

Meeting Minutes for 7/18/16

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Monday, July 18, 2016, at 5:00 P.M., at the Community Center, 59 Arlington Ave., Kensington, California. A Special Meeting of the Board of Directors, in Open Session, followed.

ATTENDEES

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Rachelle Sherris-Watt, Vice President	Simon Brafman
Chuck Toombs, Director	Karl Kruger
Patricia Gillette, Director	
Vanessa Cordova, Director	
<u>Staff Members</u>	
Interim GM/COP Kevin Hart	
Lynn Wolter, District Administrator	
<u>Press</u>	

Vice President Sherris-Watt called the meeting to order at 5:03 P.M. Vice President Sherris-Watt, Director Toombs, Director Gillette, Director Cordova, Interim GM/COP Hart, and District Administrator Wolter were present. President Welsh was absent.

PUBLIC COMMENTS

There were no public comments regarding the Closed Session agenda items.

The Board entered into Closed Session at 5:04 P.M.

CLOSED SESSION

1. Public Employment: Title: (General Counsel) – Pursuant to Government Code Section 54957.
2. Public employee discipline/dismissal/release.
3. Conference with Labor Negotiator – Pursuant to Government Code Section 54957.6:
Agency designated representative: Interim General Manager/Chief of Police Kevin Hart.
Employee organization: Kensington Police Officers Association.

The Board returned to Open Session at 6:11 P.M.

Roll call: Vice President Sherris-Watt, Director Cordova, Director Gillette, and Director Toombs were present. President Welsh was absent.

Vice President Sherris-Watt announced that the Board had taken no reportable action.

PUBLIC COMMENTS

Simon Brafman said that he wanted talk about the Board's prior meeting. He said there had been insignificant bickering among the Board members, the Board's job was to take care of the community's business, and the Board should focus on the welfare of the community.

Karl Kruger said that Mr. Brafman wasn't in the minority.

CONSENT CALENDAR

Vice President Sherris-Watt asked if anyone wanted to pull items for consideration.

Karl Kruger said that he wanted Item e pulled.

Director Toombs asked for Item h to be pulled.

Director Gillette asked to pull Item i.

Vice President Sherris-Watt asked to pull Items a, b, f, and j.

Vice President Sherris-Watt said that, with respect to the June 9, 2016 Minutes' page 5, "an" should read as "and," and there should be no comma. She clarified that that part of the sentence should read "former firefighter and East Bay Parks executive." She also asked for clarification to be added to the sentence beginning "She said the committee..." because this was a second committee. She asked that the words "Fire Board's Ad Hoc" be inserted between the words "the" and "committee".

With respect to page 14 of the June 9, 2016 Minutes, she said she didn't have a correction, but she did want to make a statement of clarification about some of her comments in the June Draft minutes regarding a meeting with Gail Feldman that took place in May. She read:

"First, this meeting, which occurred after a KPPCSD Board meeting, was an impromptu gathering and unplanned before 10:15 P.M. that evening. Secondly, I stated incorrectly – but it was correctly noted by Ms. Wolter – that we were discussing the yearly budget. This was an extrapolation of the question presented to me and extended to a generality. Ms. Feldman, acting as a private citizen and not within her role as President of the KPOA, had wanted to discuss the District's legal representation. I must apologize to Ms. Feldman that in my haste, I revealed details of a personal nature that were not mine to share, and I regret the error. I am deeply grateful for the work that Ms. Feldman does for the community and the many hats she wears – Ad Hoc Committee member and KPOA President to name a few."

Vice President Sherris-Watt said she was not asking anything to be changed in the minutes, with respect to this part of them. She just wanted to make a clarification.

Director Gillette said that, with respect page 14 of the June 9th Draft Minutes, she had spoken loudly and had not shouted, as had been stated by Vice President Sherris-Watt. Vice President Sherris-Watt concurred that "spoken loudly" was more accurate.

With respect to last paragraph of page 6 of the June 22, 2016 Draft Minutes, Vice President Sherris-Watt said she should have said “information” instead of the word “conversation.” She said this was a clarification and not a correction.

Director Toombs said that, with respect to the June 22nd Draft Minutes, the motion regarding Lamorena Chang referred to a one-year contract. He said that the conversation that had preceded the motion had been about a three-year contract. He asked what the Board had actually voted to do. District Administrator Wolter responded that this had been what the Board had said in its motion. Director Toombs said that, as long as the contract that was signed was for a one-year contract instead of three, this didn’t matter. IGM/COP Hart said the discussion had been about a one-year engagement and said that he wanted to see how Lamorena Chang performed and then, once the first year’s engagement was completed, he would bring the item back to the Board. Director Toombs said he wanted to be sure the written contract was for one year instead of three. IGM/COP Hart said he would clarify this with Mr. Chang and then provide an update. Director Cordova asked if this was within IGM/COP Hart’s signing threshold. He responded in the negative, noting the contract amount was \$14,000.

With respect to Item e, the Unaudited Profit and Loss Budget Performance Report for June, Director Toombs said that, for Account 672 Park O&M, there was a big discrepancy between what had been budgeted and spent. IGM/COP Hart responded that there would be between \$10,000 and \$15,000 of tree pruning and the purchase of equipment that would be expensed to June. It was noted that Deborah Russell, CPA, hadn’t yet reconciled these expenditures.

Vice President Sherris-Watt asked, with respect to Account 411 Kensington Hilltop Reimbursements, why the amount was greater than the budgeted amount. She said former GM/COP Harman had said he couldn’t imagine this amount exceeding \$25,000 per year though the amount allotted by the School District was \$50,000. She said that, if the amount was going to remain above this threshold, perhaps the community should have a discussion about it. IGM/COP Hart responded that this amount was so high because of a dog incident that had occurred on School District property. He explained that this had been a time-consuming incident to which Kensington officers had had to respond and that they had had to investigate. District Administrator Wolter noted that the contract with the School District allowed for such exceptions on an hourly rate basis.

Karl Kruger said that he had some general comments on the annual budget. He said the District had been very lucky because revenues had been better than had been anticipated. He said that the budget had also been very conservative, with respect to property tax revenues and that revenues had been greater in other categories as well. He noted that some expenses had come in under budget. He said this had resulted in a nice positive for the year. He said, however, that legal fees were a problem and were embarrassing. He said that another \$150,000 could have been added to the building and to other things had so much not been spent on legal fees. He added that he didn’t see why these fees couldn’t be reduced. He said he didn’t have a problem with the overtime costs, which had exceeded the amount budgeted, because this was what had been needed to take care of business. He said he saw no reason for the non-sworn staff’s salaries to have exceeded \$100,000, even though extra things had been done during the year. He reiterated that, instead of spending so much on legal fees, he would rather have a safe Community Center.

With respect to non-sworn staff’s salaries having exceeded the amount budgeted by about \$20,000 Director Toombs pointed out that there had been overtime related to all the meetings the District had had. Mr. Kruger responded that he knew this had been a very difficult year and that the Board had held many meetings because of the many issues.

With respect to Item f, Park Revenue & Expense Report, Vice President Sherris-Watt said that the Community Center’s revenue was about \$7,500 lower than had been budgeted. She noted that there should be two entries per year for KCC’s rental fees but that only one had been reported. IGM/COP Hart responded that KCC had paid the rent, along with a 3.1% CPI increase, and that this would be an adjusted entry.

Director Toombs said he had pulled Item h because he had wanted to note something that had appeared on the Watch Commander's Report. He said that a significant event had been discussed, in which Sergeant Hull had conducted a traffic stop on someone who had been speeding on Beloit Avenue. He noted this individual had had a \$153,000 non-releasable warrant for DUI with injuries out of the Richmond Superior Court. He said Sergeant Hull had taken a bad person off the street for the community, and this was terrific. He concluded by thanking Sergeant Hull for a good job. Director Cordova noted that this was the second time in the year that Sergeant Hull had done this.

Director Gillette said she had a question about Vice President Sherris-Watt's expense report included in Item i. She said she didn't understand the report because there were some confusing things in it. She said the total requested amount had been \$236.74 but then a corrected amount of \$272.74 had been entered. Vice President Sherris-Watt responded that she had made a math error. Director Gillette asked about the parking documents that had been included, noting that they didn't add up. Vice President Sherris-Watt responded that, on the first day, the 17th, she had driven in and the attendant had given her a slip, but it had not included the amount paid. She said the amount charged had been \$14.00. She said that, on the 18th, she and Director Cordova had carpooled. She said they had used cash on hand; she had paid \$11.00, and Director Cordova had paid \$9.00, with the total being \$20.00. She said she wasn't requesting \$20.00 because she had paid only \$11.00. Director Gillette then asked about the dinner and breakfast reimbursement request. She noted that everything that would have shown what had been purchased had been whited out on the receipts, and she noted that the numbers didn't add up. Director Gillette asked if Vice President Sherris-Watt was charging the District \$45.00 for the Pushkin Bakery. Vice President Sherris-Watt responded that she was charging the District \$36.00. Director Gillette asked why the detail of what had been purchased had been whited out. Vice President Sherris-Watt responded that what kind of sandwich she ordered – the shop had been unable to provide her with a redacted receipt. She said this is a bakery, and there were no purchases made, such as alcohol, which the District wouldn't reimburse. Director Gillette noted that, on the previous page of the reimbursement request, the detail of what had been purchased had been provided; it had not been whited out. She asked why the bakery purchase was confidential. Director Gillette said the District should have a practice or presenting complete receipts: It shouldn't be a secret what anyone had for lunch or dinner when the District was paying. She said this was important for demonstrating that the District was reimbursing for the right amount of money – this was \$272 for two days. She noted that the citizens of Kensington should know what was being purchased. Director Gillette reiterated that the numbers didn't add up. She wondered how Vice President Sherris-Watt had come to \$12.00 and \$36.00 out of \$45 and \$10.00. Vice President Sherris-Watt responded that it was dinner and breakfast, both, at Pushkin's Bakery because she had purchased food for the next day. Director Gillette responded that, in the future one should be providing complete receipts, and she noted that this is what she had to do at her firm. IGM/COP Hart noted that the numbers had added up. Director Gillette said that providing the detail should be the practice, going forward, and she apologized for having used Vice President Sherris-Watt as an example and thanked her for her clarification. Vice President Sherris-Watt noted that the bulk of the expense had been for mileage to Sacramento and that it had been a worthwhile trip, during which she had learned about important legislation that related to work being done by the Park Building Committee.

With respect to Item j, Vice President Sherris-Watt said she wanted to make a clarification about a letter she had submitted regarding meeting ending times. She noted that, in her letter, she had referred to Albany and El Cerrito, respectively, but the attached documents had been reversed in the packet.

MOTION: Director Toombs moved, and Director Gillette seconded, that the Consent Calendar be approved, with amendments to the minutes, as noted.

Motion passed: 4 – 0.

AYES: Gillette, Toombs, Sherris-Watt, Cordova NOES: 0 ABSENT: Welsh

IGM/COP Hart announced that Item 7a had been postponed and would appear on a future agenda. Director Cordova asked what the subject matter was. Director Toombs responded that it was the KPOA grievance about the firearms policy. Director Cordova responded that she had asked because she didn't have her packet.

OLD BUSINESS

6. Update from Ad Hoc Committee on Governance.

David Spath reported that there had been two subcommittee meetings, following the forum. One had been on the bifurcation of the GM/COP position, a meeting for which there had been a small attendance. He said there had been good questions, and the audio recording was up on the web page. He said that, on Saturday, the subcommittee researching contracting for police services had met and that this meeting had been well attended – about 25 people. He said that it had been a good discussion and that Vice President Sherris-Watt and Director Toombs had been among the attendees. He said the last subcommittee meeting about District consolidation would be held on the upcoming Thursday. He said that the LAFCO executive, Lou Ann Texeira, would be attending, and he encouraged everyone to attend. He noted that the LAFCO executive would describe the various consolidation options. He said he had handed out to the Directors a copy of the “Proposed Time Schedule for Completion of Ad Hoc Committee Report.” (A copy of this is included in the August 11, 2016 Board Packet, under correspondence.) Dr. Spath added that he had gotten all the Directors to agree to an October 1st town hall meeting to present the final fact-finding report. He added that it was planned that, at this meeting, the Board would adopt a final report. He said the meeting would begin at 10:00 A.M. and end at noon. Director Cordova said she would be returning from a trip to another continent and would do her best to attend.

Dr. Spath said the Committee had already selected an editor who had been recommended by Garen Corbett. He said that the editor would send a proposed contract to IGM/COP Hart for completion, and that he hoped she would be on board by August 1st. He said that the Committee hoped to have the first draft by July 29th and that it would begin to discuss it on August 4th. He said that, then, the Committee would engage the editor for formatting improvements and other matters and, subsequent to this, the Committee would produce a draft report that would go to a Special Meeting on September 15th, for public comment. He said that the Committee would incorporate any appropriate edits and then, on October 1st, present a final report to the Board and answer any questions.

Director Cordova asked if, at the August 4th meeting, the Committee would be publishing the drafts to be discussed as part of the Committee's agenda packet. Dr. Spath responded that this would be a good idea, as long as the expectation was that there would not be copies for attendees – this would be difficult, given the size of the document. He added that it would be good for as many people as possible to see the documents and that people offering possible edits could send them to him.

Vice President Sherris-Watt thanked Dr. Spath.

6b. The Board reviewed and considered approving a Request for Proposal (RFP) seeking proposals for the completion of architectural drawings and construction documents for improvements to the Kensington Community Center.

Vice President Sherris-Watt reported that this item had been introduced at the Board's prior meeting but that there had not been time then for public comments. She said that the Request for Proposal, which had been written and adopted by the Park Buildings Committee, was at the end of the Board Packet. She said that the District was seeking proposals for the completion of architectural drawings and construction documents for improvements to the Community Center, as described in the scope of work. She said that, as soon as the proposal was adopted, it would be sent out. She said that, at the prior Board meeting, Director Gillette had asked who would be approached. Vice President Sherris-Watt said the

District would specifically approach certain firms: Mikiten Architects, Arkin Tilt Architects, Noll and Tam, Studio Bondy Architecture, Siegel and Strain Architects, The Preview Group, and Biggs Cardosa.

Director Toombs said the document was fairly exhaustive, and the Committee had done a terrific job. He asked for confirmation that legal counsel had reviewed the document. Vice President Sherris-Watt responded in the affirmative – Randy Riddle had reviewed it and, she said, she hoped he would continue with this as a special project until the District had other counsel. Director Toombs said he hoped the Board would pass the proposal that night because the District was on a tight schedule.

Director Cordova asked if IGM/COP Hart if the Facebook page was for the police department or the District. He responded that it was for the police department.

Vice President Sherris-Watt said that the document would go up on the District’s website and on any appropriate social media.

Director Cordova said that she wanted to ensure there was a robust list of architectural firms from which to choose and that there would be a list of firms that would love a project like this.

IGM/COP Hart confirmed that the proposal would be “pushed out” on the District’s website and possibly others.

Director Gillette asked if there were Kensington architects on the list. Vice President Sherris-Watt responded in the affirmative.

Director Cordova noted that the College of Environmental Design has a posting service – many of the professors are practicing architects. She said this might be a nice lab project.

Director Toombs said there would need to be a “wet” blue stamp on the plans.

Vice President Sherris-Watt said that Bart Jones had completed some wonderful drawings, but the Committee had decided not to attach them because it was hoping people would come with a fresh perspective and new ideas. She also noted that the ADA study, seismic analysis, and Muller Caulfield documents would be posted with the RFP. She added that copies of all the documents would be available at the Library.

MOTION: Director Cordova moved, and Director Gillette seconded, that the Board approve the Request for Proposal for the completion of architectural drawings and construction documents for improvements to the Kensington Community Center as they were presented this evening. Motion passed: 4 – 0.

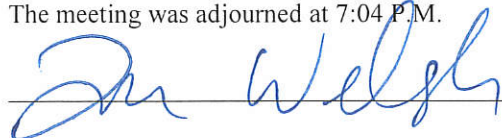
AYES: Gillette, Toombs, Sherris-Watt, Cordova NOES: 0 ABSENT: Welsh

MOTION: Director Toombs moved, and Director Gillette seconded, that the meeting be adjourned.

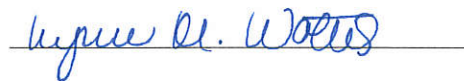
Motion passed: 4 – 0.

AYES: Gillette, Toombs, Sherris-Watt, Cordova NOES: 0 ABSENT: Welsh

The meeting was adjourned at 7:04 P.M.



Len Welsh
KPPCSD Board President



Lynn Wolter
District Administrator