

Meeting Minutes for 8/11/15

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Tuesday, August 11, 2015, at 6:00 P.M., at the Community Center, 59 Arlington Avenue, Kensington, California.

ATTENDEES

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Len Welsh, President	Randy Riddle, Renne Sloan
Pat Gillette, Vice President	Catya de Neergaard
Chuck Toombs, Director	Ciara Wood
Vanessa Cordova, Director	Rich Karlsson
Rachelle Sherris-Watt, Director	Mabry Benson
	Leonard Schwartzburd
	Miki Tal
<u>Staff Members</u>	Jim Watt
GM/COP Kevin Hart	Simon Brafman
Sgt. Hui	Bruce Morrow
Lynn Wolter, District Administrator	Paul Haxo
	Garen Corbett
<u>Press</u>	David Spath
Linnea Due	Gail Feldman
	Rick Artis
	Chris Deppe
	Lori Trevino
	Donna Stanton
	Celia Concus
	Andrew Gutierrez

President Welsh called the meeting to order at 6:10 P.M. and took roll call. President Welsh, Vice President Gillette, Director Toombs, Director Cordova, Director Sherris-Watt, General Manager/Chief of Police Kevin Hart, and District Administrator Wolter were present.

PUBLIC COMMENTS

Catya de Neergaard said she had a top ten list of reasons for re-structuring:

- The dysfunctional police department ate up the community's collective time.
- Human beings were flawed.
- The financial picture of the KPPCSD was unknown.
- Racism, sexism, classicism, bullying, and the chilling of free speech by the police and Board.
- Harman got rid of most of the employees of the KPPCSD and replaced them with his own people whose main qualification was loyalty to him.

- With a strong police union, the police bill of rights, well funded lobbies for the police in Sacramento and high police salaries affording the luxury of lawyering up at the first sight of trouble, citizens were now a new lower class that couldn't control the department, the personnel, or their demands.
- There was no police review board.
- A police head of department and a general manager were different skillsets that would be hard to find in a single person.
- The community was running out of money.

← Add: "The small (five person) part time Board historically is unable and unwilling to supervise the police department."

Mabry Benson questioned why the timeline for the work of the Ad Hoc Committee was so stretched out. She said work should begin right away. President Welsh noted that was what the Board was attempting to do in appointing the committee that night. She said the GM/COP separation should be moved to the top of the schedule before a permanent person could be hired. She said that Brown Taylor's 2009 study on contracting out had taken just a couple of months to prepare. Director Cordova responded that Mrs. Benson should present her comments to the committee when it first convenes.

Donna Stanton said she dittoed Mrs. Benson's comments and said the committee should get its work done quickly.

Ciara Wood said that, having served on the Park Advisory Committee some years ago, the discussion needed to be thorough and methodical, with consideration of many options. Director Cordova said she agreed with Ms. Wood and said she thought the process might take up to 20 months. She also noted that the process of having the committee meet right away would be delayed because of the summer months.

1. The Board reviewed applications received for appointment to the Ad Hoc Committee for Governance Structure Options ("Committee"), which would review alternatives to current general manager/chief of police position and other issues related to District structure.
General Manager's recommendations:
 - a. Determine if the application received after the deadline would be considered (Bates).
 - b. Confirm the selection and interview process of selecting committee members.
 - c. Review submitted applications and interview candidates.
 - d. Each board select two candidates for membership on the committee.

President Welsh asked GM/COP Hart to provide background information. GM/COP Hart reported that 26 applications had been received by the deadline, that Paul Dorroh and Julie Stein had dropped out, and that one application had been received after the deadline. He reported that three people who were interested could not attend that night: Lisa Caronna, Charles Reichmann, and Christopher Deppe. A member of the audience responded that Mr. Deppe would attend but would be late. GM/COP Hart reported that Simon Brafman had expressed early interest by email but hadn't submitted an application until after the Board Packets had been distributed. He said a copy of that application was in front of each Director's place at the dais and that a redacted version would be made available to the public, if requested. He reported that emails had been sent to all the applicants, letting them know about the night's meeting. GM/COP Hart reported that Steve Bates had submitted his application after the deadline but that, regardless, he had included it in the packet because he wanted the Board to decide how to consider it.

President Welsh asked Directors Cordova and Toombs to brief the Board on how they wanted the process to proceed. Director Cordova said she had reviewed the applications and that she felt confident in her two appointees. She said that she would not be opposed to those candidates who were present making a statement but that she didn't consider it a requirement, nor did she consider attendance at the evening's meeting a requirement.

Director Toombs said he and Director Cordova hadn't put together a set of protocols for the evening and said it was up to the Board to decide how it wanted to proceed. He suggested that applicants make a three-minute speech. He said he didn't mind if applicants couldn't attend the evening's meeting, either.

President Welsh invited applicants to speak but said it they weren't required to do so.

Vice President Gillette said she would like to hear from the candidates who were present and said she did think that not being present should disqualify someone.

Board consensus was that a brief speech would be welcome but would not be required and that being present would not disqualify anyone.

Donna Stanton said she wanted to hear from the candidates.

The following applicant spoke:

- Rich Karlsson
- Mabry Benson
- Leonard Schwartzburd
- Miki Tal
- Jim Watt
- Simon Brafman
- Bruce Morrow

At 6:54 P.M. Director Sherris-Watt asked for a five-minute break, and at 6:58 P.M. the meeting resumed.

Director Toombs said that the District's legal counsel, Randy Riddle, had answers to some questions he had posed earlier. Mr. Riddle said that any body created by the Board was a legislative body. He said that a committee comprised of just a couple of members of the Board would not be subject to the Brown Act; however, a committee consisting of members of the community would be subject to the Brown Act. But, he said, a subcommittee of this committee, consisting of less than a quorum of the committee would not be subject to the Brown Act. He explained that, in the case of the ten-member Ad Hoc Committee, a meeting of more than five members would be subject to the Brown Act.

Applicant presentations continued:

- Paul Haxo
- Catya de Neergaard
- Garen Corbett
- David Spath
- Ciara Wood
- Gail Feldman
- Rick Artis
- Chris Deppe
- Lori Trevino

Board discussion ensued about Mr. Bates' application.

MOTION: President Welsh moved, and Director Cordova seconded, that Mr. Bates should not be excluded.

Motion passed: 4 – 1.

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

Discussion ensued about alternates. Mr. Riddle recommended that the Board place this issue on the September agenda since the evening's agenda was for each Director to select two applicants.

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By round-robin process the Directors selected two applicants each, as follows:

Director Cordova	1. Miki Tal	10. Charles Reichmann
Vice President Gillette	2. Garen Corbett	9. Tim Snyder
President Welsh	3. Rick Artis	8. David Spath
Director Toombs	4. Gail Feldman	7. Lisa Caronna
Director Sherris-Watt	5. Lori Trevino	6. Chris Deppe

MOTION: Director Cordova moved, and President Welsh seconded, that the Board appoint the ten individuals, just named, to the Ad Hoc Committee.

Motion passed: 5 – 0

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

Board consensus was there had been an abundance of qualified individuals who had applied, and the Board thanked all the applicants.

Donna Stanton thanked the Board and the applicants. She said a lot of dimension had added to the committee during the evening's discussion. She said she was concerned that not all the applicants had been able to attend. Director Sherris-Watt said she thought insufficient notice had been given about the evening's meeting.

Director Toombs asked at which upcoming meeting the issue of alternates could be discussed. President Welsh responded there was no urgency and suggested placing it on the October agenda.

GM/COP Hart asked for direction, such as notifying the committee and setting a date for the first meeting. President Welsh clarified that GM/COP Hart would set the date, develop an agenda, and attend the first meeting, but that the committee would run the first meeting. GM/COP Hart recommended that, at the committee's first meeting, there should be a thirty-minute training on the Brown Act. President Welsh asked GM/COP Hart to notify both those selected and those not selected and asked him to send the committee members the URL for online training on the Brown Act.

Celia Concus asked for clarification – that the committee would be subject to the Brown Act but that a subcommittee of it would not. Mr. Riddle said that a subcommittee consisting of less than a quorum did not have to comply, but that the committee could require that subcommittees meet in public. Mr. Riddle clarified that a quorum for this committee would be six. Director Toombs said he thought all meetings of the committee, even those consisting of five or fewer, should be public meetings. President Welsh and Garen Corbett said this might prove to be unwieldy.

Andrew Gutierrez said that, when she spoke, Lori Trevino had questioned the legality of the Ordinance which stipulated that contracting out for police services would require a vote of the community. President Welsh asked Mr. Riddle if the Board could receive a legal opinion on this.

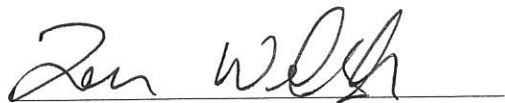
Rick Artis asked when the committee had been formally established, as Mr. Artis had thought it would be nice to have a social gathering of the committee members. Mr. Riddle responded that it had been formed that night.

MOTION: Vice President Gillette moved, and Director Sherris-Watt seconded, that the meeting be adjourned.

Motion passed: 5 to 0

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

The meeting was adjourned at 8:19 P.M.

A handwritten signature in blue ink that reads "Len Welsh". The signature is written in a cursive style and is positioned above a horizontal line.

Len Welsh
KPPCSD Board President

A handwritten signature in blue ink that reads "Lynn Wolter". The signature is written in a cursive style and is positioned above a horizontal line.

Lynn Wolter
District Administrator