

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

AGENDA

A Regular Meeting of the Board of Directors of the Kensington Police Protection and Community Services District will be held Thursday, March 10, 2011, at 6:30 P.M., at the Community Center, 59 Arlington Avenue, Kensington, California. The Board will enter into closed session pursuant to California Government Code Section 54956.9 (b) to conference with legal counsel-anticipated litigation/threat of litigation.

Note: All proceedings of this meeting will be tape recorded and ***please note the earlier start time.***

Roll Call
Public Comments
Board Member/ Staff Comments

CLOSED SESSION

1. Pursuant to California Government Code Section 54956.9(b), the Board will enter into closed session to discuss the following:

Conference with Legal Counsel
Anticipated Litigation/ Threat of Litigation
Exposure to litigation pursuant to subdivision (b) of Section 54956.9- One potential case

Possible Board Action.

OPEN SESSION

APPROVAL OF CONSENT CALENDAR

- a) Minutes of the Regular Meeting February 10, 2011, Page
- b) Profit & Loss Budget Performance for February 2011, Page
- c) Variance Report February 2011, Page
- d) Board Member Reports-None
- e) Correspondence- None
- f) Police Department Update, Page
- g) Monthly Calendar, Page
- h) Recreation Report , Not available at the time of printing- Copies at the meeting
- i) General Manager Update, Page
- j) Argument in Favor of Measure to Approve the 2011-2012 Appropriations Limit, Page

DISTRICT – OLD BUSINESS

1. Contra Costa County Public Works Senior Civil Engineer- Traffic Section, Jerry Fahy will return to update the Board and the public on the steps the County has taken to mitigate traffic concerns on the Arlington, the status of the solar powered radar sign, and mitigation efforts on Franciscan Way. Possible Board Action.
2. Director Tony Lloyd will update the Board and the community on the status of the KPPCSD Ad-Hoc Pathways Committee's work and progress.

DISTRICT - NEW BUSINESS

1. General Manager Greg Harman will update the Board on Bay View's request for a 6% increase to rates to begin in 2011.
2. Kensington Community Council (KCC) Board President Bruce Morrow will ask the Board for permission to improve the drainage system in the rear of the Community Center Building, and will discuss the engineering drawings that have been prepared, a possible contractor, and the donation of \$20,000 to fund the improvements. Possible Board Action. Page
3. Kensington Community Council (KCC) Board President Bruce Morrow will ask the Board to vote to approve the agreement between the KPPCSD and the KCC that was presented to the Board at the January 13, 2011 board meeting. Possible Board Action. Page
4. Director Cathie Kosel will present to the Board a resolution to correct gender imbalance by hiring female police officers at its earliest opportunity. Director Chuck Toombs will present to the Board an alternative resolution, Resolution 2011-005, regarding diversity in the workforce and volunteers. Possible Board Action.

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 AUXILARY AID OR SERVICE AT LEAST 10 DAYS BEFORE THE MEETING. REQUESTS SHOULD BE SENT TO:

District General Manager Greg Harman, 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.

CONSENT CALENDAR

KENSINGTON POLICE PROTECTION & COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS

Meeting Minutes for 02/10/2011

AGENDA

A Regular meeting of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday February 10, 2011, at the Community Center, 59 Arlington Avenue, Kensington, California.

The board entered into Open Session at 7:02 P.M.

ATTENDEES

| Elected Members | Guests/Presenters | |
|---|-------------------|-----------------|
| Charles Toombs, President | Lynn Wolter | Maria Adriaans |
| Linda Lipscomb, Director | Joan Gallegos | Gloria Morrison |
| Tony Lloyd, Director | Joel Koosed | Nicki Kaiser |
| Mari Metcalf, Director | Eileen Caruthers | Andrew Reed |
| Cathie Kosel, Director | Bryce Nesbitt | Chris Deppe |
| | Betty Barraza | Key Reed |
| | Ray Barraza | Samaneh Nili |
| | Chris Schelling | Kay Reed |
| | Kris Hafner | Patrick McGuire |
| Gregory E. Harman, General Manager/ Chief of Police | Jake Kenan | Scott Murray |
| Sergeant Rickey Hull | Chris Sorensen | Barbara Berry |
| Detective Keith Barrows | Chris Hickey | Peter Lidell |
| Officer Kevin Hui | Daniel Mayeri | Cole Weaver |
| Steven Smith, District Secretary | Gail Tapscott | Nick Day |
| | Jack Griffith | Charlie Bowan |
| | | |

Board President, C. Toombs called the meeting to order at 7:02 P.M.

Directors Toombs, Metcalf, Kosel, Lloyd and Lipscomb were present.

ANNOUNCEMENTS:

Board President, C. Toombs, stated that no action had been taken on contract negotiations with the KPOA during the Closed Session.

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PUBLIC COMMENTS:

Kay Reed spoke on behalf of the Kensington Community Market and Kensington Farmers Market.

Bryce Nesbitt discussed the improved postings on the KPPCSD website and thanked Chief Harman and Officer Hui on their efforts.

BOARD COMMENTS:

Director Kosel requested that the next monthly agenda include a discussion of gender discrimination in regards to the hiring of female officers. She also informed the Board that Bayview Refuse was not going to extend the existing contract with the KPPCSD; a new hauler had to be in place by January 1, 2012; and, that discussions should begin as soon as possible to find a replacement.

Director Metcalf and Lipscomb had no comments.

Director Lloyd discussed his recent attendance at a monthly LAFCO meeting and that there were no agenda items that required comment.

STAFF COMMENTS:

Chief Harman spoke about the electronic waste recycling event held February 5, 2011, where 9 pallets of CRT's (televisions and computer monitors) and 15,000 pounds of electronic waste were collected.

CONSENT CALENDAR:

Minutes of the meeting of January 13, 2011 were corrected.

Director Kosel moved for acceptance of the Consent Calendar, seconded by Director Lipscomb.

MOTION: The Board moves to adopt the Consent Calendar as presented.

AYES: Toombs, Kosel, Lipscomb, Lloyd, Metcalf

NOES: 0

ABSENT: 0

OLD BUSINESS:

Item #1: Jerry Fahey of the CCC Public Works Department was introduced to address the public's concerns regarding speeding on Arlington Avenue and traffic safety concerns on Franciscan Way.

Mr. Fahey started his discussion with a review of the background issues on Arlington Avenue. He voiced the concern of the Public Works Department in light of the recurring number of accidents where vehicles had left the roadway and crashed into the home located at 46 Arlington. In 2010, the Public Works Department decided to look at traffic issues on the entire street and put counters on the roadway to track the number of vehicles and

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speeds of vehicles. The counters indicated that the highest percentage of speeding vehicles were in the vicinity of 46 Arlington Avenue.

Based on information provided by the County's radar (used before the curve at 46 Arlington during the months of February, April and May of 2010) a decision was made to install a radar speeding sign (purchased at the expense of the KPPCSD) with the county paying for installation costs.

After the County installed the pole for the radar speeding sign, a neighbor, Samaneh Nili, complained to the supervisor (on site) that the pole obstructed their views and that they did not want a flashing sign visible. Consequently, the work was stopped and the speeding sign has not been installed. Mr. Fahey passed out street maps and schematics for review of the current site and possible other pole installation sites.

Mr. Fahey then spoke about traffic issues on Franciscan Way. The County had been asked to use the County's radar trailer to monitor speeding on Franciscan Way. A major issue is that the street has a slope of between 8 to 12 degrees (moving in a Southerly direction south of the intersection with Eureka).

He stated that speed bumps and speed tables were not recommended on streets with severe slopes. Due to the slope of the street, the addition of speed bumps could potentially create drainage issues. Historical trends also indicate that as some drivers attempt to swerve around speed bumps, this would lead to potential accidents as autos might slide down the incline (West side of street) into the cemetery. In the past, rumble strips have only been installed in non-residential communities as the passing traffic becomes very loud.

BOARD COMMENTS:

Director Kosel asked about community traffic issues.

Director Metcalf questioned Mr. Fahey on changing speed limits on Franciscan Way.

Board President Toombs asked that the County look at ways to develop solutions to the traffic issues as the continued issue of speeding is a focus of improving public safety.

Director Lipscomb asked about speed bumps and the relationship to the grade of the street.

Director Lloyd asked about the County's previous use of radar and cost of the unit being installed.

PUBLIC COMMENTS:

Samaneh Nili made a presentation on the installation of the radar speeding sign on Arlington Avenue. She recommended an "enhanced soft approach" (use of increased signage) and placing the radar speeding sign closer to the S-curve than the current planned location.

Patrick McGuire of 46 Arlington reviewed the most recent 4 automobile accidents that have impacted his residence and safety of his family.

Scott Murray talked about the possible placement of a traffic radar pole and sign on the Arlington.

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The following residents of Franciscan Way spoke about their concerns and personal experiences in regards to traffic safety:

Barbara Berry voiced her concern on the perceived increase in speeding.

Maria Adriaans raised questions about placement of speed bumps.

Peter Liddell added additional comments and clarification to Ms. Adriaans questions.

Daniel Mayeri spoke on the traffic conditions where Sunset Drive runs into Franciscan Way, the continued speeding, the dangerous curve and drivers' inability to stay within the roadway lines.

Jake Kenan supported the installation of speed bumps.

Cole Weaver was against the installation of speed bumps due to safety issues and stated that there should be a forced traffic stop where Sunset Drive and Franciscan Way intersect.

Gail Tapscott talked about surrounding areas of Kensington that have similar issues.

Joan Gallegos asked if the width of the streets in the areas surrounding Franciscan Way could be used as a determinant of the proper speed limit.

Nicki Kaiser discussed the addition of signage as a means to reduce speeding.

Maria Adriaans referred to the formation of the "Neighborhood Traffic Management Program" as an advisory group to discuss and formulate ways to support increased traffic safety on Franciscan Way.

BOARD COMMENTS:

Board President Toombs thanked the residents for voicing their concerns.

Director Kosel asked if an advisory committee should be formed to provide direction on transportation and safety issues.

Director Lipscomb asked if recommendations from the Board and residents of Kensington would result in actions being taken by the County.

Jerry Fahey discussed County guidelines and the process of creating a traffic plan with proper documentation in regards to the County's ability to fund the project.

OLD BUSINESS (continued):

Item #2: General Manager Greg Harman submitted for Board approval the Request For Proposal (RFP), drafted by members of the Park Building Committee and the District's attorneys, which is to be submitted to identified firms.

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BOARD COMMENTS:

Director Lipscomb asked that the community be involved in the decision making process for the park.

Director Kosel felt that in light of budgetary concerns that the public's safety (traffic) should take precedence over the park.

Director Metcalf asked about the costs of permits.

PUBLIC COMMENTS:

Nicki Kaiser stated that the use of funds for hiring outside consultants was not an appropriate use of the public's money.

Board President Toombs moved to accept the RFP as written for submission to outside consultants, seconded by Director Lipscomb.

MOTION: The Board moves to accept the RFP as submitted.

AYES: Toombs, Lipscomb, Lloyd

NOES: Kosel, Metcalf

ABSENT: 0

OLD BUSINESS (continued):

Item #3: General Manager Greg Harman requested that the Board approve the RFP for the restroom and sight map and submit the RFP to firms identified by the Park Restroom Committee.

At the request of Chief Harman, Jack Griffith spoke on the process of the restroom improvement project, which began in 2009. Mr. Griffith discussed the particulars to the project: the invitation to bid, specifications in the contract, timing for bid acceptance (4 weeks), and the estimated start of construction in April 2011.

BOARD COMMENTS:

Director Kosel voiced her support of the project and thanked the volunteers.

Board President thanked Messer's Griffith, Mixer and Calpestri for their efforts.

Director Lipscomb thanked the volunteers.

Director Lloyd thanked the volunteers and the KCC for their efforts.

PUBLIC COMMENTS:

Jack Griffith discussed the time line for construction, permit costs, how the building will be structured, and safety measures to maintain the integrity of the new restrooms.

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Nicki Kaiser stated that it was inappropriate to put in an entire new bathroom and ignore the facility available in the park annex without looking at the cost for upgrading the existing structure and making it ADA compliant.

Joan Gallegos spoke on the ADA issues with the Annex and Bryce Nesbitt volunteered to assist in making the Annex facility ADA compliant.

Nick Day spoke in support of Nicki Kaiser's comments.

Director Kosel moved to accept the RFP as presented on the bathroom and for General Manager Harman to submit the RFP to firms as directed, seconded by Board President Toombs.

MOTION: The Board moves to accept the RFP as submitted.

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

OLD BUSINESS (continued):

Item ##4: Bryce Nesbitt reviewed his proposed resolution on the Kensington pathway system which asked: a) that the District support KIC to maintain and repair existing paths; b) that street signs be placed to mark the paths; c) that the County take responsibility for the paths; and, d) that the District support the restoration of the path segment between Arlington Avenue and Amherst subject to appropriate design with review by KPPCSD, KMAC and the Diablo Fire Safe Council.

PUBLIC COMMENTS:

Board President Toombs read a letter from Gretchen Gilfillan supporting the proposal; an e-mail from Rodney Paul supporting the efforts of Bryce Nesbitt; and, an e-mail from Valerie Meyers urging the Board to fund improvements to the pathways and to support the efforts of the KIC and other volunteers.

Bryce Nesbitt gave a presentation on the Kensington pathway system, historical ownership of the paths and what agencies took responsibility for the paths. Mr. Nesbitt stated that the ownership of the paths was often a mystery. The original dedication of the paths to the County was rejected as the County did not want to accept unimproved pathways.

He talked about prescriptive rights and how a quiet title action could be used to give title to the paths to a public agency. He also stated that with proper documentation, a public agency could remove the ambiguity about the pathway system and take title. In addition, the County (which does not appear to want the land) can sign a quitclaim deed to transfer any perceived interest to the KPPCSD.

Mr. Nesbitt discussed path systems in Oakland, Berkeley, and El Cerrito. The historical liability claims (10 years) to the surrounding communities was limited to a single \$600 claim from a stairway issue in Oakland. The City of Berkeley budgets a sum of \$11,600 a year for capital improvements and upkeep on its 150 paths.

Charlie Bowan from the Berkeley Path Wanderers spoke on the pathways in the City of Berkeley and how the paths are considered an asset.

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Mr. Nesbitt followed up with comments on establishing a proposed joint meeting with Supervisor Giaoi, Public Works, and the County's Counsel to establish ways to find another owner for the pathways or develop a Joint Use Agreement. Supervisor Giaoi will be holding a breakfast in Kensington on March 12th at 9:00 A.M. for Kensington residents, which will be followed by a walk on the Kensington pathways starting at 10:45 A.M.

BOARD COMMENTS:

Director Metcalf thanked Mr. Nesbitt for his work and efforts.

Board President Toombs stated that it was necessary for the Board and citizenry to form an ad hoc committee to determine possible costs of purchasing the paths, the costs of maintenance, the potential legal constraints to ownership, and what the adjacent land owners would think.

Director Lipscomb stated that it was ideal to have the County own the paths as the KPPCSD has not been granted the power to take ownership of the paths.

Director Lloyd was concerned about public safety.

Director Kosel acknowledged that it was her inclination to move towards approving the resolution presented by Mr. Nesbitt.

Board President Toombs stated that the Board could not authorize outside groups to work on the paths as it provides formal support without understanding all of the underlining legal issues. He wants the District to establish a committee to review all of the underlying legal issues, to insure that the District follows prescribed real property law and to insure that the District does not put itself in harms way over any potential law suits or liability. He discussed his alternative resolution as a way to move forward if that is what the community wants as the District seeks a way of funding the pathways or passing title.

Director Lipscomb acknowledged that the Board was not at liberty to disregard the law.

Board President Toombs cautioned against committing resources towards a project that the District may not be able to sustain.

PUBLIC COMMENTS:

Joan Gallegos stated that the pathways do not fall under the control of the District, but the County should be involved as they are responsible for the safety of the citizens in the event of a major earthquake or firestorm.

Gloria Morrison spoke on her concerns over public safety and the need to have the County involved.

Ray Barraza supported President Toombs resolution as it protects the District and citizens and that any proposed improvements have to be done at the direction of the legal owner and that issue has not been resolved.

Chris Schelling also spoke of his support of the alternative resolution and stated that the County is not interested in supporting the pathways as they do not have the resources available.

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Nicki Kaiser discussed the receipt of a \$5,000 grant from the Diablo Fire safety Council.

Nick Day discussed the liability issues of unimproved pathways and what the County might do if they oppose the building of steps or improvements being made by private citizens.

Daniel Mayeri stated that the Kensington pathways are an addition to the quality of life and that pathways need to be maintained.

BOARD COMMENTS (continued):

Board President Toombs spoke on issues that impact the Board's decision and wants to work with the County to provide the legal framework to move forward in the proper way and find funding that is supported by the community.

Director Kosel moved to approve the resolution submitted by Bryce Nesbitt, seconded by Director Metcalf.

MOTION: To approve the resolution submitted by Bryce Nesbitt supporting the work of the KIC in improving, repairing and naming Kensington paths (please see Item #4 Old Business for the full scope of the resolution).

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

The motion did not pass.

Board President Toombs moved to adopt resolution 2011 - 04 as presented by Board President Toombs, seconded by Director Lipscomb.

MOTION: To approve resolution 2011 - 04 as presented by Board President Toombs.

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

The motion did not pass and at this time there is no resolution to move forward.

BOARD COMMENTS (continued):

Director Lloyd was asked to clarify his reasons for abstaining. He stated that he understood that there had been a motion to blend the two resolutions; consequently, he would not vote on either Mr. Nesbitt's resolution or Board Resolution 2011-04, as neither was as good as a blended motion.

Board President Toombs discussed the reasons for not approving Mr. Nesbitt's resolution as it would give a "stated community endorsement" of the work of the KIC and until all aspects of the commitment are known he will not support an approval as it could subject the Board to unknown liabilities because of the actions taken by private parties.

Director Lipscomb discussed her support of President Toombs resolution.

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PUBLIC COMMENTS (continued);

Gail Tapscott spoke about the two resolutions and that the second resolution provided the framework to move forward.

Joan Gallegos asked about adding the naming of the paths to Board President Toombs resolution.

Bryce Nesbitt withdrew his suggested amendment to the second resolution.

Director Lipscomb moved to adopt resolution 2011 - 04 as presented by Board President Toombs, seconded by Director Lloyd.

MOTION: To approve resolution 2011 - 04 as presented by Board President Toombs.

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

Directors Lloyd and Kosel volunteered to be on the planned ad hoc committee; members of the public were Bryce Nesbitt, Gloria Morrison, Nicki Kaiser, Chris Schelling, and Ray Barraza. The committee is a "Brown Act" committee as it is a public committee.

At 9:45 P.M. President Toombs asked for a motion to continue the meeting until 10:15 P.M.

The motion to extend the meeting was presented by Director Kosel and seconded by Director Lipscomb.

MOTION: To extend the meeting until 10:15 P.M.

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

DISTRICT - NEW BUSINESS:

ITEM #1: Acting Sergeant Kevin Hui was asked to present a proposal to upgrade the District's radios in order to remain compliant with the upcoming 800 Mhz radio system.

Sergeant Hui discussed the public agencies impacted, the need to upgrade existing radio systems and how independent public agencies need to be able to communicate during emergencies. He also reviewed the options available to either purchase or lease the new radios.

BOARD COMMENTS:

Director Kosel stated that the District had to take action on upgrading the radio system. She was in favor of a 4-year lease as opposed to an outright purchase.

Director Metcalf asked for a clarification on the types of radios and lease options.

Director Lipscomb was in favor of the upgrades to the system.

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KENSINGTON POLICE PROTECTION & COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS

Director Lloyd stated that he was in favor of the District upgrading the radio system.

At 10:15 P. M. Board President Toombs asked the Board to extend the meeting until 10:30 P.M.

The motion to extend the meeting was presented by Director Kosel and seconded by Director Lipscomb.

MOTION: To extend the meeting until 10:30 P.M.

AYES: Toombs, Kosel, Lipscomb, Lloyd, Metcalf

NOES: 0

ABSTAIN:

BOARD COMMENTS (continued):

Director Lipscomb asked about the costs of maintenance and who was responsible for repairs.

Director Kosel stated that she was in favor of a 4-year lease with extended maintenance agreement.

PUBLIC COMMENTS:

Bryce Nesbitt discussed that upgrades to the system (new programming and software) could be made in part of a lease agreement.

Nicki Kaiser asked for a clarification on how Bond funds were used to cover costs of joining EBRCS.

Chief Harman spoke about the District's investment in the EBRCS system and what was actually included was the District's proportional cost of the infrastructure and not hardware.

Bryce Nesbitt asked about the software upgrades on the old radio network.

Board President Toombs closed off further discussion due to the time.

Director Kosel moved to approve a 4-year lease to acquire the Motorola radios that included a 4-year warranty, seconded by Director Metcalf.

MOTION: To enter into a 4-year lease to acquire the Motorola radio units with an extended warranty and software upgrades included.

AYES: Toombs, Kosel, Lipscomb, Lloyd, Metcalf

NOES: 0

ABSTAIN:

ITEM #2: A discussion of the mid-year budget was moved to the end of the meeting.

ITEM #3: Resolution 2011 - 02 was presented by General Manager Greg Harman, which asks that the Board adopt the amended conflict of interest code for the KPPCSD.

BOARD COMMENTS:

Board President Toombs confirmed that he had spoken with the District's attorneys and that the amended conflict of interest code needs to be updated every 2 years due to additions and changes in the underlying laws. The resolution

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requires that the District's code adopt specific language as prescribed for the General Manager and Board members as per State law.

PUBLIC COMMENT:

Anthony Knight asked if the Board had taken the Conflict of Interest training as required.

Director Kosel moved that the District adopt the upgraded conflict of interest code, seconded by Director Lipscomb.

MOTION: To adopt the upgraded Conflict of Interest Code.

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

ITEM #4: General Manager Greg Harman presented to the Board Resolution 2011 - 03 adopting appropriation limits for Fiscal Year 2011 - 2012 and for the next three fiscal years 2012 - 2013, 2013 - 2014, and 2014 - 2015.

BOARD COMMENTS:

Board President Toombs spoke about the necessity to pass this resolution as if it is not on the ballot for the upcoming June election it will result in the District obtaining reduced funding.

Director Kosel asked where the budget numbers were developed.

General Manager Greg Harman answered that the numbers were based on the last budget approved by the Board.

Board President Toombs discussed the reasons for passing of the appropriation limits as it establishes a framework to control "run away" spending by boards.

Director Lipscomb moved to approve resolution 2011 - 03, seconded by Board President Toombs.

MOTION: To approve resolution 2011 - 03 adopting appropriation limits for Fiscal Year 2011 - 2012 and for the next three fiscal years.

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

At 10:30 P.M. Board president Toombs asked for an extension of the meeting until 10:45 P.M.

The motion to extend the meeting was presented by Director Kosel and seconded by Director Lipscomb.

MOTION: To extend the meeting until 10:45 P.M.

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

ITEM #2: General Manager Greg Harman presented the mid-year Budget review for the Board's approval.

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Board President Toombs moved to accept the mid-year budget review, seconded by Director Lipscomb.

MOTION: To approve the mid-year budget with the noted changes.
AYES: Toombs, Kosel, Lipscomb, Lloyd, Metcalf NOES: 0 ABSTAIN:

Director Kosel moved to adjourn the meeting, seconded by Board President Toombs.

MOTION: To adjourn the meeting.
AYES: Toombs, Kosel, Lipscomb, Lloyd, Metcalf NOES: 0 ABSTAIN:

The meeting was adjourned at 10:45 P.M.

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KPPCSD
Unaudited Profit & Loss Budget Performance
 February 2011

| | Feb 11 | Budget | Jul '10 - Feb 11 | YTD Budget | Annual Budget |
|--|------------------|------------------|---------------------|---------------------|---------------------|
| Ordinary Income/Expense | | | | | |
| Income | | | | | |
| 400 · Police Activities Revenue | | | | | |
| 401 · Levy Tax | 0.00 | | 1,240,702.20 | 1,234,000.00 | 1,234,000.00 |
| 402 · Special Tax-Police | 0.00 | | 1,085,701.40 | 680,130.00 | 680,130.00 |
| 404 · Measure G Supplemental Tax Rev | 0.00 | | 0.00 | 405,720.00 | 405,720.00 |
| 410 · Police Fees/Service Charges | 290.00 | 166.67 | 2,972.15 | 1,333.32 | 2,000.00 |
| 415 · Grants-Police | 29,770.73 | | 61,128.96 | | |
| 416 · Interest-Police | 0.00 | | 2,484.60 | 3,000.00 | 6,000.00 |
| 418 · Misc Police Income | 2,121.43 | 1,000.00 | 11,612.80 | 8,000.00 | 12,000.00 |
| 419 · Supplemental W/C Reimb (4850) | 5,920.14 | | 37,494.22 | | |
| Total 400 · Police Activities Revenue | 38,102.30 | 1,166.67 | 2,442,096.33 | 2,332,183.32 | 2,339,850.00 |
| 420 · Park/Rec Activities Revenue | | | | | |
| 421 · Levy Tax-Park/Rec | 0.00 | | 31,127.64 | | |
| 424 · Special Tax-L&L | 0.00 | | 0.00 | 30,000.00 | 30,000.00 |
| 426 · Park Donations | 0.00 | 41.67 | 0.00 | 333.36 | 500.00 |
| 427 · Community Center Revenue | 1,089.00 | 1,666.67 | 5,485.00 | 13,333.32 | 20,000.00 |
| 428 · Building E Revenue | 0.00 | | 6,109.00 | | |
| 435 · Grants-Park/Rec | 0.00 | 8,500.00 | 0.00 | 68,000.00 | 102,000.00 |
| 436 · Interest-Park/Rec | 0.00 | | 0.00 | 150.00 | 300.00 |
| 438 · Misc Park/Rec Rev | 0.00 | 83.33 | 396.00 | 666.68 | 1,000.00 |
| Total 420 · Park/Rec Activities Revenue | 1,089.00 | 10,291.67 | 43,117.64 | 112,483.36 | 153,800.00 |
| 440 · District Activities Revenue | | | | | |
| 448 · Franchise Fees | 0.00 | | 13,380.74 | 14,000.00 | 21,000.00 |
| 456 · Interest-District | 0.00 | | 0.00 | 400.00 | 800.00 |
| 458 · Misc District Revenue | 125.00 | | 2,976.02 | | |
| Total 440 · District Activities Revenue | 125.00 | | 16,356.76 | 14,400.00 | 21,800.00 |
| Total Income | 39,316.30 | 11,458.34 | 2,501,570.73 | 2,459,066.68 | 2,515,450.00 |

KPPCSD
Unaudited Profit & Loss Budget Performance
 February 2011

| | Feb 11 | Budget | Jul '10 - Feb 11 | YTD Budget | Annual Budget |
|---|-------------------|-------------------|---------------------|---------------------|---------------------|
| Expense | | | | | |
| 500 · Police Sal & Ben | | | | | |
| 502 · Salary - Officers | 76,383.40 | 75,581.50 | 611,606.70 | 604,652.00 | 906,978.00 |
| 504 · Compensated Absences | 0.00 | 0.00 | 0.00 | 0.00 | 10,000.00 |
| 506 · Overtime | 5,944.52 | 3,333.33 | 22,012.25 | 26,666.64 | 40,000.00 |
| 508 · Salary - Non-Sworn | 4,211.59 | 4,333.33 | 24,259.83 | 34,666.64 | 52,000.00 |
| 516 · Uniform Allowance | 666.60 | 666.67 | 5,440.79 | 5,333.36 | 8,000.00 |
| 518 · Safety Equipment | 0.00 | 208.33 | 721.20 | 1,666.64 | 2,500.00 |
| 521-A · Medical/Vision/Dental-Active | 11,367.25 | 32,677.75 | 107,747.44 | 261,422.00 | 392,133.00 |
| 521-R · Medical/Vision/Dental-Retired | 11,052.95 | 0.00 | 317,241.06 | 0.00 | 0.00 |
| 522 · Insurance - Police | 1,157.31 | 1,016.67 | 5,469.08 | 8,133.36 | 12,200.00 |
| 523 · Social Security/Medicare | 1,149.61 | 1,228.83 | 8,618.67 | 9,830.64 | 14,746.00 |
| 524 · Social Security - District | 287.27 | 268.67 | 1,630.61 | 2,149.36 | 3,224.00 |
| 527 · PERS - District Portion | 21,515.48 | 21,349.50 | 172,274.49 | 170,796.00 | 256,194.00 |
| 528 · PERS - Officers Portion | 6,934.48 | 6,862.33 | 55,524.42 | 54,898.64 | 82,348.00 |
| 530 · Workers Comp | 0.00 | | 21,216.41 | 23,341.00 | 46,682.00 |
| Total 500 · Police Sal & Ben | 140,670.46 | 147,526.91 | 1,353,762.95 | 1,203,556.28 | 1,827,005.00 |
| 550 · Other Police Expenses | | | | | |
| 552 · Expendable Police Supplies | 19.10 | 166.67 | 246.19 | 1,333.36 | 2,000.00 |
| 553 · Range/Ammunition Supplies | 0.00 | 333.33 | 2,954.95 | 2,666.64 | 4,000.00 |
| 560 · Crossing Guard | 0.00 | 802.17 | 4,117.96 | 6,417.36 | 9,626.00 |
| 562 · Vehicle Operation | 5,116.67 | 3,125.00 | 25,638.31 | 25,000.00 | 37,500.00 |
| 564 · Communications (RPD) | 49,733.93 | 11,386.67 | 62,955.39 | 91,093.36 | 136,640.00 |
| 566 · Radio Maintenance | 0.00 | 366.67 | 0.00 | 2,933.36 | 4,400.00 |
| 568 · Prisoner/Case Exp./Booking | 4,275.51 | 416.67 | 7,483.25 | 3,333.36 | 5,000.00 |
| 570 · Training | -336.20 | 1,000.00 | 9,673.22 | 8,000.00 | 12,000.00 |
| 572 · Recruiting | 0.00 | 637.50 | 7,138.99 | 5,100.00 | 7,650.00 |
| 574 · Reserve Officers | 781.92 | 666.67 | 1,525.27 | 5,333.36 | 8,000.00 |
| 576 · Misc. Dues, Meals & Travel | 383.00 | 275.00 | 2,403.86 | 2,200.00 | 3,300.00 |
| 580 · Utilities - Police | 742.42 | 666.67 | 5,907.02 | 5,333.32 | 8,000.00 |

KPPCSD
Unaudited Profit & Loss Budget Performance
 February 2011

| | Feb 11 | Budget | Jul '10 - Feb 11 | YTD Budget | Annual Budget |
|--|------------------|------------------|-------------------|-------------------|-------------------|
| 581 · Bldg Repairs/Maint. | 185.00 | 83.33 | 571.16 | 666.68 | 1,000.00 |
| 582 · Expendable Office Supplies | 611.07 | 500.00 | 2,529.97 | 4,000.00 | 6,000.00 |
| 588 · Telephone(+Rich. Line) | 660.58 | 920.67 | 5,238.53 | 7,365.32 | 11,048.00 |
| 590 · Housekeeping | 374.78 | 416.67 | 2,592.07 | 3,333.32 | 5,000.00 |
| 592 · Publications | 0.00 | 250.00 | 2,121.75 | 2,000.00 | 3,000.00 |
| 594 · Community Policing | 221.49 | 416.67 | 1,006.52 | 3,333.36 | 5,000.00 |
| 596 · WEST-NET/CAL I.D. | 0.00 | | 12,656.00 | 12,472.00 | 12,472.00 |
| 598 · COPS Special Fund | 997.02 | | 1,531.82 | | |
| 550 · Other Police Expenses - Other | 0.00 | | 9,752.97 | | |
| Total 550 · Other Police Expenses | 63,766.29 | 22,430.36 | 168,045.20 | 191,914.80 | 281,636.00 |
| 600 · Park/Rec Sal & Ben | | | | | |
| 601 · Park & Rec Administrator | 421.89 | 541.67 | 2,892.32 | 4,333.36 | 6,500.00 |
| 602 · Custodian | 1,750.00 | 2,000.00 | 14,000.00 | 16,000.00 | 24,000.00 |
| 623 · Social Security/Medicare - Dist | 0.00 | 41.42 | 65.17 | 331.36 | 497.00 |
| Total 600 · Park/Rec Sal & Ben | 2,171.89 | 2,583.09 | 16,957.49 | 20,664.72 | 30,997.00 |
| 635 · Park/Recreation Expenses | | | | | |
| 640 · Community Center Expenses | | | | | |
| 642 · Utilities-Community Center | 309.32 | 396.33 | 1,904.82 | 3,170.64 | 4,756.00 |
| 643 · Janitorial Supplies | 21.81 | | 52.02 | 1,500.00 | 1,500.00 |
| 646 · Community Center Repairs | 0.00 | 83.33 | 4,068.19 | 666.64 | 1,000.00 |
| 640 · Community Center Expenses - Oth | 88.46 | | 88.46 | | |
| Total 640 · Community Center Expenses | 419.59 | 479.66 | 6,113.49 | 5,337.28 | 7,256.00 |
| 660 · Annex Expenses | | | | | |
| 662 · Utilities - Annex | 30.80 | 41.67 | 301.90 | 333.32 | 500.00 |
| 668 · Misc Annex Expenses | 0.00 | 41.67 | 0.00 | 333.36 | 500.00 |
| Total 660 · Annex Expenses | 30.80 | 83.34 | 301.90 | 666.68 | 1,000.00 |
| 670 · Gardening Supplies | 0.00 | 166.67 | 0.00 | 1,333.32 | 2,000.00 |
| 672 · Kensington Park O&M | 6,800.00 | 5,133.33 | 31,844.77 | 41,066.68 | 61,600.00 |

KPPCSD
Unaudited Profit & Loss Budget Performance
February 2011

| | Feb 11 | Budget | Jul '10 - Feb 11 | YTD Budget | Annual Budget |
|---|--------------------|--------------------|---------------------|---------------------|---------------------|
| 678 · Misc Park/Rec Expense | 29.78 | 166.67 | 272.42 | 1,333.32 | 2,000.00 |
| 635 · Park/Recreation Expenses - Other | 0.00 | | 2,430.00 | | |
| Total 635 · Park/Recreation Expenses | 7,280.17 | 6,029.67 | 40,962.58 | 49,737.28 | 73,856.00 |
| 800 · District Expenses | | | | | |
| 810 · Computer Maintenance | 1,950.75 | 2,502.83 | 25,741.52 | 20,022.68 | 30,034.00 |
| 820 · Cannon Copier Contract | 452.59 | 430.00 | 3,871.02 | 3,440.00 | 5,160.00 |
| 830 · Legal (District/Personnel) | 3,254.00 | 4,166.67 | 22,004.00 | 33,333.32 | 50,000.00 |
| 835 · Consulting | 0.00 | 400.00 | 4,380.00 | 2,600.00 | 4,000.00 |
| 840 · Accounting | 1,260.00 | 2,150.00 | 18,275.00 | 17,200.00 | 25,800.00 |
| 850 · Insurance | 2,117.90 | | 28,956.41 | 30,000.00 | 30,000.00 |
| 860 · Election | 0.00 | 1,000.00 | 6,941.50 | 8,000.00 | 12,000.00 |
| 865 · Police Bldg. Lease | 0.00 | | 0.00 | 14,420.00 | 28,840.00 |
| 870 · County Expenditures | 399.24 | 1,658.33 | 7,843.94 | 13,266.68 | 19,900.00 |
| 890 · Waste/Recycle | 6,961.93 | 208.33 | 10,868.93 | 1,666.68 | 2,500.00 |
| 898 · Misc. Expenses/Lobbyist | 387.05 | 787.50 | 6,697.96 | 6,300.00 | 9,450.00 |
| Total 800 · District Expenses | 16,783.46 | 13,303.66 | 135,580.28 | 150,249.36 | 217,684.00 |
| 950 · Capital Outlay | | | | | |
| 962 · Patrol Cars | 0.00 | | 0.00 | 30,000.00 | 30,000.00 |
| 967 · Station Equipment | 0.00 | | 435.24 | | |
| 968 · Office Furn/Eq | 169.99 | | 169.99 | | |
| 972 · Park Buildings Improvement | 2,848.49 | 17,500.00 | 7,077.84 | 80,000.00 | 150,000.00 |
| Total 950 · Capital Outlay | 3,018.48 | 17,500.00 | 7,683.07 | 110,000.00 | 180,000.00 |
| Total Expense | 233,690.75 | 209,373.69 | 1,722,991.57 | 1,726,122.44 | 2,611,178.00 |
| Net Ordinary Income | -194,374.45 | -197,915.35 | 778,579.16 | 732,944.24 | -95,728.00 |
| Other Income/Expense | | | | | |
| Other Expense | | | | | |
| 700 · Bond Issue Expenses | | | | | |

KPPCSD
Unaudited Profit & Loss Budget Performance
 February 2011

| | Feb 11 | Budget | Jul '10 - Feb 11 | YTD Budget | Annual Budget |
|--|--------------------|--------------------|-------------------|-------------------|-------------------|
| 701 · Bond Proceeds | 0.00 | | -177,900.66 | | |
| 710 · Bond Admin. | 159.48 | | 4,483.29 | | |
| 715 · Bond Interest Income | 0.00 | | -228.03 | | |
| 720 · Bond Principal | 0.00 | | 105,422.05 | | |
| 730 · Bond Interest | 0.00 | | 30,111.42 | | |
| Total 700 · Bond Issue Expenses | <u>159.48</u> | | <u>-38,111.93</u> | | |
| Total Other Expense | 159.48 | | -38,111.93 | | |
| Net Other Income | -159.48 | 0.00 | 38,111.93 | 0.00 | 0.00 |
| | <u>-194,533.93</u> | <u>-197,915.35</u> | <u>816,691.09</u> | <u>732,944.24</u> | <u>-95,728.00</u> |

20

Memorandum

Kensington Police Department



To: KPPCSD Board of Directors

APPROVED YES NO

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

FORWARDED TO:

Date: Friday, March 04, 2011

Subject: February 2011 Unaudited Profit & Loss Variance Report

415 Grants-Police We received a second payment of \$29,770.73 of our COPS Grant. We now have a balance due of \$38,871.01.

506 Overtime Overtime was higher than the monthly budgeted amount with vacation coverage and investigative work being completed.

564 Communications \$49,733 was paid to Richmond PD after we finally received the last two quarter billing statements.

568 Pris/Case Booking \$3,705 of the \$4,275 expensed this month was for the unbudgeted purchase of a new Lidar (laser speed monitoring gun) for the Traffic Officer.

All other expenses and revenues appear to be within budgeted projections.

February 2011 Police Department Report

March 4, 2011

- Department Personnel

Sergeant Khan is currently on Workman's Comp medical leave.

- Commendations and Correspondence

Officer Ramos received a voice mail message thanking him for a citation correction that he completed that allowed the driver to attend traffic school on a speeding violation issued on Franciscan Way.

On 02-18-11, Officer Ramos received an e-mail letter thanking him for his understanding and politeness during a traffic stop.

- Investigation of Alleged Misconduct

- Department Investigation #09-06 was initiated on December 24th 2009, on an allegation that an officer was rude during a disturbance call for service. The investigation was completed by Sergeant Hull on 11-30-10, the officer was exonerated by Chief Harman, and the complainant was notified of the findings of the investigation.
- Department Investigation #10-001 was initiated on September 20th on an allegation that an officer posted an inappropriate screen saver on a District computer. The investigation is being conducted by Sergeant Hull.
- Department Investigation #10-002 was initiated on November 2nd on an allegation that an officer was rude during a traffic stop. This investigation is being conducted by Sergeant Hull.
- Department Investigation #10-003 was initiated on November 11th, at the KPPCSD Board meeting, when Catherine de Neergaard made a formal complaint indicating, "That there is no fair, impartial, and reasonable police review procedure", after voicing her complaints regarding Chief Harman's policies and directions to the department were not being heard. This complaint was followed by an e-mail complaint received by Chief Harman on November 15th.

This complaint will be investigated by Chief Harman and will be presented to the Board at a future KPPCSD Board meeting.

- Department Investigation 11-001 was initiated on 02-24-11 on an allegation of discrimination. The investigation was completed by Chief Harman on 02-28-11 and administrative action was taken.
- 9-1-1 / Richmond Communication Center Information.
- The Ring Time Report for January documented 60 "911" calls received with only 1 having a ring time over 20 seconds. That occurred on 01-06-11, at 4:19 PM with a ring time of 1:05 minutes. The dispatcher spoke to the caller for 2:29 minutes however, no call for service was ever generated. The average ring time for the month of January was 7.4 seconds.
- The Ring Time Report for February documented 62 "911" calls received with only 1 having a ring time over 20 seconds. That occurred on 02-11-11, at 4:50 PM with a ring time of 1:02 minutes. This was a fire call and dispatcher spoke to the caller for 3:22 minutes on a medical call. The average ring time for the month of February was 6.5 seconds.
- Communication Center Service Complaints
- No complaints received this month however, ***this is a good time to remind everyone that for police non-emergencies, you need to contact the dispatch center at "236-0474" and not the KPPCSD business line of 526-4141.*** The KPPCSD business line is only monitored 6 hours a day during the week and should not be used to report police matters. Doing so, only delays the police response time, so please dial Dispatch direct.
- Community Networking
- On 2-02-11, Chief Harman attended the West County Police Chief's meeting in Hercules.
- On 2-07-11, Chief Harman attended the Kensington Community Council meeting.
- On 02-11-11, Chief Harman attended the CSDA Membership meeting in Sacramento.
- On 2-14-11, Officer Wilson and Reserve Officer Foley attended the Kensington Public Safety Council meeting.

- On 2-23-11, Chief Harman attended the Contra Costa County Police Chief's Association meeting held in Martinez.

Later that evening, Chief Harman, Sergeant Hui, and Officer Wilson attended the Richmond Elk's Club's Police Officer Appreciation Night Awards Dinner, at which Officer Rodney Martinez received the Kensington 2010 Officer of the Year Award.

- Community Criminal Activity

- This section of the Watch Commander's Report has been prepared by Sergeant Hull however, next month Sergeant Hull will prepare Team One's report and Sergeant Hui will prepare Team Two's report.

- Watch Commander Reports

- **Sergeant Hull**

TEAM #1 STATISTICS

A.S. Hui (K42)
(1400-0200)

| Officer: | Martinez (K31) (0600-1800) | Medina (K35) (1800-0600) | Ramos (K41) (0730-1730) |
|--------------------------|-------------------------------|-----------------------------|----------------------------|
| Days Worked | 13 | 14 | 12 |
| Traffic Stops | 35 | 54 | 29 |
| Moving Citations | 22 | 43 | 17 |
| Parking Citations | 15 | 7 | 1 |
| Vacation/Security Checks | 23 | 59 | 2 |
| FI-Field Interview Cases | 0 | 0 | 0 |
| Self Initiated Cases | 1 | 1 | 0 |
| Arrests | 0 | 0 | 0 |
| Calls for Service | 1 | 0 | 0 |
| | 54 | 15 | 7 |

dh

TEAM #2 STATISTICS

Sgt. Hull (K17) wrote 8 traffic citations, 3 parking tickets.
(1400-0200)

| Officer: | Stegman (K32) (0600-1800) | Wilson (K38) (1800-0600) |
|-----------------------------|------------------------------|-----------------------------|
| Days Worked | 15 | 15 |
| Traffic Stops | 39 | 13 |
| Moving Citations | 30 | 7 |
| Parking Citations | 7 | 21 |
| Vacation/Security Checks | 36 | 64 |
| FI-Field Interview | 0 | 0 |
| Cases | 0 | 6 |
| Self Initiated Cases | 1 | 1 |
| Arrests | 1 | 0 |
| Calls for Service | 34 | 30 |

Officer Martinez took 12 hours of Vacation.

Officer Ramos took 45 hours of Vacation.

Reserve Officer Lafitte issued 1 moving citation.

Reserve Officer Turner assisted with two cases, issued 5 moving citations and 5 parking tickets.

Reserve Officer Armanino assisted with two cases, issued 14 moving citations and 2 parking tickets.

Reserve Officer Colon issued 5 moving citations and 7 parking tickets.

- 53 moving citations were issued on Arlington Avenue.
- 35 moving citations were issued on Colusa Avenue.
- 34 moving citations were issued on Franciscan Way.
- 2 moving citations were issued on Lawson Road.
- 1 moving citation was issued on Grizzly Peak Blvd.
- 1 moving citation was issued on Westminster Avenue.
- 1 moving citation was issued on Beloit Avenue.
- 1 moving citation was issued on Yale Avenue.

SIGNIFICANT EVENTS:

- 2011-0788 – On 2/01/2011, Officer Wilson responded to the 600 blk of Canon Dr to a report of a resident who was not breathing.
- 2011-0847 – On 2/03/2011, Officer Medina responded to the 500 blk of Beloit Ave to a report of a stolen vehicle.
- 2011-0890 – On 2/05/2011, Officer Martinez responded to the unit blk of Highland Blvd and arrested a subject for violation of a court order.

- 2011-0899 – On 2/05/2011, Officer Wilson responded to the 300 blk of Arlington Ave to a report of a theft.
- 2011-0900 – On 2/05/2011, Officer Wilson responded to the 100 blk of Highland Blvd to a report of a verbal disturbance.
- 2011-0906 – On 2/06/2011, Officer Martinez responded to the 100 blk of Highland Blvd to an ongoing dispute between neighbors.
- 2011-0920 – On 2/07/2011, Detective Barrow responded to the San Francisco Sheriff's Department and picked up a subject for a 2005 DUI warrant out of Kensington PD.
- 2011-0921 – On 2/07/2011, Officer Wilson and Reserve Turner responded to the 300 blk of Coventry Rd to a report of a hit and run traffic collision.
- 2011-0926 – On 2/08/2011, Officer Wilson and Reserve Turner responded to the 100 blk of Highland Blvd to a report of a stolen vehicle.
- 2011-0951 – On 2/09/2011, Officer Stegman responded to the 1500 blk of Ocean View Ave to a report of a stalker.
- 2011-0989 – On 2/11/2011, Officer Martinez responded to the 200 blk of Yale Ave to a report of a residential burglary.
- 2011-1042 – On 2/13/2011, Officer Stegman and Reserve Colon conducted a traffic enforcement stop that resulted in a warrant arrest on the 300 blk of Arlington Ave.
- 2011-1043 – On 2/13/2011, Sergeant Hull responded to the 100 blk of Lawson Rd to a report of damage to the roadway.
- 2011-1061 – On 2/14/2011, Officer Stegman responded to the unit blk of Franciscan Way to a report of a suspicious circumstance.
- 2011-1085 – On 2/15/2011, Officer Wilson and Reserve Armanino responded to the 600 blk of Beloit Ave to a report of a residential burglary.
- 2011-1086 – On 2/15/2011, Officer Wilson and Reserve Armanino responded to the 200 blk of Grizzly Peak Blvd to a report of a grand theft.
- 2011-1149 – On 2/19/2011, Officer Martinez and Reserve Colon impounded a vehicle from the 200 blk of Arlington Ave.
- 2011-1157 – On 02/19/2011, Officer Martinez and Reserve Colon impounded a vehicle from the unit blk of Arlington Ct.
- 2011-1160 – On 02/19/2011, Officer Martinez and Reserve Colon responded to the 200 blk of Grizzly Peak Blvd on the report of several suspicious juveniles.
- 2011-1250 – On 2/22/2011, Officer Wilson and Reserve Armanino responded to the unit block of Kensington Rd. to a report of a restraining order violation.
- 2011-1273 – On 2/24/2011, Officer Wilson responded to the 300 blk of Arlington Ave to a report of vandalism.
- 2011-1352 – On 2/27/2011, Officer Wilson responded to the 1600 blk of Oak View Ave to a report of an identity theft.
- 2011-1362 – On 02/28/2011, Officer Stegman and Reserve Turner responded to the 700 blk of Wellesley Ave to a report of a petty theft.

BRIEFING/TRAINING:

- Verbal discussion; maintaining professional demeanor
- Reviewed Community Caretaking Doctrine
- Reviewed KPD Policy 510 – Vehicle Towing Policy
- Reviewed case law Miranda Vs. City of Cornelius (impounding vehicles)
- Reviewed KPD Policy 314 – Vehicle Pursuit
- Reviewed KPD Policy 320 – Domestic Violence

SERGEANT'S SUMMARY:

Congratulations to Officer Martinez as he was chosen to be the KPD representative to received recognition by the Richmond Elks Lodge Officer Appreciation Award.

This event honors seven officers from West Contra Costa County Law Enforcement Agencies; El Cerrito, Richmond, Kensington, San Pablo, Pinole, Hercules, and the Bay Station of the Contra Costa County Sheriff Department.

As the Kensington Police Department continues to establish a "Zero-Tolerance" environment toward traffic enforcement, I urge all resident to obey all rules of the road.

•• **Detective Keith Barrow**

SIGNIFICANT EVENTS:

2011-1311 Petty Theft

On 02-25-11, Officer Medina took a reported theft of a license plate. The plate has been found on a stolen vehicle and two suspects have been taken into custody by Walnut Creek Police Department. **This case may be connected to recent Kensington residential burglaries.** This case is under investigation.

2011-921 Hit and Run

On 02-07-11, Officers Wilson and Turner responded to a hit and run vehicle collision. Due to Officer Wilson and Turner's preliminary report I was able to contact the suspect in the town of San Pablo. Officer's Wilson and Turner did a great job on this case. **This case has been completed and criminal charges will be filed with the Contra Costa DA.**

2011-1363 Residential Burglary

On 02-28-11, Officers responded to a residential burglary. The preliminary investigation has not been completed.

2011-1085 Residential Burglary

On 02-12-11, Officers responded to a residential burglary. The unknown suspect(s) opened a basement window and took two bicycles. This case is under investigation.

KPD INVESTIGATIONS INFORMATION:

2011-45, 46, 47, 48 50 and 50 Auto Burglary

During the month of January KPD took five reported auto burglaries with the point of entry made by window smash. These cases are under investigation.

2011-159 Residential Burglary

On 1-6-11, a resident reported their front door had been kicked open and property was stolen. The burglary had taken place during the hours of 1400 PM to 1600 PM. This case is under investigation.

2010-6538 Petty Theft

On 12-07-10, a resident reported the theft of a garden fixture. **This case has been suspended due to lack of investigative leads.**

2010-6692, 6786 and 6867 Stolen Vehicle

On 12-15-10, 12-18-10 and 12-21-10 three vehicles were stolen. All three of the vehicles have been recovered by KPD. **Two suspects have been identified and we will be filing charges with the Contra Costa DA.**

2010-6417 Possession of Methamphetamine

On 12-01-10 I arrested a wanted suspect from Kensington Police department case number **2010-1560**. After the suspect was arrested I found a small amount of Methamphetamine. The case was filed with the Contra Costa County District Attorneys Office. **The District Attorney declined prosecution citing interest of justice as the suspect had been sentenced to state prison for the other crimes committed within Kensington.**

2010-6054 Elder Abuse

On 11-16-10, a resident reported their mother had been the victim of numerous thefts by caretakers over the previous two years. We were unable to determine at what point the property disappeared or under what circumstances. **Case suspended.**

2010-5890 Stolen Vehicle

On 11-09-10, Kensington Police Officers took a reported vehicle theft. A relative of the victim took the vehicle and returned it ten days later. **The case was filed with the Contra Costa County District Attorneys Office. The District Attorney declined prosecution citing insufficient evidence.**

2010-5319 and 5351 Arson

On 10-16-10 and 10-17-10, Kensington Police Officers responded to fires at 59 Arlington Avenue, the Kensington Park building E. The fires were determined to be arsons. These cases are under investigation.

2010-3491 Identity Theft.
Case under investigation.

2010-2872 Residential Burglary.
Items taken from an unlocked downstairs room with a door leading to the rear yard. This case is under investigated.

2010-2199And 2701 Arrest of forgery suspect.
The suspect in this case has also just been charged for similar crimes in Oakland and the US Postal Service. This case has been filed with the Alameda District Attorneys Office.

2010-1560Residential Burglary and two vehicles were also stolen.
The Contra Costa County District Attorneys Office filed 5 criminal charges, two counts of felony burglary, two counts of felony auto theft and one count of felony possession of stolen property. **The suspect pled to four years in state prison with special circumstances to the terms of his plea agreement.**

2010-1457 Hit and Run Vehicle Accident.
A vehicle left the roadway and struck an AT&T phone box and two parked vehicles. **Charges have been filed in this case.** The suspect in this case has been arrested in another county for drug related offences. He will have to wait until the other county adjudicates its case before the suspect can be held to answer for the crimes committed in Kensington.

KPD INVESTIGATIONS

- Made several court runs for filling cases, and citation drop off's.
- Updated the KPD residential burglary log.
- Updated the KPD stolen vehicle log.
- I'm currently assigned one day per week as a Field Training Officer.

WEST-NET ASIGNMENT:

I am currently assigned to the West Contra Costa County Narcotic Enforcement Team (West-NET) one day per week.

While on this assignment I work with other West Contra Costa County law enforcement officers and agencies. I participate and aid in the service of search warrants, surveillance and on going narcotics investigations.

INVESTIGATORS SUMMARY:

In the month of February the District of Kensington sustained 1 identity theft, 0 non-injury vehicle accidents and 1 Hit and Run Vehicle Accident, 0 Injury Hit and Run Accident, 0 Injury Accident, 2 Residential Burglaries, 0 Attempted Residential Burglaries, 0 Commercial Burglary, 0 Auto Burglaries, 0 Theft from an unlocked vehicle, 1 Stolen Vehicle, 0 Petty Theft, 0 Vandalisms, 0 Embezzlement, 0 Elder Abuse, 0 Fraud, 0 Forgery, 0 Attempted Grand Thefts and 4 Grand Thefts.

•• Chief Harman

As you can see from Sergeant Hull's monthly report, we have continued to increase traffic enforcement in the District by all of our officers. The breakdown of citations issued and locations is as follows:

- 53 moving citations were issued on Arlington Avenue.
- 35 moving citations were issued on Colusa Avenue.'
- 34 moving citations were issued on Franciscan Way.
- 2 moving citations were issued on Lawson Road.
- 1 moving citation was issued on Grizzly Peak Blvd.
- 1 moving citation was issued on Westminster Avenue.
- 1 moving citation was issued on Beloit Avenue.
- 1 moving citation was issued on Yale Avenue.

Jerry Fahy, of the Contra Costa Public Works Traffic Section will be at the March 10th, KPPCSD Board meeting to follow up on last month's discussions regarding traffic mitigation efforts by the County on both the Arlington and Franciscan Way.

Are our efforts to increase traffic enforcement to make Kensington a safer community working?

Officer Wilson received an e-mail from a resident who was responding to his Neighborhood Watch Update. In the e-mail the writer stated, "Thank you Officer Wilson, and good for the PD for ticketing speeding. You will make believers out of all of us if the conversation I overheard in the pharmacy is an indication. A woman was talking to another telling her to be careful about the speed limit and not to worry about the cars behind her because they were all having to obey that law as well. Love it."

I think they are...

March 2011

| March 2011 | | | | | | | April 2011 | | | | | | |
|------------|----|----|----|----|----|----|------------|----|----|----|----|----|----|
| S | M | T | W | T | F | S | S | M | T | W | T | F | S |
| 6 | 7 | 8 | 9 | 10 | 11 | 12 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 | 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 27 | 28 | 29 | 30 | 31 | | | 24 | 25 | 26 | 27 | 28 | 29 | 30 |

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|--------|---|---|--------------------|---------------------------------------|---------------------|---------------------|
| Feb 27 | 28 | Mar 1 | 2 | 3 | 4 | 5 |
| | | 7:00pm Troop 100; C | 6:00pm KSEP Regist | 7:30pm EBC; CC3 | | |
| 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| | 4:00pm Brownies; CC 7:00pm KCC; CGM 7:00pm Pack 82; CC | 7:00pm Troop 100; C | 7:00pm KFD Mtg; CC | 6:00pm KPPCSD MTG 7:00pm GPFF; CCM | | 1:00pm CC Rental; C |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| | 4:00pm Brownies; CC 7:00pm Pack 82; CGM 7:30pm KARO; CC3 | 7:00pm Troop 100; C | 7:00pm Summit; Car | 7:30pm EBC; CC3 | | 2:00pm CC Rental; C |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| | 4:00pm Brownies; CC 4:00pm Daisy Troop 7:00pm Pack 82; CC | 7:00pm Troop 100; C | | | 6:00pm CC Rental; C | |
| 27 | 28 | 29 | 30 | 31 | Apr 1 | 2 |
| | 4:00pm Brownies; CC 7:00pm Pack 82; CGM 7:30pm KIC; CC3 | 7:00pm Troop 100; C 7:30pm KMAC; CC3 | | | | |

Feb 27 - Mar 5

Mar 6 - 12

Mar 13 - 19

Mar 20 - 26

Mar 27 - Apr 2

April 2011

| April 2011 | | | | | | | May 2011 | | | | | | |
|------------|----|----|----|----|----|----|----------|----|----|----|----|----|----|
| S | M | T | W | T | F | S | S | M | T | W | T | F | S |
| | | | | | 1 | 2 | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 3 | 4 | 5 | 6 | 7 | 8 | 9 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 | 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 | 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 | 29 | 30 | 31 | | | | |

| | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|---------------|---|--|---------------------------------|--|---------------------------------|-----------------------------------|---------------------|
| Mar 27 | 28 | 29 | 30 | 31 | Apr 1 | 2 | 8:00am CC Rental; C |
| 3 | 4 4:00pm Brownies; CC 7:00pm KCC; CCM 7:00pm Pack 82; CCM | 5 7:00pm Troop 100; C | 6 | 7 7:30pm EBC; CC3 | 8 1:00pm CC Rental; C | 9 10:00am CC Rental; C | |
| 10 | 11 4:00pm Brownies; CC 7:00pm Pack 82; CCM 7:30pm KARO; CC3 | 12 7:00pm Troop 100; C | 13 7:00pm KFD Mtg; CC | 14 6:00pm KPPCSD MTC 7:00pm GPFF; CCM | 15 | 16 | |
| 17 | 18 4:00pm Brownies; CC 7:00pm Pack 82; CCM | 19 7:00pm Troop 100; C | 20 | 21 7:30pm EBC; CC3 | 22 | 23 5:00pm CC Rental; C | |
| 24 | 25 4:00pm Brownies; CC 7:00pm Pack 82; CCM 7:30pm KIC; CC3 | 26 7:00pm Troop 100; C 7:30pm KMAC; CC3 | 27 | 28 | 29 | 30 10:00am CC Rental; C | |

Mar 27 - Apr 2

Apr 3 - 9

Apr 10 - 16

Apr 17 - 23

Apr 24 - 30

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General Manager February 2011 Report

Budget

No sooner had I turned in our request for the SB 90 State Open Meetings reimbursement for our 2009/2010 Fiscal Year in the amount of \$7,869, than the State suspended funding for the program. It is not known at this time if we will receive our requested reimbursement for last year, and it is not likely that our future request for the previous four fiscal years will be processed.

Kensington Park

Park Restroom

The volunteer restroom group has completed the park restroom construction and bid documents and we are currently out to bid. There will be a Pre-Bid Conference on March 9th, at which time we will have a better idea of how the project is progressing.

Community Center & Annex

The "Request For Proposal" document has been approved by the KPPCSD Board and it has been issued to a list of contractors that have been identified by the Park Building Committee. There is a Pre-Proposal meeting scheduled for March 4th, where we will also learn where we are as far as identifying a consultant.

Park Repairs

During my recent inspections of the park, I noticed that the tennis courts have large cracks running through both of them. We are currently requesting estimates for their repair and will begin that process in March.

Emergency Preparedness

We now have the agenda and the minutes of the Public Safety Council posted on the KPPCSD web page for review.

The next meeting of the Kensington Public Safety Council will take place Monday, March 14th, at 6:30 PM at the Community Center Room #3.

Other District Items of Interest

Solid Waste

On December 1st, Bay View Refuse made a request for a 6% increase in rates to begin in 2011.

On January 18th, Allison Schutte, our attorney from Hanson/ Bridgett, Rick Simonson, our rate reviewer from HF&H, and I met with Louise Figone, Jeffrey

Schoppert, Bay View's attorney, Charles Cowden, Bay View's accountant, and Kim Christie, Bay View's office manager, at Bay View's office to discuss the rate increase request. At the conclusion of this meeting, all parties agreed to a follow up meeting scheduled for February 1st.

On January 27th, I was contacted by Jeffrey Schoppert who indicated that Bay View was not prepared to meet on February 1st and requested that the meeting be postponed.

On February 2nd, I received the year end financials from Bay View and was preparing for our next meeting with Bay View. In 2010, Bay View achieved a profit of 2.42%.

On February 23rd, our attorney, Allison Schutte was contacted by Jeffrey Schoppert, and we were informed that Bay View does not wish to continue to meet with staff and discuss their request further.

During that same week, staff learned that Bay View mailed a letter dated February 15th, to all households in the District, informing customers of Bay View's desire for another rate increase for 2011.

Both the District and Bay View are currently in full compliance with all contract terms. In accordance with the contract, the District conducted a rate review in 2009 and approved a rate increase for 2010. The contract will expire in 2015.

In the event that Bay View assigns the contract to another company, subject to the approval of the District, the terms and conditions of the contract will remain in effect through 2015.

Due to the events occurring over the last few weeks, there was insufficient time to prepare a full staff report and analysis for an informed discussion of this issue at the March 10th KPPCSD Board Meeting. I plan to provide such detailed information and analysis for the April meeting.

Website

The Board packets, monthly reports, minutes, recordings of the KPPCSD Board Meetings, and our Bay View – County Solid Waste contracts are available for review on our website at:

www.kensingtoncalifornia.org.

National Drug Take Back Day

The DEA is planning a second National Drug Take Back Initiative for April 30, 2011, between the hours of 10:00 AM and 2:00PM. This year's event will be co-sponsored with the Kensington Fire Department and will be held at the Public Safety Building.

Last year's event was very successful and we took in 56 pounds of prescription medication.

John Gioia's Breakfast

Saturday, March 12th, between 9:00 and 10:30 AM, County Supervisor John Gioia will be having his community breakfast at 269 Arlington. Following the meeting, we will be walking some of the Kensington Paths. For more information, contact John Gioia's office or go to his web page at:

www.co.contra-costa.ca.us/DocumentView.aspx?DID=5495

St. Baldrick's Foundation

Help Team Kensington PD (Chief Harman, Sergeant Hui, Officer Martinez, and Dakota Harman) beat other Contra Costa police agencies in raising funds for childhood cancer research. We will be having a "shave off" Tuesday, May 10, 2011, at the Shadelands Art Center, 111 North Wiget Lane, Walnut Creek, from 4 to 8 PM. We would love to have you come out and support us as we participate in this worthy cause.

Donations can be made online at: <http://www.stbaldricks.org/events/wcpd2011> or in person at the Kensington Public Safety Building.

Hey, Kensington Fire Department, are you up for a challenge!

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

ARGUMENT IN FAVOR OF MEASURE

This measure is necessary in order to ensure that your Police Protection and Community Services District can continue the present levels of police staffing for the next four years. It will not result in any increase in your taxes but will allow the District to make full use of the revenues it already receives.

An amendment to the State Constitution in 1979 imposed a limit on expenditures of most local government agencies, including the District. This "appropriations limit" was originally based on the level of the agencies' expenditures during Fiscal Year 1978-79. That base year was one year before the District voters approved a special tax to be used only for police protection services furnished by the District. As a result, the State-imposed expenditure limit would have prevented the District from making use of funds that an overwhelming majority of District voters had approved.

The State Constitution allows local agency voters to correct situations of this kind by approving temporary increases in the local appropriations limit. Kensington voters approved such an increase in 1981 and authorized its continuation at elections in 1984, 1986, 1990, 1994, 1998, 2002, 2006 and, most recently, in 2010 when District voters approved a supplemental special tax. Your Board of Directors is asking that the increased limit be continued for an additional four years. This will ensure that we do not have to reduce our complement of public safety officers.

- ◆ Passage of this measure **will not** increase your taxes or other costs.
- ◆ It **will** allow the District to maintain present levels of police protection, using funds it already receives.

We want to provide you high quality police service and consider this measure necessary to do so. Please vote yes on Measure ____.

_____, President

_____, Vice President

_____, Director

_____, Director

_____, Director

The above signed authors of the primary argument in favor of Ballot Measure _____ at the Election of the Kensington Police Protection and Community Services District to be held June 7, 2011, hereby state that such argument is true and correct to the best of their knowledge.

OLD BUSINESS #1

Contra Costa County Public Works Senior Civil Engineer- Traffic Section, Jerry Fahy will return to update the Board and the public on the steps the County has taken to mitigate traffic concerns on the Arlington, the status of the solar powered radar sign, and mitigation efforts on Franciscan Way. Possible Board Action.

OLD BUSINESS #2

Director Tony Lloyd will update the Board and the community on the status of the KPPCSD Ad-Hoc Pathways Committee's work and progress.

Resolution KPPCSD-2011-04 KPPCSD Path Sub-Committee

Topic: Status Briefing A/O March 3, 2011

Sub-committee (Tony Lloyd (Acting Chair), Bryce Nesbitt, Gloria Morrison, Chris Schelling, Nicki Kaiser, Ray Barraza, Cathie Kosel)

This sub-committee has had two meetings since its formation in the February 10, 2011 KPPCSD district monthly meeting. The focus in the first two meetings has largely been in defining exactly what our charter as a sub-committee is and what the consensus scope of our assignment is.

Areas of discovery visited so far

- Review of the Brown Act
- Reviewed the KPPCSD Resolution 2011-04 for understanding and clarity
- Committee primary scope and purpose
- Discussed varying scenario of potential liabilities
- Legal resource requirements
- History of the Kensington Paths
- Possible sub-division of work efforts
- Path knowledge reviews via committee survey (creation of standard info template)
- Adopted a sub-committee series of path ownership scenarios to review

Those scenarios are presently agreed to be: (Sub Committee Could Recommend)

- A No ownership action taken.**
- B County accepts dedication, on condition of Joint Use agreement from KPPCSD**
- C KPPCSD acquires title.**
- D County transfers title to contiguous property owners. Owners assume prop tax.**
- E The County records the (unwritten) public travel easement into the deeds.**
- F County transfers title to a suitable non-profit corporation.**

NEW BUSINESS #1

General Manager Greg Harman will update the Board on Bay View's request for a 6% increase to rates to begin in 2011.

Memorandum

Kensington Police Department



To: KPPCSD Board of Directors

APPROVED YES NO

From: Gregory E. Harman, General Manager

Date: Friday, February 04, 2011

FORWARDED TO:

Subject: New Business Item #1 Bay View Rate Request

On December 1st, Bay View Refuse made a request for a 6% increase in rates to begin in 2011.

On January 18th, Allison Schutte, our attorney from Hanson/ Bridgett, Rick Simonson, our rate reviewer from HF&H, and I met with Louise Figone, Jeffrey Schoppert, Bay View's attorney, Charles Cowden, Bay View's accountant, and Kim Christie, Bay View's office manager, at Bay View's office to discuss the rate increase request. At the conclusion of this meeting, all parties agreed to a follow up meeting scheduled for February 1st.

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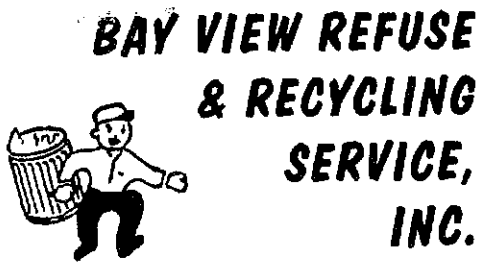
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Both the District and Bay View are currently in full compliance with all contract terms. In accordance with the contract, the District conducted a rate review in 2009 and approved a rate increase for 2010. The contract will expire in 2015.

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Due to the events occurring over the last few weeks, there was insufficient time to prepare a full staff report and analysis for an informed discussion of this issue at the March 10th KPPCSD Board Meeting. I plan to provide such detailed information and analysis for the April meeting.



CITY - COUNTY - CONTRACTORS

P.O. BOX 277 - EL CERRITO, CALIFORNIA 94530 - PHONE (510) 237-4614

LEWIS FIGONE, PRESIDENT

February 15, 2011

Dear Valued Customer:

Our family owned Company, has had the privilege to serve residents of the Kensington Police Protection and Community Services District for more than 65 years. The president and major shareholder of the company, Lewis Figone, started with the company in 1942, while in high school, working a collection route on Saturdays, after Oakland Scavenger terminated its service to Berkeley and Kensington. The company has always strived to deliver the highest level of customer service. Surveys conducted over the years confirm that this goal has been met consistently as our customers have given the company excellent ratings.

But it's not just the service that has been exemplary. The price for collection remains extremely competitive, given the level of service provided. In addition to being in a difficult area to serve, few Bay Area refuse and recycling companies still perform the kind of backyard collection service Bay View delivers to each of its customers. Nor do similar companies have an unlimited green waste collection policy like Bay View's. This level of service comes at a cost, however, that the company is unable to recover through its collection rates.

For example, the rate charged for the smaller 20-gallon mini can is \$8.51 per month less than for a 32-gallon can. This difference was originally \$4.16 when the mini can rate was introduced in 1999 with 9% of our customers and presently at 19%. The cost differential was originally implemented to encourage recycling and decrease the amount of waste being hauled to the landfill. Now there seems to be a new reason many Kensington customers are switching to the lower cost mini can: the economic downturn has affected everyone and our customers are increasingly seeking to reduce their household costs by switching their service to the smaller can.

Unfortunately, this has not resulted in any operational cost savings for Bay View. The same number of drivers and collectors are required to collect the refuse from the smaller cans, and the company's records reveal no significant decrease in the amount of refuse still taken to the landfill.

Page 2

The combination of the increased mini can rate gap and the ever increasing number of customers switching to the lower cost service leaves the company doing the same amount of work and hauling about the same amount of refuse, but receiving less revenue for that service. Meanwhile, the company's labor contracts with its employee unions require ever larger contributions for health and welfare benefits.

The revenue decreases from the switch to mini cans and the increasing operational costs now put Bay View in the position of being unable to earn anything more than a minimal profit from its operations. And this downward trend is expected to continue for the next few years.

The company has tried to negotiate with the management of the District a solution to these financial problems that threaten the ability of Bay View to continue operation as a family-owned business. We have requested a rate increase that would significantly reduce the difference between the mini can and regular can costs, and have separately offered to extend the franchise agreement with the District beyond the current 2015 termination date. Unfortunately, the District's board of directors has not yet been willing to implement the rate increase. Nor has it been willing even to discuss at a board meeting a potential contract extension.

Bay View recently started talking with one of the large companies that provides refuse collection services in a nearby area about taking over collection services in Kensington. Unless Bay View is able to obtain some relief from the financial difficulties described in this letter, it will no longer be financially feasible to provide collection and recycling services and we will seek to shift those duties to a new company beginning in 2012.

If our rate revision was granted, the service you are receiving: refuse, recycling, one September annual clean-up, free hazardous waste drop-off, backyard collection of refuse and unlimited green-waste service, your rate would still remain the lowest in the County and perhaps many other areas.

If you think the service we provide is good and want to continue to have that service delivered by our family-owned enterprise, you should let your District board members know how you feel. Please see enclosed information for your review.

Sincerely yours,

Lewis R. Figone
President

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**BAY VIEW REFUSE AND RECYCLING SERVICE, INC.
CUSTOMER SURVEY, OUR 65TH YEAR OF SERVICE**

Survey Totals—September thru December 2008

Total bills mailed 2,100-- surveys returned 727

| | <u>Excellent</u> | <u>Good</u> | <u>Fair</u> | <u>Poor</u> | <u>No Reply</u> |
|---|------------------|-------------|-----------------|-------------|-----------------|
| 1. How do you rate the overall service? | 532 | 183 | 9 | 0 | 3 |
| 2. How is the courtesy and service of your collectors? | 569 | 139 | 14 | 1 | 4 |
| 3. How do you find our overall customer service in dealing with our office staff? | 389 | 160 | 8 | 1 | 169 |
| 4. How do you feel about the value you receive for the service we provide? | 387 | 268 | 56 | 5 | 11 |
| | <u>Yes</u> | <u>No</u> | <u>No Reply</u> | | |
| 5. Are you aware that recycling is now commingled and all recycling can be placed in one or more containers and placed at the curb? | 652 | 70 | 5 | | |
| 6. Are you aware that Kensington is the only community in Contra Costa County that provides backyard refuse collection and unlimited green waste service without a surcharge? | 260 | 465 | 2 | | |

Similar size city operation—Rates

Piedmont: Backyard—32 gallon \$52.96 per month

Curbside—32 gallon \$47.71 per month

Orinda: Backyard—32 gallon \$44.76 per month

Curbside—32 gallon \$30.75 per month



2175 N. California Boulevard, Suite 990
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www.hfh-consultants.com

Robert D. Hilton, CMC
John W. Farnkopf, PE
Laith B. Ezzet, CMC
Richard J. Simonson, CMC
Marva M. Sheehan, CPA

October 26, 2009

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

Reference Number: S3774

Subject: Review of Bay View Refuse & Recycling Services, Inc.'s 2010 Rate Application

Dear Mr. Harman:

This report documents HF&H Consultants, LLC's (HF&H) Final findings and recommendations from our review of Bay View Refuse & Recycling Services Inc.'s (Bay View) application for a 1.2% increase to its refuse and recycling rates, effective January 1, 2010 (Application), that was submitted to the Kensington Police Protection and Community Services District (District). It should be noted that this final report reflects discussions with and comments received from Bay View after their review of the Draft Report submitted on September 3, 2009.

Background

Bay View's compensation for providing refuse and recycling services to Kensington residents and business is described in the District's Franchise Agreement with Bay View dated September 11, 1997 (Franchise Agreement). Services for residential and commercial customers include weekly collection of solid waste and recyclable materials utilizing a split-body truck operating 5 days a week, Monday through Friday, for approximately 2,100 customers. The split-body truck allows Bay View to reduce the number of trips on the District's streets by collecting solid waste and recyclable materials *simultaneously*. Additionally, Bay View operates a green waste collection route 10 days per month, providing twice monthly service. In addition, Bay View provides collection services to District and County facilities at no charge. Currently, residents are required to place their recyclable material and green waste containers at the curbside for collection, while solid waste containers are collected from the customer's back or side yard.

In a letter dated May 20, 2009, Bay View President, Louis Figone, requests a 1.2% rate increase effective January 1, 2010 over the levels currently in place for 2009.



Mr. Greg Harman
October 26, 2009
Page 2 of 15

The District engaged HF&H on July 9, 2009 to conduct the following analyses:

1. **Rate Adjustment Analysis.** Perform a comprehensive review of Bay View's Application to determine the necessary rate adjustment, in accordance with Section 9.4 of the Franchise Agreement;
2. **Analysis of Projected Savings from the Elimination of Backyard Collection Services.** Solicit and review for reasonableness Bay View's estimated annual savings if Bay View were to collect solid waste containers from the curbside rather than the customer's back or side yard; and,
3. **Analysis of Annual Costs to Provide Service to District and County Facilities.** Determine whether Bay View's costs incurred to provide services to District and County facilities (at no charge) are included in current customer rates. If such costs are included, HF&H shall determine the annual estimated costs and the current impact on rates.

Summary of Results

Rate Adjustment Analysis

As summarized in Table 1 on the following page, Bay View projected its 2010 revenue shortfall of \$52,281 requiring a rate increase of 1.2%. Based on our review, in accordance with the scope of work detailed below, HF&H recommends reducing Bay View's 2010 projected revenue shortfall by \$46,288. The HF&H adjusted Application requires a rate increase of 0.6%.



Mr. Greg Harman
 October 26, 2009
 Page 3 of 15

Table 1
HF&H Adjusted Rate Application

| | BAY VIEW | HF&H | HF&H |
|--|---------------------|-------------------|---------------------|
| | Rate Application | Recommended | Adjusted |
| | | Adjustments | Application |
| Projected Operating Expenses: | | | |
| Salaries and Benefits | \$ 390,000 | \$ - | \$ 390,000 |
| Dump Fees | 100,000 | 1,460 | 101,460 |
| Legal and Accounting | 18,000 | - | 18,000 |
| Debris Box Rental | 24,000 | - | 24,000 |
| Depreciation | 40,000 | - | 40,000 |
| Fuel | 30,000 | (2,723) | 27,277 |
| Truck Rental (Green Waste) | 83,000 | - | 83,000 |
| Insurance | 27,000 | (2,733) | 24,267 |
| Truck Licenses | 5,000 | (1,000) | 4,000 |
| General and Administrative | 133,000 | - | 133,000 |
| Parts and Tires | 12,000 | - | 12,000 |
| Rent - Office and Yard | 48,000 | - | 48,000 |
| Repairs and Maintenance | 12,000 | - | 12,000 |
| Total Operating Expenses | \$ 922,000 | \$ (4,995) | \$ 917,005 |
| Allowance for Profit @ 12.00% | \$ 110,640 | \$ (599) | \$ 110,041 |
| Total Contractor Compensation before Pass-through | \$ 1,032,640 | \$ (5,595) | \$ 1,027,045 |
| Pass-through Expenses | | | |
| County Franchise Fee @ 3.00% | \$ 30,843 | \$ 1,556 | \$ 32,399 |
| District Franchise Fee @ 2.00% | 20,559 | 1,040 | 21,599 |
| County Hazardous Waste Fee | 11,157 | - | 11,157 |
| Audit Fees | 15,000 | - | 15,000 |
| Total Pass-through Expenses | \$ 77,559 | \$ 2,596 | \$ 80,155 |
| Total Contractor Compensation | \$ 1,110,199 | \$ (2,999) | \$ 1,107,200 |
| Recycling and Other Income | \$ (82,128) | \$ 54,880 | \$ (27,248) |
| Benchmark Level of Revenues (A) | \$ 1,028,071 | \$ 51,881 | \$ 1,079,952 |
| (to be raised from collection rates) | | | |
| Actual 2008 Rate Revenue | \$ 975,790 | \$ 54,880 | \$ 1,030,670 |
| Add: 2009 4.2% Rate Increase | | | 43,288 |
| Projected 2010 Rate Revenue at Current Rates (B) | \$ 975,790 | \$ 54,880 | \$ 1,073,958 |
| Projected Revenue Surplus/(Shortfall) [B - A] | \$ (52,281) | \$ 46,288 | \$ (5,993) |
| Benchmark level calculated for 2010 as a percentage of 2008 | 5.4% | | |
| Less: 2009 rate increase | -4.2% | | |
| Proposed 2010 Rate Increase/(Decrease) | 1.2% | | 0.6% |



Mr. Greg Harman
October 26, 2009
Page 4 of 15

Analysis of Projected Savings from the Elimination of Backyard Collection Services

In accordance with Section 12 of the Franchise Agreement, "the place of pickup shall be backyard service for Solid Waste". Backyard service is a convenience to customers but comes at a price. If materials are placed for collection at the curb, the collection route can be completed quicker resulting in reductions in labor and fuel costs. At the request of the District, Bay View provided an estimate of cost savings if customers were required to place their solid waste container at the curb, just like they do with their recycling and green waste containers. Bay View's estimated cost savings appear reasonable and would result in an estimated annual savings of \$32,000 per year, which would reduce rates approximately 3.5%.

Analysis of Annual Costs to Provide Service to District and County Facilities

The District requested an analysis of the annual costs incurred by Bay View to provide solid waste collection services to District and County facilities at no charge and whether such expenses were being funded through current customer rates. Our review found that collection services provided to District and County facilities are in fact currently funded through the residential and commercial rates at a rate impact of 1%.

Scope of Work

HF&H determined, through review of: the Franchise Agreement; Bay View's most recently audited financial statements; and, documents provided by Bay View, that Bay View's revenues, expenses and rates were consistent with the benchmarks established in the Franchise Agreement.

To determine the reasonableness of Bay View's expenses, we compared them to industry standards based on recent competitive proposals and our benchmark database that contains actual and proposed operational and financial data collected during our hundreds of rate reviews and contract procurement projects.

The specific items were determined based on an HF&H-prepared variance analysis of expense line items from Bay View's financial statements. The detailed review of specific expense items included, but is not necessarily limited to, the following:

- Wages and Benefits
- Depreciation
- Expenses Paid to Related Parties
- Disposal / Processing Expenses
- General and Administrative Expenses



Mr. Greg Harman
October 26, 2009
Page 5 of 15

The review of Bay View's rate revenue was based on then-current rates and current customer subscription level. We calculated the actual revenues that should have been generated within the District in 2008, compared these to the reported revenues, and obtained explanations for any significant variances. We verified the calculation of projected 2010 revenues based on actual customer accounts at the current rates. We also confirmed Bay View's reported recyclable material sales revenues for 2006, 2007, and 2008 with audited financial statements and calculated the projected recyclable material sales revenues for 2010. To determine the reasonableness of Bay View's commodity revenue, we recalculated the 2010 revenue in accordance with the Agreement.

Our review was substantially different in scope than an examination in accordance with Generally Accepted Auditing Standards, the objective of which is the expression of an opinion regarding the financial statements taken as a whole. Accordingly, we do not express such an opinion. However, Cowden Neale, LLP has issued an unqualified opinion of Bay View's 2008 Financial Statements.

Our conclusions are based on the review of Bay View's projections of its financial results of operations for the forthcoming rate year (i.e. January 1, 2010 - December 31, 2010). Actual results of operations will usually differ from projections, because events and circumstances frequently do not occur as expected, and the difference may be significant.

Summary of Analyses

Operating Expenses

We reviewed the expenses as listed in the audited financial statements for the years 2005-2008 for year over year variances. We also compared the financial information from the 2008 Financial Statements to the 2010 Application. Table 2, on the following page, summarizes the results of Bay View's actual 2008 operating expenses compared to their projected operations expenses for 2010.

Mr. Greg Harman
 October 26, 2009
 Page 6 of 15

**Table 2
 Operating Expense Variance**

| <u>Operating Expenses:</u> | Bay View | Bay View | Increase (Decrease) | |
|---|-------------------|-------------------|---------------------|---------------|
| | Actual | Application | Variance | |
| | 2008 | 2010 | \$ | % |
| Salaries and benefits | \$ 332,296 | \$ 390,000 | \$ 57,704 | 17.37% |
| Dump fees | 95,993 | 100,000 | 4,007 | 4.17% |
| Franchise fees | 52,232 | 51,402 | (830) | -1.59% |
| Legal and Accounting ¹ | 29,700 | 33,000 | 3,300 | 11.11% |
| Debris Box Rental ² | 17,861 | 24,000 | 6,139 | 34.37% |
| Depreciation | 40,421 | 40,000 | (421) | -1.04% |
| Fuel | 36,916 | 30,000 | (6,916) | -18.73% |
| Truck Rental (Green Waste) ² | 75,712 | 83,000 | 7,288 | 9.63% |
| Hazardous Waste Fee ¹ | 10,461 | 11,157 | 696 | 6.65% |
| Insurance | 22,872 | 27,000 | 4,128 | 18.05% |
| Truck licenses | 3,964 | 5,000 | 1,036 | 26.14% |
| Management Fees (Executive Compensation) ² | 110,184 | 117,000 | 6,816 | 6.19% |
| General and administrative | 12,211 | 16,000 | 3,789 | 31.03% |
| Parts and Tires | 8,146 | 12,000 | 3,854 | 47.31% |
| Rent - Office and Yard ² | 45,600 | 48,000 | 2,400 | 5.26% |
| Repairs and Maintenance | 3,296 | 12,000 | 8,704 | 264.08% |
| Total Operating Expenses | \$ 897,865 | \$ 999,559 | \$101,694 | 11.33% |

- (1) Note: \$15,000 of Professional Fees and all Hazardous Waste Fees are included as pass through expenses on the Application
- (2) Accounts are classified as related-party transactions. See 'related-party transactions' section below

Salaries & Benefits

HF&H compared the detailed schedule provided by Bay View for labor rates, effective March 1, 2009 through February 28, 2010, to the rates in the Union Agreement. Upon review, HF&H found Bay View is paying its full-time solid waste/recyclable material driver approximately 5.4% higher than stipulated by the Union Agreement. Based on discussions with Bay View, the additional compensation is an incentive to the driver responsible for collection on the District's manual collection system and challenging route conditions. It is Bay View management's opinion that in order to retain good reliable employees they have found they need to offer wages higher than those provided for in the Union agreement. Bay View's enhanced compensation practice per HF&H's calculation has an overall rate impact of 0.4%. Section 9.4 of the Franchise Agreement states "Contractor will recover its reasonable costs for furnishing all labor... necessary to perform all the services required by this Agreement...". The 5.4% premium results in a fully-loaded rate of pay of \$46.44 per hour, which includes wages, vacation pay, holiday pay, sick leave, workers compensation expense, health and welfare expense, pension, uniforms, and equipment. Based on our review of recent competitive proposals and annual rate reviews for



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jurisdictions being provided similar services, the \$46.44 per hour is considered a reasonable and competitive rate within the Bay Area; therefore, we have not recommended an adjustment.

Dump Fees

HF&H reviewed the Agreement for Landfill Services (LF Agreement) entered into March 10, 2003, between Bay View, West Contra Costa Sanitary Landfill (WCCSL) and Potrero Hills Landfill, Inc. (PHL) and noted per Section 14 of the LF Agreement, tip fees are to be adjusted every March 1 by CPI, All Urban Consumers. We further noted per Section 23 of the LF Agreement, the term of the Agreement is 10 years from the date of execution (March 10, 2013) with an option to extend an additional 10 years.

HF&H reviewed the per-ton tip fees charged to Bay View for the disposal of solid waste at the WCCSL and the Golden Bear Transfer Station and agreed the rates to the July 1, 2009 invoices, a notification letter from Republic Services, Inc. and Bay View's LF Agreement without exception.

HF&H calculated the projected dump fees for Calendar Year 2010 (see Table 3), by multiplying the actual tons collected in 2008 for refuse and green waste multiplied by the current tip fees adjusted by 1.16% to reflect the projected per-ton tip fees for 2010. Our 1.16% projected increase in the 2010 tip fee is based on the average annual increase in the CPI for February 2009 over the previous year.

**Table 3
Projected Dump Fees**

| Refuse | 2009 Rate (eff 7/1/09 - 2/28/10) | * % CPI Increase | Projected | | 2008 tons | Projected Disposal Cost 2010 |
|---------------------------------------|-------------------------------------|---------------------|-------------------------------------|--|-----------|------------------------------------|
| | | | 2010 Rate (eff 3/1/10 - 2/28/11) | | | |
| Golden Bear (Transfer Station) | \$ 46.64 | 1.16% | \$ 47.18 | | 1,538.68 | \$ 72,459.52 |
| Greenwaste | | | | | | |
| West Contra Costa Sanitary L.F. | \$ 35.54 | 1.16% | \$ 35.95 | | 799.17 | \$ 28,677.76 |
| ADC | | | | | | |
| West Contra Costa Sanitary L.F. | \$ 7.50 | 1.16% | \$ 7.59 | | 42.65 | \$ 322.98 |
| Total 2010 Projected Dump Fees | | | | | | \$ 101,460.26 |

*Estimated March 1, 2010 CPI Increase based on the actual percentage change for the prior year (February 2008 over February 2009)



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Bay View's projected dump fees are \$100,000 versus our projection of \$101,460. Based on the calculation above HF&H recommends an increase of \$1,460 to Bay View's projected dump fee expenses reflected in the Application.

Legal and Accounting

Per Section 8 of the Franchise Agreement, Bay View is required to provide to the District annual financial statements compiled by an independent certified public accountant in accordance with Generally Accepted Accounting Principles. Per a discussion with the Audit firm of Cowden Neale, LLP Certified Public Accountants, currently providing this service to Bay View, approximately one half of their hours billed are for annual audit services. Annual audit services are treated as a pass-through expense in the Application (see Exhibit C of the Agreement). The remaining service is shown in the operation expenses section of the Application. Bay View is invoiced monthly for services provided for annual audits, quarterly reporting to District and ongoing monthly accounting services. The annual cost to Bay View for accounting was \$29,700 in 2008 per the Audited Financial Statement. Per Bay Views Application they are projecting \$15,000 in pass-through expenses and \$15,000 in operating expenses for a total of \$30,000. This is a \$300, or a 1% increase over 2008 and therefore appears reasonable.

Depreciation

Per Exhibit D of the Franchise Agreement, fixed assets are depreciated using straight line depreciation and a useful life of seven years. Bay View projected 2010 depreciation expenses of \$40,000. HF&H tied Bay View's projected depreciation expense to their independently audited Fixed Asset sub ledger without exception. HF&H noted all fixed assets with a remaining useful life were depreciated using straight-line and seven years as their useful life.

Fuel

Bay View projected 2010 fuel costs of \$30,000, a \$6,916, or 18.75% decrease from actual fuel expenses incurred in 2008. We calculated the average change in CPI for Motor Fuel from January-June 2008 to January-June 2009 and noted a percentage decrease of 37.23%, compared to Bay View's estimated decrease of 18.75%. Although HF&H believes Bay View's decrease in fuel costs resulting from an anticipated lower price per gallon is conservative, due to the current trends and volatility in prices in recent years, no adjustment to price is recommended. However, the 2008 actual fuel expense used by Bay View to project 2010 fuel costs was overstated by approximately 880 gallons or an estimated \$3,350 as a result of a four month period in 2008 where Bay View transferred Solid Waste tonnage to Potrero Hills Landfill in Solano County. As this will not occur in 2010, HF&H recommends a decrease in the projected 2010 fuel costs of \$2,723 (\$3,350 decreased by 18.75% due to declining prices)



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Insurance

Bay View projected annual insurance costs of \$27,000. HF&H requested a copy of the annual invoice for the renewal policy effective 1/1/09 and noted the amount of the coverage was \$23,560. The 2010 Application cost requested by Bay View represents a \$3,440 increase or 14.6% from the 2009 policy. The increase from 2008 to 2009 was 3.0% with significant reductions the previous two years. Therefore, Bay Views projected insurance expense does not appear reasonable. Based on our analysis described above, HF&H recommends a decrease in 2010 projected insurance cost of \$2,733.

Truck Licenses

Bay View projected 2010 Truck License expense of \$5,000, a \$1,036 increase from 2008. HF&H obtained the most recent DMV Registration Renewal Notices from Bay View for the four vehicles indicated on the 2009 Fixed Asset Listing. Bay View's total 2009 renewal fees were approximately \$4,000; therefore, HF&H recommends a decrease in projected truck licenses fees of \$1,000.

General and Administrative (includes executive compensation)

Bay View projected 2010 general and administrative costs of \$133,000, including executive compensation in the amount of \$117,000. In accordance with Exhibit D of the Franchise Agreement, Bay View Refuse Inc. and Bay Cities Refuse Services, Inc., companies controlled by the sole stockholder, Louis Figone, provide executive management services to Bay View and charge a management fee in lieu of an executive salary at a rate of \$80,000 per year, commencing September 11, 1997, and adjusted annually be 3.0%. HF&H verified the accuracy of the \$117,000 calculation without exception, as shown in Table 4 below.



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Table 4
Executive Compensation

| Year | Base | CPI | | New Rate |
|------|-----------|------------|-------------|-----------|
| | | Increase % | Increase \$ | |
| 1998 | \$80,000 | 3% | \$2,400 | \$82,400 |
| 1999 | \$82,400 | 3% | \$2,472 | \$84,872 |
| 2000 | \$84,872 | 3% | \$2,546 | \$87,418 |
| 2001 | \$87,418 | 3% | \$2,623 | \$90,041 |
| 2002 | \$90,041 | 3% | \$2,701 | \$92,742 |
| 2003 | \$92,742 | 3% | \$2,782 | \$95,524 |
| 2004 | \$95,524 | 3% | \$2,866 | \$98,390 |
| 2005 | \$98,390 | 3% | \$2,952 | \$101,342 |
| 2006 | \$101,342 | 3% | \$3,040 | \$104,382 |
| 2007 | \$104,382 | 3% | \$3,131 | \$107,513 |
| 2008 | \$107,513 | 3% | \$3,225 | \$110,739 |
| 2009 | \$110,739 | 3% | \$3,322 | \$114,061 |
| 2010 | \$114,061 | 3% | \$3,422 | \$117,483 |

To test the overall reasonableness of Bay View's total general and administrative costs (which includes, but is not limited to: billing expenses, allocated office/customer service staff, executive compensation, etc.), we compared Bay View's projected general and administrative expenses ratio of 12.9% of its total compensation to three recent proposals received for similar services in a competitive environment. HF&H found the competitively proposed general and administrative expenses ratios ranged from 9.2% to 17.2% with an average ratio of 13.4%; therefore, Bay's View's projected general and administrative costs appear reasonable and no adjustment is necessary.

Parts & Tires

Bay View projected parts & tires expense of \$12,000 in 2010, which is a \$3,854 increase from actual 2008 expenses. Based on discussions with Bay View, the increase in parts and tires expense is attributable to the purchase of new tires in 2010 to replace the tires that can no longer be re-capped; therefore, no adjustment is necessary.

Repairs & Maintenance

Bay View projected repairs & maintenance expenses of \$12,000 in 2010, which is an \$8,704 increase, compared to Bay View's actual expenses incurred in 2008. Per discussions with Bay View, the projected repairs & maintenance expenses for 2010 were based on an average of the



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previous three years and additional expenses related to the expiration of a five year factory warranty on hydraulic cylinders expiring at the end of 2009, installation of a back-up camera on the split-body vehicle, and the retrofitting of the vehicle with a Diesel Particulate Filter to comply with emissions standards. Based on our review and discussions with Bay View management, we find Bay View's projected expenses reasonable.

Related-Party Transactions

There are related-party transactions (amounts paid to affiliated entities to Bay View) included in Bay View's 2010 projections at rates that have been discussed and allowed by the District in previous reviews. HF&H notes the following accounts have been classified as related-party transactions because they are amounts that are paid to affiliated entities: Debris Box Rental, Truck Rental (Green Waste), and Rent (Office and Yard). In accordance with Exhibit D of the Franchise Agreement, and data from haulers with similar operations, we reviewed Bay View's related-party transactions projections for reasonableness. Presented below are the results of our analyses.

Debris Box Rental

Due to the relatively small size of the District's service area, Bay View's contracts with Bay City Refuse Services, Inc., Bay View's sister company, to provide the labor and vehicle (on a per pull basis) to collect debris boxes within the District's service area. By doing this, Bay View does not incur the entire cost of purchasing a debris box collection vehicle and employing a full-time driver to provide on average two debris box pulls per week. Bay View has projected 2010 debris box rental expense of \$24,000, based on 96 pulls (the average number of pulls for the last three years) at \$250 per pull, which equates to \$200 per hour (based on the average round-trip time of 1 hour and 15 minutes). To test the reasonableness of Bay View's \$200 per hour rate, HF&H compared the cost per hour to three recent proposals received for similar services in a competitive environment. HF&H found the competitively proposed per-hour rates ranged from \$198.42 per hour to \$216.99 per hour; therefore, Bay's View's projected debris box rental costs appear reasonable and no adjustment is necessary.

Truck Rental (Green Waste)

Similar to debris box rental, Bay City Refuse Services Inc., Bay View's sister company, provides the green waste collection vehicle that is used 960 hours per year to provide twice monthly green waste collection services. Through out the year Bay View has found it is necessary to utilize a second truck on certain days to accommodate the allowed unlimited green waste collection. HF&H looked at the most recent twelve-month period from September 2008 through August 2009 to determine the number of days an additional truck is needed. The green waste dump statements and tonnage was used to support the estimated twenty one days or 168 hours per year (21 days X 8 hours). Two trucks are needed for the Annual Clean-up which takes place over

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five days or 80 hours per year. (2 trucks X 5 days X 8 hours). Additionally a different truck is needed approximately 260 hours per year to collect the two yard bins through out the service area. In total Bay View is requesting \$83,000 compensation for an estimated 1,468 hours for truck rental for 2010. The rental expense of \$56.54 per hour (\$83,000 divided by 1,468 hours) covers depreciation, interest, repairs and maintenance, parts and tires, licenses, and insurance. HF&H compared this rate to the rate in Exhibit D of the Agreement escalated for the change in the consumer price index. The calculated rate per this method was \$52.02 per hour or approximately \$76,400 annually when multiplied by the 1,468 estimated truck hours. As this is only an estimate of hours and actual expenses may vary from CPI projections HF&H recommends no adjustment to the Application amount of \$83,000.

Rent - Office and Yard

HF&H notes the allowable monthly rent at the commencement of the Franchise Agreement in 1998, in accordance with Exhibit D, was \$2,823.56 (made up of \$1,462.55 per month for office and yard space plus \$1,361.01 per month for allocated mechanic salary and benefits expenses based on 8 hours per week). To test the reasonableness of Bay View's 2010 projections we compared their monthly rent expense projection of \$4,000 per month to the allowable expense in accordance with Exhibit D of the Franchise Agreement adjusted annually by the percentage change in the CPI. As shown in Table 5 below, increasing Bay View's agreed-upon rent expense in 1998 (the commencement date of the current Franchise Agreement) by the annual change in CPI results in a rent expense of \$3,982.84 in 2010; therefore, no adjustment is necessary.

Table 5
Rent - Office Yard

| Year | Monthly Rent in Current Year | CPI Increase % | CPI Increase \$ | Monthly Rent for Following Year |
|------|------------------------------|----------------|-----------------|---------------------------------|
| 1998 | \$ 2,823.56 | 3.44% | \$ 97.06 | \$ 2,920.62 |
| 1999 | \$ 2,920.62 | 3.81% | \$ 111.18 | \$ 3,031.79 |
| 2000 | \$ 3,031.79 | 4.25% | \$ 128.82 | \$ 3,160.62 |
| 2001 | \$ 3,160.62 | 6.59% | \$ 208.24 | \$ 3,368.85 |
| 2002 | \$ 3,368.85 | 1.20% | \$ 40.59 | \$ 3,409.44 |
| 2003 | \$ 3,409.44 | 1.60% | \$ 54.71 | \$ 3,464.15 |
| 2004 | \$ 3,464.15 | 1.38% | \$ 47.65 | \$ 3,511.80 |
| 2005 | \$ 3,511.80 | 1.11% | \$ 38.82 | \$ 3,550.62 |
| 2006 | \$ 3,550.62 | 3.93% | \$ 139.41 | \$ 3,690.03 |
| 2007 | \$ 3,690.03 | 3.36% | \$ 123.94 | \$ 3,813.97 |
| 2008 | \$ 3,813.97 | 4.19% | \$ 159.85 | \$ 3,973.82 |
| 2009 | \$ 3,973.82 | 0.23% | \$ 9.02 | \$ 3,982.84 |
| 2010 | \$ 3,982.84 | | | |



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Profit

Per Section 9.3 and 9.4 of the Franchise Agreement, Bay View is allowed a benchmark pre-tax profit margin of 12% of Bay View's reasonable reimbursable costs. HF&H recalculated the profit based on the recommended adjustments described above and included in Table 1, which results in a recommended reduction of \$599 from \$110,640 to \$110,041.

Pass-Through Fees

Franchise Fees

In accordance with Section 23 of the Franchise Agreement, County franchise fees and District franchise fees are calculated at 3% and 2%, respectively, of commercial and residential bills for each calendar year. Our review found Bay View's application mistakenly calculated its franchise fee obligations based on total contractor's compensation net of revenue from the sale of recyclable commodities; however, franchise fees are paid on gross revenues.

As a result, Bay View's projected franchise fee obligation was understated by.

In addition, as a result of the recommended reductions the Bay View's compensation discussed above and summarized on Table 1, Bay View's projected franchise fee obligation was overstated.

As a result, HF&H recommends increasing Bay View's franchise fee obligation (and therefore their 2010 compensation) a net \$2,596.

Also, it should be noted that during the conduct of this review and our discussions with Bay View management we learned Bay View has been mistakenly over paying its franchise fees to the County and District by approximately \$1,400 per year (\$840 overpayment to the County and \$560 overpayment to the District). The overpayments are the result of Bay View calculating and paying franchise fees on the revenue from the sale of recyclable materials when the Franchise Agreement only requires franchise fees to be calculated and paid on gross customer rate revenue; therefore, the County and District should see a decrease in its annual franchise fee revenue in the amounts discussed above.

County Hazardous Waste Fee

Bay View projected 2010 Hazardous Waste Fees of \$11,157, a reasonable \$696 increase from actual 2008 expenses, which reflects an average annual increase of 3.1%; therefore, we do not recommend an adjustment.



Mr. Greg Harman

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Revenue

HF&H verified that Bay View's Application correctly reflected the actual regular residential and commercial revenue (\$975,790) for 2008 per the Audited Financial Statements. HF&H verified that the Rate Application line "Less: recycling & other income" which was based on the average of prior 3 years" reflected the sum of the average revenues (\$82,128) for the years 2006 - 2008 per the Audited Financial Statements for the following:

- Recycling Revenue \$27,248.06
- Extra Charges \$1,520.21
- Debris Box \$46,252.44
- Container Rental \$2,983.03
- University of California House \$5,232.76
- Other Income \$285.00
- Accrued Revenue Adjustment (\$218.44)
- Refunds (\$1,175.90)

HF&H tested the reasonableness of Bay View's projected revenue, by re-projecting 2010 revenues by multiplying the current account information (number of customers by service level) by the current rates. Bay View projected 2010 revenues were calculated by summing Bay View's actual 2008 rate revenue (increased by the District-approved 4.2% increase in 2009) and the three-year average of recycling and other revenue. Our re-projected revenue was within a reasonable range of Bay View's projections; therefore, it appears that Bay Views projected revenues per the Application are reasonable.

HF&H tested the accuracy of Bay View's rate revenue by sampling 2009 actual residential, commercial and debris box monthly billings to confirm that Bay View is correctly charging their customers based upon their level of service at the District-approved rates. HF&H noted no exceptions in the samples and therefore does not recommend additional sampling.

Elimination of Backyard Service

At the request of the District, Bay View provided an estimate of cost savings due to elimination of backyard service. Bay View's estimated cost savings of approximately \$32,000 per year include the elimination of one part-time helper, used three days per week on average. Bay View provided base pay information, assuming the daily rate stipulated for a Recycling Helper per the Union Agreement, and calculated 60% of the total compensation to account for the helper's part-time status. Bay View's estimated cost savings appear reasonable and would potentially result in annual savings of \$32,000 per year which would reduce rates approximately 3.5%.



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District and County Facility Services

The District requested an analysis of the annual costs incurred by Bay View to provide solid waste collection services to District and County facilities at no charge. Following is a list of the services and the corresponding current monthly cost to provide such service, at an annual total cost of \$10,473. Our review found that collection services provided to District and County facilities are in fact currently funded through the residential and commercial rates at a rate impact of 1%.

- Community Center 2 cubic yard bin, 2 x per week = \$607.53/month,
- Library 2 - 30 gallon cans = \$66.30/month
- District Office 2 - 30 gallon cans = \$66.30/month
- Park adjacent to the Library - 30 gallon cans = \$132.60/month

* * *

We would like to express our appreciation to Bay View management and staff for their assistance. In addition, we express our appreciation to each of you for assistance and guidance during the course of the review. Should you have any questions, please call me at 925-977-6957.

Very truly yours,

HF&H CONSULTANTS, LLC

Richard J. Simonson, CMC
Vice President

cc: Colleen Costine, HF&H Consultants
Louis Figone, Bay View Refuse and Recycling Services

**KENSINGTON DISTRICT
BAY VIEW - PROPOSED RATE INCREASE (1/1/2010)**

Residential

| Account Types qty - container size | Monthly Rate | 0.6% | Proposed Rate |
|---------------------------------------|--------------|--------------|---------------|
| | 1/1/2009 | % Increase * | 1/1/2010 |
| 1 - 20 Gallon Can (Mini-Can) | \$ 23.45 | | \$ 23.59 |
| 1 - 30 Gallon Can | \$ 31.90 | | \$ 32.09 |
| 2 - 30 Gallon Cans | \$ 63.60 | | \$ 63.98 |
| 3 - 30 Gallon Cans | \$ 95.50 | | \$ 96.07 |
| 4 - 30 Gallon Cans | \$ 127.30 | | \$ 128.06 |
| 1 - 40 Gallon | \$ 71.80 | | \$ 72.23 |
| 1 - 45 Gallon | \$ 78.35 | | \$ 78.82 |
| 1 - 50 Gallon | \$ - | | \$ - |

Commercial

| # of pick-ups per wk | Account Types qty container size | Monthly Rate | Proposed Rate |
|----------------------|-------------------------------------|--------------|---------------|
| | | 1/1/2009 | 1/1/2010 |
| 1 X | 1 - 30 Gallon Can | \$ 33.15 | \$ 33.35 |
| 5 X | 1 - 30 Gallon Can | \$ 165.75 | \$ 166.74 |
| 1 X | 2 - 30 Gallon Cans | \$ 66.30 | \$ 66.70 |
| 2 X | 2 - 30 Gallon Cans | \$ 132.60 | \$ 133.40 |
| 1 X | 3 - 30 Gallon Cans | \$ 99.45 | \$ 100.05 |
| 1 X | 4 - 30 Gallon Cans | \$ 132.60 | \$ 133.40 |
| 1 X | 5 - 30 Gallon Cans | \$ 165.75 | \$ 166.74 |
| 2 X | 5 - 30 Gallon Cans | \$ 331.50 | \$ 333.49 |
| 1 X | 6 - 30 Gallon Cans | \$ 198.90 | \$ 200.09 |
| 2 X | 6 - 30 Gallon Cans | \$ 397.80 | \$ 400.19 |
| 1 X | 8 - 30 Gallon Cans | \$ 265.20 | \$ 266.79 |
| 1 X | 10 - 30 Gallon Cans | \$ 331.50 | \$ 333.49 |
| 1 X | 1 - 40 Gallon Can | \$ 71.80 | \$ 72.23 |

| | | | Monthly Rate *** | Proposed Rate |
|-----|---|----------------------------------|------------------|---------------|
| | | | 1/1/2009 | 1/1/2010 |
| | | <i>per cubic yard wet rate**</i> | \$ 35.20 | \$ 35.41 |
| 1 X | 1 | cubic yard | \$ 152.53 | \$ 153.45 |
| 2 X | 1 | cubic yard | \$ 305.07 | \$ 306.90 |
| 3 X | 1 | cubic yard (3-1/3Xwk) | \$ 457.60 | \$ 460.35 |
| 1 X | 2 | cubic yard | \$ 305.07 | \$ 306.90 |
| 2 X | 2 | cubic yard | \$ 610.13 | \$ 613.79 |
| 2 X | 3 | 1 + 2 cubic yard | \$ 915.20 | \$ 920.69 |
| | | <i>per cubic yard dry rate</i> | \$ 34.05 | \$ 34.25 |
| 1 X | 1 | cubic yard | \$ 147.55 | \$ 148.44 |
| 2 X | 1 | cubic yard | \$ 295.10 | \$ 296.87 |
| 3 X | 1 | cubic yard (3-1/3Xwk) | \$ 442.65 | \$ 445.31 |
| 1 X | 2 | cubic yard | \$ 295.10 | \$ 296.87 |
| 2 X | 2 | cubic yard | \$ 590.20 | \$ 593.74 |
| 2 X | 3 | 1 + 2 cubic yard | \$ 885.30 | \$ 890.61 |

** Majority of customers are charged

*** 4.3333 assumed weeks per month for rate calc.

Debris Box

| debris box size | Haul Charge | Proposed Rate |
|------------------------|-------------|---------------|
| | 1/1/2009 | 1/1/2010 |
| 7 Cubic Yard - debris | \$ 335.00 | \$ 337.01 |
| 7 Cubic Yard - dirt | \$ 286.00 | \$ 287.72 |
| 10 Cubic Yard - debris | \$ 364.00 | \$ 366.18 |
| 10 Cubic Yard - dirt | \$ 275.00 | \$ 276.65 |
| 15 Cubic Yard | \$ 473.00 | \$ 475.84 |
| 20 Cubic Yard | \$ 577.50 | \$ 580.97 |

* Proposed 2010 rate increase per HF&H Final Report (report dated October 26, 2009)

NEW BUSINESS #2

Kensington Community Council (KCC) Board President Bruce Morrow will ask the Board for permission to improve the drainage system in the rear of the Community Center Building, and will discuss the engineering drawings that have been prepared, a possible contractor, and the donation of \$20,000 to fund the improvements. Possible Board Action.

February 2, 2011

Chief Greg Harman, KPPCSD

Re: February 10, 2011 Meeting Agenda Items

Chief,

Enclosed is a copy of the specifications KCC requested for the upgrading of the drainage system.

Also, enclosed are the talking points to accompany the proposed Agreement which I presented at the January meeting to you and the directors.

Any questions, please give me a call at 526-6500.

Thanks,

A handwritten signature in black ink, appearing to read "Bruce Morrow", with a long horizontal flourish extending to the right.

Bruce Morrow

NEW BUSINESS #3

Kensington Community Council (KCC) Board President Bruce Morrow will ask the Board to vote to approve the agreement between the KPPCSD and the KCC that was presented to the Board at the January 13, 2011 board meeting. Possible Board Action.

February 2, 2011

Chief Greg Harman, KPPCSD

Re: February 10, 2011 Meeting Agenda Items

Chief,

Enclosed is a copy of the specifications KCC requested for the upgrading of the drainage system.

Also, enclosed are the talking points to accompany the proposed Agreement which I presented at the January meeting to you and the directors.

Any questions, please give me a call at 526-6500.

Thanks,

A handwritten signature in black ink, appearing to read "Bruce Morrow", with a long horizontal flourish extending to the right.

Bruce Morrow

Discussion points in support of proposed Agreement between the Kensington Police Protection and Community Services District (K.P.P.C.S.D.) and the Kensington Community Council (K.C.C.):

- The KCC was created 50 years ago by volunteers within the community. This non-profit organization was created to act as the agent for the KPPCSD to provide educational and recreational opportunities for adults and children within Kensington.

Concurrent to providing those services, the KCC took on the responsibility for identifying and supporting infrastructure improvements, all of which have been and will continue to be funded through contributions and grants.

Finally, the KCC publishes the monthly "Outlook", designed to inform the community of important issues which may affect the community.

(Note: Most years, the "Outlook" publication has been funded at a deficit)

All of these services are provided by KCC at no cost to KPPCSD.

- Some will argue that the KCC is being subsidized by KPPCSD and should pay "fair market" value for the facilities it uses. That argument is not supported by reality. In fact, one can certainly argue that the KCC subsidizes the KPPCSD.

KCC has been making annual contributions to the KPPCSD to use for maintenance of the Community Center. Currently, that totals \$12,000 per annum.

Over the last 22 years, the KCC has funded the remodel of the Community Center in 1987/88 for a total of \$150,000. All raised through fundraising and donations from the community.

Building E (Recreational Building) was renovated from funds donated by KCC. Final costs were \$165,000. Additionally, KCC is responsible for any repairs/maintenance required expect for the roof.

KCC provided the seed money of \$15,000 toward the construction of the bathroom in the Park. Additionally, periodic donations have been sent to KCC to add to the current reserve held by KPPCSD to defray final costs for the facility. Those total approximately \$18,000 – 20,000.

Also, over the last several years, KCC has sponsored various improvements, such as the BBQ, the water fountain, new appliances for the kitchen, for a total of roughly \$20,000.

Currently, KCC has proposed the repair and upgrade of the drainage system behind the Center. Estimated costs will be \$15,000 – 20,000.00.

Concurrently, KCC has proposed to remodel the Community Center to make it more attractive for weddings, birthdays and similar events, as well as upgrading the kitchen and the bathrooms. We have received all of the permits required from Contra Costa County and will be ready to start by early June, provided the proposed new Agreement is signed and we finalize the amount KCC is able to spend. Our estimate is \$220,000.

If you factor in the costs for the remodel and the drainage, KCC will have provided \$600,000 for the benefit of the community over the last 20+ years.

Taking this all into perspective, to say that the KCC has been subsidized by the KPPCSD is a fallacy.

- KCC is currently running an after school program (KASEP), employing 20 part-time teachers and a Recreational Director, providing 7-10 classes each day, Monday through Friday. KCC offers adult classes over the year, as well.

In the summer, KCC offers 10 1-week camps for the children of the community under the direction of 8 trained counselors.

KCC publishes, free of charge, the "Outlook" for the residents of Kensington.

All of these programs are overseen by a group of volunteers, many of whom have been working with KCC for decades. It is only through their commitment to public service that these programs and projects have come to fruition and have made important contributions to the community.

KCC feels it has a responsibility to provide opportunities to the community that will improve its way of life. We believe that we have met those responsibilities and endeavor to continue to focus on them in the coming years. We look forward to continuing our role, working with the KPPCSD and other K-Groups in sponsoring initiatives which can only build on that commitment.

The KCC Board believes that its proposed annual contribution of \$15,000 is appropriate. To ask more of the program would be to reduce or eliminate the donations we accumulate over subsequent years to fund further improvements. Plus, we believe that excessive financial demands of KCC could jeopardize its ability to continue to provide the recreational and educational services it provides. It will, certainly, have an adverse affect of the residents of Kensington.

We ask that you approve the Agreement which has been presented for your consideration.

From: "Bruce Morrow" <bvmorrow6801@sbcglobal.net>

To: bvmorrow6801@sbcglobal.net

AGREEMENT BETWEEN KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT AND KENSINGTON COMMUNITY COUNCIL FOR RECREATION AND EDUCATION PROGRAM SERVICES AND FACILITIES MANAGEMENT

To enable the residents of Kensington to benefit from recreational and educational activities, the Kensington Community Council (KCC) and the Kensington Police Protection and Community Services District (KPPCSD) enter into the following agreement:

I. KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

A. KPPCSD agrees to maintain in good condition and repair the Kensington Community Center (aka Youth Hut), tennis courts and such other recreational property (i.e., Recreation Building and the Annex), in and about these facilities, over which it exercises ownership or control.

KPPCSD's maintenance obligations shall include providing general maintenance of the recreational improvements, as well as providing janitorial and gardening services, building supplies, utilities and other items listed under Article 1 of the Objectives attached hereto as Exhibit 1 for the Community Center, tennis courts and the Kensington Park grounds and equipment. KPPCSD agrees to provide property insurance coverage on the improvements on the Park and Recreational property.

At this time, KPPCSD can not provide liability insurance covering the KCC's recreational and educational programs for the reasons described in the letter from the Special Risk Management Authority, dated April 20, 1998.

In the event of damage to the Park and Recreation property which substantially interferes with the KCC recreational/educational programs or the continued operation of the Park and its buildings, either party may terminate this Agreement by giving written notice to the other party.

B. KPPCSD shall be entitled to set and retain any and all rental or use fees generated from the use of the Park and Recreational facilities.

II. KENSINGTON COMMUNITY COUNCIL

A. KCC, acting as the agent for the KPPCSD, agrees to maintain a program of recreational and educational activities, using the Community Center, the Recreation Building and the Kensington Park grounds.

KPPCSD will provide water, garbage service and general building maintenance.

KCC shall be entitled to set and retain all of the fees generated by the recreational and educational programs.

B. KCC shall pay an annual contribution to the KPPCSD, payable in two equal installments, on June 15th and December 15th of each year, for the use of the Community Center, tennis courts and the Park grounds and equipment.

Additionally, KCC shall contribute \$1.00 per year on June 15th of each year for the use of the Recreation Building ("Building E") for educational programs only. Also, KCC agrees to be responsible for all interior and exterior maintenance and repair, janitorial services and supplies, excluding the Recreation Building roof. The maintenance and repair of the roof will be the responsibility of KPPCSD.

C. KCC agrees to maintain a general liability insurance policy covering KCC's activities occurring at the Park, Community Center and the Recreation Building. This policy shall cover KCC, its employees, directors and such other persons as KCC shall determine and shall have a minimum bodily injury liability limits of \$1,000,000 per occurrence with a \$2,000,000 aggregate limit and a property damage liability limit of \$50,000.

KPPCSD shall be named as an additional insured on the policy and evidence of current coverage will be provided to KPPCSD upon request.

D. KCC agrees to work with the KPPCSD under its status as a 501(c)(3) non-profit organization for the purposes of fund raising and grant application towards the goal of improving and enhancing the Park and Recreation Building facilities.

This Agreement shall commence on July 1, 2010 and continue thereafter for each twelve (12)-month period unless either KPPCSD or KCC gives written notice of intent to terminate said Agreement at least forty-five (45) days prior to the commencement of the next fiscal year. Without the notification of intent being received by either party within that designated 45-day period, the Agreement shall remain in force, as drafted, until the subsequent fiscal year begins.

Unless otherwise agreed, this Agreement shall be reviewed every three (3) years.

President, Kensington Police Protection
and Community Services District

Date

President, Kensington Community Council

Date

From: "Bruce Morrow" <bvmorrow6801@sbcglobal.net>

To: bvmorrow6801@sbcglobal.net

EXHIBIT A

**OBJECTIVES OF KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT
AND KENSINGTON COMMUNITY COUNCIL**

The objectives of the Kensington Police Protection and Community Services District (KPPCSD) and the Kensington Community Council (KCC) are to furnish the citizens of Kensington with park facilities, recreation and educational programs to meet their needs. In the connection, the general responsibilities shall be as follows:

I. KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

- A. To make available to KCC and Kensington residents the Kensington Park, Community Center, tennis courts, Recreation Building ("Building E"), and such other recreation property as determined by the KPPCSD Board.
- B. To maintain these facilities and grounds in a safe, usable condition.
- C. To be responsible for inventory of property owned by KPPCSD on its grounds and facilities.
- D. To maintain its existing policy and financial commitment to recreation and education.
- E. To mitigate costs to the taxpayer in the operation and maintenance of the Park and its Buildings and recreational equipment.

(Note: All facilities and grounds maintenance by KPPCSD is based on budget and grant funds, which may vary with the amount of funds available)

II. KENSINGTON COMMUNITY COUNCIL

- A. To recommend, develop and implement recreational and educational programs which promote the general welfare of the community of Kensington.
- B. The KCC Recreation Administrator will supervise all programs provided by the KCC.
- C. To encourage volunteers from the community to work with the Recreation Administrator.

- D. To work with the KPPCSD in meeting the needs of programs for the citizens of Kensington.
 - E. To maintain the interior and exterior of the Recreation Building in a good, safe and usable condition with the exception of the roof.
 - F. To maintain recreation and educational supplies.
 - G. Be responsible for setting up programs and hiring for all programs. The office hours of the Administrator shall be set by the KCC. The Recreation Administrator shall report regularly to the KPPCSD regarding the status of KCC programs.
 - H. Report any damage, repairs or problems with the recreation facilities described in section I, item A to the General Manager of the District or to the Park and Facilities Administrator and assist and facilitate any necessary repair and maintenance.
 - I. Coordinate with the Park and Facilities Administrator in scheduling events. The KPPCSD Park and Facilities Administrator shall be responsible for seeing that the facility users obtain the required insurance coverage, liquor licenses, and the like. Also, the Administrator will explain procedures and issue keys to facility users, as needed.
 - J. Be responsible for inventory of KCC property and equipment on KPPCSD grounds and in KPPCSD facilities.
 - K. Work with KPPCSD and KCC Boards of Directors in publicizing the available facilities and programs.
 - L. Work with the KPPCSD General Manager and KCC in budget preparation and operate within the budget guidelines.
 - M. KPPCSD will not be responsible for any costs related to the provision of recreational or educational programs to the community by KCC.
-

KCC Proposal: Fiscal years 2010-2015

KPPCSD Board members:

I have modified our proposal to limit the KCC yearly stipend to the maintenance of the recreational facilities, deleting reference to the Park grounds.

The argument behind this decision is that the Kensington Park is a public amenity and paid for by taxes assessed on the residents of this community.

The use of the Park should be free to be used by all elements of the community without charge. To ask KCC to pay a share for the upkeep of the Park would be effectively charging the taxes twice for the community members who use our program and/or donate funds.

The General Manager has estimated that total costs to maintain the buildings and the park rounds at \$82,000.00. Additionally, he estimates that KCC designated share is equal to 36%, which KCC believes to be a reasonable estimation.


If one removes from the expense calculations of aggregate costs the annual payments to the gardener and for tree maintenance, which totals \$27,600.00, then the aggregate cost is reduced to \$54,700.00.

If one then reduces the gross amount of the Park assessment collected each year, which is \$29,000.00, from the aggregate costs, the final expenses identified as costs for maintenance of the buildings equal \$25,700.00

KCC's share at 36% would then equal \$9252.00.

Based on this revised figure, I believe you would agree that our proposal to pay a stipend of \$15,000.00 per annum through fiscal year 2011 – 2015 is reasonable.

Thank you,



Bruce Morrow, KCC President

Note: Original proposal was sent to the attention of the KPPCSD negotiation team, Pat McLaughlin and Cathie Kosel, on September 14, 2010.

KCC Park Costs

2009/2010 KPPCSD Budget

| | | | |
|-----|----------------------------|--------|--------|
| 602 | Custodian Community Center | 24,000 | 24,000 |
| 642 | Community Center | | |
| | EBMUD | 1,300 | |
| | PGE | 2,280 | |
| | Phone | 180 | 3,760 |
| 643 | Comm Center Supplies | 1,500 | 1,500 |
| 672 | Park O&M | | |
| | Gardeners | 24,600 | |
| | EBMUD | 7,500 | |
| | Co Fees | 2,300 | |
| | NBS Eng Report | 4,000 | |
| | Park repairs | 10,400 | |
| | Tree pruning | 3,000 | |
| | Drain clearing | 1,000 | 52,800 |

Total (shared) costs to maintain Community Center and park grounds:
\$82,060

Community Center/ Building E/ park grounds total available hours per week: 16 hours a day x 7 days a week = 112 hours of availability

KCC programs run 8 to 5, Monday- Friday, or 40 hours per week.

$40/112 = 36\%$

If total shared costs is \$82,060, and KCC uses facilities 36% of the available time:

$\$82,060 \times .36 = \$29,542$

Building E roof replacement should occur in the next 5 to 10 years. Estimated \$25,000 to replace the roof, over the course of the past 10 years and the next 10 years would be \$1,250 a year. (Or \$2,500 a year the next 10 years)

\$29,542 (KCC's share of maintenance) plus roof replacement \$2,500 = \$32,042 a year for the new lease agreement between KPPCSD and KCC.

KCC Proposal: Fiscal year 2010 - 2015

Thursday, September 2, 2010 12:06 PM

From: "Bruce Morrow" <bvmorrow6801@sbcglobal.net>

To: bvmorrow6801@sbcglobal.net

ANNUAL KENSINGTON COMMUNITY COUNCIL CONTRIBUTION FROM 7/1/2010 - 6/30/2015

- For the fiscal year 2010/2011, KCC will contribute \$12,000 to KPPCSD to use exclusively towards the maintenance of the Kensington ~~recreational~~ recreational facilities, payable in equal installments on December 15, 2010 and June 15, 2011.

Additionally, KCC will provide the schematics and design calculations drawn by Tom Clark with Ironwood Engineering for the installation of a new drainage system for the Community Center and provide up to \$20,000 towards the cost of the construction, provided the KPPCSD authorizes the project and schedules its completion on or before December 31, 2010.

- For the fiscal year 2011/2012, KCC will contribute \$15,000 to KPPCSD to use exclusively towards the maintenance of the Kensington ~~recreational~~ recreational facilities, payable in equal installments on December 15, 2011 and June 15, 2012.
- For the fiscal year 2012/2013, KCC will contribute \$15,000 to KPPCSD to use exclusively towards the maintenance of the Kensington ~~recreational~~ recreational facilities, payable in equal installments on December 15, 2012 and June 15, 2013.
- For the fiscal year 2013/2014, KCC will contribute \$15,000 to KPPCSD to use exclusively towards the maintenance of the Kensington ~~recreational~~ recreational facilities, payable in equal installments on December 15, 2013 and June 15, 2014.
- For the fiscal year 2014/2015, KCC will contribute \$15,000 to KPPCSD to use exclusively towards the maintenance of the Kensington ~~recreational~~ recreational facilities, payable in equal installments on December 15, 2014 and June 15, 2015.

It is agreed that subsequent annual KCC contribution increases will be limited to the increase in the San Francisco Bay Area Consumer Price Index, published annually.

President, Kensington Police Protection & Community Services District

Date

President, Kensington Community Council

Date

NEW BUSINESS #4

Director Cathie Kosel will present to the Board a resolution to correct gender imbalance by hiring female police officers at its earliest opportunity. Director Chuck Toombs will present to the Board an alternative resolution, Resolution 2011-005, regarding diversity in the workforce and volunteers. Possible Board Action.

Whereas, In the United States police departments must hire people without regard to race or gender. This has been the law for the past twenty years.

Whereas, in policing, gender integration and the opportunity for women to participate in forming police policy has been strongly resisted.

Whereas, acceptance by their male peers has yet to occur. Women receive, at best, a cool reception from male officers and, at worst, a hostile reception .

Whereas, In recent years acceptance by the public has grown as women police have been seen more frequently on the street on patrol and in uniform.

Whereas, the capabilities of women to perform police work; virtually all conclude that women, indeed, do have such ability. This capacity includes physical as well as mental and emotional fitness. Studies demonstrating women's capabilities have covered the areas of patrol work (Bloch and Anderson 1974, Sherman 1975, Townsey 1982) citizen satisfaction (Sherman 1975), police chief evaluations (Seligson 1985), response to hazardous situations (Elias 1984), academy academic performance (Elias 1984), physical capability (Townsey 1982), physical training receptivity (Moldon 1985), and the handling of violent confrontations (Moldon 1985, Grennan 1987).

Whereas, Male officers anticipate women failing (Brookshire 1980);

Whereas, women police were harassed and resisted by the male officers because they feared that women would violate departmental (actually, their own) secrets about police corruption and violence. Thus, fear of exposure by women officers was cited by Hunt as the underlying cause of the significant resistance to women.

Whereas, Evidence of gender discrimination was also found in the absence of women in certain special units. Respondents pointed out that they are excluded from certain units, details and even seminars.

Whereas, statistical data on women's uneven distribution throughout police ranks¹ and women's virtual absence in some specialized units. These recent studies find that women of both races face a considerable amount of discrimination in policing.

Whereas, Gender bias is clearly attitudinal as well as behavioral while the organization and its practices are inherently a matter of structure.

Now therefore be it resolved that the Kensington Police Protection and Community Services District resolves to correct gender imbalance by hiring female patrol officers at its earliest opportunity.

FEMALE POLICE OFFICERS IN THE UNITED STATES

Barbara Raffel Price

INTRODUCTION

In the United States police departments must hire people without regard to race or gender. This has been the law for the past twenty years.

However, **in policing, gender integration and the opportunity for women to participate in forming police policy has been strongly resisted.** Schulz has observed that women have transformed their original social worker role in policing only because of their own determination and struggle (1995). She argues that women changed their police role throughout history by drawing on outside social forces, and in recent times, by relying on the law to enable them to work as police officers. However, **acceptance by their male peers has yet to occur. Women receive, at best, a cool reception from male officers and, at worst, a hostile reception** (Worden 1993:229).

In spite of this, there has been a steady growth in the number of women entering police work. In 1970, only two percent of all police were women but, by 1991, nine percent of police were women (personal communication, Bureau of Justice Statistics, 1993). At the executive, policy making level of policing, we find very limited representation of women. Less than two percent of police (1.4%) in the very top echelons of the uniformed ranks are women. In the lower supervisory ranks 2.5% of the lieutenants and 3.7% of the sergeants are women (Martin 1988). Today, in the New York Police Department, 15% of all uniformed officers in the department are women, but only 9% are sergeants, 6% are lieutenants, 3% are captains and 4% are above the rank of captain (personal communication with the Office of Management and Budget, NYPD, data are for 7/31/96). Research has shown that women in policing are not easily accepted by their male peers, their supervisors, or their own police department. Women are viewed with skepticism or worse by their male counterparts in spite of the fact that women have been doing police work for over one hundred years. The public is, however, considerably more positive and frequently welcoming of their presence. **In recent years acceptance by the public has grown as women police have been seen more frequently on the street on patrol and in uniform.**

The first police matrons appeared in the nineteenth century and, in 1905, the first documented appointment of a woman with police powers took place (Peyser 1985). Shortly thereafter in 1910 the first woman with full police power was hired by the Los Angeles Police Department (Melchionne 1976).

The early history of women police consisted largely of social service in which women had to meet higher standards for police employment, but received lower wages, were restricted to a special unit or bureau, and were assigned primarily to clerical, juvenile, guard duty and vice work (Schulz 1989). Women police were not permitted to be promoted except within their own special women's unit nor were they permitted to take the same promotion test as men. Finally,

and most damaging for opportunities to demonstrate their general value to the organization, they were not permitted to perform basic patrol duties (Price and Gavin 1982, Peyser 1985). Women could only be promoted within their own bureaus because, they were told by their police superiors, they had not had the full "police experience" of being on general street patrol. It was, of course, the same male police administration that had refused over the years to assign women to general patrol and thus had blocked police women's access to the required experience (Price and Gavin 1982). When women finally were given the opportunity, as a result of Federal law mandating equal opportunity regardless of gender or race, to perform general police work and serve on patrol, they demonstrated their fitness for police work. Or did they?

Almost all of the past research on women police has focused on **the capabilities of women to perform police work; virtually all conclude that women, indeed, do have such ability. This capacity includes physical as well as mental and emotional fitness. Studies demonstrating women's capabilities have covered the areas of patrol work (Bloch and Anderson 1974, Sherman 1975, Townsey 1982) citizen satisfaction (Sherman 1975), police chief evaluations (Seligson 1985), response to hazardous situations (Elias 1984), academy academic performance (Elias 1984), physical capability (Townsey 1982), physical training receptivity (Moldon 1985), and the handling of violent confrontations (Moldon 1985, Grennan 1987).**

The research literature also reveals that in entering police work women have encountered enormous difficulties, primarily as a result of the negative attitudes of the men. **Male officers anticipate women failing** (Brookshire 1980); they doubt women can equal men in most job skills (Bloch and Anderson 1974); they do not see women officers as doing "real" police work (Melchionne 1976); and they perpetuate myths about women's lack of emotional fitness (Bell 1982). Race, age and education seem to influence attitudes toward women: black officers were found to be somewhat more favorable toward women than white officers (Bell 1982, Bloch and Anderson 1974); and in St. Louis younger, better educated officers exhibited less negativism (Sherman 1975). In contrast, a study in Atlanta concluded flatly that male officers did not accept women as police officers (Remington 1981). Horne (1980) has pointed out that the biggest challenge facing women officers is the resistance displayed by male officers in their attitudes toward women in policing. Hunt (1990) concluded that **women police were harassed and resisted by the male officers because they feared that women would violate departmental (actually, their own) secrets about police corruption and violence. Thus, fear of exposure by women officers was cited by Hunt as the underlying cause of the significant resistance to women.**

It is important to point out that the situation found in the U.S. and reported in the literature is similar to that found in European, Eastern European, Asian and Latin American countries. At an international conference on women and policing held in Amsterdam and sponsored by the European Network of Policewomen a workshop was convened on the role of femininity on police work. Women police from over twenty countries around the world shared information on the discriminatory treatment that they suffered at the hands of their male colleagues. A recent article on Polish women police notes that "Sometimes it happens that they (women police) are scarcely tolerated" (Trzcinska 1996).

In addition to police men's negative attitudes, women face a number of other major socially structured problems that are inherent in the larger society and are played out as well in policing. These include family responsibilities (Brookshire 1980, Martin 1980), role strain and role conflict (Martin 1980, Jacobs 1983) doubts about competence and self-worth (Glaser and Saxe 1982) sexual harassment (Wong 1984) and a concomitant fear of complaining about abuse (The Council of the City of New York, Committee on Women 1986) and, lastly, equipment and facilities inadequacies--including material conditions of such items as locker rooms (Horne 1980, Washington 1974), uniforms (Brookshire 1980), and patrol car seats (Horne 1980). Black women face additional obstacles, such as conflicts engendered by being both a black woman and a police officer, a type of stress which is currently unstudied. Thus there are many hurdles--both organizational and role-related--confronting women who choose police work as their career.

My own research examined the integration of women into policing in the NYPD (Price, Sokoloff, and Kuleshnyk:1992). We also considered the race of the women since black women make up approximately thirty percent of all women police officers in the United States today. In contrast, black men comprise only fifteen percent of all police men (The Municipal Year Book 1987).

THE RESEARCH

Our study investigated the women's situation in the an urban department. The subjects average age was 30 years, most had come into police work for financial security and job security, most had a college degree and had been in the department from 5-10 years. The issue of discrimination was covered in depth.

In any study of women and policing, the question of discrimination is central. My study revealed that the presence of discrimination in the workplace is identified by virtually all black women officers (92%, N=11) and half (57%, N=4) of the white women. Moreover, most agreed that the discrimination within the department exists on two levels -- gender and race.

Eighty-three percent (N=10) of the black women see themselves as black women and therefore in some ways unique, (as opposed to focusing only on being black or only female). Of those women, half (N=5) of them believe they are discriminated against on the basis of race. Several examples of this discrimination were reported:

- Black women feel they have to demand respect while white women are put on pedestals.
- Black women report that their bosses don't send white women into high crime areas (but, by inference, do send black women).
- Black women report they have no one to help them secure desired assignments, special training sessions or promotions; white women, they say, have "hooks" (connections).
- Black women report verbal racial insults.
- Black women say they have more trouble with racial discrimination from the cops than from the public.
- Black women claim that white women can get transferred inside to a warm job such as the switchboard on a cold night while they have to remain on the street.

On the part of white women, some (29%, N=2) acknowledge that the black women have a more difficult time than women who are white. This is true despite the fact that some white women simultaneously believe black women are at an advantage in the department as "double minorities" at a time when the department is anxious to show that it is not a racist organization.

Only one white woman (14%) believed white women have it better in the department. Fifty-eight percent (N=7) of black women think white women receive preferential treatment, e.g., "they can get someone to make a call -- black women don't have anyone." On the other hand, 71% (N=5) of the white women think black women have it better, whereas only 25% (N=3) of the black women feel black women have it better.

The issue of individual vs. institutional discrimination was explored but the results are inconclusive although a number of interviewees believe there are deliberate departmental policies which work to the detriment of women. At least 42% (N=5) of the black women but, at best, only one white woman (0-14%) believed there is an attempt by the department to keep women and/or minorities separate from each other. Speculation as to why this is the case varies. It was noted that there is a "divide and conquer" strategy in the department which starts during training where "they" (either individuals or the department) try to keep the females separate from each other. This effort operates also by race according to some reports. One explanation of the use of "divide and conquer" is male officer insecurity or fear of the competition which women seem to present.

Clearly, black police women experience their work worlds differently than white women. They report greater degrees of discrimination than white women in the police department, and black women see themselves as discriminated against because of their race, gender, or combined race/gender. However, despite the discrimination that black women report in assignments and promotion as workers in the department, they do not believe that discrimination against them is any worse than in the larger society. On the contrary, the black women police officers in our study seem to feel that policing provided alternatives not available to them in the larger world where a narrower range of occupational options exist for them. The detailed job hierarchy, the less biased civil service entrance and promotional tests, the higher paid "male" jobs (compared with low-paid, low-status jobs traditionally available to women in general and black women in particular) result in greater opportunities for black women in policing than in the private sector.

The literature points out that apparently similar experiences occur for black police men who report great conflict in their roles as blacks and as police officers (Alex 1969, Leinen 1984). An example helps to illustrate the point. On the job, a black partner may be seen as "a brother in blue," but if blacks speak forcefully against what they perceive to be racist slurs, behaviors, and policies in the department, they are often accused of not being "blue enough" (Terry 1988). However, despite these problems, when black police men are interviewed, many say (as did our women subjects) their jobs are satisfying and believe there are opportunities for advancement they would not be able to get in other kinds of jobs (Williams 1988).

Evidence of gender discrimination was also found in the absence of women in certain special units. Respondents pointed out that they are excluded from certain units, details and even seminars. Based on the comments of the women, the study labeled these units as

"forbidden units" since they are either off-limit assignments for women or assignments where women experience extra harassment, presumably to encourage them to transfer out. At least 29% (N=2) of the white women and 42% (N=5) of the black women mentioned this phenomenon. Women reported that they are not welcome in such units as mounted, harbor and highway (a specialized traffic unit) and that they are told there are no openings when, in fact, by the women's perception there are vacancies. If, as happens on occasion, a woman gets into one of the male-only units, respondents report, she meets with considerable hardship. The department's own figures on male/female participation in several of these units show proportionately less females than are represented overall in the department. The mounted unit has 4.4% women, highway, 0.4% and harbor, 3.2% while the department overall is over 11% female. Of the ten women in these three units, one is black while the department has 818 black women out of a total of 8,106 women. These figures, taken alone, would tend to confirm the claim that there currently are "forbidden units" for women.

Recent Interviews

Women in urban policing today express a high level of cynicism about policing as a career and considerable anger at the department and their job. They cite lack of opportunity for advancement, conflict between working hours and their personal life, and negative attitudes of men toward them as the main reasons for their disillusionment with police work. They believe that the department does not value women police and that they are, in general, an unappreciated group. The women believe that they are discriminated in work assignments, promotions, recommendations for promotion and the availability of appropriate facilities. The women expressed their desire to have women hired, evaluated and promoted on their own merit and not as tokens to satisfy some statistical requirements of the government or some political needs. On the positive side, the women who were interviewed believe that women police bring special qualities and attributes to police work such as compassion, communication skills, maturity.

SUMMARY

Women and racial minorities are entering mainstream policing, ostensibly, on both an equitable basis with white men and in markedly larger numbers than ever before. Numbers, however, do not reveal the changing nature of the work itself, the job environment, treatment by others on the job, internal support for career development, promotion and other rewards. One objective of recent research has been to examine these topics. The women's responses during interviews help to support and give meaning **to statistical data on women's uneven distribution throughout police ranks¹ and women's virtual absence in some specialized units. These recent studies find that women of both races face a considerable amount of discrimination in policing.**

Major findings are: (1) women are motivated to become police officers because of financial security (this is twice as true for black women) and as a result of family or friends' encouragement (this is more true for white than black women); (2) pre-employment exposure to police work played an important role in influencing black women to enter police work; (3) problems in the previous assignment were more frequently noted as a precursor to requesting assignment to the police academy than was the desire for a steady day shift; (4) most women derive job satisfaction from their academy assignment; (5) most women in the study are

preparing for promotion examinations; (6) almost all black women police in our study and over half of white women report that discrimination exists in the police department; (7) male domination in policing creates professional obstacles to career advancement and satisfaction.

Social scientists continually argue as to whether structural and technical changes or attitudinal changes must occur first in order to bring about social change. A case can be made that both must occur -- and in relation to one another, before gender equality will be achieved. This is as true for policing as for other aspects of our social and occupational lives. Yet, it is clear that the structural changes in the law in the United States have helped to create an increase in the numbers of women in this traditionally male dominated field of policing.

In policing, as departments expanded in the early 1970's, a related increase of black and white women police occurred driven by affirmative action practices. However, despite the advent of affirmative action laws affecting the police, urban fiscal problems led to the wide- scale dismissal of women and minorities in the labor force. ² Some of the structural barriers experienced by women in police work as well as attitudinal barriers contribute to the disproportionately high numbers of women in the lowest levels of police departments (Martin, 1988). While some believe that the passage of time is all that is needed, others argue that barriers to achieving promotions, job security, and comparable assignments and salaries will persist. **Gender bias is clearly attitudinal as well as behavioral while the organization and its practices are inherently a matter of structure.**

NOTES

1. 93.3% of the women are police officers or detectives; 5.7% are sergeants; 1% are lieutenants, captains or higher. Comparisons with other major cities reveal similar distributions (Martin 1988).
2. Detroit and New York City provide two vivid examples. In Detroit, Dreifus (1982) reports that in 1980 39% of furloughed police officers were female. In New York, Viteritti (1987) reports that personnel cutbacks led to a 9.8% loss of white police officers, but much higher losses of blacks (18%) and Hispanics (22%). However, it led to a whopping 88% loss for women who had been appointed in the previous two years (Peyser 1985).

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Washington, D.C.*

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Resolution 2011-05 of the Board of Directors Regarding Diversity in Workforce and Volunteers

Kensington Police Protection and Community Services District

WHEREAS, Kensington is a community of diverse people, based in part on race, color, ancestry, national origin, religion, sex, sexual orientation, marital status, age, medical condition, veteran status, physical and mental abilities, political affiliation, and other characteristics which create an interesting and diverse mixture of people who live here and which contributes to the health, well being and vitality of this community.

WHEREAS the Kensington Police Protection and Community Services values diversity and is committed to a firm policy of equal employment opportunity for all employees, trainees, job applicants, recruits, and volunteers.

WHEREAS the Kensington Police Protection and Community Services District is committed to creating and maintaining a work environment that is free of all forms of illegal discrimination, and is further committed to ensuring full equal employment opportunity in conformance with Title VII of the Civil Rights Act of 1964, the guidelines issued by the Equal Employment Opportunity Commission, the California Fair Employment and Housing Act, and the guidelines issued by the California Fair Employment and Housing Commission.

WHEREAS, this Board fully supports the requirements of Federal and State law as it applies to prohibited illegal discrimination, and further supports a diverse, qualified, workforce.

WHEREAS, this Board wishes to ensure that its police department continues to reflect the rich diversity of the community it serves and to that end that its police department continue to recruit qualified women and men of all types and backgrounds to fully comply with applicable law to maintain and enhance that diversity.

BE IT RESOLVED that the Kensington Police Protection and Community Services District shall foster a work environment that values quality, respect, diversity, integrity, communication, public safety, and accountability.

BE IT FURTHER RESOLVED that no person shall be granted preferential treatment based on race or gender, or otherwise be illegally discriminated against with regard to appointment, discipline, promotion, recruitment, retention, selection, training, or in other aspects of employment.

BE IT FURTHER RESOLVED that the Board directs the police department to continue to encourage qualified applicants of all backgrounds to apply for positions with this department.

KPPCSD Resolution regarding Diversity in Hiring 02022011
CEToombs Draft

2858691.1

BE IT FURTHER RESOLVED that this Board directs its chief of police to take such action as may be deemed necessary or proper to effect these resolutions.

The foregoing resolution was duly adopted at a Regular Meeting of the Kensington Police Protection and Community Services District Board of Directors on the _____ day of February, 2011 by the following vote of the Board

AYES: BOARD MEMBERS _____

NOES: BOARD MEMBERS _____

ABSENT: BOARD MEMBERS _____

Charles E. Toombs, President

ATTEST:

Gregory E. Harman, General Manager

AS