

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

AGENDA

A Closed Session of the Board of Directors of the Kensington Police Protection and Community Services District will be held **Thursday, February 9, 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, February 9, 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 Government Code Section 54957(b)(1). Four items.
- b. CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION: The Board will be briefed on matters involving significant exposure to litigation pursuant to Government Code Section 54956.9(e). Four items.

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

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 are 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) Minutes of the Special Meeting of December 8, 2016, 2017 Pg. 3
- b) Minutes of the Special Meeting of December 17, 2016 Pg. 21
- c) Minutes of the Special Meeting of January 4, 2017 Pg. 36

- d) Unaudited Profit & Loss Budget Performance Report January 2017 Pg. 38
- e) Park Revenue and Expenses Report January 2017 Pg. 44
- f) KPD Monthly and Statistics Report Pg. 48
- g) Board Member Reports - None
- h) Training/reimbursement Report - None
- i) Correspondence Pg. 56
- j) KCC Report Pg. 77
- k) Monthly Calendar Pg. 78
- l) General Managers Report. Pg. 80
- m) 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. 81
- n) Adoption of Resolution 2017-05 to Commence Employer Paid Member Contributions. Pg. 82
- o) Approval of 2017 District Meeting Calendar. Pg. 83

7. New Business

- a. The Board will review and consider approval of an Employment Agreement between the District and Rickey L. Hull, setting the compensation, terms and conditions of his temporary employment as Interim General Manager/Chief of Police. Pg. 85. Action Item.
- b. The Board will review and consider Resolution 2017-06 to amend Appendix A of Policy #2000 of the District Policy and Procedure Manual to create job descriptions for: i) District Chief of Police; and ii) District General Manager and will direct staff to conform implementing policies (Policy #2000.25) to reflect these two separate job descriptions. Page. 92. Action Item.
- c. Adoption of Resolution 2017-07 Authorizing the Investment of Monies in the Local Agency Investment Fund. Pg. 94
- d. President Sherris-Watt will announce District committee appointments. Information only.

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:

Interim General Manager/ Chief of Police Rickey Hull, 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.

Meeting Minutes for 12/8/16

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday, December 8, 2016, at 6:00 P.M., at the Community Center, 59 Arlington Ave., Kensington, California. A Regular Meeting (Open Session) followed.

ATTENDEES

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Len Welsh, President	Amara Morrison
Rachelle Sherris-Watt, Vice President	Doug Wilson
Vanessa Cordova, Director (until 9:45 PM)	Bill Glass
Sylvia Hacaj, Director	Farhat Daud
Eileen Nottoli, Director	Mabry Benson
	A. Stevens Delk
	Celia Concus
	Ciara Wood
<u>Staff Members</u>	Skye Dent
Lynn Wolter, District Administrator	Karl Kruger
	Linda Lipscomb
<u>Press</u>	Chris Hafner
Linnea Due	Nick Beaucage
	Lisa Caronna
	Ron Wiselman
	Pat Gillette
	Larry Nagel
	Melissa Holmes-Snyder
	Jim Watt
	Frank Lossy
	Catherine de Neergaard
	David Bergen
	John Gaccione
	Leonard Schwartzburd

At 5:51 P.M., President Welsh swore in newly elected Directors Sylvia Hacaj and Eileen Nottoli. Both Directors took and then signed their oaths of office.

President Welsh called the meeting to order at 5:57 P.M. President Welsh, Vice President Sherris-Watt, Director Nottoli, Director Hacaj, and District Administrator Wolter were present. Director Cordova participated by phone from Italy for the Closed Session and for part of the Open Session.

CLOSED SESSION

The Board entered into Closed Session at 5:58 P.M.

- a. Conference with legal counsel – anticipated litigation: The Board was briefed on matters

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involving significant exposure to litigation pursuant to California Government Code Section 54956.9(d)(2).

- b. Public employee employment, discipline, or dismissal. The board was briefed on personnel matters pursuant to Government Code Section 54957(b)(2).

The Board returned to Open Session at 7:42 P.M.

President Welsh took roll call. President Welsh, Vice President Sherris-Watt, Director Hacaj, and Director Nottoli were present. President Welsh reported that Director Cordova was participating by phone.

President Welsh reported that, with respect to Item 2a, the matter the Board had discussed involved CalPERS and the District's practice, in which it had engaged since it first had a joint GM/COP, of pensioning out 100% of that position. He explained that CalPERS disagreed with this practice that it thought the GM portion of the position should not be pensionable. He said that, at this point, the District would be looking for an extension of time to appeal or to agree with CalPERS' decision.

President Welsh reported that, with respect to Item 2b, there had been a complaint against Master Sergeant Rickey Hull, which the Board would be asking an independent investigator to investigate.

President Welsh introduced Amara Morrison, the District's new general counsel, and welcomed the new Directors, Sylvia Hacaj and Eileen Nottoli. He reported that they had been sworn in prior to the Closed Session.

PUBLIC COMMENTS

Mabry Benson welcomed the old and new Board members. She said Board members had been texting a lot during Board meetings and that this was rude and a distraction. She said that meetings were conducted under the Brown Act, and thus, all discourse should be public. She also questioned why the letter from the Kensington Police Officers Association had been posted on the District's website and said that this organization had no special standing with respect to District business and that it should not be posted.

Officer Doug Wilson, Vice President of the Kensington Police Officers Association (KPOA), read a letter written by that organization on November 29th. He explained that, when the organization had written the letter, it had been with the understanding that the outgoing Board would be taking up the GM/COP issue because of the ensuing two-week gap between then and when the new Board would be seated. He said the KPOA had been concerned because there appeared to be no Board that could vote, no General Manager, and no Chief. Therefore, he said the employees thought they should speak up ask for someone to step into the position as soon as possible. He explained that the KPOA had agreed that, if the "old" Board hadn't taken action, the letter should be read to the "new" Board. President Welsh noted that this was an item on the agenda and so should be read later, but, because Officer Wilson needed to return home promptly, President Welsh made an exception and allowed Officer Wilson to proceed. The letter made the following points:

- There needed to be competent and knowledgeable leadership at the top of the organization.
- The KPOA voted unanimously to urge the KPPCSD Board to take immediate action to fill the GM/COP position.
- The Board should select someone who could transition into the position as quickly and seamlessly as possible, especially because of the impending critical issues needing attention.
- Kevin Hart was intimately acquainted with the District's current projects, personnel, and community.
- The KPPCSD would soon need to find a replacement for the Richmond Dispatch Center, complete the fiscal year audit, and develop the 2017-18 budget; would need to complete

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unfinished disciplinary actions; would need to complete the transition to the new firearms; and new Directors would need time to get "up to speed."

- Former IGM/COP Hart was willing and able to return as IGM/COP.
- The KPOA had not always agreed with every one of IGM/COP Hart's actions but did support his leadership.
- The KPOA believed in IGM/COP Hart's leadership, experience, and intimate knowledge to meet the challenges ahead.
- The KPOA respectfully requested that the KPPCSD Board take immediate action to appoint Kevin Hart to the position of IGM/COP.

Officer Wilson concluded by thanking the Board.

A. Stevens Delk said she wanted to correct something in the minutes of 10/31/16 meeting, a meeting at which the acoustics had poor and likely had resulted in her comment having been misunderstood. She said the minutes stated that, with respect to the 60% - 40% GM/COP split as indicated by the job posting, this correlated to a time split. In fact, she noted she had actually said that this didn't mean that the time was actually split that way. She congratulated Directors Hacaj and Nottoli, whom, she said, had been elected by an impressive 2/3 vote. She noted that the Board minority still had rights and that she hoped the majority would respectfully listen to and consider what the minority said. She noted that, during their campaigns, Directors Hacaj and Nottoli had said they had hoped to resolve key issues facing the District through change, trust, and by working to reach consensus. She said she would do what she could to assist the Board.

With respect to the KPOA letter just read into the record, Celia Concus said that she had privately asked Officer Wilson how many officers had constituted a unanimous vote of the KPOA and that Officer Wilson had responded it had been unanimous among the six officers who had been in attendance. She said the vote had not been unanimous of all the police officers.

Ron Wiselman asked why the Board wanted to spend money to fight CalPERS. President Welsh asked Mr. Wiselman to save his comments for later, as this was an agenda item.

BOARD COMMENTS

President Welsh welcomed the new Directors and said he agreed with Dr. Delk's comment that the Board should work at building consensus.

Director Nottoli said that, a year earlier, she could not have imagined herself serving on the Board and that her presence reflected the community's desire for a new beginning. She said her interest began with an interest in addressing the District's finances so that enjoyment of community could continue. She said the community was fortunate because there were so many who were interested in working for the betterment of Kensington. She noted that the work of the K-groups was invaluable and had enriched the community and that she looked forward to working with those groups and the community to improve the Community Center and to strengthen the KPPCSD. She concluded by thanking the community for its support.

Director Hacaj said that she, too, could not have imagined herself as a Director a year ago and that she had concluded she had something to offer to the community. She said she appreciated the community's support in giving her the opportunity to serve and Linda Lipscomb's comments, made at the prior Board meeting, welcoming the new Directors to the Board. She also noted that residents had expressed to her their support and their desire for change in the tenor and the manner in which the Board addressed District business. She pledged to do her best for the community. She concluded by thanking the community for its interest in the District affairs.

Vice President Sherris-Watt said that she, too, wanted to welcome the new Directors and that she was delighted that Amara Morrison, the District's new legal counsel, was present. She noted that she hoped the District would become less contentious. She said that, later in the evening, the Board would be

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hearing from the architects the Park Buildings Committee had selected to recommend to the Board. She said she also wanted to present notecards of Kensington landmarks, which had been prepared for the District by Kensington graphic designer Camden Richards and printed at no charge by Zip Code East Bay real estate firm. She said these would be sold as a fundraiser for the Community Center, and she thanked Mr. Richards and the real estate firm for underwriting this project. She asked if Jim Watt could set up the projector for the architect's presentation, and she apologized for not getting this done before the meeting began.

Director Cordova welcomed the new Directors, with a great amount of respect and enthusiasm. She said that they were very generous with the talent and time, that they were two of the kindest women she'd ever met, that she looked forward to working with them, and that she looked forward to continuing to work with President Welsh and Vice President Sherris-Watt.

STAFF COMMENTS

On behalf of District staff, District Administrator Wolter welcomed the new Directors. She reported that:

- The December 15th payroll process was almost complete and that the Transmittal Form would be ready for signatures Monday morning and that the schedule indicated that President Welsh and Director Cordova were to sign but that, with Director Cordova out of the county, a substitute would be needed. She said that the two new Directors had expressed an interest in learning how the payroll process worked and that she would be happy to provide that at any time.
- She had spoken with Steven Chang about the audit, that he had indicated it would be done within a couple of weeks, and that the Finance Committee should review the document, once completed.
- She had been in contact with Nicolay regarding the OPEB actuarial report and that the report was almost done. She said that, as with the financial audit, the Finance Committee should review it upon completion.
- Prior to the start of the meeting, she had distributed the new Budget Policy, which the Board had revised, by resolution, in February. She noted that the budget process would begin in February and that the budget should be ready for the Finance Committee to review soon thereafter.
- For the past few weeks, Consultant Robin Gonzales had been working with Police Services Specialist Andrea Di Napoli on the property room. She reported that, during that time, guns, ammunition, and narcotics had been properly purged and destroyed. She reported that all cash, which amounted to \$1,540, had been processed and deposited in the property room account, which now had a total of \$4,375, and that this money would be used to purchase needed items, such as refrigerators and storage bins, for the property room.
- Fleet maintenance officer, Rodney Martinez, had let her know that the 2002 white SUV, which had 60,000 miles, should be replaced and that, in the prior month the transmission on another vehicle, which also had 60,000 miles, had had to be replaced at a cost of about \$4,000. She encouraged the Board to bear this in mind when considering whether to purchase a new car.
- The moveable digital radar speed signs should be installed within the week, that Franciscan and Kenyon would be the first locations, and that future locations would be on the Arlington and Highland.
- The stationary "Entering Kensington" signs should be installed within the week.
- Within the next month, the District would need to decide with which agency it would contract for dispatch and records management services and that this decision would be driven by the IGM/COP. She said this was a very important task.
- At the Board's January meeting, staff would provide the Board with a mid-year budget review.

Director Nottoli asked that a copy of this report be sent to the Directors by email. District Administrator Wolter responded that she would do so.

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President Welsh said he wanted to thank District Administrator Wolter because she had been doing a good job of "keeping all the balls in the air" while the District had been without a GM/COP. He noted that she had been doing a lot of this work even before the District had been without a GM/COP. He thanked her for the tremendous amount of extra effort she had put forth during the prior month.

Director Hacaj asked why the dispatch decision needed to be made in the next month. District Administrator Wolter responded that it was because legal documents would need to be prepared and personnel would need to be put in place. She reported that Richmond would stop providing service on July 1st. President Welsh noted that this could be a costly item.

President Welsh said he wanted to take agenda item 8e first: A presentation by Glass Associates.

NEW BUSINESS

8e. The Board received a presentation by Glass Associates, Inc. regarding their proposal to provide services for the Kensington Community Center remodel. Vice President Sherris-Watt presented the recommendation of the Park Buildings Committee that the KPPCSD enter into contract with Glass Associates, Inc. for completion of the terms set forth in the RFP dated July 2016.

President Welsh asked if the projector would need been set up. Vice President Sherris-Watt responded in the affirmative.

About fifteen minutes later, it was ascertained that the audio-visual equipment needed for the presentation wasn't working properly, so the presentation proceeded without it.

Vice President Sherris-Watt reported that the Park Buildings Committee had been working for the past year-and-a-half and had been engaged in a good process. She said that, in July, an RFP had been prepared seeking proposals for completion of architectural drawings and construction documents for improvements to the Community Center. She noted that the RFP had included the seismic analysis that had been done on the building, the ADA analysis, and excerpts from previous reports that had been done primarily by Muller Caulfield. She said that, on October 5th, the Park Buildings Committee had received five presentations and that, from those presentations, the Committee had recommended unanimously to present Glass Associates to the Board. She introduced architects William Glass, Farhat Doud, and Virginia Rice.

Farhat Doud said some members of Glass Associates' had more than forty years of experience completing diverse projects in the Bay Area. She said the firm was a small one but had been able to handle large jobs, such as buildings on the Berkeley campus. She noted that the firm had done a lot of public projects. William (Bill) Glass said that the firm had completed both small and extensive projects and that, in particular, the firm had a lot of experience with publicly bid projects. He said he knew there was a lot of concern about the cost of the project and that the firm's expectation was that it would be designing a project that would be more expensive than the project the District was expecting to have. He said the firm would need to help the District prioritize the aspects of the project that would be possible now and the aspects that would need to be addressed later. He said that the program outlined probably could not be accomplished with the budget indicated because, once work began on the building, other things would come into play such as the energy code. He said that his firm was familiar with the public bid process and how to structure it so that a client would get the most out of what it wanted to spend and that the firm could control cost in that fashion. He said the firm had revised its proposal to include a cost consultant to provide a professionally executed cost estimate.

Ms. Doud spoke about the firm's strengths, such as its broad experience working with a variety of community groups.

Vice President Sherris-Watt said that she had never voted on a recommendation for architects and that she would not be voting at this meeting. She said her committee felt that Glass Associates was able to

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listen to disparate voices and to synthesize various concerns. She said that the firm was proposing three alternates within the request for proposal, knowing that all of them couldn't be funded but wanting to know what the costs would be. She said that there was a tight time schedule because of the WW funds and that this firm would be able to keep the project on track. She noted the firm had extensive knowledge of the codes and of the Community Center.

Mr. Glass noted that Ms. Doud was a Kensington resident and was familiar with the building. He invited the community to visit the firm's website to learn about its projects. He noted that the firm had a history of sustainable design and that this was part of its normal work. He said the firm performed work that ran the gamut of single-family residences to larger projects and that, for a project like the Community Center, someone would be making decisions for the community. A member of the public asked if the slides that the firm had intended to show as part of its presentation could be placed on the District's website. Mr. Glass responded in the affirmative.

Mr. Glass said that, when seismic upgrades, kitchen modifications or other minor modifications were made to the building, it would trigger a realm of other things. He said that, with the Community Center being a building that serves the public, the District was obligated to meet certain accessibility codes: specifically the path of travel had to be ADA compliant all the way from the entry point of the site to where the work was being done. He said this meant that the non-compliant parking space would need to be rebuilt so it had only a 2% cross-slope and that the entry to the front door would also have to meet the 2% cross-slope requirement. He said that all these kinds of things would add unexpected cost of the project. He clarified that, once the building was touched, the District would be obligated to meet current energy code; thus, all the lighting likely would have to be upgraded to high efficacy lighting with new controls and that this, too, would add to the cost of the project. He noted that, although the firm would not try to get to a LEED-radiant level, it would need to meet energy codes, which would require work to be done to the envelope. He noted that work done to the west side of the building would trigger other requirements. He said that what the Committee had indicated it wanted might be more expensive than what had been budgeted. Thus, he said the firm would structure the design and the construction bid documents so that the firm could target a baseline cost and then would provide add-on alternates, which could be cherry-picked if the baseline work came in under budget. He indicated that this would be a way to control costs.

Mr. Glass reported that there was a large building boom underway in the Bay Area and that, because of this, contractors were far less interested in public projects than they had been four years ago. He said this meant that there would be a smaller bid pool and that the costs would be higher. He said that the firm's cost estimators had indicated that this could add 20% to the cost of the project. He said he hoped the firm would be able to find contractors within the community who would be interested in the project.

President Welsh asked for clarification about the add-on alternates. He said that, when the District had first been talking about the project, the perceived necessity on the part of many had been that there were urgent safety issues – specifically seismic safety. He said it was understood that there might also be some ADA issues and some other issues once the building had been touched. He asked if there was a bottom-line minimum – the basic safety issues – the District could begin with before it talked about add-ons. Ms. Doud responded that the seismic work was a main focus. She added that, for a building like the Community Center, which was not an "essential services building," the code said the building needed to stay standing long enough for people to get out of it. She said that the seismic work, the ADA work, and the energy code compliance would be the baseline work, and then items from the wish list could be added. She said that there was a desire to open the west wall to create a improved flow, which would make the building a great rental facility, and that there were great opportunities in both the front and the back of the building. She indicated that improving the kitchen was another possibility and that the building had some challenges in that it served both youth and adults.

Director Hacaj asked if the estimate included finishing the landscaping. Mr. Glass responded in the negative. He said the firm was concerned by how much the District already had on its plate. Director Hacaj clarified – she was concerned about what would be torn up and then put back together. Mr. Glass responded that the path from the parking space would all be hardscape and would be included in the

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budget. Mr. Glass added that the bathrooms were not ADA compliant and were included in the path of travel.

Vice President Sherris-Watt said that, at this point, Glass Associates hadn't begun designing: That process would begin with the community and the Committee, together. She said that what the Committee was seeking was to begin contract negotiations so the firm could begin providing drawings. She noted that some cost estimating would follow this.

Lisa Caronna said that it was great that basic improvements were underway and that she had a some questions.

- Was the path of travel was from the parking space, and had the firm worked with the County to see if it would have a more stringent requirement that might require the path of travel to begin at the sidewalk?
- How had contingencies for construction and professional fees been calculated?
- How much would be available for actual construction, once costs of things like fees and permits had been deducted?
- Would the kitchen be considered commercial, which could legally be used for classes, or would it be a warming kitchen?

Mr. Glass responded that the initial expectation had been that it would be an industrial-strength kitchen and, thus, had included it in the initial cost proposal. He said the cost estimator would include cost escalator calculations between now and the bid date. He said that he didn't think there would need to be a design contingency because the fee was fixed and added that, unless the firm's scope changed, there should be no changes to the design fee. He said a contingency fee did need to be included in case something unanticipated occurred during construction, such as opening a wall and finding dry rot. He noted that the District would need to pay permit fees to the County. He said that he expected the construction budget would be between \$850,000 and \$870,000 and that, within that amount, there would need to be a contingency amount.

Ms. Doud responded that the path of travel typically begins when a person in a wheelchair can get out of a car. Thus, she said this would begin at the parking lot. Mr. Glass added that the District had had an accessibility study done by a qualified professional and that the District would also need to consider accessibility from a para-transit vehicle.

Linda Lipscomb said it would be helpful if Vice President Sherris-Watt would give some sort of executive summary about the criteria used in order to select and recommend this firm. She asked how the firms were compared to one another, which firms had been the frontrunners, and how the decision had been made to select Glass Associates.

Vice President Sherris-Watt said that pages 173 and 174 of the Board Packet provided a summary of the history, the current uses of the Community Center, and the firms that had made presentations. She said that, in terms of criteria and reasoning, the Committee had made the decision because she had known that every architectural firm presenting had a Kensington resident as either an architect or an employee and she was acquainted with every one of those people. She said that, because of this, she had removed herself from the voting process. She said that the criteria that the Committee had used included the restricted timeline; thus, some smaller firms could be at a disadvantage: A larger firm with more architects could be stronger to meet the District's needs. She said the Committee looked for a firm willing to work with differing opinions. She said that, knowing the District didn't have a GM with vast experience with this kind of project, the Committee was looking for a firm that would be able to advise on how to proceed if problems were encountered. She added that the Committee had been impressed that Glass Associates had extensive knowledge of regulations, had a low rate of change orders, and was willing to tackle the budget and be honest. She said the Committee had been impressed that the firm wanted a higher percentage for construction management costs than most firms recommend and that the Committee had thought this would provide savings in the long run: It would prevent costly problems.

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Ciara Wood said that she had been on the Park Buildings Committee and that the Committee had been given five proposals, which it had studied. She said the Committee's reactions to the written proposals had been different from its reactions to the oral presentations, which had left the Committee most impressed by Glass Associates. She said that the Committee felt that the community would get the best service from this firm and that there really had been a process. She concluded by saying the Committee's recommendation to recommend this firm had been unanimous.

President Welsh said that the intent had been to have a presentation with slides but that hadn't happened. He suggested that, because this was a "big deal" to the community, the item should be tabled, and then considered at a Special Open Session meeting within the next two to three weeks to ensure it received the attention it deserved. He said this would enable the Board to get a good sense of what was being proposed and then to move forward.

Director Hacaj said this was a discussion about entering into negotiations about having this firm do the design work. President Welsh responded that it would be nice for the public to see what the whole game plan was.

Nick Beaucage said that Vice President Sherris-Watt had said she hadn't participated in the vote. Vice President Sherris-Watt confirmed that she had not. Mr. Beaucage responded that when the Committee had selected Gregory Wallace she had voted. Vice President Sherris-Watt said that, to her knowledge, she had not done so. Mr. Beaucage responded that this was a lie.

President Welsh said the Board would table the agenda item.

Vice President Sherris-Watt thanked Glass Associates for coming and apologized. Mr. Glass responded that next time they would bring their own projector.

Pat Gillette asked, for clarification, what the Board would be voting on and whether it was a \$150,000 fee. She also asked on what the community was supposed to be commenting. Vice President Sherris-Watt responded that the Board was receiving a presentation on the firm's proposal and that she was to present the recommendation of the Park Buildings Committee that the KPPCSD enter into contract with Glass Associates for completion of the terms set forth in the RFP. She said that the RFP and the firm's proposal were in the Board Packet and that the Board would be entering into negotiations with that contract. Ms. Gillette asked if Vice President Sherris-Watt had said, earlier in the evening, that the contract had just been amended. Vice President Sherris-Watt responded that the Committee had asked for the price of estimating costs, which the firm had then folded into the proposal. Ms. Gillette asked if the proposal in the Board Packet would change because of this added information. Vice President Sherris-Watt responded in the affirmative.

Director Cordova asked for confirmation that this agenda item was to initiate a negotiation; it was not a design phase. She asked why the Board wouldn't authorize commencement of negotiation. President Welsh responded that he didn't think that was quite true: The Board was considering whether to enter into a contract with this architectural firm. Vice President Sherris-Watt added that this was a discussion to enter into contract with Glass Associates. Director Cordova asked if there was a deliverable with this. Vice President Sherris-Watt responded in the affirmative.

MOTION: President Welsh moved, and Director Nottoli seconded, that this agenda item be tabled and taken up again, in a Special Session to be held within three weeks and to last two to three hours, to give the public a better chance to understand these issues, which are somewhat complex.

Motion passed 5 – 0.

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

President Welsh thanked Glass Associates for its presentation and apologized for the lack of organization. Mr. Glass responded that he hoped that as many people as possible would attend the

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second meeting, that his firm would like to do this project, but that his firm didn't want the project if the community didn't want it.

- 8b. The Board reviewed and considered approving Resolution 2016-19, Approving Interim Appointment of Kevin Hart to Interim General Manager/Chief of Police Pursuant to Government Code Section 21221(h).

President Welsh introduced this item by saying that Kevin Kyle had resigned the prior Friday morning, by way of a phone call in which he had told President Welsh that he didn't want to return to the office. President Welsh noted that Mr. Kyle did not provide any notice and that the District had been without an IGM/COP since then. President Welsh reported that Master Sergeant Hull had been standing in, informally, as acting Chief. President Welsh said that he wanted to propose that the Board consider hiring Kevin Hart back and that Mr. Hart was willing to return. President Welsh said the terms under which Mr. Hart would come back would be identical to the terms under which the Board had hired Mr. Kyle. President Welsh clarified that Mr. Hart's current status was "retiree," and thus he would return as a retired annuitant, which was something provided for in CalPERS' rules. President Welsh added that, in that capacity, Mr. Hart would be paid an hourly wage, would be entitled to work 960 hours for the current fiscal year ending June 2017 and another 960 during the following 2017-18 fiscal year. He noted that the benefit of hiring a retired annuitant was that it would be very flexible, the District would not have to pay benefits, and the District would have to pay only an hourly rate. He noted that most of Mr. Hart's CalPERS retirement was not the District's obligation to pay. President Welsh strongly recommended that the Board bring Mr. Hart back because the Board had new General Counsel, two new Directors, and the Board was facing many important issues. He said it would be nice to have Mr. Hart present so the new Directors could "get their sea legs" and then decide later what they would want to do in the long run, such as whether they wanted to separate the GM/COP position.

President Welsh asked if there were any comments from other Board members. Vice President Sherris-Watt responded that there were none at that time.

President Welsh asked if there were public comments.

Mabry Benson said that she didn't think Mr. Hart should be brought back as IGM/COP and that his actions over the CalPERS audit were reason enough: They showed self-interest over the interests of the District by claiming that 100% of his time had been dedicated to the COP job. She also cited Mr. Hart's insistence, when he started with the District, that he wouldn't need medical coverage. She said Mr. Hart really hadn't had the skills to prepare a budget and had relied upon Adam Benson to do so at a significant cost to the District. She said Mr. Hart's performance of the GM duties was "abominably poor." She said there must be agencies that could provide a temporary GM and asked if the Board had conducted an exit interview with Mr. Kyle to find out why he'd left. President Welsh said, in response to Ms. Benson's last question, that he'd had a telephone conversation with Mr. Kyle, that Mr. Kyle had written a resignation letter, which had been published, and that the community likely would get any more information than it had already received.

Chris Hafner said she was speaking on behalf of the Kensington Property Owners' Association (KPOA). She said the KPOA had written something that had appeared in the most recent edition of the Outlook about next steps that should be taken, following the Ad Hoc Committee's report. She said a crisis might be an opportunity not to delay the resolution of bigger issues. She said the KPOA thought it was important to take the time to analyze the needs and to better understand what the GM position should look like going forward. She said the KPOA urged the Board to accelerate this analysis and let that inform the decision to bring on Kevin Hart or someone else for a finite period of time, which she said she understood was necessary.

Pat Gillette said she echoed Ms. Hafner's comments and urged the Board to determine what the structure was going to look like going forward. She also urged the Board to rehire Mr. Hart. She said that, given the state the District was in – with so many balls in the air and with new Directors – it would

be foolish to do anything else. She noted that Kevin Kyle, as a new GM, had felt overwhelmed by the GM duties. She noted that she supported splitting the GM/COP position but that the District didn't have the process or people in place yet. Therefore, she said the position should remain combined for as short a period of time as possible and until the current Board decided whether it wanted to split the position or think about another structure for the District. She said she disagreed with Ms. Benson on her observations of Mr. Hart's performance. She noted that he had brought good order to the District and that, because of this, his return would be good for the District. Ms. Gillette said that she had conducted an exit interview with Mr. Kyle and that he was unwilling to speak about why he didn't want to stay. She added that she didn't think the District would be likely to get any more information from him. She concluded by urging the Board, again, to bring back Mr. Hart to bring order to the District for at least the next two to three months and then have a transition to a new person, if there were to be one, or the new structure.

Jim Watt said that those who favored Mr. Hart's reappointment had stressed the fact that, because he had knowledge of the issues facing Kensington, he could hit the ground running and keep things under control until a suitable replacement could be found. He said he didn't think these were valid reasons. He cited the following reasons why Mr. Hart should not be reappointed:

- With 30 days notice, Mr. Hart had chosen to terminate his employment with the District four months prior to the end of his contract. He speculated that Mr. Hart had left to protect his retiree medical benefits that he would receive from Dublin. Regardless of the reason, Mr. Hart left Kensington in a bind.
- Bringing in Mr. Kyle added costs to the budget.
- The Board should not hire the person who created the problems it was now trying to repair.
- Mr. Hart had been with the District for 18 months. In his 100-day plan, Mr. Hart had said he would deliver a high level of accountability and eliminate internal strife. He said that today the department had many more problems than when Mr. Hart had arrived. He said that Mr. Hart had also promised to foster a good relationship with residents but that this had applied only to residents who had supported his programs and had not criticized his actions.
- In comments made to the Outlook, Mr. Hart had made disparaging remarks about the role of the GM, and yet the Kensington Police Officers Association (KPOA) had recently said that Mr. Hart would be needed to help complete the District's financial audit, to prepare the 2017-18 budget, to work on the Community Center remodel, and other issues that needed GM attention. He said Mr. Hart had failed to stay on top of the issues, noting that Mr. Hart hadn't thought financial matters had needed his attention.
- As a member of the Finance Committee, Mr. Watt said he had become increasingly frustrated by Mr. Hart's total lack of response to his questions and his failure to address important financial issues.
- Mr. Hart had routinely ignored PRA requests.
- Mr. Watt believed the reason Mr. Kyle had left after only two weeks on the job had to do with the current state of affairs in the department – a condition that could be laid only at the doorstep of Mr. Hart.
- Bringing back Mr. Hart, who had so mismanaged things, would be a dereliction of duties on the part of the Board.
- The District had been involved in an audit by CalPERS for almost one year. He said the audit had only come to light after a resident had found it on the CalPERS website. He noted that the audit involved pensions due to Mr. Hart and former GM/COP Harman and that it had not been disclosed to the Board or the public until ten months after it had been released. He said this brought into question Mr. Hart's willingness to keep the Board and public informed about matters concerning the District's finances. Mr. Hart had put his own interests above those of the taxpayers in a manner that suggested that he was not interested in representing the interests of Kensington.
- It was time to bring in someone new who would serve in a manner that was above reproach. Mr. Hart had had 18 months to turn things around, and he failed. Thus, he said it was time to look for another candidate.

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- Having had two GMs in the last month had given the Kensington Police Department a toxic reputation, and so it was time to bring in a qualified COP and a separate qualified GM. The current people weren't "cutting it."

Frank Lossy said a GM had long been needed in the community. He said that the community had a police department that many residents enjoyed, but that the role of GM had not been well represented. He said he was concerned about bringing back Mr. Hart because he wasn't a GM, and he had downplayed this role. He noted that the GM/COPs who had preceded Mr. Hart also had downplayed the importance of the GM part of the job. He said he supported bifurcating the roles of GM and COP.

David Bergen said he agreed with the people who had said that having Mr. Hart return was a terrible idea. He said this was a time to find a new face for the position. He said his understanding was that PLG had people they could recommend for this job and that this was what he hoped the District would be doing.

A. Stevens Delk said that, in his GM report of the prior December, Mr. Hart had said he'd worked on his 100-Day Plan and the final report was pending. She asked if a final report had ever been completed. She said she was concerned about comments Mr. Hart had made in his exit interview with Outlook editor, Linnea Due, specifically that too much weight was placed on the GM function and that, in reality, it was a law enforcement function. She said this was a community services district that provides multiple services. She noted that 85% of the District's expenses were for police services, financed in part by two police special taxes. She noted that residents also paid for garbage service and that the rate for a 32-gallon can had risen by an average of 5.3% per year, over the prior 25 years – a rate greater than that of inflation. She questioned whether the Board and the GM had looked out for the community's best interests with this contract. She also asked about the status for the new contract with the County. She questioned Mr. Hart's statement that most of his work was as COP and whether he understood the purpose and organization of the District. She said the prior 18 months had not been good for the police department, with multiple citizen complaints, lawsuits, officer injuries, investigations, disciplinary actions, appeals, policy changes, etc. She concluded by saying that the District needed better executive leadership – right now.

Melissa Holmes Snyder said that she had lived in the community for about 15 years and that she served on the Kensington Municipal Advisory Council and on the Kensington Improvement Club. She said she supported bringing Kevin Hart back to continue serving as an IGM/COP. She said he would bring continuity, even though she didn't believe he was the right person for the long run. She said the police officers needed leadership, with Kevin Hart in that leadership position for a period of six months or less.

Celia Concus said she wanted to reiterate what people had been saying about not reinstating Kevin Hart. She cited that the District was required by law to have a GM and that it was time for the District to have a professional, well-trained, and experienced GM to take on the responsibilities of the District. She said Mr. Hart had not been adequately trained for the position. She said that, most recently, the CalPERS audit, which Mr. Hart had learned about in December 2015 and had responded to in January 2016 – Mr. Hart had "kept this under wraps." She said that he had kept this report from the Board and from the public and that this was not acceptable. She said that the first thing Mr. Hart had done after he had been hired was to order a new car for himself and that it was unacceptable for an interim employee to have done so. She said that, instead, the District had needed an audio-visual system and that Mr. Hart had not taken up this issue until after it had been brought to his attention that, by not having an audio-visual system, the District was in violation of ADA laws. She concluded by urging the Board not to re-hire Mr. Hart.

Karl Kruger said he was endorsing the Board rehiring Mr. Hart. He said that Mr. Hart had been the most professional GM/COP he had seen in 25 years. Mr. Kruger said he had been on the Finance Committee for a number of years and that Mr. Hart had been the most responsive GM for the Finance Committee. Mr. Kruger concluded by asking that Mr. Hart be rehired on a temporary basis.

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Linda Lipscomb said she thought Mr. Kyle left because of the reputation Kensington was getting – for being a very contentious community. Ms. Lipscomb said that the District had originally been formed as a police district and then later had been re-formed as a community services district, with its main function being police. She said that, along the way, the functions of park and recreation and solid waste had been added. She reiterated that history is that the main function of the District is the administration of police service. She said that most of the District's employees are police officers and that the Directors have little experience in this area. She said that, contrary to what had been said by some, the District had a balanced budget under former IGM/COP Hart and had increased its reserves for things such as the work to be done on the Community Center. She said the GM function had been fulfilled well by Mr. Hart. Ms. Lipscomb noted that Kensington is a very safe community – the fifth safest in California. She said this hadn't happened by mistake. She said that a police officer had come to the Board that evening asking for Mr. Hart to be rehired. Mr. Lipscomb said the Board could not supervise the police department: The Board's job was to set policy and to ensure that the policies are being administered. She urged the Board to hire back Mr. Hart, under the same provisions by which the Board had previously hired Mr. Kyle. She said that, over time, she had been convinced that the District should consider whether it would make sense to separate the GM and COP positions. But, she said the Board should not forget that its primary function is to provide police service to the community. She said that Mr. Hart had done a good job with the budget and with keeping "boots on the ground" to keep the community safe. She concluded by reiterating her support of the Board rehiring Mr. Hart.

Nick Beaucage said he opposed rehiring Mr. Hart. He said that he had brought concerns about the Park Buildings Committee to Mr. Hart on six or seven occasions and that Mr. Hart had assured him that he would talk with the Board. But, he said that Vice President Sherris-Watt had told him that Mr. Hart had not made any comments to her. He said that Mr. Hart's performance as GM was lacking when it came to the Community Center.

Skye Dent said Mr. Hart had treated her very well. She said that, before IGM/COP Hart had come to the community, she had been profiled for a period of about six months. She said it hadn't been until Mr. Hart had come to the community that she had begun to be treated professionally with more respect by the police department.

Ciara Wood said that, in February 2015 – following "Reno-gate," there had been two meetings at the Community Center that had been very well attended and that, at those meetings, the community had spoken very clearly that it wanted the Board to split the GM/COP position because there was an inherent conflict of interest with the position being held by one person. She asked the Board to begin the hard work. She said that, if the Board rehired Mr. Hart, it would delay this hard work. She said the District was a community services district, not just a police district.

President Welsh noted that being a police chief in Kensington was a full-time position but that he thought the District might be able to get by with a part-time general manager.

**MOTION: President Welsh moved that the Board hire back Kevin Hart temporarily.
Motion failed for lack of a second.**

Pat Gillette asked what this meant since the District was required, by law, to have a GM and asked what the plan would be, going forward. President Welsh responded that the District was required to have a GM.

Vice President Sherris-Watt asked to take up Old Business, Item a. General Counsel Amara Morrison expressed concern that the District would be operating without a General Manager. She strongly recommended that, within the next week or so, the District schedule a Special Meeting to decide what it is the Board was going to do. She said staff needed direction and that the Board needed to provide direction about how the General Manager would be replaced.

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OLD BUSINESS

- 7a. The Board discussed and considered taking action on the recruitment and selection process of a new Interim General Manager and/or Chief of Police. As part of this discussion, the Board considered recommendations made in the "Authorization for Succession Planning Interim General Manager/Chief of Police (GM/COP) Position" as well as the documents from the Policy and Procedures Manual.

Vice President Sherris-Watt reported that, in March 2016, she and Director Cordova had prepared a document regarding next steps forward. She said this transition document had originally been done with the view toward a leisurely development of a hiring process. She noted that Mr. Hart had resigned and then Mr. Kyle also had resigned. So, she said this would be the fourth time she would be going through the hiring process for the GM/COP position. She said she didn't believe the District could continue in this manner and so she sought to appoint Rickey Hull as IGM/COP and to form an ad hoc committee of two members of the Board to begin immediately to culling and preparing to interview candidates to serve as the IGM/COP. She reported that she had already requested assistance from Jonathan Holtzman through Public Law Group, asking him for referrals through the public management part of PLG's company, for candidates to serve as the Interim General Manager. She said she wanted someone who would fulfill three basic requirements: experience and training working as a GM; experience and training working with police forces; and ability to work with people with many divergent opinions. She said this was why she had included the documents she had in the agenda packet.

At 9:45 PM, President Welsh and Vice President Sherris-Watt noted it was time for a motion about extending the meeting past 10:00 P.M.

President Welsh noted that the phone connection with Director Cordova had been lost.

MOTION: Director Hacaj moved, and President Welsh seconded, that the Board extend the meeting to 10:30 P.M.

Motion passed: 4 – 0.

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

President Welsh said there was an urgency to have a GM and a COP. He said he wasn't saying that Master Sergeant Hull wasn't qualified but that he needed some training. He said Master Sergeant Hull had not served in either position before in any substantial sense. He said he was concerned that the Board might be setting Master Sergeant Hull up for failure and that this wouldn't be fair to him or to the community. Director Hacaj responded that Master Sergeant Hull had served in the interim capacity before. President Welsh responded that he'd not done so all by himself – he'd always had guidance. Vice President Sherris-Watt cited that Master Sergeant Hull had had that period before Mr. Hart had come on board. President Welsh responded that, during that time period, Master Sergeant Hull had not made COP decisions without input from Mr. Hart.

Skye Dent said that she was opposed to Master Sergeant Hull serving in this capacity and that she'd asked for an investigation of him. She said that she had been assaulted a few months earlier and that, rather than investigating the assault, Master Sergeant Hull had given the other party advice on how legally to take retaliation against her. She said that, when she had ordered a copy of the dispatch DVD, Master Sergeant Hull had found out about this, then had gone down to Richmond and had pretended to the Richmond PD that he was working with her, and he had taken the DVD copy: Thus, she'd had to wait for another copy to be made, even though she had paid for the copy Master Sergeant Hull had taken. She said she found Master Sergeant Hull to be disreputable. She said Master Sergeant Hull had known the son of the man who'd assaulted her for several decades and so Master Sergeant Hull had failed to include in the report that she'd been assaulted. She said that Master Sergeant Hull had been forced by IGM/COP Hart finally to do a real investigation and to write the report of the incident. She said the individual had admitted to having assaulted her but Master Sergeant Hull had refused to include

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this in the report. She said that the report was supposed to have gone to the DA months earlier but that Master Sergeant Hull had been hiding it and refusing to take it to the DA's. She said he was the focus of an investigation, and he was the focus of an investigation of the U.S. Postal Service because her mail regarding this conflict had been stolen. She said she didn't think someone like this should be the GM/COP.

Catherine de Neergaard said she echoed Ms. Dent's comments. She said that she had been harassed a number of times by Master Sergeant Hull and that he was a very bad choice for a position of authority.

Pat Gillette said she wanted to express her amazement that the Board would make this decision. But, she said, with respect to Master Sergeant Hull as the solution to the problem the Board had now created, it would be a terrible idea to put him in charge for several reasons:

- She'd seen Master Sergeant Hull, when he had become angry, almost assault Chuck Toombs.
- He was a divisive member of the force.
- Master Sergeant Hull was currently involved in investigations, including the one involving Ms. Dent. So, how could he be the Chief of Police and be responsible for shepherding through to completion investigations involving himself?
- He had no experience being a General Manager. So, how could he perform this job? She said Vice President Sherris-Watt had criticized Mr. Hart who, at least, had 18 months of experience as a General Manager.

Ms. Gillette said that Vice President Sherris-Watt knew how long it took to get qualified candidates, to vet them, and to get them approved. She said this process would take at least three to four months. She said that, during that interval, the Board was going to place Master Sergeant Hull in the GM/COP position to look over the very people who had accused him of acting inappropriately. She questioned if Master Sergeant Hull would be monitoring himself and making decisions about himself. She said Master Sergeant Hull had been a divisive member of the police force. She said that this, combined with his lack of experience, meant that this was an irresponsible decision on the Board's part. Ms. Gillette said that she thought the Board needed to re-think its decision about Mr. Hart and that the Board needed to be practical and to think about what it could do to make the District run efficiently and effectively. But, she said that having Master Sergeant Hull serve in GM and COP positions was not a good solution.

Vice President Sherris-Watt responded that she appreciated the concerns expressed. She said she was aware of the situation and comments made by Ms. Gillette. She said she'd had a discussion with Master Sergeant Hull many months earlier about the alleged assault of Chuck Toombs. She said she was aware of the incident but wouldn't call it an assault. Vice President Sherris-Watt said that she had served on the Board for two years and was aware of the strengths and weaknesses of the GMs. She said that Master Sergeant Hull had served in this position, that she wouldn't put this on anyone longer than necessary, and that, if the law didn't require that the District have a GM, she would not have suggested putting Master Sergeant Hull in the position. She said that she would be making a motion to appoint Master Sergeant Hull as acting/interim COP. She asked for and received a second from Director Hacaj. President Welsh asked for clarification: He thought Vice President Sherris-Watt would be proposing Master Sergeant Hull for both the GM and COP positions. Vice President Sherris-Watt responded that she would be making a second motion because she was intending that, as soon as the Board could procure the services of an interim GM, it would remove the GM responsibilities from Master Sergeant Hull. Vice President Sherris-Watt and Directors Hacaj and Nottoli voted in favor of the motion, and President Welsh voted no because he thought it wasn't fair to Master Sergeant Hull. He cited the training and support that Master Sergeant Hull would need in order to be successful and said that without these, Master Sergeant Hull would likely fail.

President Welsh and Vice President Sherris-Watt reiterated that they'd lost contact with Director Cordova.

Vice President Sherris-Watt moved to appoint Master Sergeant to serve as the interim GM until the services of another GM can be procured. Director Nottoli seconded the motion.

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Celia Concus asked for confirmation that the positions would be at-will and if the appointment would be a temporary measure. Vice President Sherris-Watt responded in the affirmative.

President Welsh said he didn't understand how the Board could hire Master Sergeant Hull to become GM/COP without a contract.

Pat Gillette asked if the Board would be paying Master Sergeant Hull differently because of the additional responsibilities and, if so, what the amount would be. She also asked what the terms of the contract would be, what the benefits would be, etc. Ms. Gillette asked if the proposed action had been properly noticed on the agenda. President Welsh responded that this was a good question, and he asked Ms. Morrison to answer. Ms. Morrison said the agenda item discussed succession planning but didn't mention any candidates. Ms. Morrison said this item should appear on a future agenda, with the name of the specific candidate.

District Administrator Wolter asked, with respect to the minutes, whether the two motions regarding Master Sergeant Hull were null and void and therefore would not appear as formal motions. Legal Counsel Amara Morrison responded that neither of the votes was legitimate.

President Welsh said this matter would be complicated by the fact that compensation couldn't be discussed at a special meeting, although the appointment itself could be.

Karl Kruger asked how the community could expect staff members to do their jobs with such a disorganized Board, and he asked how the Board could expect anyone to do a job for the District.

NEW BUSINESS

- 8g. Pursuant to KPPCSD Board Policy 5010.60, the Board elected a President and Vice President for the calendar year 2017. In addition, Board Policy 4060.1 states that the President shall appoint and publicly announce the members of the standing committees and Board Coordinators for calendar year 2017 no later than the Board's Regular Meeting in January 2017.

Melissa Holmes-Snyder said that she had been asking to meet with Vice President Sherris-Watt for the prior two years but that Vice President Sherris-Watt had not followed up on this. She expressed her concern that Vice President Sherris-Watt had had a consultant come to the meeting that evening but that it had been very disorganized presentation. She said it hadn't been the consultant's fault: Vice President Sherris Watt should have ensured that things were properly set up. Ms. Holmes-Snyder said she didn't oppose Vice President Sherris Watt serving on the Board, but she did object to her serving as the Board's President because she didn't have the needed leadership skills.

Nick Beaucauge said that Vice President Sherris-Watt had never gotten back to him, either.

David Bergen said he supported Vice President Sherris-Watt becoming Board President. He said she had done a good job, she had always responded to him, and had the most experience among the Board members. He said the reason there had been a problem with the evening's presentation was that the projector that was supposed to have been used had been in a locked room.

Mabry Benson said that she had sent emails to the full Board but that President Welsh had never responded to her. She said that Vice President Sherris-Watt was the only other experienced Board member and that it wouldn't be appropriate for either of the new Directors to become the President.

Leonard Schwartzburd said that he supported Vice President Sherris-Watt's candidacy and that she had a unique ability to disagree without being disagreeable, which, he said was a vital attribute. He said the criticisms of her seemed irrelevant.

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Catherine de Neergaard said she appreciated Vice President Sherris-Watt's gentleness and graciousness and her interest in many different areas of Kensington. She said she hoped that whoever was President would listen to all groups in the community.

John Gaccione said everyone agreed that there needed to be a change in tone in the meetings and that he supported Vice President Sherris-Watt to become the Board President for this reason.

MOTION: Director Nottoli moved, and Director Hacaj seconded, that Vice President Sherris-Watt be elected President.

Motion passed: 4 – 0.

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

President Welsh said that he had reservations but that the manner in which Vice President Sherris-Watt dealt with the public was worth emulating. He said he thought she would need a lot of support, and he wished her well.

President Welsh reported that the next order of business was the election of the Board's Vice President.

MOTION: President Welsh moved, and Director Hacaj seconded, that Director Nottoli become the Board's Vice President.

Motion passed 4 – 0.

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

Vice President Sherris-Watt said that she and President Welsh had had their differences but that, especially during the prior three weeks, which had been like a roller coaster, President Welsh had been amazing, communicative, and generous with his time. She said his work had been exceptional, and she thanked him.

Director Nottoli said President Welsh had been very helpful to Director Hacaj and herself as they endeavored to get up to speed.

District Administrator Wolter thanked President Welsh for the hundreds of hours he had donated to the community in order to keep things moving smoothly ensuring that staff was properly supported and that the IGM/COP was given appropriate direction.

- 8d. The Board discussed and considered adopting Resolution 2016-20, a resolution of the Board authorizing investment of monies in the Local Agency Investment Fund.

District Administrator Wolter reported that, in order for the District to transfer money from its LAIF account to its general fund so that its bills could be timely paid, the Board needed to approve the resolution. She said that the County required that such a resolution be approved and that fresh signatures be provided.

MOTION: Vice President Sherris-Watt moved, and Director Hacaj seconded, that the Board adopt Resolution 2016-20.

Motion passed: 4 – 0.

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

- 8f. The Board discussed amending the Policy and Procedures Manual 5010.10 to add an additional regular meeting on the fourth Thursday of every month. First reading. The Board planned to discuss the matter again, for a second reading, at its January meeting.

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President Welsh reported that there was a proposal to add a second regular meeting on the fourth Thursday of every month. President Welsh said he supported this change because there are decisions the Board can make only at regular meetings. He explained that the Board didn't have to have two meetings per month but that the second meeting date would be available, if needed.

Legal Counsel, Amara Morrison, asked for a formal motion to amend this section of the Policy Manual, the proposed amended version of which she read into the record:

"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."

MOTION: President Welsh moved, and Vice President Sherris-Watt seconded, that the Board consider the introduction of an amendment to Policy 5010.10, to add one regular meeting on the fourth Thursday of every month, and that this amendment be considered for adoption following a second reading at the Board's next meeting.

Motion passed 4 – 0.

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

CONSENT CALENDAR

MOTION: President Welsh moved, and Vice President Sherris-Watt seconded, the adoption of the Consent Calendar.

Motion passed: 4 – 0.

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

8c. The Board discussed and considered setting a date for a Special Meeting for strategic planning to include discussing priorities, goals, and timelines.

Vice President Sherris-Watt said she thought this was a good idea.

Larry Nagel introduced himself as one of the Directors of the Kensington Fire Protection District. He said his board had held such a meeting and that the process was extremely valuable. He said that it was important for a board to know where it was going and that the moderator was very important in keeping the group on track.

President Welsh thanked Mr. Nagel for his diligence in attending the KPPCSD meetings.

Mabry Benson said that she wanted this meeting to occur sooner than the end of January and that she wanted the Board to meet the following week to discuss the GM problem.

Director Hacaj said she would work on selecting the facilitator and organizing the meeting.

Skye Dent said she hoped there would be more candidates for the Board to consider for the GM and COP positions at its next meeting. Vice President Sherris-Watt said this would be a Board decision. President Welsh noted that District Administrator Wolter had received resumes for the GM/COP position and had forwarded them on to the Board.

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MOTION: Director Hacaj moved, and Director Nottoli seconded, that the Board reserve Saturday, January 28th, for a Special Meeting to allow the Board to undertake strategic planning around goals, priorities, and timelines.

Motion passed: 4 – 0.

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

8a. The Board discussed the CalPERS audit of the District.

President Welsh said that this was something the Board had reported on following the Closed Session and that he wanted to table the item until the District had made more progress with CalPERS.

A. Stevens Delk asked that the District make it better known that hearing enhancement devices were available for those with hearing difficulties.

MOTION: Director Hacaj moved, and President Welsh seconded, to adjourn the meeting.

The meeting was adjourned at 10:30 P.M.

Len Welsh
KPPCSD Board President

Lynn Wolter
District Administrator

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Meeting Minutes for 12/17/16

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Saturday, December 17, 2016, at 8:00 A.M., at the Public Safety Building, 217 Arlington Ave., Kensington, California. A Special Meeting (Open Session) followed at 9:00 A.M.

ATTENDEES

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Len Welsh, President	Amara Morrison
Rachelle Sherris-Watt, Vice President	Linda Lipscomb
Vanessa Cordova, Director	Mabry Benson
Sylvia Hacaj, Director	Skye Dent
Eileen Nottoli, Director	Lori Trevino
	Donna Stanton
	Dakota McKenzie
	Pat Gillette
<u>Staff Members</u>	Chris Hall
Rickey Hull, Master Sergeant	Catherine de Neergaard
	Paul Haxo
<u>Press</u>	David Spath
	Karl Kruger
	Leonard Schwartzburd
	Kevin Fitzsimmons
	Trish Mindel
	Ciara Wood
	Celia Concus
	Mary Korn
	Marilyn Stollon
	Melissa Holmes Snyder
	Andrew Gurierrez
	Jim Watt
	Gayle Tapscott

President Welsh called the meeting to order at 8:00 A.M. President Welsh, Vice President Sherris-Watt, Director Hacaj, and Master Sergeant Hull were present. Director Cordova participated by phone from Italy, and Director Nottoli participated by phone from Texas.

PUBLIC COMMENTS

Mabry Benson said she didn't think it was gracious for President Welsh to claim he was still President of the Board now that Vice President Sherris-Watt had been elected President. She asked about Item 2b, public employment, and whether it had to do with hiring an IGM/COP. Amara Morrison responded that it had to do with the parameters of the positions. Ms. Benson asked why there was an insistence on

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getting an IGM/COP immediately, said that vacancies happened all the time, and cited that Mr. Hart had said the GM portion of his job had taken very little time.

Vice President Sherris-Watt said she wanted to address Ms. Benson's comments about the Presidency: This had been a mutually agreed-upon situation with President Welsh – there was no rancor or animosity. Director Hacaj noted that somewhere it was noted that officers served by calendar year.

Ms. Benson said the community deserved to hear why the position needed to be filled immediately.

Skye Dent said she didn't think someone who was under investigation should be considered for the position of GM/COP: It was going to put a taint on any cases that might come out of the Kensington Police Department. She noted that the candidate had held up her case for four months and that this had created the impression that the police department had condoned this. She said Master Sergeant Hull's appointment shouldn't proceed until her case was concluded.

At 9:05 A.M., the Board entered into Closed Session.

CLOSED SESSION

- 2a. Conference with legal counsel – anticipated litigation: The Board was briefed on matters involving significant exposure to litigation pursuant to CA Government Code Section 54956.9(d)(2).
- 2b. Public employee employment, discipline, or dismissal: The Board was briefed on personnel matters pursuant to Government Code Section 54957(b)(1).

The Board returned to Open Session and President Welsh took roll call. President Welsh, Vice President Sherris-Watt, Director Hacaj, and Master Sergeant Hull were present. President Welsh reported that Directors Cordova and Nottoli were present by phone.

President Welsh asked the District's Legal Counsel, Amara Morrison, to report on what had occurred in Closed Session. Ms. Morrison reported that, with respect to Closed Session item 2a, the Board voted unanimously to appeal the CalPERS letter of December 6th. Thus, she said the District would be submitting an appeal letter to that determination. With respect to Item 2b, Ms. Morrison reported that there had been no reportable action taken.

6. The Board reviewed and considered approving Resolution 2016-19 "Approving Interim Appointment of Kevin Hart to Interim General Manager/Chief of Police Pursuant to Government Code Section 2122(h)." Compensation for such appointment, if made, was to be discussed at the January 12, 2017 regular open session of the Board.

President Welsh said he had made a motion at the Board's last meeting to hire Kevin Hart on an interim basis but that motion had failed for lack of a second. He said a number of people had subsequently written and asked that the Board take up the matter again. Thus, he said he had placed the item on the agenda again.

Vice President Sherris-Watt said she wanted to address a question that had come up about who was currently serving as Board President. She noted that there was a difference between the Policy and Procedures Manual and what had been printed in the agenda and that the Manual was very vague. She said that there was no conflict between President Welsh and herself and that he was chairing the meeting. She said she would assume full presidential duties on January 1st. President Welsh said he and Vice President Welsh were working together.

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Linda Lipscomb said that the prior meeting of the Board indicated why it was so important to have an experienced GM appointed immediately. She said that, without pointing a finger at any one person, the Board's prior meeting had been disorganized and had accomplished little. She asked how, without administrative guidance, it could have been otherwise. She said that, when she had started on the Board in 2010, the GM/COP had met with the new Board members on a Saturday morning and had provided each new member with a Board book containing a copy of the Policy and Procedures Manual, excerpts of laws that applied to the District, samples of agendas, and general information about the Directors' duties. She said that one of the things former Directors Kosel and Gillette had agreed upon was that the GM position should be separated from the COP position. Regardless, the GM needed to be someone with experience. She said that the last Board meeting demonstrated what happens when no one is serving as the chief executive officer: Chaos. She said she didn't think chaos had been the objective of any one of the Directors. She said Kevin Hart was experienced, had served the District ably, and was willing to return and serve on an interim basis. She noted that Mr. Hart was familiar with every aspect of the District's governance, such as dealing with: police complaints; citizen complaints; compliance with district, county and state laws; and administrative matters such as insurance, routine and special personnel matters, and board compliance. She said that he'd had many years of experience with municipal governance and with police procedures and compliance and that it was a rare thing to have experience in both areas. She said that, following the last election, the community had heard various Directors and citizens call for the healing of the community, and she urged the Board to move beyond personal bias in considering the reappointment of Mr. Hart. She said that, if the Board were to hire Mr. Hart back, it would ensure the coverage the citizens deserved. And, she said that hiring Mr. Hart would afford the Board the time it would need to research separating the GM/COP position, which would require a revision of the Policy and Procedures Manual, and then finding candidates. She said that the Board had a duty to find someone to fill this role who had the necessary experience and that the Board's failing to do so would put residents at risk of failure of public safety and the competent governance they deserve. She said she was submitting copies of her statement to each of the Directors and asked that it be included in the minutes.

Mabry Benson said that it was presumptuous to offer to adopt or not to adopt the resolutions on the agenda and asked if it wouldn't tie the Board members' hands. She said they didn't allow for any alternate course of action. She cited that this wouldn't allow for finding a solution on which all could agree. She said she had addressed Items 6 and 7 before the Closed Session – she had asked why there was an insistence on getting a GM immediately and she asked legal counsel to address this. President Welsh responded that there would not be a response now but that there might be one when the Board got to the agenda items. Ms. Benson said she hoped the Board had begun the process of recruiting a qualified GM and said she'd like to see some candidates identified by the first week in January, have them presented by January 7th, and voted on at the January 12th meeting. She said that whomever the Board appointed now should be a placeholder for a short time. She noted that residents had been told that the District would be at risk if it didn't have a GM and that this interpretation of the government code was absurd. She said the whole process could have been started sooner, but President Welsh had "put all his eggs in one basket" and hadn't considered other alternatives when he'd learned Kevin Kyle was leaving. She said that Public Management Group's hiring service and other temporary services would probably have candidates. She asked why the new Board should be pressured into acting immediately, when the process had already been delayed by President Welsh and said that decisions made in haste were often later regretted.

Lori Trevino said that she wanted to address the proposal to rehire Mr. Hart and that he had proven himself to be an unacceptable candidate for the GM position. She said his actions related to the CalPERS audit were illustrative: He had failed to tell members of the Board he'd responded to the audit with information that was in conflict with the District's best interests and that benefitted him personally. She said she had obtained records from CalPERS and had provided them to the Board. She said that Mr. Hart had told her that these records didn't exist or needed to be reviewed by legal counsel. She said that he had invoked a 14-day period for release, that this period had passed, and that the District was now in violation of the Public Records Act. She said that she knew the records existed because CalPERS had said so and that Mr. Hart had asked CalPERS not to provide them. She added that, just as Mr. Hart had renegotiated his contract 18 months earlier to get medical benefits at the District's

expense, he had left the District in the lurch when he left on October 31st out of his own personal self-interest to get benefits. She said she saw no reason why the Board should reward Mr. Hart by rehiring him or trust that he would have the District's interests in mind. She said that, if the Board wanted to proceed with hiring Mr. Hart, she would recommend ensuring that he really was a CalPERS retired annuitant because she wouldn't want to find the District having to renegotiate with him in a month to ensure that he wouldn't lose some pension or health benefit.

Donna Stanton said that she'd been a resident for about 20 years and that she'd been watching what had been happening for the last five years. She said Ms. Trevino had done a good job presenting information. She said that a vote had already been taken in the prior month and that she didn't favor the Board considering the item again. She said the new Board should have its own slate to begin its work. She said the community knew the facts about Mr. Hart, and he made his decision to leave the District. She said the District then hired someone else who had stayed two weeks. She said that bringing back someone who had made the decision to leave and who had problems with his retirement would not be acceptable to her. She said that the prior Board had had problems making decisions that would benefit the community and that the community had been a mess for the past few years. She reiterated that the new Board should be allowed to make its own decisions.

Dakota McKenzie said she was in favor of bringing back Mr. Hart. She said that she cared about public safety and that she'd had experience living in a community that didn't have adequate police protection – even though it had been an affluent one. She said she'd left that community because she had been afraid for her own safety. She reported that, while she was living in that community, she had had to call 911, when her personal safety had been at risk, and that the responding officers had taken 45 minutes to arrive. She said that residents were very safe in Kensington and that it made sense to rehire Mr. Hart while the Board figured out what it wanted to do next.

Pat Gillette said there was a practical problem: The District needed to have someone to take the place of the former IGM/COP. She said the easy solution would be to bring back Mr. Hart. She said that there had been a lot of misinformation about Mr. Hart and that she would encourage people to read the letter Mr. Spath had written, which had been included in the Board Packet and posted on Next Door. She said Mr. Hart's prior contract had had a February expiration date for the purpose of providing a new Board with the opportunity to determine what it wanted to do, with respect to possibly separating the GM/COP position and then searching for the best candidate. She said the Board probably would have been at this point had Mr. Hart not resigned and Mr. Kyle had not resigned after four days. She said that the practical thing would be to have Mr. Hart return, at a reduced rate for a couple of months, while the Board considered what it wanted to do next, with a measured and reasoned process. She said the community and the Board should have the opportunity to think about what the next iteration would be for the long term. She said this would be responsible, from a financial and administrative standpoint, and that this would also be a practical and easy solution. She said that, if the Board didn't want to hire Mr. Hart, then another easy solution would be to leave things be as they are: Let Master Sergeant Hull continue to operate, in the capacity in which he had been, as acting chief until the first meeting in January; by then there would be a process in place to select an interim person, which would allow the Board to move forward with its long-term solution. She said that appointing Master Sergeant Hull as IGM/COP didn't make any sense and that she would address that when that when it came up on the agenda.

Chris Hall said he'd been a resident for 28 years. He said he was not in favor of bringing back Mr. Hart. He said his performance had been inconsistent; he had been gone for periods of time; and he had taken advantage of the Board by coming back to ask for more money, especially when he had been collecting about \$300,000 in pensions from other sources. He said Mr. Hart had also had a second job as a City Council Member in Dublin. President Welsh clarified that the Board had known this at the time it had hired Mr. Hart. Mr. Hall responded that he hadn't known this. He said it didn't make sense to bring back someone who hadn't been loyal to the citizens of Kensington. He said Mr. Hart had taken trips to San Diego and Monterey on the District's dime. He said he wanted to see someone in the job who took responsibility for the District's finances. He said he'd heard that Mr. Hart had asked for \$20,000 more for medical coverage. He said that there was a lot of misinformation and that he wanted to know the

truth. He noted that Lori Trevino had covered a lot about Mr. Hart's inconsistencies and the CalPERS issues. He said that Mr. Hart's leaving before the end of his contract was reflective of his inconsistent performance. He also noted that Mr. Hart had said he was retiring to spend more time with his family: That being the case, why would he have the time to return?

Catherine de Needgaard said it was wonderful to see so many people present at the meeting and caring about Kensington and its police department. She said she wanted to make four points:

- Now was a good time to give a trial run and have two interim people fill the positions. She said an interim GM could help identify what a GM would do in the long run. She said there were a lot of talented people in Kensington who could do the GM job.
- She said she was in favor of rehiring Mr. Hart, for a brief period of time, because he had served Kensington well and he had possessed something the community needed: an upright moral quality of honesty and integrity. She said that, without that kind of person at the helm, things would revert to chaos.
- She asked Director Cordova to recuse herself from this vote because of her well-known disputes with former IGM/COP Hart, all of which had been resolved in his favor.
- It's important to have an upright honest person, and former IGM/COP had been very generous with his time. She said that Mr. Hart had invited everyone to come to his office and that his wife had come and worked at the District office for free. She said Mr. Hart loved Kensington and its people and wanted to help the community. She said the main thing was to get an upright moral person at the helm of the police department.

Paul Haxo said he had been involved in Kensington politics for 20 years, had served on the Board for ten years, and had served on the Finance Committee for eight years. He said that, during that time, he had worked with several GM/COPs. He said that Mr. Hart was the strongest GM/COP he'd ever worked with: He had brought both police experience and government management experience to the job. He said he'd also had the misfortune of being on the Board when the District had gone without a GM/COP, following GM/COP Garfield's departure. He said that he had been the Board President and that there had been many complex issues facing the Board. Mr. Haxo said that he had spent about 40 hours per week at the District office, working as a de facto GM, and that this had put him in a difficult position because Board members aren't supposed to be involved in management issues. And, he noted that the Board had had to meet twice a week during that time. He said that, when the Board doesn't have a strong GM helping to guide it through a complex process, such as the one in which the Board was now, it would be easy for the Board to make mistakes. He said that there would be issues with creating job descriptions and that, to get it through the Board there would need to be several drafts. Then, he said, the attorneys would need to become involved, and the Board would have to interview people. He urged the Board to bring back former IGM/COP Hart, on an interim basis, to assist the Board with moving things forward as efficiently and smoothly as possible.

Dave Spath said he strongly recommended that the Board bring back Mr. Hart because he had the managerial experience on both the Kensington and the state level. He noted that people seemed to forget that Mr. Hart had been the Chief Enforcement Officer for the State Department of Hospitals and that, in that capacity, Mr. Hart had been responsible for overseeing five state hospitals and three mental health institutions. He said Mr. Hart had also overseen 700 personnel, the budget, personnel matters, etc. He noted that Mr. Hart had a significant and strong background. He said that hiring Mr. Hart would give the Board the opportunity to make a decision whether it wanted to bifurcate the GM/COP position and that, without Mr. Hart, the Board would be without strong managerial capacity. He urged the Board to move forward with rehiring Mr. Hart on an interim basis and then to decide whether it wanted to bifurcate the position and whether it wanted to make the GM position a full-time one, if there were the financial resources to do so.

Rich Karlsson said he had been a resident of Kensington for 34 years. He said he agreed with Ms. Benson. He said that, although Mr. Hart was qualified to do the job, the opinions of him within the community were very divided. He said it was time for the community to become unified again. He said that, for Master Sergeant Hull, there would be conflicts – as there would be conflicts for any member of the police force – to serve as the IGM/COP. He recommended asking the Public Law Group to help

find a replacement. He noted that there were lots of retired police chiefs in the area and that it would serve the community well to find a third choice. He said there were some difficult GM issues that would be coming up such as the negotiation of the contract and pending disciplinary matters. Therefore, he suggested looking for a third alternative for the interim. He said that, although Master Sergeant Hull had done a fine job, he would have conflicts moving forward if he were to be in the interim position for very long.

Karl Kruger said he had lived in Kensington for 25 years, had served on the Finance Committee for a number of years, and had attended a lot of the Board meetings. He said that, in August of 2015, Jim Watt had called him to invite him to go with him to meet the new GM/COP. He said that Mr. Hart had spent about an hour meeting with them – a lot of time for a manager to give. He said they'd talked about finances – something about which Mr. Hart knew a lot, patrol cars, and motorcycles. He said he'd been surprised when Mr. Watt had said that Mr. Hart hadn't answered questions for people he hadn't liked. Mr. Kruger said Mr. Hart must have liked him a lot because he had answered every question he'd ever posed to him. He noted that Vice President Sherris-Watt had said that Mr. Hart had been very responsive to the Park Buildings Committee – he had attended every meeting of that committee. He said that, with Mr. Hart there had been ongoing Finance Committee meetings – a change from what had been a committee that had previously met only twice a year. He said that President Welsh had gotten the Committee going and that Mr. Hart had been very responsive to the Committee. He said the prior GM/COP had not known finances, but Mr. Hart had. He said he strongly endorsed bringing back Mr. Hart.

Leonard Schwartzburd said the issue of Mr. Hart was symbolic of deeper issues in the community. He noted that he could talk negatively about his personal experiences with Mr. Hart and about his suitability to be the GM. He said it would not be suitable to bring back Mr. Hart. He said he wanted to talk about the dynamics of Kensington at this time in its history. He said the voters had decided to have new people, who were not part of the old guard, come in and restructure the community that would enable the community to get past the bitter divisions and dysfunction that had existed in the past. He said he thought Mr. Hart had contributed to the continuation of this. He said the new Board had been elected to do things differently. He asked the new Board not to be determined in its actions by what was fundamentally a political movement. He said the old guard was needed to work cooperatively with the new group and to give it an opportunity to do the restructuring that the community voted them in to do. He said the rehiring of Mr. Hart would be a regressive step.

Skye Dent said she'd lived in Kensington for three years and had been well represented by Kevin Hart during her domestic abuse situation. She said that, as a result of the investigation of what had been going on in her household, there was something else that needed attention: Elder abuse. She said that there had been three people, over the age of 60, who had lived in the house in which she was now living, who had been shoved out on the street. She said that one of them had been there when she had arrived and that he'd been shoved out so quickly that his personal belongings were still in the house. She said three elders had been abused, and it wasn't being investigated. She said she had been told this really wasn't a police issue, but it was going to become one if someone were to die. She said she thought Mr. Hart would be someone who would help her and others to find out who the vulnerable elders were in the community.

Kevin Fitzsimmons said he'd been a resident for five years and had come from an affluent neighborhood in Oakland. He said that, while living there, word had gotten out that the police weren't around. He said Kensington wasn't that different – it could become like Montclair quite easily. He said that the Board members had a lot of big decisions before them and that he supported Kevin Hart.

Trish Mindel said she wanted to address the comment that Mr. Hart had spoken only to people he liked. She said Mr. Hart's door had always been open to her, and he'd always been willing to discuss her concerns. She said this assessment of him was unfair, though she understood he was a divisive person for the community. She said she had made it very clear to Mr. Hart that she didn't support the combined GM/COP position. She said she was sick of hearing the term "old guard" because it was dismissive of an entirely new group of people in the community who might agree with things said by

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some. She said she didn't fit into any guard – old or new: She was concerned about her home, her family, and her friends.

Ciara Wood said she agreed with Ms. Mindel; it was important for people to stop speaking dismissively. She said that this was apparent on Next Door; that there were other ways to communicate with people, such as in person; and that people needed to be more careful with their words. She said hiring Mr. Hart would be a step backward and wasn't in the interest of the community. She noted that the Board had to figure out the hard work that needed to be done and that it needed to take its roles seriously. She noted that some GMs had managed the Board more than the Board had managed the GM and asked the Board not to rehire Mr. Hart.

Celia Concus said many people had spoken about why Mr. Hart should not be reappointed, and she concurred with it. She asked the Board if it could tell her whether there was any precedent for retaking a vote that hadn't passed and noted there had been no second to the motion. She said that, in all the meetings she had attending during the prior seven or so years, she had never known there to be a retaking of a vote for something that hadn't passed earlier. Vice President Sherris-Watt responded that Robert's Rules of Order allowed for this because there hadn't been a vote. Ms. Concus said she saw no reason to revisit this.

Mary Korn said she wanted to refer the Board to an Outlook interview with Mr. Hart from November 2016. She said she wanted to use Mr. Hart's own words to explain why she didn't want Mr. Hart to be rehired. She read a passage in which Mr. Hart had said there were no catastrophic problems, he had righted the ship, and could leave Kensington knowing he'd been successful. She read further in the article that Mr. Hart had said that too much weight had been placed on the GM part of the job; the weighted part of the job was that of the COP. He'd said the budget reflected that functions outside the police function were only 10%. She asked why the community would want to bring back someone as the GM when he had minimized that aspect of the job. She asked the Board to take Mr. Hart's words into consideration.

Gail Feldman said she was speaking on her own behalf. She said that, during Mr. Hart's tenure, there had been a number of issues that had come up and that she didn't know whether he'd thoroughly looked through these to determine how they would affect his employment with the District: His healthcare coverage, which had ended up costing more than had been negotiated with the District; and his resignation with 30 days notice. She said that no one in a management position – she noted she'd worked in government for over 25 years – would resign with just 30 days notice because there was no way the position could be filled. She said that Mr. Hart knew he didn't have someone trained to backfill him, other than Master Sergeant Hull and that this had been the "final blow" for her with Mr. Hart. She said he didn't have the integrity the community needed. She said the community needed to move on and that the District needed to do the work started by the Ad Hoc Committee. She said she understood the concerns of the community, that Mr. Hart had done a disservice to the community, and now the Board had spent several months running around hiring a new person and having that person leave. She said the community didn't need to go through that again. She said she was in favor of the Board bringing on someone to help the Board look at the Ad Hoc Committee's work and to get something done. She said this didn't mean it needed to be Master Sergeant Hull as GM.

Marilyn Stollon said she was not in favor of rehiring Mr. Hart. She said there had been an election to move the community in a different direction. She said she would like to see, from here on in, people who are honest, professional, and have integrity. She said that there had not been people working in the community who had integrity and that she supported the new Board going in a different direction.

Melissa Holmes Snyder said she didn't agree with everyone present, and it broke her heart to see what was happening on Next Door. She said that Directors Nottoli and Hacaj had been elected having said that the community needed a model of civility and good behavior. She said this meant that members of the community could disagree but not be disagreeable. She said there was not an old guard and a new guard, which she said was divisive and needed to stop. She said the Directors, especially the new Directors, needed to know and understand their policy manual. She said she supported bringing in Mr.

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Hart for a short period of time. She noted that Director Nottoli had said the District was required to have a GM. But, she said that person didn't need to be full-time. Ms. Holmes Snyder said that Mr. Hart wouldn't need to come back on a full-time basis and that his hourly rate would be between \$60 and \$70 per hour. She urged the Board to consider that.

President Welsh said he was impressed with the two new Board members and with Rachelle and the way in which the Board had tried to develop consensus. He said he hoped that, when Directors disagreed, they could do so civilly and respectfully. He said this was the second time he had placed this item on the agenda, asking the Board to consider rehiring Kevin Hart on an interim basis. He said that there was no legal reason why he could not do this and that he had done so because there had been a lot of people who had not expected a lack of support for rehiring Mr. Hart at the prior Board meeting. President Welsh said he'd received a lot of emails asking the Board to place this back on the agenda. He said that he was fairly certain his motion would not be seconded, yet again, and that would be the last time he would bring up the issue. He said many of the comments he'd heard at the meeting suggested some thought the Board might be rehiring Mr. Hart permanently. He clarified that he was trying to do this for the benefit of the community and, most importantly, for the benefit of the new Board members and Master Sergeant Hull. He said he thought it was unfair to place Master Sergeant Hull in this position without a phase-in period, which he would have if Mr. Hart were here. He said that the Board was asking for a lot more work and that this decision would make things harder on the District's new legal counsel. He said that whatever the Board decided, he would fully support.

Before the vote was taken, the phone connection with Director Nottoli was lost.

MOTION: President Welsh moved, and Director Hacaj seconded, to adopt Resolution 2016-19. Motion failed: 1 – 3.

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

Director Hacaj explained that she had seconded the motion so there could be a vote on it. She thanked the community for coming out and said she wanted to echo what Trish Mindel and Ciara Wood had said. She said she didn't have the magic answer to how to heal the divisions in the community, which she said she thought went back many years. She asked everyone to examine their own actions, comments, and assumptions, to de-personalize things, and to recognize that the Directors were all doing their best. She said she believed everyone's intentions were good; they just had different ideas about what was best for the community. She said the new directors had been seated just a few days ago and now they had to dig out of a hole that had been years in the making. She said the Board needed to be more actively involved in setting leadership and in overseeing and managing both the police function and the GM function. She said that she was taking the long view for the community and that she did not take the police function without seriousness: This was the major function of the District. She said that it would be very expedient and easy to rehire Mr. Hart and that this would please people on both sides of the aisle. She said that this had been the solution the old Board had chosen when it had rehired Mr. Hart in September and that it wasn't responsible to let the District drift. She noted that, in May, the Board had extended Mr. Hart's contract as IGM/COP by a 3-2 vote and that much of the rationale given then was the same as the rationale that had been offered at this meeting. She said the instability, in which the Board now found itself, was the result of Mr. Hart not having fulfilled the commitment he'd made just four months earlier. She noted that, in his Outlook interview, Mr. Hart had said that his resignation had not been a sudden decision. She said this had been the second time Mr. Hart had broken his word to Kensington in order to get things on his own terms. She noted that, when Mr. Hart had first been hired, he had told the Board that he wouldn't need medical benefits and then changed his mind; the District then set up a separate medical plan for him. She read the last sentence of Mr. Hart's letter of resignation: "If you're not moving forward, you're falling back." She said that for these reasons, she had opposed the resolution.

7. The Board considered adopting Resolution 2016-21 "Approval of the Appointment of Master Sergeant Rickey Hull as Interim General Manager/Chief of Police." Compensation

for such appointment, if made, would be discussed at the January 12, 2017 regular open session of the Board.

Vice President Sherris-Watt said that the compensation for such an appointment would not be discussed at this meeting because it must be discussed at a regular Board meeting, the next of which she said would be on January 12, 2017. She asked for public comments.

An unidentified speaker said that Master Sergeant Hull was the kind of guy who could do the job on an interim basis and that he was in favor of that. He said he thought the Board could get some insights from someone who had worked within the police department for a number of years.

Mabry Benson said there were problems with having Master Sergeant Hull serve as GM. She noted that the conflicts had already been mentioned. She said that, if the Board decided to proceed with this appointment, there should be restrictions placed on him – because of the inherent conflicts of interest. She said he should have no access to the personnel files, should make no decisions on discipline, and should make no major decisions without consulting with the Board.

Lori Trevino said the Board didn't have to fill this position at this time. She said her comment wasn't specific to Master Sergeant Hull: She was concerned the Board would be going down the same road it had been down before of putting a police officer in the GM position. She said that Section 200 of the Police Policy Manual states, "The Chief of Police exercises command over all personnel in the Department. During planned absences of the Chief of Police, the Chief will designate a Sergeant to serve as the acting Chief of Police. Except when designated as above... it is the Sergeant with the most seniority and rank." She said, therefore, the Board didn't have to appoint Master Sergeant Hull as the Interim COP during this period of there not being one. She said that, if the Board wanted to compensate Master Sergeant Hull for the additional responsibilities, the MOU with the Police Officers' Association already provided the District with the ability to do so, without making him the IGM or ICOP. She reiterated that she was concerned that the Board would be hiring a police officer for the IGM/COP role. She noted that the combined position had been the root of many problems, especially during the past two GM/COPs' tenures. She said state law did require the District to have a GM, but nothing prevented a position from being vacant. She said this was an opportunity to leave the position vacant and to contract with an independent contractor who could provide the GM skills the District needs. She noted that there were many high priority projects and that to hire a police officer to prepare the budget and other administrative tasks, such as helping with agendas and packets, didn't make sense. She said that she had read through the resolution for hiring Master Sergeant Hull as the IGM/COP and that she was concerned that the Board was considering asking him to forego the civil service protections provided under the KPOA MOU for a temporary at-will position. She said she also thought this would put Master Sergeant Hull's public safety pension at risk in light of the CalPERS determination that the District needed to identify the portion of the GM/COP position that was pensionable. She urged the Board to find an independent person.

Skye Dent said it would be a conflict of interest for the department and the community to hire Master Sergeant Hull as the IGM/COP because he was under investigation for concealing her file; not interviewing the person who had assaulted her; giving that person advice on how to evict her; and failing to do what his superior had directed him to do, which was to deliver a case to the DA's office. She asked how the Board could hire someone who didn't respect or fulfill the law, and she said the DA's office said it still hadn't received her case. As a result, she said she couldn't move forward with victim's compensation or anything else. She also said she didn't understand why the GM position had to be filled by a police officer. She said that, when the GM position was vacant, there was one person who worked harder, cared more about the community, lived in the community, and was the face of the community. She said District Administrator Wolter should be considered. She said District Administrator Wolter did everything and held the department together when there was no GM and the COPs were getting credit for it. She said that, if one took away District Administrator Wolter, the police department and the District wouldn't run and that she should be paid more.

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Pat Gillette said she wanted to address President Welsh's comment that, no matter what decision the Board might make, he would support it. She said this was something that hadn't been heard for two years, she commended him for it, and said this was the way Boards were supposed to operate. She said that it made no sense to put Master Sergeant Hull into the GM/COP position and that it would set him up for failure. She noted that numerous legal issues would need to be address, such as his status, and it would unnecessarily complicate the District's current situation. She said it might cause the Board to take too long to make a decision about the GM/COP position. She said that, if PLG could do what it said it could – which was to find candidates for an interim position, this would be the best solution given that the Board had decided not to rehire Mr. Hart. She said that the community had heard nothing about Master Sergeant Hull's qualifications to serve as GM and that she had no confidence he would be able to meet the requirements of the GM position, either in terms of the administrative skills needed or the community services skills involved. She said she would rather have him doing what he did well and not doing things for which he was not qualified. She said that, if Master Sergeant Hull did want this position, she hoped he would provide the community with the rationale for his decision. She said the community deserved to know why Master Sergeant Hull was qualified to serve in the position. She said that, if members of the Board had personal relationships with Master Sergeant Hull, it should be disclosed and/or they should recuse themselves: Those people knew who they were.

Catherine de Neergaard said she wanted to second Ms. Trevino's comment – she wanted to know why Master Sergeant Hull should be hired for this position when at least three or four times in the past he had been senior officer and de facto acting chief when there hadn't been a chief. She noted that this is how things had been handled for 20 years – the community didn't rush to hire someone immediately. She said the community had gone through a hiring process, and she recommended that it be done this time, too. She said it seemed better to search for people to serve as COP and GM separately to ensure leadership and expertise. She said she understood that there were candidates and hoped people would come forth quickly. She said that she had filed a formal complaint against Master Sergeant Hull, which she said the Directors had received that morning, and that at least one other person had also filed a complaint. She said that, because of these complaints, which involved civil rights violations, she didn't see how the Board could consider him for a position of greater responsibility. She said that, if the Board were to hire Master Sergeant Hull, it could result in an expensive legal liability for the District. She encouraged the Board to hire a GM who could work on things like the budget, policies, and controls.

Andrew Gutierrez congratulated the Board on the election and said he'd been a resident of Kensington for about 20 years. He said that, during that time, the face of the Kensington Police Department had always been Master Sergeant Hull and that he'd always been a gentleman. He said he supported him as a gentleman and as a police officer. He said that, currently, there were six officers. He noted that two officers were on medical leave and one was on administrative leave. So, he said that the notion that Kensington was the fifth safest community in California was a myth that it was attributable only to police services. He said, instead, it was due to Kensington's location and the composition of its community. He said he was grateful for Ms. Trevino's clear-minded and factual presentation about the two proposed appointments. He noted that many of the comments had addressed the separation of the GM/COP position and that there was another viable alternative. He noted that the meeting was being held in the fire building that had been "farmed out" to El Cerrito for 20 years, which had provided the community with good service. He said that Master Sergeant Hull should be compensated and that he'd stepped in on other occasions when there had been COP absences and had done it competently.

Paul Haxo said he'd had the honor of serving with Master Sergeant Hull when he had been the interim acting GM/COP about ten years earlier. He said that, at that time, the Board had had to be far more involved than usual and that the current Board would need to be far more involved with Master Sergeant Hull taking on the GM duties. He encouraged the Board to find someone a little less "interim" as soon as possible and concluded by saying it would be helpful for Master Sergeant Hull to get back out on the street as soon as possible.

Dave Spath said he wanted to agree with Ms. Trevino and Ms. Gillette on some of their comments. He said he hoped the Board would find someone to serve as the GM who could address the Ad Hoc

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Committee's findings. He said that Peter Kampa would be able to provide the Board with assistance and that, although he (Dr. Spath) didn't know much about PLG, they might have access to consultants or retirees who might be able to serve as GM. He said he had concerns about having Master Sergeant Hull serve as both GM and COP on a longer-term basis: He would no longer be able to patrol the community. He noted that the November report showed Master Sergeant Hull had been on duty 18 days, with each shift lasting ten hours. He said that, with his proposed change in status, there would be one less officer on patrol – even though there would still be crime and the need for officers to respond to it. He said that Master Sergeant Hull should serve in this capacity for a very short term and that the Board should hire someone very quickly as an IGM and find the ultimate solution with regard to bifurcation.

Jim Watt said that he was concerned about Master Sergeant Hull's appointment, that he wanted the appointment to be as short as possible, and that he wanted the Board to be looking for a person as soon as January. He said also said he hoped the needed changes would be made to the Policy and Procedures Manual so there could be full-time people in the positions.

Vice President Sherris-Watt said she would answer some questions that had been presented by Ms. Trevino and Ms. Feldman in the next item and asked for forgiveness if they weren't answered directly. She said that, as Kensington looked forward, it needed to recognize the overwhelming ripple effect of the past. She said that, over the past several years, there had been swirling action and non-stop drama but that, in the midst of all the surprises, there had been an absence: The absence of direction and leadership. However, she said she didn't mean this in reference to President Welsh – rather on a Board-wide basis. She said that the KPPCSD Board had been acting in a reflexive manner, with hastily scheduled meetings and doubling down on dubious choices and that, on this day, they were beginning again. She said this Board was not present to visit old dramas: It was here to make policy, administer the business of the District, and create a work environment for officers and staff that's the envy of other communities. She said this didn't require endless resources but a clear-eyed focus on hiring. She said that among her priorities were a well-administered budget that would take care of current needs and long-term interests, a communication and information distribution system to keep citizens aware and involved, and a professional staff that engages the community with pay-it-forward policing utilizing the talent and commitment that staff demonstrated daily. She said her ultimate goal was to make Kensington boring again and to set the bar so high and the standards so consistent that golf on TV would be more exciting than attending KPPCSD meetings. She said she was announcing her support for appointing Master Sergeant Rickey Hull to the position of IGM/COP. She said he had been a police officer for Kensington for 28 years, with nineteen of them serving Kensington. She said that, throughout his tenure, he had been thrust into the role of acting COP but never officially appointed. She noted he had first served in 2006, following the departure of former GM/COP Barry Garfield, and later following the departures of Greg Harman and Kevin Hart. She said sympathy with his always-a-bridesmaid status wouldn't compel her to appoint him to a job he couldn't or wouldn't perform with excellence. She said that what compelled her was Master Sergeant Hull's unique character. She said it was no secret that a divided Board had failed to communicate vital information to its newest members. She said this had not been the case with communication with Master Sergeant Hull. She said that he had brought forth, to her first – before she had heard it somewhere else, every compelling or unflattering issue that had involved him. She said he took ownership for his actions and admitted his deficiencies. She said she thought this made him unusual among employees and also among human beings. She said he was willing to expand his education. She said he had expressed a keen interest, years ago, in representing Kensington on a task force that had been created by Assemblyman Tony Thurmond that had not been in the interest of the then COP. She added that he had researched the dispatch issues Kensington currently faced and noted that he had preexisting and positive relationships with the Kensington Fire Department, the El Cerrito Police Chief and officers, and with the officers of Albany and Richmond. She said his long tenure meant he knew the community, its residents, and some of the issues the community was facing. She noted that none of this implied that he was perfect or that the challenges he faced wouldn't be trying. She said Master Sergeant Hull and the Board shared the common goal that the survival of the District should come before self-serving needs and that adherence to, and clarity about, policy would make the District more effective, that good work was more important than personal grievance, and that people must work together to achieve goals.

Director Cordova said she appreciated Vice President Sherris-Watt's comments and shared some of her sentiments however, as someone who had served in an interim position at a local level, she was disappointed by the public process that did not consider introducing the two other candidates and that did not include interviews with the candidates, more resumes, or letters of interest from candidates to Board members. She said this put her in a difficult position of having to evaluate the feasibility of appointing either of the two candidates. She said she also thought there was a third option, as Ms. Benson, Mr. Karlsson, and Ms. Gillette had highlighted. She said community division told her that neither of the candidates should be appointed to this position. She said she would not support Master Sergeant Hull. However, she said would support Vice President Sherris-Watt's efforts, should the vote carry.

President Welsh said that Item 7 was closely related to Items 8 and 9. He said he did support, fully, the action being taken. But, he said the Board should be moving as quickly as possible toward a more permanent solution. He said the thought this would be easier on everyone involved, including District Administrator Wolter, who had been working more than full-time for several weeks. He said a GM needed to be put in place, and the Board needed to decide whether Master Sergeant Hull should be COP permanently. He said that, at the Board's January meeting, the Board would be able to vote on whether to have a second regular meeting each month – there had been a first reading at the December meeting – and that this would give the Board flexibility to take action. He said he hoped that, at the January meeting, there would be a first reading of giving the Board the option of separating the GM and COP positions, because the Policy and Procedures Manual currently showed them as one position.

At some point prior to this motion, the phone connection with Director Nottoli had been reestablished.

MOTION: Vice President Sherris-Watt moved, President Welsh seconded, that the Board adopt Resolution 2016-21 and appoint Master Sergeant Rickey Hull as the Interim General Manager/Chief of Police, with compensation to be determined at a regular meeting. Motion passed: 4 – 1.

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

8. The Board discussed possibly setting a date, or dates, by which the appointment of a new interim or permanent Chief of Police and/or new interim General Manager might be made.

Vice President Sherris-Watt said that she would move that the position begin immediately and that the Board was addressing the questions. She said that the Board had had competent legal advice on the ongoing situations, which wouldn't be provided to the public, and that the Board was confident, going forward. Amara Morrison interjected that this agenda item was setting forth the timeframe for the interim appointment. Vice President Sherris-Watt said the Board was anticipating that this process would take approximately 45 to 60 days. She said that, the day after Kevin Kyle had resigned, she had already been in discussions with Public Law Group, looking for candidates who could fill the District's vacant position. She said that, currently, there were no candidates. Thus, she said that this would be an ongoing process and that, with the next item, she hoped the Board would be selecting two Directors to prepare separate job descriptions. She noted that the Board was relying on the expertise it was receiving from outside sources and that she didn't believe the Board needed to take action on this item today. Ms. Morrison responded that, by consensus, the Board could indicate agreement about the process. President Welsh said he hoped the Board could move more quickly than this.

Gayle Tapscott asked for a summary of what the Board had just voted on because it had moved into another phase. President Welsh responded that the Board had voted to make Master Sergeant Hull the IGM/COP. Ms. Tapscott asked, "Until when?" President Welsh responded that this was what the Board was now discussing.

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Pat Gillette said she was disappointed that the Board had not addressed why it thought Master Sergeant Hull was qualified to do the GM position. She said there were a number of legal issues that had been raised that the Board hadn't clarified. She asked what Master Sergeant Hull's status was: Would he go back to being a police officer after holding this position? She also asked if he would:

- Be an at-will employee now?
- Have access to disciplinary actions now?
- Be involved in investigations?
- Negotiate the officers' contract, if the Board was unable to select another person?
- Return to the bargaining unit afterward?

She said that she, Julie Stein, and Ms. Trevino had raised numerous legal issues and that she would appreciate it if the community could get some explanation. She noted that Director Cordova had at least explained her position. She said Vice President Sherris-Watt's explanation had been, what a "great guy" Master Sergeant Hull was, which hadn't told her he was qualified to be the GM, nor had it addressed any of the legal issues. She said that she hoped, in the spirit of community involvement and transparency, which had been a buzzword for many people on the Board, that the community would get some explanation of some of these critical issues. She said she also wanted to emphasize Ms. Benson's and President Welsh's point, which was that this process needed to be done quickly. She urged the Board to have someone in place by the end of January, to serve in the interim GM/COP position, until the Board could figure out what the split might look like. She urged the Board to select someone who was truly qualified to do each of the jobs. She said this rush to put someone unqualified into the position and then not to have a deadline made no sense to her.

President Welsh responded that some of the things about which people had asked were private, so the Board couldn't talk about it. He said he thought Master Sergeant Hull was sufficiently qualified to be IGM/COP on a short-term basis. He said the District needed someone in the GM position to sign things, such as payroll documents and to carry out other administrative things in order not to "burn up" District Administrator Wolter, who had been trying to fill the gap. He said he also didn't want vice President Sherris-Watt to have work to fill the gap, once she became President. He said that, because the Board had not selected Kevin Hart, the only other option was to use existing resources.

Amara Morrison, the District's legal counsel, said she appreciated Ms. Gillette's and Ms. Stein's observations, comments, and legitimate concerns about this temporary appointment. She said she and the Board were working with outside labor counsel to address concerns. She said some things entailed private and confidential information related to Master Sergeant Hull's appointment. She said that she and the Board were cognizant of the legal issues and were taking steps to address them immediately.

Vice President Sherris-Watt made a correction: From this moment, he was Interim Chief Hull, and she congratulated him. She added that police departments promoted from within all the time, that she was confident with the Board's legal advice, and that the Board had taken all these issues into account. She said she would not have done this had she not been very comfortable.

Skye Dent said that she'd asked questions that had privacy concerns but that hers was the only privacy that would be violated. She said she didn't understand why she hadn't received responses to the many emails she'd sent to the Board. She said she'd spoken to Officer Ramos the prior week about a second assault on herself, which she said would not have happened if the first case had been sent to the DA's office. She said the DA had told her that he couldn't provide her with a copy of the report about the most recent incident until IGM/COP Hull had signed off on the report. But, she said there was a conflict of interest because IGM/COP Hull was one of the people about whom she had complained. She said she had repeatedly asked the Board what it was going to do about this, but she'd received no answers. She asked if she would be able to get the report on the most recent assault, as promised, or, now that IGM/Cop Hull had other duties, would he not get to it. President Welsh responded that the Board would talk with its attorney about this and then answer her questions. She asked when that would be. President Welsh responded that it would be as soon as possible. Ms. Dent said that IGM/COP Hull had reported, on December 6th, that he'd finally sent the report to the DA's office.

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Linda Lipscomb urged the Board to provide the proper safeguards to secure personnel records. She said:

- Generally speaking, the COP was not a member of the police union.
- When a complaint comes in, the Board needed to consider seriously the manner in which the complaint is handled so as not to violate confidentiality. She noted that complaints could come from citizens as well as from members of the union. She said she hoped the Board would consider this, especially in light of what she considered to be an imprudent action.
- She hoped the Board would think in terms longer than making this convenient move.

Mabry Benson said that any employment agreements, with any employees, were public information. She said that the earlier date the Board set as a goal, the more likely the event would occur. She said the Board should get a real GM by January 26th – someone who knows budgets, negotiations, etc. – and that IGM/COP Hull could continue as COP.

Gayle Tapscott said that she was very concerned about the costs associated with overseeing the conflicts and that these would be legal costs. She said that, what the community had seen – with Skye Dent speaking to the Board, a regular GM would have been able to step in. She said the community had witnessed a conflict of interest that hadn't been handled well – no one could say anything. She said this would happen on a regular basis.

President Welsh said the Board would table Item 8.

9. The Board considered the process by which a job description for interim GM/COP would be considered and considered utilizing an ad hoc committee to manage bringing candidates to the Board for interviews.

Vice President Sherris-Watt said she hoped there would be two Board members willing to work on this issue and bring forth the potential for splitting the position, job descriptions and candidates to interview. Director Nottoli and Vice President Sherris-Watt volunteered. Vice President Sherris-Watt said she would work with Director Nottoli on bringing candidates forward. Vice President Sherris-Watt asked if a motion was needed for this. Ms. Morrison indicated that consensus was sufficient.

Mabry Benson asked if members of the public would be working on this endeavor. Vice President Sherris-Watt responded in the negative and added that she had meetings scheduled for Monday.

David Spath asked if the job description would be for the GM/COP. Vice President Sherris-Watt responded that it would and that the Board would begin looking at what would need to happen if the position were to be split or remain combined. Dr. Spath said he was seeking clarity because the Board had been discussing the IGM/COP.

Melissa Holmes Snyder said she would appreciate it if all five directors would be present. She said calling in by phone was out of line: No one in the audience could hear it. She noted Vice President Sherris-Watt had to waste breath earlier in the meeting. She said that she appreciated that Directors Cordova and Nottoli were somewhere else but that this wasn't right: The Directors needed to be here and be present or not, as long as there's a quorum. She said that, as far as the appointment, she was concerned about the conflicts. President Welsh responded in Director Nottoli's defense: This had been the only time she'd not been able to attend physically. Director Nottoli added that her trip had been scheduled before the election.

Andrew Gutierrez said he had made a suggestion on Next Door: There was Wi-Fi in the building and that, with this, the image of anyone, absent for valid reasons, could be projected on a screen.

Director Cordova said she was stuck in Italy because of a pulmonary embolism – not once, but twice. Therefore, she said she couldn't get on a long-haul flight. She added that "they" couldn't get the clotting under control and that she couldn't be in a pressurized cabin for longer than three hours. She

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said she had contacted the County Registrar as well as an attorney with the League of Cities: She's allowed to participate by phone in accordance with Government Code 1700 and that it was not an absence. She said it wasn't ideal and wasn't a lot of fun for her with these 4:00 A.M. calls. She said that, if she had a pulmonary embolism in Kensington, she would probably phone in because she felt really crummy.

**MOTION: President Welsh moved, and Director Hacaj seconded, to adjourn.
Motion passed: 5 – 0.**

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

The meeting was adjourned.

Len Welsh
KPPCSD Board President

Lynn Wolter
District Administrator

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Meeting Minutes for 1/4/17

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Wednesday, January 4, 2017, at 7:00 P.M., at the Community Center, 59 Arlington Ave., Kensington, California.

ATTENDEES

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Rachelle Sherris-Watt, President	Amara Morrison
Eileen Nottoli, Vice President	David Bergen
Len Welsh, Director	
Vanessa Cordova, Director	
Sylvia Hacaj, Director	
<u>Staff Members</u>	
IGM/COP Rickey Hull	
<u>Press</u>	

President Sherris-Watt called the meeting to order at 7:00 P.M. President Sherris-Watt, Vice President Nottoli, Director Welsh, Director Hacaj, and Master Sergeant Hull were present. Director Cordova participated by phone from Italy.

Before public comments began, President Sherris-Watt announced that the Board would no longer comment on any public comments or engage in any dialog from that point forward. She said that she was happy to have the public comment every time and that items of necessity would be carried forward to a future agenda.

PUBLIC COMMENTS

David Bergen said he wanted to discuss two items:

- The Wi-Fi and live streaming, which he understood were part of the new sound system. He said he could see there was Wi-Fi in the building, but it wasn't possible to access it because a password was required but hadn't been publicized. He said District Administrator Wolter had told him that the Board needed to develop a policy about whether and how the system would be made available to the public. He said this was strange because the feature had been promised to the community, and he asked the Board to establish such a policy, if necessary; and if not, to provide a password to the public. He noted that one Board member was unable to attend now and that, if she could use the Wi-Fi, it would enable her to avoid the expense of overseas phone calls and would be more reliable. He said that this would be free for her, assuming she would have access to free Wi-Fi where she was residing. He said that live

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streaming, which also had been promised, needed to be implemented promptly so that any Director could participate remotely.

- A private item, of which he thought the Directors were aware, but he didn't want to make public, as yet. He said he would appreciate a private answer to the status of the issue and a copy of the results of the study that had been completed. He said that, having spoken to the party the Board had hired, he understood that they had not, as yet, been paid, nor had they been asked to study the second area of interest. He asked that the second area be studied as soon as possible. He said he'd brought these issues had been brought to the KPPCSD's attention in 2015. And, he said the first issue dated back to former GM/COP Harman's tenure. He said he thought the non-payment issue might have been due to another party's refusal to pay.

The Board entered into Closed Session.

- a-c. Public Employee Employment, Discipline, or Dismissal: The Board was briefed on personnel matters pursuant to CA Government Code Section 54957(b)(2). Three unrelated complaints.
- d-h. Public Employee Employment, Discipline, or Dismissal: The Board was briefed on personnel matters pursuant to CA Government Code Section 54957(b)(2).

The Board returned to Open Session at 8:39 P.M. President Sherris-Watt said there was nothing to report, with respect to the Closed Session.

The meeting was adjourned.

Rachelle Sherris-Watt
KPPCSD Board President

Lynn Wolter
District Administrator

Unaudited Profit & Loss Budget Performance

January 2017

	Jan 17	Budget	Jul '16 - Jan 17	YTD Budget	Annual Budget
Ordinary Income/Expense					
Income					
400 · Police Activities Revenue					
401 · Levy Tax	5,846.46	0.00	1,642,869.96	1,653,000.00	1,653,000.00
402 · Special Tax-Police	0.00	0.00	681,630.00	680,000.00	680,000.00
403 · Misc Tax-Police	0.00	0.00	0.00	0.00	0.00
404 · Measure G Supplemental Tax R	0.00	0.00	527,989.12	529,601.28	529,601.28
409 · Asset seizure forfeit/WEST NET	0.00	0.00	0.00	0.00	0.00
410 · Police Fees/Service Charges	160.00	125.00	2,704.60	875.00	1,500.00
411 · Kensington Hilltop Srvc Reimb	4,867.00	4,866.75	9,734.00	14,600.25	19,467.00
412 · Special Assignment Revenue	0.00	0.00	0.00	0.00	0.00
413 · West County Crossing Guard R	3,717.00	3,717.00	3,717.00	3,717.00	11,151.00
414 · POST Reimbursement	0.00	0.00	1,053.59	0.00	0.00
415 · Grants-Police	12,291.21	0.00	77,681.08	0.00	0.00
416 · Interest-Police	0.00	375.00	1,842.41	750.00	1,500.00
418 · Misc Police Income	1,350.54	1,083.33	5,862.14	7,583.31	13,000.00
419 · Supplemental W/C Reimb (4850)	8,826.32	0.00	44,604.44	0.00	0.00
Total 400 · Police Activities Revenue	37,058.53	10,167.08	2,999,688.34	2,890,126.84	2,909,219.28
420 · Park/Rec Activities Revenue					
424 · Special Tax-L&L	0.00	0.00	36,220.00	35,000.00	35,000.00
427 · Community Center Revenue	0.00	9,500.00	18,824.35	22,800.00	33,000.00
437 · Contributions for Sound System	0.00	0.00	10,000.00	8,000.00	8,000.00
438 · Misc Park/Rec Rev	0.00	30.00	42.00	90.00	200.00
Total 420 · Park/Rec Activities Revenue	0.00	9,530.00	65,086.35	65,890.00	76,200.00
440 · District Activities Revenue					
448 · Franchise Fees	2,605.16	5,400.00	36,593.86	37,800.00	65,000.00
456 · Interest-District	0.00	0.00	0.00	0.00	0.00
458 · Misc District Revenue	0.00	0.00	0.00	0.00	0.00
Total 440 · District Activities Revenue	2,605.16	5,400.00	36,593.86	37,800.00	65,000.00
Total Income	39,663.69	25,097.08	3,101,368.55	2,993,816.84	3,050,419.28

Account 400 Police Activities Revenue
This YTD total is ahead of the YTD budgeted amount by approx. \$110,000. This is primarily due to receipt of \$78,000 of COPS Grant and \$45,000 of Supplemental Workers' Comp.

300

Unaudited Profit & Loss Budget Performance

January 2017

Expense	Jan 17	Budget	Jul '16 - Jan 17	YTD Budget	Annual Budget
500 · Police Sal & Ben	70,663.26	84,606.17	550,865.94	592,243.19	1,015,274.00
502 · Salary - Officers	0.00	766.67	14,795.63	5,366.69	9,200.00
504 · Compensated Absences	5,470.16	6,250.00	61,917.63	43,750.00	75,000.00
506 · Overtime	8,296.20	8,389.75	63,844.40	58,728.25	100,677.00
508 · Salary - Non-Sworn	644.27	750.00	4,243.91	5,250.00	9,000.00
516 · Uniform Allowance	1,000.00	187.50	3,867.34	1,312.50	2,250.00
518 · Safety Equipment	13,456.98	15,174.50	121,634.01	106,221.50	182,094.00
521-A · Medical/Vision/Dental-Active	12,263.29	13,356.50	105,085.83	93,495.50	160,278.00
521-R · Medical/Vision/Dental-Retired	0.00	0.00	95,868.00	0.00	64,226.00
521-T · Medical/Vision/Dental-Trust	0.00	578.33	2,637.00	4,048.31	6,940.00
522 · Insurance - Police	1,017.73	1,458.92	9,035.85	10,212.44	17,507.00
523 · Social Security/Medicare	550.65	520.17	4,690.73	3,641.19	6,242.00
524 · Social Security - District	13,890.90	16,209.45	418,862.53	428,256.70	509,304.00
527 · PERS - District Portion	4,530.80	4,986.33	34,544.72	34,904.31	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	131,784.24	153,234.29	1,558,360.57	1,454,430.58	2,284,828.00

Accounts 502, 504 & 504 Officers' Salaries, Compensated Absences & Overtime

YTD, these accounts, combined, are about \$14,000 less than the YTD budgeted amount because officers' salaries are under-budget. The \$40,000 reduction in YTD salaries has been offset by YTD overtime, which is about \$18,000, and the YTD \$15,000 of compensated absences (\$9,000 over the YTD amount budget), which reflects the payment of former IGM/COP Hart's accrued vacation hours.

Accounts 508 & 602 Salary Non-Sworn

The YTD amounts, combined, is about \$5,000 more than the YTD budgeted amount because non-sworn staff has been performing additional assigned work that had not been planned.

Account 521 A&R Medical/Vision/Dental (Retired and Active)

CalPERS medical premiums for the following month are due by the 10th of that month. Thus, in part, the YTD amount is \$27,000 greater than the YTD budgeted amount.

Account 521T Medical/Vision/Dental (Trust)

The YTD amount is \$31,000 more than the Annual Budgeted Amount because it includes the payment of last year's budgeted amount in this same amount. The GM/COP memo, directing the District Administrator to pay this \$31,000, should have been issued in May 2015. However, because this was a time of transition, the memo was never issued and the payment was not timely made.

39

Unaudited Profit & Loss Budget Performance

January 2017

	Jan 17	Budget	Jul '16 - Jan 17	YTD Budget	Annual Budget
550 · Other Police Expenses					
552 · Expendable Police Supplies	0.00	141.67	3,478.08	991.69	1,700.00
553 · Range/Ammunition Supplies	0.00	416.67	375.00	2,916.69	5,000.00
560 · Crossing Guard	1,115.10	650.00	4,894.05	5,050.00	11,150.00
562 · Vehicle Operation	1,591.55	3,125.00	17,215.96	21,875.00	37,500.00
564 · Communications (RPD)	0.00	13,035.00	62,442.11	91,245.00	156,420.00
566 · Radio Maintenance	181.69	190.08	1,090.14	1,330.56	2,281.00
568 · Prisoner/Case Exp./Booking	83.60	741.67	5,087.03	5,191.69	8,900.00
570 · Training	-25.00	833.33	2,585.19	5,833.31	10,000.00
572 · Recruiting	0.00	1,291.67	3,285.27	9,041.69	15,500.00
574 · Reserve Officers	0.00	337.50	30.00	2,362.50	4,050.00
576 · Misc. Dues, Meals & Travel	150.00	252.92	1,356.00	1,770.44	3,035.00
580 · Utilities - Police	1,727.85	833.33	7,013.17	5,833.31	10,000.00
581 · Bldg Repairs/Maint.	469.49	416.67	469.49	2,916.69	5,000.00
582 · Expendable Office Supplies	0.00	625.00	2,549.22	4,375.00	7,500.00
588 · Telephone(+Rich. Line)	418.43	623.00	2,596.03	4,361.00	7,476.00
590 · Housekeeping	538.94	333.33	2,584.34	2,333.31	4,000.00
592 · Publications	423.16	250.00	2,923.16	1,750.00	3,000.00
594 · Community Policing	916.95	1,166.67	4,179.34	8,166.69	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	0.00	0.00	2,591.41	2,625.00	3,500.00
Total 550 · Other Police Expenses	7,591.76	25,263.51	132,845.99	186,069.57	316,112.00

Account 552 Expendable Police Supplies

The YTD amount is about \$2,500 over budget, primarily because \$2,300, which had not been budgeted, was spent for new cameras for police vehicles.

Account 564 Communications

This YTD total is under budget because Richmond's invoices aren't timely issued. The most recent invoice paid was for November's service.

5

KPPCSD
Unaudited Profit & Loss Budget Performance
January 2017

	Jan 17	Budget	Jul '16 - Jan 17	YTD Budget	Annual Budget
600 · Park/Rec Sal & Ben					
601 · Park & Rec Administrator	585.20	670.17	5,042.03	4,691.19	8,042.00
602 · Custodian	1,750.00	1,900.00	12,250.00	13,300.00	22,750.00
623 · Social Security/Medicare - Dist	0.00	51.25	0.00	358.75	615.00
Total 600 · Park/Rec Sal & Ben	2,335.20	2,621.42	17,292.03	18,349.94	31,407.00
635 · Park/Recreation Expenses					
640 · Community Center Expenses					
642 · Utilities-Community Center	608.54	468.00	3,435.82	3,276.00	5,616.00
643 · Janitorial Supplies	0.00	125.00	594.08	875.00	1,500.00
646 · Community Center Repairs	631.32	458.33	3,907.35	3,208.31	5,500.00
Total 640 · Community Center Expenses	1,239.86	1,051.33	7,937.25	7,359.31	12,616.00
660 · Annex Expenses					
662 · Utilities - Annex	0.00	83.33	0.00	583.31	1,000.00
666 · Annex Repairs	0.00	83.33	0.00	583.31	1,000.00
668 · Misc Annex Expenses	0.00	83.33	0.00	583.31	1,000.00
Total 660 · Annex Expenses	0.00	249.99	0.00	1,749.93	3,000.00
670 · Gardening Supplies	0.00	0.00	0.00	0.00	0.00
672 · Kensington Park O&M	3,933.02	5,775.00	56,357.31	40,425.00	69,300.00
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	5,172.88	7,076.32	64,464.56	55,534.24	90,916.00

Account 672 Kensington Park O&M

For January, this account is about \$16,000 over budget. This amount includes about \$13,000 of tree pruning, which had been budgeted for the prior fiscal year, and about \$2,800 that was spent on park repairs and bench installations.

41

Unaudited Profit & Loss Budget Performance

January 2017

	Jan 17	Budget	Jul '16 - Jan 17	YTD Budget	Annual Budget
800 · District Expenses					
810 · Computer Maintenance	0.00	2,093.17	17,833.00	14,652.19	25,118.00
820 · Cannon Copier Contract	387.38	475.00	2,777.52	3,325.00	5,700.00
830 · Legal (District/Personnel)	28,089.46	8,300.00	68,451.48	58,100.00	99,530.00
835 · Consulting	3,210.48	4,500.00	18,815.62	28,000.00	46,500.00
840 · Accounting	2,537.50	3,000.00	29,190.00	36,000.00	45,500.00
850 · Insurance	77.85	0.00	27,607.07	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	250.00	8,128.00	9,100.00	22,300.00
890 · Waste/Recycle	0.00	1,666.67	0.00	11,666.69	20,000.00
898 · Misc. Expenses	597.62	1,433.33	11,566.56	10,033.31	17,200.00
899 · Depreciation Expense	0.00	0.00	0.00	0.00	0.00
Total 800 · District Expenses	34,900.29	21,718.17	184,370.25	205,378.19	316,349.00

Account 810 Computer Maintenance

The YTD amount is about \$3,000 over the YTD budgeted amount because of the timing of certain budgeted items. This should smooth out over the balance of the year.

Account 830 Legal

The YTD amount is about \$10,000 more than the YTD budgeted amount. The \$28,000 amount paid in January was for the PLG invoices for service through 11/30/16 and 12/31/16.

Account 835 Consulting

The YTD amount is about \$10,000 less than the YTD budgeted amount.

42

Unaudited Profit & Loss Budget Performance

January 2017

	Jan 17	Budget	Jul '16 - Jan 17	YTD Budget	Annual Budget
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-Ass	0.00	0.00	6,580.74	0.00	0.00
966 · Police Traffic Equipment	407.34	0.00	8,400.06	6,600.00	6,600.00
967 · Station Equipment	6,005.00	0.00	6,005.00	6,100.00	6,100.00
968 · Office Furn/Eq	0.00	0.00	0.00	0.00	0.00
969 · Computer Equipment	666.00	0.00	2,170.48	1,500.00	1,500.00
972 · Park Buildings Improvements	0.00	25,000.00	0.00	100,000.00	100,000.00
974 · Other Park Improvements	0.00	0.00	0.00	7,500.00	7,500.00
978 · Pk/Rec Furn/Eq	182.44	0.00	34,267.93	21,000.00	21,000.00
Total 950 · Capital Outlay	7,260.78	25,000.00	57,424.21	142,700.00	142,700.00
Total Expense	189,045.15	234,913.71	2,014,757.61	2,062,462.52	3,182,312.00
Net Ordinary Income	-149,381.46	-209,816.63	1,086,610.94	931,354.32	-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.	0.00	0.00	9,126.96	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	0.00	0.00	-21,797.36	0.00	0.00
995 · Loss/(Gain) - Asset Disposition	0.00	0.00	808.84	0.00	0.00
Total Other Expense	0.00	0.00	-20,988.52	0.00	0.00
Net Other Income	0.00	0.00	20,988.52	0.00	0.00
Net Income	-149,381.46	-209,816.63	1,107,599.46	931,354.32	-131,892.72

Account 965 Personal Police Equipment – Asset

The \$6,500 spent YTD is for weapons-related equipment and body armor, which were budgeted for, but not purchased in, FY 2015-16. The cost for the weapons is to be offset by the Asset Forfeiture Funds, in the amount of \$19,000, which were received in FY 2015-16.

Account 978 Pk/Rec Furn/Eq

The YTD amount is about \$13,000 more than the YTD budgeted amount because of the purchase of the new audio/video system. The KCC and KIC have each contributed \$5,000. This \$10,000 total has helped offset the total amount.

Net Income: The YTD amount is \$176,000 greater than the YTD budgeted amount.

KPPCSD
Transaction Detail By Account
 July 2016 through January 2017

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					
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

44

KPPCSD

Transaction Detail By Account

July 2016 through January 2017

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

45

KPPCSD
Transaction Detail By Account
July 2016 through January 2017

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
10/28/2016		Di Napoli, Andrea		112 · General ...	391.57
11/15/2016		Di Napoli, Andrea		112 · General ...	496.12
11/30/2016		Di Napoli, Andrea		112 · General ...	384.15
12/15/2016		Di Napoli, Andrea		112 · General ...	387.86
12/30/2016		Di Napoli, Andrea		112 · General ...	409.20
01/12/2017		Di Napoli, Andrea		112 · General ...	279.30
01/29/2017		Di Napoli, Andrea		112 · General ...	305.90
Total 601 · Park & Rec Administrator					5,042.03
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
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

KPPCSD

Transaction Detail By Account

July 2016 through January 2017

Date	Num	Name	Memo	Split	Amount
01/13/2017	17728	William Driscoll	01/01-01/15/17	112 · General ...	875.00
01/30/2017	17737	William Driscoll	1/16 - 1/31/1...	112 · General ...	875.00
Total 602 · Custodian					12,250.00
Total 600 · Park/Rec Sal & Ben					17,292.03
TOTAL					17,292.03

JANUARY 2017 WATCH COMMANDER MONTHLY REPORT

IGM/COP Hull

TEAM #1 & #2 STATISTICS

IGM/COP Hull (K17) – (1000-1800)

Officer:	Hui (K42) (0600-1600)	Hull (K17) (1000-1800)	Barrow(K26) (1800-0600)
Days Worked	00	00	16
Traffic Stops	00	00	04
Moving Citations	00	00	00
Parking Citations	00	00	02
Vacation/Security Checks	00	00	03
Cases	00	00	01
Arrests	00	00	00
Traffic Accident Reports	00	00	00
Calls for Service	00	00	47

Officer:	Wilson (K38) (1800-0600)	Foley (K48) (0600-1800)	Ramos (K41) (1800-0600)
Days Worked	16	14	17
Traffic Stops	00	32	15
Moving Citations	00	00	05
Parking Citations	04	10	02
Vacation/Security Checks	13	19	09
Cases	03	03	07
Arrests	00	00	01
Traffic Accident Reports	00	01	02
Total Service Calls	37	100	93

- 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.

The increase in overtime payout is due to officers being sick, arrest case 17-147, gun destruction, or officers away training. These incidents required overtime to cover shifts, Detective Martinez spent 5 days training at Robert Presley ICI Detective Training Detective Martinez spent 5 days training a EOC Emergency management/Operations Training Detective Martinez took 1 day off sick
Officer Foley took 3 days off vacation
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:

- The Fourth Amendment and Mandatory Blood Alcohol Tests
- Police Magazine Article: How To Respond Instead Of React

SERGEANT'S SUMMARY:

I would like to recognize Officers Barrow and Ramos for their commitment to duty by filling in all the shifts that were open due to officers taking days off.

There was one arrest and the press release follows:

FOR IMMEDIATE RELEASE

Press Release # 2017-1

Subject: Robbery Suspect Arrested

Contact: Detective Martinez

510-526-4141

A Kensington resident was arrested for multiple felony charges on 1-14-2017. Kensington resident Fadi Saba, a 36 year old male born on 11-4-1980, pulled a semi-automatic firearm on a solicitor.

Fortunately, no one was injured during this incident.

On January 14, 2017, at approximately 3:40PM a solicitor knocked on the suspect's residence door in the 00 block of Anson Way. Receiving no answer at the door the solicitor left the property to solicit from a neighbor. Minutes later the solicitor noticed the suspect in the yard of the residence so he returned to make contact.

The suspect demanded the solicitor's ID card to which the solicitor refused to produce. The suspect pulled out a "semi-automatic" hand gun and demanded the solicitor's ID card. Afraid for his safety, the solicitor gave the suspect his driver's license and a laminated company logo.

Pursuant to the arrest, members of the Kensington Police Department served a search warrant at the suspect's residence to recover evidence related to the robbery.

The suspect was charged with PC 211 – Robbery, PC 245 (A)(2) – Assault with a firearm, PC 25850 (A) – Carry a loaded firearm in public, PC 417 (A)(2) – Brandishing a firearm in a rude or threatening manner.

The suspect was booked into the Contra Costa County Jail with a bail amount of \$172,000.

This case will be forwarded to the District Attorney for prosecution.

This information is preliminary and is intended for early information use rather than being a formal investigative report.

SIGNIFICANT EVENTS:

- 2017-0035 – Officer Wilson responded to the 00 block of Highland Blvd. to a report of identity theft.
- 2017-0039 – Officer Martinez responded to the 00 block of Edgcroft Rd. to a report of hit&run collision.
- 2017-0048 – Officer Barrow responded to the 200 block of Colgate Ave. to a report of an abandoned auto.
- 2017-0059 – Officer Barrow responded to the 400 block of Coventry Rd. to a report of a solicitor.
- 2017-0051 – Officer Ramos responded to the 200 block of Trinity Ave. to a report of hit&run collision.
- 2017-0055 – Officer Ramos responded to the 100 block of Highland Blvd. to conduct a civil stand-by.
- 2017-0088 – Officer Foley responded to the 00 block of Lenox Rd. to a report of theft.
- 2017-0114 – Officer Wilson responded to the 400 block in El Cerrito to assist ECPD with their call.
- 2017-0121 – Officer Ramos responded to the 100 block of Ardmore Rd. to a report of a hit&run collision
- 2017-0126 – Officer Barrow responded to the 1600 block of Ocean View Ave. to a report of a solicitor.
- 2017-0134 – Officer Ramos responded to the 600 block of Plateau Dr. to a report of a residential burglary.
- 2017-0141 – Officer Ramos responded to the 100 block of Arlington Ave. to a report of a vehicle burglary.
- 2017-0142 – Officer Ramos responded to the 00 block of Arlmont Dr. to a report of a vehicle burglary.
- 2017-0147 – Officer Ramos responded to the 00 block of Anson Wy. to a report of a robbery. One arrest was made and a search warrant was obtained and fulfilled.
- 2017-0151 – Officer Foley responded to the 00 block of Highgate Rd. to a report of theft from a vehicle.
- 2017-0154 – Officer Foley responded to the 00 block of Franciscan Wy. to a report of motor vehicle theft.
- 2017-0167 – Officer Foley responded to the corner of Oak View Ave/Colusa Ave. to a report of a man down.
- 2017-0169 – Officer Wilson responded to the 00 block of Highgate Rd. to a report of petty theft.
- 2017-0195 – Officer Ramos responded to the 100 block of Highland Blvd. to conduct a civil stand-by.
- 2017-0198 – Officer Barrow responded to the 6000 block of Central Ave. to assist ECPD with a report of a fight.
- 2017-0202 – Officer Ramos responded to the 00 block of Arlington Ave. to a report of a man down.

- 2017-0218 – Officer Wilson responded to the 00 block of Kensington Park Rd. to a report of graffiti.
- 2017-0221 – Officer Barrow responded to the 00 block of Arlington Ave. to a report of motor vehicle theft.
- 2017-0229 – Officer Ramos responded to the 00 block of Lawson Rd. and recovered a stolen vehicle.
- 2017-0239 – Officer Ramos responded to the 300 block of Coventry Rd. to a reported family dispute. Call was cleared by mutual combat.
- 2017-0265 – Officer Foley responded to the 00 block of Westminster Ave. to a report of a non-injury accident.

January 2017

January 2017

This month there were 16 cases being investigated. Out of those cases there was 1 residential burglary, 2 vehicle burglaries, 1 identity thefts, 3 petty thefts, 2 vandalisms, 3 hit and runs, 1 stolen vehicle, 1 recovered stolen vehicle, 1 search warrant, and 1 robbery case.

Investigations and Crime Statistics

Armed Robbery:

(Case 2017-147) KPD Officers responded to an armed robbery on Anson Way. The victim (door to door solicitor) reported a resident armed with a gun demanded his I.D. for KPD. KPD arrived and arrested the resident and transported him to Martinez Detention Facility. This case is still being reviewed by the District Attorney Office.

Search Warrant/Armed Robbery:

Officers served a search warrant to the resident's house on Anson Way involved in the robbery (Case 2017-147). Property was seized and sent to the Forensic Lab for review.

Residential Burglary:

(Case #2017-0134) A residential burglary occurred at construction site on Plateau Drive. The unknown suspect(s) went through a back door sometime during the night and stole construction material from the property. We have no leads in this case. An additional follow up will be done in this case checking for leads.

Identity Theft:

(Case #17-0035) A resident came to KPD to report to report that she received a charge card in the mail that was in her name that she did not apply for. The card had not been activated, so she cancelled it with no financial loss. She contact the Federal Trade Commission in addition to fraud alerts she has placed in her name with the credit bureaus. There are no leads to follow up with in this case.

Theft:

(Case #2017-0088) A resident came to KPD to report that he was a victim of theft. He reported that his unlocked vehicle was ransacked during the night and tools were taken from within the vehicle. There are no leads in this case. A follow up will be done with the victim.

(Case #2017-0151) A resident came to KPD to report that he was a victim of theft. He reported that his vehicle was ransacked during the night and miscellaneous property was taken from within the vehicle. The victim also reported his rear passenger side door was damaged by the suspect while entering the vehicle. It is unclear at this time if the victim's door was left unlocked. There are no leads in this case. A follow up will be done with the victim.

(Case #2017-0169) A resident reported that her son was a victim of theft. She reported her son's scooter was stolen while parked in front of a residence on Highgate Road. It was parked for about an hour when he realized it missing. The scooter is described as off-road capability with white and black handle bar with large rubber tires. The make is a Pulse Performance free style dirt scooter and model number is DX1, with no serial number assigned to that model of scooter. There are no additional leads in this case. A follow up will be done with the victim.

January 2017

Vandalism:

(Case 2017-130) An officer was dispatched to a vandalism call on Kenyon Ave. The victim reported that she found graffiti written on the sidewalk. The officer inspected the damage and found it to be a wax/chalk base. There are no leads in this case.

(Case 2017-218) An officer was dispatched to a vandalism call at Kensington Park regarding graffiti located on the large wooden wall on the basketball court. The graffiti was approximately five feet in height and approximately eight to ten feet long. The graffiti is a moniker, which read, "NOKEOR", or something similar. The graffiti was in blue spray paint or marker of some kind. There are no leads in this case.

Hit and Run:

(Case 2017-039, 2017-051, 2017-0121)

In three separate occasions three unknown vehicles hit parked vehicles and left the scene without leaving any information. There are no leads in any of these cases.

Vehicle Burglary:

(Case 2017-0141, 2017-0142) both of these cases involve the same suspect who smashed the victim's vehicles windows and took their property that was left in the car. A follow up will be done with the victims.

Stolen Vehicle:

(Case 2017-0221) A victim reported he was the victim of a stolen vehicle. The victim parked his vehicle on Arlington Ave while working at a residence's house to find the vehicle missing hours later. The vehicle is described as a white 1991 Toyota Long Bed pickup truck, license plate #30847T1. It is unknown who took the vehicle. A follow up will be done with the victim when the vehicle is located. We have no additional leads at this time.

Recovered Stolen Vehicle:

(Case 2017-0229) A resident called in to KPD a suspicious parked vehicle on Lawson Road. An officer checked the vehicle a found out it was stolen from Richmond. This case is possibly involving the same suspect who stole the victim's vehicle earlier in the day on Arlington Ave involving case 2017-0221. There are no leads either one of these cases.

Additional Information:

Just a friendly reminder that it is very important that you lock and secure your vehicles and leave nothing in plain view. Never leave your car running and unattended.

Knowledge is power. Get to know your neighbors and take advantage of community resources such as Nextdoor.com to stay connected and aware of what's going on in your area. Discover which neighbors may have surveillance cameras which can be very helpful should a crime occur. If you see or hear anything that makes you feel suspicious please call 911 and report it. Please don't wait for the following day to report the incident when the suspect has already left the area or evidence at the scene is unusable.

January 2017

KPD Monthly Crime Statistics

January 2017

Part 1 Crimes	Reported	Open/ Pending	Suspended	Closed	Arrest
Homicide	0	0	0	0	0
Rape	0	0	0	0	0
Robbery	1	0	0	1	1
Assault	0	0	0	0	0
Residential Burglary	1	0	1	0	0
Larceny Theft	3	0	3	0	0
Vehicle Theft	1	0	1	0	0
Arson	0	0	0	0	0
Part 1 Totals	<u>6</u>	<u>0</u>	<u>5</u>	<u>1</u>	<u>1</u>

Other Crimes

Other Misdemeanor	1	0	1	0	0
Identity Theft	1	0	1	0	0
Fraud	0	0	0	0	0
Forgeries	0	0	0	0	0
Restraining Order Violations/ Stalking/ Criminal Threats	0	0	0	0	0
Sex Crimes (other)	0	0	0	0	0
Assault/ Battery (other)	0	0	0	0	0
Vandalism	2	0	2	0	0
Drugs	0	0	0	0	0
Warrant	0	0	0	0	0
Hit and Run Felony	0	0	0	0	0
Hit and Run Misdemeanor	3	0	3	0	0
Other Misdemeanor Traffic	0	0	0	0	0
Other Crime Totals	<u>7</u>	<u>0</u>	<u>7</u>	<u>0</u>	<u>0</u>

All Crime Totals	<u>13</u>	<u>0</u>	<u>12</u>	<u>1</u>	<u>1</u>
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Traffic Accidents (Non Injury)	1
Traffic Accidents (Injury)	0

January 2017

KPD Crime Statistics

YTD 2017

Part 1 Crimes

	Reported	Open/ Pending	Suspended	Closed	Arrest
Homicide	0	0	0	0	0
Rape	0	0	0	0	0
Robbery	1	0	0	1	1
Assault	0	0	0	0	0
Residential Burglary	1	0	1	0	0
Larceny Theft	3	0	3	0	0
Vehicle Theft	1	0	1	0	0
Arson	0	0	0	0	0
Part 1 Totals	6	0	5	1	1

Other Crimes

Other misdemeanor	1	0	1	0	0
Identity Theft	1	0	1	0	0
Fraud	0	0	0	0	0
Forgeries	0	0	0	0	0
Restraining Order Violations/ Stalking/ Criminal Threats	0	0	0	0	0
Sex Crimes (other)	0	0	0	0	0
Assault/ Battery (other)	0	0	0	0	0
Vandalism	2	0	2	0	0
Drugs	0	0	0	0	0
Warrant	0	0	0	0	0
Hit and Run Felony	0	0	0	0	0
Hit and Run Misdemeanor	3	0	3	0	0
Other Misdemeanor Traffic	0	0	0	0	0
Other Crime Totals	7	0	7	0	0

All Crime Totals

13	0	12	1	1
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Traffic Accidents (Non Injury)

1

Traffic Accidents (Injury)

0

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

To: KPPCSD Board

From: Pat Gillette

Date: January 12, 2017

Board members.

First, I want to express my disappointment that not one of you chose to respond to my questions regarding the appointment of Rickey Hull to the Interim GM/COP position for the District. Sylvia was kind enough to acknowledge my questions, but she didn't respond to any of the specific questions asked, all of which I believe are pertinent to the decision you are considering regarding Master Sgt. Hull.

Second, I want to remind you and the public of the process we went through the last time we looked for a GM/COP. Rachelle and I were charged with posting the job, going through resumes to sort out those people who should be brought in for interviewing, and scheduling a public forum where the candidates were questioned by the board and the public about their qualifications and their skills. Only after that did we select someone.

I understand that the situation in which we were left because of Kevin Kyle's sudden departure in the beginning of November left the District in a difficult position.

I don't understand, but won't revisit here, the decision this Board made not to bring Kevin Hart back to fill in for the GM/COP position until you could find a suitable replacement – giving you the expertise and experience of a fully qualified person to fulfill these critical duties.

But what I don't understand is your failure to do anything other than default to filling the position with Master Sgt. Hull for not a short period of time, but for a 6-month time period – without any public vetting of his qualifications for either the GM or COP position and without any attempt to utilize resources available – including PLG's pool of interim GM/COPs – to fill the position.

So now we are two months past Kevin Kyle's departure and you are proposing to not only put Rickey Hull into the position of Interim GM/COP for a period of 6 months without any formal process, any vetting with the community, or any explanation of his qualifications for the many duties required of a GM/COP. The most we have heard is the vanilla statement Rachelle read at the December special meeting where we basically learned that Master Sgt. Hull has been on the force for 20+ years and has filled in for short periods of time as the GM/COP.

Of course, those "facts" are irrelevant. This isn't a short-term appointment. It is for 6 months. And of course, this isn't minding the store as he has done in the past, it is actually doing the job at a critical time for this District.

So let's call it like it is. This Board is considering putting this man into the position of Interim GM/COP for 6 months without any public information about his qualifications to actually do the job. That is irresponsible and a dereliction of your duty to your constituents.

The public is not only entitled to know, but each of you should want to know the following:

First, the policy manual requires that the GM/COP have a Bachelor's degree, and preferably a Master's Degree; at least "five to seven years of progressive supervisory command experience"; and "demonstrated managerial and community involvement experience".

Does Master Sgt. Hull meet each of these requirements?

Second, the job responsibilities as Interim GM are significant, in part, because Master Sgt. Hull is taking over in the first six months of the year when there is much to be done. Therefore, he must have the experience and be qualified to do the following:

- Develop and draft a budget
- Present and justify the budget to the Board
- Monitor expenses, including overtime of staff
- Have sufficient understanding of the payroll system so that he can supervise payroll and ensure its accuracy
- Understand and assist the board with issues related to finances of the District
- Deal with RFPs related to the Community Center, garbage contracts, work on the public safety building, and other issues
- Respond to PRAs
- Exercise the proper judgment to know when to call in outside counsel
- Enter into binding commitments for the District that are under \$5000
- Oversee and manage the Park and recreation facilities
- Negotiate arrangements with groups who desire to use the Community Center such as KCC and ensure each group's contract is complete and that the group has the required insurance.

Can you please tell the public or have Master Sgt. Hull tell the public what experience and qualifications he has to perform each these various tasks? And if he doesn't have the experience

or qualifications to perform these tasks, please tell us who will be performing these tasks and the cost to the District for that work.

Third, his job responsibilities as Interim COP require him to do the following, including but not limited to:

- Manage overtime
- Arrange schedules
- Process crime scenes
- Coordinate emergency responses
- Impose discipline
- Internal investigations – when to initiate and ensure independent, accurate
- Internal audits
- Accurate booking of all evidence and purging of property consistent with DOJ guidelines
- Stay up to date on all regulations, training requirements
- Ensure the weapons policy is adhered to and that officers are current with range training
- Obtain whatever additional training he needs as COP

Can you please tell the public or have Master Sgt. Hull tell the public what experience and qualifications he has to perform each these various tasks? And if he doesn't have the experience or qualifications to perform these tasks, please tell us who will be performing these tasks and the cost to the District for that work.

Finally, the public has the right to know exactly what the compensation for Master Sgt. Hull will be. As you may recall, there was public outcry over the salary paid to Kevin Hart and his predecessor. Yet you have presented us with an agenda packet that doesn't specify what Master Sgt. Hull's total compensation will be, how it will affect the District's PERS obligations, and how it will affect his retirement benefits, which are based on his highest salary.

It appears to me from the information you have provided that Master Sgt. Hull's proposed salary will be at least \$125,000, plus benefits and PERS contributions. But, can you please tell us the actual figures for his salary and benefits and how you justify that total compensation?

Let me end by saying this: I have nothing against Master Sgt. Hull. He is a fine person and has served our community well during his years here. But I am appalled at the lack of transparency and forethought this board has shown in making this very important decision.

If you cannot show that Master Sgt. Hull has the qualifications required by the Policy Manual and the skill sets necessary to do this job for 6 months, I urge you to not adopt this contract as proposed. Instead, I suggest you ask PLG to provide an interim GM/COP that they have vetted from their resources and, after ensuring that person meets the requirements of the job, retain him or her to work for the District for a maximum of 6 months. I understand that the Board has not asked PLG to find such a person and I further understand that they have candidates who might be able to fill this position. Instead, this Board has chosen to pick someone to fill this position who I believe is not qualified to do the job, yet will be paid as if he is qualified. That is not appropriate given the difficult and challenging decisions facing our community.

To: KPPCSD Board of Directors
From: A. Stevens Delk, Ph.D.
Date:
Re: KPD Statistics

Dear Directors:

Out of serious concern for safety on our streets, as well as in our homes, I have been an advocate of a sound traffic law enforcement policy, whether called "Zero Tolerance" or "Maximum Enforcement."

I recently looked at the CHP SWITRS data base. According to it, during the first years of Zero Tolerance, traffic accidents in Kensington decreased from an average of 37 per year to just 7 — **5 fold!** That would have been a blanket endorsement of the policy, **except** my review of KPD reports had previously shown **no reduction** in accidents.

How can these reports differ so drastically? During the 3 years following the "crack-down" in 2011, did KPD — or former Chief Harman — **not** report to the CHP **80%** of Kensington's traffic accidents? And why have no accidents been entered into the state data base since 2013, which includes all of former Chief Hart's tenure? (See Table I, page 2.)

Kensington is a very safe community and it has been said repeatedly it is "because of our great police." But I wondered if KPD **reported all crimes** to the FBI for inclusion in the UCR data base, the one that was used recently by one "dot-com" to rank Kensington as the **5th Safest** Place in California, with another using the same data and ranking Kensington **13th** in the State, and **7th** in the Bay Area. (See Addendum, page 3.)

For 2014, the year used for the 2016 reports, there were only 2 violent crimes in the FBI file for Kensington, but 10 listed in KPD reports — **5 times more!** (See Table II, page 2.)

Since these studies placed significantly more weight on violent crimes than on property crimes, by apparently excluding **80%** of the former, our Police (or a former Chief) **is responsible for Kensington being ranked** as one of the safest communities in California.

Crime and traffic statistics mean nothing if part of the data is excluded from analysis. Furthermore, the FBI states: "**Since crime is a sociological phenomenon influenced by a variety of factors, the FBI discourages ranking the agencies and using the [UCR] data as a measurement of law enforcement effectiveness.**"

During my 50 years as a resident of Kensington, I have gained enormous appreciation of and respect for our Police Department. Its value is **not** reflected in the crime and traffic laws it enforces, but in the **community services** it provides; home security and other service calls outnumber crime and traffic calls by an average of 6 to 1. [Oops, there I go again — using statistics based on data that may not be complete!]

Thank you for your time and service.

astevensdelk

Table I: **Traffic Accidents in Kensington – KPD vs. CHP Data**

	Year	KPD	CHP
Per Zero Tolerance	2008	37	40
	2009	31	43
	2010	25	29
		93/3= 31/yr	112/3= 37/yr
Post Zero Tolerance	2011	21	4
	2012	31	5
	2013	45	12
		97/3= 32/yr	21/3= 7/yr
	2014	38	ND
	2015	53	ND
	2016, thru Oct	20	ND
		111/3= 37/yr	

Comparison of traffic accidents in Kensington as recorded in Police Department reports and in California Highway Patrol state data base, before and after implementation of Zero Tolerance in January 2011. Sources: KPD monthly reports, with 2008-2011 numbers from Chief Harman's summary in December 2011, and 2012-2016 YTD numbers from Crime Statistics tables in various December reports (except October report for 2016); CHP Statewide Integrated Traffic Records System (SWITRS, iswitrs.chp.ca.gov); ND indicates no data found.

Table II: **Violent Crimes in Kensington – KPD vs. FBI Data**

Year	KPD	FBI
2011	3	3
2012	6	4
2013	10	5
2014	10	2
2015	3	1
2016 thru Oct	4	NA

Comparison of violent crimes in Kensington as recorded in Police Department reports, under Part I Crimes, and in Federal Bureau of Investigation Uniform Crime Reporting national data base for Part I Offenses. Sources: KPD Crime Statistics table from December monthly reports for homicide, rape, robbery, and assault; FBI UCR (ucr.fbi.com) data for Kensington for murder/homicide, forcible rape, robbery, and aggravated assault; NA indicates not available.

Addendum:

ValuePenguin analyzed Part I crime/offense data — as provided to the FBI Uniform Crime Reporting program by agencies **choosing** to participate — for 4 violent crimes (murder/ manslaughter, forcible rape, robbery, and aggravated assault) and 4 property crimes (burglary, larceny-theft, motor vehicle theft, and arson) and weighted them at 80% and 20%, respectively, along with other factors, to obtain an aggregated “crime score.” The report, “2016 Safest Places in California,” was based on 2014 data, the most recent available at the time of the analysis. ValuePenguin, which specialized in insurance and financial matters, ranked Kensington 5th (valuepenguin.com/2016/safest-places-california).

Niche also used the FBI data, apparently from 2014. It used a different evaluation system, in which 6 categories (assault, robbery, murder, burglary, vehicle theft, and larceny) were given separate weightings, with the 3 violent crimes totaling 65% and the 3 property crimes 35%, and then determined a “z-score” for its report, “2016 Safest Places to Live in California.” Niche, which specialized in education and neighborhood issues, ranked Kensington 13th in California and 7th in SF Bay Area (local.niche.com/rankings/places/safest/california; also see kensingtoncalifornia.org/latest-news/kensington-named-7th-safest-bay-area-community).

HomeSnacks, Areavibes and others used the same FBI UCR data base, but “crunched the numbers” differently and arrived at different rankings.

In the 2014 FBI data base for Part I Offenses, 2 violent crimes are recorded for Kensington (1 rape, 1 assault); however, the KPD Crime Statistics table for the year lists 10 under Part I Crimes (1 rape and 9 assaults, with 5 arrests made and 8 cases closed). The recently released FBI report for 2015 shows 1 assault, whereas 3 assaults are listed in the annual KPD report (1 suspended, with 1 arrest and 2 closed); KPD records also show more violent crimes than are listed in the FBI data base for all but one year (Table II). It seems unlikely that some Part I assaults in Kensington did not meet the FBI criteria for aggravated assault and, therefore, were either not reported to or excluded by the FBI, because KPD tables list additional assaults/ batteries under Other Crimes (*i.e.*, not Part I); 4 are listed for 2014 and 4 for 2015. There are also numerous differences in the number of property crimes listed in the KPD and FBI reports.

Piedmont, which is twice as large in area and population as Kensington, reported a total of 8 violent crimes in 2014, 2 less than listed in the KPD report. ValuePenguin ranked Piedmont as the 83rd **Safest** Place in California; Niche ranked Piedmont 108th. However, Niche ranked Piedmont the 2nd **Best** Place to Live in California; Kensington was ranked 91st in this category.

A major flaw in **all** of these analyses is that they relied on data voluntarily submitted to, but not verified by, the FBI.

Lynn Wolter

From: Sylvia Hacaj
Sent: Friday, January 20, 2017 7:30 AM
To: Lynn Wolter
Cc: Rickey L. Hull
Subject: FW: For the minutes
Attachments: East Bay Express 1-10-2017.pdf

Hi Lynn - Please see the request below from Mr. Fitzsimmons to include the attached article as a submission to the Board packet. Thanks.

Sylvia

From: Fitzsimmons, Kevin@San Francisco [Kevin.Fitzsimmons@AIG.com]
Sent: Thursday, January 19, 2017 3:05 PM
To: Rachelle Sherris-Watt; Eileen Nottoli; Len Welsh; 'vcordova@kensingtoncalifornia.org'; Sylvia Hacaj
Subject: For the minutes

Good Afternoon,

I would like to submit the attached article for inclusion into the minutes/board agenda. I believe that it contains information that is of value to the community concerning the Contra Costa Sherriff's Department.

Thank you for your time.

Warmest Regards,

Kevin Fitzsimmons

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JANUARY 10, 2017

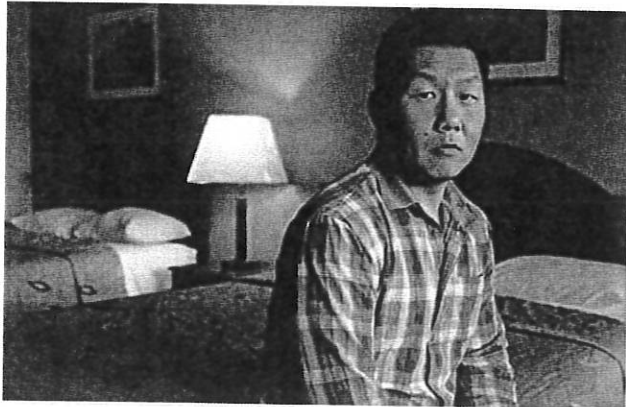
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Ambushed: Contra Costa County Law Enforcement Sets Up Surprise Stings To Help Federal Immigration Agents Arrest and Deport Immigrants

SEARCH:

"Local law enforcement should not be involved in these kinds of activities."

By [Darwin BondGraham](#) @[Darwinbondgraha](#)



BERT JOHNSON

Chris Kim said his arrest and detention by ICE, with assistance from the Contra Costa Sheriff's Office, cost him his jobs, car, and apartment.

Email Tweet Print 12 points

Chris Kim thought it was unusual last year when the Contra Costa Sheriff's Office called him in for an unscheduled meeting. But he showed up — and walked into a trap.

The 38-year-old Hayward resident was convicted of possession of stolen property in 2015. But in-lieu of jail, he opted for the sheriff's custody alternative program, which allowed him to stay in his apartment and keep his two jobs, one at a hotel, the other a warehouse. All he had to do was wear an ankle monitor and meet in person with a case worker in the sheriff's office every few weeks.

But Kim says that when he showed up for the meeting at the county's Custody Alternative Facility in Martinez last June, Specialist Liz Culley ushered him to a back room, not the cubicle where they usually met. When she opened the door, his heart jumped: Several Immigration and Customs Enforcement agents stepped forward and arrested him.

"They're here to deport you," he remembers Culley saying.

The ICE agents handcuffed Kim and drove him to the massive, block-shaped Department of Homeland Security building on Sansome Street in San Francisco. Later, he was shipped to the Yuba County Jail, where the local sheriff contracts with ICE to hold thousands of people facing deportation.

According to Kim, an ICE agent told him that he "could try to fight it,"

65

but that he would likely be deported because the government had been looking for him for a long time.

All the while, he kept thinking that they'd got the wrong person, that this had to be a mistake. Kim came to the United States from Korea decades ago, when he was four years old. He is a lawful, permanent resident allowed to live and work indefinitely in the U.S. He can't speak or write in Korean with proficiency. Most of his family also lives in the United States. If he were sent to Korea, he believes it would be akin to cultural banishment.

"Many of us have been here all our lives," Kim told the *Express*. "It wouldn't be wise to send us back. We would have no support."

Many wrongly assume the Obama administration was friendly to undocumented immigrants. But the United States has deported hundreds of thousands of people annually under his presidency.

Under the federal Priority Enforcement Program, local police work with ICE when non-citizens are arrested. Their fingerprints are shared through an FBI database. And, if ICE identifies the person as undocumented, they issue an "immigration hold" to keep the person in jail for an extra 48 hours, so that agents can arrest them — regardless of whether or not they have been convicted of a crime.

Critics say this creates distrust between immigrant communities and local cops. In response, California legislators passed the TRUST Act, which took effect in 2014 and prohibits local agencies from responding to immigration holds — except in the case of serious crimes.

And Bay Area counties such as San Francisco, Alameda, and Santa Clara have taken extra steps to limit contact with ICE, arguing that state officials have no authority or responsibility to enforce federal civil laws.

But an investigation by the *Express* reveals that the Contra Costa County Sheriff's Office and Probation Department have been working closely with ICE to locate, arrest, and deport people.

These agencies deny that they are breaking any laws. But records obtained by the *Express* show that sheriff's employees and probation officers went to extraordinary lengths to assist federal ICE agents in carrying out investigations and arrests. In some cases, probation officers even initiated contact with ICE and advocated for certain people to be deported.

"Local law enforcement should not be involved in these kinds of activities," argued Saira Hussain, an attorney with the Asian Law Caucus, which represents immigrants facing deportation. She and others described Contra Costa County's tactics as ambushes that trick people into surprise ICE arrests, and then deportation.

Kim says his arrest by ICE nearly ruined his life. "It was devastating," he said. "I'm starting from scratch again."

A 'Kafkaesque' Situation

Kim's recent trouble with ICE stemmed back to a crime he committed in Georgia in 1995, when he was eighteen-years-old. After watching a movie that depicted a robbery, he and five friends decided on the spur of the moment to stick-up a store with a fake gun. He spent two years in prison for the offense, and his status as a permanent resident was

66

jeopardized. As a result of the felony, ICE initiated a case to deport him.

But Kim received a pardon from the state of Georgia in 2005. He believed this put an end to the immigration case that was triggered against him for the robbery.

In 2006, he moved to California and had no further contact with law enforcement — until last year, when he was convicted of possessing stolen property, cell phones that had been taken from a retail store. He was subsequently convicted of a misdemeanor and enrolled in the sheriff's custody alternative program.

But while under supervision of the Contra Costa Sheriff's Office and Probation Department, employees shared his information with ICE, and federal agents closed in, working to deport him based on the crime that he had been pardoned for in Georgia.

While detained, he contacted his employers and tried to get them to hold his jobs. But the warehouse where he worked closed, and the hotel was forced to lay him off and hire someone else. Unable to earn an income while incarcerated, he says that he ran out of money and fell behind on rent. He says his landlord charged him a late payment penalty, and that his girlfriend ended up selling his car to pay the fee — but he still lost the apartment.

Kim's attorney, Anoop Prasad of the Asian Law Caucus, was eventually able to have the deportation case dismissed because Kim had been pardoned in 2005. The problem was that his attorney in Georgia never took the extra step of having the deportation order taken off his record.

But Kim and his attorney say what happened next was shocking. Just before he was released by ICE, guards told him to switch uniforms because he was going to be sent to a different jail in Contra Costa. The sheriff's office there wanted him arrested for violating the terms of the custody alternative program.

Jon Rodney, of the advocacy group California Immigrant Policy Center, says Contra Costa County and ICE put Kim in a "Kafkaesque" situation. First, the sheriff's office handed him over to ICE, then later claimed that it was Kim who had violated the terms of the custody alternative program. They said this was because Kim didn't check in with his sheriff's specialist. But that was only due to the fact that he was being held in jail by ICE.

The Contra Costa Sheriff's Office declined to comment on Kim's case. But according to interviews with immigrants and legal-aid groups, there are others like Kim who have been lured to the sheriff's office in Martinez, under the pretense of a routine check-in, and then tricked and handed over to deportation officers.

Another Surprise Arrest

David Jones came to the U.S. when he was eleven. His family ran a restaurant, but he says growing up in the East Bay was difficult. "We always felt like we were living in our own shadows, because we didn't want people to know we were undocumented," he explained.

After high school, he enrolled in community college, but when his father got sick, he and his mother had to start working full-time to support the family. He says he started drinking partly to cope with stress, but that over the years his drinking turned into alcoholism. He was arrested four

67

times for drinking and driving, which under the Priority Enforcement Program are all deportable offenses.

"I was facing a felony and I realized I could be deported if I'm convicted," Jones said. (The *Express* agreed not to use his real name, or reveal his birth country, because his immigration case is pending and he fears retaliation on the heels of Donald Trump's election.)

But while he was in custody of the sheriff for drunk driving, ICE did not initiate an immigration hold to arrest him.

After completing a nine-month sentence in jail, as a result of one of his DUI convictions, he also learned that he had an arrest warrant for a failure to appear at a court hearing regarding another DUI case. He says he missed the hearing because he had been enrolled in a rehab program.

With help from the public defender, Jones was able to stay out of jail and, instead, registered in the Contra Costa Sheriff's custody alternative program.

He hoped this would allow him to continue working and treating his alcohol addiction. He had an ankle monitor, which connected to a base station located at his family's home and automatically measured his blood-alcohol. He was also required to check in every few weeks in-person at the facility in Martinez.

But shortly after enrolling in the program, he arrived at the sheriff's building in Martinez for a routine check-in and was ushered to a back room, where Specialist Mary Hooker handed him over to several ICE agents. They immediately strapped handcuffs around his wrists.

"I felt like I was going to be deported that day," he recalled.

Jones was incarcerated in the Contra Costa Sheriff's West County Detention Facility in Richmond, where he awaited a bond hearing.

ICE pays the Contra Costa Sheriff's Office \$82 per detainee, per day, to hold people awaiting immigration-court hearings at the West County Detention Facility, according to contracts between the sheriff and Department of Homeland Security. Since 2012, Contra Costa earned more than \$22 million, or about \$4.4 million a year, by incarcerating federal immigration detainees.

Inside the jail, Jones donned the green-colored uniform that immigration detainees are made to wear. "They just looked at us as if we were all criminals," he said of the guards. "They don't know our stories, our backgrounds."

At his bond hearing, held via video conference with a federal judge in San Francisco, Jones and his attorney argued for his release, saying he'd demonstrated a commitment to addressing his drinking problem by staying sober and that he wasn't a danger to the public. Twelve of his family members showed up in support.

Jones has a grandmother who still lives in the country where he was born, but she is in her 80s. He has no other close family there. He believes he would have trouble adapting if deported.

"It's a life I never really lived. I feel like this is home," he said about the U.S.

Although Jones was able to post bond and get out of the Richmond jail, he still faces a future removal hearing to determine whether he can stay.

After leaving ICE custody, his attorney says the Contra Costa Sheriff's Office initially refused to re-enroll him in the custody alternative program. According to Jones, his case manager told him he was no longer eligible because the sheriff's office was treating his arrest by ICE, and the immigration case pending against him, as a new offense and a violation. As a result, the sheriff kept him detained in the facility in Richmond for another week.

Jones said he feels that the sheriff's office and immigration authorities are treating his alcohol addiction as an excuse to deport him. If forced to leave the U.S., he fears that he won't be able to access affordable treatment for his problem, and that his family will suffer as a result.

Only after his public defender argued his case with the sheriff did they relent and allow him back into the program. His felony DUI was subsequently reduced to a misdemeanor.

'Just to Touch Base'

Amy Smith wasn't planning on staying in America. She attended college in the United States in the late 1980s before moving back to Thailand, where she was born. But in 2002, she flew back to California on a tourist visa. She met a man. They began dating and struck up a long-term relationship. She started working, too, and applied for permanent residency, but was denied. She ended up over-staying her visa, figuring that her relationship was headed toward marriage, and that she would gain citizenship status in a few years.

But one day, she got into a fight with her boyfriend. She was arrested and convicted of domestic violence in 2013, according to law enforcement records. Her eventual sentence was three years' probation.

She completed anger-management classes, wasn't arrested again, and assumed that her probation term would be over by the end of 2016. In fact, she wasn't even required to report to a probation officer.

But then, out of the blue, she was contacted by a Contra Costa Probation Officer who identified himself as "Pat."

According to Smith (also not her real name), Pat told her she needed to come to Martinez "just to touch base." When she arrived, Pat led her to room where two ICE agents immediately strapped handcuffs on her.

According to ICE records, the agents drove her in a "caged vehicle" to the Sansome Street jail and court complex, where she was put in a cell with two Spanish-speaking women. Smith scrambled to contact a friend to help her make bail, succeeding just before the deadline, when she would have been shipped off to another longer-term holding facility, either in Richmond or Yuba.

Smith said she always trusted police, feeling that the system was more or less fair. "I now see law enforcement in a different light," she told the *Express*. She said she felt deceived by the probation officer, who made no mention of anything concerning immigration laws when he asked her to come to his office.

According to Probation Department records obtained through a Public Records Act request, her experience was one of multiple surprise arrests

that Contra Costa probation officers have set up over the past year at their office at 50 Douglas Drive in Martinez.

In some cases, ICE agents contacted probation officers to set up an arrest. But in other cases, probation officers were the ones initiating contact with ICE, seeking information about people under their supervision — and in some cases even advocating that ICE agents deport people.

The setup for Smith's arrest appears in one of the emails obtained by the *Express*.

On September 15, 2016, ICE Deportation Officer Andrew Kaskanlian wrote to Probation Officer Patrick Gallagher asking if Smith was on active probation. Gallagher replied that she was, and added in a different email that she wasn't obligated to report to any probation officer.

"I'm sure we could call her in if needed," Gallagher offered.

"It would be awesome if we could get her to report," the ICE agent replied.

According to the email chain, Gallagher then called Smith and asked her to report to his office. He wrote back to the ICE agent the next day: "She is all yours when she gets here."

"Beautiful," the ICE agent replied.

Gallagher set up other surprise arrests for ICE agents. On April 4, 2016, he wrote to ICE Deportation Officer Rui Guan, offering up the name and date-of-birth of a person under probation's supervision. He asked if ICE had more information on the man. The deportation officer ran the information and found that the individual was a non-citizen who had been previously deported, and had been convicted for possessing drugs and driving drunk in the past.

"We would like to deport this individual," the ICE agent replied.

According to the email records, Gallagher then called the man to come to the probation department's Martinez office on April 13, when the ICE agents would be lying in wait.

When Gallagher checked in with ICE on April 11, to make sure they were still coming to arrest the man, he offered up yet another probationer. "I also have another guy you might be interested in," he wrote, based on information he accessed from CLETs, a California law-enforcement database.

The ICE agent ran the second man's name, but informed Gallagher the individual was legally in the country.

In another case, two probation officers contacted an ICE agent to check on the citizenship status of the father of a juvenile under the department's supervision. When the ICE agent identified the man as a non-citizen from Honduras who had previously been deported (but had no criminal convictions), one of the probation officers, Jose Castellanoz, interviewed the son to gain information about where his father was living.

Castellanoz and his colleague Andrea Sosa then shared the man's last known whereabouts to help ICE track him down, even though he wasn't

70

under probation's supervision. The man wasn't even a priority under ICE's own Priority Enforcement Program.

On June 20, 2016, Gallagher again contacted ICE Deportation Officer Guan, because a man under his supervision told him in an interview that he was from Nicaragua. "Can you let me know his immigration status," Gallagher asked the agent. ICE informed Gallagher the individual wasn't deportable.

In some instances, probation staff tried to convince their colleagues they shouldn't actively help ICE arrest and deport people.

For example, on July 18, 2016, ICE Deportation Officer Nicholas Petrone asked Sosa if a specific person was under her supervision. Sosa replied affirmatively, telling the ICE agent the man was on active probation. The agent asked her for assistance in arresting the man.

"Can we help ICE to arrest his probationer?" Sosa asked his supervisor, Probation Director Michael Newton, in an email.

"I don't think we should participate in his arrest," Newton responded.

But then, according to the email records, probation set up a meeting with the individual so that ICE could arrest him anyway.

The extra degree of cooperation between ICE and the Contra Costa Probation Department, compared to other counties in California that have sanctuary policies, was underscored in an August 29 email from an ICE agent to a probation officer: "Would you be able to help me out with someone arrested in SF this summer on a DV charge?" the ICE agent wrote. "SF probation can be uncooperative at times."

In another email exchange initiated by the Contra Costa probation, Officer Tina Martinez wrote to ICE Deportation Officer Jeffery Castro seeking an "update" as to whether or not an individual had been deported.

"He was deported on 6/21/2016, please let me know if you hear of his return," the ICE agent replied.

Upon hearing of the man's deportation, Martinez replied, "Great, thanks!"

Below his email message, Castro included as part of his signature the following Ernest Hemingway quotation:

"There is no hunting like the hunting of man, and those who have hunted armed men long enough and like it, never care for anything else thereafter."

Violating Trust?

Todd Billeci, Contra Costa County' chief probation officer, maintains that his department is acting in the best interest of public safety by cooperating with ICE. "Like any other law enforcement agency, we'll cooperate with ICE," he told the *Express*.

"If ICE contacts us, and they're doing some form of investigation, we'll evaluate the case and make a decision balancing the rehabilitation of the individual against public-safety needs," he said.

However, Billeci acknowledged that, over the past year, some probation

officers took actions that were out-of-step with the department's current policy regarding contacts with ICE. He said that the department looked into some of the cases and realized it had two conflicting policies. One, drafted in 2013, stated that when any individual, adult, or juvenile "is suspected of being an alien and illegally in the country, the Deputy should contact the Immigration and Customs Enforcement Agency." This policy also states that the probation department should honor ICE holds, a practice that in some instances could be illegal under the TRUST Act.

According to probation records, however, this policy was suspended on June 26, 2016, and replaced with a new policy stating that the "immigration status of individuals alone is generally not a matter for [Probation] Department action," but that officers "may assist in the enforcement of federal immigration laws."

According to Billeci, currently a person's immigration status cannot be the sole basis for a probation officer contacting, detaining, or arresting a person.

"We had a few hiccups," Billeci said about disseminating the new policy among the department's 125 probation officers.

Still, the chief said the new policy doesn't prohibit the kinds of surprise arrests detailed in this investigation. He added that he doesn't think these arrests, and other forms of close cooperation with ICE, will undermine public trust in the probation department, or interfere with its mission of supervising people.

But Contra Costa Public Defender Robin Lipetzky called the ongoing coordination of probation with ICE "disheartening" and said the practice undermines trust between the department and the people under its supervision.

"What is particularly troubling is the practice of a probation officer ordering a person on probation to come in for a meeting for the sole purpose of setting up an ICE arrest," she said. "This practice would seem to be an abuse of the role of probation."

Lipetzky and Billeci have met and discussed the policy with respect to ICE. She said she feels Billeci has taken her concerns seriously.

She hopes that Billeci "will put an end to this collusion with ICE, particularly in light of the current climate of fear experienced by the immigrant community."

Contra Costa County Sheriff David Livingston declined to be interviewed for this report, as did his employees, who were allegedly involved in setting up surprise arrests with ICE. Sheriff's Specialist Hooker declined to answer questions when reached by phone, saying only, "you're accusing me of things," before hanging up.

Specialist Culley, who facilitated Kim's arrest by ICE agents, was not available during multiple calls to her office.

Jimmy Lee, a spokesman for Livingston, wrote in an email that the sheriff's office would not discuss specific cases. "We can confirm that ICE made an arrest at CAF," he wrote about the facility in Martinez. "We will not discuss another agency's arrest or investigation."

Lee explained that the custody alternative program currently enrolls

72

470 individuals, compared to about 1,450 inmates incarcerated in the county's three jails.

In 2016, the county held on average 201 individuals at the behest of federal agencies each day, but the sheriff's office wouldn't state exactly how many were ICE detainees.

The sheriff's department also declined to release records pertaining to ICE holds it has honored at its jails, as well as records of other types of cooperation between sheriff's employees and ICE agents to identify and detain immigrants, such as the surprise arrests experienced by Kim and Jones.

These practices and policies by Contra Costa law-enforcement agencies go against major trends in criminal justice, which emphasize less incarceration and more rehabilitation, argued Rodney of the Immigrant Policy Center. "Here we have people on probation, but they're being sucked into the prison system and punished with deportation. It's really damaging to the idea of second chances."

Hussain, of the Asian Law Caucus, said the county's actions have already created fear among immigrants. "They should not be involved at all with ICE," she said, emphasizing that immigration violations are civil matters, not criminal ones.

David Jones is convinced that, without the help of a private attorney, he would have already been deported. "But it depletes your resources, when you're locked up, and you lose everything," he said about his time in ICE custody.

Amy Smith is less hopeful about her situation. She suspects she will lose her immigration case and be sent to Thailand. And she questions whether, after the election of Trump, California will protect immigrants — or ramp up cooperation with federal deportation agents.

Yet she wants to stay here in her home state. "I don't label myself. I'm not Thai, not American," she said. "I identify with California. I want to be a Californian."

Contact the author of this piece, send a letter to the editor, like us on Facebook, or follow us on Twitter.

« My Afternoon With E-40: A Day...

Letters for the Week of Januar... »

Lynn Wolter

From: Dane Gillette [mailto:dr818@gmail.com]
Sent: Wednesday, January 25, 2017 7:44 PM
To: Lynn Wolter <lwolter@Kensingtoncalifornia.org>
Subject: Letter to board

Lynn,

I published this today on Next Door and Pat suggested I send it to you with a request that you distribute it to the board members and include in the minutes for the next meeting. Thanks.

Dane

I notice from the agenda for Thursday's KPPSCD meeting that Director Cordova is once again planning to participate by phone, apparently from Italy. I believe this is at least the fifth straight month she has failed to attend a meeting of the Board to which she was elected. This raises at least two issues to which the Board needs to respond.

First, I believe there is a potential Brown Act violation. Although Govt Code section 54953 permits teleconferencing, it places some specific requirements on such participation. Specifically, 54953(b)(3) provides that the location of the remote location from which a member is participating must be included in the agenda and that such location "shall be accessible to the public." While there is a location stated in the agenda, i.e., Via Ghibellina, 42, Florence, I question its adequacy. A foreign address is not generally accessible to members of the Kensington community, the public whose interests are being served by the Board. If this were a one time event it might not be of concern. After all, even Board directors sometimes take vacations or have to travel for work and may want to participate by phone. But consistent remote participation from a foreign address seems completely inconsistent with the intent of the Brown Act. This failure to be present in the community or to attend meetings has been going on for several months and presents serious questions about whether Director Cordova is in fact still a member of the Kensington community. That raises the second concern.

Section of 4020.20 of the KPSCD Policy Manual provides that a vacancy shall occur "if any member ceases to discharge the duty of his/her office for a period of three (3) consecutive months" unless authorized by the Board pursuant to Government Code section 1770(g). That section states that an office becomes vacant by failure to discharge the duties of the office for three consecutive months, "except when prevented by sickness, or when absent from the state with the permission required by law." Even without action by the Board, section 1770(e) provides that an office becomes vacant if the officer ceases to be a resident of the state. Although there have been assertions that Director Cordova is too ill to travel back to Kensington, it is not clear that the Board has fully investigated those assertions, or in any other way affirmatively authorized the Director's continued absence from the state, much less from Kensington. Indeed, it is not at all clear that she has a residence in Kensington to which she plans on returning.

Given the many compelling and important issues now facing the Board, I think it behooves the President and through her the other Board members to more fully investigate the continued absence of Director Cordova, determine when if at all she plans on returning to Kensington, and if she has no such plans to declare the office vacant. Given the Board's plan to meet twice a month coupled with the increasing number of special meetings it is scheduling, operating with less than the full complement of directors authorized by law and elected by the community is simply not tenable. I encourage the Board to look into this matter.

Lynn Wolter

From: Garen Corbett <glcorbett@gmail.com>
Sent: Thursday, February 02, 2017 3:47 PM
To: Rachelle Sherris-Watt
Cc: Lynn Wolter
Subject: Status of Director Cordova?

Dear Director Sherris-Watt:

I hope this note finds you well. I am writing out of concern that the KPPCSD is operating at less than full strength and exposing the District to legal and ethical risks. As you aware, one of our Directors is in possible breach of local District policy, and the extended absence and uncertainty around this Director is possibly in violation of state law. I of course, am referring to Director Cordova, who for more than five straight months has failed to attend a meeting of the Board to which she was elected. I respectfully submit that this raises at least two issues to which the Board needs to respond. While I am no lawyer, I submit the following concerns echoed by other members of our community on our local social media site, Nextdoor.

First, I believe there is a potential Brown Act violation. Although Govt Code section 54953 permits teleconferencing, it places some specific requirements on such participation. Specifically, 54953(b)(3) provides that the location of the remote location from which a member is participating must be included in the agenda and that such location "shall be accessible to the public." While there is a location stated in the agenda, i.e., Via Ghibelilina, 42, Florence, I question its adequacy. A foreign address is not generally accessible to members of the Kensington community, the public whose interests are being served by the Board. If this were a one time event it might not be of concern. After all, even Board directors sometimes take vacations or have to travel for work and may want to participate by phone. But consistent remote participation from a foreign address seems completely inconsistent with the intent of the Brown Act. This failure to be present in the community or to attend meetings has been going on for several months and presents serious questions about whether Director Cordova is in fact still a member of the Kensington community. That raises the second concern.

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Given the many compelling and important issues now facing the Board, I think it behooves you, as the President and the other Board members to more fully investigate the continued absence of Director Cordova, determine when if at all she plans on returning to Kensington, and if she has no such plans to declare the office vacant. Operating with less than the full complement of directors authorized by law and elected by the community is simply not tenable and is not fair to the community. I encourage

the Board to look into this matter, and to consider your official duties over any personal ties you have with Director Cordova. I suspect the same lack of scrutiny would not be offered to Director Welsh were he the official in question. While I wish Director Cordova well, I seek to ensure that our community's needs are remain foremost, not Director Cordova's.

Thank you.

Best regards,
Garen Corbett
11 Camelot Ct
Kensington, CA 94707
glcorbett@gmail.com

Office Report prepared by Kari Tindol, Director
Kensington Community Council Board Meeting
February 6, 2017

KASEP

Winter KASEP continues through Friday March 17th. The KCC Office will be closed for President's week, Feb. 20 - 24th, no KASEP classes.

Spring KASEP Registration is scheduled for Tuesday, March 7th at 7:30pm. Spring brochures will head on home in student's backpacks the week of February 27th.

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 Summer Camp

KCC Summer Camp 2017 planning is being finalized. KCC Summer Camp online registration is scheduled for Tuesday Feb. 28th at 7:30pm 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.

Camp brochures will go home in student's backpacks the week of Feb. 27th. Camp information and weekly schedule will be available for viewing on the KCC website:
www.kensingtoncommunitycouncil.org

KCC Administrative

Kari Tindol is out of the office for a few days due to an accident. We are all wishing a speedy recovery.

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	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	29	30	31	

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jan 29	30	31	Feb 1	2	3	4
	6 7:00pm KCC Mtg (CC3) 7:00pm Pack 82 (CCM) 7:00pm KCC Mtg (CCM)	7 7:30pm Troop 100 (CCM)	8 6:00pm GPF (CCM) 7:00pm *KED Mtg (CC3)	9 6:00pm KPCCSD Mtg (CCM)	10 6:00pm Kensington Hilltop Fundraiser (CCM)	11 1:00pm CC Rental (CCM)
5	12	13	14	15	16	17
	6:00pm KPSC (CC3) 7:00pm Pack 82 (CCM) 7:30pm KARO Mtg (CC3)	7:30pm Troop 100 (CCM)	7:00pm Parks Meeting (CCM)	7:15pm EBC (CC1)	7:15pm EBC (CC1)	18 10:00am KPSC Mtg (CCM) 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)	7:00pm Finance Meeting (CCM)	6:30pm KPCCSD (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)				

28

March 2017

March 2017							April 2017						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
5	6	7	8	9	10	11	2	3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	29

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

26

GENERAL MANAGER'S REPORT JANUARY 2017

The District of Kensington is no longer meeting with the Pinole, Hercules, and San Pablo Consortium to discuss CAD/RMS services. I met with Chief Greenwood of the Berkeley Police Department for preliminary discussions for CAD/RMS and plan to meet with University of California Police at Berkeley Chief Bennett. Kensington PD calls for service and other data points have been provided to each of these agencies. Talks have progressed with Albany PD, Contra Costa County Sheriff's Department, and El Cerrito PD to provide this service.

Two employees are classified as temporarily disabled due to work related injuries. We hope for a full and fast recovery for both employees.

Portable electronic speed signs were activated today. We anticipate these speed signs and a proactive approach to traffic enforcement will mitigate the impact speeders using roadways throughout the District of Kensington are having on quality of life issues.

Thanks to the commitment to community exhibited by residents, one volunteer, has taken on the task of assisting in the creation of a WiFi policy so the District can begin using this technology to livestream Board meetings. Advance Systems Group needs this policy to activate this technology on their system.

Contact has been made with Bay Area Land Surveying, Inc. to ascertain the remaining steps needed to obtain the land survey completed by this company. The issue at hand is the land encroachment into the Kensington Park that is located at the northern edge of the property located at 79 Arlington Avenue.

District Administrator Lynn Wolter completed a Public Records Act Webinar training. District Administrator Wolter printed out all relevant materials and shared them with IGM/COP Hull and Police Aide DiNapoli to review.

**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

RESOLUTION 2017 -05

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE KENSINGTON
POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT TO
COMMENCE EMPLOYER PAID MEMBER CONTRIBUTION (EPMC)**

WHEREAS, the governing body of the Kensington Police Protection and Community Services District has the authority to implement Government Code Section 20691;

WHEREAS, the governing body of the Kensington Police Protection and Community Services District has a written labor policy or agreement, which specifically Provides for the normal member contributions to be paid by the employer;

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the Kensington Police Protection and Community Services District of a Resolution to commence said Employer Paid Member Contributions (EPMC);

WHEREAS, the governing body of the Kensington Police Protection and Community Services District has identified the following conditions for the purpose of its election to pay EPMC:

- This benefit shall apply to all employees holding the rank of Police Officer, Corporal, Sergeant, Master Sergeant and Chief of Police.
- This benefit shall consist of paying 5% of the normal member contributions as EPMC commencing March 1, 2017.
- The effective date of this Resolution shall be February 9, 2017.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Kensington Police Protection and Community Services District elects to pay EPMC, as set forth above.

BY

Rachelle Sherris-Watt, President of the
Board
Kensington Police Protection
and Community Services District

Date adopted and approved

KPPCSD 2017 Calendar

Regular, Finance and Park Committee Meetings

DATE	ITEM	NOTES
Thursday, Jan. 12th	Regular Meeting	Closed Session 6:30 pm. Open Session 7:30 pm
Thursday, Jan. 26th	Regular Meeting	Closed Session 6 pm. Open Session 7:30 pm
Monday, Jan. 30th	Finance Meeting	Begins 7 pm
Thursday, Feb. 9th	Regular Meeting	Closed Session 6:30 pm. Open Session 7:30 pm
Wednesday, Feb. 15th	Parks Meeting	Begins 7 pm
Wednesday, Feb. 22nd	Finance Meeting	Begins 7 pm
Thursday, Feb. 23rd	Regular Meeting	Closed Session 6:30 pm. Open Session 7:30 pm
Thursday, March 9th	Regular Meeting	Closed Session 6:30 pm. Open Session 7:30 pm
Wednesday, March 15th	Parks Meeting	Begins 7 pm
Wednesday, March 22nd	Finance Meeting	Begins 7 pm
Thursday, March 23rd	Regular Meeting	Closed Session 6:30 pm. Open Session 7:30 pm
Thursday, April 13th	Regular Meeting	Closed Session 6:30 pm. Open Session 7:30 pm
Wednesday, April 19th	Parks Meeting	Begins 7 pm
Wednesday, April 26th	Finance Meeting	Begins 7 pm
Thursday, April 27th	Regular Meeting	Closed Session 6:30 pm. Open Session 7:30 pm
Thursday, May 11th	Regular Meeting	Closed Session 6:30 pm. Open Session 7:30 pm
Wednesday, May 17th	Parks Meeting	Begins 7 pm
Wednesday, May 24th	Finance Meeting	Begins 7 pm
Thursday, May 25th	Regular Meeting	Closed Session 6:30 pm. Open Session 7:30 pm
Thursday, June 8th	Regular Meeting	Closed Session 6:30 pm. Open Session 7:30 pm
Wednesday, June 21st	Parks Meeting	Begins 7 pm
Thursday, June 22nd	Regular Meeting	Closed Session 6:30 pm. Open Session 7:30 pm
Wednesday, July 12th	Parks Meeting	Begins 7 pm
Thursday, July 13th	Regular Meeting	Closed Session 6:30 pm. Open Session 7:30 pm
Thursday, July 27th	Regular Meeting	Closed Session 6:30 pm. Open Session 7:30 pm
Wednesday, Aug. 23rd	Finance Meeting	Begins 7 pm
Thursday, Aug. 24th	Regular Meeting	Closed Session 6:30 pm. Open Session 7:30 pm

DATE	ITEM	NOTES
Thursday, Sept. 14th	Regular Meeting	Closed Session 6:30 pm - Open Session 7:30 pm
Wednesday, Sept. 20th	Parks Meeting	Begins 7 pm
Wednesday, Sept. 27th	Finance Meeting	Begins 7 pm
Thursday, Sept. 28th	Regular Meeting	Closed Session 6:30 pm - Open Session 7:30 pm
Thursday, Oct. 12th	Regular Meeting	Open Session 7:30 pm (End of CSDA Conference)
Thursday, Nov. 9th	Regular Meeting	Closed Session 6:30 pm - Open Session 7:30 pm
Wednesday, Nov. 15th	Parks Meeting	Begins 7 pm
Monday, Nov. 20th	Finance Meeting	Begins 7 pm
Thursday, Dec. 14th	Regular Meeting	Closed Session 6:30 pm - Open Session 7:30 pm

**INTERIM GENERAL MANAGER AND CHIEF OF POLICE
EMPLOYMENT AGREEMENT (“Agreement”)**

The Kensington Police Protection and Community Services District (hereinafter “KPPCSD” or “District”) desires to employ the services of **Rickey L. Hull** (hereinafter “Employee”) as Interim General Manager/ Chief of Police. Employee is currently a Master Sergeant with the Kensington Police Protection District represented by the Kensington Police Officers’ Association (“KPOA”) and subject to a Memorandum of Understanding (“MOU”) between the District and KPOA.

Employee desires to accept employment as Interim General Manager/ Chief of Police under the terms and conditions contained in this Agreement.

Employee is aware of and understands that as Interim General Manager/ Chief of Police for the District he serves at the pleasure of the Board of Directors of the District (hereinafter “Board”), and is subject exclusively to the Board’s (or its designee’s) supervision, control and direction. Employee understands that the Board (or its designee) has the sole and exclusive right to direct, supervise, manage, discipline, and control Employee’s job performance.

The parties understand nothing in this Agreement shall be interpreted to amend, modify or supersede any ordinance of the District, or county or state or federal law, pertaining to the operation of the District.

In consideration of the mutual covenants contained herein, the parties agree as follows:

1. DUTIES

A. The District hereby agrees to employ Employee as Interim General Manager/ Chief of Police of the District to perform the functions and duties specified in the job description, attached hereto as Exhibit "A" and incorporated herein by this reference, and to perform other legally permissible and proper duties and functions as required by law and as the District shall from time to time assign.

B. Employee hereby agrees to perform all such functions and duties to the best of his abilities and in a competent and efficient manner. Employee further agrees to focus his full professional time, ability and attention to District business during the term of this Agreement. Consequently, Employee hereby agrees not to engage in any other business pursuits whatsoever directly or indirectly, or render any services of a business, commercial, or professional nature to any other person or organization, for compensation, without the prior written consent of the District. This shall not preclude Employee from volunteering his services to other entities or individuals as long as such volunteer services are not in conflict with the services to be provided by Employee under this Agreement.

2. TERM

A. Unless terminated earlier by either the District or the Employee, this Agreement shall be in full force and effect starting **December 17, 2016**, and ending **May 17, 2017** (the “Term”). The Parties shall have the authority to mutually agree to extend the Term of this Agreement in writing.

B. Nothing in this Section shall prevent, limit or otherwise interfere with the right of the District to terminate this Agreement for any reason, or no reason at all.

C. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the Employee to resign at any time from this position with the District.

D. Employee understands and acknowledges District may, during the Term, amend the job description attached as Exhibit "A" to create two separate positions, one for General Manager and the other for the Chief of Police. If the District approves the creation of two separate positions, Employee may be assigned solely to the position of Chief of Police at the discretion of the Board. In that event, this Agreement shall continue without modification, except as provided in Section 3.B., and all references herein to "Interim General Manager/ Chief of Police" shall thereafter mean "Interim Chief of Police."

E. Nothing in this Agreement shall preclude the termination of this Agreement by mutual consent of both parties.

3. SALARY AND COMPENSATION

A. Employee shall receive a base pay of \$129,031.05, which is 15.0% over Employee's wage provided for under the terms of the KPOA MOU as of March 1, 2017, inclusive of the premium pays Employee currently receives under Article IX of the KPOA MOU.

B. For performance of Interim General Manager duties in addition to Interim Chief of Police duties, Employee's base pay shall be \$140,857.20, which is 10% over the wage provided above not including the premium pays the Employee currently receives pursuant to the Article IX of the KPOA MOU. The \$11,826.14 difference in base pay for the performance of General Manager duties shall not be reported to CalPERS as pensionable compensation. If the District approves the creation of two separate positions, per Section 2.D above, Employee may no longer be required to perform Interim General Manager duties and will, therefore, be compensated at a base pay of \$129,031.05.

C. Employee's salary is payable in semi-monthly installments on the 15th and the 30th of each month.

4. AT-WILL EMPLOYMENT STATUS

A. Employee is a confidential, at-will employee and serves as Interim General Manager/ Chief of Police at the pleasure of the Board. Employee understands, acknowledges and accepts that this position is not within the represented police bargaining unit, and that such position is a confidential position that is unrepresented. At-will employment means that employment is at the mutual consent of Employee and the District and either may terminate the employment at any time, for any reason, or no reason at all. Employee and District agree that no representative of the District has made or can make any promises, statements, or representations which state or imply that Employee is hired, employed, or retained under any terms other than as an at-will employee. Employee's at-will status may only be changed, revoked, amended, or superseded by a written document, signed by the Employee and approved and adopted by the Board.

B. Due to the interim nature of the position, District and Employee understand and agree that Employee will be permitted to return to his status as Master Sergeant, upon termination of this Agreement, provided Employee has not engaged in any form of misconduct as defined in Section 4.C below and that all rights and benefits conferred under this Agreement shall terminate.

C. Misconduct includes, but is not limited to, dishonesty, fraud, self-dealing, insubordination or other malfeasance or misfeasance committed in the performance of the Interim General Manager and Chief of Police's duties and responsibilities under this Agreement;

or Employee's violation of any law which can be punished as a felony committed at any time. The determination of whether Employee is terminated due to misconduct is in the District's sole discretion; provided, however, the Employee has the right to provide a written or verbal explanation in response to any misconduct alleged pursuant to Sections 4.B and 4.C.

5. HOURS OF WORK

Due to the nature of the employment of a person in the position of the District's Interim General Manager/ Chief of Police, Employee will typically be required to work at least a full- and- complete work week of forty hours (40) per week, and devote whatever time is necessary to fulfill his employment responsibilities and duties as provided for in this Agreement. The Interim General Manager/ Chief of Police position is exempt from overtime laws including but not limited to the Fair Labor Standards Act. As such, Employee is not entitled to receive payment for hours worked in excess of a regular work week, including, but not limited to, overtime, call-out, court appearances, standby, holidays and regular days off.

6. HOLIDAYS

Employee shall receive fourteen (14) holidays, specified in the KPOA MOU, as paid days off. Payment for these holidays is included in base salary specified in Sections 3.A and 3.B of this agreement: No additional compensation shall be paid to the Employee for holidays regardless of whether or not they are worked; provided, however, the Employee shall be permitted to take compensatory time off in exchange for time worked on holidays. Such time off shall not exceed twenty (20) hours for the term of this Agreement. Any accrued compensatory time under this provision shall have no cash value, and will expire if Employee reverts to Master Sergeant position pursuant to Section 4.B.

7. HEALTH PLAN BENEFITS

A. The District shall provide health benefits through the Public Employees' Retirement System Health Benefit Program.

B. The District's direct contribution towards Employee's health plan premium shall be the minimum as determined by CalPERS under the Public Employment Medical and Hospital Care Act ("PEMHCA"). For 2017, the minimum established under PEMHCA is \$128 per month.

C. The District shall make additional contributions to a Cafeteria Plan up to a maximum of the Kaiser Bay Area HMO plan based on the Employee's coverage level elected (Employee only, Employee + 1, or Employee + 2 coverage), less an \$85 monthly employee contribution, and less the PEMHCA minimum contributed under 7.B. If Employee elects a plan that costs more than the Kaiser Bay Area HMO, Employee will be responsible for the \$85 monthly contribution plus any amounts above the District's maximum contribution.

D. Effective June 30, 2017, the District will make additional contributions to a Cafeteria Plan up to a maximum of the Kaiser Bay Area HMO plan based on the Employee's coverage level elected (Employee only, Employee + 1, or Employee + 2 coverage), less an \$125 monthly employee contribution, and less the PEMHCA minimum contributed under 7.B. If Employee elects a plan that costs more than the Kaiser Bay Area HMO, Employee will be responsible for the \$125 monthly contribution plus any amounts above the District's maximum contribution.

E. If Employee retires as the Interim Chief of Police or Interim General Manager/ Chief of Police., Employee has access to retiree health care benefits under CalPERS per the Public Employment Medical and Hospital Care Act ("PEMHCA"). As a retiree, the District's contribution towards Employee's health plan premium shall be the PEMHCA minimum as determined by CalPERS on an annual basis. This paragraph shall not preclude Employee from exercising his return rights under Section 4.B.

F. The District's provision of health care premiums in retirement is not a vested right. At its sole discretion, in accordance with state and federal law, the District may change the provider of its health plan benefits, or change the amount of payments required by the District or the Employee at any time, or eliminate such coverage or plan altogether.

8. RETIREMENT

Employee shall continue to be covered under the CalPERS Three Percent (3.0%) at Age 50 plan, including single year final compensation and the 1959 Survivor benefit. The District will pay five percent (5.0%) of Employee's nine percent (9.0%) mandatory CalPERS contribution, and Employee will pay four percent (4.0%) of the mandatory contribution.

9. ALL OTHER TERMS AND CONDITIONS OF EMPLOYMENT

Unless modified herein, Employee will continue to receive life insurance, disability insurance, dental and vision coverage, deferred compensation, sick leave, bereavement leave, vacation, educational incentives, clothing allowance and safety equipment as provided in the KPOA MOU. To the extent they are inconsistent, this Agreement shall control over the KPOA MOU.

Article XII of the KPOA MOU shall not apply to the Interim General Manager/ Chief of Police.

10. INTEGRATION

This Agreement and its attachments constitute the entire agreement between the parties.

11. SCOPE AND SEVERABILITY

In the event any portion of this Agreement is declared null and void by superseding federal or state law, the balance of the Agreement shall continue in full force and effect, and the parties hereto shall commence negotiations to ensure that the superseded portion shall be rewritten to conform as closely as possible to the original intent.

SIGNATURES:

Kensington Police Protection and Community
Services District Board of Directors

Rachelle Sherris-Watt, President

Date: _____
Interim General Manager/Chief of Police Employee

Rickey L. Hull

Date: _____

EXHIBIT A

General Manager / Chief of Police



The GM/COP is appointed by and serves under the direction of the KPPCSD Board of Directors. The District is currently examining alternative staffing options that may result in the position being split into two, namely a GM and COP. This is an at-will position.

Examples of Duties

- Is on call, 24 hours per day and 7 days per week to respond to police emergencies.
- 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 information needed 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 of sworn and non-sworn staff.
- Serves as chief executive officer of the department and final authority in matters of policy, operations and discipline. The COP exercises all lawful powers of the office and issues lawful orders, as are necessary, to assure the effective performance of the office.
- Enforces laws and ordinances that come with the legal jurisdiction of the Kensington Police Department (KPD).
- Plans, directs, controls, coordinates and staffs all activities of the department 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.
- Investigates and responds to citizen complaints regarding the actions of officers in a timely manner.

- Manages and resolves complex employee relations issues conducting in-depth, thorough, and objective inquiries into complaints.
- Performs annual performance evaluations of Sergeants.
- Investigates crimes, testifies in court, and prepares reports.
- Patrols the service area of the KPD, as needed.
- Maintains cordial and mutually beneficial relationships with other law enforcement agencies.
- Manages staff resources within the confines of the extant collective bargaining agreement and budget.
- Oversees the execution of grant proposals that provide funds to law enforcement or special districts.
- Keeps abreast of state of the art police standards and maintains them as appropriate throughout the department.

Minimum Qualifications

- Be a sworn police officer under section 832 of the Penal Code. A Bachelor's degree from an accredited college or university or a combination of education and years of service equivalent to a Bachelor's degree, is preferred. A Master's Degree is desirable.
- Have 5-7 years of progressive supervisory command experience in a law enforcement agency and a California POST Supervisory Certificate or higher.
- Have demonstrated managerial and community involvement experience.
- Meet background standards for the assignment.
- Possess or obtain a valid California driver's license and have an acceptable driving record.

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2017-06

RESOLUTION OF THE KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICE DISTRICT TO AMEND APPENDIX "A" OF POLICY #2000 OF THE DISTRICT'S POLICY AND PROCEDURES MANUAL TO CREATE TWO JOB DESCRIPTIONS FOR THE POSITION OF DISTRICT GENERAL MANAGER AND THE DISTRICT CHIEF OF POLICE

WHEREAS, California Special Districts are required to employ a General Manager pursuant to California Government Code Section 61050(a); and

WHEREAS, the training and professional skills required of General Manger and Chief of Police are distinctly different; and

WHEREAS, the General Manager's preferred background includes a degree in public administration and training in management, policy formation, accounting, budgeting, human resources, labor relations, and planning.

WHEREAS, the General Manager should have a broad understanding of all services provided to the community and should ensure those services are efficiently implemented and funded over time with policy guidance set by the Board of Directors; and

WHEREAS, a Chief of Police's primary focus is on public safety with requisite training and skills centered on the means to ensure that citizens have a safe environment via a well-trained police department; and

WHEREAS, the separation of the positions of General Manager and Chief of Police is the preferred organizational structure because it allows for an additional level of review and oversight of District affairs and enables an agency to focus on the needs of the District, which has not been possible with a position that combines the duties of both General Manager and Chief of Police.

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

1. The Board of Directors hereby approves the amendment of Appendix "A" of District Policy and Procedures Manual Policy #2000, the text of which is attached hereto as Attachment "1" and which creates two separate job descriptions, one for the position of District General Manager and one for the position of District Chief of Police.

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:

BOARD MEMBERS:

NOES:

BOARD MEMBERS:

ABSTAIN:

BOARD MEMBERS:

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. 2017-07**

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE KENSINGTON POLICE
PROTECTION AND COMMUNITY SERVICES DISTRICT AUTHORIZING
INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND

WHEREAS, Pursuant to Chapter 730 of the statutes of 1976, Section 16429.1 was added to the California Government Code to create a Local Agency Investment Fund in the State Treasury for the deposit of money of a local agency for purposes of investment by the State Treasurer; and

WHEREAS, the Board of Directors does hereby find that the deposit and withdrawal of money in the Local Agency Investment Fund in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein is in the best interests of the Kensington Police Protection & Community Services District.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors does hereby authorize the deposit and withdrawal of Kensington Police Protection & Community Services District monies in the Local Agency Investment Fund in the State Treasury in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein, and verification by the State Treasurer's Office of all banking information provided in that regard.

BE IT FURTHER RESOLVED, that the following Kensington Police Protection & Community Services District officers or their successors in office shall be authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund:

NAME: Rickey L. Hull
TITLE: Interim General
Manager/Chief of Police

NAME: Lynn Wolter
TITLE: District
Administrator

NAME: Deborah Russell
TITLE: KPPCSD CPA

Ayes:

Noes:

Absent:

PASSED AND ADOPTED, by the Board of Directors of the Kensington Police Protection and Community Services District, Contra Costa County of the State of California on February 9, 2017.

Attest: _____

President, Board of Directors
Rachelle Sherris-Watt

General Manager/Chief of Police
Rickey L. Hull

**DELEGATION OF AUTHORITY
KENSINGTON POLICE PROTECTION & COMMUNITY SERVICES DISTRICT**

Local Agency Investment Fund
P.O. Box 942809
Sacramento, CA 94209-0001

LAIF Account No. 16-07-003

To Whom It May Concern:

Pursuant to the resolution of the **KENSINGTON POLICE PROTECTION & COMMUNITY SERVICES DISTRICT** for AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND, this letter shall serve as delegation of authority to the following persons or their successors from the Contra Costa County Treasurer's Office to execute the deposit and withdrawal of monies on behalf of the **KENSINGTON POLICE PROTECTION & COMMUNITY SERVICES DISTRICT**. The deposit or withdrawal of monies shall only be permitted with prior written instructions from the **KENSINGTON POLICE PROTECTION & COMMUNITY SERVICES DISTRICT** to the County Treasurer. In addition, these persons or their successors from the Contra Costa County Treasurer's Office shall be given the authority to update the account as necessary upon changes in personnel, address or banking information with the Local Agency Investment Fund on behalf of the **KENSINGTON POLICE PROTECTION & COMMUNITY SERVICES DISTRICT**.

Russell V. Watts
Treasurer-Tax Collector

Belinda Zhu
Chief Deputy
Treasurer-Tax Collector

Lulis Lopez
Assistant Tax Collector

Amy Pluth
Treasurer's Investment
Officer

Esther Garibay
Treasurer's Investment
Operations Analyst

Sincerely,

Rickey L. Hull
(NAME) Must be on resolution

Deborah Russell
(NAME) Must be on resolution

(SIGNATURE)

(SIGNATURE)

(DATE)

(DATE)