

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS MEETING MINUTES

Thursday, March 26, 2020

Via Teleconference

Regular Meeting - 7:30 p.m.

CALL TO ORDER

President Deppe called to order the regular meeting of the Board of Directors at 7:32 p.m. Directors Cyrus Modavi, Rachelle Sherris-Watt, Eileen Nottoli, and Sylvia Hacaj were present at roll call. He noted that the meeting was being held via teleconference

Staff present included General Manager Tony Constantouros, General Counsel Ann Danforth, Interim Police Chief Steve Simpkins, Business and Finance Manager Katherine Korsak, and Clerk of the Board Lynelle M. Lewis.

GENERAL PUBLIC COMMENT

- The following persons presented public comment: 1) Lynn Wolter asked about the number of participants on the teleconference; and 2) Pat Gillette suggested sharing the video screen with the public.

BOARD/STAFF COMMUNICATION

General Manager Tony Constantouros presented an update on the Kensington Community Center (KCC) project. He said that based on recent information provided by Glass Associates, Inc. the construction work is almost complete. He also presented an update on the KCC contingency status and noted that the project is on budget.

- The following persons presented public comment: 1) David Bergen asked about the internet provider for the KCC; and 2) Lynn Wolter commented on the phone lines at the KCC.

BOARD DISCUSSION AND DETERMINATION

1. Approve Contract Extension for Interim Chief of Police Services with Contra Costa County Sheriff's Office Through June 30, 2020.

General Manager Constantouros presented an overview of the recommended action to extend the contract for Interim Police Chief Steve Simpkins through June 30, 2020. General Manager Constantouros highlighted some accomplishments and improvements under Interim Chief Simpkins which included improvements to internal procedures ranging from training, reports and investigations, completion of open internal matters, file digitation, technology upgrades, community outreach, and payroll procedures. General Manager Constantouros reported that the District has continued to recruit for a successor for the Interim Police Chief. He noted that Chief Simpkins has supervised that search and has identified a candidate who is undergoing the background process.

- The following persons presented public comment: 1) Pat Gillette supported the recommended action; 2) Mark Constantini supported the recommended action; 3) Lynn Wolter supported the recommended action; and 4) Meryl Rafferty supported the recommended action.
- It was moved by Director Sherris-Watt, seconded by Director Mondavi, to authorize the General Manager, subject to the review and approval of the General Counsel, to extend the current Interagency Agreement with Contra Costa County for Interim Chief of Police contract services through June 30, 2020. The motion carried (5-0) by the following roll call vote: (AYES) Directors Modavi, Sherris-Watt, Nottoli, Hacaj and Deppe.

2. Approve Funding for Advanced Systems Group LLC to Re-Install Existing Audio Visual (AV) Equipment in the Community Center.

General Manager Constantouros presented the recommended action for re-installing existing AV equipment in the Community Center. He said Advanced Systems Group LLC provided quotes for project management and design services and the installation of the AV equipment. The total cost is \$6,040, exceeding the General Manager's \$5,000 spending limit. The General Manager noted that work on the design portion of the project (\$1,360) had been authorized so as not to not delay the project schedule.

- The following person presented public comment: Lisa Caronna asked how this expenditure would impact on total project costs.
- It was moved by Director Hacaj, seconded by Director Sherris-Watt, to approve funding of \$6,040.00 to Advanced Systems Group LLC for design and re-installation of AV equipment at the Community Center, carried (5-0) by the following roll call vote: (AYES) Directors Modavi, Sherris-Watt, Nottoli, Hacaj and Deppe.

3. Consider Actions Related to Increasing the General Manager's Spending Authority During a State of Emergency, as declared by the Governor or the County:

- a. Grant the General Manager spending authority up to \$20,000 if the interests of the District require an expenditure in excess of his usual \$5000 limit before the Board can convene a meeting; and
- b. Authorize General Manager expenditures in excess of \$20,000 with the concurrence of the President and Vice President of the Board if the interests of the District require an expenditure in excess of his usual \$5000 limit before the Board can convene a meeting.

General Manager Constantouros and General Counsel Danforth explained the rationale for increasing the spending authority of the General Manager during an emergency. They pointed out these actions were needed to ensure that the District can maintain essential functions and responsibilities if the Board cannot convene a meeting in a timely manner during an emergency. Board members discussed several alternatives to the staff recommendation such as: 1) changing the spending authority to \$10,000 and that if a board meeting cannot be convened in a timely manner, then allow increasing the authority to \$20,000; 2) approval of expenditures of more than \$20,000 should could be made by two directors rather than just the President and the Vice-

President; 3) ensure Board review of expenditures through one-way communication; and 4) limit the increase only for emergencies and only for a four-month period and then revisit this issue.

- The following persons presented public comment: 1) Pat Gillette asked about the current state of emergency definition in the policy manual; 2) Lisa Caronna asked about what expenditures are covered during a state of emergency; 3) Johanna Ferman asked about the review process for emergency expenditures; and 4) Gail Feldman commented on the need to broadly extend the expenditure limit.
- It was moved by Director Sherris-Watt, seconded by Director Hacaj, that (a) the Board grant the General Manager spending authority up to \$20,000 for a four-month period which expires July 31, 2020, if the interests of the District require an expenditure in excess of his usual \$5,000 limit before the Board can convene a meeting and (b) authorized General Manager expenditures in excess of \$20,000 with the concurrence of the President and Vice-President of the Board or if they are unavailable, two members of the Board could approve the expenditure if the interests of the District require an expenditure in excess of his usual \$5,000 limit before the Board can convene a meeting. The motion carried (5-0) by the following roll call vote: (AYES) Directors Modavi, Sherris-Watt, Nottoli, Hacaj and Deppe.

4. Authorize the Retention of Bill Lindsay as Interim General Manager and, if the need Arises to Appoint Another Interim General Manager Before the Board Can Convene a Meeting, Authorize the President and Vice-President to Appoint Another Individual as General Manager for a Maximum of Two Months, at a Salary Equivalent to that Paid to Mr. Lindsay.

General Manager Constantouros announced that CalPERS has directed that he ceases working for the District at the end of this month to avoid conflict with post-retirement employment restrictions. To avoid putting the District at risk and avoid uncertainty, he announced that his last day of employment would be March 31, 2020. He noted that he would be available to aid the new Interim General Manager as needed.

Board members discussed the pros and cons of authorizing only the President and Vice-President appoint the new General Manager. There was also discussion about a succession plan and about the possibility of retaining a General Manager as a consultant rather than as an employee of the District.

- The following persons presented public comment: 1) Pat Gillette commented on the idea of a succession plan and full board participation in selection of a General Manager; 2) Lisa Caronna commented on full board participation in selection of a General Manager; 3) Gail Feldman commented on salary setting for the new General Manager and on full board participation in selection of a General Manager.
- It was moved by Director Sherris-Watt, seconded by Director Hacaj, to authorize the retention of Bill Lindsay as Interim General Manager and, if the need arises to appoint another Interim General Manager before the Board can convene a meeting, to authorize the President and Vice-President to appoint another individual as General Manager for a maximum of two months, at a salary equivalent to that paid to Mr. Lindsay, carried (5-0)

by the following roll call vote: (AYES) Directors Modavi, Sherris-Watt, Nottoli, Hacaj and Deppe.

ADJOURNMENT

The next regular meeting will be announced.

ADJOURNMENT

President Deppe adjourned the meeting at 9:15 p.m.

SUBMITTED BY:

Lynelle M. Lewis, District Clerk of the Board

APPROVED: May 14, 2019

Bill Lindsay, Interim General Manager

Chris Deppe, President of the Board