

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

A G E N D A

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District will be held **Thursday, January 26, 2017, at 6:00 P.M.** at the Community Center, 59 Arlington Avenue, Kensington, California. The Board will commence a Special Meeting in Open Session **Thursday, January 26, 2016, 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. PUBLIC EMPLOYEE EMPLOYMENT, DISCIPLINE OR DISMISSAL: The Board will be briefed on personnel matters pursuant to Government Code Section 54957(b)(2). One item.
- c. 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). Two items.

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

3. Special 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 listed on the agenda at the time the Board is considering each item. Each speaker is allowed a maximum of (5) minutes per Board Policy 5030.41.

5. Board/Staff Comments

6. Correspondence Pg. 3

7. New Business

- a. Presentation by 2016 Park Buildings Committee and/or staff regarding Glass and Associates' proposal. The Board will consider authorizing President Sherris-Watt to negotiate and execute on behalf of the Board a consultant services agreement with Glass & Associates for the provision of architectural services. Pg. 15 Action Item.
- b. The Board will discuss and potentially adopt Resolution 2017-04, authorizing the Interim General Manager/Chief of Police to negotiate with the City of El Cerrito to provide RMS and services of Records Management to the District. Report to be provided by the Interim General Manager/Chief of Police. Pg. 23 Action Item.
- c. President Sherris-Watt will present the 2017 Calendar for Board and District committee meetings and the Board will consider approval of the 2017 Calendar. Pg. 25 Action Item.

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.

To: KPPCSD Board of Directors
From: A. Stevens Delk, Ph.D.
Date: January 18, 2017
Re: Board/Staff Comment During Public Comment

Dear Directors:

I fully understand, and appreciate, the need to keep meetings as short, and as focused, as possible. However, I hope you will reconsider your decision to prohibit Board and Staff from responding to any public comment made regarding items not on the Agenda.

The following is from a Public Comment I prepared but did not make last February:

The Board President, General Manager and Legal Counsel have all from time to time interjected during Public Comment time that the matter cannot be commented on because it is not on the agenda. The specific KPPCSD Policy, 5020.30, states that “the Board shall not discuss or take action on such matters at that meeting.”¹

This comes from the Brown Act, which says “no action or discussion shall be undertaken” on non-agenda matters. But Brown adds “except...a legislative body or its staff may briefly respond to statements made or questions posed.” And then it continues further in that vein.²

I’m not a legal scholar, I’m not even an illegal scholar, but it seems there is a problem with the District’s policy. By not including the rest of Brown, the policy can be used and has been used, often selectively, to limit public access to information by playing the “not-on-the-agenda trump card.” The purpose of this particular section of Brown is to prevent local legislative bodies from passing ordinances without prior public notification, review and input, not to restrict the public’s right to know what’s going on and/or what officials might think about a matter. Or that is what I understand from several legal articles explaining Brown.³

Although an absolute, strictly followed policy is preferable to one applied rather selectively, a simple, brief (30-second) comment/answer may be better than sitting silently and/or expressionless, or saying or having Counsel interject “no comment allowed per KPPCSD Policy 5020.30” — sometimes **“a stitch in time saves nine.”**

I wrote to then President Welsh last May after he proposed “changing the order and manner in which it [the Board] takes general comments on items not on the agenda” and said:

Kensington has a governing board whose unpaid, often underappreciated, members have day jobs and/or other obligations. Kensington also has many intelligent residents who are interested in community issues and who are willing to do research and offer ‘meaningful public dialogue.’³ Don’t squander a valuable resource by reducing Public Comment to a ‘Why Bother’ — a term baristas use for a drink made with decaffeinated coffee and nonfat milk.

Please reconsider. *Delk*

These footnotes are for reference and convenience.

1. KPPCSD Policy 5020.30: This policy does not prevent the Board from taking testimony at regular and special meetings of the Board on matters, which are not on the agenda which a member of the public may wish to bring before the Board. However, the Board shall not discuss or take action on such matters at that meeting.
2. CA Code 54954.2(a): No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda. CA Code 54954.3(a): Every agenda of regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized...Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.
3. "The Brown Act," California Attorney General's Office, 2003, p. 19-20: The Act specifically authorizes the legislative body to adopt regulations to assist in processing comments from the public. The body may establish procedures for public comment as well as specify reasonable time limitations on particular topics or individual speakers. So long as the body acts fairly with respect to the interest of the public and competing factions, it has great discretion in regulating time and manner, as distinguished from the content, of testimony by interested members of the public...[T]he body may not prohibit the individual from criticizing the policies, procedures, programs or services of the agency or the acts or omission...Public meetings of governmental bodies have been found to be limited public fora. As such, members of the public have broad constitutional rights to comment on any subject related to the business of the governmental body. Any attempt to restrict the content of such speech must be narrowly tailored to effectuate a compelling state interest. Specifically, the courts found that policies that prohibit members of the public from criticizing school district employees were unconstitutional...These decisions found that prohibiting critical comments was a form of viewpoint discrimination, and that such a prohibition promoted discussion artificially geared to praising (and maintaining) the status quo, thereby foreclosing meaningful public dialogue.

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NEWS & OPINION » FEATURE 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,"

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

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

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

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 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

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."

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Letters for the Week of Januar... »

PROPOSAL FOR ARCHITECTURAL SERVICES

Kensington Community Center Remodel
Kensington, California

TO: Board Members
Kensington Police Protection Community Service District
Public Safety Building
217 Arlington Avenue
Kensington, CA 94707-1401

FROM: Bill Glass
Glass Associates, Inc., Architecture & Planning
(415) 864-1234 EMail wrglass@glassarchplan.com

DATE: August 30, 2016 - Revised December 8, 2016

Per your request, the following PROPOSAL FOR ARCHITECTURAL SERVICES:

General. Alterations to the Kensington Community Center to remedy structural and access deficiencies and improve the general appearance and functionality of the building. The following description and scope are drawn from the District's Request for Proposals:

The Kensington Community Center is located at 59 Arlington Avenue, Kensington. It was constructed in 1956 and remodeled and expanded in 1988. The building's total area of 4,430 square feet includes a main assembly room of 1,815 square feet. There are three other meeting rooms, toilet rooms, a kitchen that does not meet commercial standards, and a small storage area. The building is utilitarian in design, consisting of reinforced concrete block walls, slab on grade floor with resilient tile surface, exposed ceiling structure with skylights and exposed metal trusses. There is no insulation in the main room and heating is provided by space heaters, with ventilation provided by operable windows and doors.

The building was initially constructed to serve the needs of Kensington's youth, hence its original name as the "Youth Hut." Over the years the building's purpose evolved to include more adult uses, such as yoga, painting classes, and an occasional venue for private parties. However, the majority of uses continue to have a youth focus (scouts/gymnastics/after school programs). Given these uses, upgrades will need to recognize the importance of durability, such as impact-resistant glazing on any windows and doors, and surfaces that are scuff-resistant and designed for easy cleanup. The building's western exposure creates heat gain issues during the afternoon, which should be considered. The construction scope will include, but may not be limited to:

PROPOSAL FOR ARCHITECTURAL SERVICES
Kensington Community Center Remodel
Kensington, California
August 30, 2016 - Revised December 8, 2016
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- Modifications required to remedy seismic resistance deficiencies identified in the structural report prepared by the District's consultant
- Modifications required to remedy accessibility deficiencies identified in the access survey report prepared by the District's consultant
- Modifications to improve the general appearance and function of the building and site. Among these are the following Alternates that will be priced separately and may or may not become part of the final project:
 - Alternate 1: A new west wall that will provide an indoor/outdoor feel by incorporating more use of glass and a possible central entrance
 - Alternate 2: An upgraded kitchen to provide community cooking classes and meals for social events
 - Alternate 3: Enhancement to the restrooms, interior main room wall covering, floor finishes, interior and exterior painting, and possible lighting and heating upgrades.
- At this time it is anticipated that the total project budget, including fees and permits, will be \$1,000,000 or less.

Scope of Services. Pre-Design, Schematic/Preliminary Design, Construction Documents, Bidding and Construction Administration services phased as follows:

1. Pre-Design Phase Services:
 - a. Documentation and Verification of Existing Conditions: Site measurement and documentation of existing buildings. Where existing drawings are available, they will become the basis for our drawings and we will field verify construction-critical dimensions.
 - b. Program Assessment: Review of program requirements and verification of conceptual program approach as the basis for schematic design.
2. Schematic Design / Design Development Phase Services:

Combined Schematic Design / Design Development renovations design phase; preparation of design drawings, including the construction scope alternatives and construction budget estimates, for review and evaluation by the District; selection of a design approach for development as Construction Documents; Provision of two renderings of the proposed project based on the mutually-accepted Preliminary Design.
3. Construction Documents Phase Services:

Based on a mutually-accepted Preliminary Design and budget, development and preparation of Construction Documents, consisting of drawings and specifications, setting forth in detail the architectural, mechanical, plumbing, electrical and food service equipment requirements for the proposed project.

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4. Bidding & Reviews Phase Services:
 - a. Filing Construction Documents and pertinent forms for review with Kensington, Contra Costa County, and the East Bay Regional Park District.
 - b. Responses to inquiries from review agencies.
 - c. Revisions to Construction Documents as required
 - d. Assistance in obtaining bids and negotiating proposals

5. Construction Administration Phase Services:
 - a. Observing the construction work to determine if the construction is proceeding in accordance with the construction schedule and is being accomplished in accordance with the requirements and quality called for in the Construction Documents. On the basis of on-site observations, the Architect shall keep the District informed of the progress and quality of the Work.
 - b. Construction Phase consultation, including review and processing of shop drawings, product data, and other required submittals.
 - c. Preparation of documents supporting requests for Change Orders if required and/or directed by the District and Field Orders as deemed necessary by the District to avoid delays, expense, code violations, or hazardous conditions.
 - d. Review and certification of Contractor's Application(s) for Payment, and determining the dates of Substantial and Final Completion.
 - e. Preparation of Project Completion List ("Punch List") defining items requiring completion by contractor prior to release of construction contract retention.
 - f. Preparation of Record Drawings ("as-built") based on contractor's documentation of field variations to the Construction Documents.

6. Subconsultant Services:
 - a. Fees include the following engineering and consulting services:
 - 1) Structural engineering services provided by our subconsultant, IDA Structural Engineers, Inc., Oakland, CA.
 - 2) Mechanical engineering services (HVAC, plumbing, and fire sprinkler) provided by our subconsultant, Eddie Padilla Consulting Engineers, Vallejo, CA.
 - 3) Electrical engineering services (power, lighting, fire alarm and data) provided by our subconsultant, Bay Area Consulting Engineers, Inc., San Francisco & Oakland, CA.
 - 4) Food service peer-review services provided by our subconsultant, Patrick Stein & Associates, San Jose, CA.
 - 5) Cost Consulting by our subconsultant, TBD Consultants, San Francisco, CA.
 - 6) Energy consulting services by our subconsultant, Paul Welschmeyer, Paul Welschmeyer Architects/Energy Consultants, Fremont, CA

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- b. Security & Telecom Consultant services are not anticipated. Should the Architect and the District agree that such services are required by the project, they shall be added to the scope of services at a mutually-agreed upon fee.
7. Optional Services: The following, if required by the project and requested by the District, can be added to the Scope of Services as optional additional services:
- a. Full time on-site construction observation or Contractor representation
 - b. Any Additional Services deemed appropriate by the District or the Architect and agreed to by the District based on the requirements of the project.

Schedule.

The services shall be scheduled as follows:

- 1. Pre-Design Phase Services: 2 weeks, commencing with receipt of a contract authorization.
- 2. Schematic and Preliminary Design Phase Services: 4-6 weeks, depending on the timeliness of District reviews and approvals.
- 3. Construction Documents Phase Services: 8 weeks, depending on the timeliness of District reviews and approvals.
- 4. Construction Administration Phase Services: As determined by Contractor's schedule but not to exceed 20 weeks.

Fees.

Lump sum fees are projected below for those aspects of the scope which have been adequately defined to do so. Fees will be billed on a percent complete basis according to the rate schedule in **Terms of Compensation** below (please refer to attached detailed schedule):

1.	Consulting Services	
	a. Pre-Design Phase Services:	\$ 2,000.00
	b. Design Phase Services:	\$ 36,000.00
	c. Construction Documents Phase Services:	\$ 66,500.00
	d. Bid Phase Services:	\$ 4,200.00
	e. Bidding and Construction Administration Phase Services:	\$ 39,000.00
	Subtotal, Architectural Services:	\$147,700.00
2.	Reimbursable Allowance	\$ 1,500.00
	Total Fees plus Reimbursable Allowance:	\$149,200.00

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Notes:

- a. As requested, our fees are proposed as "Lump Sum." Consultant fees are passed through at direct cost. Architectural fees include our time for coordinating consultant services. The amount of our liability insurance premium costs affected by gross receipts, including consultant fees, is included in our overhead. Our consultants have worked with us on numerous previous projects and we are confident in their ability to successfully execute their project responsibilities.
- b. With certain exceptions, the California Building Code (CBC) and the access provisions of the Americans with Disabilities Act (ADA) mandate equivalent access for all users and patrons of public accommodations and for employees of businesses and institutions, whether serving the public or not. Renovation/remodel projects trigger general path of travel upgrades under the California Building Code (CBC) and the provisions of the Americans with Disability Act (ADA) and subsequent related legislation. Our services will include a detailed assessment of access compliance, including path of travel upgrades and access for restrooms. The District has included a CASp Accessibility Survey report prepared by Gilda Puente Peters. We do not, therefore, include a CASp compliance report in our scope.
- c. Reimbursable expenses projected above are allowances based on our experience with previous projects. We will periodically review these allowances with you and increase them only if necessary. These expenses include plotting and printing costs for presentations and submittal requirements (not printing or plotting for "in-house" coordination or other similar uses), courier, and FedEx shipping charges. It is anticipated that printing of bid and construction documents will be provided by the District at your preferential vendor rates. These costs are, therefore, not included in the above allowances.

Terms of Compensation.

- I. Compensation for approved Additional Services and Design Services contracted on an hourly basis are billed at the rates listed below, plus Reimbursable Expenses and Subconsultant Services, as follows:

a.	Principal	\$200.00
b.	Employees :	
	Project Associate	\$140.00
	Project Architect	\$110.00
	Draftsperson	\$85.00
	Administrative	\$62.00
c.	Sub-Consultants	Direct cost

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2. FEES AND RATES QUOTED DO NOT INCLUDE:
- a. General community ADA access upgrades: This project will trigger a number of building and site path-of-travel upgrades that will be provided for as a part of the Services but will not include any broader-scope access upgrades, such as modifications to access via public transit.
 - b. Toxics assessment or removal, asbestos abatement, acoustic surveys, EIR or CEQA coordination, or other special studies which may be required by District, local, state, or federal zoning, building, or regulatory authorities.
 - c. Special architectural and engineering requirements, including:
 - Building system mechanical upgrades beyond those described in the Scope of Services above.
 - Building system electrical upgrades: Fees assume sufficient existing power in the facility, ability to utilize the existing lighting circuits for the new lighting, and that the District will define tie-in locations and coordination information for the various utilities, specifically, but not limited to, communication/data, and the fire alarm system.
 - Exhaustive "As-built" architectural or engineering surveys during Pre-Design or for Record Documents; fees assume District-provided "as-built" documents and contractor-provided documentation of field changes to work called for in the Construction Documents.
 - d. Commissioning Services
 - e. Full time on-site construction observation or Contractor representation
 - f. Formal presentation renderings or models in addition to two renderings noted above.
 - g. Graphics and branding design services other than code-related/required building and accessibility signage
 - h. LEED certification processing
 - i. Review agency and jurisdiction review and permit fees
 - j. Reimbursable expenses incurred in the performance of the Services, including Federal Express, or other shipping charges and copying/reproduction charges for drawings or other documents provided for use by the District
3. Fees are billed monthly based on an accounting of services completed and are payable on receipt. Interest in the amount of Wells Fargo Bank, N.A., prime interest rate plus 2% shall accrue to balances 30 days or more past due.
4. Rates and terms above will remain in effect until July 31, 2018.

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Additional Terms of Services

1. **Note:** General path of travel improvements may be required. **The District acknowledges that the Architect's scope and fees have been limited to design of the access improvements triggered by the project and do not include broader path of travel upgrades.**
2. Should the architectural services not be completed prior to July 31, 2018, through no fault of the Architect, fees and rates of compensation will be equitably adjusted.
3. The Architect undertakes commissions only with the understanding that the Architect will be retained from Pre-Design through Construction Administration and the completion of the project. In particular, since decisions by others throughout the construction phase of a project can compromise both the integrity of the Architect's design and its constructibility, the Architect will not undertake a project for which full Construction Administration Phase Services are not included. Should, during the course of the Services, the Owner decide to terminate the Architect's Services, the Owner agrees to accept liability for all aspects of the design and construction of the project and shall not cite the Architect as the author of the design without the written consent of the Architect.
4. Verification of Existing Conditions: Inasmuch as the remodeling and/or rehabilitation of an existing building requires that certain assumptions be made regarding existing conditions, and because some of these assumptions may not be verifiable without expending additional sums of money or destroying otherwise adequate or serviceable portions of the building, **the District acknowledges that the Architect's scope and fees have been limited to the design of the proposed alterations within generally-accepted standards of practice related to alteration and renovation projects and the availability of information related to existing conditions as may be ascertained by District-provided "As-Built" documents and field investigations not requiring destructive testing or demolition.**
5. Limitations of Services: The Architect shall not have control over or be in charge of and shall not be responsible for construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the Work, since these are solely the Contractors' responsibility under the Contract for Construction. The Architect shall not be responsible for the Contractors' schedules or failure to carry out the Work in accordance with the Contract Documents. The Architect shall not have control over or charge of acts or omissions of the Contractor, Subcontractors, or their agents or employees, or of any other persons performing portions of the Work.



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I appreciate the opportunity to propose our services for the Kensington Community Center Remodel. We look forward to working with the Board and your colleagues at the District on this project.

For
GLASS ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "W.R. Glass", written in a cursive style.

William R. Glass, FAIA
President
Lic. No. C-8557

RESOLUTION NO. 2017-04

**RESOLUTION OF THE KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICE DISTRICT
AUTHORIZING THE INTERIM GENERAL MANAGER AND CHIEF OF POLICE OR HIS DESIGNEE TO ENTER
INTO NEGOTIATIONS WITH THE CITY OF EL CERRITO FOR THE PROVISION OF RECORDS' MANAGEMENT
SERVICES AND SERVICES OF RECORDS DEPARTMENT**

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

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

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

WHEREAS, the Interim General Manager and Chief of Police has identified the City of El Cerrito as a potential public safety records' management vendor and records department vendor.

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

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

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

AYES: ____

Rachelle Sherris-Watt

NOES: ____

Eileen Nottoli

ABSTAIN: ____

Len Welsh

Sylvia Hacaj

Vanessa Cordova

RESOLUTION NO. 2017-04

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

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