

## KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

### BOARD OF DIRECTORS MEETING MINUTES

Thursday, December 8, 2022  
Special & Regular Meetings (Hybrid)  
Kensington Community Center  
59 Arlington Avenue, Kensington, CA

Special Meeting – 5:30 p.m.

#### **Call to Order** [TS 9:45]

President Sylvia Hacaj called the meeting to order at 5:47 p.m.

#### **Roll Call** [TS 9:55]

Director Alexandra Aquino-Fike, Director Cassandra Duggan, Director Sarah Gough, Director Eileen Nottoli, and President Sylvia Hacaj were present at roll call.

Staff present included Interim General Manager Anthony Constantouros, General Counsel Ann Danforth, and Clerk of the Board Lynelle M. Lewis.

#### **Special Meeting Agenda Item Public Comments** [TS 10:44]

No public comment was given.

#### 1. **Declaring the Results of November 8, 2022 Statewide Election for Three Directors.** [TS 13:01]

Interim General Manager Tony Constantouros presented the recommended action to adopt Resolution No. 2022-28 declaring the results of the November 8, 2022 Statewide Election for three Directors. These directors will serve a four-year term of office beginning December 8, 2022 and ending December 6, 2026.

- Motion by President Hacaj, seconded by Director Nottoli, to adopt Resolution No. 2022-28 declaring the results of the November 8, 2022 election which recognizes that Alexandra Aquino-Fike, Sarah A. Gough, and Cassandra Rose Duggan won the election and are currently seated as new KPPCSD Directors, carried (5-0) by the following roll call vote: (AYES) Directors Aquino-Fike, Duggan, Gough, Nottoli, and Hacaj; (NOES) None; and (ABSENT) None.

**Resolution No. 2022-28** – A Resolution of the Board of Directors of the Kensington Police Protection District Declaring Results Of Election Held On November 8, 2022 For The Election Of Directors.

#### 2. **Administer the Oath of Office to Newly Elected Directors.** [TS 15:19]

President Hacaj administered the Oath of Office to serve on the Kensington Police Protection and Community Services District Board of Directors to Directors Alexandra Aquino-Fike, Sarah A. Gough, and Cassandra Rose Duggan.

**Special Meeting (Closed Session) – 6:00 p.m.**

**Special Meeting Agenda Item Public Comments** [[TS 39:53](#)]

- The following persons addressed the Board: 1) Mabry Benson commented on the risk of the dead or diseased trees; 2) Catya de Neergaard commented on her preference to postpone cutting of trees until more proposals and reports are presented; 3) Stephanie Oxley commented that she was unable to hear the meeting; 4) Sarah urged the Board to continue with hybrid meetings so residents can participate.

**1. Teleconference Meetings During State of Emergency.**

- Motion by President Hacaj, seconded by Director Nottoli, to adopt Resolution No. 2022-29 making findings and determining a need to continue holding remote meetings by teleconference, carried (5-0) by the following roll call vote: (AYES) Directors Aquino-Fike, Duggan, Gough, Nottoli, and Hacaj; (NOES) None; and (ABSENT) None.

**Resolution No. 2022-29** – A Resolution of the Board of Directors of the Kensington Police Protection and Community Services District Making Findings And Determining A Need To Continue Holding Remote Meetings By Teleconference.

**Adjourn to Closed Session**

2. The Board adjourned to Closed Session at 6:20 p.m. to discuss existing litigation.

**Regular Meeting - 7:00 p.m.**

**Call to Order** [[TS 45:36](#)]

President Sylvia Hacaj called the meeting to order at 7:07 p.m.

**Roll Call** [[TS 45:42](#)]

Director Alexandra Aquino-Fike, Director Cassandra Duggan, Director Sarah Gough, Director Eileen Nottoli, and President Sylvia Hacaj were present at roll call.

Staff present included Interim General Manager Anthony Constantouros, General Counsel Ann Danforth, and Clerk of the Board Lynelle M. Lewis.

**Announcement from Closed Session** [[TS 46:00](#)]

President Hacaj announced that the Board gave direction to its General Counsel.

**Public & Consent Calendar Comments** [[TS 46:09](#)]

The following persons addressed the Board: 1) David Bergen commented on technical issues with the camera's video view and the inability to see attendees in the room; 2) Lynn Wolter commented on the webinar view, the inability to see the meeting attendees and use the chat, and urged

postponing the tree cutting in the park; and 3) [Name not given] asked how many people were participating on the webinar.

**Consent Calendar** [[TS 52:38](#)]

- Motion by President Hacaj, seconded by Director Aquino-Fike, to adopt Consent Calendar Items 1, 3, 4, and 5, carried (5-0) by the following roll call vote: (AYES) Directors Aquino-Fike, Duggan, Gough, Nottoli, and Hacaj; (NOES) None; and (ABSENT) None.

**1. Meeting Minutes for November 10, 2022.**

Director Nottoli pulled Item 1 to point that the date for the next regular meeting should be shown as December 8, 2022.

**2. Financial Reports.**

Interim General Manager Constantouros pulled the financial reports from the Consent Calendar.

**3. Police Department Vehicle Lease.**

**Resolution No. 2022-30** – Resolution Of The Board of Directors Of Kensington Police Protection and Community Services District, Hereafter Referred To As “KPPCSD Declaring Its Intention To Reimburse Itself From The Proceeds Of One Or More Tax-Exempt Financings For Certain Expenditures Made And/Or To Be Made In Connection With The Acquisition, Construction and Equipping of Certain Capital Improvements.

**4. SB 165 Local Agency Special Tax and Bond Accountability Act.**

Received and filed the SB-165 Annual Report for the Kensington Police Protection and Community Services District Supplemental Police Tax, to comply with the Local Agency Special Tax Bond and Accountability Act.

**5. Updating Signature Authority For General Fund Account Managed By The County Of Contra.**

**Resolution No. 2022-31**—A Resolution Of The Board Of Directors Of The Kensington Police Protection And Community Services District Approving The Removal Of Chris Deppe, Mike Logan, And Rachelle Sherris-Watt As Named Individuals On The General Fund Account Managed By The County Of Contra; Approving The Addition Of Newly Elected Board Members Alexandra Aquino-Fike, Sarah A. Gough, Cassandra Rose Duggan.

## **Discussion and Action**

### **6. 2020-2021 Audit Presentation [[TS 54:59](#)]**

Finance Director Lisa Mundis introduced Paul Kaymark, Senior Audit Partner from Nigro & Nigro, who presented the findings of the 2020-21 audit for the fiscal year ending June 30, 2021. He reported that the results disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards. The only action needed was to receive and file the audit.

- The following person addressed the Board: 1) Lynn Wolter asked questions about expenses in the audit report.

### **7. KCC Contract Extension [[TS 1:12:31](#)]**

Interim General Manager Tony Constantouros recommended extending the KCC contract to February 28, 2023 to allow time to complete negotiations. The final contract will be presented to the full Board.

- Motion by President Hacaj, seconded by Director Duggan, to extend the current contract with to February 28, 2023, carried (5-0) by the following roll call vote: (AYES) Directors Aquino-Fike, Duggan, Gough, Nottoli, and Hacaj; (NOES) None; and (ABSENT) None.

### **8. Waste Management - Bay View Refuse & Recycle CPI rate increase [[TS 1:17:48](#)]**

Finance Director Lisa Mundis presented the recommended action to accept the proposed rate increase of 4% to residential and commercial customers of Bay View Refuse and Recycling. Greg Christie, President, Bay View Refuse and Recycling, provided an update on some provision of the contract.

- Addressing the Board were the following persons: 1) Kay Reed asked about styrofoam recycling at the El Cerrito Center; and 2) A. Stevens Delk congratulated the new board members, commented on the disparate calculation of commercial rates, and suggested incentivizing the use of mini cans which sends less waste to landfills.
- Motion by President Hacaj, seconded by Director Duggan, that the Board accept the proposed rate increase to the Bay View Refuse and Recycling contract of 4%, carried (5-0) by the following roll call vote: (AYES) Directors Aquino-Fike, Duggan, Gough, Nottoli, and Hacaj; (NOES) None; and (ABSENT) None.

### **9. Consolidation of Districts [[1:37:18](#)]**

Interim General Manager Constantouros presented the recommended action to consider voting to endorse the consolidation of the Kensington Police Protection and Community Services District and the Kensington Fire Protection District (KFPD). He highlighted the proposal submitted by the Kensington Property Owners Association (KPOA) which suggested that both district boards vote to pursue consolidation, agree to create a committee of members of both boards to oversee

the process, and propose a meeting with the LAFCO Executive Officer Lou Ann Texeira. He The KPOA also suggested that the districts consider evaluating the option of jointly hiring a general manager prior to completion of consolidation.

The Board commented on pursuing consolidation and recommended gathering additional information from LAFCO on the process, obtaining cost analysis, legal analysis, and staffing analysis before moving toward endorsement.

- Addressing the Board were the following persons: 1) Rob Firmin, KPOA President, congratulated the new directors, suggested working jointly with LAFCO’s executive director to understand the consolidation process, and reviewing financial analysis; 2) Dave Spath welcomed the new directors and supported consolidation along with additional review of the pros and cons; 3) Paul Dorroh thanked outgoing board members, commented on support for consolidation and obtaining more information, and urged hiring a new general manager as soon as possible; 4) Mabry Benson commented on her objections to consolidation (costs, limited resident input, need for more staff and costs); 5) Lynn Wolter congratulated the newly elected directors, urged consolidation, requested an update on crime statistics, and asked about administrative staff levels and their ability to assist board members; 6) [Name not Given] commented on concerns about professionalizing government and its impact on citizen; 7) Andrew Reed commented on the need to have professional staff to address issues rather than board members, urged moving forward on the consolidation process, and resolving the Public Safety Building issue; 8) Stephanie Oxley congratulated the new board members, asked if expanding the board had been considered in terms of consolidation, and asked about having the community select a general manager from the Kensington citizens; and 9) [Name Not Given] commented on consolidation and suggested both boards meet to discuss consolidation of the general manager position.
- Motion by President Hacaj, seconded by Director Gough, that the KPPCSD Board vote to endorse the exploration of consolidation of KPPCSD and KFPD, carried (5-0) by the following roll call vote: (AYES) Directors Aquino-Fike, Duggan, Gough, Nottoli, and Hacaj; (NOES) None; and (ABSENT) None.

#### 10. Elect President and Vice-President of the Board [\[TS 2:19:31\]](#)

President Hacaj opened the floor for nomination of President and Vice-President of the KPPCSD Board of Directors to commence January 1, 2023.

- Motion by Director Gough, seconded by Director Duggan, to nominate Alexandra Aquino-Fike as President of the KPPCSD Board to commence January 1, 2023, carried (5-0) by the following roll call vote: (AYES) Directors Aquino-Fike, Duggan, Gough, Nottoli, and Hacaj; (NOES) None; and (ABSENT) None.
- Motion by Director Duggan, seconded by Director Aquino-Fike, to nominate Director Sarah Gough as Vice-President of the KPPCSD Board to commence January 1, 2023, carried (5-0) by the following roll call vote: (AYES) Directors Aquino-Fike, Duggan, Gough, Nottoli, and Hacaj; (NOES) None; and (ABSENT) None.

## **Comments & Reports**

### **11. Director Comments. [\[TS 2:22:22\]](#)**

- Director Aquino-Fike thanked her colleagues for their trust and faith in her, and said she is deeply honored and privileged to serve in this capacity. She said she is honored to serve the Kensington community and looked forward to hearing from them on the host of many very complex issues. In concluding, Director Aquino-Fike said she is ready to roll up her sleeves and work with everyone.
- Director Duggan commented that she would be instituting monthly coffee chats with the community. She welcomed residents to come out and talk with her and said she would be posting the dates. In concluding, Director Duggan suggested residents contact her via email to inquire about the upcoming chats.
- Director Gough thanked residents for their confidence in her and said she is looking forward to doing many great things on this Board. She looked forward to working with the staff and team to do what needs to be done for Kensington. In concluding, Director Gough noted that one of her priorities will be to advocate for more temporary and standing board committees.
- President Hacaj said she appreciated the opportunity to serve as President of the Board for the past 2 years. She noted that it was a challenging time, a rewarding experience, and said she looks forward to working with her new colleagues. In concluding, President Hacaj said she is excited about what is ahead and energized about the possibility of the things we can accomplish for Kensington.

### **12. General Manager's Report. [\[TS 2:25:30\]](#)**

No comments.

### **13. Board Correspondence. [\[TS 2:22:53\]](#)**

President Hacaj pointed out that the KCC Recreation Office Report for December 2022 had been filed.

## **Adjournment [\[TS 2:26:14\]](#)**

President Hacaj adjourned the meeting at 8:48 p.m.

The next regular meeting is scheduled for January 12, 2023.

SUBMITTED BY:

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Lynelle M. Lewis, District Clerk of the Board

APPROVED: January 12, 2023

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Tony Constantouros, Interim General Manager

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Alexandra Aquino-Fike, President of the Board