

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

AGENDA

A Regular Meeting of the Board of Directors of the Kensington Police Protection and Community Services District will be held Thursday, September 13, 2012, at 7:00 P.M., at the Community Center, 59 Arlington Avenue, Kensington, California.

Note: All proceedings of the open session meeting will be tape recorded and video taped.

Roll Call
Public Comments
Board Member/ Staff Comments

APPROVAL OF CONSENT CALENDAR

- a) Minutes of the Regular Meeting July 12, 2012, Page 2
- b) Minutes of the Regular Meeting August 9, 2012, Page 16
- c) Profit & Loss Budget Performance for August 2012, Page 22
- d) Park Revenue & Expenses Report for August 2012, Page 26
- e) Board Member Reports- None
- f) Correspondence, Page 31
- g) Police Department Update, Page 33
- h) Monthly Calendar, Page 46
- i) Recreation Report, Page 48
- j) General Manager Report, Page 49

DISTRICT – OLD BUSINESS- NONE

DISTRICT - NEW BUSINESS

1. General Manager/ Chief of Police Greg Harman will promote Detective Eric Stegman to the rank of Corporal, introduce our new hire of a police academy recruit, introduce our new intern and the KPPCSD Internship Program, and present police commendations.
2. General Manager/ Chief of Police Greg Harman will present to the Board for a first reading a revision to KPPCSD Board Policy #1020 Conflict of Interest. This revision is being implemented following recent advice received from the Fair Political Practices Commission. The second reading of the revision will be held at the next Regular Meeting of the KPPCSD Board of Directors, Thursday October 11th, at which time KPPCSD Resolution 2012-08, approving the revisions to the policy, will be approved. (Following approval of the revisions, the Board Policy Committee will re-format the document as part of the update to the complete policy manual revision.) Board Action. Page 53
3. General Manager/ Chief of Police Greg Harman will ask the Board if anyone is interested in the nomination for election to fill the seat of the California Special District Association Region 3, Seat A, for the remainder of the 2010-2012 term that concludes on December 31, 2012. Board Action. Page 67

ADJOURNMENT

General Information

Accessible Public Meetings

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

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

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Meeting Action Minutes for 07/12/2012

AGENDA

A regular meeting of the Board of Directors (BOD) of the Kensington Police Protection and Community Services District (KPPCSD) was held Thursday, July 12, 2012, 7:00 PM, at the Community Center, 59 Arlington Avenue, Kensington, California.

ATTENDEES

<u>Elected Members</u>	<u>Guests/Presenters</u>	
Charles Toombs, President	Joel Koosed, Outlook	Joan Gallegos
Tony Lloyd, Vice President	John Stein	Lynn Wolter
Cathie Kosel, Director	Paul Dorroh	Gail Tapscott
Linda Lipscomb, Director	Celia Concus	Carolyn Flowers
Mari Metcalf, Director	Karl Kruger	Rick Artist
	Gloria Morrison	Anthony Knight
	Gretchen Gillfillan	Barbara Dilts
<u>Staff Members</u>	Allison Schutte, Hanson Bridgett	Leonard Schwartzburd
Gregory E. Harman, General Manager/Chief of Police	Chris Hefner	Mayberry Benson
Anita Darden Gardyne, District Administrator	Andrew Gutierrez	Jim Hauskens
Master Sergeant Rickey Hull	Vida Dorroh	Elena Caruthers
Sergeant Keith Barrow	Andrew Reed	
Sergeant Kevin Hui		
Detective Eric Stegman		

ANNOUNCEMENTS: Board President Charles Toombs called the meeting to order at approximately 7:00 PM and announced that the Board would enter into Closed Session pursuant to Government Code Section 54956.9(b) to conference with legal counsel to discuss significant exposure to litigation: Bay View Refuse & Recycling, Inc. demand for arbitration. President Toombs asked for Public Comment specific to the closed session and received none. He said that Board and Staff Comment would continue after the BOD's closed session was completed. He moved the Board to closed session at approximately 7:03 PM.

President Toombs reconvened the public session at approximately 7:43 PM and stated that no final decisions were made.

PUBLIC COMMENTS

An unnamed female resident said she recently became aware of the CA Society of Municipal Financial Officers and noticed that Kensington was not affiliated with the organization though some surrounding communities are. She suggested Kensington consider joining as a part of improving its accounting practices. She also inquired about the department's clearance rate and asked if it would be reviewed during the meeting. GM/COP Harman responded that Detective Stegman would review clearance rates during the Consent calendar portion of the meeting.

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Karl Kruger said he is concerned that homeowners were asked to assess themselves \$300 per year to retain an independent police force. He said he thought it seemed like a good thing at the time and that he believed there were people keeping an eye on the money. He said what actually happened is that GM/COP Harman gave officers salary increases by advancing them. He said he thought this was wrong and done in an underhanded way. He said he is concerned about unfunded liabilities and the potential for overspending by government agencies. He cited Stockton, Vallejo, and San Bernardino as examples of financially distressed government agencies that spent more money than they had. He said he had sent an email to Chief several weeks ago regarding Kensington's finances and not received a response. He asked the BOD to direct GM/COP Harman to respond to those questions posed in his email unless proprietary information had been requested. President Toombs responded that GM/COP Harman and the Staff Assistant had been on vacation for the past few weeks so Mr. Kruger's request was not being ignored. Director Kosel asked Mr. Kruger to provide her with a copy of the email he sent to GM/COP Harman.

BOARD COMMENTS

Vice President Lloyd said the Path's Committee is evolving and moving forward with Path migration. He said the team is breaking through with the County on a process for path transfer. He said construction on the Kenyon pipe is on schedule and he and the team look forward to sharing a model for path transition at a future meeting. Vice President Lloyd asked Director Lipscomb to provide a status on the Policy Review and Upgrade Committee team they jointly chair.

Director Lipscomb thanked resident Barbara Dilts for all the word processing work she is doing on behalf of the Policy Review and Upgrade Committee team. Director Lipscomb said the team is continuing to work through the much needed policy manual revision with the input of attorneys. She said the Committee meets on the third Tuesday of each month, that the meeting is noticed, and encouraged the public to attend.

Director Lipscomb said she attended a KIC Board meeting that included a wonderful presentation regarding cell phone towers and the potential for improving cell phone communications in Kensington. She said the presenter at the meeting, Bryce Nesbitt, had a great idea for placing a cell tower in the cemetery. She said she thought that the KPPCSD BOD or the Public Safety Committee should consider this option.

President Toombs said that the Building Committee got a grant from the KCC to fund a financial advisor to assist with public financing options associated with the Park Building. He said a Request For Proposal (RFP) went out to about five terms. He said the financial advisor will be selected at the August 1st Building Committee meeting. He also said the Budget Committee had completed its budget work and the budget was approved at the last KPPCSD BOD meeting.

President Toombs said he did some research regarding the need for KPPCSD Directors to file a Form 700 in response to a question raised by Director Metcalf at the June 2012 KPPCSD BOD meeting. He said his research confirmed KPPCSD Directors need to file a Form 700 and noted that the KPPCSD Policy Manual Section 1020.20 requires Directors to file a Form 700 as well.

Director Metcalf said she had actually asked two questions at the last meeting and they were: 1) which part of the Government Code applies to KPPCSD Directors? and 2) with whom do these forms get filed? GM/COP Harman responded that the KPPCSD Form 700's are filed with the Contra Costa County Clerk. President Toombs said he reviewed the Fair Political Practice Commission (FPPC) Form 700 pamphlet and not the Government Code. He said the FEPC Form 700 Reference pamphlet says if your agency has

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adopted a Conflict of Interest Code, which the District has, those bound to it must submit a Form 700. He said he would be happy to go back to the Governmental Code to do additional research if necessary.

Director Metcalf said she found the news reports about Stockton sobering and she finds it is scary to think a place like Stockton is sacrificing essential things we take for granted like police and fire services.

Director Kosel said she believes Form 700's may need to be filed with the State and not Contra Costa County. She recommended the appropriate filing place be confirmed. Next she asked GM/COP Harman on the status of his search for new external auditors. She noted that doing so had been approved unanimously by the KPPCSD BOD in its April, 2012 meeting. GM/COP Harman responded that the FY10/11 audit is being held and until is cleared, the District cannot bring on a new auditor.

STAFF COMMENTS

GM/COP Harman announced that the California Special District Association (CSDA) is hosting a webinar for Required Ethics Compliance Training (AB 1234) on August 7th and that Police Specialist DiNapoli can make arrangements to sign up Directors up who have not met this training requirement. In response to a question from President Toombs, GM/COP Harman directed Secretary Gardyne to email the KPPCSD Directors and let them know if they have completed this training within the past two years as required.

Master Sergeant Hull announced that a Traffic Enforcement form has been placed on the District's website (<http://kensingtoncalifornia.org/trafficrequest.php>) and is available for the public to fill out and submit their traffic concerns to the Kensington Police Department (KPD). He explained how to access and populate this form and said it will allow the department to use its resources more effectively. Next Master Sergeant Hull said KPD had received a complaint from a citizen regarding parking in a handicapped zone. He said he confirmed that the handicapped zone at Amherst and Arlington was constructed in 1995 and need not be in compliance with AB 5031 as it was not adopted until in 2008. He said this confirms the handicapped zone at Amherst and Arlington meets legal standards and citations issued at this location are valid.

Director Kosel asked Master Sergeant Hull if residents can paint their own curbs white or red, for example. Master Sergeant Hull said residents can use the Traffic Enforcement form to alert KPD of these types of markings. He said the County is responsible for the roads and the County's Public Work's Department makes the determination of curb designation, not residents.

Sergeant Hui said the District's website was upgraded so when a resident submits a Vacation Watch Form, an auto response confirming the form was successfully submitted is launched. Next he reminded all that August 7th is National Night Out (NNO). He encouraged the public to host or attend a NNO party on that night and asked residents to contact Officer Doug Wilson to follow up on NNO.

GM/COP Harman announced that the second Citizen's Academy is starting September 11, 2012 and he invited interested participants to sign up via the District website. He also said the public can contact Officer Doug Wilson to inquire about or sign up for this class.

CONSENT CALENDAR

Note all changes appear in bold

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Director Kosel requested to pull item g, the Police Department Update.

GM/COP Harman said that the Minutes for the Regular June 2012 KPPCSD BOD meeting were not prepared and he was responsible for preparing those Minutes. He also said the BOD needed to approve the Minutes for Closed BOD sessions held June 6, 2012 and June 26, 2012 respectively as minutes from those sessions were included in the July 2012 KPPCSD BOD package.

Director Kosel asked what category the carjacking on Sunset would fall under. Detective Stegman said it was a robbery. Director Kosel then asked how a case becomes suspended. Detective Stegman said a case is suspended when no more leads exist to follow. He said the amount of time before a case is declared suspended varies but he would wait a reasonable amount of time before declaring a case suspended. He said a case is made current, as in is removed from the suspended category, when new information is made available. Detective Stegman said a case being categorized as suspended does not make it a dead case.

Director Metcalf asked what a Cell Phone Forensics Class was. Detective Stegman responded that it was a class that taught how to download all information contained in a cell phone evaluated by a legal search.

MOTION: Director Kosel moved to approve the Consent Calendar. Director Lipscomb seconded this motion.

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

DISTRICT – OLD BUSINESS – None.

DISTRICT – NEW BUSINESS #1 - General Manager Greg Harman will present to the Board for adoption Resolution 2012-07 of the Kensington Police Protection & Community Services District, the Notice of Determination of the Appropriations Limit for Fiscal Year 2012-2013. Board Action. Page 33

STAFF COMMENTS

GM/COP Harman said every year the BOD needs to adjust its appropriation limit in a public, posted forum. He said this is commonly referred to as the Gann limit and was set in 1979. He said the District had to post raising its rates 15 days prior to tonight's posted meeting, which was done, and every 4 years the voters have to approve the new Gann number. He said this limit adjusts annually based on population and community personal income changes. He said the Gann limit for FY 12/13 has been established at \$3,464,995. He said setting this limit tells the community the District will not collect more than \$3,464,995 in taxes nor spend more than \$3,464,995. He said if there is too large a difference between what is collected and what is spent, then per the Gann limit, the community would need to be refunded that amount of money. He said the District would not collect \$3,464,995 in revenue and its expenses will not reach \$3,464,995.

BOARD COMMENTS

Director Kosel asked GM/COP Harman to explain where Resolution 2012-07 was posted for public inspection 15 days in advance of tonight's meeting. He responded that it was posted June 22, 2012 at the Public Safety Building, at the Pharmacy kiosk, and at Colusa Market. He said he could not confirm that Resolution 2012-007 was posted on the District's website though noted it was included in the July 12, 2012 KPPCSD BOD Agenda package. Allison Schutte of Hanson Bridgett confirmed the posting requirement was met through these actions. Director Kosel asked GM/COP Harman if he had considered

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different communications vehicles that would enable more residents to review Resolutions in advance of their discussion at KPPCSD BOD meetings. Director Kosel said she acknowledges the legal posting requirement had been met with Resolution 2012-07 and she was merely seeking a communications plan that allowed more and easier community access to future Resolutions. President Toombs said he researched how other cities handled similar postings and most just include it with their BOD package. President Toombs suggested items such as this Resolution could be run in the Outlook or the Patch but would depend on the Outlook or Patch having space to run it for free or the District paying them to run it. He said it was the first time he heard concern about the public not having access to review this type of this information. GM/COP Harman said he was asking the BOD to approve Resolution 2012-007.

BOARD COMMENTS

Vice President Lloyd asked GM/COP Harman to confirm that if 95% of the income from Kensington comes from taxpayer derived sources and Kensington has an annual operating budget of \$2.3M a year, passage of Resolution 2012-007 is merely a sanity check to ensure that the District sets a budget of income and expenses that is significantly below \$3,464,995. GM/COP Harman responded that pre-Prop 13, communities were using a variety of means to tax its citizens. He said as a result of that, Prop 218 was passed to try and curb that. He said the Gann limit's purpose is to ensure cities only set rates for what its services cost. He said the purpose of this is to ensure that citizens are only assessed to cover costs for services provided. He said the purpose of the Gann limit is to keep the government in check for taxation and government expenditures.

Director Metcalf asked what the source for the change in Kensington per capita personal income was as she suspected an annual increase of 3.77% seemed high. GM/COP Harman responded this source was the Legal Department who prepares this information. He then said their source is the Department of Financial and Population data posted on the State Department of Finances website.

PUBLIC COMMENTS

None.

MOTION: Director Lipscomb moved to approve Resolution 2012-07 establishing the appropriations limit application to the District for the FY 2012/2013. Vice President Lloyd seconded this motion.

AYES: Toombs, Lloyd, Kosel, Lipscomb, Metcalf

NOES:

ABSENT:

DISTRICT – NEW BUSINESS #2 - KPPCSD Board Vice President Tony Lloyd will present for Board discussion and possible action the salary compensation package for General Manager/ Chief of Police Greg Harman for the July 1, 2012- June 30, 2014 contract period. Board Action.

BOARD COMMENTS

Vice President Lloyd said he was providing an oral report from the Sub-Committee and there were no copies to work from. He said the one document that will be discussed will be passed out later in the evening. He said the purpose of this part of the agenda is to conclude the session started in April regarding the performance evaluation of the GM/COP of Kensington. He said the evaluation process has gone through several iterations and the BOD adopted an upgraded evaluation process for the GM/COP. He said this is the first year this evaluation process is being applied to the GM/COP. He said the GM/COP was evaluated against his goals and objectives for 3 years: 2009, 2010, and 2011. He said from that process a BOD Resolution of how well the GM/COP performed was arrived at. Goals and objectives

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were also set with the GM/COP's participation. He said the last part of the process is to look at the compensation for the GM/COP. He said in the June 2012 meeting, the BOD confirmed the GM/COP would have his contract extended for two years and his compensation would be decided at a later date. He said the compensation decision here is unique in that it a performance evaluation process is the only vehicle by which compensation can be arrived at and because GM/COP compensation is publicly discussed in an agenda'd meeting. He said he and Director Lipscomb will present their recommendation to their BOD colleagues having been appointed to the Performance Evaluation & Compensation Committee for the BOD. He said he and Director Lipscomb are prepared to present what they believe is a reasonable and meaningful recommendation for the GM/COP for Kensington. He said then the BOD will have an opportunity to discuss and give comment to the recommendation, staff will then be allowed to comment, and next the public will have an opportunity to comment. He said this is not an open hearing, not a debate but a meeting of the legislative body of the Community Services District. He said the comments need to be focused on the GM/COP process consistent with KPPCSD policies. He said the GM/COP's Performance review and evaluation is proprietary and confidential under the Police Officer's Bill of Rights and as a result, the GM/COP's performance evaluation and outcome cannot be discussed publicly. He said he could share that a majority of the BOD assigned the GM/COP a performance rating of Completely Satisfactory/Meets.

Vice President Lloyd said the current employment contract with the GM/COP is from 2008 and that the GM/COP has not received a raise since 2008. He said originally there were 4 or 5 candidates for the GM/COP position. He said that candidate #1 disqualified himself and the current GM, who had been candidate #2, was selected to assume the blended GM/COP position. He said when the job was filled; most of the emphasis appears to have been on the police side of the equation. However, in the past few years, the general manager function has received more emphasis. He said it is appears the police management process is moving along at a greater pace and is pretty much satisfactory. He said the initial compensation analysis in 2007 was based 90- 95% on police management and 5% on general management issues. He said since being hired, the GM/COP's had one salary adjustment and it was in 2008 for a 3.5% increase. He said when the job was filled, there was discussion, though no commitment made, that the GM/COP salary would increase by about 3% per year and/or match CPI increases. He said this was part of the decision criteria considered when the incumbent accepted the position. The incumbent also expected a performance evaluation process that linked to salary increase such that if he performed better against his objectives, it was reasonable and feasible to expect his salary to increase to reflect his level of performance. He said tonight a meritorious process was being introduced.

Vice President Lloyd said there are some common elements with this GM/COP position and its compensation and there are some unique situations. Common attributes include being paid, the harder you work the more money you get, performance and compensation reviews being performed annually, compensation being tied to economic factors like CPI and how the economy is doing, and organization budget and profitability. He said Kensington is a cost center so there is no opportunity to measure profitability but an evaluation of performance against expense budget can be measured. He said these are common factors in figuring out the reward recognition relationship. He said the GM/COP has all the responsibility and authority in most cases and it is not tied to the reward relationship as occurs in other industries.

Vice President Lloyd said unique elements of the GM/COP position include no opportunity for promotion as a means to salary increase, no authority to approve or recommend his own wage package, an administrative body that may lack authority and expertise in administering compensation and a BOD body in which members may change every two years resulting in a reduced opportunity to build a relationship with his bosses as might occur in the private sector. He said the Sub-Committee was looking at a compensation that had not been addressed for three years by the KPPCSD and the BOD is

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responsible for that. He said there is a three year latency issue that needs to be resolved right now. He said since he had summarized some of the factors considered in developing their salary recommendation, he would ask Director Lipscomb to review salary comparables.

Director Lipscomb said professionals hired to assist with the Kensington Police Officers Association (KPOA) contract negotiations had looked at 10 comparable cities to review their employee compensation packages. Criteria used to select these cities included similar demographics like income, were in the vicinity, some that shared similar geography, scope of services provided, communities served, etc. Some of those agencies paid high, some paid low but she believes the Kensington philosophy is to pay in the middle. The ten jurisdictions that were looked at were: Broadmoor, Albany, Belmont, Brisbane El Cerrito, Fairfax, Hercules, Piedmont, Benicia, San Anselmo, and Twin Cities. She said she spent many hours collecting data, some from 2010. She said some contracts were not readily available and in some cases a review of City Council meeting minutes was required to extract data. She said we are as low as it gets in paying our CEO. She said total compensation in these other jurisdictions ranged from \$291,000, which includes salary plus benefits plus CalPERS and that the basic salary ranged from \$134,000 in Fairfax to approximately \$180,000 in Belmont. She said there is a wide range of salaries. She said looking past Broadmoor, all other jurisdictions are also paying a General Manager and this cannot be overestimated as our Chief of Police is also our General Manager. The General Manager salary in these jurisdictions is in the neighborhood of \$250,000-\$300,000 and we are not paying that. She said Kensington is paying a salary of \$134,500 and all in with medical, CalPERS etc is at \$205,000 annually. She said that we are at the bottom of that list. She reminded all that the salary data reviewed is not well developed because she had to extrapolate and update data as best she could. She said her opinion is that our GM/COP is significantly underpaid and has performed outstandingly well. She said a few of his accomplishments during her tenure on the BOD include the: Park Restroom completion, drainage repair of the Kenton Path at County expense, enabling Kensington to receive grants and commitments of moneys related to Prop 1A securitization and Measure WW, attending the County's Disaster Mitigation Plan as a steering Committee member, launching the Citizen's Police Academy, attending LAFCO meetings as District representative, acting as CSDA legislative representative for our District, and providing a constant presence at many K group and other meetings like Emergency Preparedness, Policy Review Committee, Solid Waste as well as others. She said we are well covered with this GM/COP and we should compensate him as well as we can. She said she is very pleased to have her affiliation with our current GM/COP and he has done well. She said our District is in good shape and she said Stockton and Hercules are in trouble because they are over extended by tens of millions of dollars and that Kensington is not in that situation. Then, she said Vice President Lloyd would continue the compensation discussion.

Vice President Lloyd asked Administrator Gardyne to distribute the "Proposed KPPCSD GM/COP Recommendation a/o 07/12/12". A copy is attached to these Minutes as Attachment A. He said that the Sub-Committee is basing their compensation decision on two compensation periods: from 2008 to 2012 and 2012 extending out to 2013 and 2014. He said Attachment A shows that GM/COP Harman's base salary in 2008 was increased by 3.5% to \$134,500 and the position received approximately \$50,000 in benefits. He said the value of benefits is difficult to confirm so \$50,000 is an estimate. He said for 2009 through 2011 there was no salary increase yet had a 3% increase been given each year, the GM/COP's annual base salary would have been those values appearing in Column C of Attachment A. He reminded all that these increase were not given and he is simply showing what the GM/COP's salary would have been had the 3% increase been applied at each point in time. He said they were going to deal with the base salary and the benefits are going to be what they are going to be as what matters is what you take home in your pay check. He said that a 3% year over year increase would have resulted in a total compensation increase of \$12,472 from 2008 through 2011. He said there was a majority BOD approval that the GM/COP was completely satisfactory for each year and thus earned a 1% merit increase each year in addition to the 3% increase. The dollar value of this 1% merit increase is reflected in Column F of

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Attachment A. He said that Column H summarizes the salary the Sub Committee recommends be paid to the GM/COP for years 2009 – 2011. He said the Sub-Committee also recommends that the GM/COP's base salary be increased to \$148,441 effective July 1, 2012. He reviewed salary recommendations for 2013 and 2014 as reflected on lines 9, 10 and 11 of Attachment A. He said by approving the recommendation (as reflected in Attachment A) inequities get addressed, a job that needs to be looked at is looked at, the performance evaluation process is fixed, and a reasonable modest compensation model for the GM/COP is in place. He then turned the discussion back to President Toombs.

President Toombs asked Vice President Lloyd to confirm his recommendation is for GM/COP Harman to receive a one time true up of \$16,754 to a new base of \$148,441 effective July 1, 2012. In response, Vice President confirmed they are recommending an increase in base salary from \$134,500 to \$148,441 effective July 1, 2012. Next, President Toombs asked questions related to GM/COP's proposed salary treatment for 2012, 2013 and 2014 as detailed on lines 9, 10, and 11 of Attachment A.

BOARD COMMENTS

Director Kosel asked what Vice President Lloyd what he meant when he said this is not a public hearing, this is not a debate. She asked if he meant there was no public comment and only Tony and Linda are allowed presenting their idea. VP Lloyd responded that there would be public comment and that other board members will be allowed to express their comments.

President Tombs said he had asked his questions.

Director Kosel said she questions the appropriateness of considering this issue at all this evening given the short and incomplete notice given to the public to consider this matter. She said open meeting laws require, and the public expects, full and complete information on agenda items before KPPCSD BOD meetings. She said the public is interested in in-depth information about agenda items. She said there were no supporting documents in the agenda package on this matter. She said tonight's BOD package was available 72 hours in advance of tonight's meeting which does meet the legal requirement but was not consistent with the tradition of providing the Board package the Friday before the KPPCSD meeting. She said the Attorney General's Office has defined what constitutes a brief, general description of an agenda item as, "... [it] should be sufficient to inform an interested member of the public about the subject matter under consideration so that he/she can determine whether to monitor or participate in a meeting of the body."

Director Kosel said in this case, there are no documents for the GM/COP's current compensation package available for the public to review in the agenda package and she could not find a public record of the GM/COP's current compensation package for the public to review such as on the District's website. She said the public was given no comparables to study, no global information about pay cuts being implemented across the state, or the impact to pension and other costs. She said it should be noted that GM/COP Harman's current contract calls for him to get 40 vacations days, 14 holidays, 10 sick days and that he has taken an Administrative leave which she has not found in his contract. She said this amounts to 10 weeks off per year plus personal sick leave, family sick leave and administrative leave. She noted that GM/COP Harman is paid to attend all those meetings previously discussed. Director Kosel said GM/COP Harman's contract calls for him to work a minimum of 40 hours per week and he always reports working just the minimum 40 hours per week. She said GM/COP Harman also gets a car with all fuel costs paid for by the District. President Toombs said Director Kosel could not speak about personnel matters outside the scope of this discussion and that he would ask her to leave the meeting if she continued to do so. Director Kosel suggested: 1) the BOD retain GM/COP Harman on a month to month

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basis if the majority of the BOD wishes to continue to employ him and 2) if any changes to his compensation are considered, all the information items she mentioned earlier should be included in the agenda package so this BOD keeps faith with this community and provides full information and complete transparency. She said she believes the total lack of information with the agenda package violates the open meeting laws and she moved to table this item. Director Metcalf said she seconded this motion.

MOTION: Director Kosel moved to table this item. Director Metcalf seconded this motion.

AYES:

NOES:

ABSENT:

President Toombs asked Director Kosel if this was a motion or just a lecture. President Toombs said he did not hear this as a motion but as a board comment. Director Kosel said she made a motion and she hopes the Minutes would reflect that.

President Toombs said he wanted to speak to the notion of whether the BOD had sufficient meeting materials. He said tonight there was no Brown Act violation. Allison Schutte, the District's attorney, said her interpretation is that the agenda is sufficient.

Director Lipscomb said that nobody received copies of the document presented tonight in advance of the meeting. She said that anybody can go to the web to the Controller's website to find the comparable salary information she presented this evening. Director Kosel asked if GM/COP Harman's contract was on the web. Director Lipscomb said she did not know but that it was clear that tonight's discussion was about giving GM/COP Harman a raise. Director Kosel said tonight's agenda was not to give GM/COP Harman a raise but rather to determine compensation. Director Kosel said 5% decreases in compensation have happened all over the state.

Director Metcalf said she thinks it is insufficient to be given this information just now and with no preparatory materials. She said she is calculating that the recommendation on the table is to increase GM/COP Harman's salary to \$157,422 by 2014 which reflects a 17% increase plus an undefined benefits increase.

PUBLIC COMMENTS

Joan Gallegos said believes the BOD is not in compliance with the Brown Act and she does not think the BOD can make an informed decision having just received this information.

Leonard Schwartburd said that President Toombs' bullying set a tone that he really objects to.

Barbara Dilts thanked Vice President Lloyd and Director Lipscomb for lots of information. She said she would have liked to have had some of this information in advance. She listed a number of projects under consideration or underway within the District such as the Path's acquisition, the Community Center remodel, issuance of an RFP to retain a new auditor, etc. and asked the BOD to put together a long term, say 5 year, plan the community can review to understand future costs and the need for monies for all identified projects as well as salary increases.

Chris Hefner said the community deserves more information and she does not understand the thinking or methodology used to come up with this recommendation. She said she has never seen retroactive salary given absent a prior job change that had not been acknowledged at the appropriate time. She said the recommendation includes salary increases for the future though the performance has not occurred. She said she hoped the BOD consulted reasonable HR professionals. Director Lipscomb said that GM/COP's

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contract specifies an annual review and this was not provided to him. Director Lipscomb said it is not uncommon for a contract to provide for salaries in year 1, year 2, etc. Director Lipscomb said she took issue with what Ms. Hefner said. Vice President Lloyd said he was offended by Ms. Heffner's comments directed at his professional self. Ms. Heffner said she thought she had a right to express herself. Director Metcalf said it was not appropriate to interrupt members of the public. Ms. Hefner said she hoped people could come forward with respect to express their opinions. She reiterated that she believed the methodology used was the wrong one. Director Kosel said she believed the evaluation went back 18 months not three years and that the evaluation was held up for reasons President Toombs will not allow her to discuss.

Paul Dorroh thanked the BOD for finally performing the performance evaluation and providing feedback back to 2008. He said he learned tonight that we are at the low end of the market and that GM/COP Harman has done a good job and he supports the BOD's recommendation.

President Toombs said he was sorry to have to interrupt but that it was 9:45 and that the meeting time needed to be extended to 10:15 in order to continue.

MOTION: Director Lipscomb moved to extend the meeting time so that the BOD could continue to meet 10:15. Vice President Lloyd seconded this motion.

AYES: Toombs, Lloyd, Lipscomb

NOES: Kosel, Metcalf

ABSENT:

PUBLIC COMMENTS

President Toombs said the meeting will continue to 10:15.

Gretchen Gillfillan praised Vice President Lloyd and Director Lipscomb and thanked them for their hard work. She was appalled to learn they were at the bottom of the list and thinks GM/COP Harman has done a good job and should be compensated.

Bruce Morrow said after 3 1/2 years anybody deserves an evaluation and salary treatment. He said Vice President Lloyd and Director Lipscomb did good work and supports their recommendation but he wants the public to see the comparatives and evaluation before a decision is made.

Mayberry Benson said she was offended when President Toombs' claimed he did not hear Director Kosel's earlier motion asking that this topic be tabled. She said she agrees this is bullying and that not enough information has been provided to the public to make an informed decision.

John Stein thanked Vice President Lloyd and Director Lipscomb for their thorough work. He also thanked GM/COP Harman for sitting through something like this. He strongly encouraged the BOD to approve the recommendation. He said if GM/COP Harman were to leave, it would cost the community an additional \$50,000 per year in base salary to replace him. He also recommended that whatever increase is ultimately approved for GM/COP Harman, it be retroactive to July 1, 2012.

Vice President Lloyd said he wanted to respond to Mr. Stein's comment about comparatives. Vice President Lloyd said when he reviewed the San Jose Mercury study of December 2011 of top Municipal executives, the combined salaries for the City Manager and Police Chief of the following jurisdictions

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BOARD OF DIRECTORS**

are:

City Manager and Police Chief for the Jurisdiction of:	Received Combined Annual Base Salaries of
El Cerrito	\$358,000
Antioch	\$370,000
Clayton	\$298,000
Hercules	\$279,000

He said these were base salaries and did not reflect the total cost of employment for these positions.

At about 9:55p, President Toombs said there would be a five minute break.

President Toombs reconvened the meeting at about 10:00p. Director Kosel said there was a motion on the table. President Toombs said he knew but we have to get the meeting extended.

MOTION: Vice President Lloyd moved to extend the meeting and Director Lipscomb seconded this motion.

AYES: Toombs, Lloyd, Lipscomb, (Kosel, Metcalf) NOES: ABSENT:

Director Kosel said she made a motion to table and there had been a second. President Toombs said you are right and that they could respond to that motion now.

MOTION: Director Kosel moved to table this item. Director Metcalf seconded this motion.

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

PUBLIC COMMENTS

Karl Kruger said the GM role is as or even more important than the police function. He recommended salary increases based on CPI if goals are met. He also a CPI cap be put in place as we all remember a time when CPI was as high as 19.8%. He also recommended that goals for 2013 should be clearly defined and that they include a 5 year capital budget. He said he was concerned about unfunded liabilities for pensions, vacation accruals, comp time accruals, sick leave etc. President Toombs said the BOD has spent a lot of time looking at short and long term pensions and obligations. He said this issue has not been ignored at all and the BOD looked at it as a part of contract negotiations with the KPOA.

Director Kosel said in her opinion, the District could choose to hire a half time GM and a Lieutenant to run the police department. She said this would allow the Lieutenant to run day to day police operations and the GM to oversee the police force. She said doing this would provide accountability, enable a system of checks and balance, that legal costs would go down and that she believed this could be achieved with no increase in costs.

Andrew Gutierrez said he lived on the Arlington freeway. He likened Kensington to Mayberry and said he was not impressed by the services KPD provides along North Arlington as speeding and disobeying traffic rules is rampant and nothing is done about it. He said he wanted to put the proposed increase for GM/COP Harman into perspective before it became fact. He said he worked at a local University and that it would take a professor potentially 35 years of service, teaching hundreds of students, supervising

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PhD students, 50 plus hours per week, grant writing, publishing papers and publishing at least two books to achieve the salary proposed for the GM/COP position He said the current Governor and Lt. Governor earn \$165,000 and \$124,000 per year respectively and neither have job security but do have more job responsibility than the GM/COP. He asked if a financial forecast of revenue/ tax assessments over time to cover future salary and benefits costs had been performed as a part of salary compensation. He asked if Kensington was in a race to the top for giving out high salaries vis a vis the City of Bell and noted the average income in Kensington is \$101,000. He said he did not view the GM/COP's current salary of \$134,500 as hardship.

Jim Hauskins said the City of Bell was an interesting comparison and noted that its city government leaders said their salaries were in line with comparable positions. He said there had not been adequate consideration of the long term cost of salaries and benefits for public employees in general. He urged the BOD to take more time to evaluate and consider the proposed GM/COP salary increase.

Vida Dorroh said she appreciates: 1) seeing legal costs go down and 2) not putting the District in a position where legal costs go up. She thanked Directors Toombs, Lloyd, and Lipscomb for their work and effort on behalf of the community. She said she wanted to reminded al that a previous BOD chased a Chief out of this town and that cost Kensington over \$250,000 so she asked all to not be too hasty in their righteousness. She said she appreciates GM/COP Harman.

MOTION: Director Lipscomb moved to extend the session for 15 more minutes. Vice President Lloyd seconded this motion.

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

Elana Caruthers said she is on the Finance Committee and has watched the Chief in action as GM/COP. She said GM/COP Harman has a tough job and he works hard to manage the District's finances and budget. She says GM/COP Harman sets realistic budgets and then manages expenses carefully.

Gail Tapscott said UC employees had not paid into their pensions for 27 years but this changed last year. She said she wanted to clarify UC pension changes as this was discussed by a previous speaker.

Celia Concus said Kensington is not similar to a private sector organization as it is a public sector entity. She said in the public sector people are compensated differently. She said all have read that CA lawmakers have had 18% salary cuts over the past 3 years. She said in June the CA Citizens Compensation Committee ordered across the board salary cuts of close to 5% for the governor, all legislators and all statewide legislators. She said UC Regents approved a furlough plan in 2009 that resulted in an equivalent salary reduction of 4-9%. She said Kensington should look at comparables but recognize Kensington does not operate in a vacuum. She said salary reductions may warrant consideration at this time.

An unknown female said she did not think the 72 hour notice that this topic was to be discussed before the public was enough time for her to prepare for this discussion. She said she looked at the Contra Costa salary schedule posted on the County's website and it indicated the minimum and maximum pay for a police chief was \$127,875 per year with no step or merit increases. She said she was providing another comparable data point for consideration in response to question from President Toombs and the public. She said it is not uncommon for police chiefs, CFO's and other public executives to go without a salary increase. She said she did not think it was fair to the community for the BOD to vote on this tonight given limited data.

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Andrew Reed said he has been a human resources manager and consultant for decades. He reminded all that counsel has said there is no Brown Act violation and that this BOD was elected to make this decision. He said looking around the room indicates there was some advanced notice that this topic was on the agenda. He said he agreed with some prior speakers in that what is competitive today needs to be understood. He said he understood the subcommittee's research using 2010 data indicated that the average, perhaps median, base compensation level for other COPs is very low with other jurisdictions and that at \$150,000 it is average. He said the replacement cost for the GM/COP position needs to be considered and that he would be shocked if a Chief of Police could be replaced for \$150,000 per year. He said there would be costs associated with the search. He said the BOD has already decided to extend GM/COP Harman's contract for two years and tonight's discussion is simply about his compensation. He recommended the BOD approve the recommendation of the sub-committee. He said it is irrational to compare the GM/COP's compensation with a college professor's salary as a college professor would not chase down a potentially armed person. He said the sub-committee has done the necessary research.

Leonard Schwartzburd said he came tonight's meeting without an agenda and to listen. He said after hearing tonight's discussion he still does not know what the right thing to do is with respect to GM/COP's compensation. He said he still does not know what is reasonable and that it is a problem.

BOARD COMMENTS

President Toombs asked if there was a motion on the floor. Allison Schutte recommended that the motion be proposed in such a way that it starts with the base salary and then just say a 5% increase per year.

MOTION: Director Lipscomb moved to extend the session for 15 more minutes. Vice President Lloyd seconded this motion.

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

President Toombs said 3 to 2 we will go to 10:45. Director Lipscomb engaged in a side bar with Allison Schutte, the District's legal counsel to discuss the appropriate language for the proposed motion.

Director Lipscomb motioned that the recommendation of the subcommittee be accepted and that Chief's base salary for the year 2012 be \$148,441 with a 5% increase and a 1% increase possible during that year and that the 2013 base salary, (Allison Schutte advises not to mention the 2013 base salary and Director Lipscomb agrees and states) conditioned upon satisfactory performance as may be determined by the board in its review and further moved that the chief be compensated in a lump sum of \$16,754 that sum to reflect amounts in consideration of the failure to provide evaluations for the period between 2009 and 2011. Vice President Lloyd seconded this motion. President Toombs said he did not see Director Kosel's hand and recognized her at that time.

Director Kosel said that Director Lipscomb had said twice that GM/COP Harman had not been evaluated from 2009 to 2011. GM/Cop Harman confirmed his last evaluation was received in December, 2009. Director Lipscomb said she had made her motion and it had been seconded.

MOTION: Director Lipscomb moved that the recommendation of the subcommittee be accepted and that Chief's base salary for the year 2012 be \$148,441 with a 5% increase and a 1% increase possible during that year conditioned upon satisfactory performance as may be determined by the board in its review and further moved that the chief be compensated in a lump sum of \$16,754 that sum to reflect

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 1 BOARD OF DIRECTORS

Meeting Action Minutes for 08/09/2012

AGENDA

A regular meeting of the Board of Directors (BOD) of the Kensington Police Protection and Community Services District (KPPCSD) was held Thursday, August 9, 2012, 7:00 PM, at the Community Center, 59 Arlington Avenue, Kensington, California.

ATTENDEES

<u>Elected Members</u>	<u>Guests/Presenters</u>	
Charles Toombs, President	Maybry Benson	Bruce Morrow
Tony Lloyd, Vice President	Frank Cossi	Andrew Reed
Cathie Kosel, Director	Tim Crawford	John Reim
Linda Lipscomb, Director	Catherine Deneergard	Darlene Scharette
Mari Metcalf, Director	Barbara Dilts	Leonard Schwartzburd
	Joan Gallegos	James Shen
	Gretchen Gillfillan	John Stein
<u>Staff Members</u>	Andrew Gutierrez	Gail Tapscott
Gregory E. Harman, General Manager/Chief of Police	Linda Jargenson	Lynn Wolter
Master Sergeant Rickey Hull	Celia Kallins	Afad
Sergeant Keith Barrow	Anthony Knight	Lisa
Sergeant Kevin Hui	Karl Kruger	Steve
Detective Eric Stegman		

Minutes prepared by KPPCSD intern Kristen Noe.

PUBLIC COMMENTS

John Stein thanked the police for National Night Out and commented on their response to the Chevron refinery fire. He talked about the General Manager Search Committee. He said that the top contender dropped out because he wanted the benefits package to include a house. He said another UCPD candidate did not want the position because of the low pay and lack of benefits.

Andrew Gutierrez mentioned that performance reviews of GM/COP were "satisfactory." He said no documents were provided before meeting, which implies public opinions do not count. He said the low crime rate in Kensington is because of the good people in the community. He said the GM and COP should be different people. He asked about projected costs, and where money is going. President Toombs commented that speaking on personal matters is a violation.

Maybry Benson said information on meetings is needed in advance in order to prepare. She said that not doing so contradicts the Brown Act and implies that decisions have already been made. She mentioned there was still no audit for 2011. She mentioned the GM/COP charging airfare for his wife.

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 2 BOARD OF DIRECTORS

Anthony Knight said that Directors Kosel and Metcalf stated they were “completely satisfied” with the GM/COP in their report. He asked about the closed session regarding the police contract. Director Kosel replied that there was no vote taken, only that a consensus was reached. Director Metcalf also said that no vote was taken.

Joan Gallegos commented on the lack of agenda. She said she expected two items: the garbage contract and the COP contract. She also said that the Board should follow its own policy which requires a 4/5 vote to extend meetings. President Toombs said that the Board is comfortable with its procedures. Director Metcalf read the policy on meeting time extensions and said she received no reply to her emails on the subject. President Toombs stated this matter was not on the agenda.

Gretchen Gillfillan thanked the police and fire departments and said she was satisfied with them.

John Reim thanked and said he was satisfied with the police and fire departments. He said it is not just good citizens that make low crime; that is the result of the police department too. He said he is a supporter of the police and COP.

Darlene Scharette commented on Director Kosel calling for an outspoken, open government. She began to comment on a personal incident involving Director Kosel but was stopped by President Toombs. She also said she believes there is a conflict in combining the GM and COP positions.

Leonard Schwartzburd, who claimed authorship of a flyer that was distributed around the community, said that people are afraid of the COP. He said the Board President should be disqualified for his conduct in the previous meeting. He said that the tax payers also hold some responsibility for what happens in their community and government.

Barbara Dilts asked about the trash service litigation and about discussion for the COP pay increase. She commented on the Measure G decision. She asked about a long-term financial plan, and money for the paths and community center remodel. She recommended having a different firm perform the audits, and mentioned that it is standard business practice to change auditing firms after some time has passed with the same firm.

Catherine Deneergard expressed her appreciation of the police department. She called for government transparency and leadership. She asked for polite, respectful cooperation and communication. She said information was not available until the day before the meeting. She said that being shut out from criticizing the police department and COP is a civil rights violation. Director Lipscomb agreed with being frustrated about not being able to discuss police matters and litigation. Director Lipscomb cited Penal Code 832.7 and California Supreme Court case *Copley Press v. Superior Court*. Ms. Deneergard said she believes the GM and COP need to be separated.

President Toombs mentioned time limitations on public comments due to time constraint. Director Kosel moved to extend public comments. Director Metcalf seconded. After some discussion, public comments continued.

Lisa said that the agenda for the night’s meeting was posted on a kiosk a couple of days prior. She commented on no open public input about the COP pay increase. She said that, regarding the Chevron fire and future similar incidents, public announcements directed to El Cerrito also indicate Kensington. She mentioned the city getting an emergency siren, which would cost \$35,000-40,000. She gave two resources for receiving emergency information: adding your phone number to the emergency number system (slower response) or the Internet call system at <http://cococws.us> (fast response).

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BOARD OF DIRECTORS

Afad commented on the unkind communications between people. He said there are contradictions, such as wanting to separate the COP and GM while disapproving of spending more money.

Steve objected to the heavy hand of the chairman in this meeting. He said he understood protecting privacy, but asked President Toombs to stop intimidating people and let them talk.

Celia Kallins read the introduction to the Brown Act. She asked the Board to conduct as if before the intelligent, informed community that Kensington is.

Gail Tapscott said the community has been easily led by lies and doesn't question information given to them. She said the reason for the low crime and community without gates is because of the police department. She said the COP deserves to be compensated. She asked about contracting out services.

Leonard Schwartzburd returned to state he was against President Toombs on what could be commented on.

James Shen said the COP compensation is in mid-range of other researched COPs and GMs, but only two comparable cities were used in the research. He asked what percent of the compensation was for GM duties, and suggested extracting that information would give a better understanding. President Toombs stated this was not on the agenda but comments were allowed. Mr. Shen said the database given was not enough to convince the public a good choice was made. Director Lipscomb said the KOFF survey was used for the comparison, and the best approximations were made given the available data. She said GM salaries were much higher than COPs, and there has been a relatively small increase over the past 4 years. She said the evaluation of the COP is supposed to be private, and the Board is only obligated to provide public discussion.

Bruce Morrow said he had corrections for Mr. Schwartzburd: everybody gets the same vacation and sick days, which are accruable. He expressed anger at certain Board members for not engaging, their lack of effort, and for leaving meetings.

Lynn Wolter stated she was on the COP search committee where over 100 applications were received. She said 34% of COP compensation is required to pay for the pension not covered by social security. She said the total compensation change over 4 years was 10% not 17%, and the flyer put in her mailbox was in violation of the law. She praised President Toombs, Vice President Lloyd, and Director Lipscomb for their work on the compensation.

Frank Cossi called for optimizing transparency. He said there is too much protection of the police department, and separating the GM and COP would eliminate privacy issues.

Andrew Reed said the flyer that created such a turnout for the meeting was full of unsubstantiated comments. He said there is transparency: there have been discussions and public information is available. He said the allegations against the COP have already been proven false. He claimed the cost of replacing the COP would be higher than the current compensation.

Linda Jargenson said she attended because of the flyer but became uncertain. She asked what the compensation of the COP is. Director Kosel read off a memo that the compensation is \$216,000-\$236,000. Ms. Jargenson asked what percentage of the budget is spent on salaries.

Leonard Schwartzburd returned with the COP original contract and Minutes for the KPPCSD BOD. He said the COP used the credit card for personal use and his information was not unsubstantiated.

Kensington Police Protection and Community Services District – Board of Directors Meeting – 08/09/12

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 4
BOARD OF DIRECTORS

Karl Kruger said how the police are compensated is unfair. He said the GM salary in Hercules is \$187,000 and an inaccurate comparison.

Maybry Benson returned to ask who performed the credit card investigation. President Toombs responded that an undisclosed outside auditor performed the investigation.

Tim Crawford said he doesn't feel what other COPs or GMs get paid is necessarily fair. He mentions the city of Belle as an example. He also calls for transparency. President Toombs stopped an interruption and stated people can say what they want. Mr. Crawford said the COP is not putting his life on the line like those from Oakland or Richmond.

At about 9:10p, President Toombs said there would be a five-minute break.

BOARD COMMENTS

Director Kosel noted the meeting has been difficult. She said the letter referred to during the meeting was written 16 years ago. She cited her experience of mayor of El Cerrito for two terms. She stated the process was flawed. She said made a Public Records Act request for an itemized report of the compensation package. She said telling people as little as possible with the least notice possible is wrong, and called for openness and transparency. She requested the COP contract be posted on the website.

Director Metcalf noted how much time was spent on determining of a Brown Act violation occurred at the previous meeting. She asked for decency, transparency and reasonability. She asked the motive behind the secrecy of the agenda at the previous meeting. She asked if President Toombs knew of the policy on meeting times.

President Toombs wondered if this was the Board representation the community wanted. He said this discussion took place a month ago. He stated he didn't like the accusatory tone of the two members.

Director Lipscomb had no comments.

Vice President Lloyd stated he took an oath to abide by the vote of the board, and that he was ashamed to be part of an organization that degrades that oath. He mentioned that the budget has been balanced the last two years with no reduced police services, there have been technological improvements, park restrooms added, low crime, high response rates, and no fault was found in the credit card audit. He asked why two members would vote for a compensation increase when they didn't want it.

STAFF COMMENTS

Master Sergeant Hull announced that a Traffic Hot Sheet (<http://kensingtoncalifornia.org/trafficrequest.php>) has been placed on the District's website, which had been used twice to date.

GM/COP Harman thanked participants of the NNO parties. He commented on the progress of the traffic light replacement. Regarding the Chevron fire, he said he was working with John Gioia's office to improve police response to future similar incidents.

President Toombs read the policy on meeting time extension.

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 5
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MOTION: President Toombs moved to extend the meeting indefinitely. Vice President Lloyd seconded this motion.

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

MOTION: Director Kosel moved to extend the meeting to 10:15p. Director Metcalf seconded this motion.

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

Brief discussion amongst the Board about time extension occurred.

MOTION: Director Lipscomb moved to extend the meeting to 10:30p. Director Kosel seconded this motion.

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

Director Lipscomb explained the policy on extending meetings.

CONSENT CALENDAR

President Toombs requested to pull item B.

Director Kosel requested to pull items A and I.

Item A: Director Kosel asked about the removal of the July 2010 Minutes from the website. Sergeant Hui explained there was an error with the link which he corrected, but he said he would check it again.

Item B: President Toombs said the Minutes for the Regular June 2012 KPPCSD BOD should be reviewed for errors in the order of votes taken on pages 21-22 and some misspelled names. Director Kosel requested the surplus funds in the report be put toward the lower levy. GM/COP Harman said that the report had yet to be audited and the numbers could change in September. Director Lipscomb noted that the Vehicle License Fee (VLF) was currently under discussion in Sacramento, and COP grants come from the VLF.

MOTION: Director Lipscomb moved to approve the July Consent Calendar without the July Minutes. Vice President Lloyd seconded this motion.

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

DISTRICT – NEW BUSINESS

Item I: GM/COP Harman explained the Chevron tax litigation memo, including the costs to the district, and asked if the Board would like to continue or withdraw from the lawsuit.

PUBLIC COMMENTS

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BOARD OF DIRECTORS

John Stein said the litigation was a waste of time and should not be continued.

Afad said there was no gain in participating in the lawsuit, only loss.

Gail Tapscott asked about a previous lawsuit they dropped out of but was told by the Board there was no such lawsuit.

MOTION: Director Kosel moved to not go forward with Chevron tax litigation. Director Metcalf seconded this motion.

AYES: Toombs, Lloyd, Kosel, Lipscomb, Metcalf

NOES: 0

ABSENT:

ADJOURNMENT

6:40 PM
 09/07/12
 Accrual Basis

KPPCSD
Unaudited Profit & Loss Budget Performance
 August 2012

	<u>Aug 12</u>	<u>Budget</u>	<u>Jul - Aug 12</u>	<u>YTD Budget</u>	<u>Annual Bud...</u>
Ordinary Income/Expense					
Income					
400 · Police Activities Revenue					
401 · Levy Tax	0.00		1,204,024.59		
410 · Police Fees/Service Charges	70.00		290.00		
414 · POST Reimbursement	287.22		353.82		
418 · Misc Police Income	2,653.25		6,464.16		
Total 400 · Police Activities Revenue	<u>3,010.47</u>		<u>1,211,132.57</u>		
420 · Park/Rec Activities Revenue					
427 · Community Center Revenue	3,045.00		4,105.00		
428 · Building E Revenue	0.00		7,500.00		
438 · Misc Park/Rec Rev	0.00		120.00		
Total 420 · Park/Rec Activities Revenue	<u>3,045.00</u>		<u>11,725.00</u>		
Total Income	6,055.47		1,222,857.57		
Expense					
500 · Police Sal & Ben					
502 · Salary - Officers	70,848.00		156,296.03		
504 · Compensated Absences	0.00		2,395.14		
506 · Overtime	12,323.26		13,683.50		
508 · Salary - Non-Sworn	2,156.25		5,057.75		
516 · Uniform Allowance	765.28		1,365.22		
521-A · Medical/Vision/Dental-Active	11,032.56		33,474.60		
521-R · Medical/Vision/Dental-Retired	11,783.22		36,014.92		
521-T · Medical/Vision/Dental-Trust	0.00		145,720.00		
522 · Insurance - Police	175.50		846.50		
523 · Social Security/Medicare	1,254.72		2,604.41		
524 · Social Security - District	171.08		374.36		
527 · PERS - District Portion	24,088.66		53,099.73		
528 · PERS - Officers Portion	6,430.32		14,174.66		
Total 500 · Police Sal & Ben	<u>141,028.85</u>		<u>465,106.82</u>		

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6:40 PM
 09/07/12
 Accrual Basis

KPPCSD
Unaudited Profit & Loss Budget Performance
 August 2012

	<u>Aug 12</u>	<u>Budget</u>	<u>Jul - Aug 12</u>	<u>YTD Budget</u>	<u>Annual Bud...</u>
550 · Other Police Expenses					
562 · Vehicle Operation	6,139.62		12,023.38		
564 · Communications (RPD)	-29,354.67		-6,709.02		
566 · Radio Maintenance	38.01		76.02		
568 · Prisoner/Case Exp./Booking	567.77		2,567.77		
570 · Training	916.00		3,452.58		
572 · Recruiting	10.00		310.00		
574 · Reserve Officers	0.00		50.00		
576 · Misc. Dues, Meals & Travel	0.00		1,075.00		
580 · Utilities - Police	1,374.61		1,374.61		
582 · Expendable Office Supplies	1,055.65		1,300.51		
588 · Telephone(+Rich. Line)	672.57		1,342.11		
590 · Housekeeping	245.35		497.47		
592 · Publications	31.20		31.20		
594 · Community Policing	0.00		650.00		
596 · WEST-NET/CAL I.D.	0.00		13,130.00		
599 · Police Taxes Administration	0.00		804.61		
Total 550 · Other Police Expenses	<u>-18,303.89</u>		<u>31,976.24</u>		
600 · Park/Rec Sal & Ben					
601 · Park & Rec Administrator	603.25		980.25		
602 · Custodian	1,750.00		3,500.00		
Total 600 · Park/Rec Sal & Ben	<u>2,353.25</u>		<u>4,480.25</u>		
635 · Park/Recreation Expenses					
640 · Community Center Expenses					
642 · Utilities-Community Center	815.31		1,077.95		
643 · Janitorial Supplies	559.39		559.39		
Total 640 · Community Center Expen...	<u>1,374.70</u>		<u>1,637.34</u>		
660 · Annex Expenses					
662 · Utilities - Annex	0.00		201.62		
Total 660 · Annex Expenses	<u>0.00</u>		<u>201.62</u>		

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6:40 PM
 09/07/12
 Accrual Basis

KPPCSD
Unaudited Profit & Loss Budget Performance
 August 2012

	Aug 12	Budget	Jul - Aug 12	YTD Budget	Annual Bud...
672 · Kensington Park O&M	2,817.81		9,754.07		
Total 635 · Park/Recreation Expenses	4,192.51		11,593.03		
800 · District Expenses					
810 · Computer Maintenance	1,963.40		3,608.26		
820 · Cannon Copier Contract	417.12		851.64		
830 · Legal (District/Personnel)	20,434.61		20,434.61		
835 · Consulting	29.97		200.43		
840 · Accounting	1,007.50		1,007.50		
850 · Insurance	0.00		24,387.27		
865 · Police Bldg. Lease	0.00		15,298.00		
890 · Waste/Recycle	8,132.56		8,375.12		
898 · Misc. Expenses	0.00		1,115.31		
Total 800 · District Expenses	31,985.16		75,278.14		
950 · Capital Outlay					
969 · Computer Equipment	0.00		541.53		
Total 950 · Capital Outlay	0.00		541.53		
Total Expense	161,255.88		588,976.01		
Net Ordinary Income	-155,200.41		633,881.56		
Other Income/Expense					
Other Expense					
700 · Bond Issue Expenses					
710 · Bond Admin.	0.00		2,256.64		
Total 700 · Bond Issue Expenses	0.00		2,256.64		
Total Other Expense	0.00		2,256.64		
Net Other Income	0.00	0.00	-2,256.64	0.00	0.00

AC

6:40 PM
09/07/12
Accrual Basis

KPPCSD
Unaudited Profit & Loss Budget Performance
August 2012

	<u>Aug 12</u>	<u>Budget</u>	<u>Jul - Aug 12</u>	<u>YTD Budget</u>	<u>Annual Bud...</u>
Net Income	<u>-155,200.41</u>	<u>0.00</u>	<u>631,624.92</u>	<u>0.00</u>	<u>0.00</u>



Memorandum

Kensington Police Department



To: KPPCSD Board of Directors

APPROVED YES NO

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

FORWARDED TO:

Date: Friday, September 07, 2012

Subject: Consent Calendar Item D- Park Revenue & Expenses

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, 2012 through August 31, 2012 is attached to this memo.

6:45 PM
09/07/12
 Accrual Basis

KPPCSD
Account QuickReport
 July 1 through September 7, 2012

Type	Date	Num	Name	Memo	Split	Amount
420 · Park/Rec Activities Revenue						
427 · Community Center Revenue						
Deposit	7/26/2012	316		CC Rental Ju...	112 · General ...	1,000.00
Deposit	7/26/2012	V913...		Rental of roo...	112 · General ...	60.00
Deposit	8/7/2012	1696		CC Rental on...	112 · General ...	700.00
Deposit	8/7/2012	1062		CC Rental on...	112 · General ...	650.00
Deposit	8/21/2012	395		GPF 50 hou...	112 · General ...	1,650.00
Deposit	8/21/2012	139		Wake up to A...	112 · General ...	45.00
Total 427 · Community Center Revenue						4,105.00
428 · Building E Revenue						
Deposit	7/26/2012	6266		KCC 2nd half...	112 · General ...	7,500.00
Total 428 · Building E Revenue						7,500.00
438 · Misc Park/Rec Rev						
Deposit	7/26/2012	3283		Tennis Court...	112 · General ...	80.00
Deposit	7/26/2012	3687		Tennis Court...	112 · General ...	40.00
Total 438 · Misc Park/Rec Rev						120.00
Total 420 · Park/Rec Activities Revenue						11,725.00
TOTAL						11,725.00

6:45 PM
09/07/12
Accrual Basis

KPPCSD
Account QuickReport
July 1 through September 7, 2012

Type	Date	Num	Name	Memo	Split	Amount
600 - Park/Rec Sal & Ben						
601 - Park & Rec Administrator						
Paycheck	7/13/2012		Di Napoli, Andrea		112 - General ...	101.75
Paycheck	7/30/2012		Di Napoli, Andrea		112 - General ...	275.25
Paycheck	8/15/2012		Di Napoli, Andrea		112 - General ...	312.75
Paycheck	8/29/2012		Di Napoli, Andrea		112 - General ...	290.50
Total 601 - Park & Rec Administrator						980.25
602 - Custodian						
Check	7/13/2012	14073	William Driscoll	Invoice #0079	112 - General ...	875.00
Check	7/30/2012	14103	William Driscoll	Invoice #0080	112 - General ...	875.00
Check	8/15/2012	14136	William Driscoll	August 1-15, ...	112 - General ...	875.00
Check	8/30/2012	14180	William Driscoll	August 16-31...	112 - General ...	875.00
Total 602 - Custodian						3,500.00
Total 600 - Park/Rec Sal & Ben						4,480.25
TOTAL						4,480.25

KPPCSD
Account QuickReport
 July 1 through September 7, 2012

Type	Date	Num	Name	Memo	Split	Amount
635 · Park/Recreation Expenses						
640 · Community Center Expenses						
642 · Utilities-Community Center						
Check	7/13/2012	14074	Pacific Telemanage...	monthly fee f...	112 · General ...	78.00
Check	7/13/2012	14095	PG&E	Community C...	112 · General ...	159.40
Check	7/30/2012	14109	EBMUD	service provi...	112 · General ...	25.24
Check	8/15/2012	14135	Pacific Telemanage...	monthly fee f...	112 · General ...	78.00
Check	8/15/2012	14143	PG&E	Community C...	112 · General ...	168.78
Check	8/15/2012	14154	EBMUD	2 Arlmont 06/...	112 · General ...	378.53
Check	8/30/2012	14177	Olivero Plumbing Co.	Backflow Tes...	112 · General ...	112.00
Check	8/30/2012	14184	Pacific Telemanage...	monthly fee f...	112 · General ...	78.00
Total 642 · Utilities-Community Center						1,077.95
643 · Janitorial Supplies						
Check	8/30/2012	14178	UBS	Janitorial Sup...	112 · General ...	559.39
Total 643 · Janitorial Supplies						559.39
Total 640 · Community Center Expenses						1,637.34
660 · Annex Expenses						
662 · Utilities - Annex						
Check	7/13/2012	14095	PG&E	Annex servic...	112 · General ...	23.82
Check	7/30/2012	14109	EBMUD	service provi...	112 · General ...	177.80
Total 662 · Utilities - Annex						201.62
Total 660 · Annex Expenses						201.62
672 · Kensington Park O&M						
General Journal	7/1/2012	REV ...		NBS	153 · Prepaid ...	1,108.86
Check	7/13/2012	14077	Summer Rain Land...	July's monthl...	112 · General ...	2,050.00
Check	7/13/2012	14077	Summer Rain Land...	branch remo...	112 · General ...	835.00
Check	7/13/2012	14078	UBS	park services...	112 · General ...	584.00
Check	7/30/2012	14109	EBMUD	service provi...	112 · General ...	1,363.40
Check	7/30/2012	14115	Fernando Herrera	2" water main...	112 · General ...	345.00
Check	7/30/2012	14115	Fernando Herrera	stump remov...	112 · General ...	125.00

60

6:44 PM

09/07/12

Accrual Basis

KPPCSD
Account QuickReport
July 1 through September 7, 2012

Type	Date	Num	Name	Memo	Split	Amount
Check	7/30/2012	14115	Fernando Herrera	7/14/12 grind...	112 · General ...	120.00
Check	7/30/2012	14115	Fernando Herrera	drinking fount...	112 · General ...	90.00
Check	7/30/2012	14115	Fernando Herrera	oak tree bran...	112 · General ...	180.00
Check	7/30/2012	14115	Fernando Herrera	bench repair	112 · General ...	135.00
Check	8/15/2012	14138	UBS	park services...	112 · General ...	447.81
Check	8/21/2012	14164	Summer Rain Land...	Monthly Main...	112 · General ...	2,050.00
Check	8/21/2012	14164	Summer Rain Land...	removed bro...	112 · General ...	320.00
Total 672 · Kensington Park O&M						9,754.07
Total 635 · Park/Recreation Expenses						11,593.03
TOTAL						11,593.03

Mr. Greg Harman
District General Manager
Kensington Police Protection and Community Services District
217 Arlington Avenue
Kensington, CA 94707

August 29, 2012

Dear Mr. Harmon,

The J.C. Robinson, M.D. Regional Cancer Center at Doctors Medical Center in San Pablo is proud to announce the availability of its annual **free Prostate Cancer screening program for men in West Contra Costa County. Patients should be over 50 years old or have a family history of Prostate Cancer, and must have made an appointment.**

Community members should contact (510) 970-5236 to make an appointment or to call with questions. Space is limited and priority will be given to those with the highest risk factors.

Please consider posting the enclosed fliers about this opportunity on any community information boards that you maintain. Information and a downloadable version of our flier are also available on Doctors Medical Center's (DMC) website at <http://tinyurl.com/98whloq>. Including information about this service in your community newsletter would also be appreciated.

DMC's Regional Cancer Center is accredited by the American College of Surgeons (ACoS), and the Commission on Cancer (CoC). The most recent CoC accreditation included a three-year accreditation with six commendations. The Center is also a past recipient of the CoC National Outstanding Achievement Award.

Thank you in advance for helping us to reach more community members with this important opportunity. I will also be following up over the next few months with information about other free cancer screenings. If you have any questions about this announcement or other services offered by the Cancer Center and Doctors Medical Center, please do not hesitate to call me at (510) 970-5286.

Sincerely,



Eileen Scott, R.N., O.C.N.
Clinical Nurse Director
J.C. Robinson, M.D. Regional Cancer Center
Doctors Medical Center

Free Prostate Screenings

Over 200,000 new cases of Prostate Cancer are reported each year but early detection through screenings can help ensure a safe outcome.

The J.C. Robinson, M.D. Regional Cancer Center at Doctors Medical Center is offering free prostate screenings. Patients should be over 50 or have a family history of prostate cancer.

Screenings are available by appointment only. Space is limited and priority will be given to those with the highest risk factors.



Screenings will be available Friday, September 21st, from 8:30 AM to 5:00 PM

**Call to make your appointment today:
(510) 970-5236**

To take advantage of this free screening, you:

- ✓ Must make an appointment
- ✓ Should be over 50 or have a family history of prostate cancer

Screenings will be provided at the Cancer Center at Doctors Medical Center, 2000 Vale Road, in San Pablo. Enter through the back of the hospital.

DOCTORS 
MEDICAL CENTER

2000 Vale Road • San Pablo, CA 94806 • Phone: (510) 970-5000 • Fax: (510) 970-5728

Owned and operated by the West Contra Costa Healthcare District

August 2012 Police Department Report

September 7, 2012

- Department Personnel
 - We are currently staffed at 9 sworn positions and we currently have two reserve officers. We have begun the background process on two candidates, one currently attending a police academy and the other looking to join our reserve program.

- Commendations and Correspondence
 - Police commendations will be presented at the September 13, 2012 KPPCSD Board meeting.

- Investigation of Alleged Misconduct
 - 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 has been completed and the officer was exonerated on the first allegation and the second allegation was not sustained.
 - Citizen's Investigation 2012-001 was initiated on January 8, 2012 on an allegation that an officer used racial profiling in issuing a traffic citation. This investigation is being conducted by Sergeant Hull.
 - Department Investigation 2012-002 was initiated on May 14th, on an allegation that an officer was insubordinate. This investigation is being conducted by Sergeant Hull.
 - Citizen's Investigation 2012-003 was initiated on June 28th, 2012, on an allegation that 3 officers were rude during a traffic stop. This investigation is being conducted by Sergeant Hui.
 - Citizen's Investigation 2012-004 was initiated on June 29th, 2012, on an allegation that an officer used racial profiling in making a traffic stop. This investigation is being conducted by Sergeant Hull.

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

- The Ring Time Report for July documented that of the 39 total 911 calls, only one had a ring time over 20 seconds. That occurred on 07-18-12, at 11:17 PM with a ring time of 48 seconds. The caller reported they heard someone knocking on the front door however no one was located in the area.

The average ring time for July was 5 seconds.

- The Ring Time Report for August documented that of the 48 total 911 calls, five had ring times over 20 seconds. Two had ring times of 28 seconds.

On 08-15-12 at 12:37 PM, the ring time was 1:32 seconds however, there was no call for service initiated.

On 08-29-12, at 3:33 PM, the ring time was 2:10 seconds and the call for service was for a fall victim.

On 08-31-12, at 2:31 PM, the ring time was 1:59 seconds and the caller wished to speak to an officer regarding a disturbance.

- Community Networking

- On 08-07-12, Officer Wilson organized 2012 National Night Out with Chief Harman, Sergeant Hui, Officer Martinez, Officer Ramos, Reserve Officer Armanino, and Reserve Officer Foley attending the 23 parties that were held in Kensington. Great job Doug!
- On 08-27-12, Chief Harman attended the KIC meeting.

- Community Criminal Activity

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

- Watch Commander Reports

- **Sergeant Hui**

TEAM #1 STATISTICS

Sergeant Hui (K42)
(1600-0400)

Officer:	Ramos (K41) (0600-1800)	Wilson (K38) (1800-0600)
Days Worked	13	11
Traffic Stops	9	5
Moving Citations	11	5
Parking Citations	1	3
Vacation/Security Checks	34	48
FI-Field Interview	0	0
Cases	5	0
Arrests	0	0
Calls for Service	53	21

Officer Ramos took 13.5 hours of vacation time.
Officer Wilson recovered 12 hours of comp time.
Officer Wilson took 24 hours of vacation time.
Sergeant Hui took 12 hours of vacation time.

BRIEFING/TRAINING:

- Reviewed Supplemental Traffic Enforcement Hot Sheet
- Reviewed KPD Policy #416 – Response to Bomb Calls
- Reviewed KPD Policy #380 – Child Safety Policy
- Reviewed concepts of Qualified Immunity
- Reviewed traffic issues at Ocean View Ave
- Reviewed Community Caretaking Doctrine
- Reviewed Pitchess Motions
- Reviewed 403 PC – Disturbing a public meeting or assembly

SERGEANT'S REVIEW:

- Reviewed 14602.1 VC – Vehicle Pursuit Reporting
- Reviewed impact of Brady v. Maryland in regard to personnel records
- Reviewed Strickler v Greene

SERGEANT'S SUMMARY:

This month, I would like to take the opportunity to thank all of the residents who hosted a National Night Out Party and Officer Wilson for coordinating the entire evening. I had the opportunity to stop by five parties this year and it is always a pleasure to meet with all of the wonderful residents at these parties.

If you are not familiar with National Night Out, it is a unique crime prevention event that is hosted by the National Association of Town Watch. The NATW began organizing National Night Out with the purpose of:

- Heightening crime and drug prevention awareness
- Generating support for, and participation in, local anticrime programs
- Strengthening neighborhood spirit and police-community partnerships
- Sending a message to criminals letting them know that neighborhoods are organized and fighting back.

Our National Night Out parties present an opportunity for our officers to get to know our residents and to help provide information on the many programs that we have available within the community.

If you did not have the opportunity to attend one of the many National Night Out parties this year and would like to know more about our key program, vacation watch program, or if you just have a general question that you want to ask, I would suggest giving us a call at 510-526-4141 during our regular business hours, or waving down an officer when he does not appear busy.

And again, I would like to thank all of the time and effort that our hosts and Officer Wilson put forth to make National Night Out another success.

SIGNIFICANT EVENTS:

- 2012-5220 – On 8/05/2012, Officer Ramos responded to the 800 blk of Coventry Rd on a report of a vandalism.
- 2012-5222 – On 8/05/2012, Officer Ramos responded to the unit blk of Arlmont Dr on the report of a residential burglary.
- 2012-5223 – On 8/05/2012, Sergeant Hui responded to the unit blk of Highgate Rd on a report of a stolen vehicle.
- 2012-5234 – On 8/06/2012, Officer Ramos responded to the 100 blk of Highland Blvd on a report of a vandalism.
- 2012-5354 – On 8/13/2012, Officer Ramos responded to the 600 blk of Coventry Rd on a report of a homicide.
- 2012-5467 – On 8/20/2012, Officer Ramos responded to the 200 blk of Arlington Ave on a report of criminal threats.
- 2012-5472 – On 8/20/2012, Sergeant Hui responded to the above address and arrested the suspect from incident 2012-5467 for criminal threats.

- 2012-5510 – On 8/22/2012, Sergeant Hui responded to the 100 blk of Windsor Ave on a report of a theft.
- 2012-5511 – On 8/22/2012, Sergeant Hui responded to the 200 blk of Arlington Ave on a report of a restraining order violation.

Reserve Officer: Armanino (K47)

Days Worked	3
Traffic Stops	8
Moving Citations	5
Parking Citations	0
Vacation/Security	13
Checks	
FI-Field Interview	0
Cases	0
Arrests	0

•• **Sergeant Barrow**

TEAM #2 STATISTICS

Officer:	Martinez (K31) (0600-1800)	Turner (K46) (1800-0600)
Days Worked	19	19
Traffic Stops	24	43
Moving Citations	14	12
Parking Citations	10	6
Vacation/Security	43	74
Checks		
FI-Field Interview	0	0
Cases	4	7
Arrests	0	3
Calls for Service	79	73

BRIEFING/TRAINING:

- Reviewed KPD Policy #416 – Response to Bomb Calls
- Reviewed KPD Policy #402 – Racial / Bias Based Profiling
- Reviewed PC 403 – Disturbing a Public Meeting or Assembly
- Reviewed VC 14602.1 – Reporting Vehicle Pursuits to CHP
- Reviewed SDRMA Resolving Conflicts
- Reviewed Patrol Guide AB 109
- Reviewed KPD Policy #1058 – Employee Speech, Expression and Social Networking
- CHP Bulletin #219 – on Duty Emergency Vehicle Collisions
- Reviewed KPD Policy #400 – Patrol Function

SERGEANTS REVIEW

- Reviewed The Impact of Brady on Police Personnel Records.

SERGEANT'S SUMMARY:

This month I would like to talk about **Right-of-way at crosswalks**, and some of the misconceptions I believe people have concerning **crosswalks**. The **California Vehicle Code section 21950(a), (b), and (c)** states in part:

(a) The driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this chapter.

(b) This section does not relieve a pedestrian from the duty of using due care for his or her safety. No pedestrian may suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close as to constitute an immediate hazard. No pedestrian may unnecessarily stop or delay traffic while in a marked or unmarked crosswalk.

(c) The driver of a vehicle approaching a pedestrian within any marked or unmarked crosswalk shall exercise all due care and shall reduce the speed of the vehicle or take any other action relating to the operation of the vehicle as necessary to safeguard the safety of the pedestrian. I hope this helps to clarify how motorists and pedestrians should approach crosswalks. By not obeying these California Vehicle Codes you are subject to a citation.

SIGNIFICANT EVENTS:

- 2012-5157 – On 8-03-2012, Officer Turner located a stolen vehicle with the suspect asleep in the 600 block of Oberlin Avenue. The suspect was taken into custody without incident.
- 2012-5184 – On 8-03-2012, Officer Turner took a reported vandalism from the unit block of Highgate Road. The victim reported their vehicle's ignition and door handle broken.
- 2012-5343 – On 8-11-2012, Officer Turner and Sergeant Barrow responded to the unit block of Arlington Avenue for a reported vehicle accident. A vehicle had driven off the embankment and into the tennis court fence causing major damage to the vehicle, hand railing, and fence. The vehicle was removed and the damage repaired. The driver and passenger were not injured.
- 2012-5358 – On 8-13-2012, Officer Turner responded to the unit block of Highgate Court for an attempted identity theft report. An unknown person(s) attempted to remove a large amount of currency out of the victims account but the account manager detected the attempt and denied the transaction.

- 2012-5531 – On 8-23-2012, Officer Martinez took an incident report of a bicycle colliding with a vehicle causing minor damage at the corner of Kenyon Avenue and Lake Avenue. Both parties did not wish to make a formal report and no further action was taken.
- 2012-5600 – On 8-30-2012, Officer Turner and Sgt. Barrow arrested the passenger after a vehicle stop at Sea View Avenue and Eureka Avenue for a probation violation. The suspect was cited and released without incident.
- 2012-5677 – On 8-30-2012, Officer Martinez responded to a residential burglary in the unit block of Kenilworth Court. The front window was used as the point of entry and several items were stolen.
- 2012-5682 – On 8-30-2012, Officer Turner contacted seven people in a parked van who had been drinking and smoking marijuana at Terrace Drive and Craft Avenue, El Cerrito. A passenger was arrested for various misdemeanors and the driver was allowed to drive away as he had not been partaking in the festivities.

TRAFFIC STATISTICS:

21 moving citations were issued on Colusa Ave.
 13 moving citations were issued on Arlington Ave.
 2 moving citations were issued on Grizzly Peak Blvd.
 4 moving citations were issued on Franciscan Way.
 4 moving citation was issued on Westminster Ave.
 3 moving citation was issued on Kenyon Avenue.
 1 moving citation was issued on Liberty Street.
 1 moving citation was issued on Terrace Ave.

JULY 2012 (Not reported last month due to vacation)

TEAM #2 STATISTICS

Officer:	Martinez (K31) (0600-1800)	Turner (K46) (1800-0600)
Days Worked	11	13
Traffic Stops	28	39
Moving Citations	21	12
Parking Citations	5	8
Vacation/Security Checks	59	73
FI-Field Interview	3	3
Cases	4	2
Arrests	0	1
Calls for Service	87	47

BRIEFING/TRAINING

- Reviewed KPD Policy #450 – Use of audio recorders
- Reviewed KPD Policy #452 – Medical Marijuana

SERGEANTS REVIEW

- Reviewed the Police Officer Bill of Rights sections 3300 To 3312.

SERGEANT'S SUMMARY:

This month I would like to talk about **Stop Sign Violations**, and some of the misconceptions I believe people have concerning when and where to stop their vehicles at an intersection with a stop sign. The **California Vehicle Code section 22450(a) stop requirements**, states in part: **The driver of any vehicle approaching a stop sign at the entrance to, or within, an intersection shall stop at a limit line, if marked, otherwise before entering the crosswalk on the near side of the intersection. If there is no limit line or crosswalk, the driver shall stop at the entrance to the intersecting roadway.** I hope this is clear to motorists, and that they now understand that they must stop at these designated areas or they will be subject to citation. Just for your information the California Vehicle Code and traffic courts do not recognize a, "California Stop." Please stop completely before proceeding.

SIGNIFICANT EVENTS:

- 2012-4689 – On 7-13-2012, Officer Turner made an arrest of a suspect who swallowed suspected methamphetamine while contacting him in the Kensington Park, unit block of Arlington Avenue. The suspect was taken to the hospital for treatment and then booked into County jail.
- 2012-4807 – On 7-18-2012, Detective Stegman and Sgt. Barrow made a \$10,000.00 warrant arrest during an on going investigation into a residential burglary that occurred within Kensington. The suspect was arrested in the 3400 block of Dakota Street in Oakland.
- 2012-4837 – On 7-19-2012, Detective Stegman and Sgt. Barrow made a warrant arrest for a probation violation in the 300 block of Merrimac Street in Oakland. This arrest is a part of an on going investigation into a residential burglary that occurred within Kensington.
- 2012-4992 – On 7-27-2012, Sgt. Barrow took a reported vandalism from the unit block of Highland Blvd. The victim reported several metal brackets that had been glued to the edges of cement benches damaged. The brackets were to keep skateboarders from grinding the cement corners off of the benches.
- 2012-4991 – On 7-27-2012, Sergeant Barrow responded to the 00 block of Purdue Avenue for a reported burglary of a home under construction.

TRAFFIC STATISTICS:

29 moving citations were issued on Colusa Ave.
35 moving citations were issued on Arlington Ave.
9 moving citations were issued on Grizzly Peak Blvd.
8 moving citations were issued on Franciscan Way.
1 moving citation was issued on Rincon Road.
4 moving citation was issued on Amherst Ave.
1 moving citation was issued on Highland Blvd.
1 moving citation was issued on Cowper Ave.
1 moving citation was issued on Kenilworth Dr.
1 moving citation was issued on Oak View Ave.
1 moving citation was issued on Berkeley Park Ave.

•• **Detective Eric Stegman**

SIGNIFICANT EVENTS:

12-5354 Murder

On 8/13/12 at approximately 1145 hours, Officer Ramos responded to a welfare check for a potential fall victim (James Durkin). Shortly after his arrival Officer Ramos requested I respond to the scene. Due to the initial circumstances I began investigating the case as a homicide. During the investigation it was revealed the victim had been stabbed in the chest with a serrated kitchen knife. Later in the investigation, the suspect (Diane Sydenham), was identified. Early on 8/14/12, Sydenham was arrested for the murder of James Durkin. On 8/16/12 the Contra Costa County District Attorney's Office formally charged Sydenham with murder and she was arraigned.

On 8/30/12 a judge granted an increase in Sydenham's Bail from \$1,000,000 to \$2,000,000. No plea was entered and the case was continued until 9/20/12. This case has been CLOSED BY ARREST; however there is still a great deal of follow up to be completed in order gather additional pertinent information to the case.

12-5022 and 12-5222 Burglary/ Trespass

KPD Officers took several reports of a vacant home being entered and things being moved around. In the first occurrence the suspect removed a window pane and several items were stolen, including keys to the residence. During the second instance the suspect returned using the stolen keys to gain entry, and appeared to take nothing. The third time the suspect returned and began to move items out of the house but for unknown reasons left the items in a side yard.

Through detailed documentation and information collection our patrol officers gave me enough information to compare notes with Berkeley PD, who had recently arrested a subject several officers at KPD, including myself, are aware of. The subject remained in custody on Berkeley PD's case, and during a subsequent interview the suspect made several admissions which implicated her in these crimes. **Closed - Suspect identified and case will be forwarded to CCCDA's Office.**

12-5223 Vehicle Theft

On 8/5/12, an unlocked vehicle with the keys left inside, was stolen from an open garage. **This case is under investigation.**

12-5510 Grand Theft

On 8/22/12 a resident reported having a firearm stolen either from his home or from his residence in another jurisdiction. **This case is under investigation.**

KPD INVESTIGATIONS INFORMATION:

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 court run for filling cases, and retrieve court notifications.
- Updated the KPD Case Review Log
- Updated the stolen property log.
- I'm currently assigned one day per week as a Field Training Officer

KPD Crime Statistics update

The changes to the crime statistics sheet this month were primarily to fix problems that arose from the addition of the arson category. As some may have noticed last month everything below a certain point was off by a line. This made it appear there were some drastic changes in certain crimes. For example the numbers for sex crimes were actually the numbers which belonged in the Restraining Order/ Stalking/ Criminal Threat categories. Hopefully this did not alarm anyone too much.

Finally, I combined all grand theft and petty theft into the Larceny category in order to more accurately reflect how the Federal UCR system will calculate larceny.

42

Note: Federal UCR Standards
 Grand theft ≥ \$400
 Petty Theft > \$400

However: State UCR Standards
 Grand theft ≥ \$950
 Petty Theft > \$950

KPD Monthly Crime Statistics

August 2012

Part 1 Crimes	Reported	Open/ Pending	Suspended	Closed	Arrest
Homicide	1	0	0	1	1
Rape	0	0	0	0	0
Robbery	0	0	0	0	0
Felonious Assault	0	0	0	0	0
Residential Burglary	2	1	0	1	0
Larceny Theft	1	1	0	0	0
Vehicle Theft	1	0	1	0	0
Arson	0	0	0	0	0
Part 1 Totals	5	2	1	2	1

Other Crimes					
Auto Burglary	0	0	0	0	0
Identity Theft	1	1	0	0	0
Fraud	0	0	0	0	0
Forgeries	0	0	0	0	0
Restraining Order Violations/ Stalking/ Criminal Threats	3	0	0	3	2
Sex Crimes (other)	0	0	0	0	0
Assault/ Battery (other)	0	0	0	0	0
Vandalism	2	0	2	0	0
Drugs	1	0	0	1	1
Warrant	0	0	0	0	0
Hit and Run Felony	0	0	0	0	0
Hit and Run Misdemeanor	1	0	1	0	0
Other Misdemeanor Traffic	0	0	0	0	0
Other Crime Totals	8	1	3	4	3

All Crime Totals	13	3	4	6	4
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Traffic Accidents (Non Injury) 0 *
 Traffic Accidents (Injury) 0 *

KPD Crime Statistics

Year to Date 2012

Part 1 Crimes	Reported	Open/ Pending	Suspended	Closed	Arrest
Homicide	1	1	0	1	1
Rape	0	0	0	0	0
Robbery	3	0	1	2	0
Felonious Assault	1	0	0	1	0
Residential Burglary	23	7	12	4	4
Larceny Theft	24	3	17	4	0
Vehicle Theft	4	1	2	1	0
Arson	1	0	1	0	0
Part 1 Totals	57	12	33	13	5

Other Crimes					
Auto Burglary	0	0	0	0	0
Identity Theft	14	8	5	1	0
Fraud	1	1	0	0	0
Forgeries	0	0	0	0	0
Restraining Order Violations/ Stalking/ Criminal Threats	6	0	0	6	3
Sex Crimes (other)	0	0	0	0	0
Assault/ Battery (other)	2	0	0	2	1
Vandalism	17	2	14	1	0
Drugs	3	0	0	3	5
Warrant	10	0	0	10	9
Hit and Run Felony	0	0	0	0	0
Hit and Run Misdemeanor	5	1	3	1	0
Other Misdemeanor Traffic	2	0	0	2	1
Other Crime Totals	60	12	22	26	19
All Crime Totals	117	24	55	39	24

Traffic Accidents (Non Injury) 9
 Traffic Accidents (Injury) 2

44

•• **Chief Harman**

As mentioned in Detective Stegman's report, on Monday, August 13th, we began a homicide investigation. When I state "we", I truly mean "we" as in the entire department.

While this was a very tragic incident for the family and friends of the parties involved, I was very proud of how our staff responded to the incident, investigated, and closed the investigation with the arrest of the suspect responsible.

Homicide investigation is very difficult and takes a lot of time and staffing. This investigation was additionally difficult due to our having to secure two crime scenes as well as maintain our regular patrol duties. Our staff all worked extended hours, came in and worked on off time, and really pulled together to bring this investigation to closure.

For a department of our size, to be able to accomplish what we did in such a successful manner is really quite an accomplishment that the community should be very proud of. I am planning on recognizing our department for their professionalism and dedication to duty at the September 13th KPPCSD Board meeting. I hope that you will join me showing our appreciation for a job well done.

45

September 2012

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

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	Aug 26	27	28	29	30	31	Sep 1
8/26 - 31							
9/2 - 7	2	3	4	5	6	7	8
					7:15pm 9:15pm EBC (Side Room)		8:00am 3:00pm Universal Waste (Parking Lot) 4:00pm 10:30pm CC Rental (CCM)
9/9 - 14	9	10	11	12	13	14	15
		6:30pm 7:30pm KPSC (CC3) 7:00pm 8:00pm Cub-Sc 7:30pm 9:30pm KCCM 7:30pm 8:30pm KARO (6:00pm 9:00pm KASEP FALL REG (CCM) 7:00pm 10:00pm Troop 100 (CCM) 7:00pm 9:00pm Citizen'	7:00pm 9:00pm KFD Mtg (CC3) 7:30pm 10:00pm GPFF (CCM)	7:00pm 10:00pm KPPCSD MTG (CC3)		Copy: Monthly Statistic 6:00pm 10:30pm KCC MOVIE NIGHT (CCM)
9/16 - 21	16	17	18	19	20	21	22
		7:00pm 8:00pm Cub-Scouts (CCM)	7:00pm 10:00pm Troop 100 (CCM) 7:00pm 9:00pm Citizen's Academy (CC3)		7:15pm 9:15pm EBC (Side Room)		8:00am 8:30am CC Rental (CCM)
9/23 - 28	23	24	25	26	27	28	29
		7:00pm 8:00pm Cub-Scouts (CCM) 7:30pm 9:30pm KIC (CC3)	7:00pm 10:00pm Troop 100 (CCM) 7:00pm 9:00pm Citizen's Academy (C 7:30pm 9:00pm KMAC			6:00pm 8:00pm CC Rental (CCM)	8:00am 8:30am cc Rental
9/30 - 10/5	30	Oct 1	2	3	4	5	6

October 2012

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

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

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Sep 30 - Oct 6	Sep 30	Oct 1 7:00pm 8:00pm Cub-Scouts (CCM) 7:30pm 9:30pm KCC (CC#)	2 7:00pm 10:00pm Troop 100 (CCM) 7:00pm 9:00pm Citizen's Academy (CC3)	3	4 7:15pm 9:15pm EBC (Side Room)	5 5:30pm 8:30pm All Creatures Big and Small (CCM)	6 8:00am 6:00pm All Creatures Big and Small (CCM)
	7	8 6:30pm 7:30pm KPSC (CC3) 7:00pm 8:00pm Cub-Scouts (CCM) 7:30pm 8:30pm KARO (CC3)	9 7:00pm 10:00pm Troop 100 (CCM) 7:00pm 9:00pm Citizen's Academy (CC3)	10 7:00pm 9:00pm KFD Mtg (CC3)	11 7:00pm 10:00pm KPPCSD MTG (CC3)	12	13 12:00pm 6:00pm rental
Oct 7 - 13	14	15 Copy: Monthly Statistic 7:00pm 8:00pm Cub-Scouts (CCM)	16 7:00pm 10:00pm Troop 100 (CCM) 7:00pm 9:00pm Citizen's Academy (CC3)	17	18 7:15pm 9:15pm EBC (Side Room)	19	20 6:00pm 10:00pm CC Rental (CCM)
	21 KCC Annual Parade (CC)	22 7:00pm 8:00pm Cub-Scouts (CCM)	23 7:00pm 10:00pm Troop 100 (CCM) 7:00pm 9:00pm Citizen's Academy (CC3)	24	25	26	27 3:00pm 11:30pm rental
Oct 14 - 20	28	29 7:00pm 8:00pm Cub-Scouts (CCM) 7:30pm 9:30pm KIC (CC3)	30 7:00pm 10:00pm Troop 100 (CCM) 7:00pm 9:00pm Citizen's Academy (C 7:30pm 9:00pm KMAC (CC3)	31 HALLOWEEN	Nov 1	2	3
	Oct 28 - Nov 3						

CA

KASEP:

KASEP registration is scheduled for Tuesday, September 11th. Four of our teachers moved on in their worlds - relocations, attending graduate school and one who secured full time employment. We lost veteran teacher, Vicky Brodt who taught crafts and cooking; Amy Torgeson, who taught creative writing; Aida Wong, golf instructor and Allyson O'Brien, who taught Zoo Art. This mass exodus impacted 11 KASEP class offerings. Good news, three new instructors were recruited and existing teachers crafted new classes resulting in our ability to offer 12 new classes! Exciting new classes being offered include Spanish, Mask-Making, Pokemon, Motion and Movement, Cooking from Around the World and Kinder Crafts.

In addition to KASEP classes, Karate and Gymnastics classes continue. New this Fall under the umbrella of KCC, we are very excited to offer our community Kid's Circus, circus skills with juggling and acrobatics and BandWorks, School of Rock where children gain experience playing in a band.

KCC Summer Day Camp:

Ethan Houser and Jacob Fong's leadership paved a way for a well organized and smooth operational camp. Eight of the ten weeks were fully enrolled at 65 campers per week. Berkeley Parents Network posting shared this family's KCC Camp experience: "My son blossomed this summer. He grew in social confidence, learned the language of guy buddies, learned games and sports that he likes (and there weren't many before), deepened friendships and made new ones. The deceptively easy-going vibes there mask an exciting summer experience that kids help make themselves, with some of their own choices, instead of being scheduled to the hilt. If they want to, they can dive deep into a new skill or a creative pursuit. The field trips are fabulous. And otherwise, that big lawn is a great place to lounge and hit the Slip-n-Slide (remember them?) to a great soundtrack including Earth Wind and Fire and The Beatles. In short, I can't recommend -- or thank -- KCC Summer Camp enough. Happy Mom in El Cerrito."

KCC Classes and Events:

The Maybeck Estates walking tour is back on Saturday, November 3rd. Teresa Altschul is teaching an adult ceramics 6-week class starting Wednesday September 19th. Lego Robotics for grades 3-8 is being offered as a 5-week workshop starting on Saturday, September 29th.

Administrative:

Water is coming into the interior wall in the sewing room through a faulty seal in the window trim. I received a bid from two licensed contractors to perform the repairs. Estimates range from \$200 to \$240.00.

General Manager August 2012 Report

Budget

As mentioned in the August Police Report, on Monday, August 13th, we began a homicide investigation. When I state "we", I truly mean "we" as in the entire department.

While this was a very tragic incident for the family and friends of the parties involved, I was very proud of how our staff responded to the incident, investigated, and closed the investigation with the arrest of the suspect responsible.

Homicide investigation is very difficult and takes a lot of time and staffing. This investigation was additionally difficult due to our having to secure two crime scenes as well as maintain our regular patrol duties. Our staff all worked extended hours, came in and worked on off time, and really pulled together to bring this investigation to closure.

However, this tragic incident and investigation was very costly and will affect our budget this year. The first two days of the investigation generated \$10,000 in overtime, with several officers working 18 to 20 hour shifts. Once an arrest is made, police departments have 48 hours to prepare the case for court ordered holding of the suspect, followed by District Attorney filings, and in this case the increase in bail hearing. Overtime costs alone for this investigation may easily reach \$25,000, which is 62% of our Fiscal Year 2012/13 Overtime budget. The cost of DNA and other evidence processing can not even be estimated at this time but will over the \$4,000 budget in the Crime Lab budget for the year.

As we move forward in the fiscal year, overtime will need to be monitored closely in preparation for the costs and expenses of going to trial.

During the month, we finally received our \$29,354.67 reimbursement from the City of Richmond for our portion of the return of the Trunked Radio System Enhancement Fund. This reimbursement was expected during the last fiscal year but is being received at a good time now.

Kensington Park

Community Center & Annex

The Park Buildings Committee has sent out and received four requests for proposals for financial consultant services to determine the best funding option for the remodel of the Community Center. The Committee has identified one of the four

to proceed to the contract negotiation phase. We are still waiting on the final scope of work to be provided by the identified consultant. The hiring of the financial consultant was made possible by the generous donation of up to \$5,000 from the Kensington Community Council (KCC).

Park Repairs

On Saturday, August 11th, a Kensington resident lost control of their vehicle in the parking area of the Annex and after hitting a parked vehicle, drove through the hand railing leading to the tennis courts, destroyed a park bench, damaged the fence of the tennis courts, and damaged a tree that needed to be removed. We have not received the bill for the repairs yet and when we do, we will complete the claim process we have already started with the driver's insurance carrier.

The good news was there were no injuries.

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, September 10th, 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.

Other District Items of Interest

Solid Waste

Our KPPCSD Board and attorney's have been negotiating with Bay View's attorney in an attempt to identify an arbitrator to hear the demand for arbitration for increased fees made by Bay View recently. An arbitrator has now been agreed on, retainer paid, and we are moving forward in the process.

Public Works Issues

Street Lights

What was the hottest topic in the District last month, you are right, the new street lights. Back in March, I sent the County a listing of all the street lights that were out along the Arlington. Then in April, you may have noticed that the street light pole in front of the Chevron station had been tied off with ropes to the Kensington Improvement Club sign board and the lights removed. The investigation into why and by who took some time but in June I was informed by the County that the

streetlights are being replaced by PG&E as part of a centerbore wood pole replacement project going on throughout Contra Costa County. On Monday, July 24th, I was advised that Pacheco Utility would be starting the PG&E pole replacement project on the Arlington on Tuesday, July 24th. And start it they did.

I have been able to finally track down all the information on taxes the community pays for the Contra Costa County Street Lighting Service, L-100 on your tax bill, and the information on Contra Costa County Landscaping District, which appears as LL-2 on your tax bill.

I have also received at least a half dozen complaints so far about the look of the new lights and I have been in touch with Kate Rauch at John Gioia's office. Kate investigated the project for us and received this reply from the Assistant Contra Costa County Public Works Director;

"Kate,

It is my understanding that the Kensington Community has concerns over PG&E's centerbore wood pole streetlight replacement project. In the current project area, streetlight service is provided by County Service Area L-100 (CSA L-100). This means that CSA L-100 pays PG&E for the streetlight service and maintenance. The rate schedule for this is LS 1, where PG&E owns and maintains the streetlights and CSA L-100 pays a flat rate for each light.

County staff met with PG&E representatives earlier this year regarding phase 1 of the centerbore wood pole replacement project. All wood poles have a life expectancy and PG&E made a determination to take a proactive approach to replace them. The purpose of the replacement project would be to provide more reliable lighting to communities, reduce pole failures and overall maintenance costs. At that meeting, it was our understanding that streetlight pole replacements would be done with similar decorative poles if appropriate. Similar streetlight replacement projects in other unincorporated areas were done this way (aging decorative wood poles were replaced with new decorative light poles). We are currently contacting our PG&E representative to determine why a standard galvanized pole is currently being installed, not a decorative alternative."

On Monday, August 27th, I met with County Supervisor John Gioia, KPPCSD Director Linda Lipscomb, KIC President Mellissa Holms-Synder, County Public Works representatives, and representatives from PG&E to discuss the project and Kensington's concerns. As of this date the replacement project has been halted and we are still waiting to hear from Supervisor Gioia and the County on the options if any we may have.

Paths

The County recently completed the drainage project on the Highland/ Kenyon path which will now begin the process of the District acquiring title of the path as directed by the KPPCSD Board. I have contacted a group of volunteers to assist me in working with the County in acquiring title and identifying the steps and possible actions needed once title is completed.

Street Resurfacing

We have been notified by the County that starting September 17th, the long awaited street resurfacing project will begin. The project will be in three phases, with a phase being completed each year. Phase One, which as mentioned starts September 17th, will be the resurfacing of the streets east of the Arlington, and will last 25 working days. Although this work will be inconvenient to drivers and home owners, it has been long overdue, so please be patient and courteous when dealing with the traffic delays and lack of parking.

I have included a street map of the project to this report.

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

NB #2

General Manager/ Chief of Police Greg Harman will present to the Board for a first reading a revision to KPPCSD Board Policy #1020 Conflict of Interest. This revision is being implemented following recent advice received from the Fair Political Practices Commission.

The second reading of the revision will be held at the next Regular Meeting of the KPPCSD Board of Directors, Thursday October 11th, at which time KPPCSD Resolution 2012-08, approving the revisions to the policy, will be approved.

(Following approval of the revisions, the Board Policy Committee will re-format the document as part of the update to the complete policy manual revision.)

Board Action.

Memorandum

Kensington Police Department



To: KPPCSD Board of Directors

APPROVED YES NO

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

FORWARDED TO:

Date: Friday, September 7, 2012

Subject: NB Item #2 Conflict of Interest Policy #1020 Revision

On Friday, August 10th, 2012, I received a fax from our legal counsel, Julie Sherman, of Hanson/ Bridgett, indicating that the District needed to update its Conflict of Interest policy, KPPCSD Board Policy #1020.

Government Code 87300 et seq. requires that the District review its Conflict-of-Interest Code every two years, in even numbered years. At that time, if not sooner, the District should amend its Conflict-of-Interest Code if there are changes in the law that require it. In addition, the District is supposed to update its Code more frequently to reflect any new positions that require amendment of the list of designated positions.

The District last reviewed its Conflict-of-Interest Code in 2010. Julie Sherman has reviewed the applicable law and there have been no statutory changes since 2010 that require amendments to the Conflict-of-Interest Code. But in its 2012 training sessions, the FPPC has recommended changes to the form of Conflict-of-Interest Codes that our District has not yet made. The FPPC reviews Conflict-of-Interest Codes for state agencies and for multi-county agencies. Although County Boards of Supervisors rather than the FPPC review Conflict-of-Interest Codes for agencies within a single county such as the District, because the FPPC is charged with issuing regulations governing Conflict-of-Interest Codes, Julie Sherman strongly suggests that the District's conflict-of-interest code be amended to incorporate the FPPC's guidance.

Under Government Code section 87302(a), every position in our agency involved in making or participating in making governmental decisions must be designated in your agency's code, unless those positions are subject to the filing requirements of section 87200 (e.g., chief administrative officers and officials who manage public investments).

The County requires that the District review its conflict-of-interest code and inform the County whether or not amendments are needed by September 1. The County has been notified that amendments are required on August 28th and those amendments have been made to the revision of Policy #1020 and are being presented for the first reading September 13th.

Since amendments are needed, the draft amended code must be submitted to the County within 90 days of informing the County that amendments were needed. In other words, since the District submitted the form to the County August 28th indicating that amendments are needed, then the amended Conflict-Of-Interest Code must be submitted to the County within 90 days following the submittal of the form and due or no later than November 26th.

By having the first reading of the revision September 13th, and the second reading and passing of Resolution 2012-08 on October 11th, we meet the deadline with the November 8th meeting to spare.

Once the Board passes resolution 2012-08 approving the amendments, the draft of the revised Policy 1020 will be sent to the Policy Committee to be formatted to the Board Policy Manual revision.

Government Codes Sections for your reference:

87200. This article is applicable to elected state officers, judges and commissioners of courts of the judicial branch of government, members of the Public Utilities Commission, members of the State Energy Resources Conservation and Development Commission, members of the Fair Political Practices Commission, members of the California Coastal Commission, members of planning commissions, members of the board of supervisors, district attorneys, county counsels, county treasurers, and chief administrative officers of counties, mayors, city managers, city attorneys, city treasurers, chief administrative officers and members of city councils of cities, and other public officials who manage public investments, and to candidates for any of these offices at any election.

87300. Every agency shall adopt and promulgate a Conflict of Interest Code pursuant to the provisions of this article. A Conflict of Interest Code shall have the force of law and any violation of a Conflict of Interest Code by a designated employee shall be deemed a violation of this chapter.

87302. Each Conflict of Interest Code shall contain the following provisions:

(a) Specific enumeration of the positions within the agency, other than those specified in Section 87200, which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest and for each such enumerated position, the specific types of investments, business positions, interests in real property, and sources of income which are reportable. An investment, business position, interest in real

property, or source of income shall be made reportable by the Conflict of Interest Code if the business entity in which the investment or business position is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of his or her position.

87306.5. (a) No later than July 1 of each even-numbered year, the code reviewing body shall direct every local agency which has adopted a Conflict of Interest Code in accordance with this title to review its Conflict of Interest Code and, if a change in its code is necessitated by changed circumstances, submit an amended Conflict of Interest Code in accordance with subdivision (a) of Section 87302 and Section 87303 to the code reviewing body.

(b) Upon review of its code, if no change in the code is required, the local agency head shall submit a written statement to that effect to the code reviewing body no later than October 1 of the same year.

Attached to this memo for your review, you will also find:

A copy of the 2012 Local Agency Biennial Notice

A clean copy of the revised Policy #1020 Conflict of Interest Code

A redlined copy of the revised Policy #1020 Conflict of Interest Code

A copy of Resolution 2012-08 to be passed October 11th

A final note to me from Julie Sherman;

The District board members are technically not covered by the Code, because by statute they must file statements of economic interests, but they are listed for informational purposes (and it serves as a good reminder as well).

It's important to note for the Board members that the changes are a result of recent (2012) FPPC guidance with regard to form and substance of each agency's policy – the FPPC is attempting to have agency policies follow a standard form – and 2012 FPPC guidance to narrowly tailor disclosure categories so that they more accurately reflect conflicts that may arise for a particular agency's staff.

2012 Local Agency Biennial Notice

Name of Agency: Kensington Police Protection and Community Services District
Mailing Address: 217 Arlington Ave, Kensington, CA 94707
Contact Person: Greg Harman Office Phone No: 510-526-4141
E-mail: gharman@kensingtoncalifornia.org Fax No: 510-526-1028

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code requires disclosure by agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict-of-interest code and has determined that (Check one box):

An amendment is required. The following amendments are necessary:

(Mark all that apply.)

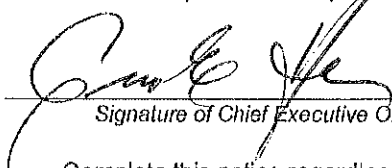
- Include new positions.
- Revise disclosure categories.
- Revise the titles of existing positions.
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions.
- Other (describe) Revise Code to incorporate current FPPC advice

No amendment is required.

The code is currently under review by the code reviewing body.

Verification

The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.



Signature of Chief Executive Officer

080812

Date

Complete this notice regardless of how recently your code was approved or amended.
Please return this notice no later than October 1, 2012, or the date specified by your agency, if earlier, to:

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)
Clerk of the Board of Supervisors, Contra Costa County
651 Roe St Room 106
Martinez, CA 94553
PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

CONFLICT OF INTEREST CODE

**KENSINGTON POLICE PROTECTION AND COMMUNITY
SERVICES DISTRICT**

Amended on the 10th day of February, 2011
By Resolution No. 2011-02
Amended on the 11th day of October, 2012
By Resolution No. 2012-08

The Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The California Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard Conflict of Interest Code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendices in which officials, employees and consultants are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the Kensington Police Protection and Community Services District (District).

Designated officials, employees and consultants shall file statements of economic interests with the District, which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008) Upon receipt of the statements of all designated officials and employees, the District shall make and retain a copy and forward the original of these statements to the County of Contra Costa Clerk of the Board of Supervisors, which shall be the filing officer.

APPENDIX A: DESIGNATED POSITIONS

Designated Position	Disclosure Category(ies)
General Manager	1,2
Consultants/New Positions	*

*Consultants/New Positions are included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation:

The General Manager may determine in writing that a particular consultant or new position, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code. (Gov. Code Section 81008.)

The following positions are NOT covered by the conflict-of-interest code because they must file a statement of economic interests pursuant to Government Code Section 87200 and, therefore, are listed for information purposes only:

Members of the District's Board of Directors

An individual holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe their position has been categorized incorrectly. The Fair Political Practices Commission makes the determination whether a position is covered by Section 87200.

APPENDIX B: DISCLOSURE CATEGORIES

Category 1

All investments, business positions, and sources of income (including loans, gifts, and travel payments) from sources that provide services, supplies, materials, machinery, or equipment of the type utilized by the District.

Category 2

All interests in real property located in whole or in part within the District's jurisdiction or within two miles of the District's jurisdiction.

CONFLICT OF INTEREST CODE

**KENSINGTON POLICE PROTECTION AND COMMUNITY
SERVICES DISTRICT**

Amended on the 10th day of February, 2011

By Resolution No. 2011-02

Amended on the ___th day of October, 2012

By Resolution No. 2012-

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APPENDIX A: DESIGNATED POSITIONS

Designated Position	Disclosure Category(ies)
General Manager	1,2
Consultants/New Positions	*

Deleted: 1

Deleted: Category

Deleted: **

Deleted: 2

Deleted: **Disclosure Category 1:** A designated official or employee assigned to Category 1 is required to disclose investments, interests in real property, income, and any business entity in which the designated employee is a director, officer, partner, trustee, employee or holds any position of management.¶

Deleted: **Disclosure Category 2:** Consultants shall disclose investments, interests in real property, income, and any business entity in which the designated employee is a director, officer, partner, trustee, employee or holds any position of management, subject to the following limitation:

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*Consultants/New Positions are included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation:

The General Manager may determine in writing that a particular consultant or new position, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code. (Gov. Code Section 81008.)

The following positions are NOT covered by the conflict-of-interest code because they must file a statement of economic interests pursuant to Government Code Section 87200 and, therefore, are listed for information purposes only:

Members of the District's Board of Directors

An individual holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe their position has been categorized incorrectly. The Fair Political Practices Commission makes the determination whether a position is covered by Section 87200.

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APPENDIX B: DISCLOSURE CATEGORIES

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Category 1

All investments, business positions, and sources of income (including loans, gifts, and travel payments) from sources that provide services, supplies, materials, machinery, or equipment of the type utilized by the District.

Category 2

All interests in real property located in whole or in part within the District's jurisdiction or within two miles of the District's jurisdiction.

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RESOLUTION NO. 2012-08

ADOPTING THE AMENDED CONFLICT OF INTEREST CODE

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

WHEREAS, the Kensington Police Protection and Community Services District (District) adopted a Conflict of Interest Code (Code) as required by the Political Reform Act of 1974; and

WHEREAS, California Government Code Section 87306.5 requires that the District review its Code every even-numbered year and revise it if necessary; and

WHEREAS, Legal Counsel and staff have reviewed the current Code and have determined that the Code should be updated to reflect current standard language recommended by the Fair Political Practices Commission and that the Appendix to the Code listing Disclosure Categories should be amended to tailor the requirements more closely to financial interests that could lead to a conflict of interest in the performance of staff duties on behalf of the District; and

WHEREAS, Legal Counsel and staff recommend adopting the attached amended Code.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Kensington Police Protection and Community Services District that the amended Conflict of Interest Code is hereby adopted, in the form presented to the Board of Directors; and

BE IT FURTHER RESOLVED that the District Secretary is directed to transmit a copy of the amended Conflict of Interest Code to the Board of Supervisors of Contra Costa County for its review and approval.

Regularly passed and adopted this 11th day of October 2012, by the following vote of the Board:

AYES:

NOES:

ABSENT:

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

ATTEST:

Secretary of the District

W

NB #3

General Manager/ Chief of Police Greg Harman will ask the Board if anyone is interested in the nomination for election to fill the seat of the California Special District Association Region 3, Seat A, for the remainder of the 2010-2012 term that concludes on December 31, 2012.

Board Action.



DATE: August 14, 2012
TO: CSDA Voting Members – REGION 3
FROM: CSDA Elections and Bylaws Committee
SUBJECT: **CSDA CALL FOR NOMINATIONS – Board of Directors
Region 3, Seat A**

CSDA is conducting a call for nominations for a Region 3, Seat A Director for the remainder of the 2010-2012 term, **concluding on December 31, 2012**. A vacancy has occurred on the CSDA Board and pursuant to the CSDA Bylaws, Article 3, Section 6C:

In the event of a vacancy occurring "after" the nomination period has closed, the vacancy shall be filled by appointment. Notification of the vacancy and request for nominations shall be sent to all regular members in the region in which the vacancy occurred.

The region's existing directors sitting on the CSDA Board shall interview all interested candidates of that region and bring a recommendation to the Board of Directors of the CSDA. The Board shall make the appointment to fill the unexpired term of the vacated Board position.

The leadership of CSDA is elected from its six geographical regions. Each of the six regions has three seats on the Board with staggered 3-year terms. Candidates must be affiliated with an independent special district that is a CSDA regular member located within the geographic region that they seek to represent. (See attached Region Map)

The CSDA Board of Directors is the governing body responsible for all policy decisions related to CSDA's member services, legislative advocacy, education and resources. The Board of Directors is crucial to the operation of the Association and to the representation of the common interests of all California's special districts before the Legislature and the State Administration.

Commitment: Serving on the Board requires one's interest in the issues confronting special districts statewide. A board member is expected to attend the remaining two board meetings in 2012 after appointment. Besides serving on the Board, each Board Member is expected to participate on at least one committee, which usually meets 3-4 times a year in Sacramento. CSDA reimburses directors for their related expenses for Board and Committee meetings as outlined in Board Policy. In addition, all Board Members are expected to attend CSDA's Annual Conference (held in the fall) as part of their obligation to the CSDA membership; expenses for this event are not reimbursed by

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CSDA, even if a board meeting or committee meeting is held in conjunction with the event.

Nomination Procedures: Any regular member Independent Special District is eligible to nominate one person, a board member or managerial employee (as defined by that district's Board of Directors), for election to the CSDA Board of Directors. **A copy of the member district's resolution or minute action and a letter of experience or resume from the nominee must accompany the enclosed nomination form. The deadline for receiving nominations is September 14, 2012.** Nominations and supporting documentation may be mailed or faxed.

Nominated candidates will then be interviewed by the Region's existing directors and the successful candidate will be appointed by vote of the CSDA Board.

If you have any questions, please contact Charlotte Lowe at 877-924-CSDA or charlottel@csgda.net



**California Special
Districts Association**
Districts Stronger Together

BOARD OF DIRECTORS NOMINATION FORM

PLEASE BE SURE THE CANDIDATE'S PHONE NUMBER IS ONE WHERE WE CAN REACH THE CANDIDATE

Name of Candidate: _____

District: _____

Mailing
Address: _____

Region: 3

Telephone: _____

Fax: _____

E-mail: _____

Nominated by (optional): _____

Return this **form and a Board resolution/minute action** supporting
the candidate by fax or mail to:

CSDA
Attn: Charlotte Lowe
1112 I Street, Suite 200
Sacramento, CA 95814
(877) 924-2732 (916) 442-7889 fax

DEADLINE FOR RECEIVING NOMINATIONS – September 14, 2012