

AGENDA

A Closed Session of the Board of Directors of the Kensington Police Protection and Community Services District will be held **Thursday, January 12, 2017, at 6:30 P.M.** at the Community Center, 59 Arlington Avenue, Kensington, California. The Board will commence its monthly Regular Meeting in Open Session **Thursday, January 12, 2017, at 7:30 P.M.**, at the Community Center, 59 Arlington Avenue, Kensington, California. If further Closed Session is required, the Board will return to Closed Session following the end of the Regular Meeting.

Note: All proceedings of the Open Session will be videotaped.

1. Call to Order/Roll Call

2. Closed Session – Public Comments

- a. PUBLIC EMPLOYEE EMPLOYMENT, DISCIPLINE OR DISMISSAL: The Board will be briefed on personnel matters pursuant to CA Government Code Section 54957(b)(2). Two items.

Director Cordova will be participating in both the Closed and Open Sessions, by phone, from Via Ghibelina 42.

3. Regular Meeting: Open Session – Call to Order/Roll Call 7:30 P.M.

4. **Public Comments:** Members of the public may address the Board on any issue on the Consent Calendar and on items not listed on the agenda but that re within the jurisdiction of the District. Comments on matters that are listed on the agenda may be made at the time the Board is considering each item. Each speaker is allowed a maximum of five (5) minutes, per Board Policy 5030.41.

5. Board/Staff Comments

6. Consent Calendar

- a) Unaudited Profit and Loss Budget Performance Report for December 2016 Pg. 3
b) Park Revenue and Expense Report for December 2016 Pg. 8
c) Board Member Reports – None this month
d) KPD Monthly Statistics for December 2016 Pg. 12
e) Training/Reimbursement Report – None this month
f) Correspondence Pg. 15
g) Recreation Report Pg. 38
h) Monthly Calendar Pg. 39
i) General Manager's Report Pg. 41
j) Second reading of Resolution 2017-03 to amend the Policy and Procedure Manual Section 5010.10 to include an additional regular meeting on the fourth Thursday of the month. Pg. 42

7. Old Business

- a Receive an update on the Board's Strategic Planning Session from Director Hacaj. Informational only.

8. New Business

- a. The Board will discuss and potentially adopt Resolutions authorizing the Interim General Manager/Chief of Police to negotiate with the Contra Costa County Sheriff's Office and or the City of Albany to provide CAD/RMS services to the District. Report to be provided by the Interim General Manager/Chief of Police. Pg. 45

- b. The Board will discuss the process for development of amendments to Appendix "A" of Policy #2000 to create two distinct job descriptions, one for District General Manager and the other for District Chief of Police. Pg. 47
- c. The Board will review and consider approval of an Employment Agreement between the District and Rickey Hull, setting the compensation, terms and conditions of his temporary employment as Interim General Manager/Chief of Police Pursuant to Government Code Section 21221(h). Pg. 55
- d. Board President Sherris-Watt will appoint District Committee Chairs for 2017.
- e. Board President Sherris-Watt will introduce, and the Board will discuss, an Application Letter of Interest Form for the Appointment to a District Committee. Informational Only. Pg. 58

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:

Lynn Wolter, District Administrator, 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.

All public records that relate to an open session item of a meeting of the Kensington Police Protection & Community Services District that are distributed to a majority of the Board less than 72 hours before the meeting, excluding records that are exempt from disclosure pursuant to the California Public Records Act, will be available for inspection at the **District offices, 217 Arlington Ave, Kensington, CA 94707** at the same time that those records are distributed or made available to a majority of the Board.

- b. The Board will discuss the process for development of amendments to Appendix "A" of Policy #2000 to create two distinct job descriptions, one for District General Manager and the other for District Chief of Police. Pg. 47
- c. The Board will review and consider approval of an Employment Agreement between the District and Rickey Hull, setting the compensation, terms and conditions of his temporary employment as Interim General Manager/Chief of Police Pursuant to Government Code Section 21221(h). Pg. 55
- d. Board President Sherris-Watt will appoint District Committee Chairs for 2017.
- e. Board President Sherris-Watt will introduce, and the Board will discuss, an Application Letter of Interest Form for the Appointment to a District Committee. Informational Only. Pg. 58

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:

Lynn Wolter, District Administrator, 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.

All public records that relate to an open session item of a meeting of the Kensington Police Protection & Community Services District that are distributed to a majority of the Board less than 72 hours before the meeting, excluding records that are exempt from disclosure pursuant to the California Public Records Act, will be available for inspection at the **District offices, 217 Arlington Ave, Kensington, CA 94707** at the same time that those records are distributed or made available to a majority of the Board.

KPPCSD
Unaudited Profit & Loss Budget Performance
 December 2016

	Dec 16	Budget	Jul - Dec 16	YTD Budget	Annual Bu...
Total Income	40,095.81	8,708.33	2,961,748.28	2,968,719.76	3,050,419.28
Expense					
500 · Police Sal & Ben	75,663.26	84,606.17	480,202.68	507,637.02	1,015,274.00
502 · Salary - Officers	0.00	766.67	14,795.63	4,600.02	9,200.00
504 · Compensated Absences	5,979.92	6,250.00	56,447.47	37,500.00	75,000.00
506 · Overtime	10,411.60	8,389.75	55,548.20	50,338.50	100,677.00
508 · Salary - Non-Sworn	599.94	750.00	3,599.64	4,500.00	9,000.00
516 · Uniform Allowance	765.15	187.50	2,867.34	1,125.00	2,250.00
518 · Safety Equipment	12,287.47	15,174.50	108,177.03	91,047.00	182,094.00
521-A · Medical/Vision/Dental-Active	12,704.90	13,356.50	92,822.54	80,139.00	160,278.00
521-R · Medical/Vision/Dental-Retired	95,868.00	0.00	95,868.00	0.00	64,226.00
521-T · Medical/Vision/Dental-Trust	220.50	578.33	2,637.00	3,469.98	6,940.00
522 · Insurance - Police	1,131.37	1,458.92	8,018.12	8,753.52	17,507.00
523 · Social Security/Medicare	694.93	520.17	4,140.08	3,121.02	6,242.00
524 · Social Security - District	13,426.56	16,209.45	404,971.63	412,047.25	509,304.00
527 · PERS - District Portion	4,530.80	4,986.33	30,013.92	29,917.98	59,836.00
528 · PERS - Officers Portion	0.00	0.00	66,467.05	67,000.00	67,000.00
530 · Workers Comp					
Total 500 · Police Sal & Ben	234,284.40	153,234.29	1,426,576.33	1,301,196.29	2,284,828.00
550 · Other Police Expenses					
552 · Expendable Police Supplies	80.98	141.67	3,478.08	850.02	1,700.00
553 · Range/Ammunition Supplies	375.00	416.67	375.00	2,500.02	5,000.00
560 · Crossing Guard	557.55	1,050.00	3,778.95	4,400.00	11,150.00
562 · Vehicle Operation	2,878.89	3,125.00	15,624.41	18,750.00	37,500.00
564 · Communications (RPD)	17,875.78	13,035.00	62,442.11	78,210.00	156,420.00
566 · Radio Maintenance	181.69	190.08	908.45	1,140.48	2,281.00
568 · Prisoner/Case Exp./Booking	886.26	741.67	7,576.81	4,450.02	8,900.00
570 · Training	746.30	833.33	2,610.19	4,999.98	10,000.00
572 · Recruiting	66.00	1,291.67	3,285.27	7,750.02	15,500.00
574 · Reserve Officers	0.00	337.50	30.00	2,025.00	4,050.00
576 · Misc. Dues, Meals & Travel	625.00	252.92	1,206.00	1,517.52	3,035.00

KPPCSD

Unaudited Profit & Loss Budget Performance

December 2016

	Dec 16	Budget	Jul - Dec 16	YTD Budget	Annual Bu...
580 · Utilities - Police	851.25	833.33	5,285.32	4,999.98	10,000.00
581 · Bldg Repairs/Maint.	0.00	416.67	0.00	2,500.02	5,000.00
582 · Expendable Office Supplies	217.12	625.00	2,549.22	3,750.00	7,500.00
588 · Telephone(+Rich. Line)	396.93	623.00	2,177.60	3,738.00	7,476.00
590 · Housekeeping	54.11	333.33	2,045.40	1,999.98	4,000.00
592 · Publications	2,500.00	250.00	2,500.00	1,500.00	3,000.00
594 · Community Policing	84.45	1,166.67	3,262.39	7,000.02	14,000.00
596 · WEST-NET/CAL I.D.	0.00	0.00	6,101.00	6,100.00	6,100.00
599 · Police Taxes Administration	871.43	875.00	2,591.41	2,625.00	3,500.00
Total 550 · Other Police Expenses	29,248.74	26,538.51	127,827.61	160,806.06	316,112.00
600 · Park/Rec Sal & Ben					
601 · Park & Rec Administrator	797.06	670.17	4,456.83	4,021.02	8,042.00
602 · Custodian	1,750.00	1,900.00	10,500.00	11,400.00	22,750.00
623 · Social Security/Medicare - Dist	0.00	51.25	0.00	307.50	615.00
Total 600 · Park/Rec Sal & Ben	2,547.06	2,621.42	14,956.83	15,728.52	31,407.00
635 · Park/Recreation Expenses					
640 · Community Center Expenses					
642 · Utilities-Community Center	594.99	468.00	2,827.28	2,808.00	5,616.00
643 · Janitorial Supplies	0.00	125.00	594.08	750.00	1,500.00
646 · Community Center Repairs	1,879.34	458.33	3,276.03	2,749.98	5,500.00
Total 640 · Community Center Expenses	2,474.33	1,051.33	6,697.39	6,307.98	12,616.00
660 · Annex Expenses					
662 · Utilities - Annex	0.00	83.33	0.00	499.98	1,000.00
666 · Annex Repairs	0.00	83.33	0.00	499.98	1,000.00
668 · Misc Annex Expenses	0.00	83.33	0.00	499.98	1,000.00
Total 660 · Annex Expenses	0.00	249.99	0.00	1,499.94	3,000.00
670 · Gardening Supplies	0.00	0.00	0.00	0.00	0.00
672 · Kensington Park O&M	3,779.89	5,775.00	52,424.29	34,650.00	69,300.00

KPPCSD

Unaudited Profit & Loss Budget Performance

December 2016

	Dec 16	Budget	Jul - Dec 16	YTD Budget	Annual Bu...
674 · Park Construction Exp	0.00	0.00	0.00	5,000.00	5,000.00
678 · Misc Park/Rec Expense	0.00	0.00	170.00	1,000.00	1,000.00
Total 635 · Park/Recreation Expenses	6,254.22	7,076.32	59,291.68	48,457.92	90,916.00
800 · District Expenses					
810 · Computer Maintenance	2,323.00	2,093.17	17,833.00	12,559.02	25,118.00
820 · Cannon Copier Contract	192.10	475.00	2,390.14	2,850.00	5,700.00
830 · Legal (District/Personnel)	8,730.46	8,300.00	40,362.02	49,800.00	99,530.00
835 · Consulting	7,828.92	3,500.00	13,031.76	23,500.00	46,500.00
840 · Accounting	11,255.00	1,500.00	26,652.50	33,000.00	45,500.00
850 · Insurance	0.00	0.00	27,529.22	30,000.00	30,000.00
860 · Election	0.00	0.00	0.00	4,500.00	4,500.00
865 · Police Bldg. Lease	0.00	0.00	1.00	1.00	1.00
870 · County Expenditures	0.00	6,850.00	1,681.48	8,850.00	22,300.00
890 · Waste/Recycle	0.00	1,666.67	0.00	10,000.02	20,000.00
898 · Misc. Expenses	600.00	1,433.33	10,968.94	8,599.98	17,200.00
899 · Depreciation Expense	0.00	0.00	0.00	0.00	0.00
Total 800 · District Expenses	30,929.48	25,818.17	140,450.06	183,660.02	316,349.00
950 · Capital Outlay					
961 · Police Bldg Improvements	0.00	0.00	0.00	0.00	0.00
962 · Patrol Cars	0.00	0.00	0.00	0.00	0.00
963 · Patrol Car Accessories	0.00	0.00	0.00	0.00	0.00
965 · Personal Police Equipment-Asset	2,545.41	0.00	6,580.74	0.00	0.00
966 · Police Traffic Equipment	860.42	0.00	7,992.72	6,600.00	6,600.00
967 · Station Equipment	0.00	0.00	0.00	6,100.00	6,100.00
968 · Office Furn/Eq	0.00	0.00	0.00	0.00	0.00
969 · Computer Equipment	0.00	0.00	1,504.48	1,500.00	1,500.00
972 · Park Buildings Improvement	0.00	25,000.00	0.00	75,000.00	100,000.00
974 · Other Park Improvements	0.00	0.00	0.00	7,500.00	7,500.00
978 · Pk/Rec Furn/Eq	3,502.51	0.00	34,085.49	21,000.00	21,000.00

KPPCSD
Unaudited Profit & Loss Budget Performance
 December 2016

	Dec 16	Budget	Jul - Dec 16	YTD Budget	Annual Bu...
Total 950 - Capital Outlay	6,908.34	25,000.00	50,163.43	117,700.00	142,700.00
Total Expense	310,172.24	240,288.71	1,819,265.94	1,827,548.81	3,182,312.00
Net Ordinary Income	-270,076.43	-231,580.38	1,142,482.34	1,141,170.95	-131,892.72
Other Income/Expense					
Other Expense					
700 - Bond Issue Expenses					
701 - Bond Proceeds	0.00	0.00	-179,304.50	0.00	0.00
710 - Bond Admin.	2,503.52	0.00	7,371.61	0.00	0.00
715 - Bond Interest Income	0.00	0.00	-141.99	0.00	0.00
720 - Bond Principal	0.00	0.00	133,201.28	0.00	0.00
730 - Bond Interest	0.00	0.00	15,320.89	0.00	0.00
Total 700 - Bond Issue Expenses	2,503.52	0.00	-23,552.71	0.00	0.00
995 - Loss/(Gain) - Asset Disposition	0.00	0.00	808.84	0.00	0.00
Total Other Expense	2,503.52	0.00	-22,743.87	0.00	0.00
Net Other Income	-2,503.52	0.00	22,743.87	0.00	0.00
Net Income	-272,579.95	-231,580.38	1,165,226.21	1,141,170.95	-131,892.72

KPPCSD
Transaction Detail By Account
 July through December 2016

Date	Num	Name	Memo	Split	Amount
420 · Park/Rec Activities Revenue					
424 · Special Tax-L&L					
10/06/2016	JV07...	CCC Taxes-LLD	SP ASSESS ...	146 · Advance...	36,220.00
Total 424 · Special Tax-L&L					36,220.00
427 · Community Center Revenue					
07/20/2016			CC Rental 7-...	112 · General ...	650.00
07/20/2016	4951		CC Rental 9-...	112 · General ...	600.00
07/20/2016	366		CC Rental 8-...	112 · General ...	1,400.00
07/20/2016	8499		Second half ...	112 · General ...	7,904.25
07/20/2016	CAS...	KPPCSD	TO REVERS...	141 · Account...	-7,904.25
08/12/2016	1314		CC Rental - 1...	112 · General ...	600.00
08/23/2016	3246		Wake Up to ...	112 · General ...	90.00
08/23/2016	321		CC Rental P...	112 · General ...	400.00
09/20/2016	1692		CC Rental 10...	112 · General ...	300.00
09/20/2016			CC Rental 9-...	112 · General ...	400.00
09/20/2016	1185		CC Rental 12...	112 · General ...	675.00
09/20/2016	3534		CC Rental 10...	112 · General ...	400.00
10/26/2016	4912		Didier De Fo...	112 · General ...	40.00
10/26/2016	1101		Wake Up to ...	112 · General ...	90.00
10/26/2016	1177		East Bay Coll...	112 · General ...	598.00
10/26/2016	3709		CC Rental - 2...	112 · General ...	500.00
10/26/2016	393		CC Rental - 1...	112 · General ...	412.50
10/26/2016			CC Rental - 9...	112 · General ...	400.00
11/28/2016	1239		CC Rental 11...	112 · General ...	300.00
11/28/2016	5638		CC Rental 11...	112 · General ...	900.00
11/28/2016	v9268...		General Elect...	112 · General ...	100.00
12/29/2016	1008		CC Rental P...	112 · General ...	175.00
12/29/2016	138		CC Rental P...	112 · General ...	375.00
12/29/2016	10778		CC Rental P...	112 · General ...	1,050.00
12/29/2016	1102		Wake Up to ...	112 · General ...	90.00
12/29/2016	8694		KCC Semi A...	112 · General ...	7,903.85
12/29/2016			Partial Paym...	112 · General ...	13.00



Transaction Detail By Account

July through December 2016

Date	Num	Name	Memo	Split	Amount
12/29/2016	1005		Partial Paym...	112 · General ...	70.00
12/29/2016	1026		Partial Paym...	112 · General ...	292.00
Total 427 · Community Center Revenue					18,824.35
437 · Contributions for Sound System					
11/28/2016	216		Contribution f...	112 · General ...	5,000.00
12/29/2016	8693		KCC Sound ...	112 · General ...	5,000.00
Total 437 · Contributions for Sound System					10,000.00
438 · Misc Park/Rec Rev					
09/20/2016	5106		Tennis Court ...	112 · General ...	2.00
12/29/2016	4955		Tennis Court ...	112 · General ...	40.00
Total 438 · Misc Park/Rec Rev					42.00
Total 420 · Park/Rec Activities Revenue					65,086.35
TOTAL					65,086.35

KPPCSD
Transaction Detail By Account
 July through December 2016

Date	Num	Name	Memo	Split	Amount
600 - Park/Rec Sal & Ben					
601 - Park & Rec Administrator					
07/15/2016		Di Napoli, Andrea		112 · General ...	321.67
07/15/2016		Di Napoli, Andrea		112 · General ...	25.20
07/29/2016		Di Napoli, Andrea		112 · General ...	323.22
08/15/2016		Di Napoli, Andrea		112 · General ...	379.20
08/30/2016		Di Napoli, Andrea		112 · General ...	395.90
09/15/2016		Di Napoli, Andrea		112 · General ...	193.00
09/30/2016		Di Napoli, Andrea		112 · General ...	422.81
10/14/2016		Di Napoli, Andrea		112 · General ...	326.93
10/27/2016		Di Napoli, Andrea		112 · General ...	391.57
11/14/2016		Di Napoli, Andrea		112 · General ...	496.12
11/29/2016		Di Napoli, Andrea		112 · General ...	384.15
12/14/2016		Di Napoli, Andrea		112 · General ...	387.86
12/29/2016		Di Napoli, Andrea		112 · General ...	409.20
Total 601 · Park & Rec Administrator					4,456.83
602 - Custodian					
07/15/2016	17311	William Driscoll	7/1 - 7/15/16 ...	112 · General ...	875.00
07/29/2016	17338	William Driscoll	7/16 - 7/31/1...	112 · General ...	875.00
08/15/2016	17372	William Driscoll	8/1 - 8/15/16 ...	112 · General ...	875.00
08/30/2016	17417	William Driscoll	8/16 - 8/31/1...	112 · General ...	875.00
09/15/2016	17420	William Driscoll	9/01 - 9/15/1...	112 · General ...	875.00
09/30/2016	17463	William Driscoll	9/15 - 9/30/1...	112 · General ...	875.00
10/14/2016	17507	William Driscoll	10/1 - 10/15/1...	112 · General ...	875.00
10/28/2016	17531	William Driscoll	10/16 - 10/31/...	112 · General ...	875.00
11/15/2016	17558	William Driscoll	11/1 - 11/15/1...	112 · General ...	875.00
11/30/2016	17585	William Driscoll	11/16 - 11/30/...	112 · General ...	875.00

Transaction Detail By Account

July through December 2016

Date	Num	Name	Memo	Split	Amount
12/15/2016	17648	William Driscoll	12/01- 12/15/...	112 · General ...	875.00
12/30/2016	17669	William Driscoll	12/16- 12/31/...	112 · General ...	875.00
Total 602 · Custodian					10,500.00
Total 600 · Park/Rec Sal & Ben					14,956.83
TOTAL					14,956.83

11

December 2016 WATCH COMMANDER MONTHLY REPORT

Sergeant Hull

TEAM #1 & #2 STATISTICS

Sergeant Hull (K17) – (1000-2000)

Officer:	Hui (K42) (0600-1600)	Hull (K17) (1000-2000)	Barrow(K26) (1800-0600)
Days Worked	00	20	13
Traffic Stops	00	00	03
Moving Citations	00	00	01
Parking Citations	00	00	03
Vacation/Security Checks	00	03	00
Cases	00	01	01
Arrests	00	01	00
Traffic Accident Reports	00	01	01
Calls for Service	00	27	20

Officer:	Wilson (K38) (1800-0600)	Foley (K48) (0600-1800)	Ramos (K41) (1800-0600)
Days Worked	17	16	16
Traffic Stops	03	27	01
Moving Citations	00	01	02
Parking Citations	07	16	00
Vacation/Security Checks	31	24	02
Cases	02	01	04
Arrests	00	00	00
Traffic Accident Reports	01	00	03
Total Service Calls	70	112	57

- The small variation in totals between the various monthly reports and are due to the different methodologies employed to gather data. Manual hand count will differ from computer generated data due to the computers limited ability to narrow data reports.

Sgt. Hull was promoted to Interim GM/COP on 12/17/16

Detective Martinez took 4 days vacation

Officer Ramos took 1 vacation day and 1 sick day

Officer Barrow took 4 sick days and 1 vacation day

Officer Wilkens is off duty 4850 time effective August 19, 2016

Cpl. Stegman is off duty 4850 time effective September 8, 2016

Sgt. Hui off on admin leave effective July 29, 2016

BRIEFING/TRAINING:

- Officers' personnel records may be subject to discovery even if they didn't observe or participate in misconduct
- Contra Costa County Superior Court Standing Order #1 (2016) – Requests for reports where juveniles are involved.
- PC 148(a)(1) – Resisting Arrest
- PC 597.7 - Rescue or provision of care for an animal
- PC 1524.4 – Mandates Tech companies to a law enforcement contact to assist in investigations
- HS 11350.5 & 11377.7 – Possession of GHB, Rohypnol, or Ketamine to commit sex crime a felony.
- HIPPA release of medical records to law enforcement
- PC 243 (e)(1) – Domestic Battery Law
- PC 25645 – Securing Handguns in vehicles
- PC 30515 and 3099 – Redefines what constitutes an assault weapon with regards to fixed and detachable magazines
- PC 242 & 243 – Assault and Battery
- PC 25100(a) – Criminal storage of firearms
- PC 487 – Grand Theft
- Family Code 6228 – Providing incident reports to victims
- KPD Policy 468 – Civil Disputes
- PC 459 Burglary Laws

SERGEANT'S SUMMARY:

On 12-17-2016, I was designated Interim GM/COP.

SIGNIFICANT EVENTS:

- 2016-3555 – On 12-2-2016, Officer Ramos responded to the 200 block of Lake Dr. to a reported Hit & Run accident.
- 2016-3556 – On 12-2-2016, Officer Ramos responded to the 00 block of Arlmont Dr. to a reported vandalism to a door's dead bolt.
- 2016-3559 – On 12-2-2016, Officer Ramos responded Beloit Ave./Grizzly Peak Blvd. to a reported Hit & Run accident.
- 2016-3563 – On 12-3-2016, Officer Ramos responded to the 200 block Lake Dr. to a report of Identity Theft.
- 2016-3569 – On 12-4-2016, Officer Barrow responded to the 600 block of Coventry Rd. to a reported non-injury accident.
- 2016-3577 – On 12-4-2016, Officer Foley responded to the 400 block of Beloit Ave. and towed a vehicle.
- 2016-3604 – On 12-6-2016, Officer Foley responded to the 200 block of Stanford Ave. and towed a vehicle.
- 2016-3627 – On 12-8-2016, Officer Barrow responded to the 400 block of Santa Fe Ave. to a reported residential burglary.

- 2016-3629 – On 12-9-2016, Officer Ramos responded to the 100 block of Kensington Ave. to a report of Petty Theft.
- 2016-3663 – On 12-12-2016, Officer Wilson responded to the 200 block of Stanford Ave. to a report of Vandalism.
- 2016-3693 – On 12-15-2016, Officer Ramos responded to the 00 block of Avon Ave. to a report of Theft.
- 2016-3695 – On 12-15-2016, Sgt. Hull responded to KPD to take a report of theft that occurred at the Unitarian Church.
- 2016-3782 – On 12-22-2016, Detective Martinez took a Child Protective Services referral report from Berkeley PD.
- 2016-3808 – On 12-25-2016, Interim GM/COP Hull responded to the 300 block of Ocean View Ave. to a reported domestic disturbance and utilized force to detain 20 year old WMA Kyle Kirk of Atwater California for PC 148 (a)(1) - Obstructing and resisting an officer in performance of his duty. No injuries were sustained to neither the subject nor officer.
- 2016-3811 – On 12-25-2016, Officer Wilson responded to the 100 block of Arlington Ave. to a reported non-injury accident.
- 2016-3838 – On 12-28-2016, Interim GM/COP Hull responded to the 200 block of Stanford Ave. to a report of Identity Theft.
- 2016-3849/3850 – On 12-30-2016, Officer Ramos recovered lost property at KPD which was returned to its' owner.
- 2016-3853 – On 12-31-2016, Officer Ramos responded to the 00 block of Kensington Park Blvd. to a report of a non-injury collision involving district property.

KPPCSD Board Members
217 Arlington Avenue
Kensington, CA 94708

December 5, 2016

Dear Board Members,

Best wishes to all & congratulations to the new members. While this post-election period arrives with several important Kensington issues to ponder and resolve, please include in your deliberations a current issue in regards to the Community Center/Youth Hut renovation project.

Over the last few months a committee chaired by Rachelle Serris-Watt, was assigned to acquire some initial project data including Seismic and ADA compliance studies, reviewing past and current building user needs, verifying the future receipt of the \$150,000 WW project grant funds, established KPPCSD (owner's) project program, including a total project budget figure of a million dollars or less as stated in the RFP. The committee then gathered this information into packets of Request for Proposals (RFP) to be distributed to interested architectural firms. All was accomplished-kudos for the committee.

Following the committee's review of the submitted material from five different architectural firms, the committee selected Glass Associates, Inc. of Oakland as their preferred choice for project architect. Glass Associates (GA) is an experienced, established firm.

However, Glass Associates proposal raises concern in two areas, namely their fee proposal for architectural services, which is too high and also their proposal's omission of a few important services that need to be included.

Regarding the proposed fee: As mentioned above the District's RFP states that the Total Project Budget (TPB) is anticipated to be \$1 million or less. Architect's fees are never calculated as a percentage of the TPB as the TPB includes all project costs including several that have no bearing, nor cost, to the architect in terms of their required services. These non-bearing costs need to be deducted from the TPB in order to establish a Building Construction Budget (BCB) from which to typically determine an architect's fee. For this project these non-related costs include the architect's fee (\$150,000); plan review & permit fees (\$20,000); misc. printing, delivery costs (\$2,300) - total \$173,00. Subtracting this total from the TPB gives a BCB of \$827,700 (\$1,000,000 - \$173,000). In terms of GA's fee proposal of \$150,000 their fee is 18% of the BCB and represents an additional cost to the District of \$50,000 when compared to a more typical architect's fee of 12% of a BCB.

Regarding architectural services: GA's proposal is well stated and fairly comprehensive regarding services to be provided. However, District needed architectural services that are not provided in the proposal include an architect's on-going control of the building's renovation costs throughout all the various design phases. As simple as the Community Center Building/ Youth Hut Building is, it's renovation design, as to scope, complexity, material selection, and

ease of construction are all directly relate to the project's costs. Recommend adding the control and responsibility of design project costs to the architect's required services.

Recommend requiring two color renderings from the architect for public presentation of the proposed project .

Recommend architect not to charge the District additional fees if the time period of the Construction Administration Phase need be extended beyond the proposal's stipulated 20 weeks time period due to no fault of the District.

It is recommended that the District negotiate with Glass Associates their proposed fee and proposed provided services as described herein.

Respectfully submitted,



Bart Jones, Architect

Lynn Wolter

From: Marilyn Stollon <mstollon@sonic.net>
Sent: Friday, December 09, 2016 11:00 AM
To: Rachelle Sherris-Watt; Eileen Nottoli; Sylvia Hacaj; Vanessa Cordova; Lynn Wolter; Len Welsh; Rickey L. Hull
Cc: David Bergen; Janice Kosel; Nicole Lepoutre-Baldocchi; Heather Conrad; Frances McCosker; Jenny Schaffell; Sandy Schaffell; Todd Grosvenor; Cathie Kosel; Mari Metcalf; John G office; marilyn stollon
Subject: Letter from Residents regarding Hart, pls include in the record
Attachments: LetterReHartDecember 6.docx

Please include this in the record, we understand that the resolution was not seconded and acted upon at the board meeting, nevertheless, there was public comment; therefore, we would like these objections included in the next agenda packet under correspondence.

December 6, 2016

Directors of the KPPCSD,

Our understanding is that there is a resolution to discuss and vote on whether to rehire Mr. Hart. These are the reasons why **we believe that** Mr. Hart should not be hired...

Although Mr. Hart has knowledge of Kensington and its issues, we believe he is not the best one suited for the new direction the town seeks at this point.

1. He has shown that he is not consistently transparent and honest about disclosing his actions to the board, which is counter to what the new board members campaigned on.
2. He abused his training benefit hours, used paid time off instead of training hours, or vacation time, did not follow procedures to document his professional time off until he was confronted by residents.
3. He attended a large city conference as an elected official of Dublin (a delegate) doing so on Kensington time and money.
4. He included a \$100k+ item in the budget i.e. ALPRS (license plate reader) without following policy, or standard good governing procedures with public hearings etc.
5. He also created an ALPRS policy and posted it on the website, without going through the board, the public, demonstrating his lack of understanding of representative governance.
6. He misrepresented his position, stating to CALPERS following an audit (which is under review,) that his job is mostly COP when in fact it is documented at 60:40.
7. He withheld the CALPERS audit from the board members, and neglected to discuss it with them, which would have alerted them that they in fact never received the letter from CALPERS.

8. He has demonstrated a lack of objectivity when dealing with the IA and recent investigations into CLETS abuses, defending the actions of officers who have abused CLETS.
9. He reversed the finding of the Richmond police investigator and exonerated a KPD officer without justifying his action.
10. He does not have an in depth understanding of budget and finance and relied on Adam Benson which cost the district over \$80k for his services when a trained GM would be able to formulate and manage a budget.
11. He does not understand the short and long-term budget needs of the district, regarding pension liabilities, costs etc., and purchased expensive items such as guns, accessories, vests etc. that would have been more cost effective.
12. Mr. Hart has also demonstrated that he can not separate his job as GM from COP and showed a clear conflict of interest for example in choosing to include a \$33k car for himself in the budget, rather than an audio system for the residents which ultimately arrived 1.5 yrs. after he started employment.
13. Mr. Hart does not care for the concerns of Kensington residents and is most interested in promoting his own self-interests. This was clear when he cost the district additional funds to provide a medical plan for him alone, when most if not all interims do NOT have benefits, perks, cars etc. Mr. Hart appeared overly interested in his own enrichment.
14. Mr. Hart in a meeting with some residents said that he would not be interested in a separate GM COP job and implied that he could not work under another supervisor. This may prove to be problematic as the board moves along to separate the positions and Mr. Hart would not be willing and able to take direction from another.
15. Mr. Hart quit before his contract was up. What would stop him from quitting again? An agency would provide better coverage and a process if the interim decided to leave.

In our view Mr. Hart is part of the problem of Kensington, not part of the solution.

Sincerely,

MarilynStollon

John Gaccione

David Bergen

Janice Kosel

Nicole Lepoutre-Baldocchi

Heather Conrad

Frances McCosker

Scott McCosker

Jenny Schaffell

Sandy Schaffell

Todd Grosvenor

Cathie Kosel

Lynn Wolter

From: Garen Corbett <glcorbett@gmail.com>
Sent: Thursday, December 15, 2016 5:57 PM
To: Lynn Wolter
Subject: Fwd: Please reconsider Kevin Hart for a temporary retiree role

For some reason this did not get in w the packet...

Sent from my iPhone

Begin forwarded message:

From: Garen Corbett <glcorbett@gmail.com>
Date: December 14, 2016 at 10:27:14 PM PST
To: rsherriswatt@kensingtoncalifornia.org, [Len Welsh <lwelsh@kensingtoncalifornia.org>](mailto:LenWelsh@kensingtoncalifornia.org),
enottoli@kensingtoncalifornia.org, shacaj@kensingtoncalifornia.org, [Vanessa Cordova <vcordova@kensingtoncalifornia.org>](mailto:VanessaCordova@kensingtoncalifornia.org)
Subject: Please reconsider Kevin Hart for a temporary retiree role

Dear KPPCSD Board Members:

Greetings and thank you for your service. I strongly urge the board to reconsider the vote it failed to take at the December regular meeting to rehire Kevin Hart. I think this is an essential opportunity to stabilize the

District

, ensuring that the Board can fulfill its mandate for considering future

alternatives

and make sound decisions

while fulfilling

our

complex responsibilities in the short

-

term. Essentially, I am asking that the agenda for the special meeting to be held this Saturday include a revisit of the issue and that the board vote to rehire Mr. Hart on a temporary basis (as a retiree) until the board can decide on the appropriate permanent action.

I became deeply engaged in our community affairs when the challenges experienced by

Chief/GM Harmon reached a

n unpalatable

crescendo. From that, I trust we have

all

learned the perils of not having sound, experienced, and competent leadership at the hel

m

. Hull is an important part of our police force, but the demands of this position outweigh his training and experience

, in my view

. Let's not repeat

a previous unfortunate
pattern

,

again.

Additionally, I
believe

that there are a myriad of legal, fiscal, personnel management issues not well-considered, which Pat Gillette has raised with the Board that deserve careful consideration.

Having spent a large amount of time over a year working with other community members on the Ad Hoc Committee, it would be most distressing to watch the Board make a rash and poorly considered decision. We do not need further needless distractions at this time. We need a window of stability to ensure that you can assess and consider

our findings, determine next steps, and engage the community on how to run our

P

olic

e

and recreation services with the highest possible levels of service, transparency, and efficiency.

Thank you for your prompt
re-
consideration. This is an important vote.

Best regards,
Garen Corbett
gcorbett@gmail.com
11 Camelot Ct

Lynn Wolter

From: David Bergen <dpbergen@gmail.com>
Sent: Thursday, December 15, 2016 8:15 PM
To: Rachelle Sherris-Watt; Eileen Nottoli; Sylvia Hacaj; Len Welsh; Vanessa Cordova
Cc: Lynn Wolter
Subject: An interim GM and COP

Members of the Board of the KPPCSD,

I do not believe that we should have Mr. Hart return to be the iGM/COP of the KPPCSD and KPD. The letter I signed, and has been sent to you, has all the reasons that lead me to this conclusion.

I think that Master Sergeant Hull is the perfect candidate for iCOP as he is the ranking officer on the KPD and has had the experience of acting as iCOP in the past.

I don't think he should be the iGM because that is not his expertise.

For the position of iGM, I suggest that you use the offices of the Public Management Group, <http://publiclawgroup.com/consulting/> to find us a real interim General manager with the expertise, background and experience necessary for this position. The KPPCSD has had a good relationship with the Public Law Group and thus using PMG for finding the right iGM should work well.

I thank you for considering my suggestions.

Lynn,

Please include this letter in the Agenda. Thank you.

(signed)

- David Bergen

Dear Counsel and Board Members:

As you consider how to fill the vacancy of the Interim GM/COP position, I hope you will ensure that the following legal and logistical issues are answered if you still intend on putting Ricky Hull into the position:

- Hull is currently a member of the bargaining unit of police officers. Will he have to remove himself from that unit? If so, what are the consequences to him and the District, if any?
 - And if this is only a position he will hold for a short term, what happens when that interim term ends? Will he go back to the bargaining unit? What happens with all of the confidential information he may have obtained while working in the Interim Position?
 - Isn't he in a conflict of interest position if he goes back and forth between being a bargaining unit employee and a supervisor?
- The police contract expires in December 2017 and new negotiations should start around February or March at the latest. As an existing bargaining unit employee and someone who might return to that position, it seems he is conflicted out of participating in the negotiations. So will we prohibit him from assisting with the contract negotiations, even though this would be part of his job as GM?
- As a police officer, he has certain rights regarding discipline and termination that prevent him from being an "at will" employee. If he becomes Interim GM/COP will he lose his rights under the union contract? What will his status be?
 - If he does not perform his duties as Interim GM in a satisfactory manner, and the board fires him, does he remain as COP?
 - If he doesn't perform well as the COP, would he be fired or would he return to the force? Does he have a right to return to the force if he accepts this interim position?
- If he is Interim GM/COP he will have access to all personnel records of his colleagues, which contain private and legally protected information about these men and women. Should that be allowed if he is only the Interim GM/COP and may eventually return to the rank and file when a new person(s) is hired? If not, how will you protect that information?
- Will he be paid separately for his COP v. his GM duties – and, as a rank and file police officer he is paid a wage based on a union contract and is entitled to overtime; as GM/COP he would be salaried exempt employee, not entitled to overtime. Will he give up his police officer rights on an interim basis?

- Will he be required to record his time for GM duties vs. COP duties?
- If he doesn't give up his police officer rights, will he be paid overtime if, for example, the only reason he is working overtime is because he is spending two hours working as a GM and then performing his police duties?
- What portion of his compensation will be "PERSable"?
- Does he meet the job requirements for the GM as set forth in the policy manual and posted job description (written by Rachelle)?
 - Does he have a degree of some sort?
 - Does he have any experience with budgets?
 - Does he know how to draft agendas?
 - What is his familiarity in dealing with issues relating to contracts, attorneys, etc.
 - Has he ever had to discipline an employee or initiate/conduct an investigation?
 - What is his experience dealing with citizen complaints? Does he has the right temperament to do so?
 - The community was informed by the Board and by Sky and Catya that Ricky is the subject of complaints for failure to perform his duties. He has previously been accused by Cathie Kosel of trying to kill her with his car. He has displayed volatile behavior in negotiations and in conversations with citizens. Is this the right person to put into this Interim position during this time of transition and disruption?

These are real issues that must be considered and resolved before this Board puts Ricky into this interim position, particularly since we have no idea how long this "interim" position will be necessary – it could be two months, it could be six months. It is not fair to the citizens of Kensington – or to Ricky – to move forward with this until these issues are fully resolved.

I just don't think it has to be this hard. I think the solution is obvious. Bring Hart back for a defined period of time, during which time you all can confirm that you want to separate the position, you can define the duties and post them properly, you can do an ordered search for the right person and hire him/her with Hart helping transition the person.. Despite the remarks made about Mr. Hart (many of which are not true or are exaggerated), his contract was extended by a majority vote earlier this year to at least February 2017. There was no indication that anyone intended to shorten that term. It was only because he resigned prematurely that his term wasn't finished. So why not maintain that status quo, give him the feedback we have received from the community regarding his performance, and maintain some semblance of order in our community and with our personnel until the new board has its feet on the ground and has

determined how to proceed in an orderly manner? We know that is what the majority of the police officers want, as set forth in their letter.

This board needs some stability right now, with an experienced and steady hand taking care of the administrative tasks that arise at the beginning of the year. To jeopardize that by appointing someone who is clearly not qualified to be the GM and may not have the temperament or the support of the officers to effectively serve as COP, is troubling and puts the board and the community in a precarious position.

I urge the Board to reconsider its decision regarding Hart. If you don't do that, then I ask that you be prepared to answer the questions set forth above before you go forward with any vote on any promotion of Ricky Hull to the interim GM/COP position.

Thank you for your consideration of these points.

Pat Gillette

Lynn Wolter

From: Charles Toombs <cet@mcinerney-dillon.com>
Sent: Sunday, December 18, 2016 2:42 PM
To: Len Welsh; Lynn Wolter
Subject: Fwd: KPPCSD- Economic costs of hiring MSgt. Hull- request for agenda item and discussion.

Please add this email to the agenda as well. It is strange when a member of the community asked for transparency from governmental agencies and is rebuffed in this fashion.

Chuck Toombs

Sent from my iPhone

Begin forwarded message:

From: Vanessa Cordova <vcordova@Kensingtoncalifornia.org>
Date: December 18, 2016 at 2:39:53 PM PST
To: Charles Toombs <cet@mcinerney-dillon.com>
Subject: Re: KPPCSD- Economic costs of hiring MSgt. Hull- request for agenda item and discussion.

Received; epic misstep.

Happy holidays,

Vanessa Cordova

Sent from my iPhone

On Dec 18, 2016, at 10:32 PM, Charles Toombs <cet@mcinerney-dillon.com> wrote:

Dear President Welsh:

I understand from accounts from yesterday's special meeting that the board voted to hire MSgt. Hull as iGM/ COP. What I do not know is how long the board expects him to hold this position.

Please consider this a formal request that the board be prepared to explain at January's regular board meeting as part of the formal discussion of his agreement, what the cost of his contract will be, what increased costs we will pay for CalPERS and any other applicable benefit costs associated with his salary increase for this position, and how much overtime the District will incur for hiring him and having to cover the missing shifts he would otherwise have covered with other officers. The latter comment assumes that it is the Board's intent to maintain at least the current coverage for our community which I assume to be the case. If my assumption is incorrect, please explain what coverage we as a community should expect.

Please also be prepared to explain what the aggregate cost for hiring MSgt. Hull will be compared to the costs the district was prepared to pay to Mr. Kyle, the individual who formerly occupied this position so your constituents can assess the real economic costs

incurred here with your decision.

Please also advise if you intend to hire another officer to fill in the ranks of the current force and restore it to a complement of at least 6 active duty officers plus MSgt. Hull as iGM/COP.

Please consider this a formal request for a complete economic analysis of this decision. I think it is crucial for the community to know just what this board committed to at its December 17 meeting and what that cost will be.

Please put this letter into the next board packet as well.

Thank you for your courtesies.

Chuck Toombs
Kensington, CA

The last meeting of the Board indicates why it is so important that we have an experienced general manager appointed immediately. Without pointing a finger at anyone, I think we can all agree that the meeting was disorganized, and accomplished little. Without administrative guidance, how could it have been otherwise?

When I started on the Board, the General Manager - Chief of Police, met with the new Board on a Saturday morning. He gave us a Board Book that contained information such as the policy and procedures manual, excerpts of laws that applied to the District, samples of various items such as agendas, and general information about our duties as directors.

Over the years one of the few things that former director Kosel and former director Gillette agreed upon was that the general manager should be split off from the chief of police position. The reasons given were many, but no one ever questioned that the general manager should be experienced in municipal governance, and that the District should be covered at all times by having a general manager in place. The last Board meeting evidenced what happens when there is no one as the chief executive officer in place: chaos. And I would like to think that chaos and disorder is not the objective of any one of the Directors on the Board.

Kevin Hart is experienced, and has served this District ably. He is willing, for whatever reason, to come back and serve on an interim basis as General Manager. Mr. Hart is familiar with every aspect of the District's governance, ranging from the handling of myriad day to day matters such as police complaints, citizen complaints, compliance with County, State and District laws and policies, administrative matters such as insurances, payroll, revenue compliance, routine and special personnel matters, and most important to you, with Board compliance. He has many, many years of experience in municipal governance, and specifically with respect to police procedures and compliance.

After this past election, we have heard various Directors and citizens call for the healing of our community. I urge you to move beyond personal bias you may hold in considering the re-appointment of Mr. Hart. If you hire back Mr. Hart as General Manager, you will have the coverage that the citizens of Kensington deserve, and the breathing room you need to go through the process of separating out the GM-COP role (which would require you to amend the policy manual) and recruiting for that role. Leaving the position open, or appointing anyone without the necessary administrative experience, is a breach of your duty to Kensington citizens. Such abandonment of your duties puts every taxpayer at risk of failure of public safety, and the competent governance they deserve on a continuous and daily basis.

Respectfully,

Linda Lipscomb

Lynn Wolter

From: Charles Toombs <cet@mcinerney-dillon.com>
Sent: Thursday, December 22, 2016 8:01 AM
To: Len Welsh GMail; Lynn Wolter
Subject: Calpers Cuts Investment Targets, Increasing Strain on Municipalities - NYTimes.com

I am sending along this article for your review. Perhaps you can place it in the next agenda packet with a request to the board to address how it intends to deal with this?

Thanks

Chuck Toombs

http://mobile.nytimes.com/2016/12/21/business/dealbook/california-calpers-pension-fund-investment.html?emc=edit_th_20161222&nl=todaysheadlines&nid=42655694&_r=0&referer=

Sent from my iPhone

Calpers Cuts Investment Targets, Increasing Strain on Municipalities



Officials with the California Public Employees' Retirement System, Calpers, at a meeting on Monday. The pension system's board voted Wednesday to cut projections for future investment returns.

JONATHAN J. COOPER / ASSOCIATED PRESS

By MARY WILLIAMS WALSH

DECEMBER 21, 2016

The board of California's state public pension system, Calpers, voted Wednesday to lower expectations for future investment returns, a step that will increase pressure on the budgets of towns and cities across the state.

Calpers, a giant with roughly \$300 billion in assets, has long been a bellwether among America's thousands of public pension funds because of its sheer size and influence in the investment industry. It manages the investments for more than 1.7 million current and future retirees, making it the nation's largest public fund outside the federal government. Calpers' move to lower its investment expectations is likely to prompt pension systems in other states to do the same.

29

“This is very monumental for the organization,” one trustee, Richard Costigan, said at a public meeting just before the vote.

With the move, Calpers is changing its business plan, so that investment returns will cover less of the cost of retirees’ pensions than previously. That will force local governments to pay more, either through higher taxes or reduced public services. Public workers in California will have to chip in more, too.

At the same time, the move has little chance of satisfying critics of public pension systems who have argued for years that the sector’s methodology is dangerously flawed — not just because many investment projections are overly optimistic, but also because pension plans use those projections to calculate their liabilities, violating basic economic principles.

Year in Search 2016

See what the world searched for.

Such critics, many of them economists, say that because public pensions are virtually risk-free for recipients, their values should be based on the returns of safe investments like Treasury securities, which have recently hovered around 2.5 percent for 10-year bonds. Calpers now uses Treasury rates only when a city wants to drop out of its system.

Under all other circumstances, Calpers currently assumes that its investment portfolio will return an average of 7.5 percent a year over the long term, and bills

30

its member governments accordingly. Its trustees agreed Wednesday to reduce that to 7 percent, phasing in the reduction over the next three years.

Many other state pension systems have even higher expectations, according to a [survey of 127 plans](#) by the National Association of State Retirement Administrators. Most were expecting to earn 7.5 percent to 8 percent over the long term. The second-largest group was counting on annual returns of 7 percent to 7.5 percent.

The differences may sound small, but just a slight reduction in the assumed rate drives up the cost sharply, because it is multiplied across decades and for thousands of retirees



contribute an additional \$2 billion a year for state workers, according to Eric Stern, a policy adviser for the California Department of Finance who briefed Calpers board members about the measure on Tuesday.

All public pension funds pool money and invest it in the hope that returns will cover most of the cost of retirees' benefits. But those costs are rising quickly now, as the baby boom generation retires, and investment returns have not nearly kept pace.

Even before the change takes effect, some cities in California have complained that their pension plans are too costly. Calpers bills them once a year for their share, assuming the investments will return 7.5 percent in the future. Calpers confirmed in a recent risk report that for some types of pensions — especially those for police — those bills are higher than ever before.

Some local governments say they simply cannot keep up, yet they are not allowed an easy exit from the system. Pensions thus played a prominent role in the municipal bankruptcies of Vallejo, Stockton and San Bernardino, with Calpers arguing that the cities could not lower their pension contributions or switch to less costly plans, even though companies routinely do so in bankruptcy. Those arguments prompted the judge in Stockton's bankruptcy case, Christopher Klein, to call Calpers "a bully" with "an iron fist."

The [waning California town of Loyalton](#) took matters into its own hands three years ago, voting to simply drop out of Calpers. In response, Calpers sent a bill for a hefty withdrawal payment; Loyalton said it was broke and could not pay.

In November, [Calpers responded](#) by cutting the pensions of each of Loyalton's four municipal retirees by 60 percent — the first time on record that Calpers had cut anyone's pension.

Marcia Fritz, president of the California Foundation for Fiscal Responsibility, said the additional pension costs might push more local governments over a fiscal cliff.

“The ones that are hurting the most are the small, non-volunteer fire districts in rural areas,” Ms. Fritz said.

PAID POST: DECISIONS



They lack a tax base big enough to cover the substantial cost of keeping firefighters on duty around the clock, she said. Some have been experimenting with other revenue sources but have not found a permanent fix, and rising pension costs could be their death knell.

Despite those concerns, Calpers board members decided they had no choice but to lower investment expectations. Outside advisers have been urging the system to do so for years. Its chief investment officer, Ted Eliopoulos, said last summer that investment returns for the previous year were close to zero, and that it would be a big challenge for Calpers to get through the next three to five years.

With rising numbers of retirees drawing their benefits, Mr. Eliopoulos said this week that he had been scaling back the risk level in Calpers' investment portfolio. Stocks — both domestic and global — had been reduced to 46 percent of the investment portfolio from 51 percent, for example.

Lowering risk, however, generally means lower returns as well.

RELATED COVERAGE

Breakingviews: California Employee Pension Will Consider Cutting Return Assumption
DEC 16, 2016

Official Took Bribes to Steer Pension Funds to Brokers, U.S. Says DEC 21, 2016



Renne Sloan Holtzman Sakai
Public Law Group®

555 Capitol Mall, Suite 600
Sacramento, CA 95814
t: 916.258.8800
f: 916.258.8801

December 22, 2016

ERICH W. SHINERS
(916) 258-8800
eshiners@rshslaw.com

Renee Ostrander, Chief
Employer Account Management Division
California Public Employees' Retirement System
P. O. Box 942709
Sacramento, CA 94229-2709

VIA U.S. MAIL

**Re: Administrative Appeal Hearing Request
Kensington Police Protection and Community Services District
December 6, 2016 Determination Re: Chief of Police/General Manager Position**

Dear Ms. Ostrander:

Pursuant to Government Code § 20134 and Title 2, California Code of Regulations, § 555.1, the Kensington Police Protection and Community Services District ("District") hereby requests an administrative hearing to appeal CalPERS' December 6, 2016, determination that the time the Chief of Police/General Manager spends performing General Manager duties is not reportable under the District's CalPERS contract.

The District believes CalPERS erred because it interpreted Government Code § 20429 to require that 100% of the position's duties must be active law enforcement for the position to be entitled to full safety retirement. This interpretation ignores the plain language of the Code section.

Government Code § 20429 provides safety member retirement benefits to a "local police officer" "who is a peace officer as defined in the Penal Code and whose *principal duties* consist of active law enforcement."¹ (Emphasis added.) "The primary dictionary definition of 'principal' is 'First or highest in rank or importance; that is at the head of all the rest; of the greatest account or value; foremost[.]'" (*City of Oakland v. Public Employees' Retirement System* (2002) 95 Cal.App.4th 29, 59, quoting 8 Oxford English Dict. (1933) p. 1373, col. (2).) By its plain language, Government Code § 20429 necessarily contemplates that the position may have other, lesser duties that are not "active law enforcement," and that those duties do not disqualify the employee from full safety retirement. That is the case here.

¹ "Active law enforcement" means "law enforcement services normally performed by policemen. As the Attorney General has suggested, it means the active enforcement and suppression of crimes and the arrest and detention of criminals." (*Crumpler v. Board of Administration* (1973) 32 Cal.App.3d 567, 578, citing 22 Ops.Cal.Atty.Gen. 227, 229 (1953).)



Renee Ostrander, Chief
December 22, 2016
Page 2

The Chief of Police/General Manager must be a sworn police officer under Penal Code section 832, and has ultimate responsibility for policy, operations, and discipline within the District's police department. In addition to the COP/GM, the department currently consists of nine (9) sworn police officers and one part-time non-sworn employee who provides support services to the sworn officers. The COP/GM is on call 24 hours a day to respond to police emergencies. While on duty he wears a police uniform, carries a firearm, and drives a police vehicle. The COP/GM spends approximately 40% of his time in the field performing police work.

Like most police chiefs, the COP/GM performs management functions, primarily related to the police department. He also oversees contracts for waste management and parks and recreation services provided by outside vendors. Additionally, the COP/GM performs various management functions such as preparing the District's annual budget and representing the District at public meetings.

The COP/GM's duties are similar to those in *Feliciano v. Board of Administration* (1991) 1 Cal.App.4th 143. Feliciano was the Director of Police and Safety for the Los Angeles County Housing Authority. He oversaw "a full-service police department for the Housing Authority" but his role was "primarily managerial." (*Id.* at p. 145.) However, "he did on occasion wear a uniform, always carried a firearm, and was expected to respond to criminal incidents in a law enforcement capacity by taking control of the scene and directing other police officers, and by making arrests if necessary. He spent 35 to 40 percent of his time performing police work out in the field." (*Ibid.*) This was sufficient for Feliciano to be a "local policeman" under Government Code § 20020.7 (which was renumbered in 1995 to section 20429), thereby qualifying him for safety retirement benefits.

Similarly, in *City of Oakland v. Public Employees' Retirement System*, the court found that Airport Servicemen at Oakland International Airport were firefighters because their *principal duties* were to respond to fires, even though they did so only rarely. The fact that Servicemen spent most of their time fueling planes, inspecting runways, or performing other tasks that were not active fire suppression did not matter; their duty to drop whatever they were doing to respond to a fire was enough to make them firefighters entitled to safety retirement.

Here, the primary duty of the COP/GM is to respond to situations where active law enforcement is required. That he may be reviewing an invoice from the waste management contractor at the time he is called away to perform law enforcement duties does not render him a partial miscellaneous employee. Rather, consistent with *Feliciano* and *City of Oakland*, the fact that the COP/GM's *principal duties* consist of active law enforcement entitle him to 100% safety retirement.

In making a determination regarding entitlement to safety retirement benefits, CalPERS must look at the actual job duties, not the job title. (*Tuolumne County Deputy Sheriffs' Assn. v. Board of Administration* (1989) 209 Cal.App.3d 1236, 1241; *Boxx v. Board of Administration* (1980) 114 Cal.App.3d 79, 88.) CalPERS did not do that here, instead relying solely on the job title and job description of the COP/GM position. Once a full evidentiary record is made, it will



Renne Sloan Holtzman Sakai
Public Law Group™

Renee Ostrander, Chief
December 22, 2016
Page 3

become apparent that the principal duties of the position consist of active law enforcement, and thus the position is entitled to 100% safety retirement.

Please direct all further correspondence in this matter to me at the above address. I look forward to working toward a resolution of this matter.

Sincerely,

Erich W. Shiners
Attorney for Kensington Police Protection
and Community Services District



P.O. Box 942709 Sacramento, CA 94229-2709
888 CalPERS (or 888-225-7377)
TTY: (877) 249-7442 | Fax: (916) 795-4166
www.calpers.ca.gov

California Public Employees' Retirement System

January 6, 2017

Mr. Erich W. Shiners
555 Capitol Mall, Suite 600
Sacramento, CA 95814

Reply To: Unit 104
Refer To: CID 7381511111

Dear Mr. Shiners,

The California Public Employees' Retirement System (CalPERS) has received your letter of appeal dated December 22, 2016, regarding our membership determination for Mr. Gregory Harman's employment with the Kensington Community Services District.

The appeal will be reviewed and you will receive a notice concerning the scheduling of an administrative hearing on this subject.

CalPERS is committed to assisting our members and business partners in all matters within the scope of the statutory authority that is available to us. If you have any further questions, please contact us at (888) CalPERS (225-7377).

Sincerely,

A handwritten signature in black ink, appearing to read "Christina Rollins".

Christina Rollins, Manager
Member Management Section
Employer Account Management Division

Lynn Wolter

From: Richard Lyon <richardlyon1126@gmail.com>
Sent: Saturday, January 07, 2017 12:49 PM
To: Lynn Wolter; Eileen Nottoli
Subject: Fwd: Remote Participation by Directors

Lynn -

I would like to request that my letter to the board members re Remote Participation be included in the agenda packet for next week's regular meeting. Not sure if submissions have to be approved first by a board member, but Eileen has read it and would support its inclusion in the packet. Thanks.

Rich

----- Forwarded message -----

From: **Richard Lyon** <richardlyon1126@gmail.com>
Date: Thu, Jan 5, 2017 at 12:18 PM
Subject: Remote Participation by Directors
To: Rsherriswatt@kensingtoncalifornia.org, eileen.nottoli@kensingtoncalifornia.org,
lwelsh@kensingtoncalifornia.org, sylvia.hacaj@kensingtoncalifornia.org, vcordova@kensingtoncalifornia.org

I am writing to express my disagreement with a public comment at the end of the Special Meeting held on December 17, 2016, against allowing remote participation by absent Directors.

Instead, I urge the Board to continue its longstanding practice of making reasonable accommodation to allow remote participation by absent Directors at all Regular or Special Meetings, including Open and Closed Sessions.

The new Board has already committed to holding an additional Regular Meeting each month to deal with the urgent issues currently facing the community. It is inevitable that Directors may have to miss meetings, especially hastily-called Special or Emergency Meetings, due to illness, business or personal travel, scheduling conflicts, or other valid reasons, but are nevertheless willing and able to participate remotely by phone.

The Directors are, after all, unpaid volunteers who generously contribute considerable time and energy to fulfilling their duties. As our elected representatives, we are entitled to the benefit of their active participation to the fullest extent possible in all deliberations and votes taken by the Board.

While I agree that remote participation is not optimal, I reject any notion that face-to-face interaction with the audience and with other Board members is essential, or as suggested by some, that remote participation poses security concerns. I think we can rely on our Directors to take reasonable precautions to ensure privacy in the transmittal of confidential materials, and in participating in meetings by telephone, whether from their automobile, office, hotel or personal residence.

I, for one, wish to thank and commend Directors who cannot be present in person for their commitment of the extra time and effort to receive and review the agenda packets while away, and participate remotely in meetings, instead of just being marked as absent.

Office Report prepared by Kari Tindol, Director
Kensington Community Council Board Meeting
January 9th, 2017

KASEP

Winter KASEP registration happened in December 2016 and classes started on January 3rd, 2017. KCC offered 60 classes and 59 of them filled. Enrollment numbers are strong with 458 seats being filled. Out of the 14 kinder classes being offered, 13 of them are at maximum enrollment. Our newest class for 1st-3rd graders is "**Spanish Through Art & Play**" and it is also at maximum enrollment.

We are continuing to escort students to Neighborhood School after KASEP classes and this takes time away from administrative tasks. We make 3 trips a day up to NS (2:20, 3:40 & 5:00), all five days of the week, which totals 15 trips up the hill by two employees. We escort 145 students up to NS every week.

KCC Classes and Events

Jazzercise, Body Sculpting, Acrylic Artists and Tai Chi continue as class offerings for adults. Times and schedules of classes are listed in the monthly Outlook.

The Fall Fund Drive continued to receive donations throughout December. If you would still like to donate, please send your donation to:

KCC Fall Fund, 59 Arlington Ave, Kensington, CA 94707

KCC Administration

The Community Center was re-keyed on November 26th and there are now locks on the side rooms as well as the kitchen. Most of our teachers have now gone to KPPCSD to sign out new keys, but the side rooms automatically lock when they are closed. This is problematic when students need to go to the bathroom and inadvertently get locked out of their classrooms.

KCC Summer Camp

KCC Summer Camp 2017 planning has begun. KCC staff are scheduling the themed weeks, securing specialty teachers and reserving field trips. Summer Camp Brochures will be sent home at the end of February to Hilltop students and made available for viewing online by February 24th. Online camp registration is scheduled for Tuesday, February 28th.

KCC Summer Camp is for children entering first grade up to 6th grade as of Fall 2017. Camp hours are from 9:00am – 5:00pm with extended care available for families who need early morning or late afternoon coverage.

KCC Administrative

KCC Annual K-Group meeting is scheduled for Monday, January 9th at 7:30pm in Building E. Hilltop parent groups, Kensington Acting Police Chief Ricky Hull, as well as the various K-groups have been invited to attend.

The KCC Office will be closed Monday, January 16th in observance of Martin Luther King holiday.

January 2017

February 2017

January 2017

Su	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
Mo	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
Tu	19	20	21	22	23	24	25	26	27	28	29	30	31								
We	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
Th	19	20	21	22	23	24	25	26	27	28	29	30	31								
Fr	26	27	28	29	30	31															
Sa	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23

Su	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		
Mo	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31									
Tu	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31																
We	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31									
Th	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31																
Fr	22	23	24	25	26	27	28	29	30	31																							
Sa	29	30	31																														

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jan 1, 17	2 7:00pm KCC Mtg (CC3) 7:00pm Pack 82 (CCM)	3 7:00pm KMAC Mtg (CC3) 7:30pm Troop 100 (CCM)	4 7:00pm Meeting (CC3 or CCM)	5 7:15pm EBC (CC1)	6	7
8	9 6:00pm KPSC (CC3) 7:00pm Pack 82 (CCM) 7:30pm KARO Mtg (cc3)	10 7:30pm Troop 100 (CCM)	11 6:00pm GPFF (CCM) 7:00pm *KED Mtg (CC3)	12 6:00pm KPSCSD Mtg (CCM)	13	14
15	16 4:00pm Girl's Scout (CC1) 7:00pm Pack 82 (CCM)	17 7:30pm Troop 100 (CCM)	18	19 7:15pm EBC (CC1)	20	21 10:00am KPSC Presentation (CCM)
22 2:30pm CC Rental (CCM)	23 7:00pm Pack 82 (CCM) 7:30pm *KIC (CC3)	24 7:30pm Troop 100 (CCM)	25	26 4:00pm Kensington Police Department PG&E Gas and Electric training (Putnam) (217)	27	28 5:00pm Hilltop 6th Grade Dance (CCM)
29 9:00am CC Rental (CCM) 2:00pm CC Rental (CCM)	30 7:00pm Pack 82 (CCM)	31 4:00pm Kensington Police Department 7:00pm *KMAC (CC3) 7:00pm KMAC (CCM) 7:30pm Troop 100	Feb 1	2	3	4

February 2017

February 2017							March 2017						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
5	6	7	8	9	10	11	5	6	7	8	9	10	11
12	13	14	15	16	17	18	12	13	14	15	16	17	18
19	20	21	22	23	24	25	19	20	21	22	23	24	25
26	27	28					26	27	28	29	30	31	

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jan 29	30	31	Feb 1	2	3	4
				7:15pm EBC (CC1)	8:00am Kensington Hilltop Fundraiser (CCm)	
5	6	7	8	9	10	11
	7:00pm KCC Mtg (CC3) 7:00pm Pack 82 (CCM) 7:00pm KCC MTG (CCM)	7:30pm Troop 100 (CCM)	6:00pm GPFF (CCM) 7:00pm *KFD Mtg (CC3)	6:00pm KPPCSD Mtg (CCM)		
12	13	14	15	16	17	18
	6:00pm KPSC (CC3) 7:00pm Pack 82 (CCM) 7:30pm KARO Mtg (cc3)	7:30pm Troop 100 (CCM)		7:15pm EBC (CC1)		5:30pm CC Rental (CCM)
19	20	21	22	23	24	25
	4:00pm Girl's Scout (CC1) 7:00pm Pack 82 (CCM)	7:30pm Troop 100 (CCM)				
26	27	28	Mar 1	2	3	4
	7:00pm Pack 82 (CCM) 7:30pm *KIC (CC3)	7:00pm *KMAC (CC3) 7:00pm KMAC (CCM) 7:30pm Troop 100 (CCM)				

5

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

General Manager December 2016 Report

City Managers and Police Chiefs of San Pablo, El Cerrito, Kensington, Pinole and Hercules continue to meet and discuss the Consortium Records Management & Consolidated Communications Agreements. While the cities of San Pablo, Pinole, and Hercules remain as a Consortium, Kensington will move further into discussions with the Contra Costa Sheriff Department for CAD and the City of Albany to provide CAD/RMS services

During the month of January President Sherris-Watt and Vice President Nottoli and I met with Albany PD Chief McQuiston, while Vice President Nottoli and I met with Undersheriff Casten for preliminary discussions for CAD/RMS services.

Advanced System Group is waiting for a policy from the District to turn on Wi-Fi for the Kensington Community Center. As was previously reported, the total cost for the complete system cost over \$30,000.

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2017-03**

RESOLUTION OF THE KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICE DISTRICT TO AMEND POLICY #5010.10 OF THE DISTRICT'S POLICY AND PROCEDURES MANUAL TO CREATE INCLUDE A SECOND REGULAR MONTHLY MEETING OF THE BOARD OF DIRECTORS

BE IT RESOLVED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS AS FOLLOWS:

1. The Board of Directors hereby approves the amendment of Policy # 5010.10 of the District Policy and Procedures Manual Policy, to read as follows:

"5010.10 Regular meetings of the Board of Directors shall be held on the second and fourth Thursday of each calendar month at 7:30 p.m. in the Community Center, 59 Arlington Avenue, Kensington. The date, time and place of regular Board meetings shall be reconsidered annually at the annual organizational meeting of the Board."

PASSED AND ADOPTED by the Board of Directors of the Kensington Police Protection and Community Services District on _____, the ____ of _____ 2017 by the following vote:

AYES: ____

Rachelle Sherris-Watt

NOES: ____

Eileen Nottoli

ABSTAIN: ____

Len Welsh

Sylvia Hacaj

Vanessa Cordova

I HEREBY CERTIFY the foregoing resolution was duly and regularly adopted by the Board of Directors of the Kensington Police Protection and Community Services District at the regular meeting of the Board held on _____, the _____ day of _____, 2017.

District General Manager/Chief of Police

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2017-01**

RESOLUTION OF THE KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICE DISTRICT
AUTHORIZING THE INTERIM GENERAL MANAGER AND CHIEF OF POLICE OR HIS DESIGNEE TO ENTER
INTO NEGOTIATIONS WITH THE CITY OF ALBANY FOR THE PROVISION OF PUBLIC SAFETY DISPATCH AND
RECORDS' MANAGEMENT SERVICES

WHEREAS, the City of Richmond has communicated its intent not to renew the Consolidated
Communication Agreement; and

WHEREAS, the City of Albany has expressed an interest in providing public safety dispatching services
and public safety records' management services to the Kensington Police Protection and Community
Service District; and

WHEREAS, the Interim General Manager and Chief of Police will seek authorization from the Board
before entering into a contract with the City of Albany ; and

WHEREAS, the Interim General Manager and Chief of Police has identified the City of Albany as a
potential public safety dispatching vendor as well as a potential public safety records' management
vendor .

**NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE BOARD OF
DIRECTORS AS FOLLOWS:**

1. The Board of Directors hereby authorizes the Interim General Manager and Chief of Police, or
his designee, to enter into negotiations with the City of Albany for the provision of public safety
dispatching and records' management services.

PASSED AND ADOPTED by the Board of Directors of the Kensington Police Protection and Community
Services District on _____, the ____ of _____ 2017 by the following vote:

AYES: ____

Rachelle Sherris-Watt

NOES: ____

Eileen Nottoli

ABSTAIN: ____

Len Welsh

Sylvia Hacaj

Vanessa Cordova

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2017-01**

I HEREBY CERTIFY the foregoing resolution was duly and regularly adopted by the Board of Directors of the Kensington Police Protection and Community Services District at the regular meeting of the Board held on _____, the _____ day of _____, 2017.

District General Manager/Chief of Police

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2017-02**

RESOLUTION OF THE KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICE DISTRICT AUTHORIZING THE INTERIM GENERAL MANAGER AND CHIEF OF POLICE OR HIS DESIGNEE TO ENTER INTO NEGOTIATIONS WITH THE OFFICE OF THE SHERIFF OF CONTRA COSTA COUNTY, CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT AND COUNTY OF CONTRA COSTA FOR THE PROVISION OF PUBLIC SAFETY DISPATCH SERVICES

WHEREAS, the City of Richmond has communicated its intent not to renew the Consolidated Communication Agreement; and

WHEREAS, the Office of the Sheriff of Contra Costa County, Contra Costa County Fire Protection District and the County of Contra Costa have expressed an interest in providing public safety dispatching services to the Kensington Police Protection and Community Service District; and

WHEREAS, the Interim General Manager and Chief of Police will seek authorization from the Board before entering into a contract with the Sheriff of Contra Costa County, Contra Costa County Fire Protection District and the County of Contra Costa; and

WHEREAS, the Interim General Manager and Chief of Police has identified the Sheriff of Contra Costa County, Contra Costa County Fire Protection District and the County of Contra Costa a potential public safety dispatching vendor.

NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS AS FOLLOWS:

1. The Board of Directors hereby authorizes the Interim General Manager and Chief of Police, or his designee, to enter into negotiations with the Office of the Sheriff of Contra Costa County, Contra Costa County Fire Protection District and the County of Contra Costa for the provision of public safety dispatching services.

PASSED AND ADOPTED by the Board of Directors of the Kensington Police Protection and Community Services District on _____, the ____ of _____ 2017 by the following vote:

AYES: ____

Rachelle Sherris-Watt

NOES: ____

Eileen Nottoli

ABSTAIN: ____

Len Welsh

Sylvia Hacaj

Vanessa Cordova

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2017-02**

I HEREBY CERTIFY the foregoing resolution was duly and regularly adopted by the Board of Directors of the Kensington Police Protection and Community Services District at the regular meeting of the Board held on _____, the _____ day of _____, 2017.

District General Manager/Chief of Police



Kensington Police Protection and Community Services District

The Kensington Police Protection and Community Services District (KPPCSD) is seeking to create two positions serving under the direction the KPPCSD Board, that of a General Manager and a Chief of Police. These are at-will positions.

General Manager

Appoints, supervises, disciplines and dismisses the District's employees. This is to be consistent with directives established by the Board of Directors.

Supervises the District's facilities and oversees maintenance of capital assets.

Prepares the yearly operating budget and supervises the District's finances.

Maintains all District agreements and contracts.

Supervises preparation and distribution of all agendas.

Obtains and prepares District election material. Represents the District (as needed) at state, county and local public meetings.

Supervises maintenance of a yearly operating calendar.

Furnishes Board Directors with appropriate information need to conduct District meetings and execute their role in the KPPCSD.

Maintains excellent relationships with KPPCSD Attorneys and the KFPD General Manager and KFPD Chief.

Maintains professionalism, diplomacy, sensitivity and tact to communicate with community members, the media, Board and staff.

Prepares and submits all documents required by law and the Public Records Act, or other information in the public interest, to the public and/or appropriate agencies in the time required.

Oversees Kensington Park, its development, maintenance and repair of recreation facilities.

Coordinates with Kensington Community Council, as needed, and negotiates lease or rental agreements for KPPCSD facilities and property.

Supervises the implementation of the Solid Waste Contract. Responsible for communicating changes in rates and ensuring that the District meets State and local mandates regarding waste reduction and recycling.

Works with the Board to improve professional relationships, build morale and increase productivity and retention with sworn and non-sworn staff.

Chief of Police

Enforces laws and ordinances that come within the legal jurisdiction of the Kensington Police Department (KPD).

Directs, controls, coordinates and staffs all activities of the KPD for its continued and efficient operation.

Enforces the rules and regulations within the department, setting a standard of excellence.

Ensures the completion, maintenance and forwarding of reports and records as may be required by competent authority, local, state and federal law.

Sets objectives for the KPD, developing and administering procedures, rules and regulations for the successful function of the department.

Directs departmental training activities.

Controls personnel files, overseeing that they are secured and updated as mandated.

Completes annual performance evaluations of subordinates.

Keeps abreast of the state of the art police standards and brings them into policy, as deemed appropriate.

Manages staff resources with the confines of the collective bargaining agreement and budgetary restraints.

Patrols the service area of the KPD and other local agencies as needed.

Maintains cordial and mutually beneficial relationships with other public safety agencies.

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

ARTICLE VII SALARIES

The Board of Directors provides that an employee must be paid a salary within the range established for his or her classification. The District and the Association agree the District will compensate all members of the Association as follows:

There shall be no wage increase from July 1, 2014 through February 29, 2016. Effective the first pay period after March 1, 2016, all employees on active payroll shall receive a one-time lump sum payment of one-thousand dollars (\$1,000). The parties agree that this one-time bonus is not intended to compensate employees for any time worked in the past and or in the future and further agree that this bonus does not meet the criteria under California Code of Regulations 571(b) as reportable compensation for retirement purposes.

Effective the first pay period after March 1, 2016, salaries will be increased by 3.0%. Specifically, the monthly base wage rate salary schedule and compensation levels for the positions of Master Sergeant, Sergeant, Corporal, and Officer shall be:

	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
Master Sergeant	\$8,077.74	\$8,320.07	-----	-----	-----
Sergeant	\$7,039.61	\$7,321.19	\$7,540.83	\$7,842.47	-----
Corporal	\$6,977.23	-----	-----	-----	-----
Officer	\$5,516.98	\$5,820.42	\$6,140.54	\$6,478.27	\$6,840.42

Effective the first pay period after March 1, 2017, salaries will be increased 3.0%. Specifically, the monthly base wage rate salary schedule and compensation levels for the positions of Master Sergeant, Sergeant, Corporal, and Officer shall be:

Current MOU

	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
Master Sergeant	\$8,320.08	\$8,569.67	-----	-----	-----
Sergeant	\$7,250.80	\$7,540.82	\$7,767.05	\$8,077.75	-----
Corporal	\$7,186.55	-----	-----	-----	-----
Officer	\$5,682.49	\$5,995.03	\$6,324.76	\$6,672.62	\$7,045.63

A. Step Increases

1. Classification - Police Officers

- a. Step One: Minimum hiring rate.
- b. Step Two: Employees shall be eligible for advancement to Step Two upon completion of twelve, (12) months employment, affirmation by the Chief of Police that there has been satisfactory growth in the service value of the employee.
- c. Additional Steps: Employees shall be eligible for advancement to additional steps upon completion of one year at the previous step, affirmation by the Chief of Police that there has been satisfactory growth in the service value of the employee.

2. Classification - Sergeants

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

B. Hourly Rate of Pay

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

ARTICLE VIII OVERTIME

A. Overtime Policy - Definition

Overtime work for all employees, except as otherwise provided, shall be defined as any time worked beyond the normal working day or shift, or beyond the normal

	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
Master Sergeant	\$8,320.08	\$8,569.67	-----	-----	-----
Sergeant	\$7,250.80	\$7,540.82	\$7,767.05	\$8,077.75	-----
Corporal	\$7,186.55	-----	-----	-----	-----
Officer	\$5,682.49	\$5,995.03	\$6,324.76	\$6,672.62	\$7,045.63

A. Step Increases

1. Classification - Police Officers

- a. Step One: Minimum hiring rate.
- b. Step Two: Employees shall be eligible for advancement to Step Two upon completion of twelve, (12) months employment, affirmation by the Chief of Police that there has been satisfactory growth in the service value of the employee.
- c. Additional Steps: Employees shall be eligible for advancement to additional steps upon completion of one year at the previous step, affirmation by the Chief of Police that there has been satisfactory growth in the service value of the employee.

2. Classification - Sergeants

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

B. Hourly Rate of Pay

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

ARTICLE VIII OVERTIME

A. Overtime Policy - Definition

Overtime work for all employees, except as otherwise provided, shall be defined as any time worked beyond the normal working day or shift, or beyond the normal

APPENDIX A

JOB DESCRIPTION GENERAL MANAGER/CHIEF OF POLICE

GENERAL

The General Manager/Chief of Police (GM/COP) shall be responsible for all of the following:

- (a) The implementation of the policies established by the Board of Directors for the operation of the District.
- (b) The appointment, supervision, discipline, and dismissal of the District's employees, consistent with the employee relations system established by the Board of Directors.
- (c) The supervision of the District's facilities and services.
- (d) The supervision of the District's finances.

The GM/COP is appointed by and serves under the direction of the Kensington Police Protection and Community Services District (KPPCSD) Board of Directors. The KPPCSD is responsible for providing police services and solid waste and recycling collection services within the Kensington community, and for managing the Kensington Park and its facilities. General responsibilities for managing District affairs and particular responsibilities for managing the different areas of District business are described separately.

DISTRICT AFFAIRS

The GM/COP shall be responsible for preparing the District Budget and for negotiating and maintaining all District records, District agreements, and District contracts.

The GM/COP shall be responsible for obtaining and preparing District Election material, as needed, and develop a working relationship with State and County legislators and be prepared to introduce or support legislation that affects the District's ability to serve the community. The GM/COP shall represent the District at State, County, and local public meetings.

The GM/COP shall prepare agendas for District Meetings, prepare and furnish Board Directors with all the appropriate information needed for Directors to conduct District meetings, and maintain a calendar of required events throughout the year.

The GM/COP shall prepare and submit all documents required by law and the Public Records Act, or other information in the public interest, to the public and/or appropriate agencies in a timely fashion.

POLICE DEPARTMENT

Authority: The GM/COP is the chief executive officer of the department and the final departmental authority in all matters of policy, operations and discipline. He/she exercises all lawful powers of his/her office and issues such lawful orders as are necessary to assure the effective performance of the department.

Responsibilities: Through the GM/COP the department is responsible for the enforcement of laws and ordinances coming within its legal jurisdiction. The GM/COP is responsible for planning, directing, coordinating, controlling, training, and staffing all activities of the department for its continued and efficient operation, for the enforcement of rules and regulations within the department, for the completion and forwarding of such reports as may be required by competent authority and for the department's relations with Kensington citizens.

Functions: The GM/COP sets objectives for the department, makes plans, develops procedures, organizes and re-organizes, provides for staff and equipment, adopts rules and regulations for the administration of the department, sets policy, coordinates efforts and relationships, reports on departmental accomplishments, maintains public and employee relationships, develops the budget, directs departmental training activities, controls personnel files and investigates and properly disposes of citizen complaints regarding the actions of officers, performs annual performance evaluations of Sergeants, and provides direction to the department.

As circumstances require, the GM/COP shall also observe and investigate persons and situations which require attention that may affect enforcement of law or prevention of crime, perform miscellaneous services relative to public reports, testify in court, investigate crimes for the purpose of apprehension and prosecution of offenders and the recovery of stolen property.

SOLID WASTE HANDLING AND DISPOSAL

The KPPCSD provides services within the Kensington community to collect, transfer, and dispose of solid waste, and provide additional solid waste handling services, including, but not limited to, source reduction, recycling, and composting activities. The GM/COP shall supervise the solid waste handling programs within Kensington by working with the solid waste hauler, county staff, community members, and designated Board Directors on the implementation of the Solid Waste Contract. In addition, the GM/COP shall be responsible for providing information to the Board of Directors regarding possible rate changes and for ensuring the District meets State and local mandates regarding waste reduction and recycling.

PARK AND RECREATIONAL SERVICES

The KPPCSD is responsible for providing recreational services to the community through the ownership of the Kensington Park and its facilities. The Kensington Community Council (KCC), a non-profit volunteer organization, provides and manages recreation programs in the park.

The GM/COP shall be responsible for managing the Kensington Park and its facilities with the assistance of the Park Administrator and oversee park development, maintenance and repair of recreation facilities, coordinating with the KCC and its staff when necessary. The GM/COP shall work with designated members of the Board of Directors to negotiate the agreement between the KCC and the KPPCSD as needed and work with designated members of the Board of Directors to negotiate lease or rental agreements for KPPCSD facilities and property.

QUALIFICATIONS

The GM/COP shall be a sworn police officer under section 832 of the Penal Code and have at least a Bachelor's degree from an accredited college or university. A Master's degree is preferred. The GM/COP shall have at least five to seven years of progressive supervisory, command experience in a law enforcement agency and a California POST Supervisory Certificate or higher. If the GM/COP does not have the required California POST certifications at the time of hire, they shall be obtained within two years. The GM/COP shall have demonstrated managerial and community involvement experience.

Term Sheet Regarding Hull Interim GM/COP Employment

1. Term: December 17, 2016 through May 17, 2017
2. Annual salary and compensation:
 - a. Employee shall receive all cash components of pay provided under the KPOA MOU expiring 12/31/2017.
 - b. In addition, shall receive 15% over base wage provided under the KPOA MOU for Chief of Police duties.
 - c. In addition, shall receive 10% over base wage provided under the KPOA MOU for General Manager duties.
 - d. Employee shall continue to receive pension and contribute toward employee pension share as provided under the terms of the KPOA MOU.
 - e. In lieu of health benefits provided under the KPOA MOU, employee shall receive benefits through a cafeteria plan for the full amount less the \$85 per month contribution. Employee shall not be entitled to retiree health care benefits, provided, however, that employee shall be permitted to return to prior position before separation from District service, subject to certain exceptions.
3. Other Terms of Employment
 - a. Both the General Manager and Chief of Police positions serve at the pleasure of the KPPCSD Board of Directors.
 - b. It is expressly understood that the District is exploring the appointment of a General Manager. Should the District appoint a General Manager, at that time, employee shall not perform those duties and shall not be entitled to the additional compensation associated with the performance of those duties.
 - c. While serving as Chief of Police employee will be an FLSA exempt employee and shall not receive overtime compensation.

California Law Enforcement Job Opportunities: COP Positions Listed on POST, January 2017

Morro Bay

THE CITY ORGANIZATION Founded in 1870, Morro Bay began as a port to export local commodities. Today, Morro Bay is a general-law city that operates under the Council-Manager form of government. The 5-member City Council consists of the directly-elected Mayor, elected to a 2-year term, and four City Council Members elected to 4-year terms. Morro Bay enjoys a very engaged citizenry, with high voter turnouts and a high degree of input on items of community interest. Eight City departments provide a full-spectrum of municipal services to Morro Bay, including the Fire Department, Police Department, and a separate Harbor Department. THE POLICE DEPARTMENT The Morro Bay Police Department is a service-oriented agency that provides full-service policing to the City's citizens and its visitors. Operating with a \$3.5 million budget, the Morro Bay Police Department is staffed with 18 sworn officers and 3.75 FTEs support staff. The Chief oversees a sworn staff with 1 Commander, 4 Sergeants, 4 Senior Officers, 5 Officers, 2 Detectives, and 1 School Resource Officer. The Support Services Coordinator reports to the Chief and oversees 1.5 FTEs Records Clerks, a 0.75 FTEs Property Technician, and a 0.5 FTEs Training Coordinator. Augmenting the paid professional staff are a strong cadre of volunteers, drawing upon Morro Bay's robust community spirit.

LICENSE AND CERTIFICATION REQUIREMENTS Must obtain and/or maintain Peace Officer certification and requirements for the position of Chief of Police as required by the California Commission on Peace Officer Standards and Training (POST), and must complete the POST Executive course within 24 months of appointment. A valid California State Driver's License is required. COMPENSATION The salary for this at-will executive position will be \$124,248 to \$151,024 with placement within the range dependent upon qualifications. Additionally, the selected candidate will enjoy an excellent benefits package including CalPERS retirement (3% at 55 for "Classic" members and 2.7% at 57 for PEPRA). The employee contribution toward CalPERS is currently 9% for Classic Safety and 11.5% for PEPRA.

Willits

The City of Willits is known as the "Gateway to the Redwoods". Willits serves as a heart of Mendocino County, located within easy driving distance of redwood groves, the North Coast, wild rivers, and wilderness areas. The community maintains a friendly, family oriented atmosphere while offering the warmth and charm of small town America. The Willits Police Department is made up of 18 full time budgeted positions, serving a community of over 4,880 residents over approximately 3 square miles. A sense of pride and innovation permeates this community. Our commitment to integrity, honor and excellence through collaborative community partnerships promotes a high quality of life here in Willits.

Monthly Salary Range \$6,539.16 to \$7,948.39 Retirement Programs CalPERS Classic Safety 3%@ 50 PEPRA 2.7%@ 57 Plus: Vacation, Sick Leave, Management Comp Time, Floating Holidays, Paid Holidays, Medical Benefits, Dental Benefits, Life Insurance, and Uniform Allowance

Baldwin Park

Located roughly 20 miles east of Los Angeles and measuring less than seven square miles, the City of Baldwin Park can trace its origins back to the mid-1800s as a sleepy-town agricultural region. The City was part of cattle grazing land belonging to the San Gabriel mission, and in 1906 became known as Baldwin Park after wealthy landowner, Elias J. "Lucky" Baldwin. In 1956, the City was incorporated under the general laws of the State of California becoming the 47th incorporated city. Today, this suburb of more than 75,000 residents is considered the hub of the San Gabriel Valley and is the 24th largest city in the Los Angeles County.

The mission of the Baldwin Park Police Department is to provide law enforcement services in a fair and impartial manner in order to prevent crime and provide for the safety and welfare of the community. The Department is currently supported by 100 employees: 65 sworn staff, 26 non-sworn full-time employees, and 9 part-time employees. The command staff includes two Captains, four Lieutenants, and ten Sergeants.

Compensation Annual Salary: \$192,766 or starting salary will depend on qualifications, prior experience and skills. Retirement Participation in California Public Employees Retirement System (CalPERS) CalPERS Retirement Plan: 3% @ 50 for classic or 2.7% @ 57 for PEPRA, depending on member status. CalPERS employee contribution: 9% for classic members or 11.5% for PEPRA members. Health/Life Group life, medical, dental, vision and long term disability insurance programs are provided. Insurance \$1,700.00 per month for Health and Dental insurance, excess may be received as taxable income, or may be placed in our deferred compensation program. \$34.05 per month for Vision insurance \$100,000 Group term life insurance/AD&D Additional Pay Phone allowance of \$100/mo., vehicle allowance of \$400/mo., Administrative Leave of 72 hours per fiscal year, and City contributes \$100.00 per month into a City sponsored deferred compensation plan of employee's choice. Group Executive Management/Contract At-will Retiree Health CalPERS Health contribution of single party coverage based upon the employee's years of service with the City Work Week 4/10 Work Schedule Leaves Vacation: Employees initially accrue 96 hours per year. Hours increase based on length of service. Sick: Employees accrue 96 hours per year. All City employees are eligible to participate in the Sick Leave Incentive Program. Holiday: 9 fixed holidays per year, plus 20 floating holiday leave hours.

California Horse Racing Board

SALARY: \$6,647.00 – \$9,555.00 EXTENDED FINAL FILING DATE: JANUARY 12, 2017 DEPARTMENT INFORMATION The California Horse Racing Board (CHRB) regulates all horse racing meetings in California where pari-mutuel wagering is conducted. The CHRB is responsible for generating public revenue, and providing uniform regulations for each type of horse racing. The CHRB also administers and enforces all laws and regulations affecting horse racing and pari-mutuel wagering adjudicates controversies arising from enforcement of these laws and licenses of the various racing associations.

POSITION DESCRIPTION The Chief, Enforcement and Licensing is a peace officer position.

Fullerton

The City of Fullerton, CA (population 140,000) is a dynamic city with a vibrant downtown located in Orange County, approximately 25 miles southeast of downtown Los Angeles and 11 miles northwest of Santa Ana. The City is now seeking a strong, steady, and experienced leader to serve as its next Chief of Police. Under general administrative direction of the City Manager, the Chief of Police is responsible for all activities of the Police Department, which is charged with the enforcement of laws and regulations and the provision of around-the-clock protection of lives and property. The successful candidate must possess a Bachelor's degree from an accredited four-year college or university in Police Science, Law, Management, Business Administration, Public Administration, or a related field, and have eight (8) years of recent, continuous, progressively responsible municipal police service experience, including three (3) years at the Captain level in an organization comparable to Fullerton in terms of the scope of activity. A master's degree or some completed graduate level coursework in a related field is preferred. Possession of a Peace Officers Standards and Training (POST) Management Certificate is required, as is a valid Class C California Driver's License and acceptable driving record at time of appointment and throughout employment in this position. Candidates must be able to work flexible and extended hours to accommodate City needs and must successfully pass a POST pre-employment screening process. The City of Fullerton's Conflict of Interest Code requires that the Chief of Police file financial disclosure statements in accordance with state and local laws. The current salary range for this terrific opportunity is up to \$206,779 with a control point of \$172,316, and is supplemented by a competitive benefits package

Application to Serve on a Standing Committee or Group of the KPPCSD Board

Please Return Applications to, Attn: Rachelle Sherris-Watt, 217 Arlington Avenue, Kensington 94708, or via email rsherriswatt@kensingtoncalifornia.org no later than January 25, 2017.

The Kensington Police Protection and Community Services District has several Standing Committees/Groups that may be assigned to review District functions, activities and/or operations pertaining to their designated concerns. The Board committees are legislative bodies that must conduct their business under the requirements of the Brown Act. These committees are requested to meet no less than once a quarter to attend to District business.

Appointment of committee members is made in January. It is the desire of the Board President of 2017 to have community members serve on only one committee and that each committee consist of no more than 5 members of the public with a maximum of two Board members.

The standing committees of the Board are: **Solid Waste, Emergency Preparedness and Finance.**

Board Coordinators oversee groups of citizens who are concerned with the following: **Park Funding, Park Planning and Recreation, Community Outreach, Public Safety Building.**

Name:

Contact Email:

Committee/Group Appointment Preferred (list up to 3):

Relevant Experience:

****This is a public document.**

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

POLICY MANUAL

POLICY TITLE: Committees and Coordinators of the Board of Directors
POLICY NUMBER: 4060

4060.1 Standing Committees and Coordinators

The Board President shall appoint and publicly announce the members of the standing committees and Board Coordinators for the ensuing year no later than the Board's regular meeting in January.

4060.1.1 Board committees that are legislative bodies as defined by the Brown Act must meet the open meeting requirements of the Brown Act. If any language of this District policy conflicts with the Brown Act, the requirements of the Brown Act take precedence. For more information about what constitutes a legislative body as defined by the Brown Act (see California Government Code Sections 54950 through 54963).

4060.1.2 Committees of the Board of Directors shall consist of:

- A. Members of the Board.
- B. Members of the Kensington community where deemed appropriate by a majority vote of the Board.

4060.1.3 Coordinators shall be Board Members.

4060.2 The Board's standing committees may be assigned to review District functions, activities, and/or operations pertaining to their designated concerns, as specified below. Said assignment may be made by the Board president, a majority vote of the Board, or on the initiative of the committee. Any recommendations resulting from said review should be submitted to the Board via a written or oral report.

4060.3 Standing Committees of the Board

Emergency Preparedness Committee;
Solid Waste Committee;
Finance Committee;

- 4060.3.1 The Board's standing Emergency Preparedness Committee shall be concerned with the development of a community emergency preparedness plan in cooperation with Kensington Fire Protection District.
- 4060.3.2 The Board's standing Solid Waste Committee shall be concerned with the implementation of the solid waste/recycling contract and ensuring that it meets State and Local mandates.
- 4060.3.3 The Board's standing Finance Committee shall be concerned with the financial management of the District, including recommendations on the annual budget and major expenditures, investment policies, long-range planning, and comments and commendations regarding the annual audit and certified public accountant.
- 4060.4 The Board's Coordinators may be assigned to review District functions, activities, and/or operations pertaining to their designated concerns, as specified below. Said assignment may be made by the Board President or a majority vote of the Board, or on his or her own initiative. Any recommendations resulting from such review should be submitted to the Board via a written or oral report.

4060.5 Board Coordinators

Finance and Administration;
 Intergovernmental/External Issues;
 District Policies and Procedures;
 Public Safety Building
 Park Planning and Recreation; and
 Park Funding
 Community Outreach

- 4060.5.1 The Board Coordinator for Finance and Administration shall be concerned with the financial management of the District and serve as chair of the standing Finance Committee.
- 4060.5.2 The Board Coordinator for Intergovernmental/External Issues shall be concerned with new laws and legislation affecting the District and liaison with other governmental and legislative bodies.
- 4060.5.3 The Board Coordinator for District Policies and Procedures shall be responsible for developing and proposing updates to the District's Policy Manual and for proposing and reviewing policies for usage of the Kensington Park.
- 4060.5.4 The Board Coordinator for the Public Safety Building shall be responsible for negotiating and overseeing the long-term lease agreement with the Kensington Fire District.

- 4060.5.5 The Board Coordinator for Park Planning and Recreation shall be concerned with monitoring the maintenance of the Park property, coordinating with other organizations responsible for recreational activities in the Park, and developing plans for future development of the park property.
- 4060.5.6 The Board Coordinator for Park Funding shall be concerned with coordinating fund-raising programs for further development of the park.
- 4060.5.7 The Board Coordinator for Community Outreach shall work with the General Manager to promote community awareness.

4060.6 Ad Hoc Committees

The Board President shall appoint ad hoc committees as may be deemed necessary or advisable by himself/herself or the Board. The duties of an ad hoc committee shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made.