed that Ms. Propp had assisted with the Community Center contract. President Sherris-Watt said that Jeff Sloan's fees should be moved to policing because he dealt only with police matters and suggested creating a new category for this. Director Hacaj asked if there would be legal categories for police, District, and park. Ms. Russell responded that, if the legal expense were related to the building, it should be considered part of the cost of the building and that the franchise fee-related legal expenses were recorded separately. President Sherris-Watt suggested adding Judith Propp's fees to the parks and adding Jeff Sloan's expenses to police. She noted that Adam Benson was no longer with PLG and that she would suggest moving the amount for that service (\$5,200) to the amount shown for Jeff Sloan. Ms. Russell responded that this consulting service had been coded to 835 in the past. President Sherris-Watt said this expense should be coded to police for the upcoming fiscal year, suggested putting \$50,000 to police legal, and noted that Judith Propp's amount was probably correct and should go to parks, and said that \$30,000 should go to general counsel. Director Welsh asked if the Board should find

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a replacement for Adam Benson because his work had all been budget-related. Ms. Russell noted that because there had been issues with legal expenses, the more detail the better. President Sherris-Watt suggested discussing the matter with GM Constantouros to see what he would find most effective. Director Hacaj said there needed to be more informative billing so the Board could track legal expenses more accurately. President Sherris-Watt responded that General Counsel Ann Danforth was already doing this and that she would ask PLG to do the same.

- 808 – District Salaries. Ms. Russell had amended this to reflect the CPI increase.

GM Constantouros noted that budget adjustments could be made in the future.

**MOTION: Director Hacaj moved, and Director Welsh seconded, to adopt the 2017-18 budget, as discussed and with changes and amendments as reflected in the record.
Motion passed: 4 – 0.**

AYES: Sherris-Watt, Nottoli, Welsh, Hacaj NOES: ABSENT: Cordova

President Sherris-Watt announced that the District had an approved budget.

12. The Board received information from Vice President Nottoli concerning car sharing in Kensington. On Thursday, June 29, 2017, at 7:00 P.M., V.P. Nottoli would chair a meeting with residents at the Kensington Community Center to discuss possible locations and vendors for a car share program.

Vice President Nottoli announced that she would have a meeting on June 29th to talk about possibly getting a car-share, with one location in the Colusa Circle area. She said she was seeking providers and other locations.

**MOTION: President Sherris-Watt moved, and Director Hacaj seconded, to end the meeting.
Motion passed: 4 – 0.**

AYES: Sherris-Watt, Nottoli, Welsh, Hacaj NOES: ABSENT: Cordova

The meeting was adjourned at 10:18 P.M.

Rachelle Sherris-Watt
KPPCSD Board President

Lynn Wolter
District Administrator

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Meeting Minutes for 7/13/17

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday, July 13, 2017, at 6:30 P.M., at the Community Center, 59 Arlington Ave., Kensington, California. A Regular Meeting (Open Session) followed.

ATTENDEES

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Rachelle Sherris-Watt, President	Ann Danforth, District's Legal Counsel
Eileen Nottoli, Vice President	Deborah Russell, District's CPA
Len Welsh, Director	John Holtzman, Renne Sloan Sakai
Sylvia Hacaj, Director	Bill Zanoni, Renne Sloan Sakai
	Simon Brafman
	Pat Gillette
<u>Staff Members</u>	Mabry Benson
Anthony Constantouros, GM	Linda Lipscomb
Rickey Hull, ICOP	Karl Kruger
Lynn Wolter, District Administrator	Celia Concus
	A. Stevens Delk
<u>Press</u>	Steven Simrin
Linnea Due	Leonard Schwartzburd

President Sherris-Watt called the meeting to order at 6:34 P.M. President Sherris-Watt, Vice President Nottoli, Director Welsh, Director Hacaj, GM Constantouros, ICOP Hull, and District Administrator Wolter were present. President Sherris-Watt announced that Director Cordova had resigned from the Board and that the agenda had been updated: Therefore, the Closed Session agenda included whether the Board could add items to the agenda due to urgency. She explained that, with a two-thirds majority, the Brown Act would permit the Board to discuss this.

CLOSED SESSION PUBLIC COMMENTS

None.

President Sherris-Watt welcomed Kevin Ferreira, a newly selected candidate for Kensington's Reserve Officer program.

MOTION: President Sherris-Watt moved, and Vice President Nottoli seconded, to go into Closed Session.
Motion passed: 4 – 0.

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

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

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CLOSED SESSION

- a. Conference with legal counsel – anticipated litigation: Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of California Government Code Section 54956.9 (one potential case).
- b. Public Employee, employment, discipline, or dismissal: The Board was briefed on personnel matters pursuant to Government Code Section 54957(b)(1). (Four items.)

The Board returned to Open Session at 7:43 P.M.

President Sherris-Watt took roll call. She, Vice President Nottoli, Director Welsh, and Director Hacaj were present. President Sherris-Watt announced that Director Cordova had resigned.

President Sherris-Watt reported that, by a 4 – 0 vote, the Board had decided to consider an urgent item – potential litigation.

PUBLIC COMMENTS

Simon Brafman said that AT&T had removed part of the sidewalk across the street from the Public Safety Building and had replaced it with asphalt. He asked when the sidewalk would be replaced. ICOP Hull responded that he would take care of it.

Mabry Benson asked that the Board not extend its meetings indefinitely. She said doing so was a way to conduct business after everyone had gone, but she wasn't saying the Board had done this. She said limited extensions would be considerate of those who wanted to go home at a reasonable time.

Karl Kruger said that, at its meeting the night before, the Fire Board had decided not to vote for the lease agreement. He said there were 20 people in the audience, and most of them had spoken against the agreement – they didn't understand how one district gives money to another district. He said the Fire Board had said this was really about common area expenses that needed to be reimbursed. He reported that he'd added up one year's common area expenses, that they were about \$14,400, and that the police department occupied between one-third to 40% of the building. He said he wanted the Board, at its next meeting, to rescind the lease agreement, to notify the Fire Board, and then to ask the Fire Board to put up two people and the KPPCSD to put up two people who would look at: what the common area expenses were; what portion of the building was occupied by the police department; determine what portion was common area; and come up with an agreement. He said the Fire District could not have \$14,000 in expenses and then charge the KPPCSD \$35,000.

Celia Concus, on Jim Watt's behalf, asked if the District made lump-sum payments for PERS and OPEB in order to receive the discounts for early payments. She said these payments were due in July. District Administrator Wolter responded that the UAL payment had been made and had turned out to have been \$100,000 less than had been budgeted. She explained that the new actuarial report, that would have contained the lower amount, had not been received by the time the budget had been developed; thus, Deborah Russell had been working with dated information. District Administrator Wolter said the lower amount was the result of the KPPCSD having made a \$97,000 pre-payment the in the prior fiscal year. She said the OPEB payment had not been made yet: She was waiting for direction to make the payment. Ms. Concus said the OPEB payment should have been made by the end of June. District Administrator Wolter responded that, if she needed to make a payment posthaste, she needed a memo directing her to do so.

Steven Simrin said he'd lived across the street from the Public Safety Building for thirty years. He said he was disappointed that there was nothing on the agenda regarding what financial commitment the KPPCSD was prepared to make to the proposed Public Safety Building project. He said that he'd

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attended the past few Fire Board meetings and that that Board was waiting to hear from the KPPCSD. He said that Kensington Next Door indicated that many of the KPPCSD's constituents were waiting to hear from the KPPCSD Board, too. He noted that the proposed design called for the elimination of three on-site parking places and said that this would have a big impact on the building's neighbors – so there would be neighbor opposition to the elimination of parking places. Director Welsh responded that he was sensitive to the parking issue. He also said that, as a result of the June 24th meeting, his sense was that the Fire Board would not be moving forward with its proposed project and that this was why the KPPCSD hadn't put the item on its agenda yet. He suggested first considering the pros and cons of staying with the current Public Safety Building: If that's wasn't viable, then move on to another approach. He said he wanted to find an approach that met with community consensus.

Linda Lipscomb thanked the Board for its work: The Directors spent a lot of time but didn't get paid for their work. She said she wanted to back up Karl Kruger's request that the Board reconsider its vote to approve the lease. She said that Kensington is one town with one set of taxpayers and that the taxpayers would be on both ends of the lease agreement. She said the Board should go back to the \$1.00 per year lease.

Pat Gillette said she echoed Karl Kruger's and Linda Lipscomb's comments. She urged the Board to reconsider the lease agreement. She said Mr. Kruger's suggestion of having a committee determine reasonable amount was a good one. She said that she also agreed with Ms. Lipscomb's comment about "one Kensington" and that it should be embraced. She encouraged the KPPCSD Board to act in the same way the Fire Board had at its meeting the prior night. She said she would like there to be a Board discussion about how it felt about the issues because it was frustrating to sit in the audience and not to be able to understand what the Directors were thinking. She suggested placing the item on the agenda.

Pat Gillette said she was hopeful there would be a discussion regarding the Public Safety Building project. She said that, even though the Fire Board was reconsidering the project, the KPPCSD Board should not be in a reactive mode: It should be in a proactive mode and thinking of solutions. She noted that, under the concept of "one Kensington," the Fire and KPPCSD Boards should be working together. She suggested there be a joint meeting of both Boards.

A. Stevens Delk thanked the Board for re-wording the agenda, especially the section about public comments. She noted that the average time for each speaker had been about three minutes, with almost nobody going over five minutes. She also complimented the Board for including the statement about the availability of listening devices. She noted that the sound system included an ADA signage kit, which consisted of a laminated card and a window sticker: To be compliant with ADA, this was supposed to be posted.

A. Stevens Delk suggested that, when meetings are posted on the website under Latest News, they be identified as "Regular" or "Special" meetings.

BOARD COMMENTS

President Sherris-Watt announced that the Finance Committee would not be meeting in July: The next meeting would be August 30th.

President Sherris-Watt said that Item 12 would be moved to Item 10 in order to let staff go home earlier.

STAFF COMMENTS

With respect to documents he'd submitted to the agenda regarding Resolutions 2017-09 and 2017-10, ICOP Hull said the resolutions had been passed on April 27th, not on June 8th.

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6. Oath of Office: ICOP Hull swore in Reserve Officer Kevin Ferreira.

President Sherris-Watt announced that ICOP Hull would administer the Oath of Office to the department's new reserve officer, Kevin Ferreira. Mr. Ferreira introduced himself and said he looked forward to serving Kensington. ICOP Hull administered, and Mr. Ferreira took, the Oath of Office. ICOP Hull presented Reserve Officer Ferreira with his badge. Officer Ferreira received a round of applause, and President Sherris-Watt congratulated and welcomed him.

7. The Board recognized the work of Park Grounds Committee Member Charlice Danielsen.

Director Welsh presented Ms. Danielsen with a bouquet of flowers and provided background information about her. He said that he had known there were fire fuel problems with the area surrounding the Community Center and that Ms. Danielsen and others had responded to a call for assistance in dealing with the problem. He said Ms. Danielsen worked at and managed the Native Here nursery and was an expert on California native plants. He said that he'd learned a lot from her and that she'd put in a lot of time, as did others on the Committee – Peter Liddell, Katie Gluck, Dan O'Brien, Mabry Benson, Gretchen Gillfillan, Rey Barraza, Peter Conrad, and Lisa Caronna. Ms. Danielsen said she'd retired from the Committee because she had so much to do at the nursery and because she was getting older – the physical work had become challenging. She said it was too bad that most of the volunteers on the project were senior citizens; younger people didn't come out to do the physical work. She noted that the grounds keepers had recently pruned the shrubbery outside the Community Center well below the eaves – something that had been a problem when the Committee had begun its work. She said the work done around and near the Community Center had also served to demonstrate work homeowners could do around their own homes. She noted that the Committee had filled the nearby dumpster many times and that she'd turned this dumpster key over to District Administrator Wolter. Director Welsh complimented Ms. Danielsen for the long-term vision she'd had for the park – to make vegetation in the park reflect the native plants that grow here. Ms. Danielsen received a standing ovation.

8. The Board received an update on the progress of dispatch from ICOP Hull.

ICOP Hull reported that the changeover had occurred with very few glitches. He said the main issue had been how to connect to the Albany Police Department in order to use the new program, RIMS. To deal with the problem, a VPN connection was installed. He recognized the work that had been done by the Albany Police's IT department, which had worked overtime to ensure the transition had occurred. He noted that he'd been caught in the vortex of the stress associated with the change. He said that, although the phones were working, the fiber-optic cable installation still hadn't been completed and that he'd been in touch with AT&T personnel, who'd told him completion was close: Thus, the KPD was still operating with the VPN connection. He said that, upon completion of the fiber-optic cable, the transition would be complete.

President Sherris-Watt said that, while ICOP Hull would like to recognize the Albany Police Department, the Board wanted to recognize him because of his tremendous dedication and work to make the transition smooth. Therefore, she said the Board had gotten him a cake. ICOP Hull received a round of applause and, at 8:14 P.M., President Sherris-Watt called for a recess so that everyone could enjoy the cake.

The meeting resumed at 8:30 P.M.

9. The Board reviewed changes made at the June Meeting to the 2017/18 Budget.

GM Constantouros reported that the Board had approved the budget but that there had been some changes. He said Deborah Russell was present to review the changes. Ms. Russell highlighted the changes:

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- Salaries changed to make the Step 2 effective October 1st, which also changed the Medicare and PERS line items.
- Legal was segregated. Legal/Consulting Police, in the amount of \$33,200, was moved to the new account 595. Legal District, in the amount of \$53,000, appeared in account 830. Parks Building and Improvements had been changed to include the legal fees (\$7,320) associated with that work.
- Park Building Improvements had also been increased to reflect the addition of \$50,000, as discussed at the Board's prior meeting.
- Community Center Repairs had been lowered because there would not be a need to do much in light of the coming renovation project.
- District Salaries had been adjusted to reflect the CPI increase, which also changed Account 809.
- Building Lease had been increased from \$1.00 to \$35,000.
- Miscellaneous District – some of the legal expenses, those associated with a Board workshop, had been reallocated here.
- Asset Seizure Forfeiture Funds – the \$143,000 had been added.
- Measure G Funds had been increased to reflect the increase approved by the Board.
- Supplemental Workers' Comp. had been decreased because Officer Wilkens had returned.
- Landscape and Lighting District tax amount had been amended to \$37,503.
- Accounts 448a and 448b had been lowered to the expected amounts.
- Cash carryover for 2016-17 had been increased by the \$143,000 Asset Seizure Forfeiture Funds and by the \$50,000 that would not be spent in 2016-17.
- Community Center Building upgrade had been increased to \$350,000 to reflect the committed funds.

Director Hacaj asked about the \$5,000 for community outreach that had been discussed. Ms. Russell responded that \$5,000 had been added to Account 594 for community outreach.

A. Stevens Delk noted that the franchise fees had been lowered from \$112,000 to \$90,000 but that, based on her projections, the amount should be \$96,000.

12. The Board reviewed Appropriations Limits for Fiscal-Year 2017/18.

Bill Zanoni, of Renne Sloan Sakai, provided a history of the Gann Initiative, which, in 1979, placed limits on the level of appropriations from tax proceeds for all California government entities. He reviewed the calculation used to determine KPPCSD's 4.86% increase over the prior year's appropriations limit amount of \$3,989,51: The resulting appropriations limit amount for the current fiscal year was \$4,183,401, which was the limit the Board could not exceed. He noted that the KPPCSD's tax proceeds for the fiscal year were anticipated to be approximately \$3 million, and the amount subject to the limit was \$2,765,325. Thus, he said the KPPCSD was under its limit. He noted that this information should appear in the District's annual audit. He concluded by saying that the recommended action was that the Board should approve Resolution 2017-17.

President Sherris-Watt clarified that this was not an impetus to spend more: It was a matter of being mathematically correct.

MOTION: President Sherris-Watt moved, and Director Welsh seconded, to adopt Resolution 2017-17, adopting and affirming the establishment of the appropriations limit applicable to the District during the Fiscal-Year 2017/18, with the correction to amend the fiscal year from 2017-17 to 2017-18.

Motion passed: 4 – 0.

AYES: Sherris-Watt, Nottoli, Welsh, Hacaj

NOES:

ABSENT:

CONSENT CALENDAR

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A. Stevens Delk asked to pull Item c (Unaudited Profit/Loss Report) and Item d (Franchise Fee Line Item 448). And President Sherris-Watt asked to pull Item e (Finance and Park Committee Meeting Calendar for 2017).

With respect to the Franchise Fees on the Unaudited Profit and Loss Report, Ms. Delk said the amount \$89,000 was misleading, based on information shown on the Transaction Detail for the Franchise Fee account. For the new fiscal year, she said the amount should be \$95,000, not \$90,000. She also discussed a spreadsheet she had developed. Vice President Nottoli responded she would look into the franchise fee and spreadsheet issues and said she hoped there might be an E-waste event and a household hazardous waste event during the fiscal year, with the latter event costing approximately \$50,000.

President Sherris-Watt asked to hold Item e until later in the meeting, when Agenda Item 11 would be discussed.

MOTION: President Sherris-Watt moved, and Vice President Nottoli seconded, to approve the Consent Calendar, Items a through d and f through i.

Motion passed: 4 – 0.

AYES: Sherris-Watt, Nottoli, Welsh, Hacaj

NOES:

ABSENT:

10. The Board received and reviewed a staff report concerning the vacancy on the KPPCSD Board of Directors.

President Sherris-Watt reported that Director Cordova, who had been elected in 2012, had resigned in June due to health problems. She thanked Director Cordova for her efforts, which had included hiring the District's new General Manager, working to improve the technological aptitude of the District, and opposing tax increases. She said she wished her well and hoped her health improved.

Ann Danforth reported that, in the event of an unscheduled vacancy, the Government Code provided two options for filling that vacancy:

- The Board could appoint the replacement
- The Board could call for a special election

She said that there was a 60-day deadline within which the Board had to make the appointment or call the special election and that the deadline would be August 25, 2017. She explained that, because Director Cordova had been in the second half of her term, her replacement would complete the remaining time of her term. She explained that, if the Board opted for a special election, the election would need to occur 130 days or more after the August 25th deadline, which would mean the November 2017 election or either the April or June 2018 election. She added that, if the Board didn't appoint within 60 days or call the election within 60 days, the decision would go to the Board of Supervisors. She concluded by saying that, either way, the time constraints were tight, and that, if the Board wanted to make an appointment, it should send out a notice promptly, inviting applications. She said the appointment would have to be noticed to the public before it could be made.

President Sherris-Watt said she'd received a quote from Contra Costa County's Board of Elections that the cost of a special election would be between \$3.00 and \$5.00 per registered voter. It was noted that there were about 4,000 registered voters in Kensington. She also reported that the cost of posting a notice in the print media, specifically Bay Area News Group, would be approximately \$2,500.

Linda Lipscomb encouraged the Board to make an appointment. She said that, because the Board would be looking only for a Kensington resident, it didn't make sense to place the notice in a broader readership newspaper and that not doing this would save money. She suggested local postings on Next

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Door and on the kiosk. She emphasized that the Board would be looking for a Kensington resident, which she said would be a refreshing change from a Director who had been governing from Italy for a year. She said it had been a farce that Vanessa Cordova had been phoning in all the time and had been in daily conversations with President Sherris-Watt. She said the timing of Ms. Cordova's extensive exit interview indicated that information might have been around: Ms. Cordova said she'd written prior resignation letters. Ms. Lipscomb said the community would like to hear clarity about this. She also said she'd like to see Dave Spath appointed because he'd come in third in the most recent election and because he'd serve the community well. She noted he was familiar with the issues and was a person of the highest integrity.

President Sherris-Watt responded that she intended to post the notice only with the Bay Area Newsgroup and that the amount cited was the base amount. She said she wanted to ensure that the minimum legal requirements were met.

Pat Gillette asked that the Board check to ensure that posting with the Bay Area Newsgroup was a requirement – she didn't think that had been done when the Board had replaced Mari Metcalf after she'd resigned. She said that, given the multi-page article about Vanessa Cordova leaving the Board, everyone in Kensington likely was aware of the vacancy. She also encouraged the Board to make an appointment because a special election would take too long.

Anthony Knight asked if one had to be a Kensington resident to serve on the Board. Ann Danforth responded that this would depend on the provisions of the establishment documents of the District, but that this would normally be required. He said that, in the case of Vanessa Cordova, the community didn't know what her status was – she'd been living here in an "uncertain way". He wanted to know who really qualified to serve. President Sherris-Watt responded that one needed to be an American citizen and a resident of Kensington: It did not mean that one had to be a property owner. President Sherris-Watt also said that the Board had a legal opinion, from one of the District's legal experts: If one was a resident of Kensington or one intended to return to become a resident of Kensington, one could serve. Mr. Knight said this seemed pretty vague. Ms. Danforth said she wasn't the attorney who had researched this issue. Mr. Knight asked that Ms. Danforth look into the matter because this had been an issue with Ms. Cordova. Ms. Danforth noted that the ambiguity mentioned by the Board was consistent with the term "resident" in other areas of the law: It always depended on the intent of the individual.

Leonard Schwartzburd asked if the individual needed to be a registered voter. Director Welsh suggested that Ms. Danforth could take a look at the legal opinion already issued. President Sherris-Watt said there wasn't a written legal opinion: It had been a conversation with the District's attorneys, who had said that the law was ambiguous had said it depended on the individual's intent; thus, the attorneys hadn't recommended any kind of finding for the Board. Dr. Schwartzburd said he agreed with Ms. Gillette that there should be an appointment and not a special election.

MOTION: Director Welsh moved, and Vice President Nottoli seconded, that the Board take the route of taking applications and taking a Board vote of filling the vacancy.
Motion passed: 4 – 0.

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

Mabry Benson said that it seemed as though part of the application would involve an application form and parameters could be included in such a form.

Ms. Danforth suggested designating one Director to work with staff on the notice.

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**MOTION: President Sherris-Watt moved, and Director Hacaj seconded, to appoint Vice President Nottoli to work with staff to draft and publish the notice of vacancy.
Motion passed: 4 – 0.**

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

President Sherris-Watt explained that the Board's first step would be to publish the notice of vacancy.

Pat Gillette asked what the process would be, once the notice of vacancy was published. President Sherris-Watt said the publication of the notice would not obligate the Board to make an appointment but would allow the Board to explore this option.

Ms. Danforth clarified:

- The notice would go out.
- It would be posted in three conspicuous locations in the District (this would be the bare minimum).
- The notice would be posted at least 15 days before the Board would make the appointment.
- More than 15 days' notice would be preferable to allow sufficient time to interview the applicants.
- The interviews would need to be conducted at a public meeting.
- The Board had authorized Vice President Nottoli to work with staff to develop an application that would establish the requirements for all applicants.

Ms. Danforth added that, if the Board couldn't make a decision, which would require three votes, before the deadline, then the Board could call for a special election.

President Sherris-Watt said she wanted to return to Item e of the Consent Calendar. She announced that she would like to change the second regular meeting from August 17th to August 14th and that this would be the meeting at which the Board would appoint someone to fill the vacancy. Director Welsh noted that there were certain things the Board could do only at a regular meeting. Ms. Danforth responded that this appointment could be done at a special meeting.

**MOTION: President Sherris-Watt moved, and Director Welsh seconded, that the Board adopt the change.
Motion passed: 4 – 0.**

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

President Sherris-Watt clarified that the first meeting in August would be held on August 10th and the second meeting in the month would be held on August 14th.

13. The Board reviewed the All City Management Services Contract that provides crossing guard services for school children.

GM Constantouros recommended approval of the contract for the amount of \$11,623, which had been included in the budget.

President Sherris-Watt provided a history of the crossing guard service in Kensington and noted that the crossing guard was located on the Arlington.

Director Welsh said that this was a one-year extension of a contract with the All City Management Services and that the rate was being increased. District Administrator Wolter explained that the increase was a basic CPI increase but that, because the contract was for an amount in excess of \$5,000, which

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was the limit to which the GM was allowed to commit the District, the matter needed to come before the Board.

**MOTION: President Sherris-Watt moved, and Director Hacaj seconded, to amend and adopt the agreement between All City Management Services, Inc. and the KPPCSD for providing school crossing guard services.
Motion passed 4 – 0.**

AYES: Sherris-Watt, Nottoli, Welsh, Hacaj

NOES:

ABSENT:

14. The Board reviewed the process of minute taking for Regular meetings of the KPPCSD. The General Manager recommended alternatives and ideas for exploration.

GM Constantouros introduced the item by describing three types of minutes:

- Verbatim
- Summary, which summarized but didn't include every word of the discussion
- Action, which summarized only actions taken by Board

He added that recordings could serve as minutes, but there were requirements on how they would need to be preserved, which would include proper storage for a certain number of years. He noted that, when recordings were the only set of minutes, a redundant recording would be required.

President Sherris-Watt said that the Policy and Procedures Manual called for summary minutes and that the current minutes were more extensive than this. GM Constantouros said that verbatim minutes tended to be the most common form of minutes in the past but that most agencies had moved to summary minutes, which summarized the actions and the discussion that took place and the reasoning behind the actions. He noted that action minutes were rare.

President Sherris-Watt said that, in the case of Orinda, the video was projected quickly, but the minutes weren't available for quite some months. She asked if there was a legal requirement for how quickly the minutes needed to be made available. GM Constantouros responded that he thought the requirement was to post as quickly as was reasonable but that he thought a period of months was unreasonable. President Sherris-Watt said the Board would continue to explore this, especially as the new website came online because it would have searchable features.

Director Hacaj said the new website would have indexing for video so that one could track at what minute a particular topic was discussed and would have searchable minutes. She noted that the Finance Committee was trying summary minutes to see how this would work for them. She suggested that, once the video was reliable, it could become the record, with summary minutes included.

GM Constantouros suggested that the Board could try another system for a period of time to see how it worked and noted that verbatim minutes were the most expensive type of minutes because of the time they involved.

Director Welsh said that what was being done now was not verbatim minutes: It was a form of summary minutes. He said he didn't want to see the Board move away from summary minutes, but it would be fine to have a discussion about the level of detail. He noted there had been a discussion a couple of months earlier, and some members of the public felt strongly about wanting detail. Director Hacaj clarified that this had been a discussion about action minutes and that the conclusion had been that summary minutes would remain. She said the Board could look at efficiencies and the best use of resources. GM Constantouros noted that, while not verbatim, the minutes were very detailed. Director Welsh said that a number of people appreciated the detail and that the Board could calendar a discussion of the issue. Director Hacaj said that the Board had asked GM Constantouros to look at best uses of resources and that this likely had been the genesis of the discussion.

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Mabry Benson said she was glad that no one liked action minutes because, in her review of action minutes that had been taken in the past, these had proved useless. She asked if there could be a time stamp with the minutes in order to correlate with the recording.

Vice President Nottoli asked when the new website would be up. President Sherris-Watt responded that it would be before September.

Pat Gillette said that, if there was a feeling that the minutes were too detailed, the person taking minutes could be instructed not to be so detailed. She said that much of a meeting's detail would be limited by just searching the video because a person would then have to listen to lots of things in which they might not be interested. She said this would be problematic for a lot of people because there had already been concerns about transparency. She cautioned the Board and said that if it were to do something that looked like it was limiting public access to the discussion that had taken place at the meetings, it would not be looked on favorably by many in the community. Director Hacaj clarified that the video would be in addition to the minutes, so people could pick their format.

Linda Lipscomb said the Board had just had this discussion and asked what the reason was for bringing it up now. She said everybody had spoken and gotten upset about it, and it had been settled that there would be summary minutes. President Sherris-Watt responded that the Board had directed the GM to look at efficiencies in the office administration and that he had recommended the item for the agenda. Director Hacaj said this was about potentially going to less detail in conjunction with the new website's video, which would be searchable. Ms. Lipscomb responded that the GM needed to instruct staff to take minutes in a particular fashion and that she was opposed to shortened minutes, though making them briefer would be fine. She noted that, if someone found the minutes to contain too little detail, he/she could stand up at the meeting and say that something had been omitted.

David Bergen said the minutes and agendas weren't currently searchable. He said a change was most important because, by being searchable one could find specific items and minutes could be cut and pasted and used as one wished.

Marilyn Stollon said she favored summary minutes. She noted that she'd research about ten cities in the area and looked at their minutes and that KPPCSD minutes contained too much detail. She noted that, once the video was searchable, it would be easy to go to the video and see the detail because it would be tracked to the agenda.

Anthony Knight said he would be disappointed if the minutes were to become less detailed: Capturing the richness and diversity of opinion in written form was a secure and established way of preserving this. He said he had little faith in electronic media: He saw problems with it all the time. He said that, at the meeting where this had been discussed before, he had never seen such unanimity on any subject as there had been on this one. He said he saw this as a "watering down" of information, and he saw it as a transparency issue: The more detailed, the more transparent, and the greater the ability to go back in the traditional way to see what was said, who said it, and how the issues had been discussed.

Catherine Mercurio said that she didn't come to meetings often but what she relied on was getting information from whatever resources she could find. She said that, when minutes weren't posted right away, the video was a way of obtaining information more quickly. She commended the Board for coming up with the searchable website and said the reason the GM must be looking at this was because of the expense associated with detailed minutes.

Pat Gillette asked if there had been a cost benefit analysis of this video and the minutes. President Sherris-Watt responded in the affirmative and said that she'd done an analysis and that preparing the minutes cost about \$16,500 annually. She noted this should be adjusted for CPI. Director Hacaj said it wasn't just the cost: It was the opportunity cost of what other things could be done during that time.

Director Welsh said nothing would change until the Board placed the matter and discussed it further.

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Leonard Schwartzburd said he agreed with Ms. Gillette and Ms. Lipscomb. He also said he had a solution to the unlikely event that the Board would be unable to find a suitable candidate for the Board vacancy: He would volunteer to be appointed and then resign immediately upon being sworn in, in order to extend the time.

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

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

The meeting was adjourned at 9:41 P.M.

Rachelle Sherris-Watt
KPPCSD Board President

Lynn Wolter
District Administrator

Lynn Wolter

From: Susan Garfin <garfin@sonic.net>
Sent: Thursday, July 20, 2017 1:02 PM
To: Rachelle Sherris-Watt
Cc: Tony Constantouros; Eileen Nottoli; Len Welsh GMail; Sylvia Hacaj; Lynn Wolter; David Spath
Subject: RE: Notice of KPPCSD Board Vacancy Posted

Dear Rachelle,

Thanks for taking the time to answer my message of July 18th and apologies for not answering more promptly. After a rash of computer problems my hard drive finally crashed, and I am just getting back to my email today now that I have a new drive.

I must say that I was a bit distressed by the tone and some of the information in your July 18th message to me. Here are my thoughts....

I understand the logic of appointing a new KPPCSD board member rather than holding a special election. What I don't understand at all is the discussion in paragraph #2 of your July 18th email to me. Here's why. The current board was elected less than a year ago. There was an excellent runner-up candidate for a board position, David Spath. His willingness to run and his contribution to the community as chair of the ad-hoc committee studying Kensington governance makes him the obvious first choice to fill a vacant board position so far as I am concerned. Spath has timely knowledge of our local governing processes and the challenges we as a community face. He is a Kensington voter and resident, and he has already shown his commitment to local governance by chairing the ad hoc committee that investigated possible governing plans for Kensington. What I don't understand is why you lump him and his qualifications with names dredged up from earlier elections and/or the citizenry at large. It is hardly common practice to fill vacancies dug up from earlier elections when there is a qualified candidate available from the most recent election. As far as the citizenry at large goes, when I canvassed before the last election I was struck by the fact that almost none of the Kensington voters I talked to had the time or interest to become involved in KPPCSD affairs. In fact I was dismayed by the lack of interest. The few who did show interest mostly had bones to pick on one side of the Kensington political spectrum or the other. That is not the sort of resident Kensington needs on the board at this time. Spath stood out to me as someone with integrity who was willing to hear and investigate all sides of an argument. Aren't those qualities that the current board with its claim to be open and transparent would want?

Secondly, I have no clue why you shortened the original cc list on my memo when you wrote back to me. It is common procedure to keep a recipient list intact—especially as regards the person who is the topic of discussion. I have tried to restore the original list of recipients that I used in my first email, and that includes David Spath himself. Your response and my current message should reach that entire audience.

Susan

From: Rachelle Sherris-Watt [mailto:sherwatt@outlook.com]
Sent: Tuesday, July 18, 2017 4:04 PM
To: Susan Garfin
Cc: Tony Constantouros; Eileen Nottoli
Subject: Re: Notice of KPPCSD Board Vacancy Posted

Dear Ms. Garfin,

The Board has decided to appoint a candidate to the Board rather than hold an election. We are seeking candidates who would like to apply for the position with the understanding of its term, August 14th until November of 2018. We will not be offering the position to anyone prior to the August 14th meeting.

The appointment is handled this way for several reasons. First, the term of office is different than it was in November of 2016. Secondly, which previous candidate had "right" to the office would be based upon your viewpoint. Does Peter Conrad have a "right" to the position because he ran in the election that seated the Director who resigned? Or does one of the other 3 candidates from that election come before someone who waited to run until 2016? Does Mr. Spath earn the chance because he ran more recently? Or do the other 2 people who filed to run in 2016 have a "right" of refusal for the position over other citizens? Lastly, the Board is following the procedure that was created in 2013 when Len Welsh was appointed to the Board.

I am not sure what exact issues you are referencing when you refer to the Ad Hoc Committee of the KPPCSD that was chaired by Mr. Spath. That committee was always designed to complete a report with thorough research and community involvement that stated findings without recommendations. The work was to be completed in a finite amount of time and the committee was then disbanded. The initial framework document that created the committee, drafted by then Directors Toombs and Cordova, stated these parameters.

The current Board has not ignored the findings of the ad hoc committee. In fact, we have implemented ideas that were discussed in the bifurcation section of the report as evidenced by our appointment of Tony Constantouros as General Manager. We are still exploring other issues asked of the ad hoc committee, specifically how best to improve our police services.

I thank you for your interest in the vacancy and appreciate the email.

Sincerely,

Rachelle Sherris-Watt

From: Susan Garfin <garfin@sonic.net>
Sent: Tuesday, July 18, 2017 12:38:46 PM
To: 'Lynn Wolter'; 'Rachelle Sherris-Watt'; 'Eileen Nottoli'; 'Len Welsh GMail'; 'Sylvia Hacaj'
Cc: 'Tony Constantouros'; David Spath
Subject: RE: Notice of KPPCSD Board Vacancy Posted

Why doesn't this board position go to David Spath who was next in line for the board after the last election? Has he been offered and/or refused the position? My computer has been misbehaving, so I may have missed a communication on this subject. If so, I apologize for my inquiry. Otherwise, I'm curious about the methodology the current board is using—first ignoring the work of Spath's committee to research and publicize the issues facing Kensington and now possibly ignoring his run for the KPPCSD board. This doesn't seem procedurally correct to me.
Susan

From: Lynn Wolter [mailto:lwolter@Kensingtoncalifornia.org]
Sent: Tuesday, July 18, 2017 11:14 AM
To: Rachelle Sherris-Watt; Eileen Nottoli; Len Welsh GMail; Sylvia Hacaj
Cc: Tony Constantouros
Subject: Notice of KPPCSD Board Vacancy Posted

The notice of a KPPCSD Board vacancy has been posted. The link for it appears below.

<http://kensingtoncalifornia.org/download/misc-kppcsd-documents/2017-07-18-Notice-of-KPPCSD-Board-Vacancy.pdf>

Lynn Wolter

From: nick beaucage <nickbeaucage@yahoo.com>
Sent: Tuesday, July 18, 2017 3:41 PM
To: Lynn Wolter
Subject: Re: Revised KPPCSD Board Vacancy Notice Posted

Lynn,

It is Nick the engineer. Regards to you. Now for the dirty stuff.

What is the group in Kensington that is similar to a design review board at the county level having to do with allowing or not allowing proposed construction. and how do I get in touch?

I need to know for personal and professional reasons. Personally I am ticked off that the gas station seems to be able to make whatever renovations they want without following the normal rules everyone else does. Did I mention that this is getting way past frustrating. I feel I am being radicalized by our local police and county building department, it is seemingly passive aggressive to me. Especially the parking and blocking the handicap space in front of Young's market. When I discussed my grievance I accepted to the officer that officer discretion would keep me happy. I am not at all happy, that spot is always blocked. I was a local kid working at the local market and got a ticket that cost more than I earned all summer, yet now it is a legal parking spot. Don't tell me its a loading zone, its a driveway, furthermore the driveway was allowed to be converted into a closed yard, and filled with visible junk that smells when you walk by.

I hope the youth hut project ends up off the rails, I'm positive it will. Now the same thing is going to happen with the fire/ police building, claiming seismic upgrades are required when they are not, falsely claiming there is danger now that there wasn't before. And worse too, but I'm not helping, I hope all of Kensington goes off the rails. My understanding is that Kensington residents will pay in the form of prop 13 protected property taxes. I'm grandfathered in to taxable rate of \$48,500 + 1%/yr, so for once I will not be affected by Kensington's ridiculousness. All the million dollar houses can pay 20 times what i will be required too. That said its dumb and infuriating whenever I hear about what's happening in town.

When did the CCC times stop covering our town politics and assert that corruption was obvious to the point they would no longer cover us. I can not believe our council can take themselves seriously, what an embarrassment!!!

I see different rules for different people, the original reason I fell out of love with Kensington. It is just a place now, not special like it used to be, oh well. :(

Current issue the gas station changed the profile and visibility of the design of a new awning without the usual notification to neighbors for such circumstance. They went from understated to BRIGHT!!! Now in addition to a bright as daylight "security" light that was illegally added under false pretense I have to deal with this BRIGHT red awning that is obtrusive to my enjoyment of my property against Kensington ordinance AND it occurs in a setback. OMG- free for all!

I'm fully radicalized against Kensington. I guess I can probably start to get ready to be harassed by the police soon??

Please give me Officer Martinez's contact info, if he is still on our police service. I need to talk to him.

From Nick

Nick Beaucage, P.E.
NickBeaucage@yahoo.com
1-510-685-2591

From: Lynn Wolter <lwolter@Kensingtoncalifornia.org>
To: Rachelle Sherris-Watt <sherwatt@outlook.com>; Eileen Nottoli <ENottoli@Kensingtoncalifornia.org>; Len Welsh GMail <LenWelsh@GMail.com>; Sylvia Hacaj <shacaj@Kensingtoncalifornia.org>
Cc: Tony Constantouros <TConstantouros@Kensingtoncalifornia.org>
Sent: Tuesday, July 18, 2017 3:13 PM
Subject: Revised KPPCSD Board Vacancy Notice Posted

A revised KPPCSD Board Vacancy Notice has been posted. The change: The notice now specifies that candidates must be registered voters of the Kensington Police Protection and Community Services District.

<http://kensingtoncalifornia.org/download/misc-kppcsd-documents/2017-07-18-KPPCSD-Board-Vacancy-Notice.pdf>



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5. Revenue Report/Delinquent Accounts

Name	Address	Telephone	number of days			
V. CLARK	624 Parkside	528-6389	over 45	4/1/17 owner	12/26/16	
S. EZZEDINE	71 Kingston	666-0702	over 45	2/7/17 LTR 5/9	12/21/16	

Tony Constantouros (and Lynn Wolter)

This is part of Bay View's "1st Quarter of 2017 Report" that the District received in June. It is the first quarterly report that contains some of the information required by the new contract, which went into effect in September 2015.

If I am reading it correctly, on December 21 and on December 26 service was stopped for two customers for non-payment of bills. That would have been for the Sep-Dec 2016 service period, with the due date being December 15, that is, "due and payable three and one-half (3.5 months) [sic] after mailing (e.g., bills mailed on September 1 shall be due and payable on December 15)." See Section 4.9 Billing, D. Bad Debt & Collection Procedure, page 12, of contract.

In the new contract I can find nothing in the body itself about discontinuing service if an account is delinquent. The above mentioned section continues, if "any account becomes more that forty-five (45) calendar days past due, Contractor shall notify Customer of the delinquency via written correspondence and telephone contact."

However, in Exhibit D it does state, under 5. Revenue Report, B, page D-2, the following: "Maintain a list of Customers that are forty five (45) or more days past due and include...for each delinquent account: name...and, identification, if, and when the Contractor plans to or did stop service to a delinquent account." [sic]

It would appear that service should not be stopped prior to day 45. The two accounts were apparently past due only 6 and 11 days, respectively.

You should check the next Quarterly Report, due July 15, to see if service is being stopped before the 45-day period for other delinquent ratepayers. I think you should have Bay View send Quarter Reports with the information specified in Exhibit D going back to the last quarter of 2015, the beginning of the new contract.

Delk

BV "7%" Franchise Fees Received By KPPCSD Since New Contract Began in September 2015

Year	BV Month	KPPCSD Month	Amount \$s	Percent of cycle	Comment	
2015	Sep	Oct	0.00	0.0%	BV payment past due Oct 15 with 3% late fee to be added	
	Oct	Nov	0.00	0.0%	Past due Nov 15 with cumulative late fee	
	Nov	Dec	0.00	0.0%	Past due Dec 15 with cumulative late fee	
	Dec	Jan	31,216.58	100.0%	Due Jan 15 with past late fee; apparently no late fee paid	
			31,216.58		Total for cycle	
2016	Jan	Feb	21,555.68	68.5%	CPI increase of 3.3% for all rates, except slightly more for 21% using mini-can (Note: SF-O-SJ CPI-U for 2016 = 2.6%); other revenue change due to drop-box rental and service level change (1 customer to mini = \$16/4-mo less; 1 to less cans = \$177/4-mo)	
	Feb	Mar	4,327.65	13.8%		
	Mar	Apr	2,784.88	8.9%		
	Apr	May	2,783.63	8.9%		
			31,451.84			Total for cycle
2016	May	Jun	21,571.06	69.1%	Accounting shifted this to June, FY15/16	
	Jun	Jul	4,200.05	13.4%		
	Jul	Aug	2,742.50	8.8%		
	Aug	Sep	2,719.98	8.7%		
			31,233.59			Total for cycle
2016	Sep	Oct	22,171.39	71.2%		
	Oct	Nov	3,422.25	11.0%		
	Nov	Dec	2,933.58	9.2%		
	Dec	Jan	2,605.16	8.4%		
			31,132.38			Total for cycle
2017	Jan	Feb	21,681.64	70.0%	CPI increase of 3.1% for most rates	
	Feb	Mar	3,895.48	12.6%		
	Mar	Apr	3,206.54	10.4%		
	Apr	May	2,180.99	7.0%		Entries: \$47.00 and \$2,133.99
			30,964.65			Total for cycle

Note: total for past three 4-mo cycles = \$93,330; estimated for 17/18: \$96,000, based on 3% increase

Average for all 4-month cycles:	\$31,200
BV Sep - Dec 2015:	\$31,217; +0.05% average
BV Jan - Apr 2016:	\$31,452; +0.81% average
BV May-Aug 2016:	\$31,234; +0.11% average
BV Sep - Dec 2016:	\$31,132; -0.22% average
BV Jan - May 2017:	\$30,965; -0.75% average

2017	May	Jun	21,909.47	
	Jun	Jul	Est 3,500-4,000 based on 11-13% of 4-month receipts	

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

NOTICE OF VACANCY

Director

BOARD OF DIRECTORS

APPLICATION PROCESS

Due to a recent resignation, there is a vacancy on the KPPCSD Board. Those interested in serving on the Board are encouraged to submit a letter of interest and a resume, if available, by:
3:00 P.M. on Monday, August 7, 2017.

Please submit these to:

Anthony Constantouros, General Manager
217 Arlington Avenue, Kensington, CA 94707

QUALIFICATIONS

Must be a registered voter in the Kensington Police Protection and Community Services District

SELECTION PROCESS

The Board of Directors will interview prospective candidates at a meeting scheduled for Monday, August 14, 2017. The Board will make an appointment to fill the unexpired term ending December 2018.

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ITEM NUMBER 7

AGENDA REPORT

MEETING DATE: July 27, 2017

SUBMITTED BY: Anthony Constantouros

SUBJECT: Presentation of Community Center Design Concepts

SUMMARY: The architectural and planning firm, Glass Associates, Inc., will made a presentation on design concepts for the Community Center.

RECOMMENDATION: For discussion only; no action required.

ITEM NUMBER: 8

KENSINGTON POLICE PROTECTION & COMMUNITY SERVICES DISTRICT

AGENDA REPORT

MEETING Date: July 27, 2017

SUBMITTED BY: Vice President Eileen Nottoli

SUBJECT: Discuss and determine the process for appointment of a Director on August 14, 2017 to fill the current vacancy.

SUMMARY:

Director Vanessa Cordova resigned from the Board effective June 26, 2017. At the July 13, 2017 meeting of the Board of Directors, options to fill the vacancy were reviewed and discussed. The Board decided to establish an appointment process and invite interested residents to apply for the position. A Notice of Vacancy listing the application process, deadlines, qualifications and selection process has been posted. The Board of Directors will interview prospective candidates at a meeting scheduled for Monday, August 14, 2017. A draft agenda, timeframe and process for the meeting is listed below for discussion and consideration.

7:30apm - Public Comment for Items not on the agenda.

7:45pm - Each candidate gives a 2-minute opening statement on their interest and specific experiences and skills that they will bring to the Board.

8:00pm – Candidates will have 2-3 minutes (depending on the number of candidates) to answer in rotation (i.e., Candidate 1 responds first to Question 1, then Candidate 2, ...; Candidate 2 responds first to Question 2, then Candidate 3, and ending with Candidate 1).

SUGGESTED CANDIDATE QUESTIONS

- What do you believe are the District's greatest short-term challenges? Long-term challenges?
- Describe an experience where you worked as part of a group on a complex problem. How did your participation improve the results?
- Do you support investigating costs to provide police services through contracting with a nearby agency?
- How do you think the District could improve how it communicates with and engages residents?

No later than 9:00 pm: At the close of the Board's questions, the public may present their comments regarding the candidates to the Board. No one may speak more than once.

No later than 9:20 pm: Candidates give 2 minute closing statements re their skills and background.

No later than 9:30pm: Board deliberates and appoints (after motion and second).

RECOMMENDATION: After a discussion, determine the process that will be utilized to select a new member of the Board of Directors.