

# KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

## AGENDA

A Regular Meeting of the Board of Directors of the Kensington Police Protection and Community Services District will be held Thursday, September 9, 2010, at 7:00 P.M., at the Community Center, 59 Arlington Avenue, Kensington, California.

Note: All proceedings of this meeting will be tape recorded.

Roll Call  
Public Comments  
Board Member/ Staff Comments

### APPROVAL OF CONSENT CALENDAR

- a) Minutes of the Regular Meeting August 12, 2010
- b) Profit & Loss Budget Performance for August 2010
- c) Variance Report August 2010
- d) Board Member Reports
- e) Correspondence
- f) Police Department Update
- g) Monthly Calendar
- h) Recreation Report
- i) General Manager Update

### DISTRICT – OLD BUSINESS

1. Vice- President John Stein will present to the Board the Ad-Hoc Park Buildings Committee; "Report, Recommended Next Steps, and Options for Possible Action" for the KPPCSD Board to consider regarding the park buildings. Board Action.
2. General Manager Greg Harman will present to the Board an update to the Kensington Park Restroom, discuss bid documents and drawings, and request that the Board approve moving forward with the bidding process. Board Action.
3. General Manager and Chief of Police Employment Agreement- Extension Contract, to be presented to, accepted, and signed by General Manger/ Chief of Police Greg Harman. Board Action.

### DISTRICT - NEW BUSINESS

1. General Manager Greg Harman will present to the Board for possible approval the proposed Kensington Police Protection & Community Services District Resolution 2010-11, approving the proposed Supplemental Law Enforcement Services Funds (COPS) for Fiscal Year 2010/2011. Board Action.
2. General Manager Greg Harman will present to the Board for possible approval the proposed Kensington Police Protection & Community Services District Resolution 2010-12, approving a project operating agreement with the East Bay Regional Communications System Authority (EBRCSA) and authoring the execution and implementation of same. Board Action.

### 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 10 DAYS BEFORE THE MEETING. REQUESTS SHOULD BE SENT TO:

District General Manager Greg Harman will present to the Board for review and possible approval General Manager Gregory E. Harman, COMMUNITY SERVICES DISTRICT, 217 ARLINGTON AVE., KENSINGTON, CA 94707

POSTED: Public Safety Building-Colusa Food-Library-Arlington Kiosk- and at [www.kensingtoncalifornia.org](http://www.kensingtoncalifornia.org)

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

## CONSENT CALENDAR

- Minutes of the Regular Meeting August 12, 2010
- Profit & Loss Budget Performance for August 12, 2010
- Variance Report August 2010
- Board Member Reports
- Correspondence
- Police Department Update
- Monthly Calendar
- Recreation Report-Not received
- General Manager Update

# KENSINGTON POLICE PROTECTION & COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS

## Meeting Minutes for 08/12/2010

### AGENDA

A Regular meeting of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday August 12, 2010, 6:30 PM , at the Community Center, 59 Arlington Avenue, Kensington, California.

The board entered into Open Session at 6:30 PM.

### ATTENDEES

Elected Members	Guests/Presenters:	
Charles Toombs, President	Lynn Wolter	John Wolter
John Stein, Vice President	Joan Gallegos	Anthony Knight
Bill Wright, Director	Joel Koosed	Sergeant Rickey Hull
Patricia M. McLaughlin, Director	Officer Eric Stegman	Officer Juan Ramos
	Officer Doug Wilson	Officer Kevin Hui
	Tony Lloyd	Detective Keith Barrow
	Linda Lipscomb	Vida Dorroh
<b>Staff Members</b>	Kim Zvik	Paul Dorroh
	Nicki Kaiser	Jael Myrick
Gregory E. Harman, General Manager/ Chief of Police	Catherine DeNergaard	Mark Chekal-Bain
Stephanie Fries, District Secretary		

**ANNOUNCEMENTS:** None

### PUBLIC COMMENTS

Catherine DeNergaard, resident, commented that she is unhappy about the Southern gates of the Kensington School being closed. The principal of the school noted that school safety was a top priority and gates will be closed if needed for safety reason, but Ms. DeNergaard would like non-discriminatory access to the school. Ms. DeNergaard also commented that one of her neighbors is distressed due to a drainage pipe that is believed to be draining water underneath her property.

Joan Gallegos, resident, asked the Board if and Board Members will be attending the 2010 CSDA Conference. Ms. Gallegos also commented that she would like General Manager / Chief of Police Gregory Harman to provide a list of Board Members who are in compliance with AB1234 Ethics Training requirements.

### BOARD COMMENTS

President Toombs noted that tonight will be the last Board meeting that District Secretary Stephanie Fries will be attending and August 13 will be her last day in the office.

# KENSINGTON POLICE PROTECTION & COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS

## STAFF COMMENTS

General Manager / Chief of Police Gregory Harman commented that the District purchased a solar radar speed sign and we are hoping to get the County to install it soon.

General Manager / Chief of Police Gregory Harman gave an update on the ongoing traffic issues in various areas of Kensington and the efforts to remedy these issues.

The board entered into Closed Session at 6:47 PM to discuss:

**CLOSED SESSION #1 - NO ACTION - The Board will enter into closed session to discuss the following:  
Pursuant to California Government Code Section 54957.6**

### **Conference with Labor Negotiators**

**Agency Designated Representatives: Chuck Toombs and Bill Wright  
Employee Organization: Kensington Police Officers Association.  
Possible Board Action.**

The board entered into Open Session at 7:10 PM

## CONSENT CALENDAR

Director Wright pulls items A, C, & J from the Consent Calendar.

Lynn Wolter, resident, commented that she was listed as being in attendance at the July 8, 2010 meeting when, in fact, she was not.

Director Wright noted that the \$120,000 listed in account 521-R should be in 2009/2010.

**MOTION: The Board moves to adopt the Consent Calendar as amended.**

**AYES: Toombs, Wright, McLaughlin, Stein**

**NOES: 0**

**ABSENT: Kosel**

**NEW BUSINESS #1 - General Manager Greg Harman will present to the Board for possible approval the proposed Kensington Police Protection & Community Services District Resolution 2010-09, Establishing the Appropriations Limit Applicable to the District during Fiscal Year 2010-2011 as \$3,305,662.**

General Manager / Chief of Police Gregory Harman gave a summary and detailed explanation of the appropriations limit for 2010/2011.

## BOARD COMMENTS

Director Wright asked for clarification of what the appropriations limit is.

*Kensington Police Protection and Community Services District – Board of Directors Meeting - 08/12/2010*

# KENSINGTON POLICE PROTECTION & COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS

Director McLaughlin explained that voters are given an opportunity to cap how much the District can spend and they have come up with \$3,300,000.00.

## -NO PUBLIC COMMENTS-

**MOTION: The Board moves to approve Resolution 2010-09**

**AYES: Toombs, Wright, McLaughlin, Stein      NOES: 0      ABSENT: Kosel**

**NEW BUSINESS #2 - General Manager Greg Harman will present to the Board for possible approval the proposed Kensington Police Protection & Community Services District Resolution 2010-10, Delegation of Authority to Request Disbursements of the CalPERS OPEB Program.**

General Manager / Chief of Police Gregory Harman gave a summary and detailed explanation of Resolution 2010-10, noting that the resolution identifies two parties, the Board President and the Chief of Police, who are authorized to request disbursements of the CalPERS OPEB program.

## -NO BOARD COMMENTS-

## -NO PUBLIC COMMENTS-

**MOTION: The Board moves to approve Resolution 2010-10**

**AYES: Toombs, Wright, McLaughlin, Stein      NOES: 0      ABSENT: Kosel**

**NEW BUSINESS #3 - NO ACTION - General Manager Greg Harman will present to the Board for review and possible approval a request from Bay View Refuse & Recycling Services, a 4.1% increase in Bay View's rates for refuse, recycling, and green waste collection for the period September 1 through December 31, 2010, based on alleged extraordinary events pursuant to the Franchise Agreement.**

The Board skips New Business #3 because Bay View Refuse has requested time to meet with General Manager / Chief of Police Gregory Harman prior to having this as an Agenda Item.

**NEW BUSINESS #4 - Local municipalities and special districts here in Assembly District 14 are being asked to endorse what is known as the California Jobs Budget. This is an alternative budget to that being proposed by the Governor. The California Jobs Budget is proposed by the Assembly Speaker, John A. Perez and the Chair of the Assembly Budget Committee, Bob Blumenfield. The full text of the budget summary is attached. One section reads: "Repays \$931 million to Cities, Counties, and Special Districts. The California Jobs Budget protects thousands of police, fire, and other local community jobs by repaying \$931 million owed to local governments for past mandates. This provides local governments with \$931 million in discretionary funds to assist their budget challenges and avoid layoffs to critical public service jobs." We have been told by Assemblymember Skinner's office that Kensington will receive \$8,322 under this repayment program.**

# KENSINGTON POLICE PROTECTION & COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS

Director Wright gives a summary of the proposed agenda item and introduces Jael Myrick and Mark Chekal-Bain of Assemblymember Skinners' office.

Jael Myrick and Mark Chekal-Bain of Assemblymember Skinner's office gave a detailed summary of the California Jobs Budget and the benefits of endorsing this budget.

Vice President Stein asked where all of the funds will be coming from.

Jael Myrick and Mark Chekal-Bain noted budget cuts and additional taxes being implemented that would fund the proposed budget.

## BOARD COMMENTS

President Toombs noted that this is a request for endorsement by KPPCSD.

## PUBLIC COMMENTS

Kim Zvik, resident, inquired about the bottle bill. Mark Chekal-Bain indicated that they would not be borrowing against it and that the bottle bill has changed.

Linda Lipscomb, resident, asked if there is a projected outcome for the average taxpayer.

Mark Chekal-Bain indicated that only the first \$43,000 of income would be affected.

Paul Dorroh, resident, commented that the net effect of personal income tax increases and the sales tax decrease would be neutral and asks for itemization.

John Wolter, resident, commented that he would like Assemblymember Skinner's representatives to go back to the Assembly and tell them to stop spending.

**MOTION: The Board moves to approve Resolution 2010-11**

**AYES: Toombs, Wright      NOES: McLaughlin, Stein      ABSENT: Kosel**

**MOTION: The Board moves to adjourn the meeting at 8:00 pm.**

**AYES: Toombs, Wright, McLaughlin, Stein      NOES: 0      ABSENT: 0**

**UNAUDITED**

**KPPCSD**  
**Profit & Loss Budget Performance**  
August 2010

	<u>Aug 10</u>	<u>Budget</u>	<u>% of Budget</u>
<b>Ordinary Income/Expense</b>			
<b>Income</b>			
<b>400 · Police Activities Revenue</b>			
401 · Levy Tax	0.00		
410 · Police Fees/Service Charges	0.00		
415 · Grants-Police	0.00		
418 · Misc Police Income	0.00		
400 · Police Activities Revenue - Other	0.00		
<b>Total 400 · Police Activities Revenue</b>	<u>0.00</u>		
<b>420 · Park/Rec Activities Revenue</b>			
427 · Community Center Revenue	0.00		
428 · Building E Revenue	0.00		
438 · Misc Park/Rec Rev	0.00		
<b>Total 420 · Park/Rec Activities Revenue</b>	<u>0.00</u>		
<b>Total Income</b>	0.00		
<b>Expense</b>			
<b>500 · Police Sal &amp; Ben</b>			
502 · Salary - Officers	75,688.16		
504 · Compensated Absences	0.00		
506 · Overtime	708.29		
508 · Salary - Non-Sworn	929.50		
516 · Uniform Allowance	666.60		
521-A · Medical/Vision/Dental-Active	24,038.91		
521-R · Medical/Vision/Dental-Retired	0.00		
522 · Insurance - Police	657.31		
523 · Social Security/Medicare	1,041.02		
524 · Social Security - District	190.77		
527 · PERS - District Portion	21,321.34		
528 · PERS - Officers Portion	6,871.92		
<b>Total 500 · Police Sal &amp; Ben</b>	<u>132,113.82</u>		
<b>550 · Other Police Expenses</b>			
552 · Expendable Police Supplies	0.00		
553 · Range/Ammunition Supplies	115.94		
562 · Vehicle Operation	4,580.56		
564 · Communications (RPD)	0.00		
568 · Prisoner/Case Exp./Booking	600.23		
570 · Training	926.00		
572 · Recruiting	950.00		
576 · Misc. Meals & Travel	0.00		
580 · Utilities - Police	796.59		
582 · Expendable Office Supplies	57.50		

KPPCSD  
**Profit & Loss Budget Performance**  
August 2010

	<u>Aug 10</u>	<u>Budget</u>	<u>% of Budget</u>
588 · Telephone(+Rich. Line)	684.75		
590 · Housekeeping	369.38		
594 · Community Policing	81.50		
596 · WEST-NET/CAL I.D.	4,656.00		
598 · COPS Special Fund	2,147.67		
<b>Total 550 · Other Police Expenses</b>	<u>15,966.12</u>		
600 · Park/Rec Sal & Ben			
601 · Park & Rec Administrator	309.75		
602 · Custodian	1,750.00		
623 · Social Security/Medicare - Dist	23.70		
<b>Total 600 · Park/Rec Sal &amp; Ben</b>	<u>2,083.45</u>		
635 · Park/Recreation Expenses			
640 · Community Center Expenses			
642 · Utilities-Community Center	0.00		
<b>Total 640 · Community Center Expenses</b>	<u>0.00</u>		
660 · Annex Expenses			
662 · Utilities - Annex	24.82		
<b>Total 660 · Annex Expenses</b>	<u>24.82</u>		
672 · Kensington Park O&M	2,462.26		
<b>Total 635 · Park/Recreation Expenses</b>	<u>2,487.08</u>		
800 · District Expenses			
810 · Computer Maintenance	2,714.00		
820 · Cannon Copier Contract	326.63		
830 · Legal (District/Personnel)	10,891.54		
840 · Accounting	7,350.00		
870 · County Expenditures	757.50		
898 · Misc. Expenses/Lobbyist	10.00		
<b>Total 800 · District Expenses</b>	<u>22,049.67</u>		
950 · Capital Outlay			
972 · Park Buildings Improvement	208.60		
<b>Total 950 · Capital Outlay</b>	<u>208.60</u>		
<b>Total Expense</b>	<u>174,908.74</u>		



# Memorandum

Kensington Police Department



**To:** KPPCSD Board of Directors

APPROVED      YES      NO

**From:** Gregory E. Harman, General Manager/Chief of Police

\_\_\_\_\_  
     

**Date:** Thursday, September 02, 2010

FORWARDED TO:  
\_\_\_\_\_

**Subject:** August 2010 Unaudited Profit & Loss Variance Report

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Unfortunately, with our current staffing issue, I have not been able to update the Profit & Loss Budget Performance Statement with the current 2010/2011 Budget figures. I hope to have the 2010/2011 Budget figures entered this month.

The following are the most significant unaudited budget variances for the month:

- |                       |  |
|-----------------------|--|
| 562 Vehicle Operation | The \$4,580.56 expensed is high for the month due to \$1,890 in vehicle maintenance on four patrol vehicles for the months of July and August.                                 |
| 596 West Net/ Cal ID  | The \$4,656 expensed this month was our yearly Cal ID fee.   |
| 598 COPS Special Fund | The \$2,147.67 expensed was for Andrea DiNapoli's salary this month and should not be expensed here. We will need to correct and charge this amount to 508 Salaries Non-Sworn. |

Greg Harman  
General Manager

# August 2010 Police Department Report

September 2, 2010

- Department Personnel

Sergeant Khan is currently on Workman's Comp medical leave.

We are in the background process with two new reserve officer candidates. If both pass their backgrounds, we will have a total of seven reserve officers in the department.

- Commendations and Correspondence- None to report this month

- Investigation of Alleged Misconduct

- Department Investigation #09-06 was initiated on December 24th on an allegation that an officer was rude during a disturbance call for service. The investigation was being conducted by Sergeant Khan but has now been reassigned to Sergeant Hull. The subject officer's interview is pending.

- 9-1-1 / Richmond Communication Center Information.

- The Ring Time Report for August has not been received as of this date and will be part of next month's report.

- Communication Center Service Complaints

- No complaints received this month however, ***this is a good time to remind everyone that for police non-emergencies, you need to contact the dispatch center at "236-0474" and not the KPPCSD business line of 526-4141.*** The KPPCSD business line is only monitored 6 hours a day during the week and should not be used to report police matters. Doing so, only delays the police response time, so please dial Dispatch direct.

- Community Networking

- On 08-02-10, National Night Out, please see last month's report for details.
- On 08-09-10, Chief Harman and Officer Wilson attended the

#### Kensington Public Safety Council Meeting.

- On 08-24-10, Officers Barrow, Stegman, and Hui participated in the "Walk to School Day" which officially opened the first day of school.
- Later on 08-24-10, Chief Harman participated along with Jerry Fahy from the County's Public Works Division, in a meeting with residents of the Colusa Circle area to discuss traffic concerns in the area.
- On 08-25-10, Chief Harman attended the Contra Costa County Police Chief's Association meeting in Martinez.
- On 08-26-10, Chief Harman participated as an evaluator in the "Police Organization & management" course at California State University East Bay.
- On 08-29-10, Officer Hui attended the Beloit Avenue block party.
- On 08-31-10, Chief Harman attended the KMAC meeting.
- Community Criminal Activity
  - This section of the report has been prepared by the Watch Commanders reporting on their areas of responsibility.
- Watch Commander Reports
  - **Officer Stegman Team 1**

#### **Significant Cases and Events**

10-3568- On 8/1/10 at 2042 hours, on the 00 block of Edwin Dr., Officers Wilson and Tyler took a report of vandalism to a vehicle.

10-3683/ 10-3684- On 8/8/10 at 0738 hours, on the 200 block of Yale Ave., Officers Colon and Stegman took reports of stolen license plates and recovery of license plates. A license plate from a car in Hercules was found on a Kensington resident's car, and the Kensington resident's plates were found on a car in El Cerrito.

10-3706- On 8/9/10 at 1257 hours, on the 200 block of Arlington Ave, Officer Hui took a found property report where a resident found an abandoned duffel bag on the street.

10-3707- On 8/9/10 at 1320 hours, on the 00 block of Highland Blvd, Officer Hui

detained a resident for a mental health evaluation.

10-3726- On 8/10/10 at 1259 hours, on the 200 block of Highland Blvd, Officer Hui took a burglary report. The items taken were primarily miscellaneous coins.

10-3848- On 8/15/10 at 0927 hours, at the intersection of Beverly Rd. and Stratford Rd., Officers Colon and Stegman took a vandalism report. The vandalism consisted of graffiti on street signs.

10-3849- On 8/15/10 at 0932 hours, at the intersection of Oberlin Ave, and Arlington Ave., Officers Colon and Stegman took a vandalism report. The vandalism consisted of graffiti on street signs and PG&E poles.

10-3889- On 8/16/10 at 1817 hours, on the 100 block of York Ave, Officer Hui took an identity theft report, where the victim's credit card was being fraudulently used.

10-3913- On 8/17/10 at 1502 hours, on the unit block of Lawson Rd, Officer Stegman took a found property report. The found property was drug paraphernalia.

10-4098- On 8/22/10 at 1036 hours, on the unit block of Rincon Rd, Officer Hui took a forgery report. The resident reported receiving a forged check.

10-4236- On 8/29/10 at 1026 hours, on the 700 block of Coventry Rd., Officers Colon and Stegman took a theft report, where a purse was stolen from a vehicle with its windows down.

10-4246- On 8/29/10 at 0913 hours, on the unit block of Arlmont Dr, Officer Wilson located a reported run away juvenile and took her home.

10-4253- On 8/30/10 at 0913 hours, on the unit block of Arlington Ct., Officer Stegman took a found property report.

10-4254- On 8/30/10 at 0936 hours, on the 1500 block of Oakview Ave., Officer Stegman took a report of an attempted auto burglary. No loss was reported but there was damage to the vehicle.

From 8/18/ 10 to 8/20/10 Officer Stegman testified in a DUI trial from 2009. The defendant was convicted of DUI and is scheduled to be sentenced.

### **Collateral duties**

On 8/3/10, National Night Out was a huge success. There were a total of 17 block parties at different locations around the District, which KPD officers attended. This was the largest National Night Out in the history of Kensington,

which was organized by Officer Wilson.

Officer Hui attended the Aries meeting on August 5<sup>th</sup> as the representative from KPD.

On 8/9/10 Officer Wilson attended the KPSC (Kensington Public Safety Council) meeting.

Officer Stegman qualified Officers Barrow and Hui with new on-duty, and off-duty weapons.

### Summary

This month KPD responded along with KFD to several reports of structure fires at residences. All such events turned out to be Stege Sanitary conducting smoke testing on many of the sanitary pipes throughout the District. In all of these cases scented smoke made its way into a leaking line, inside resident's homes. It is apparently not a well know fact that when smoke testing is done, the smoke may make it into your home if there is a leak in your pipes.

### Team Statistics

Officer:	Stegman K32 (0600- 1600)	Wilson K38 (2000-0600)	Hui K42 (1100-2100)
Days Worked	20	18	18
Traffic Stops	19	4	28
Moving Citations	3	1	29
Parking Citations	2	1	0
Vacation/Security Chks	42	88	140
Field Interviews	4	0	5
Cases	6	1	3
Self Initiated Cases	2	0	0
Arrests	0	0	0
Calls for Service	37	18	29

.. Sergeant Hull Team 2

### TEAM STATISTICS

Officer:	Martinez (K31) (0600-1800)	Medina (K35) (1800-0600)	Ramos (K41) (0730-1730)
Days Worked	11	15	15
Traffic Stops	32	3	57
Moving Citations	6	0	36
Parking Citations	2	1	2

<b>Vacation/Security Checks</b>	<b>27</b>	<b>73</b>	<b>22</b>
<b>FI-Field Interview Cases</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Self Initiated Cases</b>	<b>3</b>	<b>1</b>	<b>1</b>
<b>Arrests</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Calls for Service</b>	<b>27</b>	<b>2</b>	<b>3</b>
		<b>27</b>	<b>27</b>

**SIGNIFICANT EVENTS:**

- 2010-3642 – On 8-5-2010, Officer Ramos took a report of vandalism to a vehicle in the 100 block of Ardmore Road.
- 2010-3646 – On 8-5-2010, Officer Ramos took a report of theft from a vehicle in the 100 block of Kenyon Avenue.
- 2010-3662 – On 8-6-2010, Officer Ramos took a report of displaying an imitation firearm in public, discharging a firearm with negligence, and trespassing. Three juvenile suspects were located and identified. The report will be forwarded to the Juvenile Probation Department.
- 2010-3804 – On 8-13-2010, Officer Martinez took a found property report of a watch that was found in the unit block of Arlington Avenue.
- 2010-4018 – On 8-19-2010, Officer Medina took a report of vandalism to vehicles in the 100 block of Purdue Avenue. Three juvenile suspects were located and identified.
- 2010-4044 – On 8-21-2010, Officer Martinez took a non-injury vehicle accident in the unit block of Rincon Road.

**BRIEFING/TRAINING:**

- KPD members have been given access to the California Police Officer Standards and Training website to enhance and supplement Continued Professional Training and Perishable Skills updates via the P.O.S.T. website.
- Officer Ramos attended Property and Evidence Room Management training.
- Sgt. Hull completed Tactical Communications update.
- Sgt. Hull completed Law Enforcement Response to Terrorism update.
- Reviewed June 2010 Case Law pamphlet about Arson.
- Reviewed KPD Policy 1012 – Alcohol and Drug Use Policy.
- Reviewed KPD Policy 1014 – Sick Leave Reporting.
- Reviewed June 2010 Case Law pamphlet about the use of the Taser.

- Completed the June 2010 Case Law DVD.
- Reviewed KPD Policy 1016 – Communicable Diseases.
- Reviewed KPD Policy 1018 – Smoking Policy.
- Reviewed KPD Policy 1020 – Personnel Complaint Procedure.
- Reviewed KPD Policy 1024 – Body Armor.

SERGEANT'S SUMMARY:

Members of the Kensington Police Department continue to take on more responsibility now than ever since we are currently operating without a District Secretary in addition to missing one front line supervisor.

I again would like to recognize the job well done by the Kensington police officers and civilians. We all play a part in keeping the District functioning and keeping the residents and their property safe in addition to maintaining collateral duties.

I want to recognize a job well done by Officer Wilson who once again organized a successful National Night Out.

Congratulation to both Officers Medina and Ramos for the successful conclusion of their crime cases where suspects were located and identified while conducting the preliminary investigations.

•• **Detective Keith Barrow**

SIGNIFICANT EVENTS:

2010-3613 Arrest of wanted person.

On 08-03-10, Oakland Police Detectives, Oakland/FBI Fugitive Task Force and I served an arrest warrant in the amount of \$215,000.00 for a wanted person stemming from a Kensington Police Department case out of Alameda County. The suspect had been arrested for numerous charges in Contra Costa and Alameda Counties last year. The suspect had been sentenced in Contra Costa County but had not stood trial in Alameda County as of yet. Alameda County had issued a warrant for the suspect's arrest but a clerk had not entered the warrant into the system correctly. Upon the suspect's release on 07-16-10 from Contra Costa County he was not held for the warrant in Alameda County. I telephoned the Alameda County District Attorneys Office and was able to have the warrant correctly entered. The suspect was held to answer for no less then five counts of a felon in possession of firearms. He was also charged with possession of stolen property and other criminal charges.

KPD INVESTIGATIONS INFORMATION:

2010-3506, 3507, 3508 and 3509 Auto Burglary.

On 07-30-10, four residents of Kensington were the victims of auto burglaries. All four vehicles had side windows smashed and items taken. The burglaries occurred sometime during the hours of 06:00PM on 07-29-10 and 07:10AM on 07-30-10.

2010-3491 Identity Theft.

Officer Martinez took a report of an identity theft and was able to identify a person of interest that lives in North Richmond. We conducted a search for the individual and were unable to make contact. I will be conducting a follow up investigation in this case.

2010-2872 Residential Burglary.

Items taken from an unlocked downstairs room with a door leading to the rear yard. This case will be investigated.

2010-2712 Residential Burglary.

This case is under investigation.

2010-2701 Arrest of forgery suspect.

**This case will be filed with the Alameda District Attorneys Office.**

2010-2695 Residential Burglary.

This case is under investigation.

2010-2199 Arrest of forgery suspect.

**This case will be filed with the Alameda District Attorneys Office.**

2010-2050 Hit and Run Vehicle Accident.

The suspect vehicle hit two Kensington Police Officers personal vehicles. **This case was filed with the Contra Costa County District Attorneys Office.**

2010-1560 Residential Burglary and two vehicles were also stolen.

**This case has been filed with the Contra Costa County District Attorney.**

2010-1457 Hit and Run Vehicle Accident.

A vehicle left the roadway and struck an AT&T phone box and two parked vehicles. **Charges have been filed in this case.**

2010-1067 Residential Burglary.

**Due to the hard work and professionalism of Officers Wilson, Ramos and Chief Harman the second suspect in this case has opted not to go to trial and pled guilty. He was sentenced to four years in state prison. Great Job.**



2009-3190 Residential Burglary.

**The suspect has pled guilty in Contra Costa County Court for this Residential Burglary. The suspect has received two years in a state prison. On 08-23-10 the suspect pled guilty in Alameda County and will receive 16 months state prison. This case is closed with no further action to be taken.**

#### KPD INVESTIGATIONS

- Made several court runs for filling cases, and citation drop off's.
- Updated the KPD residential burglary log.
- Updated the KPD stolen vehicle log.

#### WEST-NET ASIGNMENT:

I am currently assigned to the West Contra Costa County Narcotic Enforcement Team (West-NET) one day per week.

While on this assignment I work with other West Contra Costa County law enforcement Officers and agencies. I participate and aid in the service of search warrants, surveillance and on going narcotics investigations.

I have been assigned the task of locating fugitives or wanted persons in connection with West-NET cases. To date I have been able to locate several individuals out of state and I will be consulting with the Contra Costa DA for further action.

#### INVESTIGATORS SUMMARY:

In the month of August the District of Kensington sustained 1 identity theft, 2 non-injury vehicle accident and 0 Hit and Run Vehicle Accidents, 0 Injury Hit and Run Accidents, 0 Injury Accidents, 2 Residential Burglaries, 1 Attempted Residential Burglaries, 0 Commercial Burglary, 0 Auto Burglaries, 2 Theft from unlocked vehicle, 0 Stolen Vehicle, 2 Petty Theft, 4 Vandalisms, 0 Embezzlement, 1 Forgery, 0 Attempted Grand Thefts and 0 Grand Thefts.

#### **•• Chief Harman**

What is the number one concern among Kensington residents in regards to law enforcement issues in the community?

#### **Traffic and Parking**

I am currently meeting with residents in the areas of Colusa Circle, the unit block of Arlington, the Norwood and Arlington Court area, Kenilworth, Highland,

Franciscan, and the area of the Hilltop School to find solutions to their issues. The following is a summary of where we are at and the steps that we are taking:

Colusa Circle: I am working with residents and the County to reduce speeding and illegally parked vehicles in the area. We are currently waiting for a new traffic survey to be completed and new red zones to be painted.

Unit block of the Arlington: Long term issue of speeding vehicles had resulted in several meetings with residents and County officials to identify solutions. Improvements have included parking restrictions, new signage and street markings, and the purchase of a solar powered radar speed sign that we are awaiting for the County to install.

Norwood & Arlington Court: Working with residents to identify solutions to speeding vehicles in the area, warrant check has been completed and I will be working with the County to identify possible advisory markings that could be installed.

Franciscan: Long term issue of speeding vehicles however; the County has lowered speed advisory and improved street markings and signage.

Highland: Long term parking issue that is more of a neighbors not getting along issue than a parking issue. I continue to try and meet with those residents to maintain harmony in the area.

Kenilworth: Recent complaints regarding parking and vehicles being parked over 72 hours. The first neighborhood meeting is scheduled for September 7<sup>th</sup> in an attempt to mediate the issues.

Hilltop School: We continue to work with school officials, parents, and residents to improve traffic safety around the school. This has included the changing of the cycling of the traffic light to provide drivers more time to stop and improved pedestrian crossing markings.

What is one common solution to all of the listed issues involving traffic and parking?

### **Enforcement**

We received a Traffic Safety Evaluation from the UC Berkeley Institute of Transportation Studies that was completed in March of this year at no cost to our District. The number one traffic safety improvement that was suggested for Kensington was the adoption of a "Zero Tolerance Policy" for traffic enforcement.

A "Zero Tolerance Policy" means that every traffic violator, whether it is a moving violation or a parking violation, will receive a citation for that violation. Kensington

drivers have historically believed that if they were stopped for a moving traffic violation, or committed a parking violation, they would receive a warning and not a citation from Kensington police officers.

The goal of a "Zero Tolerance Policy" is to inform and gain the agreement of police officers, District representatives, the community, and the media to support the program. The policy results in drivers being very careful to obey the traffic and parking laws when traveling and parking throughout the community.

With the hiring of our 10<sup>th</sup> officer, Officer Kevin Hui in April with our COPS Grant money, we have assigned Officer Juan "Manny" Ramos as our "Traffic Officer". Officer Ramos' main assignment since June has been traffic and parking enforcement. I have also instructed all of our officers that we are all increasing our traffic enforcement activities and we are all moving towards a "Zero Tolerance Policy" of enforcement with the start of the new school year.

We are in the education phase of our "Zero Tolerance Policy" at this time.

As we move into the month of September, you will see an increase in traffic enforcement activity with the single goal of making vehicle traffic, bicyclists, and pedestrians, safer in our community.

On Saturday, September 25<sup>th</sup>, between the hours of 10:00 AM and 2:00 PM, we will participate in the first "National Drug Take Back Event" sponsored by the U.S. Department of Justice Drug Enforcement Administration. Please bring your unwanted prescription drugs to the Public Safety Building Lobby, 217 Arlington Avenue, Kensington, for safe collection and disposal.



## *Fact Sheet*

August 2010

# **Prescription Drug Abuse -- a DEA Focus --**

- In 2008, there were 6.2 million Americans aged 12 years and older who abused \*prescription drugs for non-medical purposes within the past month – more than the number of people who are abusing cocaine, heroin, hallucinogens, and inhalants, combined.
- In 2008, on average, 5,965 persons per day abused prescription pain relievers for the first time. The total number of individuals that initiated with any controlled substance pharmaceutical (pain relievers, tranquilizers, stimulants, and sedatives) for the first time exceeded the number of individuals that abused marijuana for the first time.<sup>1</sup>
- Every day, on average, 2,500 teens use prescription drugs to get high for the first time.
- 1 in 7 teens admit to abusing prescription drugs to get high in the past year. Sixty percent of teens who abused prescription pain relievers did so before the age of 15.
- Fifty-six percent of teens believe that prescription drugs are easier to get than illicit drugs.
- 2 in 5 teens believe that prescription drugs are “much safer” than illegal drugs. And 3 in 10 teens believe that prescription pain relievers are not addictive.
- Sixty-three percent of teens believe that prescription drugs are easy to get from friends’ and family’s medicine cabinet.
- According to the Center for Disease Control, prescription drugs, including opioids and antidepressants, are responsible for more overdose deaths than “street drugs” such as cocaine, heroin, and amphetamines.
- DEA works closely with the medical community to help them recognize drug abuse and signs of diversion, and relies on their input and due diligence to combat diversion. Unfortunately, egregious drug violations by practitioners do sometimes occur – fortunately doctor involvement in illegal drug activity is rare. When violations do occur, DEA will pursue criminal, civil, and administrative actions against such practitioners as warranted.

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<sup>1</sup> According to the 2008 National Survey on Drug Use and Health, released in 2009, the total number of new initiates using pain relievers, tranquilizers, stimulants, and sedatives was 2,512,000 and those initiating with marijuana was 2,178,000.



## ***Backgrounder***

August 2010

# DEA and Diversion: What You Should Know

### What is the DEA Diversion Control Program?

#### **The Drug Enforcement Administration (DEA) Office of Diversion Control:**

- Has a specialized workforce focused exclusively on diversion and the laws and regulations of prescription drugs established through the Controlled Substances Act (CSA).
- Enforces the laws and regulations relating to the CSA, and regulates those who are registered to handle prescription drugs.
- Maintains an in-depth knowledge of the entire supply chain from importation, through production, to distribution of prescription drugs in the legitimate pharmaceutical market.

### What is the Problem?

The diversion of pharmaceuticals is a growing problem in the United States, and the DEA is doing its part to respond to this threat, which includes the national takeback program scheduled to take place across America on Saturday, September 25<sup>th</sup>, 2010.

#### Quick Facts:

- Unintentional overdose deaths involving prescription opioids increased 175 percent between 2001 (3,944) and 2006 (11,001), the most recent year data is available.
- In 2008, there were 6.2 million Americans aged 12 years and older who abused prescription drugs\* for non-medical purposes within the past month – more than the number of people who are abusing cocaine, heroin, hallucinogens, and inhalants, *combined*.
- The economic costs of diversion and abuse of prescription drugs is steep. For example, the estimated cost to public and private medical insurers is \$72.5 billion a year.
- Prescription drug diversion often involves individuals who doctor-shop or forge prescriptions and unscrupulous physicians and pharmacists. It also has traditionally flourished over the Internet. However, it is estimated that up to 62 percent of teens get prescription medicines for non-medical use from family and friends homes and medicine cabinets.

\*Prescription drugs refer to controlled substance pharmaceuticals controlled under federal law and enforced by the DEA.

### What Else is DEA Doing About Diversion?

- **Nearly doubling the number of Special Agents assigned to diversion investigations** over the past two years, with additional Special Agents, Diversion Investigators and other prescription drug resources planned for FY 2011.
- **Establishing Additional Tactical Diversion Squads** made up of Special Agents, Diversion Investigators, state and local police officers, and other federal agencies. This task force concept has proven effective in taking on prescription drug traffickers around the country.
- **Using the tools given to DEA by Congress.** This includes the use of criminal prosecution, civil suits, and administrative actions against those who divert prescription drugs. For example:
  - Taking civil and administrative actions against manufacturers, distributors and retailers of prescription drugs who violate the CSA or its implementing regulations. In 2008, DEA took action against two large distributors that resulted in record-breaking civil fines.
  - Implementing The Ryan Haight Online Pharmacy Consumer Protection Act. This act makes it harder for cyber-criminals to illegally sell prescription drugs via the Internet and easier to prosecute them when they are caught.
  - Supporting the passage of legislation that will give the Attorney General and DEA the authority to authorize the "take back" of unused, unwanted, or expired controlled substance medications for proper disposal.
- **Developing important resources** to help explain the dangers of prescription drug abuse. This includes the websites GetSmartAboutDrugs.com for parents and JustThinkTwice.com for teens; a prescription drug guide "Prescription for Disaster: How Teens Abuse Medicine"; and the DEA traveling exhibit *Target America: Opening Eyes to the Damage Drugs Cause* which has been seen by nearly 10 million visitors. It opens in Tampa, Florida next spring.

*For Additional Information:*

For an electronic copy of the *2010 National Prescription Drug Threat Assessment* please go to the National Drug Intelligence Center at [www.usdoj.gov/ndic/](http://www.usdoj.gov/ndic/).

For more information on DEA's enforcement actions and DEA in the news, please go to [www.dea.gov](http://www.dea.gov) or [www.deaiversion.usdoj.gov](http://www.deaiversion.usdoj.gov).

# September 2010

October 2010

September 2010

S	M	T	W	T	F	S	S	M	T	W	T	F	S
5	6	7	8	9	10	11	3	4	5	6	7	8	9
12	13	14	15	16	17	18	10	11	12	13	14	15	16
19	20	21	22	23	24	25	17	18	19	20	21	22	23
26	27	28	29	30			24	25	26	27	28	29	30
							31						

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Aug 29	30	31	Sep 1	2	3	4
Aug 29 - Sep 4				7:30pm EBC; CC3		2:00pm CCRental
5	6	7	8	9	10	11
	7:00pm KCC; CCM		6:30pm Fall KASEP	7:00pm GPFF; CCM 7:00pm KPPCSD, CC3		
12	13	14	15	16	17	18
	7:30pm KARO; CC3			7:30pm EBC; CC3		12:00pm CCRental; G
19	20	21	22	23	24	25
	8:00am KCC CLASSE					
26	27	28	29	30	Oct 1	2
Sep 26 - Oct 2	7:30pm KIC; CC3	7:30pm KMAC, CC3				

# October 2010

October 2010

November 2010

S	M	T	W	T	F	S
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Sep 26	27	28	29	30	Oct 1	2
						9:30am KIC; CCM 5:00pm Kensington N
3	4	5	6	7	8	9
	7:00pm KCC; CCM			7:30pm EBC; CC3		9:00am KP9A; CCM
10	11	12	13	14	15	16
	7:30pm KARO; CC3		7:00pm KFD Mitg; CC	7:00pm GPFF; CCM 7:00pm KPPCSD, CC3		9:30am KIC; CCM
17	18	19	20	21	22	23
3:30pm CC Rental; C				7:30pm EBC; CC3		
24	25	26	27	28	29	30
	7:30pm KIC; CC3	7:30pm KMAC, CC3				10:00am CC Rental; CC
31	Nov 1	2	3	4	5	6

9/26 - 10/1

10/3 - 8

10/10 - 15

10/17 - 22

10/24 - 29

10/31 - 11/5



# General Manager August 2010 Report

## Budget

### **COPS Grant**

At the end of August, we were notified that we could submit our request for the 2010/2011 Supplemental Law Enforcement Services Funds (COPS Grant). The \$100,000 grant resolution will be presented to the KPPCSD Board at the September 9<sup>th</sup> Board meeting.

## Kensington Park

### **Park Restroom**

We have put together our specifications for the project and the bidding documents have been prepared and will be going to the KPPCSD Board September 9<sup>th</sup> for approval.

### **Community Center & Annex**

The Park Building Committee's Report will be presented to the KPPCSD Board September 9<sup>th</sup>.

## Emergency Preparedness

We now have the agenda and the minutes of the Public Safety Council posted on the KPPCSD web page for future review.

The next meeting of the Kensington Public Safety Council will take place Monday, September 13<sup>th</sup>, at 6:30 PM at the Community Center Room #3.

Officer Doug Wilson has made arrangements for Pam Grossman, a volunteer with the Office of Emergency Services at the Berkeley Fire Department, to give her presentation on "**Disaster Preparedness**" to the Kensington community on **Thursday, November 4<sup>th</sup>, at 7:30 PM**, in the Community Center Main Room. Pam's presentation to the Columbia Neighborhood Group was excellent and we are very fortunate that she has agreed to present to all of our neighborhood groups and individuals interested in disaster preparedness.

## Other District Items of Interest

### **Traffic**

We received a Traffic Safety Evaluation from the UC Berkeley Institute of Transportation Studies that was completed in March of this year at no cost to our District. The number one traffic safety improvement that was suggested for Kensington was the adoption of a "Zero Tolerance Policy" for traffic enforcement.

A "Zero Tolerance Policy" means that every traffic violator, whether it is a moving violation or a parking violation, will receive a citation for that violation. Kensington drivers have historically believed that if they were stopped for a moving traffic violation, or committed a parking violation, they would receive a warning and not a citation from Kensington police officers.

The goal of a "Zero Tolerance Policy" is to inform and gain the agreement of police officers, District representatives, the community, and the media to support the program. The policy results in drivers being very careful to obey the traffic and parking laws when traveling and parking throughout the community.

With the hiring of our 10<sup>th</sup> officer, Officer Kevin Hui in April with our COPS Grant money, we have assigned Officer Juan "Manny" Ramos as our "Traffic Officer". Officer Ramos' main assignment since June has been traffic and parking enforcement. I have also instructed all of our officers that we are all increasing our traffic enforcement activities and we are all moving towards a "Zero Tolerance Policy" of enforcement with the start of the new school year.

We are in the education phase of our "Zero Tolerance Policy" at this time.

As we move into the month of September, you will see an increase in traffic enforcement activity with the single goal of making vehicle traffic, bicyclists, and pedestrians, safer in our community.

### **Street Sweeping**

Street sweeping began in Kensington in January and will be provided at no cost to Kensington by the Contra Costa County Public Works Department. On the first Friday of every month, the County will sweep the streets of Arlington, Coventry, Ardmore, Edgcroft, Lenox, Kingston, Stratford, Beverly, Berkeley Park, Ocean View, Oak View, and Colusa.

Residents are being asked to help by moving their vehicles, garbage and recycling cans from the street, clearing large debris and obstructions from the gutters, trimming back vegetation along the curb and sidewalk, and not piling leaves or green waste in the roadway.

If we all do our part we can keep Kensington streets clean and help keep pollutants out of our waterways.

### **District Secretary**

We have held three sets of interviews of candidates for the position of District Secretary and have scheduled another set of interviews for September 8<sup>th</sup>. Anyone interested in learning more about the position or would like to submit a resume, please contact me at [gharman@kensingtoncalifornia.org](mailto:gharman@kensingtoncalifornia.org).

**National Drug Take Back Event**

On Saturday, September 25<sup>th</sup>, between the hours of 10:00 AM and 2:00 PM, we will participate in the first “National Drug Take Back Event” sponsored by the U.S. Department of Justice Drug Enforcement Administration. Please bring your unwanted prescription drugs to the Public Safety Building Lobby, 217 Arlington Avenue, Kensington, for safe collection and disposal.

**Website**

The Board packets, monthly reports, and minutes and recordings of the KPPCSD Board Meetings are available for review on our website at:

[www.kensingtoncalifornia.org](http://www.kensingtoncalifornia.org).

## DISTRICT – OLD BUSINESS

1. Vice – President John Stein will present the Board the Ad-Hoc Park Buildings Committee; “Report, Recommended Next Steps, and Options for Possible Action” for the KPPCSD Board to consider regarding the park buildings. Board Action.

TO: KPPCSD Board of Directors

FROM: Director John Stein

DATE: September 9, 2010

SUBJECT: Park Building Committee "Report, Recommended Next Steps, and Options for possible action for the KPPCSD to consider regarding the Park Buildings"

First I want to thank all Ad Hoc Park Building Committee members and community participants.

The committee met on May 5th, June 15th, July 14th, and August 9th. The 1st meeting was spent getting organized, the 2nd meeting hearing a presentation from Bill Stotler, an architect and consultant, the 3rd meeting was to assess what we've learned, identify options, and collectively agree on a general course of action and what to report to the Board, and the 4th meeting reviewing and agreeing on the draft Board report .

Attached are my meeting notes from the first 3 meetings and a "road map" outline developed by Jack Griffith.

Similar to most major issues in Kensington, the community has very strong thoughts regarding the park buildings. And not surprising the committee did not come up with a unanimous approach or specific recommendation. The committee wrestled with many of the same issues that the Board has previously debated. The committee did agree that the park buildings are a major community ASSET that requires significant Board and community support to both maintain them and further develop them.

The committee unanimously agreed to the following:

1. The KPPCSD needs a thorough general building plan/comprehensive needs assessment of the 3 park buildings before any remodeling. This should include identifying past uses and potential future uses so that the community can determine the best uses of the buildings. There are 2 options to proceed...A) option 1 is to have the district (through a park building planning committee) do as much work as possible and identify needed outside expertise to be contracted with on an as needed basis...B) option 2 is to hire a consultant with experience in the entire process who would manage the general building plan/comprehensive needs assessment through construction under the direction of a committee or Board.
2. The ad hoc committee understands the unsustainable financial situation the park is currently in...according to Greg Harman the annual operating expenses of the park are approximately \$120,000 and annual income of \$40-50,000. The committee understands the sense of urgency. It is also hoped that the KCC will continue to foster its role in identifying projects for capital improvement.

The overall suggested process would include, but may not be limited to a thorough needs assessment, including community input, assess conditions of buildings, identify costs and prioritize any work to be done, contracting with appropriate outside expertise (for example: facilitators, architects, event planners, etc), obtain sources of financing, RFP development, contracting for building construction, building permits, etc. Identifying new sources of revenue will be critical to the park's ongoing financial viability. Money for capital improvements and on-going maintenance may come from some or all of the following: additional income from rental of the buildings, a future park tax, WW funds, donations, grants, fundraising, endowments, etc.

The general building plan/comprehensive needs assessment should begin now. The goal would be to complete the assessment and recommendations by early 2011. Major maintenance items and approved capital improvements could begin as soon as the financing has been secured, all legal issues are identified and resolved, and contractors hired.

The Board should consider disbanding the ad hoc committee and allow the community to form a park building planning committee with periodic updates to the Board. This would allow for the work to proceed more efficiently, without restrictions of the Brown Act. This was how the 1st park committee operated, with approval of the District's outside legal counsel. Jack Griffith, Ciara Wood, Andrew Mixer, and Bruce Morrow have volunteered to continue. Lynn Wolter and Andrew Reed are considering. Possible new members could include Lisa Caronna, Melissa Homes, and Italo Calpestri. Should the Board decide to keep the Ad Hoc Committee, the Committee agreed to continue with John as Chair.

In order to proceed the committee is recommending an initial estimated budget of \$20,000. For example: \$10,000 for a facilitator, \$5,000 for an architect, and \$5,000 for misc. expenses such as community mailings. "K" groups should be approached about making contributions to help off-set these expenses.

The committee recommends that the Board approve:

1. Development of a general building plan/comprehensive needs assessment of the 3 park buildings
2. Create a park building planning committee to manage the process
3. Establish an initial estimated budget of \$20,000
4. Commit to completing the process through building(s) remodeling, upgrades and maintenance items, based on securing required financing and identifying new sources of park revenue

Additionally, I want to specifically point out the major options for the Board to consider:

1. Develop a general building plan/comprehensive needs assessment and complete the identified activities or continue to address specific individual building issues as they arise

2. Address the Park's financial situation by finding additional sources of ongoing revenue or asking the community for an additional park tax
3. If a general building plan/comprehensive needs assessment is agreed to, how to proceed? Either coordinated and lead by the board or park building planning committee, or hire outside expertise that would be managed by the Board or park building planning committee
4. Make a decision about how to proceed at the September KPPCSD Board meeting

Lastly, whatever decision the Board makes regarding the park buildings, major milestones and timeframes need to be identified so that all responsible parties are held accountable.

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John Stein

## Appendix:

**Attachment A: Notes of the Park Buildings Committee meetings prepared by John Stein**

**Attachment B: Notes for the first meeting prepared by Greg Harman and sent to the committee members prior the first meeting.**

**Attachment C: "Roadmap" prepared by Jack Griffith**

### Attachment A

#### Notes from the May 5<sup>th</sup> Meeting

Committee members present:

John Stein, Chair

Bruce Morrow

Andrew Reed

Greg Harman

Andrew Mixer

Lynn Wolter

Jack Griffith

Committee members absent:

Cathy Kosel

Guests:

Ciara Woods

1. The board asked the Ad Hoc Committee to meet and report back in 1 month. The Ad Hoc Committee will meet 3 times...May, June, and July...and will then report back to the Board.
2. The Committee's focus is the 3 park buildings only...Building E, the Annex, and the Community Center.
3. The Committee's goal is to recommend options about how to go about developing an integrated facilities/master plan. The Committee agreed that we should take advantage of whatever work has already been done.
4. The May meeting was spent getting organized. Individual thoughts included:
  - a) Have a good process
  - b) Assist the Board in its decision-making
  - c) The work should be important and valuable
  - d) Need to address the Annex issue
  - e) Take advantage of outside expertise
  - f) Develop a phased approach
  - g) Requires community vision and input
5. The Committee agreed to have integrated facilities/master plan consultant(s) present at



the 2nd meeting. Additionally, as time permits, discuss the presentations(s) and if possible discuss detailed specific uses/approaches for the buildings.

### **Notes from the June 15<sup>th</sup> Meeting**

Committee members present:

John Stein, Chair  
Bruce Morrow  
Andrew Reed  
Greg Harman  
Andrew Mixer  
Lynn Wolter  
Jack Griffith

Committee members absent:

Cathy Kosel

Guests:

Ciara Woods  
Megan Rivera  
Bill Stotler-FME Architecture  
Lisa Caronna

1. Bill Stotler of FME Architecture presented.

His thoughts regarding "process":

- a) The Committee needs a vision
- b) Must build community consensus
- c) Is the Annex worth saving?
- d) Board must approve RFP process and hiring of consultant if that is the agreed upon approach

Recommendation of other consultants:

- a) Bill's firm is an architectural firm and thought there might be more appropriate consultants to hire regarding community consensus building
- b) MK Think...community consensus-building consultant
- c) Best Beverage...events consultant

2. Initial thoughts on the 3 buildings:

- a) Did not look at building E
- b) Initial thoughts on Annex...there is no "there there". There are issues regarding layout, structure, access, and bathrooms
- c) Community Center...with remodeling, the building could be an attractive rental property. Remodeling to focus on doors opening out onto the courtyard, movable walls for the smaller rooms, some kitchen upgrades. Bill mentioned that the Brazilian Room rents for \$4,000/event and thought the community center could rent for \$2-5,000/event. He mentioned that there are event professionals who could manage the specific events from A-Z and would be willing to revenue share. We would need to understand the impact of holding events at the community center and the potential revenue to be

produced.

3. Some Ad Hoc members felt that community volunteers could do the process work with the community and the District could hire, rather than contract for, events professionals.

4. Bill's recommendation:

a) Focus on the buildings...using a phased approach...with the community center being Phase I

b) Gain community input and support

c) Understand the Park's overall financial issues

5. 1 option for the Board to consider:

Use outside expertise/professionals. This would entail facilitators for community input, architects, and event consultants. We should attempt to use the architectural plans that the KCC had produced as a starting point. Community input could be obtained in a variety of ways...The Outlook, mailings, town hall meetings, KPPCSD web-site, etc.

This approach would require Board approval for an RFP to be developed, consultants identified, and budget for the project.

6. Park financials: According to General Manager Greg Harman the Park has revenue of approximately \$42-50,000/year, operating expenses of approximately \$120,000/year, and no capital budget to maintain/remodel the buildings. Financially the Park is currently unsustainable and therefore whatever direction the KPPCSD takes with the Park it should be done with all urgency.

### **Notes of the July 14th Meeting**

Committee members present:

John Stein, Chair

Bruce Morrow

Andrew Reed

Andrew Mixer

Lynn Wolter

Jack Griffith

Committee members absent:

Cathy Kosel

Greg Harman

Guests:

Ciara Wood

Megan Rivera

Lisa Caronna

1. Brown Act. John discussed in very general terms the committee's responsibilities under the Brown Act. On June 23rd Greg Harman received confirmation from the District's general counsel that the committee is under the Brown Act. As this information was confirmed after the committee's 1st 2 meetings all future meetings will be conducted consistent with the Act. As no decisions were made at the 1st 2 meetings, Greg was advised that there were no violations or outstanding issues.

2. Additional committee notes of the May 5th meeting:

- a) Greg Harman's documents were distributed but not discussed
- b) As John was the only Board member at the meeting, by default, he became the Chairperson
- c) Lynn Wolter attended the meeting for the 1st 20 minutes
- d) The committee should take advantage of community resources too
- e) Be careful, consultants need to be managed
- f) Identify the highest and best use of the facilities in order to meet the community's and Board's needs
- h) Create a matrix of costs
- i) How to communicate with the community
- J) How to deal with dissent
- K) Limit the scope of work to utility

3. Additional committee notes of the June 15th meeting:

- a) Andrew Mixer's 5 parallel paths:
  - 1. Community needs assessment
  - 2. Programmatic needs assessment
  - 3. Potential uses
  - 4. Commercial interaction potential
  - 5. Building remodel options
- b) Jack Griffith developed a written outline of how the committee could proceed with the task at hand. There was no time to discuss.
- c) At some future date maybe Lisa and Megan could present their thoughts. It was noted that other consultants had been identified that the committee might want to hear from

4. Committee's reaction to Bill Stotler's presentation:

- a) Valuable information
- b) Needed more of an architectural slant, less of a revenue slant
- c) Event planner concept interesting
- d) Agree with need for an objective/thorough assessment
- e) A fresh perspective
- f) \$5,000/event rental may be too high
- g) Community center to be primarily used by Kensington residents
- h) Internet site for brides: Brazilian Room rents for \$1900-3000/event
- i) Presentation opened my eyes as to revenue possibilities
- J) Board must act on information
- k) Kensington may not be the community to support revenue enhancement park activities

5. Other options and consultants:

- a) Greg has a list of other consultants who could assist
- b) Jack's document is the beginning of a roadmap to assess the 3 buildings
- c) The community could quarterback the "needs assessment" process

6. Possible next steps:

- a) Committee to start the needs assessment using Jack's document as the template
- b) Needs assessment---need to look at past and future uses to determine best uses
- c) Options---either a community driven process or hire a consultant (and manage the consultant)
- d) Agreement of the park financial dilemma...Per Greg Harman \$120,000 in operating expenses, \$40-50,000 in revenue per year
- e) Process...committee work 1st, define parameters, what is realistic, get assistance where needed, get community input
- f) Need integrated approach, maybe use a consultant to facilitate community input, assess condition of buildings, building uses, building plans, then renovate
- g) Timeframe: start now and develop a comprehensive plan to be completed in 2011, then build as soon thereafter as possible. KCC still interested in funding based on their financial condition. Maybe other "K" groups would be interested too
- h) Outside consultant/facilitator would keep the process objective
- i) Revisit Annex usage and cost compared to revenue opportunities
- j) Committee members going forward: Ciara would like to join. Maybe Lisa Caronna, Melissa Homes, and Italo Calpestri. Lynn and Andrew Reed not sure about continuing
- K) Maybe dissolve the Board ad hoc committee and have community form a committee that periodically informs the Board of their progress and need for funding. Apparently this was how the last "park committee" functioned with outside legal counsel approval. This would allow the process and timeframe to be much more efficient as it would not fall under the Brown Act.
- L) Immediate budget request: \$20K...\$10K for facilitator, \$5K for architect, \$5K for other expenses such as community mailing

## **Attachment B**

### **Kensington Park Buildings Committee Notes for the first meeting Wednesday May 5<sup>th</sup>, at 6:00 PM at the Community Center**

At the February 11<sup>th</sup>, 2010 KPPCSD Board meeting, the Board requested that a committee consisting of the listed individuals be formed to examine, discuss, and come up with a recommendation on the best use of funding for the repair, remodel, and uses of the Kensington Park buildings to be presented to the Board at its May 13<sup>th</sup> Board meeting. It was suggested that this committee be made up of the following individuals:

KPPCSD Director John Stein  
KPPCSD Director Cathie Kosel  
KPPCSD GM Greg Harman  
KCC President Bruce Morrow  
KFPD Director Don Dommer  
Original Park Committee member/ Volunteer Developer Jack Griffith  
Former KPPCSD Director Lynn Wolter  
Park Restroom Committee member Andrew Mixer  
Resident Andrew Reed  
Park Architect/ Planner Megan Riera  
Fee Munson Ebert (FME) Partner Stephen Fee

In reviewing schedules of the listed individuals, the best date for the first meeting was Wednesday, May 5<sup>th</sup>. This date leaves only one day for discussions before the agenda needs to be prepared for the May 13<sup>th</sup> Board meeting. With this in mind, I thought the best way to get everyone up to speed and ready for discussions would be to prepare a brief history of the park and its buildings, and how we arrived at this point in time.

#### **The history of the “Old Park” and the Community Center (Youth Hut)**

“The Kensington Community Council (KCC) is the second oldest volunteer community organization in Kensington and had its beginnings in the 1930’s when the Bay Association of Congregational Churches rented the Fellowship House at 264 Arlington Avenue for church services to the community. When the Church agreed the new building could also use as a community center, Kensington residents began to address the need for a recreational program. By the late 1930’s the building was used for more than 100 meetings or classes a month by the Boy and Girl Scouts, dance classes, and children’s groups.

As the recreational programs grew, so did the need for additional facility space and at the request of the Kensington Community Services District (KCSD), the Richmond School District agreed to reserve the unused areas of the 18 acres of school property at Arlington Avenue and Wildcat Canyon for Kensington recreational facilities. In 1955, the Board of Education conveyed 1.22 acres of the property to the KCSD for a community center

building, a parking lot, and play area. Plans were made for the construction of the “Youth Hut” which is now known as the Community Center Building. The Youth Hut was constructed in 1955 with volunteer labor and materials.

The recreational program was moved from the Church to the new building and in 1960, the Community Center Council was replaced by the Kensington Community Council. The KCC is governed by a 20-member Board of Directors, and Board meetings are held monthly. Membership in the KCC is composed of community organizations approved by the Board and is funded by contributions from the community, class fees, and the community newspaper “Outlook” advertising.” (From Kensington, Past & Present)

In 1987, the Youth Hut was remodeled to its current state with KCC and community donations.

Today the KCC has a contract with the Kensington Police Protection & Community Services District to run community recreational programs and summer day camps. The Kensington After School Enrichment Program and the Home Alert Programs also operate under the KCC. KCC has a contract with the District and leases the Community Center for its programs for \$12,000 a year.

### **The history of the “New Park” and the Annex Building and Building E**

The “New Park” was purchased from the West Contra Costa Unified School District in 1995, following many years of leasing the property for \$1.00 per year. The “New Park” had several old school buildings on the site that were demolished in 1999. The Annex Building and Building E were left intact. Building E was remodeled by the KCC for its programs and in return, the District agreed to lease the building to KCC for \$1.00 a year.

The Annex Building was leased to Jill Houghton for use as a day care and after school program for \$10,000 from 1996 to 2000. This rent was later increased in 2002/03, to \$23,000 a year, followed by \$27,000 in 2003/04, and \$30,000 in 2004/05. In 2006, there was heavy rainfall that flooded the Annex Building, causing Houghton to abandon the property and file lawsuit against the District. The lawsuit and the District’s countersuit were settled in 2008 with both parties agreeing to drop their respective lawsuits.

Historically, the operation of the Old Park cost the District approximately 6% of its property tax base. With the purchase of the New Park, (made with bond and East Bay Regional Park Grant money) came the Kensington Park Assessment Tax. This \$13.00 a year per household assessment, that generates approximately \$28,000 a year to the maintenance of the New Park only, and does not provide for capital improvements, and still leaves the District subsidizing the park with approximately 6% of property tax revenue. This 6% was reduced to 3% during the period Jill Houghton was paying a market rate for use of the Annex, however, once she abandoned the lease, the District’s cost to maintain the park returned to 6% of property tax revenue.

This is an issue because the District's cost of running the Police Department has increased over the years, while the property tax revenue has maintained steady, the supplemental police tax has not increased since it passed and was last increased in 1999. The argument has always been that if the park was more self sufficient in its operations, revenue saved in park operations could be used for police and other District expenses.

In 2007/08, the KPPCSD Board, with the intent to generate more park revenue, decided to again lease the Annex to a child care provider and negotiations for the lease began. Due to spacing limitations and permit requirements, it was determined that the Annex would be leased for \$36,000 a year. Before the agreement was finalized, several building inspections were completed and due to several code violations, the building was closed. Initial estimates to get the Annex up to code and ready for a child care center were estimated to be approximately \$150,000.

In July of 2008, the District learned that the East Bay Regional Park District was placing a bond measure on the November ballot (Measure WW) that, if passed, would provide Kensington \$258,000 to be used for park capital improvements. It was thought at the time that part of this grant money could be used for the remodel of the Annex.

Measure WW passed, however, it clearly indicates that grant money can only be used for capital improvement that the public has access to, and therefore, the remodel of the Annex for a private for profit child care center would not qualify for funding.

In 2009, the Board moved forward with the park restroom project. The park restroom was initially estimated to cost \$130,000 and was to be paid for from donations of \$48,000 from the KCC and the balance of \$82,000 from the Measure WW funding. The Board also decided to get the estimates of the cost to remodel the Annex for community events, meetings, and possible small party rentals, and use the balance of the Measure WW funding to pay for the estimated \$150,000 remodel.

At the end of 2009 and beginning of 2010, the KCC brought a proposal to the District of a donation of \$200,000 to remodel the Community Center. The idea behind this remodel was not only would the facility be more attractive for community use, but rental revenue would also increase because of the new look of the building. This remodel was to include three new French doors leading to the lawn area, new flooring, "softer" walls and ceiling, and a remodel of the kitchen and bathroom. This project was planned be paid for with an additional \$50,000 in yet to be donated community contributions and though reduced costs of labor and materials from community contractors and volunteers.

The District requested its legal counsel review the KCC proposal and prepare a contract to be agreed upon and signed by both parties. It was during this review of the project that we learned that, because the KCC receives less than market rate for the use of the Community Center and Building E, the project would have to go out to public bid at the prevailing market rate. This would increase the costs of the project to KCC. The only way around this was to renegotiate a new contract with the KCC for its lease of the

Community Center, park grounds, and Building E at market rate. As of this writing, this discussion has not yet taken place between the KCC and the District.

Over the years, there have been several documents prepared by individuals about t, its buildings, and the funding related to them. I am attaching some of these documents for your review in order to generate ideas and discussion.

These documents are:

- #1 Kensington Park Segregation 1988/89- 1994/95 prepared by unknown
- #2 KCSD Expense Summary 1994/95- 1999/2000 prepared by Lynn Wolter
- #3 Kensington Park Segregation after purchase 2002/03- 2006/07 prepared by unknown
- #4 Proposed Budget Plan (2007?) prepared by unknown
- #5 Cost Breakdown (2007?) prepared by unknown
- #6 Police & District Revenues 2003-2008 prepared by unknown
- #7 Park Budget Review, 2007-2008 prepared by Greg Harman
- #8 Park Use Report prepared by Ester Hill in 2009?
- #9 E-mail estimate from David Collins via Jason Kaldis for Annex repair 01-08-2009
- #10 E-mail from Ito Ripsteen providing Gordon Commercial Leasing Process (Note the KPPCSD Board rejected the idea of using Gordon Commercial to lease Annex)
- #11 Memo prepared by Greg Harman to Board on 02-04-2010
- #12 Memo prepared by Greg Harman to Board on 03-04-2010
- #13 E-mail from Lynn Wolter dated 03-12-2010 requiring Board discussions
- #14 EBRPD Measure WW Grant information

On 03-26-2010, I met with Steven Fee and Bill Stotler of FME to discuss the park buildings. After touring the facilities and discussing some options, they suggested a possible joint venture with a production company or wedding planner to assist in the marketing and remodel of the Community Center for a split profit or percentage of the rentals. They thought that the best use of funds would be to focus on the remodel of the Community Center and turn the Annex into an area for additional parking for events being held at the Community Center. They indicated they would check with some of their clients to determine if there are parties interested in such an arrangement or if they had other ideas for partnerships.

Hopefully, I have provided the committee with a good overview of the history of the park and the issues that have been discussed over the years. I look forward to our meeting May 5<sup>th</sup>, and if you have any questions before the meeting, please e-mail them to me.

Greg Harman



**Attachment C:**

**(Jack Griffith's Roadmap)**

**Kensington Community Park Buildings**

Random thoughts and ideas about establishing objectives, analyzing existing facilities and suggesting uses or non-uses for the Annex.

1.01 Objectives:

1. Determine and analyze current uses of Community Center, Annex and Building 'E'
2. Determine current and future District needs.
3. Determine how these needs could best be accommodated
4. Determine costs associated with changes related to new uses (if any) for each building
5. Determine possible new revenue (if any) from each building

1.02 Building Analyses

1. Community Center Building
  - A. Current uses (and after renovation)
    - a. PP&CSD, Fire Dist. K groups.
    - b. Boy Scouts
    - c. Outside groups & organizations
    - etc.
  - B. Current yearly revenue
  - C. Possible new uses
  - D. Potential future revenue
  - E. Future needs (site and building)
    - a. Additional storage ( type of)
    - b. New trash enclosure
    - c. Pole light replacement
    - d. Upgrade rear perimeter drainage
    - etc.
2. Building 'E'
  - A. Current uses
    - a. Recreation programs.
  - B. Current yearly revenue
  - C. Possible new uses
  - D. Potential future revenue
  - E. Future needs
3. Annex
  - A. Current use

- a. None - building not suitable for occupancy and needs repair and restrooms upgrades.
- B. Current yearly revenue
  - a. None
- C. Possible new uses
  - a. **Do nothing.** Leave and maintain the building as-is until a use can be determined. Estimated Cost:

Positive: Keeps options open until more money is available developing other uses. Reduced insurance costs

Negative: Empty unused structure that will continue to deteriorate and require some repair and drainage work to preserve structure.

- b. **Demolish entire structure** including slab and surrounding hardscape and return site to natural, undeveloped area. Estimated Cost:

Positive: Removes a deteriorating building, reducing ongoing maintenance costs and eliminates future costs for upgrading

Negative: Eliminates any possibility of future use as a functional building

- c. **Demolish entire structure** including slab and surrounding hardscape and develop a picnic area (individual tables) with lawn area. Estimated Cost:

Positive: Removes a deteriorating building, reducing ongoing maintenance costs and eliminates future costs for upgrading. Provides a picnic area for the upper park area.

Negative: Eliminates any possibility of future use as a functional building

- d. **Demolish building** but retain all or part of the building slab and use to create a group picnic area on slab with a surrounding lawn area. Estimated Cost:

Positive: Removes a deteriorating building, reducing ongoing maintenance costs and eliminates future costs for upgrading. Group picnic area could be reserved at a price thus bringing in additional revenue.

Negative: Eliminates any possibility of future use as a functional building. Group picnics could impact parking and would need access to Bldg. 'E' restrooms. Traffic and parking. Lack of restrooms in upper level.

e. **Demolish structure**, slab and surrounding hardscape and construct a new small , single use, unisex bathroom with new walkways, a new lawn area and picnic sites. Estimated Cost:

Positive: Removes a deteriorating building, reducing ongoing maintenance costs and eliminates future costs for upgrading. Provides a picnic area for the upper park area and a restroom for the upper park area.

Negative: Eliminates any possibility of future use as a functional building

f. **Retain structure for storage use** and take necessary steps to eliminate drainage problem and make repairs to correct dry rot areas. Upgrade security if necessary (new locks, window coverings, etc.) and use as a storage building. Estimated Cost:

Determine what type of storage the building could be used for and if this is a practical use for the building. Ie: police, community center, park maintenance.

Positive: Provides an additional storage facility if needed and maintains building for the possibility of a different use in the future when need and/or money is available for renovation.

Negative: Building can't be used by community or public and can't be leased for private use.

g. **Renovate building for use as a day care center**. Requires corrective drainage work, ADA exits and paths of travel up-grades, retaining walls, new fencing, new restrooms, etc. Estimated Cost:

Positive: Generates revenue. Estimated revenue:

Negative: District would need to fund upgrades as WW park bond funds could not be used for a non-public us building. Traffic and Parking

**h. Renovate building for public use** and periodic rentals for private parties, weddings, etc. Requires corrective drainage work, ADA exits, restroom upgrade, and paths of travel up-grades.

Estimated Cost:

Determine if there is a need for additional community use space beyond what is presently available.

Positive: Generates revenue, provides more space for community activities, rental income, etc. WW funds could be used for renovation

Negative: Not enough need for additional space for community use. WW funds may not cover all of the up-grade costs. Traffic and parking could be a problem (two events at same time –Annex & Comm. Center).

## DISTRICT – OLD BUSINESS

2. General Manager Greg Harman will present to the Board an update to the Kensington Park Restroom, discuss bid documents and drawings, and request that the Board approve moving forward with the bidding process. Board Action.

FOR COPY OF CONTRACT COME TO KPD

## DISTRICT – OLD BUSINESS

3. General Manager and Chief of Police Employment Agreement- Extension Contract, to be presented to, accepted, and signed by General Manager/Chief of Police Greg Harman. Board Action.

## GENERAL MANAGER AND CHIEF OF POLICE EMPLOYMENT AGREEMENT - EXTENSION

WHEREAS, the Kensington Police Protection and Community Services District (hereinafter "KPPCSD" or "District") desires to continue to employ as an at-will employee the services of Greg Harman (hereinafter "Employee") as the General Manager and Chief of Police for the District.

WHEREAS, while terminable at will by either the District or Employee during its term, Employee's original employment agreement attached hereto (Exhibit A), with the District was from September 4, 2007 until June 30, 2010.

WHEREAS, since the expiration of the original employment agreement on June 30, 2010, Employee has been working as an at-will employee of the District under the terms and conditions of the expired employment agreement.

WHEREAS, the District desires to extend Employee's employment under the same terms and conditions of the original employment agreement for two additional years.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

### 1. EXTENSION

Unless terminated earlier by either the District or Employee, the District hereby agrees to extend, and Employee accepts, the terms and conditions of Employee's original employment agreement ("Original Agreement"), attached hereto as Exhibit A and incorporated herein, for two more years, ending on June 30, 2012. Except for extending the term (length) through June 30, 2012 and a change in the annual base salary as identified below in Paragraph 2, the terms and conditions of employment shall be the same as the Original Agreement.

Nothing in this Extension shall prevent, limit or otherwise interfere with the right of the District to terminate the Extension for any reason, or no reason at all. Early termination is subject only to the provisions set forth in Section 5 of the Original Agreement.

Nothing in this Extension shall prevent, limit or otherwise interfere with the right of the Employee to resign at any time from this position with the District, subject only to the provisions set forth in Section 5 of the Original Agreement, during the term of this Extension.

Nothing in this Extension shall preclude the termination of this Agreement by mutual consent of both parties hereto.

### 2. ANNUAL BASE SALARY

The annual base salary under this Extension is \$134,550 payable in semi-monthly installments on the 15th and 30th. KPPCSD's Board of Directors (or its designee) may conduct performance reviews of the Employee. Increases in the Employee's base salary during the term of this Extension shall be at the sole discretion of the Board of Directors.

Kensington Police Protection and Community  
Services District Board of Directors

General Manager/Chief of Police Employee

\_\_\_\_\_  
Charles E. Toombs, President

\_\_\_\_\_  
Greg Harman

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Exhibit A**



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## GENERAL MANAGER AND CHIEF OF POLICE EMPLOYMENT AGREEMENT

WHEREAS, the Kensington Police Protection and Community Services District (hereinafter "KPPCSD" or "District") desires to employ the services of Gregory E. Harman (hereinafter "Employee") as General Manager and Chief of Police for the District.

WHEREAS, Employee desires to accept employment as the General Manager and Chief of Police under the terms and conditions contained in this Agreement.

WHEREAS, the Employee is aware of and understands that he serves at the pleasure of the Board of Directors of the District (hereinafter "Board"), and is subject exclusively to the Board's (or its designee's) supervision, control and direction. Employee understands that the Board (or its designee) has the sole and exclusive right to direct, supervise, manage, discipline, and control Employee's job performance.

WHEREAS, the parties understand nothing in the Agreement shall be interpreted to amend, modify or supersede any ordinance of the District, or county or state or federal law, pertaining to the operation of the District.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

### 1. DUTIES

A. The District hereby agrees to employ Employee as General Manager and Chief of Police of the District to perform the functions and duties specified in the job description, attached hereto as Exhibit "A" and incorporated herein by this reference, and to perform other legally permissible and proper duties and functions as required by law and as the District shall from time to time assign.

B. Employee hereby agrees to perform all such functions and duties to the best of his abilities and in a competent and efficient manner. Employee further agrees to focus his full professional time, ability and attention to District business during the term of this Agreement. Consequently, Employee hereby agrees not to engage in any other business pursuits whatsoever directly or indirectly, or render any services of a business, commercial, or professional nature to any other person or organization, for compensation, without the prior written consent of the District. This shall not preclude Employee from volunteering his services to other entities or individuals as long as such volunteer services are not in conflict with the services to be provided by Employee under this Agreement.

### 2. TERM

A. Nothing in this Section shall prevent, limit or otherwise interfere with the right of the District to terminate this Agreement for any reason, or no reason at all. Early termination is subject only to the provisions set forth in Section 5 of this Agreement.

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B. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the Employee to resign at any time from this position with the District, subject only to the provision set forth in Section 5 of this Agreement, during the term of this Agreement.

C. Unless terminated earlier by either the District or the Employee, this Agreement shall be in full force and effect starting September 4, 2007, and ending June 30, 2010.

D. Nothing in this Agreement shall preclude the termination of this Agreement by mutual consent of both parties hereto.

### **3. ANNUAL SALARY AND COMPENSATION**

The annual base salary for the position of General Manager and Chief of Police for the first year is \$130,000 payable in semi-monthly installments on the 15<sup>th</sup> and the 30<sup>th</sup> of each month. The Board (or its designee) shall conduct annual performance reviews of the Employee. Increases in the Employee's base salary during the term of this Agreement shall be at the sole discretion of the Board based upon the Employee's job performance.

### **4. AT-WILL EMPLOYMENT STATUS**

Employee is an at-will employee, and serves at the pleasure of the Board. As an at-will employee, this means employment is at the mutual consent of Employee and the District and either may terminate the employment at any time, for any reason, or no reason at all. Employee and District agree that no representative of the District has made or can make any promises, statements, or representations which state or imply that Employee is hired, employed, or retained under any terms other than as an at-will employee. Employee's at-will status may only be changed, revoked, amended, or superseded by a written document, signed by the Employee and approved and adopted by the Board.

### **5. TERMINATION OF AGREEMENT, SEVERANCE, AND NOTICE**

A. In the event that the District terminates this Agreement without cause prior to its expiration, then the Employee shall be entitled to a lump-sum severance payment equal to six (6) months' pro-rated base salary payable within thirty (30) days of the date of termination, subject to restrictions set forth in Government Code Section 53260. The Employee hereby agrees that he shall accept such payment as full compensation due from the District as severance pay in exchange for a full and complete release of the District, and its agents, employees, attorneys, Directors, or representatives of any kind or nature, from any and all liability or claims of any type or nature relating to the Employee's employment and/or termination of same.

No additional compensation is owed to the Employee. However, as provided by law, payment of severance pay shall be in addition to any accrued vacation leave, if any, due to the Employee upon his termination from District service.

B. This Agreement shall terminate without any additional compensation owed to the Employee, and the District shall not be obligated to make any severance payment upon any of the following events:

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- (1) Upon the death of the Employee;
  - (2) Upon Employee's service or disability retirement;
  - (3) When Employee has been unable to perform the essential functions of his position due to illness or other disability for a period of three (3) months and it is medically determined that the Employee is permanently disabled from performing the essential functions of his position, with or without reasonable accommodation:
    - (i) A determination that the Employee is permanently disabled shall be made by the District based on competent medical evidence and in accordance with applicable California and federal laws pertaining to the protection of disabled individuals;
    - (ii) If at any time it is determined by the District that a question exists as to the Employee's ability to perform the essential functions of his position, the District may require that the Employee undergo a comprehensive fitness for duty medical examination;
  - (4) If this Agreement is terminated for misconduct of the Employee for his having materially breached his obligations or neglected his duties as required herein;
    - (i) Misconduct includes, but is not limited to, dishonesty, fraud, self dealing, insubordination or other malfeasance or misfeasance committed in the performance of the General Manager and Chief of Police's duties and responsibilities under this Agreement; or Employee's violation of any law which can be punished as a felony committed at any time. The determination of whether Employee is terminated due to misconduct is in the District's sole discretion; and/or
  - (5) If Employee voluntarily resigns his position with the District before the expiration of the aforesaid term of his employment and the Employee does not give the District ninety (90) days notice in advance (unless the District otherwise agrees in writing). No severance pay will be due if the employee voluntarily resigns within the first year.

C. Nothing in this Article shall preclude the termination of this Agreement by mutual consent of both parties hereto.

## 6. HOURS OF WORK

Due to the nature of the employment of a person in the position of the District's General Manager and Chief of Police, the Employee is typically required to work at least a full-and-complete work week of forty hours (40) per week, and devote whatever time is necessary to fulfill his employment responsibilities and duties as provided for in this Agreement.

## 7. PERFORMANCE EVALUATION

A. The Board (or its designee) shall review and evaluate the performance of Employee a minimum of once every year. During the first year there will also be a three (3) month and a six (6) month review. The reviews and evaluations shall be conducted in a manner consistent with Board evaluation policies. At the District's sole discretion, it may add or delete criteria for evaluating the performance of Employee from time to time. The Board shall provide Employee

with a summary written statement of the findings and provide an adequate opportunity for the Employee to discuss his evaluation with the Board.

B. Annually, after the District determines its goals and objectives, the Board (or its designee) and the Employee shall further define the goals and performance objectives necessary for the proper operation of KPPCSD. The Board (or its designee) and Employee shall further establish a relative priority among the various goals and objectives. The annual goals and objectives should be reduced to writing, and should be attainable within the time and budgetary resources provided.

C. In effecting the provisions of this section, the District and Employee agree to abide by the provisions of applicable law.

#### 8. HEALTH PLAN BENEFITS

The District will provide a comprehensive health plan for the Employee and family through the California Public Employees' Retirement System (CalPERS) Health Benefit Program, based on the current Kaiser-Permanente rates. The District will also provide a vision and a dental plan.

If Employee retires upon disability or at normal retirement age, and the premium for health, vision, and dental insurance is not otherwise covered, the District will pay the monthly premium based on the current Kaiser-Permanente rates.

This provision of health care premiums is not a vested right. At its sole discretion, in accordance with state and federal law, the District may change the provider of its health plan benefits, or change the amount of payments required by the District or the Employee at any time, or eliminate such coverage or plan altogether.

#### 9. RETIREMENT

CalPERS retirement benefit will include the following sections -- California Government Code.

- Section 21362.2 3% @ 50 formula for local safety members, effective 7/1/2000.  
This formula provides to local safety members 3% of pay at age 50 for each year of service credited to that employer. Effective date 7/1/2000
- Section 20042 Single Highest Year of Compensation, Safety Members, effective 1/6/93  
Defines period for determining the average monthly pay rate when calculating benefits as the 12 highest paid consecutive months.
- Section 21574 1959 Survivor Benefit, fourth level, effective 6/9/99  
Provides a higher level of 1959 Survivor Benefits to survivors of a member who dies prior to retirement.
- The District will pay employee contribution of 9%
- The District will pay Medicare premiums.

In the event of any proposed changes in the CalPERS retirement plan this Agreement may be opened and the proposed change may be negotiated.

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**10. LIFE INSURANCE**

The District agrees to pay the premium on a term life insurance policy for Employee, with the maximum annual cost to the District of \$500.

**11. DISABILITY INSURANCE**

The District agrees to provide PORAC Long Term Disability Plan (Option 2-Multi level Benefit with a 60 day elimination period) and shall fund the entire premium. This provision of disability premiums is not a vested right.

**12. DEFERRED COMPENSATION**

The District has established a Deferred Compensation Plan to be made available to all eligible District employees, pursuant to federal legislation permitting such plans. Employee can elect to make contributions from Employee's salary and invest portions of his income to meet his future financial requirements and supplement his District retirement, at no cost to the District.

**13. CREDIT UNION**

Membership in the Contra Costa County Employees Federal Credit Union is available with optional payroll deduction at no cost to the District.

**14. SICK LEAVE**

The District shall advance eighty (80) sick-leave hours upon hire, and thereafter Employee shall accrue sick leave at a rate of 10 hours per month.

The District agrees to maintain a contract with PERS to provide credit for unused sick leave, in lieu of sick leave payout upon termination or retirement. Employee agrees to waive any claim to compensation for unused sick leave during the term that the PERS contract is in effect.

The employee may utilize up to forty (40) hours of sick leave per year for illness or injury to care for members of his immediate family, or other dependents as required. Immediate family shall be construed as being family member residing within the employee's home. Additional family sick leave may be granted at the discretion of the Board.

**15. VACATION LEAVE**

The District shall advance forty (40) vacation hours to Employee upon hire. Thereafter, Employee shall accrue vacation leave of 120 hours per year at the rate of 10-hours per month for the first year of employment, and shall accrue 160 hours per year at the rate of thirteen and one-third (13.33) hours per month for the second and third years of employment. (Nothing in this paragraph should be construed to alter Employee's at-will employment relationship.)

The maximum balance of unused vacation leave that Employee may accrue at any time is 200 hours (25 days). Once Employee has accrued 200 hours of vacation leave, no further vacation

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leave is earned until the balance accrued is reduced below 200 hours through use of vacation leave.

#### 16. HOLIDAYS

Employee shall be entitled to fourteen (14) paid holidays consisting of one floating holiday and the thirteen (13) paid court holidays as follows:

- New Year's Day
- Martin Luther King's Birthday
- Lincoln's Birthday
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Admission Day
- Columbus Day
- Veterans' Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day
- Floating Holiday

The District encourages Employees to use his floating holiday each calendar year, as the maximum number of floating holidays that Employee can accrue is one day.

#### 17. PROFESSIONAL DEVELOPMENT

A. The Employee is allowed up to forty (40) hours of administrative leave per year. The District encourages Employee to use his administrative leave each calendar year for professional development, as administrative leave does not accrue from year-to-year nor is it subject to any cash-out provisions.

B. The District agrees to budget for and to pay for reasonable travel and subsistence expenses of the Employee for professional and official travel, meetings, and occasions adequate to continue the professional development of the Employee in the position of General Manager and Chief of Police, and to adequately pursue necessary official functions for the District, including but not limited to, California Special Districts Association events, and such other national, regional, state, and local governmental groups and committees thereof which the Employee serves as a member subject to the District budget as approved by the District.

C. The District also agrees to budget for and to pay for reasonable travel and subsistence expenses of the Employee for short courses, institutes, and seminars that are necessary for Employee's professional development and for the good of the District.

#### 18. AUTOMOBILE ALLOWANCE

Because the General Manager and Chief of Police's duties require travel in the course of District business, the District agrees to provide the Employee with a District vehicle (of the District's choosing) and will provide maintenance of the vehicle for use for District business. The District also agrees to provide fuel for the District vehicle for business use. The employee shall not use the District vehicle for personal use unless it is to stop in transit between authorized destinations, or in the event of a personal emergency.

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**19. CELL PHONE/PDA**

The Employee is required to carry a cell phone or PDA at all times, to be provided by the District for District business.

**20. UNIFORM ALLOWANCE**

The District shall provide a uniform allowance in the amount of eight hundred dollars (\$800) per year, to be paid in four installments - September /December/March/June - of two hundred dollars (\$200) each.

The District will also pay for replacing or repairing damaged uniforms that are damaged on the line of duty.

**21. SAFETY EQUIPMENT REIMBURSEMENT**

The District will reimburse Employee for safety equipment up to two hundred and fifty dollars (\$250) per year, which can be rolled over for the life of the contract.

**22. PROFESSIONAL & CIVIC ORGANIZATION MEMBERSHIP**

The District recognizes the desirability of representation in and before local professional, civic and other organizations, and the Employee is authorized to become a member of such clubs or organizations. During the term of this agreement, the District, at its sole discretion, may elect to pay some or all of the Employee's reasonable civic club membership expenses.

**23. GENERAL EXPENSES**

The District recognizes that certain expenses of a non-personal and generally job-affiliated nature are incurred by the General Manager and Chief of Police, and hereby agrees to reimburse Employee or to pay said reasonable general expenses, up to an amount not to exceed the amount provided for such purposes in the District budget.

**24. INTEGRATION**


This Agreement and its attachments constitute the entire agreement between the parties.

**25. SCOPE AND SEVERABILITY**

In the event any portion of this Agreement is declared null and void by superseding federal or state law, the balance of the Agreement shall continue in full force and effect, and the parties hereto shall commence negotiations to ensure that the superseded portion shall be rewritten to conform as closely as possible to the original intent.

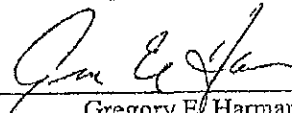
**SIGNATURES:**

Kensington Police Protection and Community  
Services District Board of Directors

  
Patricia M. McLaughlin, President

Date: August 28, 2007

General Manager/Chief of Police Employee

  
Gregory E. Harman

Date: 08/28/07



## DISTRICT – NEW BUSINESS

2. General Manager Greg Harman will present to the Board for possible approval the proposed Kensington Police Protection & Community Services District Resolution 2010-12, approving a project operation agreement with the East Bay Regional Communications System Authority (EBRCSA) and authoring the execution and implementation of same. Board Action.

## DISTRICT – NEW BUSINESS

1. General Manager Greg Harman will present to the Board for possible approval the proposed Kensington Police Protection & Community Services District Resolution 2010-11, approving the proposed Supplement Law Enforcement Services Funds (COPS) for Fiscal Year 2010/2011. Board Action.

# KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

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## RESOLUTION NO. 2010-11

### RESOLUTION OF THE KENSINGTON POLICE PROTECTION and COMMUNITY SERVICES DISTRICT APPROVING THE PROPOSED SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUNDS FOR FISCAL YEAR 2010/2011.

Whereas, the Kensington Police Protection and Community Services District adopts the proposed Supplemental Law Enforcement Funds expenditures for Fiscal Year 2010/2011 to be as follows:

The continued employment of a lateral entry police officer, hired April 17, 2010, at Step 3 of the Kensington Police Association Memo of Understanding, including all benefits, at a sum of \$116,965.00 for Fiscal Year 2010/2011.

Now, therefore, be it resolved by the Board of Directors of the Kensington Police Protection and Community Services District that the proposed Supplemental Law Enforcement Funds expenditures for Fiscal Year 2010/2011 are \$116,965.00.

Passed and adopted on the 9<sup>th</sup> day of September, 2010, by the following vote of the Board.

AYES:            NOES:            ABSENT:

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President, Board of Directors  
Kensington Police Protection & Community  
Services District

# Memorandum

Kensington Police Department



To: KPPCSD Board of Directors

APPROVED YES NO

From: Gregory E. Harman, General Manager/ Chief of Police

FORWARDED TO:

Date: Thursday, September 9, 2010

Subject: New Business Item #2 Resolution 2010-12 EBRCSA Agreement

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**KPPCSD Resolution No. 2010-12, approving a project operating agreement with the East Bay Regional Communications System Authority (EBRCSA) and authorizing the execution and implementation of same.**

## BACKGROUND

The EBRCSA was created as a Joint Powers Authority (JPA) on September 11, 2007, with the goal of developing and operating a state of the art radio communications system that would provide regional interoperability. The new system will replace a patchwork of systems currently in use in Contra Costa and Alameda Counties. All of the systems are in need of replacement or upgrading, and most lack adequate capacity. Current systems utilize four different frequency bands allowing for no interoperability between agencies operating in different frequency bands.

The EBRCSA currently includes 36 member agencies consisting of both counties, 29 cities, 4 special districts, and the University of California. The JPA Board of Directors includes 23 representatives consisting of Elected Officials, Police Chiefs, Fire Chiefs, and City Managers.

The EBRCSA system was designed by Motorola through a procurement process initiated by Alameda County. EBRCSA hired CTA communications to complete a review of the original design and make recommendations as to the final design and provide cost information on the final build out of the system as well as the operating and maintenance costs.

The current estimated cost to complete the new system is \$69,952,910. EBRCSA has secured approximately \$39 million in funds from the Bay Area Super Urban Area Security Initiative, Urban Area Security Initiative, State Homeland Security and COPS grant programs. To date, funds have been used to develop the system and purchase

equipment. The West Contra Costa County Cell is now complete and will be available for use once the testing is complete. The East Alameda County Cell is 80% complete and expected to be operational by the end of the year. The full system is targeted to be up and available to all system users prior to January 1, 2013.

## DISCUSSION

### System Financing:

EBRCSA has been working with Alameda and Contra Costa Counties on a financing strategy that incorporates a combination of grants and debt financing to fund the remaining \$30,987,000 needed to complete the system. An additional \$13,987,000 in grants are anticipated to be received over the next 4 years, leaving a total of \$17,000,000 to be financed.

Both Alameda and Contra Costa counties are currently preparing to issue new debt to fund projects unrelated to EBRCSA. In doing so, both counties are taking advantage of American Recovery and Reinvestment Act bonds, which will require the transactions to be completed prior to the end of 2010.

In lieu of EBRCSA independently undertaking a \$17,000,000 financing, both counties have agreed to increase the size of their issuance to include the needed EBRCSA funds. Based on the distribution of system users, Alameda will increase their issuance by \$10,200,000 and Contra Costa will increase their issuance by \$6,800,000. EBRCSA will then issue bonds to the counties.

The opportunity to partner with the two counties on the financing offers significant advantages to EBRCSA. The size of the issuance and creditworthiness of the counties will result in a much lower interest rate, avoid the need to go through a rating process, reduce issuance costs and lower costs for all participants.

Cost to each member agency will be allocated based upon the total subscriber units (radios). Monthly per radio charges (user fees) will be determined based upon a total annual debt service payment of \$2,066,000, plus total system operations and maintenance costs of \$3,850,000, divided by the total number of radios operating on the system. Monthly user fees are estimated to fall within a range of \$40.00 to \$45.00 per radio. Debt service payment will commence in 2013/14, once the entire system is operational, and run through 2028.

As more users join during the intervening two years (prior to the first debt service payment) the rate will be adjusted to match the total user count. The initial payment will be set reflecting the additional users. For agencies that are able to use the system prior to commencement of debt service payments, the monthly per radio user fees are expected to range from \$26-\$29 per month to cover maintenance and operations.

The new user fees will replace current monthly user fees being paid members agencies. Agencies may also choose to fund their share of the system costs up front in lieu of participating in the financing. This would reduce their monthly user fees by approximately one-third.

Action Required:

In order to capitalize on the opportunity to partner with Alameda and Contra Costa Counties on their respective financings, EBRCSA will need each member agency to adopt Resolution No. 2010-12, approving the operating agreement that will financially commit the Kensington Police Protection & Community Services District to a participate, based upon the number of radios that it plans to operate on the system.

**PUBLIC CONTACT**

Posting of the meeting agenda serves as notice to the general public.

**FISCAL IMPACT**

Monthly per radio charges associated with participation in the EBRCSA are estimated to be \$806.76, based upon the number of radios operated by the KPPCSD. There is also a \$200.00 per radio upfront fee (\$3,600) that will be applied to a reserve for system upgrades and replacement. These costs will replace current monthly radio charges (\$720) by 2013/14.

There is a second option available to us, which I am recommending the Board approve.

KPPCSD can pre-pay our share of the County's bond for the project. The pre-payment or buy-out of the bond is \$1,545 per radio, or \$27,810 for all 18 radios. If we participate in the pre-payment option, we reduce our monthly service costs from \$44.82 per radio, to \$29.17 per radio. This is a yearly saving of \$3,380.40, or \$50,706 over the 15 year term of the bond repayment. The total savings of our pre-payment of \$27,810 would be \$22,896.

In our Fiscal Year 2010-2011 Budget, we have budgeted \$18,000 for the 800 MHX System and \$8,640 for EBRCS (monthly service fee). Accounting for the \$29.17 per radio operational fee (\$6,300), this would leave \$18,000 plus \$2,340, for a total of \$20,340 available to use towards the pre-payment of the \$27,810 buy-out. The remaining \$7,470 would be paid for out of the General Fund.

**RECOMMENDATION**

Adopt Resolution No. 2010-12, approving a project operating agreement with the East Bay Regional Communications System Authority (EBRCSA) and authorizing the execution and implementation of same.

Prepared by:

EBRCSA Staff and Greg Harman, General Manager/ Chief of Police

Attachments:       A – KPPCSD Resolution No. 2010-12  
                          B – Contra Costa Radio User Count

# KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

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## RESOLUTION NO. 2010-12

### A RESOLUTION OF THE KENSINGTON POLICE PROTECTION & COMMUNITY SERVICES DISTRICT APPROVING A PROJECT OPERATING AGREEMENT WITH THE EAST BAY REGIONAL COMMUNICATIONS SYSTEM AUTHORITY AND AUTHORIZING THE EXECUTION AND IMPLEMENTATION OF SAME

**WHEREAS**, the Kensington Police Protection & Community Services District is a member of the East Bay Regional Communications System Authority (the "EBRCSA"), a joint powers authority organized and existing under and by virtue of the laws of the State of California, pursuant to a Joint Exercise of Powers Agreement dated as of September 11, 2007; and

**WHEREAS**, the EBRCSA is authorized to acquire, plan, design, finance, construct, operate and maintain a P-25 compliant communications system serving Alameda and Contra Costa counties and individual political jurisdictions therein, including the Kensington Police Protection & Community Services District (the "Project"); and

**WHEREAS**, the EBRCSA intends to issue Revenue Bonds (the "Bonds") for the purpose of financing the acquisition, construction and operation of the Project, and will own and operate the Project for the benefit of its members and subscribers; and

**WHEREAS**, the Bonds are to be secured by a pledge of and first lien on annual payments by each member and subscriber for the service provided by the Project, to pay the principal of and interest on the Bonds; and

**WHEREAS**, the Operating Agreement attached hereto and on file with the General Manager sets forth the terms and conditions of Service Payments and Operating Payments by the Kensington Police Protection & Community Services District for EBRCSA's acquisition, construction and operation of the Project for the benefit of its members and subscribers, including the Kensington Police Protection & Community Services District ; and

**WHEREAS**, the Operating Agreement is intended to establish a means of providing Revenues for the Project, and is not in itself an approval of the Project; and

**WHEREAS**, execution of the Operating Agreement is in the best interest of the Kensington Police Protection & Community Services District.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Kensington Police Protection & Community Services District hereby: (1) approves the Operating Agreement in the form attached hereto on file with the General Manager (2) authorizes its General Manager or designee to execute the Operating Agreement; and (3) authorizes its General Manager or designee to execute such further documents and take such further actions as may be necessary and appropriate to implement the intent of this Resolution and which do not materially or substantially increase the Kensington Police Protection & Community Services District obligations thereunder.

On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was passed and adopted this 9th day of September, 2010, by the following votes:

**AYES:**

**NOES:**

**ABSTENTIONS:**

**ABSENT:**

**ATTEST:** \_\_\_\_\_



## Contra Costa County

Agency	Radio Count
Antioch	225
Brentwood	162
Clayton	38
CC College District	5
Concord*	427
CCFDA	25
Con Fire*	30
CCCSO	1025
Danville*	102
El Cerrito*	135
Hercules	70
Kensington	18
Lafayette*	45
Martinez	83
Moraga*	40
Oakley	50
Orinda*	36
Orinda Moraga Fire*	110
Pinole	97
Pittsburg*	235
Pleasant Hill	143
Richmond*	491
Rodeo-Hercules Fire*	30
San Pablo*	116
San Ramon	301
Walnut Creek	198
<b>Total</b>	<b>4237</b>

\* No update from original