Meeting Minutes for 11/29/17

A Special Meeting of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday, November 29, 2017, at 7:30 P.M., at the Community Center, 59 Arlington Ave., Kensington, California.

ATTENDEES

Elected Members	Speakers/Presenters
Rachelle Sherris-Watt, President	Ann Danforth, District's Legal Counsel
Eileen Nottoli, Vice President	Richard Brady, Matrix Consulting Group
Len Welsh, Director	Simon Brafman
Sylvia Hacaj, Director	Anthony Knight
Chris Deppe, Director	Jim Watt
	Barbara Steinburg
Staff Members	Linda Lipscomb
Anthony Constantouros, General Manager	Mabry Benson
Lynn Wolter, District Administrator	Karl Kruger
	Celia Concus
Press	Marilyn Stollon

President Sherris-Watt called the meeting to order at 7:32 P.M. President Sherris-Watt, Vice President Nottoli, Director Welsh, Director Hacaj, Director Deppe, GM Constantouros, and District Administrator Wolter were present.

President Sherris-Watt announced that public comments would be taken after Richard Brady had completed his presentation.

STAFF COMMENTS

None.

OLD BUSINESS

8a. Authorize entering into a contract with Matrix Consulting Group: evaluation of options related to delivering police services.

GM Constantouros introduced the item: A proposed contract with Matrix Consulting Group to evaluate the options available for delivering police services and an item for the Board's consideration. He had presented the authorization for a proposed RFP (Request for Proposal) to the Board on September 14th. After receiving proposals, an interview panel had convened on November 3rd, and Matrix Consulting Group had been the preferred firm. He contacted Matrix's references, and they came back positive. On November 16th, he had provided the Board with an update. Mr. Brady, the president of Matrix Consulting Group, would now provide a presentation.

Mr. Brady introduced himself: President of Matrix and the head of the company's public safety analytical practice. He would be the project manager if the Board were to approve the contract. He said he would present information about the study his firm had been asked to perform, how it would conduct

the study, and information about the firm and its experience in performing law enforcement studies – specifically service delivery options.

Regarding the background – Mr. Brady said that Kensington was not alone in asking questions about police service delivery in terms of cost, how services are planned, how problems are addressed, how police services are managed, what the right level of service is, and what the service delivery options are. Many communities around the country are asking these questions. Other questions include whether non-sworn personnel should perform some of the tasks currently being performed by sworn officers and whether service should be consolidated with neighboring communities. Kensington had a long history of looking at its police services that went back at least 10 years and most recently with the Ad Hoc Committee's report that had looked at contract for service with several neighboring municipalities, Contra Costa County, and the U.C. Police. Department. This report stopped short of providing information about cost effectiveness because the information hadn't been available or hadn't been made available. This is a complicated analysis, which is why the Board had elected to have a consulting study done.

The scope of the study: To look at current service delivery, with the officers who make up the Kensington Police Department, and to look at how well these services are managed; how well the officers are engaged with the public; and how they're addressing problems – for everything from traffic to burglaries. This is important because Kensington is a County services district and doesn't have a lot of resources upon which to draw. The KPPCSD is, for all intents and purposes, the City of Kensington, and law enforcement/police protection and perceptions of safety are reasons why people move to certain areas. Evaluating what Kensington has is an important starting point of evaluating what Kensington has. This would help define what is an appropriate level of service against which to test other service providers: Could another agency provide service more effectively, with greater cost efficiency, or with more resources? What are the various options at the District's disposal to ensure the community is getting the best law enforcement services? There could be hybrid approaches, which might be hard to envision at this point, that could involve contracting for some things, while having our own police officers.

How Matrix Consulting Group would do the study:
Input from stakeholders such as the Board, other municipalities, the County, and the police officers would be important. The study would begin with extensive interviews of the Board, the General Manager, and other external stakeholders. This would help define appropriate levels of service and issues about the delivery of police services. Getting input from the public would be very important because the tie between police services and the people being protected is greater here than in most larger jurisdictions. He suggested a well-publicized online survey, interviewing community leaders, and holding town hall meetings. An online survey, though somewhat shallow, would allow Matrix to get a lot of input from citizens about police services, and a town hall meeting could facilitate discussions that would provide Matrix with a deeper understanding. Matrix would obtain information from the police officers; there would be one-on-one interviews with every employee. This would allow Matrix to understand how the officers interact with the community, how they handle workload, and how they identify pro-active activities. Matrix would obtain a lot of data from the computer-aided dispatch about the calls it handles – both quality of life and crime issues. Matrix would also obtain information about things such as cost, deployment, and personnel issues. Because the study would involve some of Kensington's neighbors, Matrix would employ the same process with them in order to understand their organizations and depth, in terms of patrol, and to understand issues such as traffic enforcement, detective work, proactive programs, and how their departments are administered. It would be important to understand what Kensington's benefits would be, how Kensington would fit into another agency's operation, and what this would cost. Each agency would have a different cost structure. For one neighbor, Kensington might become an additional beat. Once the facts are collected, Kensington's department would be compared to the best practices of another small agency, such as how proactive time is directed to problems, whether civilians are used, how well they keep in touch with people after crimes have been committed. Matrix would use a best practices approach to compare Kensington's agency to identify the good things it's doing and to identify issues. Matrix would need to develop a set of assumptions – what Kensington wants its law enforcement to be. This would result identifying what

Kensington's ideal police department would look like. Would the department need more resources? Would it need different deployment? Would it mean getting help from outside agencies in a more formal way? Would it use civilians?

The first step would be to see if the status quo could be made better.

The next step would be to see if there were alternatives that could better meet service level targets and perhaps do it more cheaply.

Matrix would provide the analysis, perspective, and insight on the choices that the Board and community would have on police services.

The Board asked Matrix to go further than the type of analysis Matrix usually provides. If the decision were made to have a request for proposal process with some of Kensington's neighbors to provide law enforcement, Matrix would help the District prepare the needed documents, evaluate proposals submitted by interested agencies, and structure a contract.

Mr. Brady emphasized the importance of public input: It would occur up front, following initial findings, and at the end of the process.

Staff input would be important because ideas for improvement often come from within. From a law enforcement perspective, they know where the problems are. Matrix would also need to know what they do and how they do it.

Staff is in a unique position: It knows that it's being looked at and that the community is looking at alternatives. They need to be assured that the firm examining them knows what it's doing and has done this kind of analysis before. The firm has no vested interest in outcome; it's here to look at choices.

Matrix would need to look at the potential contracting partners with the same level of detail as it would examine the Kensington Police Department, which would be difficult because the other agencies are bigger and more complicated. Matrix would need to look at the other agencies' cost and management structures and would need to find out what interested agencies' contract preferences would be. The way it would work best would be some sort of cost-plus basis, along with a multiplier to address inflation and employee agreements. It would be important not to enter into an agreement with any unknowns.

It would be important to understand current delivery systems so that alternatives could be compared to it in terms of cost, resources, and staffing. The transition to another agency would also have to be examined: equipment, facilities, vehicles, systems, and the possible overlap of police services for some period of time. These are costs often overlooked in these kinds of studies. It would be important to know the total operating cost.

The study portion, alone, would take about 18 weeks. During this time, Matrix would be doing a service assessment of as many as seven other agencies.

The RFP development process would take between six weeks to two months.

Matrix Consulting Group has been in business for about 15 years, does work only for local government, and police service studies is the biggest part of its workload. Mr. Brady has done about 350 such studies. Other members of the team have been police officers and police managers who are good analysts.

Many communities look at such studies in the hopes of saving money. The more important reason to do this is because it makes sense, such as possible economies of scale by providing police services regionally.

The key team would be Mr. Brady (he would be the project manager, conduct interviews, and help write the report), Byron Pipkin, Ian Brady, Greg Matthews, and Shawn Messenger.

President Sherris-Watt asked the two Directors who had participated in the interviews to explain what caused them to prefer this firm to the others.

Director Hacaj responded that the involvement of senior management and staffing of the project were key to her: There would be a depth of experience. The emphasis on public participation and the firm's focus on police services were important.

Director Welsh responded that the interviewing group was almost completely in agreement in selecting Matrix. In addition to the experience of dealing with this issue in the state and around the country, Matrix understood the Board's need to make a decision based on data. There were two very different paths: keeping our own police force or going to the very different paradigm of contracting out for police service. During the interview, it was clear that Matrix had a lack of bias about either approach and had exhibited excellent communication skills.

President Sherris-Watt asked if there was anything lacking in the proposal.

Vice President Nottoli responded that what she found missing were the potential costs for our current department with respect to OPEB and CalPERS and what those costs would be if the District were to contract out. Mr. Brady responded that this would be a critical part of the analysis.

Director Welsh said he was concerned about what appeared to be the bias toward contracting out. He would like to see the analysis as separate from performing the RFP. To make the process clean, the process should be about performing the analysis only. Then, if the Board decided it wanted to do an RFP or contract out, that should be a separate proposal. Also, the proposal indicated it would look at a ten-year projection for contracting out, but it didn't include the same for keeping Kensington's current police department. It might be possible that, after doing a "best practices" analysis, Matrix might find that the current department fell short in many areas. One remedy might be to contract out to solve such problems, and another remedy might be to make necessary in-house changes to achieve the level of "best practices." He would like to see the timeline associated with this. He would like to see a commitment to the same level of analysis about how to get from where we are to where we want to be if the District were to keep the police force in house.

Director Hacaj responded that it was her understanding that this would be done: Matrix would do a ten-year-out study for both options. Director Welsh and Vice President Nottoli said they didn't see this in the proposal, but Vice President Nottoli added that she had seen it in one of the slides.

President Sherris-Watt said she wondered about the same thing – keeping the RFP process separate because of the implicit bias. She said the GM did this because the District wouldn't want to get to a point and then find that a firm the Board had chosen couldn't help the Board through that process.

Director Hacaj noted this was a not-to-exceed proposal; thus there would be no obligation to pay the full amount.

Director Welsh said he liked the idea of being able to continue with the same group, if the Board got to that point, but he wanted the RFP element to be separate: To him it's a separate process.

President Sherris-Watt said she'd been concerned about Matrix contacting neighboring agencies so early in the process. But, now she understood the role this would play in a best-practices study.

Simon Brafman said that, based on his experience as a consultant, he'd found it helpful to have someone from the client's side on the team. He asked if this was something that could be considered.

Mr. Brady responded that Matrix strongly urged the Board to create a project advisory committee – either the Board or the Board and some members of the community – so that Matrix wouldn't be working in a vacuum.

Anthony Knight said it had been noted many times in the community that there is a lopsided allocation of resources between the police department and the fire department: One is starved for cash and the other has a surplus. He was struck that this was being presented as if there are two choices: contracting out and retaining our police department. There had been a lot of discussion, especially in the Ad Hoc Committee, about a third choice: consolidating the KPPCSD and the Fire District. He asked if such consolidation was going to be studied.

Director Welsh responded that this was a separate issue and that, if it turned out the District wanted to contract out and this turned out to be astronomically expensive, then consolidation might be something to be considered. If consolidation were to be considered, the examination of police service would still need to be done to ensure that police service is being delivered in the most effective manner. The District might get to that issue in the future.

Mr. Knight said that the Ad Hoc Committee had looked at consolidation as a choice and that he saw it as an equally weighted choice. He didn't know why it would suddenly be ignored.

President Sherris-Watt responded that the Board's job was to provide the best possible police service. What the Board was doing was looking within the police department to find out how to provide this. A dollar amount would come, but for now the Board needed to know what it's doing right, what it's doing wrong, and how it could provide the best services. This was separate from how the services are funded.

Mr. Knight responded that, as a taxpayer, his concern is that the best use be made of his tax dollar for public safety. What he sees now is another example of the isolation of the two districts: The police Board working on providing the best police services and the Fire District making the best fire department. His concern is public safety; he thinks the two Districts should be combined. This presentation should be made to the Fire Board, too. He noted that none of the Fire Board members were in attendance.

President Sherris-Watt responded that Fire Board members were welcome to attend, as citizens.

Mr. Brady responded that it depended on what one meant as public safety and consolidation. Matrix had been involved in such studies. Matrix had been asked to look only at law enforcement services. There are two broad ways of looking at public safety. One would be an administrative consolidation, where there would be a single management approach to public safety. The integration of police and fire is a very different thing and a different kind of analysis. Matrix could look at this in some way, but it would be different from what it had proposed.

Jim Watt said that Matrix had considerable experience and that getting this study right was critically important. There had been a discussion about the steps that would be followed in getting this information, and they were enumerated in the RFP, which had been sent to potential firms, including Matrix. He noted that the GM's report included the recommendation that the Board proceed with entering into an agreement with Matrix Consulting. The GM had sent Mr. Watt a copy of the RFP, which contained a revised list of the four project phases. Mr. Watt believes that these four phases spell out the work required to complete the evaluation and that they don't dovetail with the four phases identified in the Matrix proposal. Until the information in the proposal is consistent with the RFP, he believes the Board should not approve the Matrix proposal in its current form. He summarized some of the differences he's discovered between the RFP and the proposal. Phase one: The RFP was intended to identify the ideal structure for a stand-alone department and was to involve community input. The Matrix proposal did not include the option for a modified structure, based on existing conditions and cost estimates, for public comment. Phase two: Was intended to provide hard numbers for a modified stand-alone department and to develop the initial RFP criteria to be considered by other police agencies, and the public was invited into the process. The Matrix proposal would analyze the cost of a modified

stand-alone department and break out the factors to be considered in contracting out. This would not result in knowing the cost of contracting out, and there would be no formal public review. Phase three: Involved meeting with contracting agencies, negotiating terms, identifying other transitional costs, and comparing the actual cost of contracting out with that of the modified stand-alone option. Public input had been expected, as part of arriving at any final decision. The Matrix proposal provided a comparison of the stand-alone and contracting out options to include a pro and con evaluation, with all to be reviewed by a steering committee only. Phase four: Was to prepare a final report containing recommendations. The Matrix proposal would use this phase to provide assistance in the preparation of RFPs with other agencies for the delivery of shared services. How could Matrix give any recommendations in phase three without the hard numbers for contracting out? He recommended that the Board ask Matrix to conform its proposal to the proposed outline in the Board's approved RFP. He also recommended that Matrix be made aware of the financial obligations facing the District and why it would be important to develop approaches that would lower costs.

Mr. Brady responded that, in a contract, Kensington's RFP would be an exhibit attached to the contract. The RFP and the contract would be legal requirements for Matrix. In looking at an analytical problem, different people had different ways of looking at things. When developing their work plan, Matrix ensured it contained all the things contained in Kensington's RFP. By modifying the phase structure, Matrix ensured there would be a clear fact-finding phase, a clear analytical phase, and then a reporting and follow-up phase. The base level would be performing a study of the Kensington Police Department to obtain a base level. Simultaneously, Matrix would obtain information from other agencies. Matrix would not get proposals from these agencies – it would not be Matrix's place to do so – but it would be Matrix's job to keep potential contract agencies honest. Matrix is in the business of developing a scope of work for these agencies to respond to – one that would be equal to Kensington's ideal level of police service. Matrix would analyze these agencies' cost structures and what the cost of providing service to Kensington should be, such as providing 10 officers patrolling for a certain period of time, with a certain response time and having a detective respond to an event within 24 hours. Kensington's department would be a starting point.

Barbara Steinburg said she was glad to hear there was a plan to involve the community on whether to contract out for police services. She said she also would like to hear about how Matrix would involve the community in the decision making process.

President Sherris-Watt responded that there would be methods of involving the community within the project. When the Board got to the point of making a decision, it would explore what would need to happen.

Linda Lipscomb thanked Mr. Brady for his presentation. She wondered why the District was discussing this, when it had a perfectly good police force. It might need some tinkering and tuning, and that's what the District's money ought to be spent on, rather than going through this analysis again. In 2009, Brown Taylor, whom she believed had worked with Matrix at one point in his career, had produced a report looking at the same thing: Contracting out. Mr. Brown had concluded that, "initial preliminary evaluation of the potential for outsourcing police services, in terms of reduced cost or economy of scale and depth of resource offered for specialized services, but a more in-depth evaluation of Kensington's ongoing direct costs…" as compared with services provided, at that time, by the El Cerrito Police Department, "including the cumbersome and costly transition process and potential adverse impact on the existing Kensington staff suggest sufficient economies and/or service enhancements are not present to focus immediately on contracting as a service alternative." Ms. Lipscomb suggested looking at the 2009 report and said that, here was the District, again, spending more money on another analysis, duplicating that work and bringing it up to date.

Ms. Lipscomb said there was one other involvement of the community, which she referred to as the 800-pound gorilla in the room: An ordinance requiring a vote of the people, if the District opted to contract out, and the cost attached to it. She had read the legal opinion, which had been provided to the Board, that purported to conclude that the ordinance is not constitutional. To counter this, she quoted a Supreme Court case: "The peoples' reserve power of an initiative is greater than the power of the

legislative body. The latter may not bind future legislators, but through the exercise of the initiative power, the people may bind future legislative bodies." She clarified that Kensington's ordinance had come from an initiative, and she suggested that there's a substantial question as to whether that opinion regarding the constitutionality or the bona fides of that ordinance exists. Accordingly, the cost of a "cat fight" over this should be included in any analysis.

President Sherris-Watt responded that she would hate to think of anyone stirring up a "cat fight" in Kensington and that the District's not at that point yet. It's only at the fact-finding phase and looking for ways to improve the department. While she appreciates Brown Taylor's 2009 work, it's a different world in 2017-18.

Mabry Benson said she'd served on the Ad Hoc Committee's contracting subcommittee. One of the items sought, when looking into other police departments, was getting information on the culture of those departments. But, members of the subcommittee had had no idea how to accomplish this – as ordinary citizens. She asked Mr. Brady if Matrix had a method for determining police department culture. If his company discovered something less than favorable, would he be able to share it with Kensington. Mr. Brady responded in the affirmative.

Ms. Benson said that an issue with the Sheriff had been that he wouldn't even talk to the subcommittee because it hadn't been official enough. She wished Mr. Brady good luck.

Karl Kruger said his concern was that the District was going to go down this road and find someone with whom to contract out. He said this would be just about the worst thing the District could do. The community had contracting out experience with its fire department: The community was paying more than El Cerrito, on a per household basis, and receiving much lower service. He urged Matrix to see how Kensington could improve its own police department but said he wasn't sure the District was going this way. He had the feeling the Board was finding a reason to contract out, and this concerned him.

Director Welsh said he wanted to raise the point, with respect to looking at the pro and cons of contracting out. If Kensington were to contract out, could Matrix look at whether mistakes had been made in the Fire District-El Cerrito contract? Director Welsh also noted that one might get a great deal for the first couple of years in a contract, which Kensington had received in the early years of the fire contract. But, then, upon renewal, the entity with which one had contracted decided to increase the cost – at this point the options to deal with this would be limited. He noted that he'd experienced this with IT contracts in government. He said he hoped that Mr. Brady would be able to address this as part of his analysis.

Mr. Brady responded that this was an important point and was why the analysis would take some time. It would be important to get into each of department's operations and cost structures to understand the direct and indirect costs. Also, the Board would need to have cost escalators agreed to in any contract.

Mr. Brady pointed out that there would be things over which the Board would have no control, which was one of the issues with contracting. For example, the Board wouldn't have anything to do with the collective bargaining group in another agency, so salary increases would be passed on to Kensington.

Mr. Brady pointed out the need to define costs up front and to make sure that all the costs were included and that the basis for allocation to Kensington was reasonable and appropriate. For example, Counties were putting pressure on Sheriffs to recover more of their costs in contracting situations, such as helicopter service or training costs. These costs would need to be accounted for now.

President Sherris-Watt said the District was having a problem getting its officers trained, and she asked how Mr. Brady would put a value on things like this.

Mr. Brady responded that, with a department of ten or fewer officers, there could be a problem getting people away to training. It's not a cost issue. It's getting them away for training and paying for the overtime to get someone to cover the shift. Part of this issue is evaluating what could be done right now

and what additional resources might be necessary to make this less of a problem. He noted that contracting municipalities would want to charge Kensington for a portion of things such as their human resources, finance, and IT departments. Whatever, it would need to be something Kensington could analyze.

Director Hacaj asked if, in Matrix's evaluation of other jurisdictions, the company would be looking at the overall financial health of those jurisdictions. Mr. Brady responded it would do so as well as possible, especially with respect to unfunded liabilities.

President Sherris-Watt said that the members of her Finance Committee had questions about the scientific criteria and reasonability of Survey Monkey and had wondered about other survey sources. Director Hacaj expressed concern about this, too, and said that, if the District were to use it, it would be less relevant in the early stages than it would be at the decision-making stage. She would like to ensure that individuals could respond only once. Mr. Brady responded that Survey Monkey was what his company typically used and that Survey Monkey had embedded tools that would allow the user to ensure that only one computer would be recognized. Director Hacaj responded that some people shared computers, and she didn't want to limit such individuals. Mr. Brady noted that, for a jurisdiction of Kensington's size, it would be difficult to get results that were scientifically reliable, but he would want to make the process as rigorous as possible. A survey would be a tool to identify attitudes.

Celia Concus said she'd heard comments, this night and at other times – that Kensington's police department was a fine one – which seemed not to reflect the reality she knows. She said it is a troubled police department. Unless that reality is accepted, there would be no way to improve what Kensington has. The District is still considering ways in which to improve the police services, and perhaps, decrease costs. She said she'd also heard that fire services are not good. She didn't know anybody who had complained about the delivery of fire or paramedic service. One should look at legal costs for each of the districts. The police department had had phenomenal legal costs, much of which was attributable to the police officers, while the Fire District had had almost none. There were numerous complaints about police officers, and, perhaps, there had been one complaint against a firefighter.

Kevin Fitzsimmons said that approximately 25% of Kensington residents were unable to use something like Survey Monkey and asked what other survey method Matrix could use. He asked Mr. Brady what methodology he'd use to evaluate the culture of other police agencies.

Mr. Brady responded that, to get additional information from residents without computers, there could be paper surveys at places like the library and the Public Safety Building. To get an understanding of organizational culture, Matrix would interview other departments intensively to understand their service philosophy – how they follow up on complaints, how they're engaged with citizens, and how they identify problems. What Kensington would be most interested in, with respect to the culture of law enforcement, would be how they would be structured to be interactive with the community, and how they would solve problems.

Director Deppe said that he thought the proposed price of the Matrix contract was fixed but that it seemed that Mr. Brady had talked about options and a not-to-exceed amount. He asked where this was addressed in the proposal.

Mr. Brady responded that the proposal had been structured so that there was a cost associated with each task, so the Board could elect not to do the RFP and not incur the $10,600 cost associated with that task.

Director Deppe asked if the number of agencies interviewed might affect the cost. Mr. Brady responded in the negative.

Director Welsh noted that this wasn't how the cost part of the contract had been written: It had been written as a fixed price of $74,000. He asked for this to be changed to a not-to-exceed proposal.

Mr. Brady responded in the affirmative and said the contract could be revised in such a way that the District could opt not to have Matrix perform the last task: the contract assistance/RFP piece.

Director Deppe said that, with respect to the proposed town hall meeting, not everyone felt comfortable speaking up in such a format and that some people might not want to participate in a survey. He suggested multiple ways in which people could provide input. For example, he said that some might prefer to write a letter. He said he wanted to ensure that everyone was represented.

Director Deppe said that members of the subcommittee on contracting had found that, without an RFP, they'd been unable to get information or attention from agencies. It would be important to get proposals from agencies in order to evaluate what it would cost to get a department that Kensington would want in-house. It was his understanding that, without an RFP, agencies wouldn't provide Matrix with much more information than they'd provided the Ad Hoc Committee. It would not be possible to evaluate options without the information an RFP would provide.

Mr. Brady responded that Matrix would start with the City Manager, rather than the Police Chief, and that most of the information needed for an assessment of cost was publically available – things such as salaries, benefits structure, other operating costs, the organizational structure. However, things such as deployment, how Kensington would be served, and calls for service would need to come from people within the municipalities. There were agencies that would be interested and would look at this as an amazing opportunity.

Director Welsh said that having hired a consultant would probably show other agencies that Kensington was serious.

Director Deppe asked what it would cost to get Kensington's own department up to what the community wanted, as compared to what it would cost to get the same level of service from another agency. Without this, the community would go on discussing what its options might be. He hoped hard facts would result from the study so that concrete options could be discussed.

Mr. Brady responded that Kensington could have structured its request by saying what level of service it wanted, asking other agencies to make their best proposals, and having Matrix help evaluate them. Or, the Board could have done what it did: Ask for how a contract service would compare to making its own department better. Matrix would provide a likely range of cost, given personnel and other costs and how another agency would serve Kensington.

President Sherris-Watt said the District had received a lot of citizen concern about the viewpoint in this highly charged political climate that the Sheriff is very much in favor of the president's policy and how that would reflect on policing. She would like to see this element considered.

Mr. Brady responded that Matrix was committed to the 21st century policing concepts put forth by the Department of Justice under the Obama administration, which state that law enforcement is more than having police officers on the street. It addresses things such as: What kind of officers you want. How you're training them. What first-line supervisors are doing. What's being done to engage the community.

Director Welsh expressed concern that, if the County wanted to follow the federal government's lead on being hard on immigrants, that would be something that would matter to this community.

Mr. Brady responded that this would go to the issue of agency culture and that Matrix didn't believe that law enforcement should be engaged around such principles.

Linda Lipscomb asked if the Board had any idea how destructive it was for the people who were working for them, while the Directors were sitting there, over the course of years, looking for ways for the employees possibly not to have their jobs. She suggested that the Directors make cultural changes on the Board in order to make the employees' environment a better place in which do their policing. As

for comments regarding legal costs in this community, Ms. Concus should know that the one in which she had been involved had probably cost the District about $250,000.

Mabry Benson said that this may have cost a lot, but, at any point, the existing Board could have just said no, it could have taken a vote, and would not have had to pay the legal expenses.

Jim Watt said he agreed with Director Deppe – to go forward without getting hard costs from the outside agencies would make a mockery of this process. Matrix's proposal was structured in such a way as not to get this information until after the fact. There are so many aspects to contracting with another agency that could only be garnered once a proposal was put out. Would an outside agency accept all of our employees? Those employees not accepted would become a cost factor for Kensington to consider. The only way to know exactly what Kensington would get with contracting out would be to get a proposal. The only way another agency would spend the time and effort to respond and to get the approval of it city management, would be to have the assurance that this was the direction in which the Board intended to go.

Vice President Nottoli responded that this always had been contemplated; that, if Kensington were to choose to go with contracting, it would be the same as the District had done with dispatching. There would be a resolution from the Board, which would be presented to the agencies.

Director Hacaj said there would be no harm in getting the information Mr. Brady had proposed because, if there were something very unusual, Kensington would come to know it.

Mr. Watt said that, in the RFP that had been discussed two months earlier, it had specifically stated that, under phase three, Kensington would get contract proposals from agencies and be able to make its decision based upon hard costs from these agencies. Now, Kensington was hearing this was not the direction in which it would go, which he thought was a mistake.

Mr. Brady responded that Matrix would analyze likely costs first and then get the RFP. This would ensure better responses to the RFP.

Director Welsh said that a number of people had raised issues and that he appreciated the issues Mr. Watt had raised, especially with respect to developing the stand-alone information as robustly as the contracting information. He hoped Mr. Brady had taken all information to heart. As the District goes through the phases there would be opportunities for public input, with Board discussions to steer the analysis as it goes forward. He didn't see the need for any formal change to the proposal, except that he would like the District's legal counsel to look at the pricing to ensure it's presented on a not-to-exceed basis.

Director Deppe said that, in phase three, there would be a final report, but he didn't see how Matrix could have a final report without a proposal from an agency. Matrix could have a preliminary report, but without a concrete proposal, everything, including cost, would be theoretical. A final report couldn't be done until the District had both sides of the equation for comparison – especially with respect to advantages and disadvantages and reasons for recommending or not. This would come after proposals from other agencies had been received. Perhaps having its own department would be the way to go, but he wanted to be able to compare this to contracting out with two concrete sets of data. Lacking such concrete data had been the cause of lots of discussions and controversy.

Mr. Brady responded that this was a good idea – to have a preliminary report. But, he said to remember that Matrix was not discounting Kensington's existing police department. Matrix would be comparing the current delivery of service and steps that could be taken to make that better against the advantages and disadvantages of contracting out. Matrix would make sure that the District received fact-based data from potential suitors.

Director Hacaj noted that pursuing an RFP did not mean that the District would choose to contract: It would provide more data.

Mr. Brady said the reason for not having the $10,600 assumed in the contract price was that the District might get to the end of the analytical process and decide it doesn't want to keep going.

Director Welsh added that the District might see that no realistic RFP would be forthcoming for a price of less than "X," and this might be too much.

Director Deppe said that to really know, the District would need to have a proposal from another agency. It was important to have reliable data. It wasn't just money. It was what would happen to Kensington's officers, the CalPERS issue, and what a transition would look like.

Director Hacaj suggested that Mr. Brady provide some examples of clients that had gone through a similar process so that Directors could speak with some of them and ask what they had learned at the end of the analysis of their own departments and of potential contracting agencies.

Director Deppe asked where the CalPERS issue would come in, with respect to contracting out.

Mr. Brady responded that Matrix would come to understand this as it spoke with other agencies. It would be part of the company's fact-finding and analytical work. Matrix would examine the other agencies' retirement structures and unfunded liabilities.

Director Deppe said that Kensington had a CalPERS payoff – a dollar amount – that might be required. He asked when the District might know that amount.

Director Hacaj noted that is wasn't clear that Kensington would have an absolute payoff.

Mr. Brady responded that this would be known before phase three.

President Sherris-Watt said this would be a process – keeping open to possibilities while trying to nail everything down. Unfortunately, CalPERS could be a black hole, and the Board would be trying to get information from Matrix and its own staff.

MOTION: Director Welsh moved, and President Sherris-Watt seconded, that the Board authorize General Manager Anthony Constantouros, working with the Board President, to negotiate and execute a contract with Matrix Consulting Group, subject to legal review for form. Motion passed: 5 – 0.

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

GM Constantouros noted that there were some loose ends:

- The discussion for having a steering committee to work with the consultant. If this were something in which the Board was interested, there would need to be a process to select the committee. He recommended that it include one or two members of the Board.
- Developing a clear public input plan. The RFP had called for three opportunities for public input, and Mr. Brady had proposed other techniques. There's a question about what kind of public input the Board would like – the three meetings, a survey, a focus group concept, etc.
- There's some confusion about the process. Mr. Watt's points were well taken. In the RFP, the proposals from other agencies would be done before the final report: The final report would include the results of the RFPs. In Mr. Brady's draft proposal, it would be done after the internal review. There would be the internal review, and then the Board would decide whether to go through the RFP process.

He asked if the Board could provide direction on these three items.

President Sherris-Watt responded that she liked the idea of a town hall meeting, she was unsure about the focus group concept, and she like the idea of some kind of survey.

Director Hacaj responded that the end of the first phase wouldn't include RFPs but was still valuable information. Nothing would be final until the Board decided to go forward and get an RFP.

Director Welsh responded that the steering committee should be discussed at the next Board meeting and that he anticipated that this committee would assist the Board with many of these issues. He favored doing anything that could be done to maximize the Board's assurance that it was doing the right thing and understanding what the community would want.

President Sherris-Watt said she was cautious about using a steering committee. There were pros and cons of using such a committee. It could be difficult to use community members effectively because of restrictions and POBAR rights, and because people could not have a full explanation of points of view that staff and Board members might have.

Director Hacaj said the Board was very committed to public input, and there would be a lot of opportunity for the public to be involved. The steering committee was a separate issue and would exist only to help move things along.

President Sherris-Watt said it could be seen as possibly slowing down the process and, perhaps, invalidating the impartiality of how people viewed things.

Director Welsh said it was a choice between having GM Constantouros and President Sherris-Watt shepherd the process from meeting to meeting or a having a committee do so.

GM Constantouros responded that two Board members and the GM could be a steering committee and that it would be difficult to select community members.

President Sherris-Watt concluded that this would be a good topic to raise at the Board's next meeting.

District Legal Counsel, Ann Danforth suggested going with GM Constantoursos' recommendation of keeping the committee as an ad hoc one for purposes of keeping the report moving forward.

Marilyn Stollon suggested using the Outlook for the survey – it could be included, would go to every household, and would be up to the recipient to return it. With Survey Monkey, there had been a lot of problems with a prior use of it because the technical people in town had figured out ways around it. Therefore the results hadn't been trustworthy.

President Sherris-Watt responded that the Board would try just about every method to get input.

MOTION: Director Hacaj moved, and President Sherris-Watt seconded, to adjourn.
Motion passed: 5 – 0.

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

Meeting adjourned at 9:27 P.M.

Rachelle Sherris-Watt
KPPCSD Board President

Lynn Wolter
District Administrator