

# 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, January 12, 2012, at 6:00 P.M., at the Community Center, 59 Arlington Avenue, Kensington, California. The Board will enter into Closed Session pursuant to California Government Code Section 54957. The Board will return to Open Session at 7:00 P.M. At the conclusion of the Regular Open Session meeting, the Board will return to Closed Session if needed pursuant to California Government Code Section 54957.

Note: All proceedings of the Open Session meeting will be tape recorded and video taped.

Roll Call  
Public Comments

### DISTRICT- CLOSED SESSION

1. Closed Session- Pursuant to California Government Code Section 54957
  - a. Public Employee Discipline/ Dismissal/ Release

Report on Action Taken in Closed Session

Roll Call  
Public Comments  
Board Member/ Staff Comments

### DISTRICT – OLD BUSINESS

1. KPPCSD Director Tony Lloyd and Committee Member Chris Schelling will present to the Board the findings of the Paths Committee for initial Board review and discussion. County Supervisor John Gioia is also expected attend and participate in the discussions. Board Action. Pages 42-104

### APPROVAL OF CONSENT CALENDAR

- a) Minutes of the Special Meeting November 4, 2011, Page 3
- b) Minutes of the Regular Meeting November 10, 2011, Page 5
- c) Minutes of the Special Meeting December 5, 2011, Page 10
- d) Profit & Loss Budget Performance for December 2011, Page 12
- e) Park Revenue & Expenses Report for December 2011, Page 17
- f) Board Member Reports- None
- g) Correspondence, Page
- h) Police Department Update, Page 25
- i) Monthly Calendar, Page 36
- j) Recreation Report , Page 38
- k) General Manager Update, Page39

### DISTRICT - NEW BUSINESS

1. The Board will discuss the proposed Extension Agreement between the District and the Kensington Police Officers Association. Board Action. Pages 105-121

### DISTRICT- CLOSED SESSION

As necessary and listed above.

Report on Action Taken in Closed Session

### 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 AUXILARY AID OR SERVICE AT LEAST 10 DAYS BEFORE THE MEETING. REQUESTS SHOULD BE SENT TO:

District Secretary Anita Gardyne, Kensington Police Protection & Community Services District, 217 Arlington Ave, Kensington, CA 94707

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

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

**KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT** 1  
**BOARD OF DIRECTORS**

**Meeting Minutes for 11/04/2011**

**AGENDA**

A special meeting of the Board of Directors of the Kensington Police Protection and Community Services District (KPPCSD) was held Friday, November 4, 2011, 7:00 PM, at the Community Center, 59 Arlington Avenue, Kensington, California.
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**ATTENDEES**

<u>Elected Members</u>	<u>Guest/Presenter</u>
Charles Toombs, President	Lynn Wolter
Linda Lipscomb, Vice President	
Tony Lloyd, Director	
Mari Metcalf, Director	
Cathie Kosel, Director	
<b><u>Staff Members</u></b>	
Gregory E. Harman, General Manager/Chief of Police	
Anita Darden Gardyne, District Secretary	
Detective Corporal Keith Barrow	

ANNOUNCEMENTS: Board President Charles Toombs called the meeting to order at approximately 7:00 PM. He stated that the Director Metcalf was in transit but would arrive shortly.

**PUBLIC COMMENTS**

None

**BOARD COMMENTS**

None

**STAFF COMMENTS**

None

President Toombs stated that the BOD would enter into closed session to discuss Labor Negotiations between KPPCSD representatives and the Kensington Police Officers Association.

While in the Community Center parking lot, Secretary Gardyne saw Director Metcalf entering the meeting room where the closed door session was held at approximately 7:07p

The meeting was reconvened at 8:27p. President Toombs stated that KPPCSD representatives will go back to the KPOA to clarify a few issues and then move forward to the next step.

**KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 2**  
**BOARD OF DIRECTORS**

**MOTION: Director Kosel moved to end the meeting at about 8:28 PM. Vice President Lipscomb seconded this motion.**

**AYES: Toombs, Lipscomb, Lloyd, Metcalf , Kosel NOES: 0 ABSENT:0**

**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 AUXILARY AID OR SERVICE AT LEAST 10 DAYS BEFORE THE MEETING. REQUESTS SHOULD BE SENT TO:

District Secretary Anita Gardyne, Kensington Police Protection & Community Services District, 217 Arlington Ave,  
Kensington, CA 94707

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**KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 1**  
**BOARD OF DIRECTORS**

**Revised Meeting Action Minutes for 11/10/2011**

**AGENDA**

A regular meeting of the Board of Directors of the Kensington Police Protection and Community Services District (KPPCSD) was held Thursday, November 10, 2011, 7:00 PM, at the Community Center, 59 Arlington Avenue, Kensington, California.

**ATTENDEES**

<u>Elected Members</u>	<u>Guests/Presenters</u>
Charles Toombs, President	Joan Gallegos
Linda Lipscomb, Vice President	John Stein
Tony Lloyd, Director	Gretchen Gillfillan
Cathie Kosel, Director	Lynn Wolter
	Joel Koosed
	Barbara Dilts
<u>Staff Members</u>	
Gregory E. Harman, General Manager/Chief of Police	
Anita Darden Gardyne, District Secretary	
Temporary Acting Sergeant Kevin Hui	

ANNOUNCEMENTS: Board President Charles Toombs called the meeting to order at approximately 7:00 PM. He stated Director Metcalf would be absent with prior notice.

The public meeting was convened at about 7:00 PM.

**PUBLIC COMMENTS**

John Stein announced that the next meeting of the Parking Building Plan Committee is Saturday, Dec 3 at 10a in this room and that the purpose of this meeting is to focus on alternatives plans and designs.

**BOARD COMMENTS**

Director Kosel asked if GM/COP Harman had been contacted by Republic regarding the garbage contract reassignment and GM/COP Harman said no and that it was up to Bay View to drive reassignment. She also said that SF voters had recently weighed in on pension reform through two ballot measures and noted that this might be of interest to Kensington residents.

President Toombs said that Gov. Brown has an extensive proposal on pension reform on the table and that pension reform has been part of ongoing discussions with the Kensington officers. He also said that this past Saturday there was a KIC sponsored event that was well attended. He said Nancy Skinner, John Gioia, and others spoke. Next he said that a Park public meeting was held on Oct 16 and it was well attended but he would like even more public attendance. He then reminded residents to fill out their Park survey online and explained that each resident was only allowed one vote through this online survey. He concluded by reminding all that Measure J was a mail in ballot for Doctor's Hospital and that the ballot is due by November 15<sup>th</sup>.

**KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 2**  
**BOARD OF DIRECTORS**

**STAFF COMMENTS**

None.

**CONSENT CALENDAR**

*Note: Changes in appear in italics*

Director Lipscomb asked that paragraph 4 of page 3 of the minutes be rewritten to read, "The drainage issue is a defect maintenance issue on the land *being used for drainage by the county*". Her second change to this section was to insert the words "entity is an" after the word separate in the final sentence of this paragraph. With this change, the sentence now reads, "He said the County's willingness to transfer the paths to a separate *entity is an* issue that is being worked through the Path's Committee".

Director Kosel asked that the October 2011 Police Department Report that appears on page 19 be revised as it pertained to resident Catherine De Neergaard's cessation of interviews with attorney Lee Ann Wallace. President Toombs said that he believed the statements reflected in the Police Department Report were fair and accurate and saw no reason to make any changes.

**MOTION: Director Kosel moved to approve the consent calendar. Vice President Lipscomb seconded this motion.**

**AYES: Toombs, Lipscomb, Lloyd, Kosel      NOES: 0      ABSENT: Metcalf**

**DISTRICT – OLD BUSINESS #1** - General Manager/ Chief of Police Greg Harman will provide the Board with an update on the Paths Committee project and his conversation with County Supervisor John Gioia regarding the Highland/ Kenyon path drainage issue.

**STAFF COMMENTS**

GM/COP Harman said that there is currently an ad hoc committee of the BOD that is looking into the possible ownership of the paths and thus its maintenance etc. He said there was a secondary issue regarding a drainage problem on a path that connects Highland to Kenyon and it was this issue he would be discussing this evening.

GM/COP Harman said that there is a drainage pipe that runs between Highland and Kenyon and there has been some question as to whether the district or the County owns this pipe. This pipe has failed in the middle and causes flooding. Most recently there have been efforts to fix the drain but county's position, for years, has been that they don't own the paths or the pipe in question. GM/COP Harman said that he met with John Gioia on October 17<sup>th</sup> and told him about the Path's Committee's work which is uniquely focused on whether or not the district should pursue ownership of some, all, or none of the paths. Mr. Gioia said the County would do a temporary fix on this drain while the District decided how it wanted to proceed on this and other paths. In an effort to expedite the process, GM/COP Harman said he secured right of entry consents from the four property owners that adjoin the Highland-Kenyon path. As of this meeting, GM/COP Harman said that County had laid out its materials to begin work on the drainage pipe. He said that the Paths Committee would continue its work and planned to present its findings at the

**KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 3**  
**BOARD OF DIRECTORS**

December 8, 2011 BOD meeting.

**BOARD COMMENTS**

Directors Kosel said that GM/COP Harman had made an excellent oral presentation and asked that in the future he provide a well written summary in BOD agenda packages so that others not present could read it in the published agenda packet and possibly decide to attend the meeting or simply to come prepared to ask better questions.

Vice President Lipscomb complimented GM/COP Harman and John Gioia for reaching an agreement.

Director Lloyd concurred with Vice President Lipscomb's comments and said that the Paths Committee is doing a thorough job and will share its findings at the December BOD meeting as to whether it recommends it is reasonable and feasible for the district to adopt all, some, or none of the paths.

President Toombs said at the Nov 5 KIC sponsored meeting previously referenced, John Gioia said it was possible for the District to try single path adoption as a test case. He explained that this would allow the District and county to see how this arrangement could work. He also said that the homeowners affected by the Highland-Kenton pipe will have their property protected as a result of County's action.

**PUBLIC COMMENTS**

None.

No BOD action was requested nor taken.

**DISTRICT – NEW BUSINESS #1** - Board President Chuck Toombs will propose to the Board the formation of an Ad-Hoc Committee to review and update the KPPCSD Board Policy Manual. Board Action.

**STAFF COMMENTS**

None.

**BOARD COMMENTS**

President Toombs said that Directors Lloyd and Lipscomb, along with residents John Stein, Barbara Dilts, and Joan Gallegos will make up this committee. He said that they would have the support of the District's attorneys and that members of the public will have opportunities to participate as this committee will operate under the Brown Act. He noted that 3 of the 5 committee members were from the community and directed Secretary Gardyne to gather the committee member's contact information and to share it amongst committee members.

President Toombs said that the BOD President can appoint this committee so no vote is needed.

**PUBLIC COMMENTS**

Joan Gallegos requested staff support be made available to the committee as needed.

Gretchen Gillfillan said it was valuable that Joan Gallegos was on the committee because of her

*Kensington Police Protection and Community Services District – Board of Directors Meeting –11/10/11*

**KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 4**  
**BOARD OF DIRECTORS**

experience, knowledge, and history.

**DISTRICT – NEW BUSINESS #2** - General Manager/ Chief of Police Greg Harman will present to the Board KPPCSD Resolution 2011-016, a Resolution to Tax Defer CALPERS Member Paid Contributions/ Employer Pick-Up under the provisions of Section 414(h)(2) of the Internal Revenue Code. Board Action.

**STAFF COMMENTS**

GM/COP Harman said that over the summer he received a second notice from CALPERS, the pension fund that most public agencies use to fund their pension instruments, regarding the need to have the BOD prepare and submit a Resolution if, 1) the district picks up a portion of its police officer's public employees retirement contribution, and 2) if the contribution is tax deferred until the employee retires and starts withdrawing his/her retirement. Since the District meets both of these requirements, by paying a 9% employee contribution that is tax deferred until an employee retires and starts pulling his/her pension, GM/COP Harman explained that it was necessary for the BOD to approve and then submit to CALPERS, using the CALPERS provided form, a resolution stating that these two conditions were in effect. This is the purpose of Resolution 2011-016. He reiterated that this Resolution is actually a CALPERS form and the only amendments to the form are the addition of the name of the District. He expressed concern about any attempts to change this CALPERS form as he believed doing so could result in unanticipated consequences.

**BOARD COMMENTS**

President Toombs noted that if the District did not pass Resolution 2011-016, the District could not manage its pension plan.

Director's Kosel asked if a similar Resolution needed to be passed annually. GM/COP Harman said no and that passing this Resolution was a one time event unless and until the District changed its decision to fund all or some of its public employee's pensions. Director Kosel also confirmed that only full time paid sworn police officers are a part of the CALPERS pension fund and therefore the only ones affected by this Resolution. She closed by asking if the Resolution as submitted could be modified and Chief explained that it could not be because it was a CALPERS provided form and he was concerned about unanticipated system related consequences of changing the form.

Director Lipscomb concurred with Director Kosel that the language of Resolution 2011-016 was unwieldy but accepted that the form as provided by CALPERS needed to be complied with.

Director Lloyd said that he viewed this as a compliance issue. GM/COP Harman said if the Resolution was passed, he believed the District was good to go.

**PUBLIC COMMENTS**

Lynn Wolter asked if the 1982 Resolution would be submitted to CALPERS with Resolution 2011-016. GM/COP Harman said that he would.

**MOTION: Vice President Lipscomb moved to approve Resolution 2011-016. Director Lloyd seconded this motion.**

**AYES: Toombs, Lipscomb, Lloyd, Kosel      NOES: 0      ABSENT: Metcalf**



**KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 5**  
**BOARD OF DIRECTORS**

**MOTION: Director Kosel moved to end the meeting at about 7:47 PM. Director Lloyd seconded this motion.**

**AYES: Toombs, Lipscomb, Lloyd, Kosel NOES: 0 ABSENT: Metcalf**

ADJOURNMENT

**KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 1**  
**BOARD OF DIRECTORS**

**Meeting Minutes for 12/05/2011**

**AGENDA**

A special meeting of the Board of Directors of the Kensington Police Protection and Community Services District (KPPCSD) was held Monday, December 5, 2011, 6:30 PM, at the Community Center, 59 Arlington Avenue, Kensington, California.

**ATTENDEES**

<u>Elected Members</u>	<u>Guest/Presenter</u>
Charles Toombs, President	Lynn Wolter
Linda Lipscomb, Vice President	Mike Moye
Tony Lloyd, Director	Doug Medina
Mari Metcalf, Director	Justin Buffington
Cathie Kosel, Director	Catherine A. Ryan, RPR
	Dr. Leonard Brant
<b><u>Staff Members</u></b>	
Gregory E. Harman, General Manager/Chief of Police	
Anita Darden Gardyne, District Administrator	
Detective Corporal Keith Barrow	
Sergeant Rickey Hull	
Acting Sergeant Kevin Hui	
Officer Juan Ramos	
Officer Rodney Martinez	

ANNOUNCEMENTS: Board President Charles Toombs called the meeting to order at approximately 6:35 PM. He stated that the purpose of this meeting was a Closed Session-Pursuance to California Government Code 54957 a Public Employee Discipline/dismissal /release. He said the BOD would move into a closed door session, asked the public to leave the room, and said the BOD would make report at the end of the closed session.

**PUBLIC COMMENTS**

None

**BOARD COMMENTS**

None

**STAFF COMMENTS**

None

Administrator Gardyne was not present for the close of the meeting but was told by GM/COP Harman that the session was called back in to order at 1:08a and that President Toombs announced that there was nothing to report back and that would be a closed session held before the Regular BOD meeting on

*Kensington Police Protection and Community Services District – Board of Directors Meeting – 12/05/11*

**KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT** 2  
**BOARD OF DIRECTORS**

January 12<sup>th</sup>. GM/COP Harman's notes\* indicate that Director Metcalf walked out of the meeting at 1:07a and that a Motion to adjourn was made at 1:09a by Vice President Lipscomb, seconded by President Toombs and that this Motion passed with a 4-0 vote with Director Metcalf absent.

**MOTION: Vice President Lipscomb moved to end the meeting at about 1:09AM and President Toombs seconded this motion.**

**AYES: Toombs, Lipscomb, Lloyd, Kosel    NOES: 0            ABSENT:    Metcalf**

ADJOURNMENT

\* Note: The court reporter noted that the meeting was adjourned at 1:16a.

**KPPCSD**  
**Unaudited Profit & Loss Budget Performance**  
 December 2011

	<u>Dec 11</u>	<u>Budget</u>	<u>Jul - Dec 11</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
<b>Ordinary Income/Expense</b>					
<b>Income</b>					
<b>400 · Police Activities Revenue</b>					
401 · Levy Tax	-1,358.10	5,000.00	1,251,713.70	1,242,000.00	1,263,000.00
402 · Special Tax-Police	0.00		679,890.00	680,000.00	680,000.00
403 · Misc Tax-Police	0.00		0.00		50.00
404 · Measure G Supplemental Tax Rev	0.00		405,667.70	453,200.00	453,200.00
410 · Police Fees/Service Charges	25.00		795.00	980.00	2,000.00
414 · POST Reimbursement	3,331.50		8,201.69		
415 · Grants-Police	0.00		11,315.57		
416 · Interest-Police	0.00		0.00	750.00	3,000.00
418 · Misc Police Income	2,098.59		11,013.64	8,144.00	12,000.00
<b>Total 400 · Police Activities Revenue</b>	<u>4,096.99</u>	<u>5,000.00</u>	<u>2,368,597.30</u>	<u>2,385,074.00</u>	<u>2,413,250.00</u>
<b>420 · Park/Rec Activities Revenue</b>					
424 · Special Tax-L&L	0.00		31,679.36	30,000.00	30,000.00
426 · Park Donations	0.00		0.00		500.00
427 · Community Center Revenue	3,451.77	2,000.00	8,084.77	8,750.00	24,000.00
430 · KCC Monthly Wage Reimb	0.00		1,089.00		
435 · Grants-Park/Rec	0.00	100,000.00	0.00	100,000.00	100,000.00
436 · Interest-Park/Rec	0.00		0.00	50.00	200.00
438 · Misc Park/Rec Rev	0.00		206.00	200.00	500.00
<b>Total 420 · Park/Rec Activities Revenue</b>	<u>3,451.77</u>	<u>102,000.00</u>	<u>41,059.13</u>	<u>139,000.00</u>	<u>155,200.00</u>
<b>440 · District Activities Revenue</b>					
448 · Franchise Fees	6,598.04		13,306.74	7,000.00	21,000.00
456 · Interest-District	0.00		0.00	125.00	500.00
<b>Total 440 · District Activities Revenue</b>	<u>6,598.04</u>		<u>13,306.74</u>	<u>7,125.00</u>	<u>21,500.00</u>
<b>Total Income</b>	14,146.80	107,000.00	2,422,963.17	2,531,199.00	2,589,950.00

**Expense**

## KPPCSD

## Unaudited Profit &amp; Loss Budget Performance

December 2011

	<u>Dec 11</u>	<u>Budget</u>	<u>Jul - Dec 11</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
<b>500 · Police Sal &amp; Ben</b>					
502 · Salary - Officers	68,396.76	73,735.00	405,345.39	442,414.00	884,824.00
504 · Compensated Absences	0.00	0.00	15,402.59	0.00	10,000.00
506 · Overtime	3,173.34	3,333.33	40,783.17	20,000.02	40,000.00
508 · Salary - Non-Sworn	4,064.00	4,875.00	26,466.00	29,250.00	58,500.00
516 · Uniform Allowance	599.94	650.00	3,566.31	3,900.00	7,800.00
518 · Safety Equipment	0.00		925.28	1,250.00	2,500.00
521-A · Medical/Vision/Dental-Active	11,087.24	13,035.00	66,021.39	78,206.00	156,416.00
521-R · Medical/Vision/Dental-Retired	13,921.52	13,128.25	74,883.41	78,769.50	157,539.00
521-T · Medical/Vision/Dental-Trust	0.00		0.00		96,432.00
522 · Insurance - Police	742.34	1,000.00	8,309.91	6,500.00	12,500.00
523 · Social Security/Medicare	1,112.90	1,209.67	6,138.75	7,257.98	14,516.00
524 · Social Security - District	284.13	302.25	1,836.63	1,813.50	3,627.00
527 · PERS - District Portion	23,339.54	25,291.00	140,881.97	151,746.00	303,492.00
528 · PERS - Officers Portion	6,209.68	6,694.67	37,482.81	40,167.98	80,336.00
530 · Workers Comp	16,016.00	17,164.00	48,048.00	51,492.00	68,656.00
<b>Total 500 · Police Sal &amp; Ben</b>	<u>148,947.39</u>	<u>160,418.17</u>	<u>876,091.61</u>	<u>912,766.98</u>	<u>1,897,138.00</u>
<b>550 · Other Police Expenses</b>					
552 · Expendable Police Supplies	0.00	150.00	1,693.22	900.00	1,800.00
553 · Range/Ammunition Supplies	0.00	333.33	619.40	2,000.02	4,000.00
560 · Crossing Guard	855.68	802.17	3,636.64	4,812.98	9,626.00
562 · Vehicle Operation	5,781.72	4,583.33	19,801.23	27,500.02	55,000.00
564 · Communications (RPD)	17,918.39		63,120.30	69,320.00	154,320.00
566 · Radio Maintenance	0.00	1,950.00	0.00	11,700.00	23,400.00
568 · Prisoner/Case Exp./Booking	80.00	416.67	677.11	2,499.98	5,000.00
570 · Training	0.00	833.33	1,853.67	5,000.02	10,000.00
572 · Recruiting	0.00		388.00		
574 · Reserve Officers	84.00	166.67	1,248.44	999.98	2,000.00
576 · Misc. Dues, Meals & Travel	0.00	267.50	1,000.00	1,605.00	3,210.00
580 · Utilities - Police	1,356.21	666.67	3,857.17	3,999.98	8,000.00
581 · Bldg Repairs/Maint.	0.00	250.00	933.78	500.00	1,000.00

**KPPCSD**  
**Unaudited Profit & Loss Budget Performance**  
 December 2011

	<u>Dec 11</u>	<u>Budget</u>	<u>Jul - Dec 11</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
582 · Expendable Office Supplies	189.74	500.00	2,939.85	3,000.00	6,000.00
586 · Machine Maintenance	0.00		330.00		
588 · Telephone(+Rich. Line)	512.13	665.00	2,429.55	3,990.00	7,980.00
590 · Housekeeping	214.07	333.33	1,240.30	2,000.02	4,000.00
592 · Publications	1,990.00	250.00	2,098.02	1,500.00	3,000.00
594 · Community Policing	0.00	208.33	2,342.89	1,250.02	2,500.00
596 · WEST-NET/CAL I.D.	0.00		12,893.00	12,900.00	12,900.00
598 · COPS Special Fund	0.00		38.96	0.00	0.00
599 · Measure G Administration	0.00		1,588.22	1,500.00	3,200.00
<b>Total 550 · Other Police Expenses</b>	<b>28,981.94</b>	<b>12,376.33</b>	<b>124,729.75</b>	<b>156,978.02</b>	<b>316,936.00</b>
<b>600 · Park/Rec Sal &amp; Ben</b>					
601 · Park & Rec Administrator	518.75	541.67	3,157.25	3,249.98	6,500.00
602 · Custodian	1,750.00	2,166.67	10,800.00	12,999.98	26,000.00
623 · Social Security/Medicare - Dist	0.00	41.42	0.00	248.48	497.00
<b>Total 600 · Park/Rec Sal &amp; Ben</b>	<b>2,268.75</b>	<b>2,749.76</b>	<b>13,957.25</b>	<b>16,498.44</b>	<b>32,997.00</b>
<b>635 · Park/Recreation Expenses</b>					
<b>640 · Community Center Expenses</b>					
642 · Utilities-Community Center	409.90	396.33	1,734.39	2,378.02	4,756.00
643 · Janitorial Supplies	21.20	62.50	618.82	375.00	750.00
646 · Community Center Repairs	591.68	250.00	23,816.29	500.00	1,000.00
640 · Community Center Expenses - Ot	0.00		15.91		
<b>Total 640 · Community Center Expenses</b>	<b>1,022.78</b>	<b>708.83</b>	<b>26,185.41</b>	<b>3,253.02</b>	<b>6,506.00</b>
<b>660 · Annex Expenses</b>					
662 · Utilities - Annex	27.44	83.33	2,047.98	500.02	1,000.00
660 · Annex Expenses - Other	0.00		160.10		
<b>Total 660 · Annex Expenses</b>	<b>27.44</b>	<b>83.33</b>	<b>2,208.08</b>	<b>500.02</b>	<b>1,000.00</b>
670 · Gardening Supplies	0.00	166.67	0.00	999.98	2,000.00
672 · Kensington Park O&M	2,560.00	5,151.67	20,471.45	30,909.98	61,820.00

**KPPCSD**  
**Unaudited Profit & Loss Budget Performance**  
 December 2011

	<u>Dec 11</u>	<u>Budget</u>	<u>Jul - Dec 11</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
678 · Misc Park/Rec Expense	0.00	250.00	3,769.14	500.00	1,000.00
<b>Total 635 · Park/Recreation Expenses</b>	<b>3,610.22</b>	<b>6,360.50</b>	<b>52,634.08</b>	<b>36,163.00</b>	<b>72,326.00</b>
<b>800 · District Expenses</b>					
810 · Computer Maintenance	4,210.40	2,502.83	16,675.25	15,017.02	30,034.00
820 · Cannon Copier Contract	411.75	513.33	2,689.20	3,080.02	6,160.00
830 · Legal (District/Personnel)	8,548.00	2,916.67	22,108.29	17,499.98	35,000.00
835 · Consulting	27,627.77		54,083.25	3,600.00	3,600.00
840 · Accounting	0.00	2,000.00	7,166.25	17,000.00	25,275.00
850 · Insurance	0.00		29,694.11	30,000.00	30,000.00
865 · Police Bldg. Lease	14,852.50		29,705.00	14,852.50	29,705.00
870 · County Expenditures	0.00	5,000.00	7,152.40	6,000.00	19,900.00
880 · KCC/Annex Agreement	0.00		6,021.00		
890 · Waste/Recycle	941.45		7.98	7,100.00	17,500.00
898 · Misc. Expenses	0.00	886.75	5,284.18	5,320.50	10,641.00
<b>Total 800 · District Expenses</b>	<b>56,591.87</b>	<b>13,819.58</b>	<b>180,586.91</b>	<b>119,470.02</b>	<b>207,815.00</b>
<b>950 · Capital Outlay</b>					
963 · Patrol Car Accessories	0.00		0.00		
972 · Park Buildings Improvement	1,431.00		142,609.38	120,000.00	120,000.00
<b>Total 950 · Capital Outlay</b>	<b>1,431.00</b>		<b>142,609.38</b>	<b>120,000.00</b>	<b>120,000.00</b>
<b>Total Expense</b>	<b>241,831.17</b>	<b>195,724.34</b>	<b>1,390,608.98</b>	<b>1,361,876.46</b>	<b>2,647,212.00</b>
<b>Net Ordinary Income</b>	<b>-227,684.37</b>	<b>-88,724.34</b>	<b>1,032,354.19</b>	<b>1,169,322.54</b>	<b>-57,262.00</b>
<b>Other Income/Expense</b>					
<b>Other Expense</b>					
<b>700 · Bond Issue Expenses</b>					
701 · Bond Proceeds	0.00		-176,400.42		
710 · Bond Admin.	0.00		6,277.12		
715 · Bond Interest Income	0.00		-89.59		

**KPPCSD**  
**Unaudited Profit & Loss Budget Performance**  
 December 2011

	<u>Dec 11</u>	<u>Budget</u>	<u>Jul - Dec 11</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
720 · Bond Principal	0.00		108,916.14		
730 · Bond Interest	0.00		27,871.20		
<b>Total 700 · Bond Issue Expenses</b>	<u>0.00</u>		<u>-33,425.55</u>		
<b>Total Other Expense</b>	<u>0.00</u>		<u>-33,425.55</u>		
<b>Net Other Income</b>	<u>0.00</u>	0.00	<u>33,425.55</u>	0.00	<u>0.00</u>
	<u><u>-227,684.37</u></u>	<u><u>-88,724.34</u></u>	<u><u>1,065,779.74</u></u>	<u><u>1,169,322.54</u></u>	<u><u>-57,262.00</u></u>

01



# Memorandum

**Kensington Police Department**



**To:** KPPCSD Board of Directors

APPROVED      YES      NO

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

\_\_\_\_\_

**Date:** Friday, January 06, 2012

FORWARDED TO:

\_\_\_\_\_

**Subject:** Consent Calendar Item F- Park Revenue & Expenses

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The KPPCSD Board and the Park Buildings Committee has requested a separate and detailed accounting of park revenues and expenses.

This information is obtained through our QuickBooks software. Revenue and expenses from July 1, 2011 through December 31, 2011 is attached to this memo.

**KPPCSD**  
**Account QuickReport**  
 July 1, 2011 through January 6, 2012

Type	Date	Num	Name	Memo	Split	Amount
<b>420 · Park/Rec Activities Revenue</b>						
<b>424 · Special Tax-L&amp;L</b>						
General Journal	10/3/2011	JV08...	CCC Taxes-LLD	SP ASSESS ...	146 · Advance...	31,679.36
Total 424 · Special Tax-L&L						31,679.36
<b>427 · Community Center Revenue</b>						
Deposit	7/29/2011	1072		East Bay Coll...	112 · General ...	598.00
Deposit	7/29/2011	3133		CC Rental	112 · General ...	375.00
Deposit	7/29/2011	1247		CC Rental	112 · General ...	600.00
Deposit	7/29/2011	6168		CC Rental	112 · General ...	180.00
Deposit	9/23/2011	957		CC Rental	112 · General ...	600.00
Deposit	9/23/2011	154		CC Rental	112 · General ...	700.00
Deposit	9/23/2011	710		Wake Up to ...	112 · General ...	45.00
Deposit	9/23/2011	746		Wake Up to ...	112 · General ...	45.00
Deposit	11/4/2011			Extra hour for...	112 · General ...	100.00
Deposit	11/4/2011	731		AA Rent	112 · General ...	90.00
Deposit	11/4/2011	2252		Rental	112 · General ...	1,300.00
Deposit	12/29/2011	2569		CC Rental	112 · General ...	500.00
Deposit	12/29/2011	187		CC Rental	112 · General ...	450.00
Deposit	12/29/2011	271		CC Rental	112 · General ...	375.00
Deposit	12/29/2011	221		CC Rental	112 · General ...	450.00
Deposit	12/29/2011	1375		CC Rental	112 · General ...	600.00
Deposit	12/29/2011	4350		CC Rental	112 · General ...	300.00
Deposit	12/29/2011	1004		Alanon Rent	112 · General ...	45.00
Deposit	12/29/2011	3543		Tennis Court ...	112 · General ...	40.00
Deposit	12/29/2011	3218		Tennis Court ...	112 · General ...	64.00
Deposit	12/29/2011	3224		Tennis Court ...	112 · General ...	80.00
Deposit	12/29/2011			CC Rental	112 · General ...	300.00
Deposit	12/29/2011	3306		Ewaste paym...	112 · General ...	247.77
Total 427 · Community Center Revenue						8,084.77
<b>430 · KCC Monthly Wage Reimb</b>						
Deposit	11/4/2011	317		GPFF Oct 20...	112 · General ...	1,089.00
Total 430 · KCC Monthly Wage Reimb						1,089.00

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7:05 PM  
01/06/12  
Accrual Basis

KPPCSD  
**Account QuickReport**  
July 1, 2011 through January 6, 2012

Type	Date	Num	Name	Memo	Split	Amount
<b>438 · Misc Park/Rec Rev</b>						
Deposit	11/4/2011	3408		Tennis Court ...	112 · General ...	40.00
Deposit	11/4/2011	3462		Tennis Court ...	112 · General ...	40.00
Deposit	11/4/2011	3202		Tennis Court ...	112 · General ...	120.00
Deposit	11/4/2011			Tennis Court ...	112 · General ...	6.00
Total 438 · Misc Park/Rec Rev						206.00
Total 420 · Park/Rec Activities Revenue						41,059.13
<b>TOTAL</b>						<b>41,059.13</b>

**KPPCSD**  
**Account QuickReport**  
 July 1, 2011 through January 6, 2012

Type	Date	Num	Name	Memo	Split	Amount
<b>600 - Park/Rec Sal &amp; Ben</b>						
<b>601 - Park &amp; Rec Administrator</b>						
Paycheck	7/15/2011		Di Napoli, Andrea		112 - General ...	151.00
Paycheck	7/29/2011		Di Napoli, Andrea		112 - General ...	222.00
Paycheck	8/15/2011		Di Napoli, Andrea		112 - General ...	307.25
Paycheck	8/30/2011		Di Napoli, Andrea		112 - General ...	291.25
Paycheck	9/14/2011		Di Napoli, Andrea		112 - General ...	307.50
Paycheck	9/29/2011		Di Napoli, Andrea		112 - General ...	281.25
Paycheck	10/13/2011		Di Napoli, Andrea		112 - General ...	240.50
Paycheck	10/27/2011		Di Napoli, Andrea		112 - General ...	262.75
Paycheck	11/14/2011		Di Napoli, Andrea		112 - General ...	305.00
Paycheck	11/29/2011		Di Napoli, Andrea		112 - General ...	270.00
Paycheck	12/14/2011		Di Napoli, Andrea		112 - General ...	266.50
Paycheck	12/29/2011		Di Napoli, Andrea		112 - General ...	252.25
Total 601 - Park & Rec Administrator						3,157.25
<b>602 - Custodian</b>						
Check	7/15/2011	13224	William Driscoll	July 1 - 15 se...	112 - General ...	875.00
Check	7/29/2011	13267	William Driscoll	July 16 - July...	112 - General ...	875.00
Check	8/15/2011	13289	William Driscoll	August 1-15, ...	112 - General ...	875.00
Check	8/30/2011	13330	William Driscoll	August 16-31...	112 - General ...	875.00
Check	9/15/2011	13346	William Driscoll	Sept 1 - 15, 2...	112 - General ...	875.00
Check	9/30/2011	13414	William Driscoll	Sept 16 -30, ...	112 - General ...	875.00
Check	10/14/2011	13440	William Driscoll	Oct. 1-15, 2011	112 - General ...	875.00
Check	10/14/2011	13441	William Driscoll	restroom & s...	112 - General ...	300.00
Check	10/28/2011	13469	William Driscoll	Oct 16 - 31 cl...	112 - General ...	875.00
Check	11/15/2011	13495	William Driscoll	Nov 1 - 15 cl...	112 - General ...	875.00
Check	11/30/2011	13532	William Driscoll	Invoice #0064	112 - General ...	875.00
Check	12/15/2011	13554	William Driscoll	Invoice #0065	112 - General ...	875.00
Check	12/30/2011	13588	William Driscoll	Invoice #0066	112 - General ...	875.00
Total 602 - Custodian						10,800.00
Total 600 - Park/Rec Sal & Ben						13,957.25

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**KPPCSD**  
**Account QuickReport**  
 July 1, 2011 through January 6, 2012

Type	Date	Num	Name	Memo	Split	Amount
<b>635 · Park/Recreation Expenses</b>						
<b>640 · Community Center Expenses</b>						
<b>642 · Utilities-Community Center</b>						
General Journal	7/1/2011	REV ...	Kensington Police P...		210 · Account...	-164.53
Check	7/29/2011	13273	Pacific Telemanage...	Pay Phone C...	112 · General ...	78.00
Check	8/15/2011	13291	PG&E	59 Arlington ...	112 · General ...	156.15
Check	8/15/2011	13302	EBMUD	For 2 Arlmont	112 · General ...	329.06
Check	9/15/2011	13356	Pacific Telemanage...	Pay phone CC	112 · General ...	78.00
Check	9/30/2011	13396	Pacific Telemanage...	Pay phone C...	112 · General ...	78.00
Check	9/30/2011	13416	PG&E	59 Arlington ...	112 · General ...	144.61
Check	10/14/2011	13455	EBMUD	8-1-11 to 9-3...	112 · General ...	233.99
Check	10/28/2011	13485	PG&E	59 Arlington ...	112 · General ...	166.44
Check	11/15/2011	13502	Pacific Telemanage...	Pay phone C...	112 · General ...	78.00
Check	11/30/2011	13535	PG&E	59 Arlington ...	112 · General ...	146.77
Check	12/15/2011	13548	Pacific Telemanage...	Monthly fee f...	112 · General ...	78.00
Check	12/15/2011	13559	EBMUD	2 Arlmont Dr	112 · General ...	118.30
Check	12/15/2011	13573	PG&E	CC 11-4-11 t...	112 · General ...	213.60
Total 642 · Utilities-Community Center						1,734.39
<b>643 · Janitorial Supplies</b>						
Check	7/29/2011	13278	UBS	Community C...	112 · General ...	597.62
Check	12/15/2011	13577	Kensington Home a...	Comm Center	112 · General ...	7.46
Check	12/30/2011	13599	Bank Card	Nov 12 - Dec...	112 · General ...	13.74
Total 643 · Janitorial Supplies						618.82
<b>646 · Community Center Repairs</b>						
Check	8/15/2011	13299	Kensington Home a...	Bill Driscoll	112 · General ...	17.61
Check	8/15/2011	13299	Kensington Home a...	Bill Driscoll C...	112 · General ...	74.37
Check	9/15/2011	13384	Cherokee Construct...	Job # 0911-3	112 · General ...	18,600.00
Check	10/28/2011	13484	Key Shack Inc.	community c...	112 · General ...	32.63
Check	11/30/2011	13525	Summer Rain Land...	storm drain a...	112 · General ...	4,500.00
Check	12/30/2011	13589	KEL-AIRE	service order ...	112 · General ...	591.68
Total 646 · Community Center Repairs						23,816.29
<b>640 · Community Center Expenses - Other</b>						

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**KPPCSD**  
**Account QuickReport**  
July 1, 2011 through January 6, 2012

Type	Date	Num	Name	Memo	Split	Amount
General Journal	7/1/2011	REV ...	Kensington Police P...		210 · Account...	-118.67
Check	8/30/2011	13325	PG&E	59 Arlington ...	112 · General ...	134.58
Total 640 · Community Center Expenses - Other						15.91
Total 640 · Community Center Expenses						26,185.41
<b>660 · Annex Expenses</b>						
<b>662 · Utilities - Annex</b>						
General Journal	7/1/2011	REV ...	Kensington Police P...		210 · Account...	-155.00
Check	7/15/2011	13217	EBMUD	1 Windsor se...	112 · General ...	155.00
Check	8/30/2011	13325	PG&E	Annex	112 · General ...	50.31
Check	9/15/2011	13371	EBMUD	1 windsor 7-1...	112 · General ...	1,018.00
Check	9/15/2011	13371	EBMUD	1 windsor 7-1...	112 · General ...	160.10
Check	9/30/2011	13416	PG&E	Annex	112 · General ...	27.83
Check	10/28/2011	13485	PG&E	Annex	112 · General ...	24.42
Check	11/15/2011	13509	EBMUD	8/29 - 10/28/...	112 · General ...	713.56
Check	11/30/2011	13535	PG&E	Annex	112 · General ...	26.32
Check	12/15/2011	13573	PG&E	Annex 11-4-1...	112 · General ...	27.44
Total 662 · Utilities - Annex						2,047.98
<b>660 · Annex Expenses - Other</b>						
Check	11/15/2011	13509	EBMUD	8/29 - 10/28/...	112 · General ...	160.10
Check	12/15/2011	13559	EBMUD	9/30/11 - 12/...	112 · General ...	
Total 660 · Annex Expenses - Other						160.10
Total 660 · Annex Expenses						2,208.08
<b>672 · Kensington Park O&amp;M</b>						
General Journal	7/1/2011	REV ...	Kensington Police P...		210 · Account...	-659.88
Check	7/15/2011	13213	NBS Government Fi...	LMD Admin l...	112 · General ...	1,080.59
Check	7/15/2011	13218	EBMUD	1 Windsor irri...	112 · General ...	659.88
Check	7/15/2011	13247	Summer Rain Land...	monthly main...	112 · General ...	2,050.00
Check	8/15/2011	13300	Summer Rain Land...	August fee	112 · General ...	2,050.00
Check	8/15/2011	13300	Summer Rain Land...	Repair of wo...	112 · General ...	400.00
Check	9/15/2011	13352	Olivero Plumbing Co.	Backflow Tes...	112 · General ...	112.00

**KPPCSD**  
**Account QuickReport**  
 July 1, 2011 through January 6, 2012

Type	Date	Num	Name	Memo	Split	Amount
Check	9/15/2011	13373	Summer Rain Land...	removal of 2 l...	112 · General ...	3,100.00
Check	9/15/2011	13373	Summer Rain Land...	removal of tr...	112 · General ...	460.00
Check	9/15/2011	13373	Summer Rain Land...	repair of hunt...	112 · General ...	185.00
Check	9/15/2011	13373	Summer Rain Land...	Sept 2011 m...	112 · General ...	2,050.00
Check	9/15/2011	13375	Summer Rain Land...	removal of 2 l...	112 · General ...	0.00
Check	9/15/2011	13375	Summer Rain Land...	removal of tr...	112 · General ...	0.00
Check	9/15/2011	13375	Summer Rain Land...	repair of hunt...	112 · General ...	0.00
Check	9/15/2011	13375	Summer Rain Land...	Sept 2011 m...	112 · General ...	0.00
Check	9/30/2011	13399	NBS Government Fi...	LMD Admin I...	112 · General ...	1,108.86
Check	10/14/2011	13450	Summer Rain Land...	October 2011	112 · General ...	2,050.00
Check	10/14/2011	13450	Summer Rain Land...	removal of br...	112 · General ...	380.00
Check	10/14/2011	13450	Summer Rain Land...	painting of wall	112 · General ...	280.00
Check	10/14/2011	13450	Summer Rain Land...	removal of so...	112 · General ...	340.00
Check	10/28/2011	13468	Summer Rain Land...	Work done O...	112 · General ...	215.00
Check	10/28/2011	13468	Summer Rain Land...	INv Dated Oc...	112 · General ...	0.00
Check	10/28/2011	13468	Summer Rain Land...	INv Dated Oc...	112 · General ...	0.00
Check	11/30/2011	13525	Summer Rain Land...	location mont...	112 · General ...	2,050.00
Check	11/30/2011	13525	Summer Rain Land...	2 Invoices Da...	112 · General ...	0.00
Check	12/15/2011	13566	Fernando Herrera	Monthly Main...	112 · General ...	2,050.00
Check	12/15/2011	13566	Fernando Herrera	planter repair...	112 · General ...	510.00
Check	12/15/2011	13566	Fernando Herrera	Monthly main...	112 · General ...	
<b>Total 672 · Kensington Park O&amp;M</b>						<b>20,471.45</b>
<b>678 · Misc Park/Rec Expense</b>						
General Journal	7/1/2011	REV ...	Kensington Police P...		210 · Account...	-184.01
Check	7/15/2011	13248	Steven Lee	Eagle Scout ...	112 · General ...	203.45
Check	8/15/2011	13290	BPXpress	Invoice#RI00...	112 · General ...	260.50
Check	9/15/2011	13360	Saviano Company I...	Tennis Court ...	112 · General ...	2,000.00
Check	10/28/2011	13477	California Park & R...	paid thru jan ...	112 · General ...	155.00
Check	11/15/2011	13496	Kensington Home a...	Martinez Offi...	112 · General ...	28.65
Check	11/15/2011	13505	Moran Engineering	Tmapping an...	112 · General ...	1,000.00
Check	11/30/2011	13524	Mighetto Electric	1pole lights r...	112 · General ...	305.55
<b>Total 678 · Misc Park/Rec Expense</b>						<b>3,769.14</b>

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01/06/12

Accrual Basis

KPPCSD

### Account QuickReport

July 1, 2011 through January 6, 2012

Type	Date	Num	Name	Memo	Split	Amount
Total 635 · Park/Recreation Expenses						
						52,634.08
<b>TOTAL</b>						<b>52,634.08</b>

2f



# December 2011 Police Department Report

January 5, 2012

- Department Personnel
  - We are currently staffed at 9 sworn positions and 3 reserve officers.
- Commendations and Correspondence
  - Sergeant Hull received an e-mail of appreciation from Catherine de Neergaard on 12-20-11.
- Investigation of Alleged Misconduct
  - Department Investigation #10-003 was initiated on November 11<sup>th</sup>, at the KPPCSD Board meeting, when Catherine de Neergaard made a formal complaint indicating, "That there is no fair, impartial, and reasonable police review procedure", after voicing her complaints regarding Chief Harman's policies and directions to the department were not being heard. This complaint was followed by an e-mail complaint received by Chief Harman on November 15<sup>th</sup>.  
  
At the August 11<sup>th</sup> Board meeting, The KPPCSD Board agreed to hire Labor Law Attorney Lee Ann Wallace to investigate the allegations. Ms. Wallace has completed her investigation on 12-29-11.
  - Department Investigation 2011-003 was initiated on June 10, 2011, on allegations that an officer caused a hostile work environment, insubordination, conduct violations, and discrimination. The internal investigation was completed by Sergeant Hull on August 1<sup>st</sup>. A Skelly hearing was held September 7<sup>th</sup>. Discipline was administered and is pending appeal. The appeal hearing was held on December 5, 2011 and continued to 01-12-12.
  - Department Investigation 2011-004 was initiated on July 5, 2011 on allegations that an officer violated department reporting procedures. This investigation is being conducted by Sergeant Hull.
  - Citizen's Investigation 2011-005 was initiated on October 5, 2011, on allegations that an officer was rude while signing off on a fix it ticket. This investigation is being conducted by Sergeant Hull.

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

- The Ring Time Report for November indentified 52 total 911 calls for service and only one with a ring time over 20 seconds. That occurred on 11-14-11 at 5:57 PM with a ring time of 41 seconds. After the dispatcher spoke to the caller, there was no call for service generated.

Average ring time for the month of November was 5 seconds.

The Ring Time Report for December indentified 49 total 911 calls for service and no ring times over 20 seconds.

Average ring time for the month of December was 4 seconds.

- Community Networking

- On 12-12-11, Chief Harman and KPPCSD Board President Chuck Toombs attended the Kensington Public Safety Council meeting.
- On 12-14-11, Chief Harman participated in the Arlington Community Church "Procession of Light" parade.

Officer Manny Ramos attended the Mechanics Bank Toy Drive Holiday Mixer.

- On 12-15-11, Chief Harman and Officer Rodney Martinez attended the Kensington Senior Center Annual Christmas Party. After deciding who would draw the grand prize by round of applause, I drew the lucky winner who just happened to be the only person that wanted Rodney to pick the name. This just goes to show you that I will go to any means necessary to win people over!

- Community Criminal Activity

- This section of the Watch Commander's Reports are prepared by Sergeant Hull for Team One, Acting Sergeant Hui for Team Two, and Detective Barrow.

- Watch Commander Reports

•• **Sergeant Hull**

TEAM #1 STATISTICS

Officer:	Turner (K46) (0600-1800)	Stegman (K32) (1800-0600)
Days Worked	14	13
Traffic Stops	54	11
Moving Citations	15	2
Parking Citations	0	7
Vacation/Security Checks	92	81
FI-Field Interview	0	0
Cases	4	1
Self Initiated Cases	1	0
Arrests	1	0
Calls for Service	75	30

Officers Ramos and Turner received an appreciation letter from a resident who maintains a second home in Kensington. These officers responded to a residential alarm as the result of an attempted residential burglary. The home owner was impressed with the professionalism these officers displayed during the owners contact with them and the quick response time of the officers to get on scene.

BRIEFING/TRAINING:

- Reviewed KPD Policy 304 – Shooting policy
- Reviewed KPD Policy 310 – Officer Involved Shooting
- Reviewed KPD Policy 312 – Firearms
- Reviewed KPD Policy 452 – Medical Marijuana
- Reviewed Consensual Encounters
- Reviewed Misdemeanors not committed in an Officer's presence
- Reviewed Citizen's Arrest
- Reviewed Searches Incident to Arrest
- Reviewed Landlord Tenant Disputes
- Discussed professionalism with Parolees and Probationers
- Discussed Abandonment with respect to Search and Seizure
- Discussed Officer Response to Critical Incidents
  - Officer Involved Fatal/Serious Incident
  - Major Crimes
  - Kidnapping/Missing Person At Risk
  - Homicides
- Reviewed Fourth Amendment – Unreasonable Searches and Seizures

Discussed Neighbor Dispute on Colusa Ave.  
Discussed on-going Harassment by a former Kensington Resident  
Reviewed Traffic Stops and Legal Limits on Police Conduct  
Reviewed Child Abduction Checklist  
Reviewed Detention Stops

- o Reasonable Suspicion
- o Lawful Detention

Reviewed WI5150 Gravely Disabled

**SERGEANT'S SUMMARY:**

I would like to remind everyone to contact KPD when suspicious people, or peddlers and solicitors are seen in your neighborhood. I believe soliciting is being used as a ruse to determine if anyone is home during the day as homes are identified for burglaries.

The District has experienced a slight increase in the crimes of burglary, theft and attempted theft and burglary of property in cars as well as homes. I suspect in some of these cases these criminal were seen by residents but no one called KPD.

At a minimum the KPD response will identify person of interest which is well within the law considering the amount of property crime we have been experiencing. The communities assistance in this matter will be greatly appreciated as we attempt prevent crime from being committed and arrest persons responsible for crimes that have been successfully committed.

**SIGNIFICANT EVENTS:**

- o 2011-8476 – On 12/04/2011, Officer Turner responded to the 300 blk of Colusa Ave on a report of an assault.
- o 2011-8495 – On 12/06/2011, Officer Turner arrested a subject for an outstanding warrant on the 8800 blk of Terrace Ave.
- o 2011-8624 – On 12/11/2011, Officer Turner responded to a disturbance/harassment by a former resident in the unit blk of Arlington Avenue.
- o 2011-8637 – On 12/12/2011, Officer Stegman responded to the unit blk of Stratford Rd on a report of a vehicle theft.
- o 2011-8657 – On 12/12/2011, Sgt. Hull logged a Temporary Conduct Order filed against a business owner and neighbor in the 300 blk of Colusa Avenue.
- o 2011-8720 – On 12/14/2011, Sergeant Hull responded to the unit blk of Kensington Ct on a report of a vehicle theft.
- o 2011-8794 – On 12/18/2011, Officer Turner and Sergeant Hull responded to the 100 blk of Highland Blvd on a report of disturbing the peace.

- 2011-8827 – On 12/19/2011, Officer Stegman responded to the 400 blk of Ocean View Ave on a report of a grand theft.
- 2011-8836 – On 12/20/2011, Officer Turner and Officer Ramos responded to the unit blk of Kerr Ave on a report of vandalism.
- 2011-9061 – On 12/28/2011, Sergeant Hull responded to the 100 blk of Kensington Rd on a report of a grand theft.

•• **Acting Sergeant Hui**

TEAM #2 STATISTICS

A.S. Hui (K42) Issued 2 moving citations and one parking citation (1400-0200)

Officer:	Martinez (K31) (0600-1800)	Wilson (K38) (1800-0600)	Ramos (K41) (0730-1730)
Days Worked	12	13	13
Traffic Stops	22	10	11
Moving Citations	7	4	4
Parking Citations	5	5	2
Vacation/Security Checks	27	44	2
FI-Field Interview	0	0	0
Cases	0	0	0
Self Initiated Cases	0	0	0
Arrests	0	0	0
Calls for Service	56	27	29

Officer Martinez recovered 60 hours of vacation time.

Officer Wilson recovered 44 hours of vacation time.

Officer Ramos recovered 2 hours of vacation time.

Officer Wilson recovered .5 hours of comp time.

Acting Sergeant Hui recovered 5.5 hours of comp time.

BRIEFING/TRAINING:

- Reviewed Contra Costa County Ordinance for Intoxication
- Reviewed Contra Costa County Ordinance for Animals at Large
- Reviewed Contra Costa County Ordinance for Solicitors and Peddlers
- Reviewed KPD Policy #332 – Missing Persons

SERGEANT'S SUMMARY:

This past month, one of our residents interrupted a burglary at his house. This resident heard someone knock at his door but did not answer since he and his wife were not expecting any visitors. A brief period later, he heard a

commotion coming from one of the rooms on the front side of the house. When he went to check out the noise, he found an unknown person halfway through his window.

Luckily, the suspect chose to flee instead of confronting the resident.

In the past several months in my sergeant's summary, I have urged residents to call on solicitors they see in Kensington. This example of our resident is a prime reason why we should all be calling on solicitors. Often times, people choose not to call because they don't want to get anyone in trouble. When contemplating whether to call KPD regarding a solicitor, please keep in mind that may burglars pose as solicitors. It provides them with the opportunity to walk up and survey a house and check to see if the residents are home.

#### SIGNIFICANT EVENTS:

- 2011-8443 – On 12/02/2011, Officer Ramos responded to the 300 blk of Colusa Ave on a report of a commercial burglary.
- 2011-8574 – On 12/09/2011, Officer Martinez responded to the 200 blk of Yale Ave on a report of a grand theft.
- 2011-8718 – On 12/14/2011, Officer Ramos responded to the 200 blk of Purdue Ave on a report of a hit and run collision.
- 2011-8742 – On 12/15/2011, Officer Wilson responded to the unit blk of Edgcroft Rd on a report of a grand theft.
- 2011-8745– On 12/16/2011, Officer Martinez responded to the unit blk of Franciscan Way on a report of a vehicle theft.
- 2011-8848 – On 12/20/2011, Officer Ramos responded to the 400 blk of Beloit Ave on a report of a hit and run collision.
- 2011-8877 – On 12/21/2011, Officer Martinez responded to the 100 blk of Ardmore Dr on a report of an identity theft.
- 2011-8932 – On 12/23/2011, Acting Sergeant Hui responded to the unit blk of Kerr Ave on a report of a grand theft.
- 2011-9074 – On 12/29/2011, Acting Sergeant Hui responded to the unit blk of Franciscan Way on a report of an interrupted residential burglary.

#### RESERVE OFFICER STATISTICS

Reserve Officer:	Colon (K44)	Armanino (K47)
Days Worked	0	7
Traffic Stops	0	47
Moving Citations	0	9
Parking Citations	0	0
Vacation/Security Checks	0	23
FI-Field Interview	0	0

Cases	0	0
Self Initiated Cases	0	0
Arrests	0	0
Calls for Service	0	16

**SIGNIFICANT EVENTS:**

- 2011-8498 – On 12/05/2011, Reserve Officer Armanino responded to the 500 blk of Coventry Rd on a report of a petty theft.

**TRAFFIC ENFORCEMENT**

19 citations issued on Colusa Ave.  
 17 citations issued on Arlington Ave.  
 4 citations issued on Franciscan Wy.  
 1 citation issued on Highgate Rd.  
 1 citation issued on Westminster Ave.  
 1 citation issued on Santa Fe Ave.

**•• Detective Keith Barrow**

**SIGNIFICANT EVENTS:**

2011-9074 Residential Burglary  
 On Thursday, December 29, 2011, Officers responded to a residential burglary on Franciscan Avenue. The resident was home and the suspects fled the area. Persons of interest have been identified and this investigation is on going.

2011-8848 Hit and Run Vehicle Accident  
 On Tuesday, December 20, 2011, Officers responded to a vehicle hit and run accident on Beloit Avenue. Officers contacted the victim who provided information that led to the identity of the suspect. **I contacted the suspect and this case will be forwarded to the Contra Costa County District Attorney for charges.**

2011-4621 Theft from a vehicle and unauthorized use of credit cards.  
**Two suspects have been arrested and charges have been filed with the Contra Costa County District Attorney.**

**KPD INVESTIGATIONS INFORMATION:**

2011-8338 Identity Theft  
 On Monday, November 28, 2011, three Kensington merchants reported they had been the victims of identity theft. This case is under investigation.

2011-4622 Theft from a vehicle and unauthorized use of credit cards.  
**Two suspects have been arrested and charges have been filed with the Contra Costa County District Attorney.**

2011-6641 2011-6669 Residential Burglary/Stolen Vehicle  
On Saturday, October 1, 2011, officers responded to a reported residential burglary. We were able to recover some of the victim's property out of another jurisdiction. Two days after this incident the victim's vehicle was stolen by who we believe to have been the suspect in the residential burglary. **The vehicle in this case has been located.** These cases are under investigation.

2011-7186 Residential Burglary  
On Thursday, October 20, 2011, officers responded to a reported residential burglary witnessed by a Kensington resident. We were able to identify potential suspects in this case and I'm still investigating.

2011-5504, 5580 Petty Theft  
On Sunday August, 21 & 23, 2011, officers took two reports of catalytic converters being stolen from vehicles on Purdue Avenue and Arlmont Road. **Pleasant Hill PD took two subjects into custody that may be linked to this case.** These cases are under investigation.

2011-1618 Homicide.  
On 03-12-11, KPD officers were dispatched to a possible dead body in the 00 block of Arlington Avenue. The individual was pronounced dead at the scene. This case is being investigated as a homicide.

#### **KPD INVESTIGATIONS**

- Made several court runs for filling cases, and retrieve court notifications.
- Updated the KPD residential burglary log.
- Updated the KPD stolen vehicle log.
- I'm currently assigned one day per week as a Field Training Officer.

#### **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.



## **CRIME SUMMARY:**

In the month of December the District of Kensington sustained:

0 Homicides  
0 Robberies  
0 Rapes  
1 Assault  
1 Residential Burglary  
1 Attempted Residential Burglary  
1 Commercial Burglary  
0 Auto Burglaries  
3 Stolen Vehicles  
2 Grand Thefts  
1 Petty Theft  
3 Thefts from Unlocked Vehicles  
1 Fraud  
0 Forgeries  
0 Vandalisms  
0 Identity Thefts  
0 Injury Accidents  
0 Non-Injury Vehicle Accidents  
0 Injury Hit and Run Accident  
2 Hit and Run Vehicle Accidents

### **•• Chief Harman**

For the month of December, I thought I would prepare a crime summary of the past year and a brief summary of the department's activities.

In September, the Contra Costa County Local Agency Formation Commission (LAFCO) accepted a Municipal Service Review for Law Enforcement Services in the County. The entire 300 page report is available on the Contra Costa County LAFCO website however some of the highlights of the report- Our report card so to speak.

Of the 21 law enforcement agencies in the report, Kensington PD had:

The 4<sup>th</sup> best Priority One response time of 2:45 over the last 3 years.

The best Violent Crime Clearance Rate of 65% over the last 3 years.

The best Property Crime Clearance Rate of 17% over the last 3 years.

And tied for 14<sup>th</sup> place in Annual Average Service Calls per Capita over the last 3 years, with 5,000 annual calls for service for 5,000 population.

As far as comparing crimes committed this year with those of the past 3 years:

	2008	2009	2010	2011
Homicide	0	0	0	1
Rape	0	0	0	0
Robbery	1	0	0	0
Arson	0	0	2	0
Assaults	0	1	4	2
Res Burg	32	28	37	18
Auto Burg	55	50	20	10
Petty Theft	32	30	36	28
Grand Theft	12	7	25	10
Auto Theft	64	47	12	8

We have basically cut property crimes in half this year from the previous 3 three years. This is an outstanding accomplishment and a result of the efforts of our officers and community working together to reduce crime. But how did this occur? What changed this year from past year that caused crime to be cut in half?

In March 2010, UC Berkeley Institute of Transportation Studies completed a free Traffic Evaluation for the District of Kensington. The main recommendation of the report was that to increase traffic safety in the community, it was recommended that the Kensington Police department adopt a "Zero Tolerance Policy" of traffic enforcement. The Board accepted and adopted this recommendation in May 2010, and after a 6 month "educational period", the Kensington Police Department went to a Zero Tolerance Policy in January of this year.

	2008	2009	2010	2011
Mov Cites	459	327	570	1554
Injury Acc	6	10	3	4
Non In Acc	31	21	22	17
20002	15	15	9	14
Total	52	46	34	35

As you can see from the above chart, we have issued more traffic citations this year than the previous 3 years combined. While our traffic enforcement efforts did not have the impact on reducing traffic collisions as we had hoped, the extra time devoted to traffic enforcement and patrol duties I believe resulted in the decrease in criminal activity in the community. Increased patrol activities, along with our Neighborhood Watch efforts, are the reasons we have been able to cut property crime in half in Kensington.

However, we just don't isolate our crime prevention efforts in Kensington. For example, Detective Barrow continues to work with the West County Narcotic Task Force with officers from the West County area. On December 16<sup>th</sup>, Detective Barrow and Reserve Officer Armanino participated in the West County Costa Vehicle Theft Suppression Enforcement Team operation. We assign officers to work the Richmond PD truancy details throughout the year. Officer Ramos and other officers work the DUI suppression details during the holidays. We work very closely with investigators from both El Cerrito and Berkeley, when criminal activity spills over into our jurisdiction. Our activities with our neighboring law enforcement agencies also help decrease criminal activity in our community.

Our cooperation with other agencies is not just limited to law enforcement activities. We also train with neighboring agencies, especially El Cerrito. We conduct joint firearms and defensive tactics training on an on going basis with El Cerrito, with Detective Barrow serving as a defensive tactics instructor for El Cerrito hosted certified POST training. Our Traffic Officer Juan "Manny" Ramos is training with El Cerrito motor officers, learning the finer points of motorcycle traffic enforcement. Detective Barrow and Officer Stegman continued to train and serve on the Contra Costa County Mobile Field Force.

As we start the New Year, we will continue with our Zero Tolerance Policy of traffic enforcement, increase our cooperative efforts with our neighboring agencies, and continue to develop our neighborhood watch- community based law enforcement efforts. It is our goal to reduce crime even further in 2012.

# January 2012

January 2012							February 2012						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7	5	6	7	8	9	10	11
8	9	10	11	12	13	14	12	13	14	15	16	17	18
15	16	17	18	19	20	21	19	20	21	22	23	24	25
22	23	24	25	26	27	28	26	27	28	29			
29	30	31											

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Jan 1 - 7	<b>Jan 1, 12</b>	<b>2</b> 7:00pm Pack 82; CCM	<b>3</b> 7:00pm Troop 100; C	<b>4</b>	<b>5</b> 7:15pm EBC; CCM &	<b>6</b>	<b>7</b>
Jan 8 - 14	<b>8</b>	<b>9</b> 7:00pm Pack 82; CCM 7:30pm KCC Meeting 7:30pm KARO; CC3	<b>10</b> 7:00pm Troop 100; C	<b>11</b> 7:30pm GPFF; CCM	<b>12</b> 7:00pm KPPCSD MTC	<b>13</b>	<b>14</b> 8:00am CC Rental; C
Jan 15 - 21	<b>15</b> Monthly Statistics D 8:00am CC Rental	<b>16</b> 7:00pm Pack 82; CCM	<b>17</b> 7:00pm Troop 100; C	<b>18</b>	<b>19</b> 7:15pm EBC; CCM &	<b>20</b>	<b>21</b>
Jan 22 - 28	<b>22</b> 9:30am Kensington S	<b>23</b> 4:00pm Brownies; CC 7:00pm Pack 82; CCM 7:30pm KIC; CC3	<b>24</b> 7:00pm Troop 100; C	<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b> 9:00am Kensington S
Jan 29 - Feb 4	<b>29</b>	<b>30</b> 7:00pm Pack 82; CCM	<b>31</b> 7:00pm Troop 100; C 7:30pm KMAC; CC3	<b>Feb 1</b>	<b>2</b>	<b>3</b>	<b>4</b>

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# February 2012

February 2012							March 2012						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
5	6	7	8	9	10	11	4	5	6	7	8	9	10
12	13	14	15	16	17	18	11	12	13	14	15	16	17
19	20	21	22	23	24	25	18	19	20	21	22	23	24
26	27	28	29				25	26	27	28	29	30	31

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Jan 29 - Feb 4	<b>Jan 29</b>	<b>30</b>	<b>31</b>	<b>Feb 1</b>	<b>2</b> 7:15pm EBC; CCM &	<b>3</b>	<b>4</b> 5:00pm 5-11pm Hilltc
Feb 5 - 11	<b>5</b>	<b>6</b> 4:00pm Brownies; CC 7:00pm Pack 82; CCM 7:30pm KCC Meeting	<b>7</b> 7:00pm Troop 100; C	<b>8</b> 7:30pm GPFF; CCM	<b>9</b> 7:00pm KPPCSD MTC	<b>10</b> 5:30pm ECHS Pasta F	<b>11</b> 3:00pm KCC Fundrais
Feb 12 - 18	<b>12</b>	<b>13</b> 4:00pm Brownies; CC 7:00pm Pack 82; CCM 7:30pm KARO; CC3	<b>14</b> 7:00pm Troop 100; C	<b>15</b> Monthly Statistics D	<b>16</b> 7:15pm EBC; CCM &	<b>17</b>	<b>18</b> 10:00am Recycle/Com 6:00pm 6pm-10pm R
Feb 19 - 25	<b>19</b>	<b>20</b> 7:00pm Pack 82; CCM	<b>21</b> 7:00pm Troop 100; C	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>
Feb 26 - Mar 3	<b>26</b>	<b>27</b> 7:00pm Pack 82; CCM 7:30pm KIC; CC3	<b>28</b> 7:00pm Troop 100; C 7:30pm KMAC; CC3	<b>29</b>	<b>Mar 1</b>	<b>2</b>	<b>3</b>

**KASEP:**

Even with KASEP registration competing with Kensington Hilltop's 5<sup>th</sup> grade school performance on December 7<sup>th</sup>, winter registration went well. We have just over 223 students filling 401 seats in KASEP classes, up from 200 students filling 337 seats in 2010.

We offered four new classes this session, "Trash to Treasure" and "Printmaking" for grades 1-3, "Zoo Art" for Kindergarten and "Fiction Workshop" for grades 3-6. We added an additional section of drama resulting from student demand. In addition to our KASEP classes, we have students enrolled in karate and gymnastics.

From Winter Registration, families donated \$655 to go towards the scholarship fund with which we funded 7 scholarships of varying amounts to children participating in our program.

Our Winter Celebration on December 15<sup>th</sup> was well attended, having over 110 people - grandparents, parents and siblings smile as they watched their child perform. Creative Drama, Recorder, Chorus, Hip Hop and Poetry students performed. Student work from Carpentry, Sewing, Engineering, Art and Bookmaking plus Everyday Art were on display as well.

**KCC Classes and Events:**

Hoop Power, Beginning Watercolor, and Stan's Art class start up again Jan 12<sup>th</sup>. We are in the planning phase of offering a Robotics Camp for 4 days during President's Week (Feb. 21<sup>st</sup> - 24<sup>th</sup>). No regular KASEP classes are offered during this time as schools are closed.

**KCC Summer Camp:**

Ethan Houser accepted the Camp Director position for Summer Camp 2012. We visited new businesses for possible field trips to replace Water World and SF Alcatraz field trips.

**KCC Administrative:**

Approximately 10 KASEP teachers have confirmed attending Saturday, January 28<sup>th</sup> First Aide and CPR classes being offered at the Recreation Building, taught by El Cerrito/Kensington Fire Department.

As of date, KCC's Fall Fund Drive donations received total 192 donations in the amount of \$8,338. This is down from 2010 by 43 donations and approximately \$750.00. This is attributed in part to the November start of the Fund Drive versus prior years when it launched in October.

# General Manager December 2011 Report

## Budget

At the last KPPCSD Board meeting, a question was asked in regards to the Unaudited Profit & Loss Budget Performance Report for November. The question was, "What was the \$2,271.28 entry under Chart # 418- Misc. Police Income for?"

In our budget, we account for all parking ticket and moving violation fines we collect in Chart # 418, "Misc. Police Income". For the month of November, we received \$216.31 in parking fine revenue and \$2,054.97 in moving violation revenue.

Fiscal year to date, we have collected \$8,915.05 in revenue from parking citations and moving citation fines. Our budgeted estimate for the year was \$12,000, so at the mid-year point in our budget, we are ahead of our revenue projections for traffic fines.

However, the next question that might be asked is, "If the department issued three times the amount of traffic citations this year as in past years, why hasn't revenue increased three times also?" That answer has two components to it.

The first is the parking fine collection and costs associated with collection. While our issuance of parking citations has not increased, our costs to process these citations have. Before we received the small portion of "our cut" of parking citation fines, we have to pay the costs of processing our citations. These costs have gone up since the County stopped processing our citations at the end of 2010 and we had to contract with an outside vendor for this service. By the time the vendor charges us all of the collection and handling fees, we receive very little from the parking citations we issue.

The second portion of the answer has to do with the type of moving violations issued and the small percentage of the fines that we actually receive. As noted in my Monthly Police Report, in 2011 we issued over 1500 moving citations, which is three times the amount issued in past years. However, not all of those citations are for violations with fines attached, most are equipment violations that can be fixed without penalty. When there are penalties assessed to a traffic citation, if collected, our percentage is only 14% of the base fine. For example, a speeding violation base fine of \$100.00 is split between the County and us, with the County receiving \$86.00 of the fine and Kensington receiving \$14.00. However, the State adds their assessments to all violations, and that base fine of \$100.00 for speeding increases to \$400.00 with State assessments and penalties. Kensington does not get any revenue from the State assessments added on to the violations that we issue. We only get that \$14.00 from the base fine.

If the second half of the Fiscal Year projects out as the first half has, we could expect a 50% increase in revenues from traffic violation fines than estimated at the time the budget was prepared.

### **Kensington Park**

#### **Community Center & Annex**

The District has contracted with Muller & Caulfield to obtain professional services in connection with an integrated building remodeling plan for the Kensington Park buildings.

The first two Public Park Buildings Meeting were held on Saturday, October 15<sup>th</sup>, and Saturday, December 3<sup>rd</sup>. The next Public Meeting we be at the February 9<sup>th</sup> KPPCSD Board meeting in which a presentation and recommendations will be made to the Board by the consultant.

#### **Emergency Preparedness**

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

The next meeting of the Kensington Public Safety Council will take place Monday, January 9<sup>th</sup>, at 6:30 PM at the Community Center Room #3. It is very important for those interested in Kensington's emergency preparedness to come to the meetings. The declining community interest in this group is placing this group's continued existence in jeopardy.

We were notified by the Kensington Amateur Radio Operators (KARO) that their emergency radio equipment was stolen from the storage shed located on Anson Way. This equipment was originally purchased by the District and is part of the District emergency plan. I am working with KARO on purchasing replacement equipment and identifying better security at the site.

#### **Other District Items of Interest**

##### **Solid Waste**

At the December 8<sup>th</sup> meeting of the KPPCSD Board of Directors, the Board approved a 1% CPI rate increase that was not made by Bay View per our contract in 2010. This CPI increase will be included with the 2.9% CPI increase that was approved for the 2011-12 fiscal year in October.

The good news is that at the meeting, Bay View representatives indicated that they were no longer considering assigning the contract to Republic; however, they also indicated that they wished to continue discussions regarding their rates for the mini cans. Those discussions are scheduled.



**Public Works**

The County has installed the “temporary fix” of the broken drainage pipe that runs between Highland and Kenyon streets that is on the Highland/ Kenyon path. This temporary fix looks like it will take care of the flooding issues on the path and Kenyon Avenue giving the District time to come to a decision on the pathway. That decision could come at the January 12<sup>th</sup> meeting of the Board following the presentation by the Path Committee and John Gioia.

Speaking of the paths, a special thank you to our Boy Scout Troop 100, who went out on December 11<sup>th</sup> and worked on Path #9 (Yale) installing stairs. Thank you Troop 100!

The County also completed the installation of the “one lane” traffic controls on Los Altos drive after recently “winterizing” the area in an attempt to stop the roadway from washing away. The permanent repair is being scheduled for the end of 2012.

**Food Drive**

The District participated in collecting food for Assemblywoman Nancy Skinner’s food drive to benefit the Contra Costa County Food Bank during the month of December.

**Website**

The Board packets, monthly reports, minutes, recordings of the KPPCSD Board Meetings, and our Bay View – County Solid Waste contracts are available for review on our website at:

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

## DISTRICT – OLD BUSINESS

1. KPPCSD Director Tony Lloyd and Committee Member Chris Schelling will present to the Board the findings of the Paths Committee for initial Board review and discussion. County Supervisor John Gioia is also expected attend and participate in the discussions.  
Board Action.

# **Executive Summary & Board Presentation**

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## **Kensington Path Ad-hoc Committee Findings for the January 12th, 2012 KPPCSD Board Meeting**

Presenters : Chris Schelling (Path Committee Member)  
Tony Lloyd (Committee Chair & KPPCSD Director)  
John Gioia ( Contract Costa County District 1 Supervisor)  
Kensington Path Committee Members – (Nesbitt, Gillfilan,  
Barraza, Martin, Kaiser, & Harman)

## Agenda

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- **Committee Charter**
- **Key Acquisition Questions**
  1. Acquisition of the Paths
  2. Path Maintenance
  3. Construction (on or of) the Paths
  4. Liability and Risk of Acquisition
  5. Neighboring Property Owners
  6. Financial (Grants)
- **Conclusions**

# Committee Charter

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- **“To determine whether it is legally and economically sustainable, reasonable and feasible for the District to exert any form of ownership and control over the existing Kensington paths.”**
- **Additionally, the Board has expressed its support of efforts to:**
  - i) legally establish title to the paths with the County of Contra Costa and/or such other agency as may be legally empowered and economically able to retain ownership, dominion and control over them;
  - ii) to legally work to restore all of the paths and bring them into compliance with the legal requirements of Contra Costa County regarding their construction and renovation, taking into account the legitimate concerns of adjacent land owners and any other stakeholders for protection of their property during such renovation and future use;
  - and iii) to support the legal efforts of KIC to establish a sustainable source of future funding to augment any sums that are available from the County for such maintenance, repair and improvement as will find public support in Kensington.

# Key Acquisition Questions

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## 1. Acquisition of the Paths

1. Regarding the legality of acquiring the paths, included in the findings matrix section is are comments from Hansen Bridgett the Board's outside counsel.
  - It appears that there is a way to acquire the land from the County, and it is the recommendation of this committee that the Board enter into discussions with their counsel to determine what is required to achieve these goals.

# Key Acquisition Questions

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## 1. Acquisition of the Paths (cont.)

- Regarding the economic feasibility of acquiring the paths, there are multiple acquisition strategies that can be considered, any of which should meet the needs of the Board, the County and the Community.
  - Option 1 (Committee Choice): Acquire All Paths
    - This scenario provides that the Board seeks to acquire all paths, so that ownership is transferred free and clear to the KPPCSD.
      - Pros: Access to grant money to fund acquisition, maintenance and/or construction;
      - Cons: Costs (TBD), Liability (TBD)
  - Option 2: Endorse Paths
    - This scenario provides that the Board do nothing, so that ownership remains outside the KPPCSD.
      - Pros: Status Quo (no costs, liability);
      - Cons: No access to grant money
  - Option 3: Acquire Individual Paths
    - This scenario provides that the Board seeks to acquire individual paths, so that ownership is transferred to the KPPCSD on a segment-by-segment basis.
      - Pros: liabilities/costs can be managed as funds become available – serves as template for future acquisitions;
      - Cons: grant money available only to paths where ownership is free and clear, costs to acquire may be substantially higher (i.e. lawyer fees, etc).

# Key Acquisition Questions

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## 2. Path Maintenance

- **Assuming that all the paths are acquired and transferred free and clear to the KPPCSD, the committee agrees that there are two options regarding costs associated with the maintenance of all paths.**
  - **Option 1: All Volunteer Services**
    - **If volunteers (i.e. KIC) agree to perform annual maintenance on all paths, costs should not exceed \$1,000 per year.**
  - **Option 2: All Professional Services**
    - **If the KPPCSD determines that professional maintenance is required on all paths, then the existing contract with services rendered in the parks should be amended, and should not exceed \$5,000 per year.**
- **In addition to maintenance fees, a Reserve Fund is recommended to account for any non-standard maintenance costs that may occur unexpectedly (i.e. a downed tree). The committee suggests that this fund include both a seed amount (i.e. \$5,000) and an annual accrual amount (i.e. \$100 per path, per year)**



# Key Acquisition Questions

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## 3. Construction (on or of) the Paths

- The committee completed a thorough evaluation of all paths currently in the Kensington system. A matrix of each path with details is included in the Appendix provided.
- Given the various conditions – ranging from very good to impassable – the committee recommends segmenting the paths into three categories based on condition and costs:
  - Paths Requiring Little / No Construction:
    - Path #s: 1, 3, 4a, 4b, 6b, 6c, 6d, 8, 9
  - Paths Requiring Repair:
    - Path #s: 2, 5, 6a
  - Paths with Major Capital Requirements
    - Path #s: 7, 10
    - These paths will require significant funding sources

# Key Acquisition Questions

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## 4. Liability and Risk of Acquisition

- **The committee had multiple discussions regarding potential liability associated with ownership of the paths.**
  - While risk liability authority and management is principally the responsibility of KPPCSD Board and its professional advisory resources, California Government code 830. through 831.9 does provide some litigation protection and immunities from prosecution under certain criteria and conditions.
- **According to neighboring communities (i.e. Berkeley, El Cerrito), insurance claims on the paths over the past 10 years have been negligible.**
- **When the committee reached out to the District's Insurance Company, they provided feedback consistent with that which we received from Berkeley, et al – that costs would likely be negligible and that the District's deductible would not likely change (this information was not formal, and therefore, it is the Board's imperative to verify this information).**

# Key Acquisition Questions

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## **5. Neighboring Property Owners**

- **The committee also had many discussions regarding the rights of the neighboring property owners over the path governance.**
- **The committee finds that the Service District needs to discuss their views and understanding as to the property owner's rights to influence path acquisition board decisions.**
- **It is suggested that participating with the community in a "town hall" on the topic, may be an option of serious consideration for the board.**
- **The committee finds that this is particularly true where financial support of the path acquisition and ownership may require voter approved financing.**

## **Key Acquisition Questions**

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### **6. Financial Support (Grants)**

- **A list of potential sources for grant money to fund development activities on the paths is included in the “findings” attachment to this document.**
- **A good example of how a community should apply for, and is awarded, grant money to fund construction and maintenance of paths is Mill Valley’s Steps, Lanes and Paths Program.**

## Conclusions

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- **In conclusion, the committee believes there are a number of options that need to be considered and properly evaluated to determine the best path forward in the interest of the community.**
- **It is our hope that we have provided the Board a solid foundation on which to continue building a case to acquire the paths, and have outlined the key considerations regarding the feasibility and sustainability of a viable path system for Kensington.**

# **Next Steps For Board Consideration**

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- **KPPCSD Board deliberation on findings presentation and reach a decision.**
- **Determine the value of holding community town hall on the subject.**
- **If ownership transfer approved by board identify an implementation team and resources.**
- **Address governance issues of asset management going forward.**
- **Present a “Straw” time line.**

# Kensington Ad-Hoc Path Committee Ownership Findings Matrix

As of January 6, 2012

Index Number	Project Critical Success Factor	Committee Finds a/o 9/1/11	Committee Final Findings (Consensus) <sup>1</sup>	Action Required
1	<p><b>What charter changes, if any, are required for the KPPCSD to acquire additional land?</b>  <b>The district has broad authority.</b></p>	<p><i>Government Code §61060  A district shall have and may exercise all rights and powers... ..(d) To acquire any real or personal property within or outside the district, by contract or otherwise, to hold, manage, occupy, dispose of, convey, and encumber the property, and to create a leasehold interest in the property for the benefit of the district....</i></p>	<p>On 6/1/11 Hanson Bridgett (CSD Council) provided a legal opinion to question # 1, in which they indicate “while it is not prohibited from the district to acquire the path real estate” the district may be open to legal challenge if they do not seek a modification of their authority to do so. That ownership of the paths in their opinion does not specifically come under parks and recreation as defined in the district charter. The process to modify that charter would be to receive authority to do so from LAFCO.</p>	<p>Secure LAFCO consent prior to public comment phase to remove any remaining potential restraints.</p>
2	<p><b>What uses can KPPCSD acquired land be put to?</b></p>	<p>The KPPCSD has the same powers as other parks agencies such as the EBRPD:</p> <p><i>Government Code §61060 ... (e)  Acquire, construct, improve, maintain, and operate recreation facilities, including, but not limited to, parks and open space, in the same manner as a recreation and park district formed pursuant to the Recreation</i></p>	<p>Adopt committee findings as presented.</p>	<p>Present to KPPCSD board for final decision.</p>

<sup>1</sup> The committee goal was to achieve consensus on each critical success factor wherever possible.

		<p><i>and Park District Law, Chapter 4.</i></p> <p><i>Recreation Code §5780.1</i>  <i>"Recreation" means any voluntary activity which contributes to the education, entertainment, or cultural, mental, moral, or physical development of the Individual, group, or community that attends, observes, or participates.</i></p>		
3	<p><b>What rules can KPPCSD set for use of acquired land?</b></p>	<p><i>Recreation Code § 5786.1 (j) To adopt and enforce rules and regulations for the administration, operation, use, and maintenance of the recreation facilities, programs, and services listed...</i></p> <p>Such power includes the ability to close the paths, a power the district presently does not hold.</p>	<p>Committee recommends that the board adopt guidelines provided in the recreation code.</p>	<p>Present to KPPCSD board for final decision.</p>
4	<p><b>How would KPPCSD's insurance rates change with acquisition of path parcels?</b></p>	<p>The final answer to that question will become clear when a decision is made to determine what land will be entered into the inventory. The district is insured by SDRMA which has issued a statement estimating the cost to be very minimal if any increase is merited at all.</p> <p>Wendy Tucker is the SDRMA Representative, feels SDRMA will not insure the paths if CSD does not own them.</p> <p>Indicates that adding the new parcels as paths would not have an effect on our liability cost of existing CSD recreation space.</p>	<p>The Board should use this statement by SDRMA as a guideline for potential insurance cost impact. They will need to acknowledge that there will be a need to identify what future increases the district might expect due to general rising cost and or claims against the property.</p>	<p>Present to KPPCSD board for final decision.</p>



5	<b>What taxes would apply?</b>	The path land is presently not taxed at all. If the district acquires ownership, our best information is that the tax on assessed value would not apply. Certain minor parcel taxes, such as the Landscape & Lighting district may apply.	It was agreed that the authority here is the tax assessor and that it is still necessary to understand what events could trigger a re-assessment. Also whether a transfer of property to KPPCSD would result in a larger tax assessment.	Tony Lloyd continuing to research with assistance from County. Sent question to Kate Rauch for resource contact information on 1/2/12. Ms. Rauch is assisting in providing the county resources to address questions in this area.
6	<b>What might it cost to complete acquisition?</b>	We believe the minimum cost approach is for the County to deed the land over to the service district using County powers. The County has indicated a willingness to work with the KPPCSD on the transfer. It is difficult for the sub-committee to estimate exact acquisition costs as the amount of legal staff time required will vary depending on the exact nature of the transfer. <sup>2 3</sup>	See financial impact Appendix # 1 to this document.	The cost of acquisition and ownership from a board financial budgetary perspective can be found in budget attachment to this document. This committee has provided cost estimates based on its limited abilities. A complete economic business analysis by the district financial committee or other subject matter experts may still be warranted by the service district before arriving at its decision on this finding.
7.	<b>What is community sentiment on the paths, and to what extent does it extend to shifting budget or increased assessment?</b>	The Paths Sub-Committee suggests that a Town Hall meeting on the Topic of Kensington Paths be held to help formally gauge community support for owning and maintaining the paths.	Committee recommends adoption of the language as proposed.	The KPPCSD board of directors may want to consider additional community input prior to reaching its final decision. Included in this document to the best of our ability are the findings and recommendations of the committee views as well as those community members

<sup>2</sup> Legal cost of LAFCO intervention or position

<sup>3</sup> As a separate issue, beyond the 10 studied paths there are a dozen additional designated path parcels in Kensington which dead end or are otherwise undevelopable.

				who attended meetings and offered their input.
8.	<b>What conditions exist on the ground for each path?</b>	See appendix # 2 & #3 matrix attached. Also misc. path photographs and review data in Attachment A	Committee recommends adopting the path condition findings described in the appendix.	Present to the KPPCSD board for final decision.
9.	<b>What are the most significant known issues on the paths?</b>	<p>Of the 10 primary pathways, 7 are in a condition that appears satisfactory to the public.<sup>4</sup></p> <p>The paths with special conditions are:</p> <ul style="list-style-type: none"> <li>● Path #8 has two notable problems: a failed drainage pipe, and a tree which re-routes path users onto the private steps of #59 Kenyon.</li> <li>● Path #7 has significant vegetation growth and has been partially fenced by a resident to form a dog run. The path right of way and neighboring properties are infested by bamboo, a plant which is difficult to remove, and can buckle or crack concrete.</li> <li>● Path #10 is blocked by a fence, and has a steep drop off. This is estimated to be the most expensive path to develop.</li> <li>● Inspection of Path # 6 has identified drainage pipe existence as a result of community maintenance effort on the paths.</li> </ul>	Committee recommends adopting the findings for item nine as presented.	Present to the KPPCSD board for final decision.
10.	<b>Would any County or Federal requirements mandate a construction</b>	No, the CSD could choose to hold the land in an unimproved state. The parks code only specifies the land be	Committee recommends adoption of the findings as stated.	Present to the KPPCSD board for final decision.

<sup>4</sup> Paths 1,7,8,10 could benefit from installing steps. Specifically required for path# 8

	<b>project be undertaken on newly acquired land?</b>	used for a "lawful purpose" Because the paths provide exclusive access only to private homes, no Fed access requirements apply. County public works has indicated that they would not require construction on the paths.		
11.	<b>What laws or standards apply to construction of pathways?</b>	With recreational trails the best practice is to provide a variety of challenge levels within a park system. Rough dirt trails, wooden steps, pavers and concrete steps are all legitimate and recognized trail types. The current range of trail types and improvements fit within the recognized types of recreational trails currently existing in Kensington.	Committee recommends adoption of the findings as presented.	Present to the KPPCSD board for final decision. The board will need to reply upon its legal counsel as acquisition efforts move forward to help insure path future construction and maintenance complies with statutory requirements.
12.	<b>If the KPPCSD acquires a path parcel, what maintenance requirements apply?</b>	There appears to be one single mandated requirement which is for the service district to be responsible for meeting the fire district vegetation maintenance requirements.	Committee recommends adopting findings language as proposed.	PRESENT TO THE KPPCSD Board for decision.
13.	<b>How do neighboring governmental owners hold or treat paths?</b>	<ul style="list-style-type: none"> <li>● City of Oakland owns 450 paths. The city reconstructs paths that have become hazardous, but does not aggressively develop unimproved paths.</li> <li>● City of Berkeley owns 140 paths. The city essentially outsources path development to a volunteer group. That said the paths prominently feature in the City's pedestrian plan.</li> </ul> <p>The city sends out AmeriCorps crews each summer for path work, and on</p>	Committee recommends acceptance of the findings language as presented.	Present to the KPPCSD board for final decision

		<p>occasion city crews help also. The city sponsors grant funding, and occasionally donates money to path development. The city master plan anticipates spending \$11,000 per year over the next 20 years to complete new construction on the path system. New paths are built with wooden stairs, with small concrete sections where the grade is steep.</p> <ul style="list-style-type: none"> <li>● City of El Cerrito has ignored their 40 or so paths. A volunteer group is engaging with the city on a change to that practice.</li> <li>● Unincorporated East Richmond Heights has paths in the similar condition to those in Kensington.</li> <li>● City of Albany maintains their paths with city funds.</li> <li>● City of Mill Valley has a strong path program, integrated into public safety goals for recreation, transportation, and hillside evacuation. The City has applied for and won significant grants to construct first quality stairways. A volunteer group has worked hard on easement and land use issues.</li> </ul>		
14.	<b>What unexpected costs have neighboring</b>	A survey of public records Oakland, Berkeley, El Cerrito and Kensington	Committee recommends adopting findings language as	Present to the KPPCSD board for final decision

	<b>governments incurred with paths?</b>	revealed no significant path related liability events for any owning agency, and no records of significant crime events due to paths.	presented.	
15.	<b>What funding sources may applicable to paths?</b>	<p>1. East Bay Regional Parks District Measure WW: For 2011 the district was allocated approx. \$258,358 of which \$150K has been spent on the Kensington Park restroom from this source. Eligible categories are: * Acquisition (including Plans, Appraisal/Title/Escrow Fees, Legal Fees &amp; Permits) * Renovation of recreational facilities</p> <p>2. Diablo Fire Safe Council Provides block grants of \$5000 to facilitate fuel hazard reduction. This is the only mentioned grant which will fund a project on non-public land.</p> <p>3. Safe Routes to School (SR2S) / Safe Routes to Transit (SR2T) These programs are meant to improve the safety of walking and cycling to school and transit, through identification of existing and new routes and construction of pedestrian and bicycle safety and traffic calming projects.</p> <p>4. Transportation Enhancement Program The Transportation Enhancement Program provides funds for the construction of projects, beyond the scope of typical</p>	All of the examples are legitimate sources of funding however not every grant applies to every path aspect or necessary improvement.	Present findings to KPPCSD Board for review.

		<p>transportation projects, which enhance the transportation system. Transportation Enhancement Projects may include landscaping, bicycle facilities and streetscape improvements.</p> <p><b>5. Regional Bicycle and Pedestrian Program (RBPP)</b> The RBPP was created in 2003 as part of the long range Transportation 2030 Plan developed by the Bay Area Metropolitan Transportation Commission. The program — currently funded with Congestion Mitigation and Air Quality funds — funds regionally significant pedestrian and bicycle projects, and bicycle and pedestrian projects serving schools or transit.</p> <p><b>6. Transportation, Community and System Preservation Program</b> The Transportation, Community and System Preservation (TCSP) Program provides federal funding for transit oriented development, traffic calming and other projects that improve the efficiency of the transportation system, reduce the impact on the environment, and provide efficient access to jobs, services and trade centers. The program is intended to provide communities with the resources to explore the integration of their transportation system with community preservation and environmental activities. TCSP Program funds require a 20% match.</p>		
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		<p>7. Recreational Trails Program The Recreational Trails Program provides funds to states to develop and maintain recreational trails and trail-related facilities for both non-motorized and motorized recreational trail uses. Examples of trail uses include hiking, bicycling, in-line skating, equestrian use and other non-motorized as well as motorized uses. Purchase and lease of trail construction and maintenance equipment; Construction of new trails including unpaved trails; Acquisition of easements or property for trails; State administrative costs related to this program; Operation of educational programs to promote safety...The district can also raise money through extensions of existing assessments or introduction of a new path related assessment. The majority of the funding sources are only available once the ownership is settled.</p> <p>8. Financial Sponsorship From K-Groups Solicit funds from various K-Groups interested in path sponsorship.</p> <p>9. KPPCSD Parks and Recreation Operating Budget</p> <p>10. Special Tax assessment or available funds from existing tax assessments.</p>		
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16.	<b>If the KPPCSD Board decides not to adopt the paths, what are the likely results?</b>	<ol style="list-style-type: none"> <li>1. Many sources of grant funding would continue to be unavailable to be applied to the upkeep and maintenance of the paths.</li> <li>2. Without ownership of the paths their maintenance will continue to be an issue for some percent of the community. Lack of ownership will likely have a negative impact on maintenance funding.</li> </ol>	Committee recommends adoption of findings language.	Present findings to KPPCSD Board for review.
17.	<b>What issues are not a consideration for KPPCSD decision?</b>	Eight of the 10 paths are currently open and used for transit. Under the public easement law it is believed they cannot be closed and therefore the current liabilities are the responsibility of the current asset owner.	Requires further legal opinion to authenticate.	Because Kensington currently does not own the paths, the district's liability is limited or non-existent. With ownership the governances most likely fall under California Code 830 through 831.9 which speaks specifically to liability aspects of path ownership.
18.	<b>A list of legal liabilities the district would be subject to if they take ownership of the paths?</b>	KPPCSD legal comment.	<ol style="list-style-type: none"> <li>1. Legal costs to establish ownership rights;</li> <li>2. Maintenance costs;</li> <li>3. Liability for possible tort injuries; and</li> <li>4. Potential property boundary disputes with residents adjacent to the paths.</li> </ol>	Present findings to KPPCSD Board for review. Source of comment is Hansen Bridgett.
19.	<b>Has there been an investigation of all utility right of ways and presence of their assets on all of the paths?</b>	While maps of the sewer and storm drainage facilities have been procured for the paths, utility ROW has not been ascertained. Underground utility ROW is normally well marked and static in their presence meaning they		Utility coterminous existence with the Kensington Paths is the most prevalent relationships to be concerned with.

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		<p>do not transport material that would structurally undermine the geography. The utilities will provide exact locations of buried underground transport should there be a requirement to excavate in that area. Also utility underground transport is in their own right of way and so path construction over these rights of way could be considered encroachment. In any case the utilities have committed to working with the community to identify the potential of disturbing any underground transport.</p>		<p>Telephone and electrical (which the most likely) to have ROW issues (both underground and aerial) are both very aware of the need to work with local municipalities to prevent service interruptions to their customer. Both PG&amp;E, AT&amp;T and other communications providers in the community have active programs to that allow for ROW coordination. EastBay Mud, Stege Sanitary , and the County has been equally committed to partner with Kensington where the paths are coterminous with their facilities and ROW. The board should consider seeking an MOU with the County that would outline responsibilities of each entity in the event of a transfer of ownership of these properties.</p>
20.	<p><b>Financial considerations of path ownership?</b></p>	<p>1. Acquisition</p> <ul style="list-style-type: none"> <li>a. Legal consultation fees</li> <li>b. Legal description</li> <li>c. Other Consultation fees</li> <li>d. Title transfer</li> <li>e. Taxes</li> <li>f. Insurance</li> <li>g. Code compliance</li> <li>h. Registration and permit</li> </ul>	<p>Note: budget estimates are based on best estimates and sourced examples. The ad-hoc committee has not performed any type of econometric financial analysis. The committee finds the inclusion of such detail beyond the scope of our charter and one which should be performed by</p>	<p>See budget appendix # 1</p>

		<ul style="list-style-type: none"> <li>costs <ul style="list-style-type: none"> <li>i. Survey cost</li> <li>j. Environmental cost</li> <li>k. Communications cost.</li> <li>l. Filing Fees</li> </ul> </li> <li>2. Capital expenditures <ul style="list-style-type: none"> <li>a. Repair and construction</li> <li>b. Code compliance</li> <li>c. Transition overhead</li> </ul> </li> <li>3. Taxes and Insurance <ul style="list-style-type: none"> <li>a. Property assessment</li> <li>b. SDRMA premiums</li> </ul> </li> <li>4. Operational cost <ul style="list-style-type: none"> <li>a. Periodic inspection</li> <li>b. Public safety budget upward pressure</li> <li>c. Grounds maintenance</li> <li>d. Administrative and governance.</li> </ul> </li> <li>5. Reserve Funds</li> </ul>	<p>credentialed business advisor(s).</p>	
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**Appendix**

- 1. Path acquisition budget
- 2. Path map.
- 3. Path conditions assessment
- 4. KPPCSD charter documents.

**Attachments**

- KPPCSD Board Charter
- Stege sewer runs in Kensington.
- County drain locations relative to paths in Kensington
- KIC work party assessment of path construction requirements.
- Citizen petitions and community communications re the paths.
- Public Tort Liability in California

## Path Study Budget Analysis

1. The cost to own and maintain the Kensington paths falls in three basic categories:
  - a. Acquisition – Those onetime costs associated with acquiring the paths.
  - b. Capital Expenditures – Those hard assets if any that have depreciation value i.e. Construction materials and for which long term amortization might be appropriate as well as funding i.e. bonds, warrants, etc.
  - c. Ongoing operational cost – annually expense able cost associated with maintain business operations.
2. How the Service District manages its budget responsibilities.

KPPCSD 2011 /2012 Line Item	Budget	Path Upward Pressure	Percent Increase
Police Salaries & Benefits	1,897,139	None	N/a
Police Expense	316,936	None	N/A
Recreation (Salaries & Benefits) Plus Expense	105,323	\$5,000	Recurring est. 2%
General District Expense	207,815	None	N/A
Capital Outlay	120,000	None	N/A
<b>Total</b>	<b>2,647,213</b>		

Critical communications on the budget aspect of the path ownership:

1. That all of the potential cost elements of the path ownership have been identified.
2. Determine from a budget perspective which ledger lines items those cost will impact.
3. Identify cost that can be potentially absorbed by alternate financing sources i.e. grants, donations, and sweat equity.
4. Identify those items most likely having operating budget impact.
5. Identify % of upward pressure on district operating budget

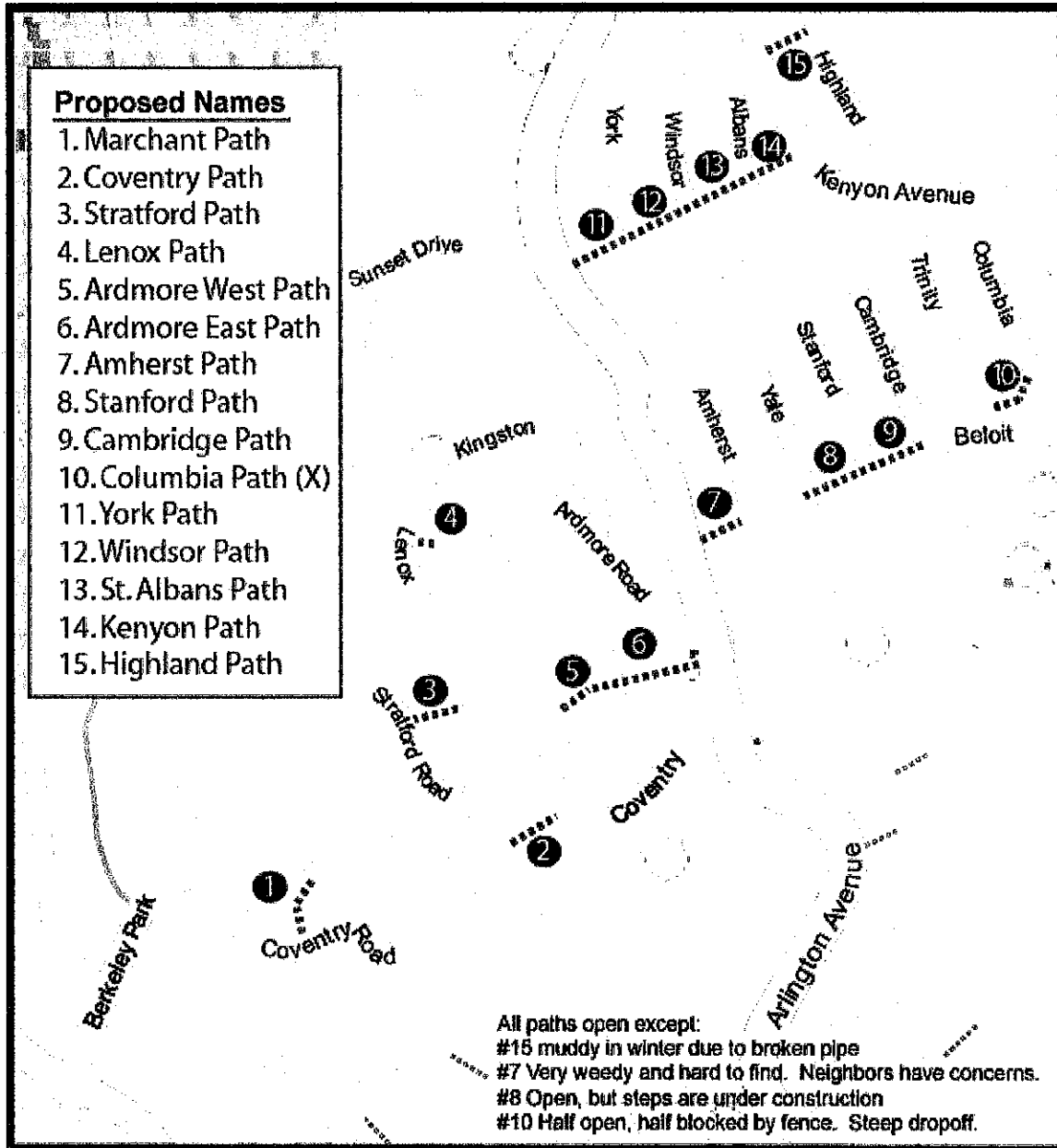
Assuming these assumptions are accurate then this paints an acceptable risk factor for the board to vote favorably for the path adoption from a budget point of view. Assuming buy-in to this methodology it is recommended that the Finance Committee work with the path committee to review our assumptions and cost assessments to vet the final numbers. "Consultancy doesn't have to be paid it just needs to represent "the advice of trusted advisors"

# Appendix #2

path number	from to	signage	surface	stairs handrails	fences	apparent utilities	underground drainage	graffiti	width: parcel	width: unobstructed	width: surface	Possible encroachments	maintenance	issues
1	Marchant Coventry		grass, dirt, tree roots	1 RR tie at top. No handrails.	Low fences or building edges border path, lots of visibility.	Stege sewer. No drainage pipe.	no	clear	5'	5' but narrows to 3'3" at top.	N/A	Fence at Marchant end encroaches. Discharge pipe from apparent subdrain empties onto property (from back of 429 Coventry??)	Neighbors cut grass and keep path clear. According to 425 Coventry Realtor, former owner was a path fan and worked on it prior to his death.	Steep and unsurfaced. Wild Grass, mud & leaves could be hazardous under wet conditions (Reported 2011-Apr Ray Barazza). Land may be on tax roles.
2	Stratford Coventry	PUBLIC PATH #2	paved	4 steps, 9 steps. No handrails.	High fences with little visual contact to neighboring homes.	Stege sewer	no	clear	10'	7-9 feet (7' at stairs)	2'	none (other than bamboo escaping a yard and impacting stairs)	No apparent maintenance. Cleared spring 2011 by KIC.	Heavily cracked concrete.
3	Coventry Coventry	PUBLIC PATH #3	paved	14 steps. Upper section w/handrail.	Open fencing, with strong visual contact.	none	no	clear	10'	8-10'	5'	A plastic utility shed is placed immediately at edge of pavement.	Well cared for by adjacent owners. Bench supplied for users to sit on. Neighbor added handrail to upper steps.	Lower path leads directly into ditch. Many path users divert to nearby driveway.
4 a	Coventry Ardmore	ARDMORE PATH	paved	none	Strong visual connection to neighboring homes.	Stege Sewer, EBMUD, PG&E Overhead, PG&E Gas	no	clear	10'	10'	5'	Picket fence leans into ROW.	Neighbors keep path clear.	Cracked concrete especially near Stege manhole. Stege wrote a letter about this in the mid 1980's.
4 b	Ardmore Arlington	ARDMORE PATH	paved	Steep steps with a center handrail.	Fences generally seclude homes, but way is punctuated by multiple home entrances with visual connections to houses.	Stege Sewer, EBMUD, PG&E Overhead, PG&E Gas	no	History of tagging on concrete surfaces.	20'	20'	Dual 3'	none	Neighboring gardeners regularly trim back hedges. Site of KIC work party. Past evidence of major concrete repair.	Straddles Hayward fault trace.
5	Lenox Beverley	PUBLIC PATH #5	paved	8 steps, no handrails. Ramp provides alternative to steps.	No fence on one side. 6' wooden on the other.	Stege Sewer, EBMUD, Overhead PG&E, Others Probable. Overhead power and communication. USA marking for gas line.	no	clear	12'	Minimum clear between fences is 8'10".	6 feet	Front steps of both adjacent houses (9 and 15 Lenox) are built on this strip of land. Backyard fence of 15 Lenox encroaches about 3-1/2' at upper end of walk.	Appears well trimmed and maintained.	Probably built by original subdivider. Ramp bypasses the steps at the lower end. Walk is generally in good condition and usable in all weather. Needs handrails for the steps. About 12' of length needs repair/replacement due to cracking.
6 a	Arlington York	PUBLIC PATH #6, street name stamped in concrete.	paved	about 50 concrete steps, no handrails	wooden fences and some wire fences the entire length	Stege sewer. Storm drain.	no	on southern wood fence; quite a bit (long history of tagging)	10'	9-10'	4 feet	Neighbor's failed retaining wall may have caused some slippage. Some encroaching wire fence and greenery about 1/2 way down	Spotty community trimming. Volunteers replaced two missing concrete steps.	Several cracks; dirt cut-away (4x4). path in decent shape; overgrown in some areas; no handrails; crooked and chipped steps; poison oak clump.
6 b	York Windsor		dirt, wooden steps, mulch.	24 narrow steps, no handrails.	High wooden, wire mesh.	Probable sewer.	yes, confirmed	clear	10'	10 feet	6-9 feet wide. Steps 2 feet wide.	none	Steps installed by resident of 161 York. Dirt path maintained primarily by resident at 136 Windsor.	
6 c	Windsor St. Albans		dirt, trimmed grass.	none	Open, wire mesh.	Probable sewer.	no	clear	10'	10 feet	4-6 feet	"Joint use", stepping stones used as path to house and yard. Rock planter wall may encroach.	Wider at Windsor due to vegetation clearing by resident at 136 Windsor.	
6 d	St. Albans Kenyon	PUBLIC PATH #6	dirt, flagstones.	none	Open, wooden.	Probable sewer.	no	clear	10'	10 feet	2-6 feet	Pine tree planted very close to path at Kenyon Avenue. Rocks divide path into private and public halves, but private half encroaches.	Kept passable by neighbors, but just barely. June 2011 work party cleared it out.	Dirt gullies not easy to walk on when very wet. (Report 2011-Apr Gloria)
7	Arlington Amherst		overgrown	possible buried concrete stairs at Arlington (unverified)	Open, wire mesh	PG&E Overhead, 3 Inch PG&E gas, Communications (AT&T + Comcast). Stege manholes top & bottom but lines do not reach corridor.	no	none	10'			Trees planted in upper half, South West neighbor attempting to prevent public access, previously encroaching porch removed from South West half, flammable dead brush piled across Arlington entrance, trash cans placed across Arlington entrance	Landscaped as part of private yards on East/ upper half. In the middle large thicket of bamboo and Himalayan blackberry (some dead and flammable).	wood retaining wall built across Western (Arlington) entrance
8	Kenyon Highland		dirt	none	High walls on one side, low fences looking into homes on the other.	PG&E Overhead, Stege Sewer, 12" Drainage Pipe.	yes (failed)	none	10'	10 feet	n/a	Private gardening activity in several spots. Tree blocks lower path.	History of neighborhood antagonism, with some blocking and some clearing the path.	Tree was planted on path, diverting foot traffic up a private set of stairs at 59 Kenyon. Significant failed drainage pipe & washout pit.
9 a	Yale Stanford	PUBLIC PATH #9	steep dirt, wooden steps.	Lower: 50 steps no handrails. Upper: 43 steps no handrails	None, hedge, open wire mesh, hedge.	PG&E 3" Gas, AT&T Phone, Comcast Cable, Stege Sewer, EBMUD Water Lateral.	no	Marker graffiti on one step.	10'	10 feet	3 feet	Significant "joint use" of corridor: #245 Yale integrated path into their front yard and for access to back yard.	Neighboring gardeners trim corridor. Corridor is clear of weeds.	
9 b	Stanford Cambridge		Concrete steps, stepping stones, mulch.	Lower: 36 steps, no handrail, uneven cadence. Upper: 32 steps, handrail.	Building edge, high wooden, low wooden, open.	PG&E 3" Gas, AT&T Phone, Comcast Cable, Stege Sewer, EBMUD Water Lateral.	no	clear	10'	10 feet	2-4 feet	"Joint use", as path provides primary access to homes. 4' gate encroachment. One fence line encroaches by 2'. Trash cans and utility meter encroach.	Neighbors keep corridor clear, maintained. Motion sensor light.	Lower flight of steps were built poorly, and have not improved with age.
10	Trinity Columbia		overgrown	partial steps with wood timbers/ dirt path	6' high fences.	Stege Sewer.	no	clear	10'	10 feet / 0 feet	n/a	Upper half is used as private backyard entrance. Lower half is indistinguishable from adjoining property.	None.	Very steep, would require significant investment to open.

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Appendix #3



# KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

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Kensington Police Protection and Community Services District

Resolution of the Board of Directors Regarding Community Paths

Resolution # 2011-04

WHEREAS, the Kensington Improvement Club (KIC) and other community volunteers have undertaken a significant volunteer effort to maintain and improve several pedestrian paths in the community of Kensington.

WHEREAS walking paths in Kensington serve as valuable community resources.

WHEREAS, the Board of Directors of the KPPCSD (the "Board") wishes to determine the correct legal ownership of these paths, and to establish a process for their maintenance, repair and improvement that complies with fundamental notions of legal due process and which is economically and financially sustainable.

NOW THEREFORE BE IT RESOLVED, that the Board do the following: (i) take appropriate steps as may be necessary, including but not limited to formation of an ad hoc committee of the Board and community volunteers to determine whether it is legally and economically sustainable and feasible for the District to exert any form of ownership and control over the paths; and (ii) ask the Real Property Division of the County of Contra Costa to notify the District and KIC should any private party or landowner file papers to vacate any County rights to all or part of any path.

BE IT FURTHER RESOLVED, that the Board hereby support the efforts of the KIC community volunteers and others in the community to do the following: (i) to legally establish title to the paths with the County of Contra Costa and/ or such other agency as may be legally empowered and economically able to retain ownership, dominion and control over them; (ii) to legally work to restore all of the paths and bring them into compliance with the legal requirements of Contra Costa County regarding their construction and renovation, taking into account the legitimate concerns of adjacent land owners and any other stakeholders for protection of their property during such renovation and future use ; and (iii) to support the legal efforts of KIC to establish a sustainable source of future funding to augment any sums that are available from the County for such maintenance, repair and improvement as will find public support in Kensington.

BE IT FURTHER RESOLVED, that the Board urges the County to cooperate with KIC in its efforts as outlined herein.

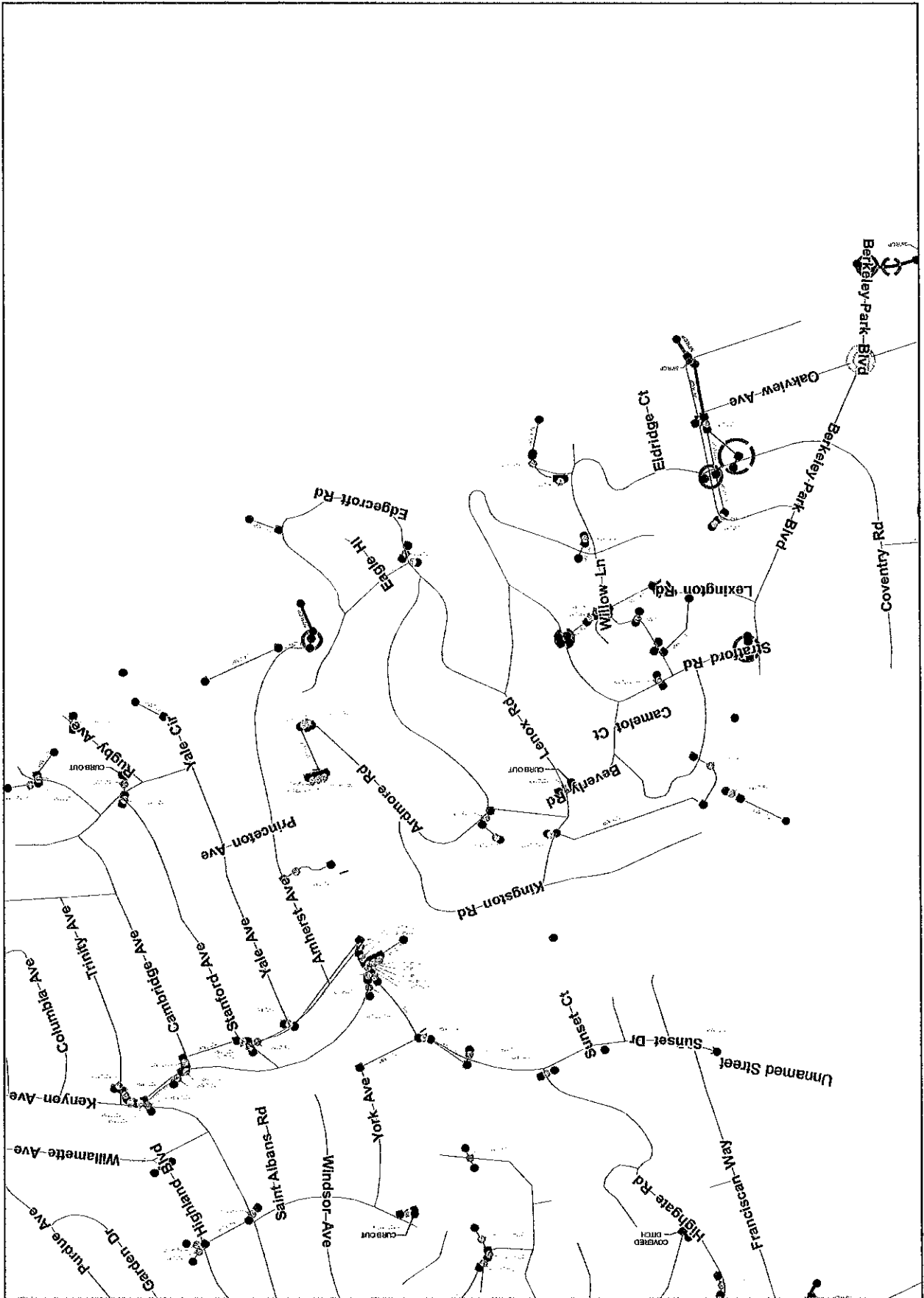
BE IT FURTHER RESOLVED, that this Board directs the general manager of the District to take such action as may be deemed necessary or proper to affect these resolutions.  
KPPCSD Path Resolution 02022011

CEToombs

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217 Arlington Avenue • Kensington, California 94707-1401 • (510) 526-4141

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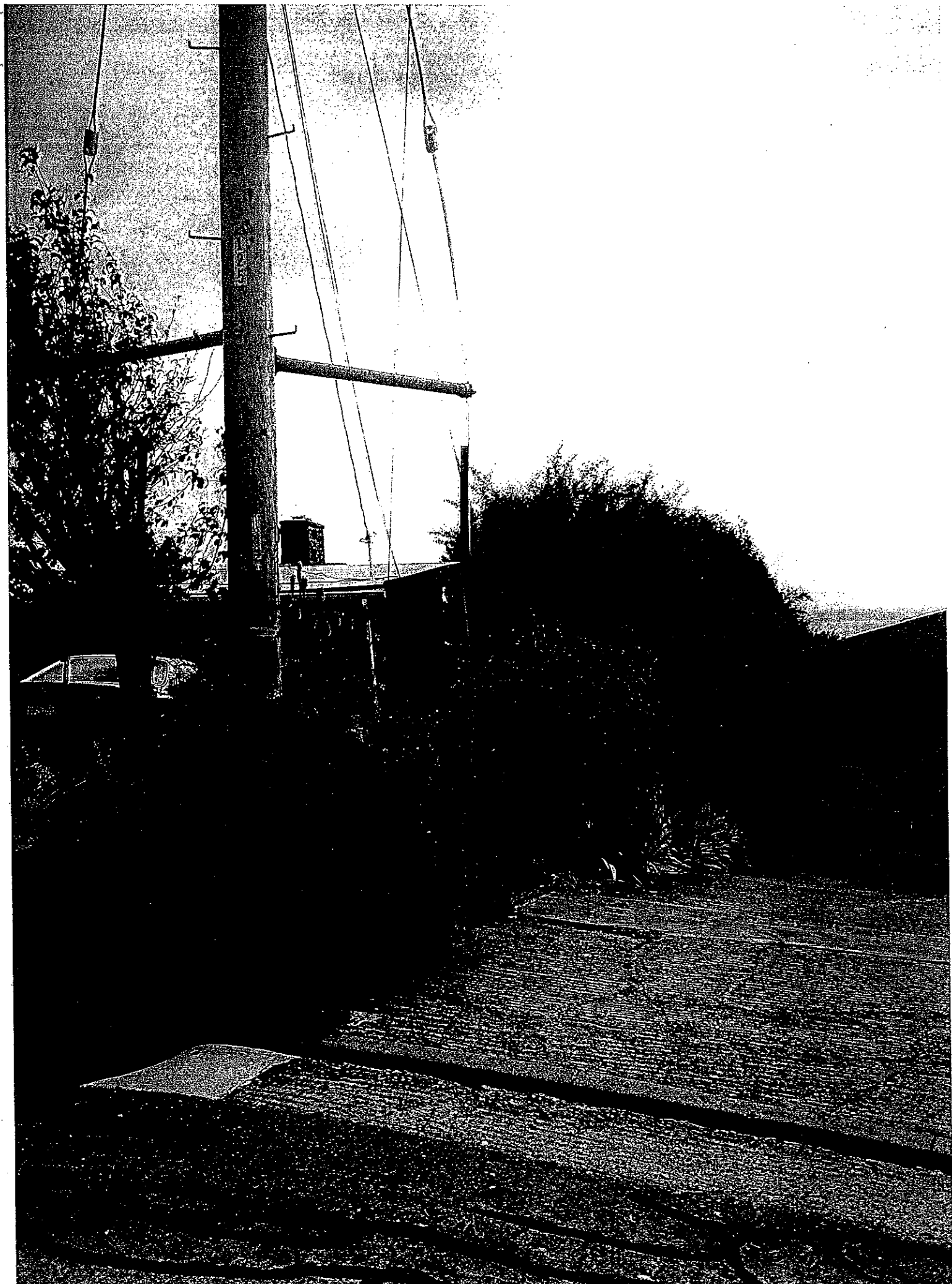


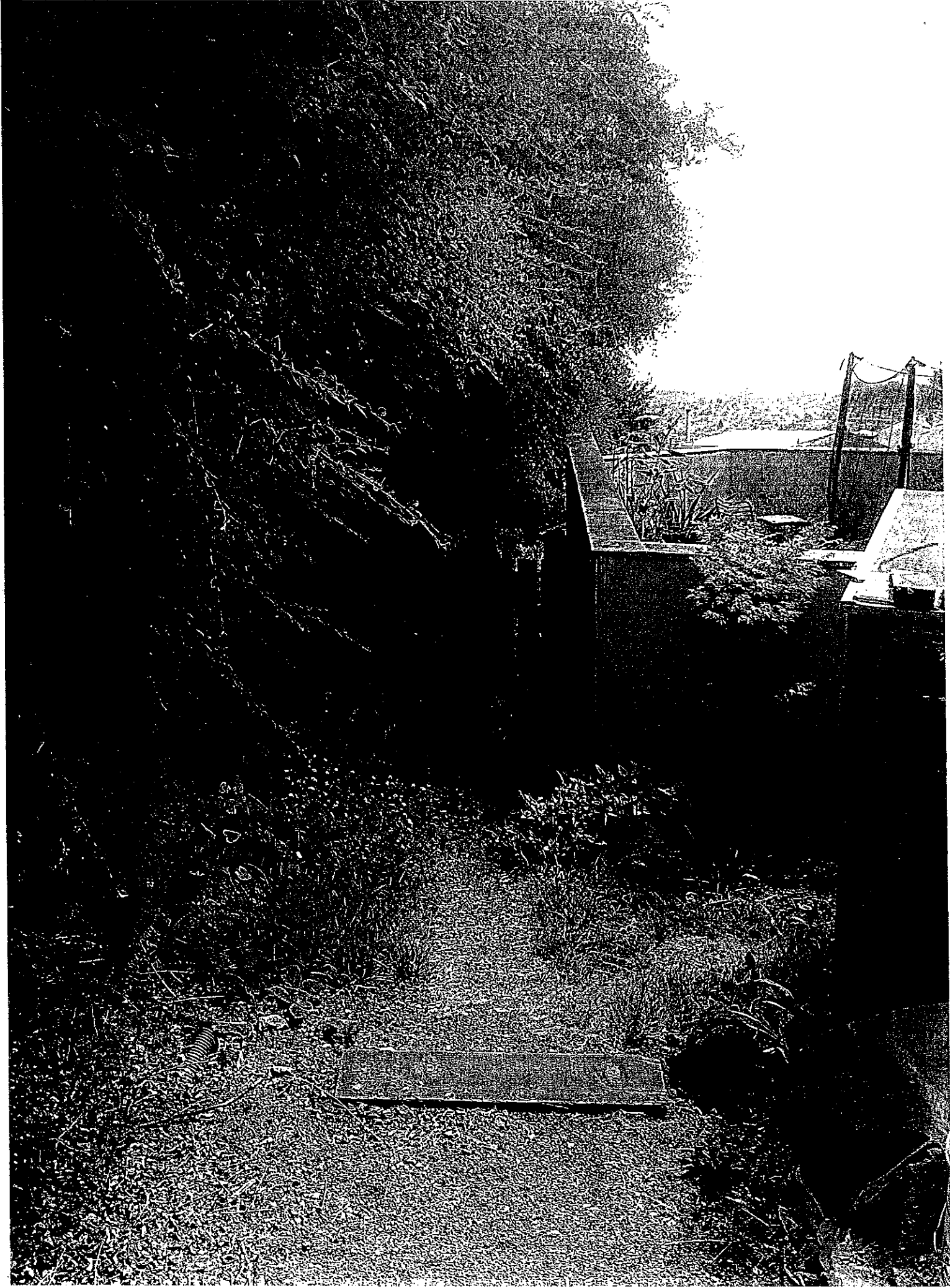


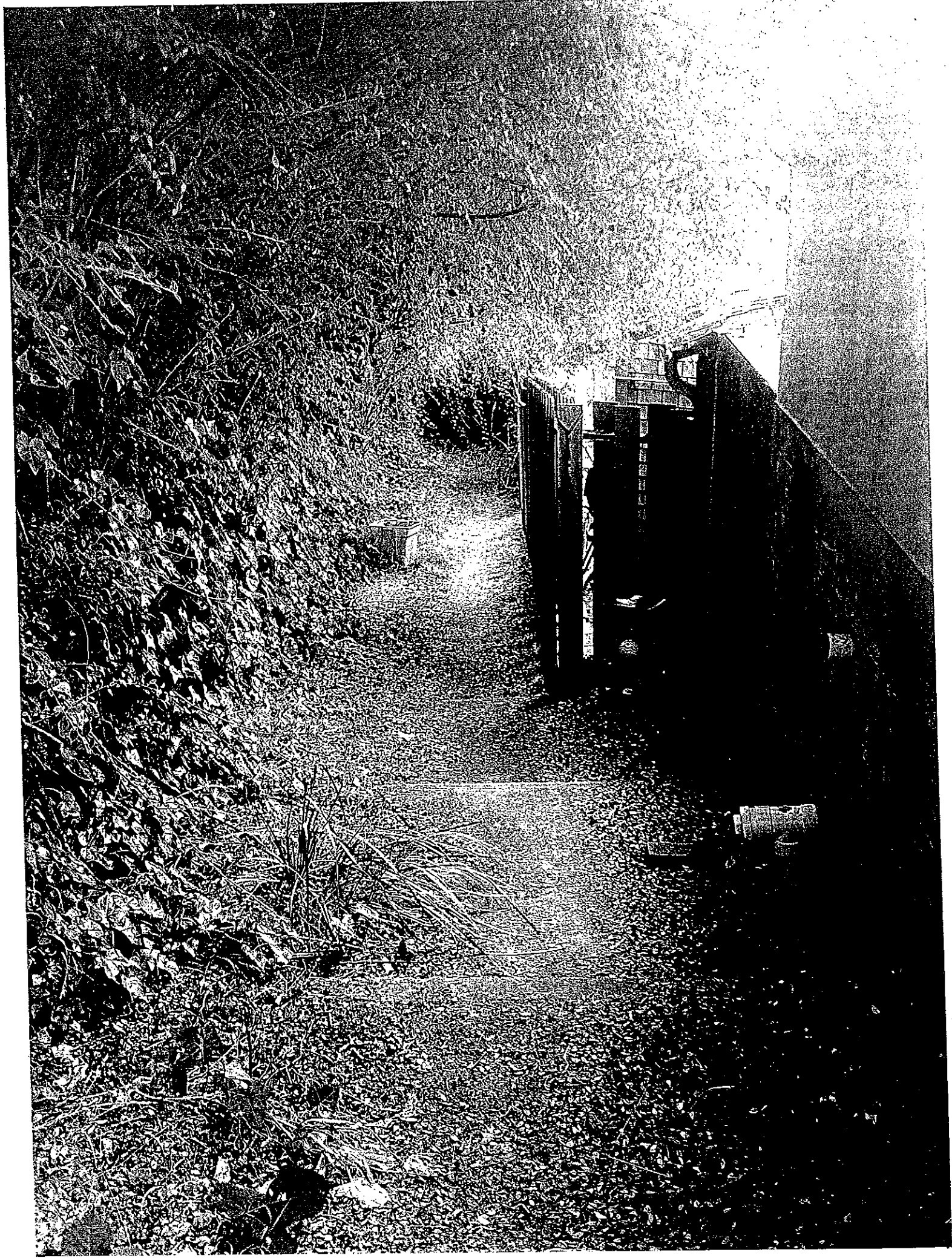


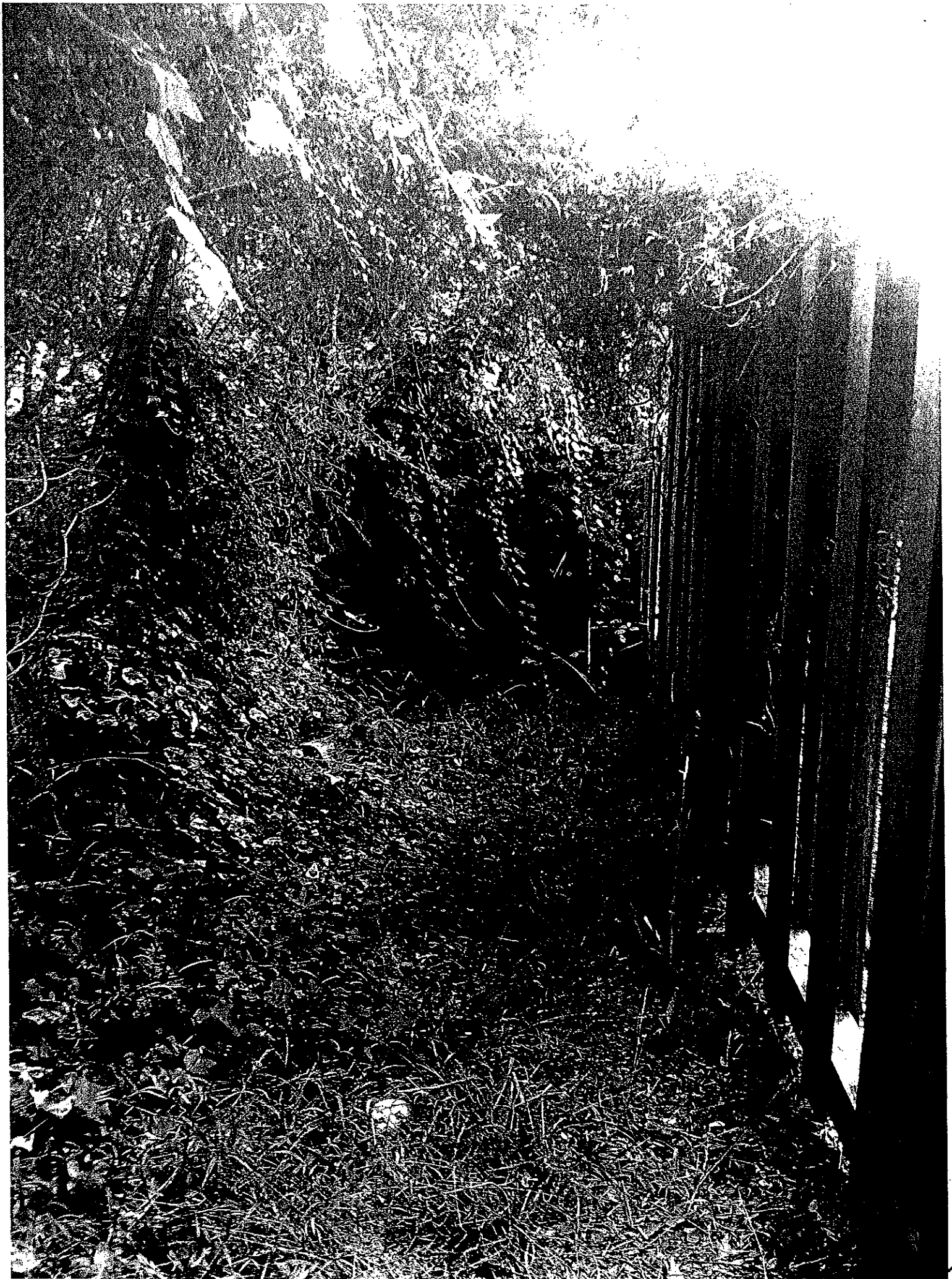




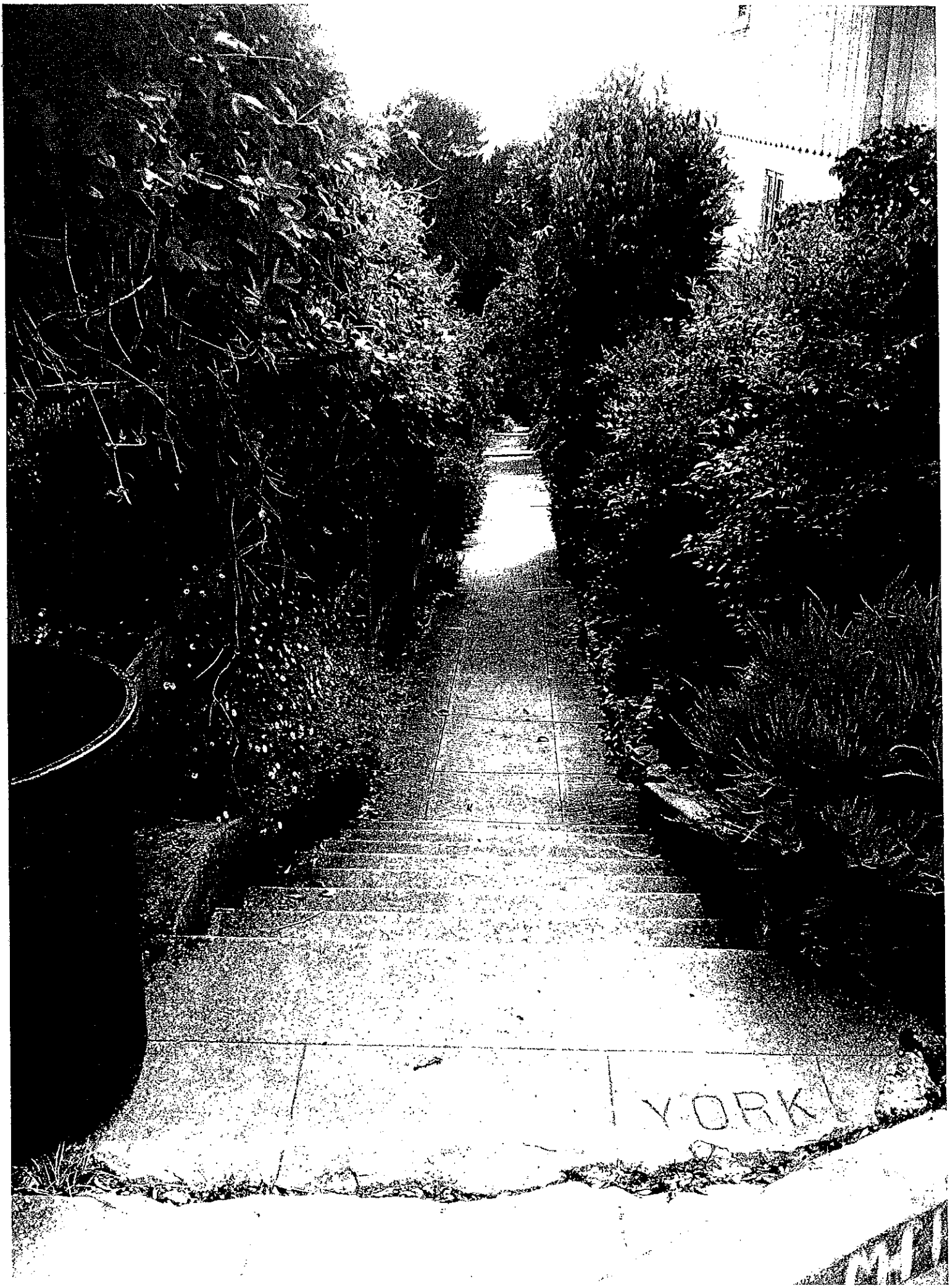












YORK



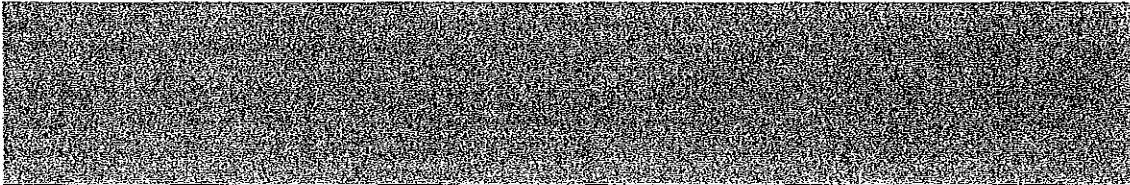


path number	segment letter	connections	signage	surface	stairs handrails
1		Marchant Coventry	none	grass, dirt	1 RR tie at top. No handrails.
2		Stratford Coventry	PUBLIC PATH #2	concrete	4 steps, 9 steps
3		Coventry Coventry Coventry	PUBLIC PATH #3	concrete	2 rails, 14 steps
4 a		Ardmore	ARDMORE PATH		
4 b		Ardmore Arlington	ARDMORE PATH		
5		Lenox Beverley	PUBLIC PATH #5	concrete	8 steps, no handrails. Ramp provides alternative to steps.
6 a		Arlington York	PUBLIC PATH #6	concrete with gap	many steps, no handrails.
6 b		York Windsor	none	Dirt, wooden steps, mulch.	24 narrow steps, no handrails.
6 c		Windsor St. Albains	none	Dirt, trimmed grass.	none
6 d		St. Albans Kenyon	PUBLIC PATH #6	Dirt, flagstones.	none
7		Arlington Amherst	none		
8		Kenyon Highland	none		

9 a	Yale Stanford	PUBLIC PATH #9	Steep dirt, wooden steps.	Lower: 50 steps no handrails. Upper: 43 steps no handrails
9 b	Stanford Cambridge	none	Uneven concrete steps, stepping stones, mulch.	Lower: 36 steps, no handrail, uneven cadence. Upper: 32 steps, handrail.
10	Trinity Columbia	by 268 Columbia/have to walk along driveway to get to path	overgrown w/ivy; steep grade; fence blocking path about 50 steps in all; concrete paved path; several cracks; dirt cut-away (4'x4')	partial steps with wood timbers/ dirt path
11	York Arington	none; street name stamped in concrete		about 50 concrete steps, no handrails
99 X	Gore Parcel	none	various	18 wooden steps, no handrail
99 X	Kensington park	none	various	various wooden & concrete steps with and without handrails

fences	utilities	graffiti	width: parcel	width: unobstructed
Open mesh, low wood, building edge, medium wood.	Stege sewer. No drainage pipe.	clear	5'	5' but narrows to 3'3" at top.
brick, wood	Stege Sewer	clear	10'	7-9 feet (7' at stairs)
medium wood, open mesh	none?	clear	10'	8-10'
	Stege Sewer, EBMUD, PG&E Overhead, PG&E Gas		10'	10'
	Stege Sewer, EBMUD, PG&E Overhead, PG&E Gas	History of tagging on retaining wall and top of steps.	20'	20'
No fence on one side. 6' wooden on the other.	Stege Sewer, EMBUD, Overhead PG&E, Others Probable. Overhead power and communication. USA marking for gas in Lenox is "aimed" at this walkway.	clear	12'	Minimum clear between fences is 8'10".
Mix of open mesh, building edge, high wooden fence.	Stege sewer. Probable storm drain (not for sure).	History of tagging on wooden fence.	10'	9-10'
High wooden, wire mesh.	Probable sewer.	clear		10 feet
Open, wire mesh.	Probable sewer.	clear		10 feet
Open, wooden.	Probable sewer.	clear		10 feet
	PG&E Overhead, Stege Sewer manholes align with top & bottom of path. Possible PG&E gas inline with #9a and #9b.			
	PG&E Overhead, Stege Sewer, 12" Drainage Pipe.			10 feet

None, hedge, open wire mesh, hedge.	PG&E 3" Gas, AT&T Phone, Comcast Cable, Stege Sewer, EBMUD Water Lateral.	Marker graffiti on one step.	10 feet
Building edge, high wooden, low wooden, open.	PG&E 3" Gas, AT&T Phone, Comcast Cable, Stege Sewer, EBMUD Water Lateral.	clear	10 feet
6' wooden closed	Stege Sewer.	clear	10 feet (eastern half) / completely obstructed (western half)
wooden fences and some wire fences the entire length	Manhole cover 1/4 down (north side of path)	on southern wood fence; quite a bit	10 feet

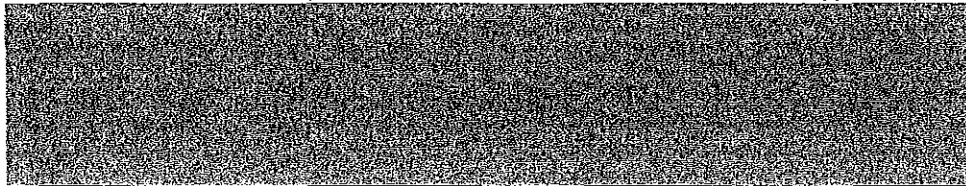


width: surface	encroachments	maintenance
N/A	Yard at Marchant Ct. end. Discharge pipe from apparent subdrain empties onto property (from back of 429 Coventry??)	According to 425 Coventry Realtor: former owner kept path clear. That owner is now deceased.
2'	bamboo, trees	No apparent maintenance. Cleared spring 2011 by KIC. gardens, lower half needs some weed whacking and trimming
5'	small plastic shed	
5'		Neighbors keep path clear. Neighboring gardeners regularly trim back hedges. Site of KIC work party.
Dual 4'	none. "Joint use" at #2 Ardmore Path (front entrance is off path).	
5 feet	Front steps of both adjacent houses (9 and 15 Lenox) are built on this strip of land. Backyard fence of 15 Lenox encroaches about 3-1/2' at upper end of walk. Neighbor's backyard excavation may have undermined the path, causing some slippage.	Appears well trimmed and maintained.
5'		Spotty community trimming. Steps installed by resident of 161 York. Dirt path maintained primarily by resident at 136 Windsor.
6-9 feet for majority. Steps 2 feet wide.	none	Wider at Windsor due to vegetation clearing by resident at 136 Windsor.
4-6 feet	"Joint use", stepping stones used as path to house and yard. Rock planter wall may encroach. Pine tree planted very close to path at Kenyon Avenue. Rocks divide path into private and public halves, but private half encroaches.	
2-6 feet		No apparent maintenance.



3 feet	Significant "joint use" of corridor; #245 Yale integrated path into their front yard and for access to back yard.	Neighboring gardeners trim corridor. Corridor is clear of weeds.
2-4 feet	"Joint use", as path provides primary access to homes. 4' gate encroachment. One fenceline encroaches by 2'. Trash cans and utility meter encroach.	Neighbors keep corridor clear, maintained. Motion sensor light.

4 feet	some wire fence and greenery about 1/2 way down	not maintained path in decent shape; overgrown in some areas; cracked; no handrails; crooked and chipped steps
--------	---	---



**notes**

**issues**

Steep to very steep. Passage under dry conditions was with great caution. Had to hold onto a tree at one point. Most likely unsafe when wet. (Baeraza)

Unsurfaced. Wild Grass, mud & leaves could be hazardous under wet conditions (Reported 2011-Apr Ray Barazza). Land may be on tax roles.

Per Phillip at 673 Coventry: sign reading "Stratford Path" fell down years ago. Steps at top were rebuilt c1980 by a neighbor who was a bricklayer.

Heavily cracked concrete.  
Lower path leads directly into ditch.  
Many path users divert to nearby driveway.

Probably built by original subdivider. A ramp bypasses the steps at the lower end. Walk is generally in good condition and usable in all weather. (It was raining lightly while I was there.) Needs handrails for the steps and about 12' of repair in an area that would probably not pass County standards for sidewalk maintenance.

About 12' of length needs repair/replacement due to cracking (Reported 2011-Apr Ray)  
Clump of poison oak, 2nd flight of stairs on the right (Reported by Bryce 2011-Apr)

Dirt gullies not easy to walk on when very wet. (Report 2011-Apr Gloria)

Tree was planted on path, diverting foot traffic up a private set of stairs at 59 Kenyon.



none

Lower flight of steps were built poorly,  
and have not improved with age.

path extends probably length of one lot  
and then it's blocked.

length of 2 parcels

dirt cut-away; cracked steps; no  
handrail

Tree growth obscures STOP sign as  
you approach. (Report by neighbor  
2010-Nov)

Owned by KPPCSD

Owned by KPPCSD

**Petition: Reopen Walkway from Arlington to Amherst**

We the undersigned are in favor of reopening the public pathway that leads from Arlington Avenue to Amherst near the business district. A culture of walking locally helps a culture of shopping locally. We expect the pathway to be beneficial to our businesses, and of benefit to local residents.

Name	Signature	Date	Relationship/Business
JASON RO. STAMMS		12-15 2010	KENSINGTON SERVICE STATION
BRIAN Odell		12/15/10	Kensington Home & Hardware
Ken Brunetti		12/15/10	Sugar Cone Cafe/Owner
Lampfegbre		12/11/10	Kensington Fire foods Owner
Frank Gaff		12-17-10	Arlington Insurance.
PHUONG TU		12/18/10	Kensington Nail Spa
Xavier Abrams		2/10/10	Mechanics Bank office
WING See		12/23/10	Arlington Attorney
JON BRUSCHETTA		12/23/2010	ARLINGTON Wine & Spirits
im mudi		12/23 2010	Mawin Candies
Sarah Smith		12/23	Youngs Market
Tash McDermott		12/24/10	Neighbor
DBalle m		12/23/10	Louie Merloza DDS
E. Sullivan		12/30/10	Kensington Optometry
Scott Hayes		12/30/10	MERCURIO DENTAL ARTS
Marcus Johnson		12/30/10	Mercurio Dental Arts
Michelle Kallensky		12/30-10	E. FORDOWSI DDS

Circulated by Bryce Nesbitt, 99 1/2 Ardmore Road, 558-8770

**Petition: Reopen Walkway from Arlington to Amherst**

We the undersigned are in favor of reopening the public pathway that leads from Arlington Avenue to Amherst near the business district. A culture of walking locally helps a culture of shopping locally. We expect the pathway to be beneficial to our businesses, and of benefit to local residents.

Name	Signature	Date	Relationship/Business
Randolph J. Rosso	<i>[Signature]</i>	1/7/2011	J. Vitucci Financial Services, Inc.
Desmond Simpson	<i>[Signature]</i>	1/7/2011	Desmond Simpson CPA PC
Charles Miller	<i>[Signature]</i>	1/7/2011	Insurance Law Center
Drew Lehman	<i>[Signature]</i>	1/7/11	B'n Kensington
MERCEDES BENZ OF WASHINGTON	<i>[Signature]</i>	1/12/11	Kensington Style House

Circulated by Bryce Nesbitt, 99 1/2 Ardmore Road, 558-8770

1/4/2011

Dear RIC members,

As a child I lived at 255 Stanford

Avenue until 1965. I remember well that

~~the~~ <sup>the</sup> path from the bottom of Beloit (or the

top of Cambridge Avenue) extended all the way

down to the Arlington. The path served as a

quick way to connect a bus rider on the 67

route to the number 7 bus. It also provided

a shortcut to the stores on the Arlington.

I now again live at 255 Stanford Ave.

which sits along the path between Cambridge

and Stanford. Living next to the path is not

a problem. In fact, I find such public paths

an asset to the community. They promote

walking and add charm to the neighborhood. Think

of all the lovely foot paths in Berkeley.

Putting in stairs from Stanford to Yale,

and hopefully from Amherst to the Arlington,

will enhance the path's full use year-round

and allow more residents to enjoy it.

Sincerely yours,

Wynne Egan

Kensington Improvement Club  
P.O. Box 8165  
Berkeley, CA. 94707-0165

Dear Club Officers and Members,

I recently met Bryce Nesbitt and expressed my appreciation for his work on the pathways in Kensington. I recounted stories of my using the paths often as a youth growing up in town. I live at 248 Cambridge Ave in the home my parents bought in 1950. My home is one door away from the path that leads from Cambridge Ave to Standard Ave. As a child, I used this path often to go down to the Arlington. The path, at that time went from Cambridge to Yale and then continued from Arborist to Arlington. I have vivid recollections of using the path from Arborist to Arlington up to approximately 1970, at which time I was in school and frequently out of the area. I hope this information is helpful.

Sincerely,  
Joseph R. Deville

12/27/10

Hello,

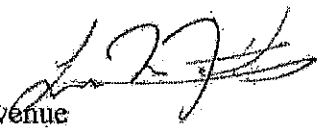
Just over a year ago I moved to Kensington into a house alongside of a path. I admit to not being initially enthusiastic about living next to a public walkway. I was concerned about privacy, noisy kids, litter, dog poop.

As it turns out my worries were unfounded, and there's not ever been a problem. The path outside the house has light but regular use. I sometimes see my neighbors when I'm outside, and I've found them to be very polite and considerate. For me, the path quickly became a non-issue. If anything, it's a feature and a convenience. I use the path near my house almost daily.

I hope this information is helpful for everyone concerned.

Lisa Feinstein

255 Stanford Avenue



To Whom it May Concern,

As a Kensington resident since I was 9 years old attending Kensington Elementary, the paths in Kensington are not only a way for me to get from A to B, but an intrinsic part of my childhood memories. Kensington paths allow ALL residents to enjoy the area, not just a select few, and I cannot count the number of times I have turned onto many of the various paths to go through the greener areas to get home. Please think of others and our many path-users before making any rash decisions regarding the paths -- the availability of these lovely ways is part of what makes Kensington a welcoming and wonderful place to live.

Sincerely,  
Milena Schaller  
4 Windsor Ave.  
Kensington

I used one of the wonderful Kensington paths the other day, and was greeted by a friendly dog and a group of children, who told me about the dog and then went into one of the houses bordering the path. Do you have friendlier conversations with the cars that drive by your house every day?

Myles Schaller





Alison Rose

420 East 79th Street New York, New York 10075

KIC  
P.O. Box 8165  
Berkeley, CA 94707-0165

Dear Friends in Kensington,

I grew-up in Kensington and have many childhood memories of walking to and from school from Coventry, below the Arlington, to Kensington Hilltop School, every day in rain or shine.

What saved a child travelling that distance to and from school were the paths and short cuts, legitimate and otherwise. Places like "mud hill" fell into that second category. It was aptly named because when it rained the bare land became ankle-deep mud. We would cut from Wellesley up "mud hill" to the back side of either Windsor or St Albans. There was a lady with a black nose at the top of the hill who would yell at us. It was worth the risk, as a kid you discovered any shortcut that could shorten the 1 mile walk.

As a youngster I was terrified of dogs after being bitten by a family friend's pet. The paths offered solace to an otherwise nightmare venture. I knew where every dog lived in Kensington. On a path I was safe because each yard which backed-up to a path was fenced-in.

On a footnote, the names of the streets in Kensington always seemed mystical. You can imagine my awe moving east to discover the colleges and prep-schools on the east coast called: Purdue, Colgate, Kenyon, Beloit, Vassar, Columbia, Wellesley, Trinity, Yale, Oberlin, St Albans, etc.

Truly,

Alison (Gillillan) Rose

Lived in Kensington from birth in 1962 until 1984 when I moved to New York City



Kensington Improvement Club  
P. O. Box 8165  
Berkeley, CA 94707-0165

31 Dec 2010

Dear KIC,

We've lived at 155 Ardmore Rd. in Kensington since March of 2008. The Ardmore path, which connects Ardmore to Lenox, is adjacent to our property. We have found the path to be a blessing in that allows us to access the shops along the Arlington very easily. We also have gotten a chance to meet many of our neighbors who frequent the path for exercising, running errands, dog-walking, getting to and from the Arlington, etc. It's added to our sense of community and safety. Although the users of the path seem to be from all ages and backgrounds, they seem to be primarily residents of this neighborhood. On occasion we hear boisterous children running around the path going to and coming from school and snippets of muffled conversation, which doesn't bother us.

Overall we feel very lucky to have found this house in this particular location, in part because of the path that runs along it. We support the revitalization of the paths throughout Kensington because they play a vital a role in keeping our community members active and interacting with one another.

Best Regards,

A handwritten signature in cursive script, appearing to read "Shiva Niaz & John Wind". The signature is written in dark ink and is positioned above the printed names.

Shiva Niaz & John Wind

## Beloit to Arlington Path

I grew up along the side of the path between Cambridge and Stanford Avenues. At that time I remember many vacant lots to play in and many pathways throughout the neighborhood. The Cambridge/Stanford pathway was paved and had steps though rocky. Many people used this pathway going to or from the 67 bus route as a short cut. There also was a path from Stanford to Ryals in a direct line down the hill. Mostly kids ran down or climbed up because it was steep and unpaved. It was a convenient short cut down the hill. There was another pathway though less known from Amherst to the Arlington. It was in a direct line down the hill from the other paths. I used to take it to run down to the Arlington stores on my way to the Variety Store which had penny candies and other fun affordable items. The path between Amherst and Arlington was a less noticeable yard between two homes on Amherst, one having a long driveway and the other a small picket fence. I think only the real local kids could identify it as was it as it was not obvious as a path. It did have bushes near it. It opened up by a home on the Arlington and at that time a vacant lot. I remember running up the path as well as running down it. I remember

that it was a harder path to enter on  
the Arlington end and perhaps that it  
was more hidden than the other paths.  
I used these paths on a regular basis  
weekly, in the early 1960's for about  
a fifteen year to five year period  
between 1960-1965. The path was  
a short cut and an alternative down  
to the stores. It is a positive childhood  
memory.

Sincerely,

Marilyn Marie  
P. A. (Lerman) - Doc to

January 11, 2011

Dear X I C

I am Lady Hiltomenn. I was born in Berkeley California and lived in Kensington all of my childhood and early adulthood. I was born in 1953. I lived with my family at 255 Stanford Ave for the first 12 years of my life. Then we moved to 41 Huntington Road. I lived there until I was in my twenties.

There ~~is~~ <sup>was</sup> a path that was adjacent to 255 Stanford Ave. It runs down to the Arlingtons. It crossed Yale and Amherst. We used that path daily. We used it to walk to school or walk to the store. It was a short cut to our destination in either direction. We had fun running up and down the path.

At the time when I grew up, in the 1950's and 1960's, ~~there~~ there were more children playing together in the streets. There were a lot less cars then. We as children of the neighborhood would get together and play in the streets and down the path. We had forts in the vacant lots along the path. I have many fond memories of running down the path with my friends to the store.

I still use the path today. I have two sisters who live in Kensington. We use the path when we walk my dog or go to the store.

It is a shame that there is  
an opposition to the public use of the  
path. The path is much needed for  
those who walk. There are no cars to  
watch out for on the path. Please restore  
and repair the path.

Sincerely

Kathy Holtermann

January 3, 2011

Kensington Improvement Club  
P.O. Box 8165,  
Berkeley, CA 94707-0165

RE: Path from Amherst Ave. to Arlington Ave.

To whom it may concern,

I was recently approached to write a letter confirming the existence of a pathway from Amherst Ave. down to Arlington Ave, located just to the right of 248 Amherst Ave. I lived in Kensington from 1961 through 1977, growing up at 217 Amherst Ave. In the 1960's my four siblings and I regularly used the pathway described above down to Arlington Ave. to get to the Kensington stores, as did the other dozen or so kids on the block. My parents moved off the street in 1997, and as far as I know up until then the pathway was still in use.

Sincerely,

Dirk Setchko

P.O. Box 5138  
Richmond, CA 94805

# Mark Altenberg

245 YALE AVE KENSINGTON, CA 94708  
mark@altenberg.com  
(510) 526-4656

January 8, 2011  
Kensington Improvement Club  
P. O. Box 8165  
Berkeley, CA 94707-0165

Dear KIC,

We have lived at 245 Yale since 1982. At that time, the easement along the south edge of our property was just a muddy trail, but it was used regularly by locals, many of whom enjoyed the hike and the view. Some years ago we started to plan landscaping improvements to our yard and looked into our options. We didn't want to block the path, since we enjoyed using it and other local paths, as did our neighbors. So, we decided to make some simple improvements by adding easily removable wood steps and some plantings along the path, making it safer and easier to negotiate while blending it in with our property. In more recent years we have added more steps and lighting and we continue to maintain the path and surrounding yard.

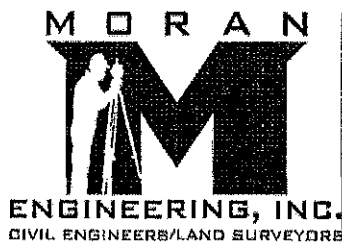
Over the years, Stege and PG&E have, on rare occasion, made some pipe upgrades and repairs. Some steps and plants were removed and replaced, but they otherwise had no problem accessing the right of way when necessary and have been good about minimizing their impact.

One time we added some additional steps to the easement and some stakes were inadvertently driven into a section of sewer pipe. The section of pipe was repaired without issue and we continue to maintain a good relationship with the utilities (and now know better how to avoid problems like this in the future!)

We have never had any problems as a result of people walking by our house on the path. (In fact, we have more problems with people who drive by on the street in front of our house, causing damage to the cars parked there on a number of occasions.) Many people in our community use these paths regularly and we often meet and talk with friends and neighbors as they walk by, obviously enjoying the hike and the extraordinary view. These paths and trails are a delightful and unique way to explore and experience our neighborhood. We value them and especially the many people who use them and have expressed their appreciation over the years. It's just another thing that makes Kensington a great place to live.

Sincerely yours,

Mark & Barb Altenberg and Family



## transmittal

To: Bryce Nesbitt  
99 1/2 Ardmore Road  
Kensington, CA 94707

From: Everett Moran  
Job#: 11-8034  
Phone: 510-558-8770  
Via: email

Re: Kensington Paths  
Date: April 13, 2011

Legal       Prints       for review       as requested       Other

Bryce: Here is a description of a pathway. This accurately describes the 10 foot strip. It could be expressed differently if required, but its position could not be improved. Surveying would add nothing unless it was deemed important to determine encroachments, improvements or topography in the strip. Please contact our office with questions or comments, thanks.

Very truly yours,  
Everett

---

### Details:

1 ea. Sample Legal Description



## DISTRICT - NEW BUSINESS

1. The Board will discuss the proposed Extension Agreement between the District and the Kensington Police Officers Association. Board Action.

## EXTENSION AGREEMENT

Between the Kensington Police Protection and Community Services District  
and the Kensington Police Officers' Association

Effective July 1, 2010 the Kensington Police Protection and Community Service District ("the District") and the Kensington Police Officers' Association ("KPOA") have agreed to extend the Memorandum of Understanding ("MOU") between the parties on the terms and conditions as set forth below:

1. Except as so specifically provided for in this Extension Agreement ("Agreement"), the current MOU shall be extended from July 1, 2010 through June 30, 2013.
2. Any provision of the current MOU that is by its term cyclical or recurring from year to year (i.e., sick leave, vacation), shall be continued during the term of the extension under the same terms and conditions as set forth in the current MOU.
3. Article IV.A: Health Plan Benefits/Pension: The parties agree that the provisions regarding a dental plan shall be amended to read as follows. "The District agrees to meet and confer with the Association during the extended term of this contract, if and when the Association identifies a new dental plan to replace the current dental plan that would be both beneficial to the District and the Association."
4. Article IV.D Disability Insurance: The parties agree to strike "PORAC Long Term Disability Plan (Option 2-Multi-Level Benefit with a 60 day elimination period)" and replace same with "California Law Enforcement Association ("CLEA") Plan A." The District shall fund the entire premium.
5. Article VII Salaries:
  - a. For the duration of this Agreement, there will be no general wage increase.
  - b. The parties agree to add the following classifications to the current salary structure, effective January 1, 2012:

Master Sergeant  
Corporal

- c. The parties agree that effective January 1, 2012, the base salary for the Master Sergeant classification shall be as follows:

Starting salary:	\$ 7,614.05
Step Two:	\$ 7,842.47

- d. The parties agree that effective January 1, 2012, the base salary for the Corporal classification shall be \$ 6,576.71 and that there shall be no step increases.

6. Article VII.A Step Increases: Add subparagraph 4 as follows:
  4. Classification – Master Sergeant
    - a. Step One: Starting salary
    - b. Step Two: Employees shall be eligible for advancement to Step Two upon completion of twelve (12) months employment in grade, affirmation by the department head that there has been satisfactory growth in the service value of the employee.
7. Article XIV Duration: Substitute "July 1, 2010 through June 30, 2013."
8. All other terms of the current MOU not specifically addressed in this Agreement shall remain the same.

**Kensington Police Protection &  
Community Services District**

**Kensington Police Officers'  
Association**

\_\_\_\_\_  
By: **Charles E. Toombs**  
Its: **President, Board of Directors**

\_\_\_\_\_  
By: **Eric Stegman**  
Its: **President**

**COPY**

**MEMORANDUM OF UNDERSTANDING**

Between

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**

and

**KENSINGTON POLICE OFFICERS' ASSOCIATION**

*July 1, 2008 until June 30, 2010*

This Memorandum of Understanding is made and entered into the 22nd day of December, 2008, and is retroactive to the 1<sup>st</sup> day of July, 2008, between the Kensington Police Protection and Community Services District, Contra Costa County, Kensington, California, hereinafter referred to as "The District", and the Kensington Police Officers' Association, hereinafter referred to as "The Association". It is the Intent and purpose of this Memorandum to assure sound and mutually beneficial working and economic relations between the parties hereto.

ARTICLE I - RECOGNITION

The District agrees to recognize the Association as the majority representative of all police personnel, excluding the Chief of Police, and agrees to meet and confer with the Association in all matters relating to wages, hours and other terms and conditions of employment.

ARTICLE II - RIGHTS

**A. District Rights Include:**

Except as otherwise provided in this Agreement, the rights of the District include, but are not limited to, the exclusive right to determine the mission of its constituent departments, commissions and boards; set standards of service; determine the procedures and standards of selection for employment and promotion; direct its employees; take disciplinary action; relieve its employees from duty because of lack of work or for other legitimate reasons; maintain the efficiency of government operation; determine the methods, means and personnel by which government operations are to be conducted; determine the content of job classifications; take all necessary actions to carry out its mission in emergencies; and exercise complete control and discretion over its organization and the technology of performing its work, including contracting of specified services.

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Nothing contained within this article is intended to, in any way, supersede or infringe upon the rights of the recognized employee organization as provided under state and federal law, including, but not limited to, California State Government Code Sections 3500 through 3510, inclusive.

**B. Association Rights Include:**

1. The Association's right to represent their members before the Board of Directors or advisory boards with regard to wages, hours and working conditions or other matters within the scope of representation.
2. The right to be given reasonable written notice of any proposed ordinance, rule, resolution, regulation or amendment thereto relating to matters within the scope of representation.
3. Employees represented by the Association shall be free to participate in Association activities without interference, intimidation or discrimination, in accordance with State Law and the Department's Rules & Regulations.

ARTICLE III - SCOPE OF AGREEMENT

**A. Conditions**

The conditions set forth in the Memorandum of Understanding are final. Except as otherwise provided herein, no changes or modifications shall be offered, urged, or otherwise presented by the Association or the District for the duration of this agreement, provided, however, that nothing herein shall prevent the parties to this Memorandum of Understanding from meeting and conferring and making modifications herein by mutual consent.

**B. Benefits**

Included in the Memorandum of Understanding.

**C. Procedure for Meet and Confer:**

The District, through its representatives, shall meet and confer in good faith with representatives of the Association regarding matters within the scope of representation, including wages, hours and other terms and conditions of employment.

ARTICLE IV - HEALTH PLAN BENEFITS/PENSION

**A. Health Plan Benefits/Pension**

The District shall provide a health plan through the Public Employees' Retirement System Health Benefit Program. The District shall also provide a vision plan and a dental plan. Beginning July 1, 2004, premiums will be paid by the District at the rate for the Kaiser HMO plan. The employee will pay any additional costs over the rate for the Kaiser HMO plan. Beginning July 1, 2004, the premiums will be paid by the District after retirement at the Kaiser HMO level.

*The District agrees to meet and confer with the Association during the course of this contract, if and when the Association identifies a dental plan that would be both beneficial to the District and the Association.*

**B. Retirement Plan**

Three Percent (3%) at Age 50 PERS PLAN.

To include:	One Year final compensation.	01/06/93
	1959 Survivor Benefit	09/01/79
	Inc. 59 Survivor Benefit	07/04/80

**C. Life Insurance**

The District shall provide an one hundred thousand dollar (\$100,000) term life insurance policy for represented employees. The District shall pay the base premium. The employee shall pay any additional costs over the standard base premium.

**D. 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.

**E. 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. Employees can invest portions of their current income to meet their future financial requirements and supplement their District retirement, at no cost to the District.

**F. Contra Costa County Employees' Federal Credit Union**

Optional participation by payroll deduction at no cost to the District.

**ARTICLE V - SICK LEAVE**

**A. Accrual**

All personnel working four (4) day ten (10) hour schedule shall accrue sick leave at the rate of ten (10) hours for each calendar month that the employee has worked; all personnel working a five (5) day, eight (8) hour schedule shall accrue sick leave at the rate of eight (8) hours for each calendar month that the employee has worked. Employees may accumulate an unlimited amount of sick leave.

**B. Termination of Sick Leave**

The District has entered into a contract with PERS to provide retirement credit for unused sick leave in lieu of sick leave payout upon termination or retirement.

**C. Family Sick Leave**

Employees may utilize up to 40 hours of accrued sick leave per year for illness or injury to members of their immediate family, or other dependents, when care or assistance for the immediate family or dependents is required. Immediate family shall be construed as being family members residing within the employees' home. Additional family sick leave may be granted at the discretion of the Chief of Police.

**ARTICLE VI- VACATION AND LEAVES OF ABSENCE**

**A. Eligibility**

All personnel shall be eligible for a paid vacation at the end of twelve (12) months of continuous service.

**B. Vacation for employees are as follows:**

Employees shall receive thirteen (13) days vacation upon completion of the first year; vacation time shall be posted monthly on an hourly basis, the employee shall receive 104 hours the first year. Eight (8) additional hours per year until the end of the eighth (8<sup>th</sup>) year and eight (8) hours every other year thereafter, to a maximum of twenty-six (26) days. Formula: Number of vacation days multiplied by 8 hours and divided by 12 months.

Special Request - At the discretion of the Chief of Police, Officers may be allowed to take 52 hours upon completion of continuous service for six (6) months. Such a request must be made in writing and forwarded to the Chief of Police.

C. **Use of Vacation:**

1. WorkWeek Vacation Sign Up - Employees are to sign up for their yearly-allotted vacation time by January 31<sup>st</sup> in the order of their seniority. (Sign up sheet to be posted on or around December 15<sup>th</sup>.) Not to include single day vacation requests, employees must sign up for a minimum of one (1) workweek per vacation selection. Employees shall have the option to pass on one or both selections. Vacation period runs from February 1<sup>st</sup> through January 31<sup>st</sup>.
2. Single Day Vacations - Employees are allowed one single day vacation per shift page. Request must be turned in a minimum of 72 hours prior to the vacation day and are not to be used during the following holidays: Christmas, New Year's Day and Thanksgiving Day. **Note:** If two (2) or more employees are away, either on vacation, sick or school, single vacation days shall be allowed only if it does not incur overtime or present an undue hardship to the department.
3. Remaining Vacations Days - Upon completion of the initial posting of vacations, employees may sign up for additional vacation time on a first come first serve basis. Additional vacation day requests shall be allowed at the discretion of the Chief of Police. It shall be the policy of the department not to cancel days off during the above mentioned holidays to allow additional vacation day requests.
4. Vacation Holdover - Employees are allowed to hold over a maximum one hundred (100) hours vacation to the following year.
5. Number of Employees on Vacation - One officer, corporal or sergeant allowed off per team. When at full strength, a maximum of two (2) officers or two (2) corporals or two (2) sergeants may be off on vacation per workday. Department will make every effort to allow assigned vacations when not at full strength. The Chief of Police has the authority to change the number of employees allowed if circumstances warrant it.



6. Vacation at Termination - Employees leaving the district with accrued vacation leave shall be paid the amount of accrued vacation to the date of termination. Payment for accrued vacation shall be at the employee's current rate of pay.
7. Effect of Extended Military Leave - An employee who interrupts his service because of extended military leave shall be compensated for accrued vacation at the time the leave becomes effective.
8. Sick Leave During Vacation - Vacation leave may be converted to sick leave, subject to the review and approval of the Chief of Police if an employee is injured or sick during his vacation for a period in excess of twenty-four (24) hours.
9. Transfer of Vacation Time to Bereavement Leave - Vacation leave may be converted to bereavement leave, subject to the review and approval of the Chief of Police, if a death or anticipated death in the immediate family of an employee occurs during that employee's vacation period.
10. Leaves of Absence - The Directors have the power to grant leaves of absence with or without pay. The decision is normally based upon the recommendation of the Chief of Police. The Chief of Police has the authority to grant leaves of absence not to exceed three (3) days.
11. Bereavement/Emergency Leave of Absence
  - a. Time off, consisting of 40 hours with pay, may be granted to any employee in the event of the death of a member of the employees' immediate family. One day of death leave for deaths occurring to persons not in the immediate family may also be granted at the discretion of Chief of Police.
  - b. In addition to the 40 hours, additional hours may be granted at the discretion of the Chief of Police.
  - c. Bereavement leave shall not be charged against either vacation or sick leave accumulation.
  - d. The Chief of Police shall be notified as soon as possible of any event requiring an emergency leave of absence.

e. Definition of Family

For the purpose of bereavement or emergency leaves of absence, family as used herein shall be construed as being the following relatives of the employee:

Spouse	Brother	Mother-in-law	Step Child
Child	Sister	Father-in-law	Step Sibling
Mother	Grandmother	Sister-in-law	Step Parent
Father	Grandfather	Brother-in-law	Step Grandparent

ARTICLE VII - SALARIES

The Directors provide that an employee must be paid a salary within the range established for their classification.

EFFECTIVE July 1, 2008 the District and the Association agree the District will compensate all members of the Association as follows:

Retroactive, beginning July 1, 2008 a six percent (6%) increase will be provided to all members of the Association.

The monthly base wage rates effective July 1, 2008 shall be:

Sergeant	\$6,380.29 – \$6,635.50 – \$6,834.57 – \$7,107.96
Officer	\$5,000.27 - \$5,275.29 - \$5,565.43 - \$5,871.53 - \$6,199.76

Beginning July 1, 2009 a four percent (4%) increase to the base salary will be provided to all members of the association.

The monthly base wage rates effective July 1, 2009 shall be:

Sergeant	\$6,635.50 - \$6,900.92 - \$7,107.95 - \$7,392.28
Officer	\$5,200.28- \$5,486.30 - \$5,788.05 - \$6,106.39 - \$6,447.75

A. Step Increases

1. Classification - Police Officers
  - a. Step One: Minimum hiring rate.
  - b. Step Two: Employees shall be eligible for advancement to Step Two upon completion of twelve (12) months employment, affirmation by the department head that there has been satisfactory growth in the service value of the employee.

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- c. Additional Steps: Employees shall be eligible for advancement to additional steps upon completion of one year at the previous step, affirmation by the department head that there has been satisfactory growth in the service value of the employee.

3. Classification - Sergeants

- a. Step One: Minimum hiring rate.
- b. Steps Two: through Step four: Employees shall be eligible for advancement to the next higher Step upon completion of twelve (12) months employment in grade, affirmation by the department head that there has been satisfactory growth in the service value of the employee.

**B. Hourly Rate of Pay**

The hourly rate shall be calculated by multiplying the monthly salary by twelve (12) and dividing by the total number of working hours per year, which by convention is 2080.

ARTICLE VIII - OVERTIME

**A. Overtime Policy - Definition**

Overtime work for all employees, except as otherwise provided, shall be defined as any time worked beyond the normal working day or shift, or beyond the normal working week. Time worked in excess of the basic workweek because of changes in days off or shifts shall not be considered overtime. Except as otherwise provided herein, overtime shall commence at the time an employee reaches the place where he or she is directed to report and shall continue until he or she is released or the work is completed, whichever is the earlier. Compensation for overtime shall be at one and a half the current rate of pay.

**B. Compensatory Time Policy - Defined**

Compensation for overtime hours worked shall be paid at one and one-half times the employee's basic hourly salary every pay period. Compensatory time off at the rate of one and one-half times the number of hours worked may be accrued at the employees' request in lieu of time and one-half pay.

Compensatory time off may be requested and taken, as long as it does not cause overtime.

Employees shall be allowed to cash in compensation time three (3) specific times per year, with a maximum cash-in for forty (40) hours each date. Employees will be allowed to hold a maximum of one hundred (100) hours on the books. The specific dates are:

July 1<sup>st</sup> - November 1<sup>st</sup> - - March 1<sup>st</sup>

**C. Reimbursement for Meals**

District agrees to reimburse members of the Association for up to two (2) meals per month at a cost not to exceed ten (10) dollars per meal when they work over twelve (12) hours during a single shift.

**D. Minimum Call-Out Compensation**

Employees who are called out to perform unscheduled work shall be compensated for a minimum of three (3) hours work at the time and one-half rate.

**E. Non Call-Out Overtime**

Non Call-Out overtime, or that overtime which represents a simple extension extension of the normal workday, is not subject to any minimum period for pay purposes. Compensation will be based on the nearest one-half hour, to be rounded off; except that overtime worked during the first one-half hour following a normal shift shall be compensated by a minimum of one-half hour overtime.

**F. Appearances in Court**

Officers directed to appear in court outside of normal shift hours shall receive a minimum of four (4) hours overtime. Court time exceeding the minimum four (4) hours shall be granted on an hour by hour basis, unless part of normal shift.

**H. Call-Out Standby**

When any employee is placed on standby by the Police Department or any related department in regards to official police duties, the employee shall receive the minimum of two (2) hours overtime (time and a half).

ARTICLE IX - EDUCATION/LONGEVITY BENEFITS

**A. Education Incentive Program**

A monthly incentive payment of five percent (5%) of their base salary shall be paid to qualified personnel who have obtained an Intermediate Post Certificate.

An additional monthly incentive payment of two and one-half percent (2.5%) of their base salary shall be paid to qualified personnel who obtain an Advanced POST Certificate.

**B. Tuition Refund Plan**

The District establishes an education pool each Fiscal Year; individual employees shall have the opportunity to draw from this pool to a maximum of five hundred dollars (\$500.00) per year. The money shall be used for tuition, books, materials and supplies. Employees shall be working towards a degree, POST Certificate or taking a class that benefits the District and must complete the course with a passing grade.

Employees failing to complete the course or failing to receive a passing grade shall reimburse the District the amount paid in full.

**C. Training**

Training shall be provided as mandated by the State of California, at a minimum.

**D. Longevity Incentive Benefit**

The District agrees to provide Longevity Incentive to each member of the Association. There will be an annual bonus of one hundred dollars for each year of service with the District, beginning with the 10th year of service, to be paid every year at the end of the first pay period in December.

ARTICLE X - CLOTHING ALLOWANCE/SAFETY EQUIPMENT

**A. Installments - Amount**

The District shall provide a clothing allowance in the amount of eight hundred dollars (\$800.00) per year, to be paid in four (4) installments - September/December/March/June - of two hundred dollars (\$200.00).

**B. Damaged Uniforms**

It is the policy of the District to pay for the cost of repairing and/or replacing uniforms that are damaged in the line of duty.

**C. Safety Equipment**

The District agrees to reimburse members of the Association for safety equipment up to two hundred and fifty dollars (\$250.00) per year each year the officer is employed under this contract. Unused reimbursement funds may be rolled over by individual officers to the following year for the life of the contract, not to exceed seven hundred and fifty dollars (\$750.00.)

ARTICLE XI - HOLIDAY PAY

**A. Court Holidays**

Employees shall receive pay for the following thirteen (13) Court Holidays: New Years Day, Martin Luther King's Birthday, Lincoln's Birthday, President's Day, Memorial Day, Independence Day, Labor Day, Admission Day, Columbus Day, Veteran's Day, Thanksgiving Day and day after and Christmas.

**B. Officer's Birthday**

Employees shall receive pay for a fourteenth (14<sup>th</sup>) holiday, which is designated as the officer's birthday

ARTICLE XII- PERSONNEL

**A. Authority**

The information contained in Chapter 8 of the Rules and Regulations is furnished to acquaint officers with some of the more important personnel policies and practices pertaining to employment with the Kensington Police Department. Although not presented in the form of regulations, each of the subjects covered in subsequent paragraphs has substantive authority in the powers granted to the Board of Directors or the Chief of Police by special laws of the State of California.

**B. Violation of Orders**

Failure of an employee either willfully, or through negligence or incompetence, to perform the duties of his rank or assignment, or violation by an employee of any police regulations or order, or instruction having the effect of a regulation or order, may be considered sufficient cause for discharge, demotion, suspension or other penalty.

**C. Discharge for Cause**

An employee may be discharged for a disciplinary purpose at any time for just cause. An employee may be discharged for cause by the Board of Directors or the Chief of Police. Any employee who has been discharged is entitled to receive a written statement of reasons for such action and shall have ten (10) days in which to respond.

**D. Suspension**

An employee may be suspended from his position by the Chief of Police at any time for the good of the service, for a disciplinary purpose, or for other just cause. Suspension without pay cannot exceed thirty (30) days per occurrence.

The Sergeant of Police, may for the good of the service, detach an employee from active duty, require that the employee relinquish his badge and other official police credentials, and assign the employee to remain at his home pending action by the Chief of Police at the earliest practical moment.

**E. Demotion**

The Chief of Police can demote an employee whose ability to perform required duties falls below standard or for disciplinary purposes. Notice of the demotion must be given the employee no later than two (2) weeks prior to the effective date of demotion and a copy must be filed with the Chief of Police.

**F. Reduction in Departmental Seniority**

The Chief of Police can reduce an employee in departmental seniority with attendant loss of privileges normally determined by such seniority and by such seniority and as outlined elsewhere in this Memorandum.

**G. Right of Appeal to the Kensington Police Protection and Community Services District Directors**

An employee has the right to appeal to the Directors relative to any situation affecting their employment status or conditions of employment, except in those cases involving a general plan affecting the department as a whole. Complaints shall first be made to the Chief of Police. If after presentation to the Chief of Police the complaint has not been satisfactorily adjusted, the employee may appear before the Directors at any of their regular meetings to request a hearing of their complaint, or may file such complaint in writing with the Chief of Police. In the latter

instance, the Chief of Police will inform each of the Directors of the filing and contents of the complaint.

Upon receipt of any complaint, the Directors may conduct an investigation as deemed necessary or advisable. In cases where the employee is entitled to a hearing as a matter of right, or in cases here the Directors deem it advisable to hold a hearing, such hearing shall be closed to the public and held within twenty (20) days after the request for the hearing is made.

Whenever a hearing on any complaint is to be held, the Directors shall notify the Chief of Police and the person requesting the hearing of the time and place of the hearing.

Upon conclusion of the hearing, the Directors shall cause its findings and recommendations to be prepared in writing. The findings are countersigned and filed as a permanent record. The Directors shall deliver a true copy of the findings and recommendations to the Chief of Police and to the employee affected.

The action of the Chief of Police and the findings of the Directors are final and conclusive.

#### ARTICLE XIII- SCOPE AND SEVERABILITY

It is mutually agreed that ratification and approval of this Memorandum of Understanding relieves the Association and the District of any and all further obligation to meet and confer pursuant to Section 3500, et seq., of the California Government Code for the period covered by the Memorandum of Understanding. Meet and confer sessions may, however, be reopened during the life of the Memorandum of Understanding by mutual consent of the Association and the District.

In the event any portion of this Memorandum of Understanding is declared null and void by superseding Federal or State Law, the balance of the Memorandum of Understanding shall continue in full force and effect, and the parties hereto shall commence negotiations to insure that the superseded portion shall be rewritten to conform as closely as possible to the original intent.

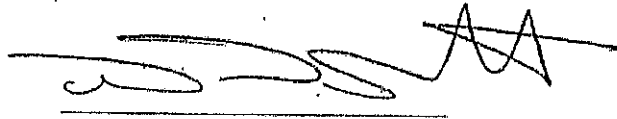


ARTICLE XIV - DURATION

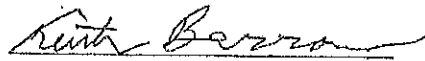
This agreement shall be in full force and effect from July 1, 2008 through June 30, 2010.

Kensington Police Protection &  
Community Services District  
Board of Directors

Kensington Police Officers'  
Association Representatives



*Bill Wright, Board President*



*Keith Barrow, POA President*

REV: 12/22/08

*by Gregory E. Harman*

*General Manager/ Chief of Police*