

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

AGENDA

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District will be held **Thursday, December 12, 2013, at 6:30 P.M.**, at the Community Center, 59 Arlington Avenue, Kensington, California. The Board will commence its monthly Regular Meeting in open session at **7:30 P.M.**. If further Closed Door Session is required, the Board will return to Closed Door Session following the end of the Regular Meeting.

Roll Call
Public Comments

SPECIAL MEETING; CLOSED SESSION 6:30 P.M.

1. Conference with Labor Negotiators (Government Code Section 54957.6)
Agency Representatives: Patricia Gillette and Chuck Toombs
Employee Organization: Kensington Police Officers Association

REGULAR MEETING; OPEN SESSION 7:30 P.M.

The Board will return to Open Session at approximately 7:15 PM and report out on the Closed Door Session.

A Regular Meeting of the Board of Directors of the Kensington Police Protection and Community Services District will be held **Thursday, December 12, 2013, at 7:30 P.M.**, at the Community Center, 59 Arlington Avenue, Kensington, California.

Note: All proceedings of the open session meeting will be videotaped.

Roll Call
Public Comments
Board Member/ Staff Comments

APPROVAL OF CONSENT CALENDAR

- a) Minutes of the Special Meeting October 16, 2013, Page 3
- b) Minutes of the Special Meeting November 6, 2013, Page 14
- c) Profit & Loss Budget Performance for November 2013, Page 19
- d) Park Revenue & Expenses Report for November 2013, Page 25
- e) Board Member Reports- None
- f) Training & Reimbursement Reports, Page 33
- g) Correspondence, Page 59
- h) Police Department Update, Page 64
- i) Monthly Calendar, Page 73
- j) Recreation Report, Page 75
- k) General Manager's Report, Page 76

DISTRICT – OLD BUSINESS

1. The District will hold a Proposition 218 Public Hearing in response to Bay View's request for an increase to mini can rates, 32-gallon can rates, and all other rates to be effective January 1, 2014. The notice of the public rate hearing has already been mailed to all customers. Board Action. Page 81

DISTRICT - NEW BUSINESS

1. Bryan Godbe, of Godbe Research will present the findings of the survey of District voters to evaluate the feasibility of a potential future revenue measure to help fund improvements to the Community Center. Board discussion of the survey results and direction for possible revenue ballot measure to be considered by the voters at a future election. Possible Board Action. Page 82
2. The Board will discuss the General Manager/ Chief of Police's eligibility for a 1% merit increase for the contract period July 1, 2012 to June 30, 2013. Board Action. Page 84
3. Board President will lead the Board discussion on the Board's and General Manager's Goals & Objectives for the 2014 calendar year. Board Action. Page 96

4. The Board will hold its election of Board Officers for the 2014 calendar year. Board Action. Page 99

(If needed, the Board will return to Closed Session following the end of the Regular Open Session meeting.)

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 2 DAYS BEFORE THE MEETING. REQUESTS SHOULD BE SENT TO:

General Manager/ Chief of Police 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.

All public records that relate to an open session item of a meeting of the Kensington Police Protection & Community Services District that are distributed to a majority of the Board less than 72 hours before the meeting, excluding records that are exempt from disclosure pursuant to the California Public Records Act, will be available for inspection at the District offices, 217 Arlington Ave, Kensington, CA 94707 at the same time that those records are distributed or made available to a majority of the Board.

Meeting Minutes for 10/16/2013

AGENDA

A Special Meeting of the Board of Directors (BOD) of the Kensington Police Protection and Community Services District (KPPCSD) was held Wednesday, October 16, 2013, 6:30 PM, at the Community Center, 59 Arlington Avenue, Kensington, California.

ATTENDEES

<u>Elected Members</u>	<u>Members of the Public/Presenters</u>
Tony Lloyd, President	Ray Barraza
Patricia Gillette, Vice President	Andrew Gutierrez
Linda Lipscomb, Director	Marina Gutierrez
Charles Toombs, Director	Katie Gluck
Len Welsh, Director	Gayle Tapscott
<u>Staff Members</u>	Lorraine Osmundson
Gregory E. Harman, GM/Chief of Police	Celia Concus
Lynn Wolter, District Administrator	Gloria Morrison
Sgt. Kevin Hui (on duty)	Leonard Schwartzburd
Sgt. Keith Barrow (own time – KPOA Rep.)	Paul Dorroh
	Karl Kruger
	Dan O'Brien
	Mabry Benson
	Kim Christie, Bay View Refuse
	Charles Cowan, Bay View Refuse
	Haig Harris, Bay View Refuse
<u>Press</u>	Rick Simonson, HF&H
Joel Koosed, Outlook	Alison Schutte – Hanson Bridgett

Board President Tony Lloyd called the meeting to order at 6:37 PM and took roll call. All Directors, General Manager/Chief of Police Harman, and District Administrator Wolter were present.

PUBLIC COMMENTS

None

CLOSED SESSION

At 6:38 the Board entered into Closed Session to confer with Labor Negotiators (Section 54957.6): Agency Representatives: Patricia Gillette and Chuck Toombs. Employee Organization: Kensington Police Officers Association.

OPEN SESSION

At 7:25 PM, the Board returned to Open Session.

President Lloyd took a second roll call. All Directors, General Manager/Chief of Police Harman, and District Administrator Wolter were present

President Lloyd reported that, during its Closed Session, the Board discussed the police negotiations and that the Board took no action.

PUBLIC COMMENTS

None

BOARD COMMENTS

Director Toombs reported that the Finance Committee met on September 26th and discussed alternate ways to look at the budget: accrual, as opposed the current checkbook-like method.

Director Toombs reported that the Parks Building Committee had met with Godbe Research and that Godbe would be getting back to the Committee within 2 weeks with a set of proposed questions for the poll.

Director Lipscomb reported that the County Planning Commission had held its continued meeting regarding AT&T's proposed Kensington cell towers and that the meeting was not productive for those opposed to the installation of the cell towers. By way of background, Director Lipscomb reported that AT&T had initially applied for nine cell towers and then reduced the number requested to six. The Kensington Community Council (KMAC) recommended to the County that, of the six, four be rejected and two accepted. The Planning Commission took the position that the KMAC ordinance applied only to residential construction and so overrode KMAC's recommendation. The Commission approved five of the six towers. Director Lipscomb said she expected that this decision would be appealed to the Board of Supervisors.

Director Lipscomb reported that the Kensington Improvement Club (KIC) would hold its annual meeting on October 26th from 9:30 AM until noon. She reported that the KIC was

working with the Kensington Community Council to provide childcare at Building E so that parents with young children could attend the meeting.

Director Lipscomb provided an update on the Arlington Avenue streetlights. She reported that Public Works had sent notices to those impacted by the streetlights, and she asked that anyone with questions call her. She also reported that PG&E would be installing a sample teardrop-style light fixture in the Arlington Avenue business area so that residents could view this option, which would be possible for the business area only.

President Lloyd reported that Doctors Medical Center, located in San Pablo, would be offering free drive-through flu shots on Friday, October 18, from 2:00 PM until 6:00 PM.

President Lloyd reported that the District had received a commendation from the Special Districts Risk Management Association (SDRMA) for its excellence in risk management. He thanked staff for working to make this possible.

Vice President Gillette acknowledged Director Toombs' recent loss and thanked him for continuing to work, on the District's behalf, throughout a difficult time.

Vice President Gillette reported that there had been no resolution regarding the Writ of Mandate and that the District would move forward with an appeal.

Vice President Gillette reported that the negotiations with the Kensington Police Officers' Association (KPOA) were moving forward.

Director Welsh noted that the paths were on the agenda and would be discussed later in the meeting.

Director Welsh provided an update on SB 438. He said that the bill would be carried over to next year but that, given anticipated increased scrutiny on the part of regulating agencies, the bill might not be needed in order to improve the performance of companies such as Chevron.

PUBLIC COMMENTS

Leonard Schwartzburd asked to make public comments. President Lloyd responded that the Public Comments portions of the meeting had already occurred. Dr. Schwartzburd said that he hadn't realized this. President Lloyd invited Dr. Schwartzburd to comment. Dr. Schwartzburd said that he had attended a CERT training on terrorism and that he had become aware of the fact that Kensington and El Cerrito didn't have a warning siren system in place.

Dr. Schwartzburd then began to discuss the Grand Jury report. Because this appeared in the Consent Calendar and was, therefore, part of the agenda, President Lloyd asked Dr. Schwartzburd to hold his comments until later.

President Lloyd, in response to Dr. Schwartzburd's comment about the absence of warning sirens, said that the County has an emergency auto-dial phone notification system in place for both land lines and many cell phones. President Lloyd further said that mass media would be notified promptly in the event of an emergency and that residents, therefore, should turn to the media for information.

STAFF COMMENTS

GM/COP Harman reported that the Kensington Community Council parade would be held on Sunday, October 20th.

District Administrator Wolter reported that the District had qualified for a \$600 scholarship for Directors to attend the CSDA Board member training in November.

District Administrator Wolter reported that a County Planning Commission meeting notice had been delivered to the District office earlier in the day and that Commission was scheduled to meet about the Kensington AT&T towers on October 22nd. She handed the notice to Director Lipscomb who noted that the meeting would be addressing the sixth of the towers that had been requested by AT&T and that this proposed tower (50 feet in height) would be located at the trailhead to Tilden Park.

CONSENT CALENDAR

Director Toombs asked that item "1) Response to Grand Jury Report" be pulled from the Consent Calendar so that Dr. Schwartzburd could make public comments on it.

Dr. Schwartzburd spoke about criticisms of the District contained in the Grand Jury Report. In particular, Dr. Schwartzburd said that the District was financially deficient, that the 2011 and 2012 audits had not been completed, and that there had been problems with respect to the Chief's making a reimbursement to the District. Director Toombs and President Lloyd asked that Dr. Schwartzburd confirm that he was presenting his personal point of view. Dr. Schwartzburd confirmed that this was the case.

Karl Kruger said that the Chief had received a clean bill of health and that he disagreed with Dr. Schwartzburd's opinion.

Gloria Morrison said that the 2011 audit had been completed.

President Lloyd praised GM/COP Harman for following best practices and said that these best practices were documented in GM/COP Harman's written response to the Grand Jury.

GM/COP Harman said that the Grand Jury Report and his response to it would be posted on the District website.

Mabry Benson said that records are public. She said that her request for records regarding the Chief's reimbursement to the District had been denied on the basis that this was a protected personnel record.

President Lloyd said that he did not agree with Ms. Benson's opinion that this information should be made public.

MOTION: Vice President Gillette moved to approve the Consent Calendar. Director Welsh seconded the motion. Motion passed 5 to 0.

AYES: Lloyd, Gillette, Lipscomb, Toombs, Welsh NOES: 0 ABSENT:

DISTRICT NEW BUSINESS

1. GM/COP Harman asked the Board's permission to enter into a new agreement with New World Systems to provide software maintenance support for the police informational systems for the period 9/1/13 through 8/31/18 at a total cost of \$22,638.00.

GM/COP clarified that the total cost for the service would be paid in annual installments over the term of the agreement.

MOTION: Vice President Gillette moved and Director Lipscomb seconded that the Board approve entering into a new agreement with New World Systems for the period 9/1/13 through 8/31/18 for a total cost of \$22,638.00. Motion passed 5 to 0.

AYES: Lloyd, Gillette, Lipscomb, Toombs, Welsh NOES: 0 ABSENT:

At 8:17 President Lloyd asked that the Board take up New Business Agenda Item #5.

5. GM/COP Harman presented the HF&H Consultant's report, "Bay View Refuse & Recycling Services Inc.'s 2014 Rate Application" and requested that the Board approve the maximum rates, to be effective January 1, 2104, for solid waste collection services and direct the GM/COP to mail a notice of a Rate Hearing to be held in December, preferably during the December 12, 2013 regularly scheduled Board meeting.

HF&H Consultant Rick Simonson provided an overview of the history of BVR's contract with Kensington and recent rate adjustments, including CPI. Mr. Simonson reported that recent CPI increases had not kept pace with increases in wages, health insurance premiums, and workers' compensation costs. Simultaneously, revenues had declined

because of customers' migration to the mini-can. The combination of these changes resulted in the need for a 21.8% rate increase for 2014. Mr. Simonson also cited that, when the mini-can was introduced, the price difference between the mini-can and the 32-gallon can had been \$4.00. Since then and as a result of subsequent percentage increases in rates, the gap between the mini-can and the 32-gallon can had grown to \$10. He noted, however, that the cost to provide service for the mini-can and for the 32-gallon can was similar.

Mr. Simonson then presented the two rate structure options that he had prepared with input from Alison Schutte of Hanson Bridgett. He said that both options would provide the revenue needed to generate revenue sufficient to generate the Bay View Refuse contract's benchmark profit of 12%, based on certain expenses. Mr. Simonson noted that Option 1 likely would result in further migration to the mini-can and, thus, create further deterioration in revenue for Bay View Refuse – the same thing that created a revenue problem following the last Prop. 218 hearing.

GM/COP Harman asked that the Board set maximum rates, based on Option 2, for the Prop. 218 Notice to be mailed for the December 12, 2013 meeting.

Vice President Gillette asked that the process regarding this matter be explained. Ms. Schutte said that at this meeting the Board needed to set maximum rates for the Board to consider on December 12, 2013. Next, notices would be mailed to all Kensington households. Then, on December 12th, the Board would hold a hearing and, if more than 50% of ratepayers protested the proposed rate increases at that time, then the Board couldn't proceed with the proposed rate increase.

President Lloyd asked for the public to comment.

Gloria Morrison objected to Option 2 because it was an insult to those who had done their best to reduce the amount of garbage they generated.

Karl Kruger asked if garbage pick-ups could occur every other week and asked whether the sale of recyclables offset expenses.

Mr. Simonson responded that every other week pick-ups could be considered by the Board at a future time and that the sale of recyclables did offset expenses.

Ms. Schutte reported that Option 2 more fairly distributed the actual costs of service among all ratepayers and that it would be more likely than Option 1 to keep Bay View Refuse and Recycling, Inc.'s revenue stable.

President Lloyd asked the Directors to comment.

Director Welsh said that he was in favor of Option 2 because it would share costs equally among ratepayers.

Vice President Gillette said that she would like more flexibility at the hearing. Director Lipscomb said that she was in favor of Option 2.

Director Toombs said he was in favor of Option 2 because he would like to see greater equity among ratepayers and because it would provide revenue stability. He said that the Board would have an opportunity to restructure rates in 18 months and that he wanted to put an end to litigation.

President Lloyd said that he was in favor of having more options and that he would like to set rates at the 218 Hearing, based on citizen feedback.

President Lloyd asked Bay View Refuse and Recycling, Inc.'s attorney, Haig Harris, if he wanted to comment. Mr. Harris responded by thanking the Board and HF&H, by commenting upon Bay View's 70 years of service to Kensington, and by saying that it was time to put the issue behind them.

**MOTION: Director Toombs moved and Director Welsh seconded that the Prop. 218 Hearing Notice be mailed with the proposed prices in Option 2.
Motion failed.**

AYES: Toombs, Welsh NOES: Gillette, Lloyd, Lipscomb ABSENT:

MOTION: Vice President Gillette moved that the Prop. 218 Hearing Notice be sent with the highest rates shown in each of the two options.

President Lloyd stated that legal counsel recommended that the Board needed to select one of the two options presented.

Vice President Gillette withdrew her motion

MOTION: Director Welsh reintroduced his motion, with amendments offered by Director Lipscomb, to send Prop. 218 Hearing Notices with the maximum rates in Option 2, with these rates to be the maximum that may be charged in the event that there's a subsequent vote setting those rates at the 218 Hearing.

Following Board discussion, Director Welsh withdrew his motion.

**MOTION: At 9:45 PM Director Lipscomb moved and Director Toombs seconded that the meeting be extended until all items on the agenda were completed.
Motion passed 5 to 0.**

AYES: Lloyd, Gillette, Lipscomb, Toombs, Welsh NOES: 0 ABSENT:

Following further Board discussion among themselves and with legal counsel, Director Toombs made the following motion:

MOTION: Director Toombs moved and Director Welsh seconded that the Board adopt the recommended action to set maximum rates (eff. 1/1/14) as shown in Figure 4 of the rate study and presented as Option 2 (1 x 20 gal. mini-can at \$36.50/mo., 1 x 32-gal. can at \$40.50/mo., 2 x 32-gal. cans at \$81.00/mo., 3 x 32-gal. cans at 121.50/mo., and 2 x 45 gal. cans at \$86.50/mo.) and to direct mailing of notices for a rate hearing to be held at the December 12, 2013 regularly scheduled Board meeting.

Vice President Gillette amended the motion by adding the words “propose to” between the words “to” and “set”.

Motion passed, as amended, 5 to 0.

AYES: Lloyd, Gillette, Lipscomb, Toombs, Welsh NOES: 0 ABSENT:

Bay View’s attorney, Mr. Harris, informed the Board that Bay View had provided to the District the labels for the 218 Hearing Notice mailing.

2. GM/COP Harman requested that the Board accept the recommendation of the Finance Committee to make a \$22,533.00 correction to the 2013/2014 Operating Budget.

GM/COP Harman reviewed the memo he’d prepared in which he described an error made while preparing the budget: the salaries for two sergeants had been calculated based on 11 months, instead of 12 months. He said that the problem had been discovered while recently preparing a salary spreadsheet. He reported that, although there had been an error made in the budget, the sergeants had been paid correctly. He further reported that the correction would result in the budget shortfall increasing from \$94,384 to \$116,917, before the addition of the anticipated receipt of \$100,000 in COPS funds. Should the District receive the COPS funds, as expected, the shortfall would decrease to \$16,917.

Vice President Gillette said that she would like there to be greater scrutiny of the budget to ensure that errors like this don’t occur.

President Lloyd asked for public comments.

Mabry Benson echoed Vice President Gillette’s comment and said that there should be more checks and balances.

Both Directors and GM/COP responded checks and balances do exist and that the Finance Committee and the Directors had reviewed the Budget several times. Despite this, the error hadn’t been caught.

MOTION: President Lloyd moved and Vice President Gillette seconded that the Board accept the recommendation of the Finance Committee to correct the budget, as noted in the GM/COP's memo.

Motion passed 5 to 0.

AYES: Lloyd, Gillette, Lipscomb, Toombs, Welsh NOES: 0 ABSENT:

3. GM/COP Harman provided an update to the traffic issues at the intersection of Arlington Avenue, Kensington Park Road, and Rincon Avenue.

GM/COP reviewed the memo he'd prepared regarding the recent history of this intersection and the recommendations that the County had made to increase safety. Among the recommendations were the installation "Stop Here on Red" signs to help reduce confusion about when and where to stop and the issuance of a "notice to trim" for the overgrowth of foliage. Other suggestions, made by members of the community and considered but not taken by the County, included the installation of speed humps, the addition of flashing lights, and the modification of the signal.

GM/COP Harman reported that 37 citations had been issued at the intersection during the month of September and noted that the devices at the intersection are not legal. He said that installing stop signs would be a good idea.

President Lloyd and Director Welsh said that they would write a letter to Supervisor Gioia to convey the sense of the Board that the County needs to make improvements to the intersection and to ask for his guidance. They said that they would include in the letter that the inadequacies of the current signal are causing a financial hardship on the District because of the need to provide so much police presence and to issue so many citations at this intersection.

4. This item was discussed earlier in the evening.

5. GM/COP Harman asked for the Board's permission to attend the 2013 Contra Costa County Police Chief's Association certified POST workshop in Carmel Valley from November 4th to November 7th.

GM/COP Harman informed the Board that attending this annual conference/POST training enables Chiefs to maintain their certification. He said that the expenses associated with the training would be reimbursed by POST. Thus, there would be no cost to the District for him to attend.

**MOTION: Vice President Gillette moved and Director Lipscomb seconded that the Board approve GM/COP Harman's request to attend the 2013 Contra Costa County Police Chief's conference.
Motion passed 5 to 0.**

AYES: Lloyd, Gillette, Lipscomb, Toombs, Welsh NOES: 0 ABSENT:

5. Director Welsh provided an update to the path acquisition project.

Director Welsh reported that neighbors of the path between Amherst and Arlington had asked that the legal status of the path be determined before any more work was done on the path. He said that he and ~~President Lloyd~~ would be meeting with these neighbors. President Lloyd invited one of those neighbors, Ray Barraza, to address the Board.

Mr. Barraza said that adjacent property owners' rights needed to be considered, and he encouraged the Board to acquire one path at a time and to bring them up to standards that wouldn't require ongoing maintenance.

GM/COP Harman added that, in 2012, the Board had directed him to acquire the first path – the one that runs between Highland and Kenyon. He discovered that, prior to any purchase, the following would be needed: survey; title search; CEQA exemption; and sign-off from adjacent property owners, giving up their rights to the path.

Director Welsh continued by saying that Supervisor Gioia would prefer that the District not start with the Highland-Kenyon path. Instead, Supervisor Gioia had recommended that the District start with the easiest path – one that would need the least amount of work.

Vice President Gillette said that she thought that the Board was being very naïve to think that it wouldn't have future liability and she asked who currently owned the paths.

Directors Welsh and Lipscomb said that no one owned the paths – the original developer had offered the paths to the County, but the County had never accepted them. It was noted that almost all of the paths have utilities easements (gas, sewer, communications) associated with them.

The Board consensus was that the paths are complicated.

At 11:16 PM the Board went back into Closed Session to confer with Labor Negotiators (Section 54957.6): Agency Representatives: Patricia Gillette and Chuck Toombs.
Employee Organization: Kensington Police Officers Association.

On 11/6/13
Director Welsh
amended this
to "Director
Lipscomb".

At 11:58 PM, the Board returned to Open Session. President Lloyd reported that the Board and its appointed negotiators had developed a counter-offer to the KPOA's most recent offer and that the negotiators would meet with the KPOA on Sunday, October 20th.

The meeting was adjourned at 11:58 PM.

Meeting Minutes for 11/6/2013

AGENDA

A Special Meeting of the Board of Directors (BOD) of the Kensington Police Protection and Community Services District (KPPCSD) was held Wednesday, November 6, 2013, 6:30 PM, at the Community Center, 59 Arlington Avenue, Kensington, California.

ATTENDEES

<u>Elected Members</u>	<u>Members of the Public/Presenters</u>
Tony Lloyd, President	Ray Barraza
Patricia Gillette, Vice President (arr. 6:45)	Randi Weiss
Linda Lipscomb, Director	Mr. & Mrs. Turner
Charles Toombs, Director	Emily Charley, Hanson Bridgett
Len Welsh, Director	
<u>Staff Members</u>	
Sgt. Keith Barrow	
Lynn Wolter, District Administrator	
Sgt. Kevin Hui (on duty)	

Board President Tony Lloyd called the meeting to order at 6:33 PM and took roll call. Director Toombs, Director Lipscomb, Director Welsh, President Lloyd, Sergeant Barrow (sitting in for General Manager/Chief of Police Harman), and District Administrator Wolter were present.

PUBLIC COMMENTS

None

CLOSED SESSION

At 6:35, the Board entered into Closed Session to confer with Legal Counsel – Existing Litigation (Government Code Section 54956.9(a) of the Government Code) Leonard Schwartzburd v. Kensington Police Protection and Community Services District (Case Number N12-1625).

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OPEN SESSION

At 7:24 PM, the Board returned to Open Session.

President Lloyd took a second roll call. All Directors, Sergeant Barrow (sitting in for General Manager/Chief of Police Harman), and District Administrator Wolter were present.

President Lloyd reported that, during its Closed Session, the Board discussed the Writ of Mandate and that this matter was continuing to be negotiated.

PUBLIC COMMENTS

None

President Lloyd asked to move **District New Business #1** to this point in the meeting.

New Business #1. Sergeant Keith Barrow presented Officer Christopher Turner a Blue Commendation for his arrest of three robbery suspects out of Berkeley. Officer Turner received a standing ovation.

BOARD COMMENTS

Director Welsh reported that discussions were continuing with Supervisor Gioia about setting a date to walk the paths and that this would set the stage for future steps with regards to the paths.

Vice President Gillette reported that the negotiating team was continuing to speak with the Kensington Police Officers' Association regarding the collective bargaining, and she complimented the Kensington Improvement Club (KIC) on its recent town hall meeting.

Director Lipscomb, a KIC board member, said she felt that the town hall meeting had been well attended, and she expressed her appreciation for the high level of participation. She said that the KIC, established in 1928, was Kensington's oldest civic organization.

Director Lipscomb reported that the Contra Costa County Planning Commission had deemed the sixth cell tower, proposed for Kensington by AT&T, an eyesore and that the Commission's recent approval of the other five cell towers would likely be appealed.

Director Lipscomb reported that the Policy Committee would meet at the Community Center on December 3, 2013, at 6:30 to continue its work updating the Policy and Procedures Manual. She invited members of the public to join the committee to help.

Director Lipscomb also reported that she and Director Welsh were working to establish contact with path neighbors.

Director Toombs reported that the Park Buildings Committee had finalized the script that Godbe Research would use for the community poll that would begin the following week. He said that Godbe had had about a 90% success rate with ballot measures. He said that renovating the Community Center would be important because it was at the end of its useful life.

President Lloyd clarified that the Board's November meeting was designated a Special Meeting because it was not being held on the usual meeting date, the second Thursday of the month.

President Lloyd reported that the Proposition 218 Hearing process was underway, with notices having been mailed and received.

President Lloyd said that he and Director Welsh had a commitment to send a letter to Supervisor Gioia about the intersection of Arlington and Rincon Avenues, with respect to the signal lights and the volume of traffic.

President Lloyd reported that, on November 5th, he, Sergeant Barrow, and District Administrator Wolter had met with Dr. Bruce Harter and Ms. Madeline Kronenberg of the West Contra Costa Unified School District (WCCUSD) about the possibility of the school district providing a school resource officer (SRO) for the Kensington Hilltop School and of the WCCUSD resuming paying for the Arlington Avenue crossing guard. President Lloyd complimented Sgt. Barrow and District Administrator Wolter for taking the initiative to do the advance research and to arrange this meeting. He described the meeting as a good one and said that he was optimistic about the crossing guard funding. President Lloyd further reported that Dr. Harter had recommended the installation of security cameras and more fencing to make the school more secure. President Lloyd concluded by saying that the future plan would be to pursue getting a SRO.

President Lloyd reported that he had met with GM/COP Harman to discuss working on job evaluations for non-sworn staff. He said that this work would include updating job descriptions and ensuring appropriate salary levels.

President Lloyd addressed Ms. Randi Weiss, who was attending as a member of the public, regarding comments she had made during a previous phone call with him about the proposed garbage rate increases. Ms. Weiss said that she objected to the 45% increase in the 20-gallon can rate because this was inconsistent with CPI. She noted that Social Security would be increasing by 1.5% and that, in comparison, the proposed increase of 45% for the 20-gallon can and 18% for other rates would be excessive.

Ms. Weiss also commented upon the Writ of Mandate, saying that she didn't understand Dr. Leonard Schwartzburd's motivation and that she was incensed about his action against the District.

Vice President Gillette responded to Ms. Weiss' concerns about the proposed garbage rates. She explained that the recent rate review had driven the recommended rates, consistent with the Bay View Refuse contract, to ensure that adequate revenue would be generated for Bay View Refuse to achieve the benchmark 12% profit. Ms. Gillette also explained that the proposed increase in the mini-can rate would reflect the actual cost to service that sized can, a cost which was almost the same as that for larger cans.

STAFF COMMENTS

None

CONSENT CALENDAR

Vice President Gillette asked to pull the October 16, 2013 minutes. She expressed concern that the minutes did not adequately reflect that the garbage rates had been proposed only. The Board agreed to postpone approval of the minutes so that Vice President Gillette could review the video recording of the October meeting and subsequently offer amendment(s) at the next meeting.

**MOTION: Director Toombs moved to approve the Consent Calendar, except for the minutes. Vice President Gillette seconded the motion.
Motion passed 5 to 0.**

AYES: Lloyd, Gillette, Lipscomb, Toombs, Welsh NOES: 0 ABSENT:

DISTRICT NEW BUSINESS

2. Sergeant Keith Barrow requested that the Board enter into a Memorandum of Understanding with participating West County police agencies to continue the Kensington Police Department's participation in WestNet through November 2014. The cost of this participation, for November 2013 through November 2014, would be \$8,000.

Sergeant Barrow presented background information about WestNet: In the past, Kensington had paid into WestNet and, in exchange, had received benefits, including assistance from State and Federal agencies. Sergeant Barrow cited examples of assistance: the FBI Crime Lab, computer work, human resources, and surveillance. Sergeant Barrow concluded by saying that participating in WestNet provided good value and that renewal of the Memorandum of Understanding had been budgeted.

MOTION: Director Lipscomb moved, and Director Welsh seconded, that the Board authorize the General Manger/Chief of Police to renew the contract with WestNet. Motion passed 5 to 0.

AYES: Lloyd, Gillette, Lipscomb, Toombs, Welsh NOES: 0 ABSENT:

3. On behalf of General Manager/Chief of Police Harman, Sergeant Barrow asked that the Board grant permission for the General Manager/Chief of Police to attend the Labor and Employment Seminar to be held January 29, 2014, presented by Hanson Bridgett, at a cost of \$45.

Directors Lipscomb and Toombs said that GM/COP Harman should attend the seminar.

Director Toombs moved, and Director Welsh seconded, that the Board approve General Manager/Chief of Police Harman's attendance at the Labor and Employment Seminar, to be presented by Hanson Bridgett on January 29, 2014, at a cost not to exceed \$45. Motion passed 5 to 0.

AYES: Lloyd, Gillette, Lipscomb, Toombs, Welsh NOES: 0 ABSENT:

CLOSED SESSION

At 8:12 PM, the Board went back into Closed Session to:

1) Confer with Labor Negotiators (Section 54957.6): Agency Representatives: Patricia Gillette and Chuck Toombs. Employee Organization: Kensington Police Officers Association.

2) Discuss a Public Employee Performance Evaluation (Government Code Section 5945(b)(1) – the performance objectives for the upcoming evaluation period for the General Manager/Chief of Police.

3) Review a Public Employee Performance Evaluation (Government Code Section 54945(b)(1) – a previous complaint made against the General Manager Chief of Police.

OPEN SESSION

At 10:20 PM, the Board returned to Open Session. President Lloyd reported that the Board had discussed the collective bargaining negotiation status and the District's 2014 performance objectives, which are the same as those set for the Board and the General Manager/Chief of Police. President Lloyd also reported that the Board had discussed a personnel complaint from last year and the completion of an investigator's report for the record. All three were continued with an anticipated resolution timeline of December 2013 for each.

Upon conclusion of this report, the meeting was adjourned.

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, December 06, 2013

Subject: Consent Calendar Item C- Unaudited Profit & Loss Report

For the month of November, the Unaudited Profit & Loss Budget Performance Report is attached for review.

Variances in revenue and expenses for the month, as well as year to date fiscal projections can be found in the "Budget" portion of the General Manager's Report.

KPPCSD
Unaudited Profit & Loss Budget Performance
 November 2013

	<u>Nov 13</u>	<u>Budget</u>	<u>Jul - Nov 13</u>	<u>YTD Budget</u>	<u>Annual Bud...</u>
Ordinary Income/Expense					
Income					
400 · Police Activities ...					
401 · Levy Tax	0.00	0.00	1,202,067.99	1,286,000.00	1,286,000.00
402 · Special Tax-Pol...	0.00		0.00	680,000.00	680,000.00
403 · Misc Tax-Police	0.00		66.70	0.00	0.00
404 · Measure G Sup...	0.00		0.00	486,986.00	486,986.00
410 · Police Fees/Ser...	0.00	0.00	843.45	375.00	1,500.00
414 · POST Reimbur...	0.00	1,000.00	1,482.14	1,000.00	2,000.00
415 · Grants-Police	0.00	0.00	0.00	0.00	0.00
416 · Interest-Police	0.00		0.00	750.00	3,000.00
417 · Police Asset Sale	0.00		0.00	0.00	0.00
418 · Misc Police Inc...	0.00	1,500.00	6,222.80	7,500.00	18,000.00
419 · Supplemental ...	0.00		0.00	0.00	0.00
Total 400 · Police Activ...	<u>0.00</u>	<u>2,500.00</u>	<u>1,210,683.08</u>	<u>2,462,611.00</u>	<u>2,477,486.00</u>
420 · Park/Rec Activitie...					
424 · Special Tax-L&L	0.00		0.00	33,000.00	33,000.00
426 · Park Donations	0.00		0.00	0.00	0.00
427 · Community Ce...	0.00	1,800.00	6,203.00	11,800.00	25,000.00
435 · Grants-Park/Rec	0.00		0.00	0.00	0.00
436 · Interest-Park/Rec	0.00		0.00	50.00	200.00
438 · Misc Park/Rec ...	0.00	50.00	256.00	250.00	500.00
Total 420 · Park/Rec Ac...	<u>0.00</u>	<u>1,850.00</u>	<u>6,459.00</u>	<u>45,100.00</u>	<u>58,700.00</u>
440 · District Activities ...					
448 · Franchise Fees	0.00		0.00	7,000.00	21,000.00
456 · Interest-District	0.00		0.00	125.00	500.00
458 · Misc District Re...	0.00		0.00	0.00	0.00
Total 440 · District Acti...	<u>0.00</u>		<u>0.00</u>	<u>7,125.00</u>	<u>21,500.00</u>
Total Income	<u>0.00</u>	<u>4,350.00</u>	<u>1,217,142.08</u>	<u>2,514,836.00</u>	<u>2,557,686.00</u>
Expense					

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KPPCSD
Unaudited Profit & Loss Budget Performance
 November 2013

	<u>Nov 13</u>	<u>Budget</u>	<u>Jul - Nov 13</u>	<u>YTD Budget</u>	<u>Annual Bud...</u>
500 · Police Sal & Ben					
502 · Salary - Officers	77,923.14	78,002.75	387,782.93	390,013.75	936,033.00
504 · Compensated ...	4,815.60	3,400.00	8,063.20	6,700.00	10,000.00
506 · Overtime	4,124.60	3,333.33	18,500.42	16,666.69	40,000.00
508 · Salary - Non-S...	4,809.75	4,333.33	23,542.40	21,666.69	52,000.00
516 · Uniform Allowa...	666.60	666.67	3,333.00	3,333.31	8,000.00
518 · Safety Equipme...	0.00		0.00	625.00	2,500.00
521-A · Medical/Visio...	14,382.24	14,800.25	84,334.23	74,001.25	177,603.00
521-R · Medical/Visio...	11,259.34	13,902.42	66,576.04	69,512.06	166,829.00
521-T · Medical/Visio...	0.00		42,818.00		-21,109.00
522 · Insurance - Poli...	363.00	436.67	2,757.00	2,183.31	5,240.00
523 · Social Security/...	1,338.91	1,263.92	4,742.07	6,319.60	15,167.00
524 · Social Security ...	298.20	268.67	1,459.61	1,343.31	3,224.00
527 · PERS - District ...	28,667.16	28,696.17	142,667.24	143,480.85	344,354.00
528 · PERS - Officers...	7,073.06	7,080.25	35,200.31	35,401.25	84,963.00
530 · Workers Comp	0.00		20,604.00	23,000.00	46,000.00
540 · Advanced Indu...	0.00		290.91	0.00	0.00
Total 500 · Police Sal &...	155,721.60	156,184.43	842,671.36	794,247.07	1,870,804.00
550 · Other Police Exp...					
552 · Expendable Pol...	0.00	125.00	74.95	625.00	1,500.00
553 · Range/Ammuni...	250.00	250.00	2,209.47	1,250.00	3,000.00
560 · Crossing Guard	1,565.07	1,006.10	3,130.14	3,018.30	10,061.00
562 · Vehicle Operati...	2,520.41	5,000.00	16,156.24	25,000.00	60,000.00
564 · Communication...	9,330.13	15,000.00	51,102.45	69,460.00	154,460.00
566 · Radio Maintena...	67.62	159.09	-82.99	795.46	21,750.00
568 · Prisoner/Case ...	232.89	450.00	2,918.98	2,250.00	5,400.00
570 · Training	228.50	833.33	6,915.15	4,166.69	10,000.00
572 · Recruiting	112.00	541.67	929.00	2,708.31	6,500.00
574 · Reserve Officers	10.00	337.50	74.04	1,687.50	4,050.00
576 · Misc. Dues, Me...	45.00		2,370.00	1,975.00	2,075.00
580 · Utilities - Police	69.48	716.67	2,876.30	3,583.31	8,600.00
581 · Bldg Repairs/M...	0.00	500.00	148.63	500.00	500.00
582 · Expendable Off...	1,742.01	500.00	2,295.00	2,500.00	6,000.00

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KPPCSD
Unaudited Profit & Loss Budget Performance
 November 2013

	<u>Nov 13</u>	<u>Budget</u>	<u>Jul - Nov 13</u>	<u>YTD Budget</u>	<u>Annual Bud...</u>
586 · Machine Mainte...	0.00		0.00	0.00	0.00
588 · Telephone(+Ric...	1,126.31	712.00	4,034.39	3,560.00	8,544.00
590 · Housekeeping	112.56	333.33	1,374.74	1,666.69	4,000.00
592 · Publications	43.20	183.33	-41.70	916.69	2,200.00
594 · Community Pol...	174.95		10.15	550.00	2,000.00
596 · WEST-NET/CAL...	8,000.00		13,386.00	13,386.00	13,386.00
598 · COPS Special F...	0.00		0.00	0.00	0.00
599 · Police Taxes A...	0.00		1,645.02	1,650.00	3,300.00
550 · Other Police Ex...	28.60		41.61		
Total 550 · Other Polic...	25,658.73	26,648.02	111,567.57	141,248.95	327,326.00
600 · Park/Rec Sal & Ben					
601 · Park & Rec Ad...	574.75	541.67	2,771.50	2,708.31	6,500.00
602 · Custodian	1,750.00	1,750.00	8,750.00	8,750.00	21,000.00
623 · Social Security/...	43.98	41.42	212.05	207.06	497.00
Total 600 · Park/Rec Sa...	2,368.73	2,333.09	11,733.55	11,665.37	27,997.00
635 · Park/Recreation ...					
640 · Community Ce...					
642 · Utilities-Com...	394.84	448.00	1,754.19	2,240.00	5,376.00
643 · Janitorial Su...	0.00		582.72	600.00	750.00
646 · Community C...	747.76		2,592.76	500.00	2,000.00
Total 640 · Communi...	1,142.60	448.00	4,929.67	3,340.00	8,126.00
660 · Annex Expenses					
662 · Utilities - Ann...	183.82		508.51	0.00	0.00
666 · Annex Repairs	0.00		0.00	0.00	0.00
668 · Misc Annex E...	0.00		0.00	0.00	0.00
Total 660 · Annex Ex...	183.82		508.51	0.00	0.00
672 · Kensington Par...	5,032.62	7,369.33	22,492.76	36,846.69	88,432.00
678 · Misc Park/Rec ...	0.00		170.00	0.00	0.00
Total 635 · Park/Recrea...	6,359.04	7,817.33	28,100.94	40,186.69	96,558.00

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KPPCSD
Unaudited Profit & Loss Budget Performance
 November 2013

	<u>Nov 13</u>	<u>Budget</u>	<u>Jul - Nov 13</u>	<u>YTD Budget</u>	<u>Annual Bud...</u>
800 · District Expenses					
810 · Computer Main...	2,173.75	2,292.00	15,951.75	11,460.00	27,504.00
820 · Cannon Copier ...	439.69	475.00	2,354.20	2,375.00	5,700.00
830 · Legal (District/...	40,973.89	5,833.33	85,009.09	29,166.69	70,000.00
835 · Consulting	9,250.00		20,800.00		3,000.00
840 · Accounting	1,592.50	4,062.50	15,541.25	20,312.50	48,750.00
850 · Insurance	0.00	15,000.00	28,522.26	30,000.00	30,000.00
860 · Election	0.00		0.00	0.00	0.00
865 · Police Bldg. Le...	0.00		15,757.00	15,757.00	31,514.00
870 · County Expend...	0.00		852.14	7,000.00	19,900.00
890 · Waste/Recycle	20,851.39	4,500.00	44,536.58	22,500.00	54,000.00
898 · Misc. Expenses	5,001.34	858.33	8,369.69	4,291.69	10,300.00
Total 800 · District Exp...	<u>80,282.56</u>	<u>33,021.16</u>	<u>237,693.96</u>	<u>142,862.88</u>	<u>300,668.00</u>
950 · Capital Outlay					
962 · Patrol Cars	3,935.00		33,192.03	25,000.00	25,000.00
963 · Patrol Car Acce...	0.00		0.00	10,000.00	10,000.00
969 · Computer Equi...	2,807.82		20,801.82	16,250.00	16,250.00
Total 950 · Capital Outl...	<u>6,742.82</u>		<u>53,993.85</u>	<u>51,250.00</u>	<u>51,250.00</u>
Total Expense	<u>277,133.48</u>	<u>226,004.03</u>	<u>1,285,761.23</u>	<u>1,181,460.96</u>	<u>2,674,603.00</u>
Net Ordinary Income	-277,133.48	-221,654.03	-68,619.15	1,333,375.04	-116,917.00
Other Income/Expense					
Other Expense					
700 · Bond Issue Expe...					
710 · Bond Admin.	0.00		4,584.49		
720 · Bond Principal	0.00		120,230.37		
730 · Bond Interest	0.00		23,161.56		
Total 700 · Bond Issue ...	<u>0.00</u>		<u>147,976.42</u>		
Total Other Expense	<u>0.00</u>		<u>147,976.42</u>		

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KPPCSD
Unaudited Profit & Loss Budget Performance
November 2013

	<u>Nov 13</u>	<u>Budget</u>	<u>Jul - Nov 13</u>	<u>YTD Budget</u>	<u>Annual Bud...</u>
Net Other Income	0.00	0.00	-147,976.42	0.00	0.00
Net Income	<u>-277,133.48</u>	<u>-221,654.03</u>	<u>-216,595.57</u>	<u>1,333,375.04</u>	<u>-116,917.00</u>

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Memorandum

Kensington Police Department



To: KPPCSD Board of Directors

APPROVED YES NO

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

Date: Friday, December 06, 2013

FORWARDED TO:

Subject: Consent Calendar Item D- Park Revenue & Expenses

The KPPCSD Board and the Park Buildings Committee has requested a separate and detailed accounting of park revenues and expenses.

This information is obtained through our QuickBooks software. Revenue and expenses from July 1, 2013 through November 30, 2013 is attached to this memo.

KPPCSD
Account QuickReport
 July 1 through December 6, 2013

Type	Date	Num	Name	Memo	Split	Amount
420 · Park/Rec Activities Revenue						
427 · Community Center Revenue						
Deposit	7/12/2013	512		CC Rental 6-...	112 · General ...	300.00
Deposit	7/12/2013	2954		July Rent fro...	112 · General ...	45.00
Deposit	7/12/2013	3005		CC Rental 7-...	112 · General ...	700.00
Deposit	8/7/2013	2132		CC Rental S...	112 · General ...	150.00
Deposit	8/7/2013	2130		CC Rental	112 · General ...	600.00
Deposit	8/7/2013	1158		CC Rental	112 · General ...	975.00
Deposit	8/7/2013	3523		CC Rental	112 · General ...	700.00
Deposit	9/5/2013	2962		Wake Up to ...	112 · General ...	45.00
Deposit	9/5/2013	1053		CC Rental 9-...	112 · General ...	1,100.00
Deposit	9/5/2013	1118		East Bay Coll...	112 · General ...	598.00
Deposit	9/30/2013	2977		Wake Up to ...	112 · General ...	45.00
Deposit	10/22/2013	382		CC Rental on...	112 · General ...	450.00
Deposit	10/22/2013	2342		CC Rental 10...	112 · General ...	450.00
Deposit	10/22/2013	3209...		Alanon Mtg ...	112 · General ...	45.00
Deposit	12/5/2013	6266		CC Rental	112 · General ...	750.00
Deposit	12/5/2013	110		CC Rental	112 · General ...	300.00
Deposit	12/5/2013	5118		CC Rental	112 · General ...	487.50
Deposit	12/5/2013	1388		CC Rental	112 · General ...	225.00
Deposit	12/5/2013	983		CC Rental	112 · General ...	250.00
Deposit	12/5/2013	224		CC Rental	112 · General ...	250.00
Deposit	12/5/2013	2793		CC Rental	112 · General ...	525.00
Deposit	12/5/2013	1436		CC Rental	112 · General ...	450.00
Deposit	12/5/2013	40609		CC Rental	112 · General ...	300.00
Deposit	12/5/2013	2995		Wake Up to ...	112 · General ...	45.00
Total 427 · Community Center Revenue						9,785.50
438 · Misc Park/Rec Rev						
Deposit	7/12/2013	3898		Tennis Court ...	112 · General ...	40.00
Deposit	9/5/2013	4025		Tennis Court ...	112 · General ...	40.00
Deposit	9/5/2013	3358		Tennis Court ...	112 · General ...	64.00
Deposit	10/22/2013	3369		Tennis Court ...	112 · General ...	112.00
Deposit	12/5/2013	4087		Tennis Court ...	112 · General ...	40.00

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8:21 PM
12/06/13
Accrual Basis

KPPCSD
Account QuickReport
July 1 through December 6, 2013

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Split</u>	<u>Amount</u>
Total 438 · Misc Park/Rec Rev						<u>296.00</u>
Total 420 · Park/Rec Activities Revenue						<u>10,081.50</u>
TOTAL						<u>10,081.50</u>

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KPPCSD
Account QuickReport
 July 1 through December 6, 2013

Type	Date	Num	Name	Memo	Split	Amount
600 · Park/Rec Sal & Ben						
601 · Park & Rec Administrator						
Paycheck	7/15/2013		Di Napoli, Andrea		112 · General ...	277.25
Paycheck	7/30/2013		Di Napoli, Andrea		112 · General ...	326.00
Paycheck	8/15/2013		Di Napoli, Andrea		112 · General ...	293.00
Paycheck	8/29/2013		Di Napoli, Andrea		112 · General ...	281.25
Paycheck	9/13/2013		Di Napoli, Andrea		112 · General ...	283.25
Paycheck	9/29/2013		Di Napoli, Andrea		112 · General ...	57.00
Paycheck	10/14/2013		Di Napoli, Andrea		112 · General ...	333.00
Paycheck	10/29/2013		Di Napoli, Andrea		112 · General ...	346.00
Paycheck	11/14/2013		Di Napoli, Andrea		112 · General ...	290.25
Paycheck	11/28/2013		Di Napoli, Andrea		112 · General ...	284.50
Total 601 · Park & Rec Administrator						2,771.50
602 · Custodian						
Check	7/15/2013	14838	William Driscoll	Com. Center ...	112 · General ...	875.00
Check	7/30/2013	14864	William Driscoll	Com. Center ...	112 · General ...	875.00
Check	8/15/2013	14898	William Driscoll	Com. Center ...	112 · General ...	875.00
Check	8/30/2013	14927	William Driscoll	Com. Center ...	112 · General ...	875.00
Check	9/13/2013	14955	William Driscoll	Community C...	112 · General ...	875.00
Check	9/30/2013	14990	William Driscoll	Community C...	112 · General ...	875.00
Check	10/15/2013	15035	William Driscoll	Community C...	112 · General ...	875.00
Check	10/30/2013	15062	William Driscoll	Community C...	112 · General ...	875.00
Check	11/15/2013	15104	William Driscoll	Community C...	112 · General ...	875.00
Check	11/29/2013	15193	William Driscoll	Community C...	112 · General ...	875.00
Total 602 · Custodian						8,750.00
623 · Social Security/Medicare - Dist						
General Journal	7/15/2013	SS A...		07/01-07/15/13	523 · Social S...	21.21
General Journal	7/30/2013	SS A...		07/16-07/31/13	523 · Social S...	24.94
General Journal	8/15/2013	SS A...		08/01-08/15/13	523 · Social S...	22.42
General Journal	8/30/2013	SS A...		08/16-08/31/13	523 · Social S...	21.52
General Journal	9/15/2013	SS A...		09/01-09/15/13	523 · Social S...	21.67
General Journal	9/30/2013	SS A...		09/16-09/30/13	523 · Social S...	4.36
General Journal	10/15/2013	SS A...		10/01-10/15/13	523 · Social S...	25.48

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12/06/13
Accrual Basis

KPPCSD
Account QuickReport
July 1 through December 6, 2013

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Split</u>	<u>Amount</u>
General Journal	10/30/2013	SS A...		10/16-10/31/13	523 · Social S...	26.47
General Journal	11/15/2013	SS A...		11/01-11/15/13	523 · Social S...	22.21
General Journal	11/30/2013	SS A...		11/16-11/30/13	523 · Social S...	21.77
Total 623 · Social Security/Medicare - Dist						<u>212.05</u>
Total 600 · Park/Rec Sal & Ben						<u>11,733.55</u>
TOTAL						<u><u>11,733.55</u></u>

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8:21 PM
 12/06/13
 Accrual Basis

KPPCSD
Account QuickReport
 July 1 through December 6, 2013

Type	Date	Num	Name	Memo	Split	Amount
635 · Park/Recreation Expenses						
640 · Community Center Expenses						
642 · Utilities-Community Center						
General Journal	7/1/2013	REV ...	CCC Treasurer's Of...		210 · Account...	-668.26
Check	7/15/2013	14840	Pacific Telemanage...	Pay Phone C...	112 · General ...	78.00
Check	7/30/2013	14862	EBMUD	840 Coventry	112 · General ...	26.87
Check	7/30/2013	14873	PG&E	Community C...	112 · General ...	223.45
Check	7/30/2013	14892	Pacific Telemanage...	Pay Phone C...	112 · General ...	78.00
Check	8/30/2013	14924	PG&E	Community C...	112 · General ...	232.51
Check	8/30/2013	14926	EBMUD	2 Arlmont - C...	112 · General ...	388.98
Check	9/13/2013	14958	Pacific Telemanage...	Pay Phone C...	112 · General ...	78.00
Check	9/13/2013	14964	Olivero Plumbing Co.	Com. Center ...	112 · General ...	115.00
Check	9/30/2013	14993	PG&E	Community C...	112 · General ...	197.03
Check	9/30/2013	14996	EBMUD	840 Coventry...	112 · General ...	29.34
Check	10/15/2013	15038	Pacific Telemanage...	Pay Phone C...	112 · General ...	78.00
Check	10/30/2013	15061	EBMUD	2 Arlmont 8/1...	112 · General ...	304.58
Check	10/30/2013	15068	PG&E	Community C...	112 · General ...	197.85
Check	11/15/2013	15105	Pacific Telemanage...	Pay Phone N...	112 · General ...	78.00
Check	11/15/2013	15182	EBMUD	840 Coventry	112 · General ...	29.34
Check	11/15/2013	15185	PG&E	Community C...	112 · General ...	209.50
Check	11/29/2013	15214	Pacific Telemanage...	Pay Phone D...	112 · General ...	78.00
Total 642 · Utilities-Community Center						1,754.19
643 · Janitorial Supplies						
General Journal	7/1/2013	REV ...	CCC Treasurer's Of...		210 · Account...	-185.23
Check	7/15/2013	14839	UBS	Janitorial sup...	112 · General ...	185.23
Check	9/30/2013	15008	UBS	Com. Center ...	112 · General ...	582.72
Total 643 · Janitorial Supplies						582.72
646 · Community Center Repairs						
Check	7/30/2013	14889	Summer Rain Land...	650 sq ft. of s...	112 · General ...	1,200.00
Check	8/15/2013	14918	Summer Rain Land...	8 yards of ba...	112 · General ...	400.00
Check	9/30/2013	15025	Summer Rain Land...	Tree trimmin...	112 · General ...	180.00
Check	10/30/2013	15083	Summer Rain Land...	Tree trimmin...	112 · General ...	65.00
Check	11/15/2013	15177	Kensington Home a...	9/28/13 - 10/...	112 · General ...	23.85

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KPPCSD
Account QuickReport
 July 1 through December 6, 2013

Type	Date	Num	Name	Memo	Split	Amount
Check	11/15/2013	15180	Summer Rain Land...	Repairs to ir...	112 · General ...	95.00
Check	11/29/2013	15192	KEL-AIRE	service call, r...	112 · General ...	248.91
Check	11/29/2013	15217	Summer Rain Land...	Brush remov...	112 · General ...	380.00
Total 646 · Community Center Repairs						2,592.76
Total 640 · Community Center Expenses						4,929.67
660 · Annex Expenses						
662 · Utilities - Annex						
General Journal	7/1/2013	REV ...	CCC Treasurer's Of...		210 · Account...	-94.15
Check	7/30/2013	14862	EBMUD	1 Windsor (S...	112 · General ...	188.30
Check	9/30/2013	14996	EBMUD	1 Windsor - ...	112 · General ...	230.54
Check	11/15/2013	15182	EBMUD	1 Windsor - s...	112 · General ...	183.82
Total 662 · Utilities - Annex						508.51
Total 660 · Annex Expenses						508.51
672 · Kensington Park O&M						
General Journal	7/1/2013	NBS	NBS Government Fi...	JUL-SEP 2013	710 · Bond Ad...	1,073.29
General Journal	7/1/2013	REV ...	CCC Treasurer's Of...		210 · Account...	-1,113.80
Check	7/15/2013	14829	Summer Rain Land...	Drinking foun...	112 · General ...	85.00
Check	7/15/2013	14839	UBS	June 2013 P...	112 · General ...	432.00
Check	7/30/2013	14862	EBMUD	1 Windsor (lr...	112 · General ...	1,363.60
Check	7/30/2013	14866	Summer Rain Land...	Park Repairs	112 · General ...	0.00
Check	7/30/2013	14889	Summer Rain Land...	July monthly ...	112 · General ...	2,050.00
Check	7/30/2013	14889	Summer Rain Land...	2 yards of ba...	112 · General ...	240.00
Check	7/30/2013	14889	Summer Rain Land...	Repair of ste...	112 · General ...	180.00
Check	7/30/2013	14889	Summer Rain Land...	removal of br...	112 · General ...	80.00
Check	7/30/2013	14889	Summer Rain Land...	trouble shoot ...	112 · General ...	140.00
General Journal	7/30/2013	CK 1...	Summer Rain Land...	For CHK 148...	112 · General ...	640.00
General Journal	8/9/2013	VD C...	Summer Rain Land...	Reverse of G...	112 · General ...	-640.00
Check	8/15/2013	14905	UBS	July 2013 Pa...	112 · General ...	432.00
Check	8/15/2013	14918	Summer Rain Land...	Irrigation rep...	112 · General ...	430.00
Check	8/30/2013	14930	William Driscoll	Park Restroo...	112 · General ...	425.00
Check	9/13/2013	14963	Summer Rain Land...	Park Monthly...	112 · General ...	2,050.00

3/1

8:21 PM
 12/06/13
 Accrual Basis

KPPCSD
Account QuickReport
 July 1 through December 6, 2013

Type	Date	Num	Name	Memo	Split	Amount
Check	9/13/2013	14976	Kensington Home a...	Park restroom	112 · General ...	13.48
Check	9/30/2013	14990	William Driscoll	Park Restro...	112 · General ...	425.00
Check	9/30/2013	14996	EBMUD	1 Windsor - Ir...	112 · General ...	1,390.74
Check	9/30/2013	15011	NBS Government Fi...	Inv. #913000...	112 · General ...	1,098.83
Check	9/30/2013	15025	Summer Rain Land...	Park Monthly...	112 · General ...	2,260.00
Check	10/30/2013	15062	William Driscoll	Park Rest. M...	112 · General ...	425.00
Check	10/30/2013	15083	Summer Rain Land...	Park Monthly...	112 · General ...	3,980.00
Check	11/15/2013	15180	Summer Rain Land...	Repairs to fie...	112 · General ...	185.00
Check	11/15/2013	15182	EBMUD	1 Windsor - ir...	112 · General ...	1,592.62
Check	11/29/2013	15193	William Driscoll	Park Restroo...	112 · General ...	425.00
Check	11/29/2013	15217	Summer Rain Land...	Tree Remova...	112 · General ...	780.00
Check	11/29/2013	15217	Summer Rain Land...	Monthly fee - ...	112 · General ...	2,050.00
Total 672 · Kensington Park O&M						22,492.76
678 · Misc Park/Rec Expense						
General Journal	7/1/2013	REV ...	CCC Treasurer's Of...		210 · Account...	-24.69
Check	7/15/2013	14844	BPXpress	Copies of Par...	112 · General ...	24.69
Check	10/30/2013	15081	California Park & R...	Membership t...	112 · General ...	170.00
Total 678 · Misc Park/Rec Expense						170.00
Total 635 · Park/Recreation Expenses						28,100.94
TOTAL						28,100.94

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Memorandum

Kensington Police Department



To: KPPCSD Board of Directors

APPROVED YES NO

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

FORWARDED TO:

Date: Wednesday, November 06, 2013

Subject: Consent Calendar Item # F- Training & Reimbursement Reports

For the month of November, the following attached Training and Reimbursement Report pursuant to KPPCSD Board Policy # 4030 were submitted for approval.

Also attached to this memo are the notes and power point slides from a CSDA ethics webinar that Lynn Wolter participated in.

APPENDIX A - EXPENSE PREPAYMENT/REIMBURSEMENT FORM

Name: KEITH BARROW

Event/Activity: ASSERTIVE SUPERVISION

Location of Event/Activity: CONCORD P.D.

Approved by Board of Directors on: _____

	Prepay	Reimburse
1. Event/Activity Registration Fee	\$ <u>275</u>	\$ _____
2. Transportation		
• Airfare	\$ _____	\$ _____
• Car Rental (\$ _____ per day for _____ days)	\$ _____	\$ _____
• Car Mileage (\$ _____ per mile for _____ miles)	\$ _____	\$ _____
• Taxi	\$ _____	\$ _____
• Parking	\$ _____	\$ _____
3. Lodging (\$ _____ per night for _____ nights)	\$ _____	\$ _____
4. Meals (Complete information requested on next page of form)		
a. Breakfast	\$ _____	\$ _____
b. Lunch \$11 x 3	\$ _____	\$ <u>33</u>
c. Dinner	\$ _____	\$ _____
5. Other (Explain details of request)	\$ _____	\$ _____
Total Requested	\$ _____	\$ <u>33</u>

Please attach all receipts documenting each expense above. This Expense Prepayment/Reimbursement Form must be submitted within 30 days after the event. All expenses reported on this form must comply with the District's Expense Policy for Board members, the General Manager/Chief of Police, and all non-sworn District employees.

Signed: Keith Barrow

Approved by: _____

Date: 11/19/13

Signed: _____

Print Name: _____

Date: 11/19/13

- POST PLAN 3
- TUITION - \$ 275
 - SUBSISTENCE
 - TRAVEL
 - COMMUTER LUNCH - \$ 11

To: KPPCSD Directors and GM/COP Harman
From: Lynn Wolter
Date: November 14, 2013

Re: CSDA AB 1234 Ethics Training Webinar, November 7, 2013. Presented by Kate Cook and Krysten Hicks (Myers Nave).

My notes, to augment the handout for the session.

1974: Watergate. This drove the **Political Reform Act**.

Those to whom the act applies a) can't make or influence a decision from which they will benefit, b) are limited with respect to gifts and donations, and c) must file Form 700 when they take office, annually thereafter, and when they leave office.

Form 700 – Is a public record that must be made available to the public within 2 days of a request.

Board clerk has obligation to ensure that everyone who is required to do so files a Form 700 and to report to the FPPC anyone who fails to comply with this requirement.

Conflicts of Interest: There are 8 steps to determine whether a conflict of interest exists. These are described in the handout.

If someone thinks they may have a conflict of interest, they should contact legal counsel promptly and in advance of any meeting at which the conflict may arise.

If a conflict exists, the affected individual must recuse self from participation and must leave the room so as not to influence decision. In such a case, this should be noted in the minutes.

Disqualification – if public official has accepted a contribution of \$250 or more within the preceding 12 months.

Government Code, Section 1090:

Prohibits public officials from participating in making a contract in which he/she has a financial interest. Exceptions exist for: remote interest; non-interest; rule of necessity. A public official is presumed to have made any contract executed by the agency.

Abstention does not cure a 1090 violation.

Willful violations come with significant punishment.

“Perks” of office:

Transportation – may not accept free passes or discounts (applies to all forms of transportation) (frequent flier miles are okay, though).

Gifts – may not exceed \$400. Gifts aggregating \$50 or more must be reported on Form 700. Exceptions: Gifts returned or donated to charity (without claiming a

deduction); gifts from family, close friends, bona fide “date relationships”; items deemed informational (books, papers); bequests/inheritances; gifts from those with whom gifts of equal value are exchanged.

Travel & mass mailings – limits/restrictions exist for these, too. Agency mass mailings may not feature an elected officer if prepared in coordination with the elected official – best to have management prepare information for such mailings.
Honoraria – may not be accepted.

California Constitution prohibits a legislative body from approving a gift of public funds to a private person or group. However, it’s okay to have a \$1.00 per year lease between two public agencies.

Public Records Act:

Essence of this: transparency

Applies to writing, including emails, that a) relates to a District’s business, b) is prepared, owned, or used by a District, c) is in District’s possession.

Advice: be accommodating of and polite to those making requests.

Exceptions that allow a District not to make a document public: a) attorney-client privileged documents; b) employee/personnel records.

There is NO exception for “it will take too much time” or for “this will slow down the District”.

Public records must be disclosed unless there is an allowable exception.

Public Records Requests may be made orally, by email, U.S. Mail. Best to have a formal form of request.

Records must be provided ASAP, unless there’s a reason not to provide.

Brown Act:

Regular Meetings: 72 hour notice. Public comments may be about anything that’s not on the agenda and

may be very broad.

Agenda items may be added, if deemed urgent or emergency, with four-fifths vote.

Special Meetings: 24 hour notice. Public comments should limited to those items on the agenda. Public comments may be considered, as long as they don’t prevent the District from taking care of the public’s business.

Notices for meetings must be posted.

PROHIBITION ON USE OF OFFICE FOR PERSONAL GAIN

- Conflicts of interest and campaign contributions
- Conflicts of interest when leaving office
- Contracting with one's own agency (Government Code § 1090)
- Making decisions affecting a public official's economic interests (Political Reform Act)
- Bribery


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POLITICAL REFORM ACT OF 1974

The conflict of interest provisions of the Political Reform Act apply to:

- Public officials
- With a financial interest
- Making or attempting to influence a decision



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POLITICAL REFORM ACT OF 1974

When Does A Public Official Have A Conflict?

- Reasonably foreseeable
- Material financial effect
- Economic interest
- Different from the public generally

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POLITICAL REFORM ACT OF 1974
The 8 Steps To Determine Conflict Of Interest

Step 1: Is the individual a *public official*?

Step 2: Is the official *making, participating or influencing* a governmental decision?

Step 3: What constitutes the *economic interests* of the official?

Step 4: Is the economic interest *directly or indirectly* affected by the decision?

Step 5: How will the economic interest be affected? (*material financial affect*)

Step 6: Is it *reasonably foreseeable* that the economic interest will be materially affected?

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POLITICAL REFORM ACT OF 1974
Steps 7 And 8: The Exceptions

Step 7: Distinguishable from the *public* generally?

- Small Jurisdiction Public Generally Rule

Step 8: Does the "*legally required participation*" rule apply?

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Step One
Are you a "public official"?

- Members, officers, employees, or consultants of a public agency
- Consultants who serve in a staff capacity by contract, or make decisions on behalf of the agency

If "no," then no conflict of interest under PRA.
 If "yes," you must go to Step Two.

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Step Two

Are you making or attempting to influence a decision?

- Broad prohibition includes:
 - Voting
 - Discussing
 - Lobbying

If "no," then no conflict of interest under the PRA.

If "yes," you must go to Step Three.

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Step Three

Identify which "economic interest" is involved

- Business investments of \$2000 or more
- Business management positions for profit entities
- Real property interests of \$2000 or more
- Sources of income of \$500 or more
- Sources of gifts \$440 or more
- Personal financial effects

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Step Four

Is your economic interest "directly involved"?

- Rules for conflict are more strict for a "directly involved" economic interest than for an "indirectly involved" one
- There is a different test for direct involvement for each type of economic interest
- Generally: If not "directly involved," then it is "indirectly involved"

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Step Five

Determine the correct "materiality standard"

- Materiality is the measure of "how important" it is; it is "relative."
- Any impact on a directly involved economic interest is material.
- Rules for directly involved economic interests vary by each type of interest.

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Step Six

Is it reasonably foreseeable the decision will materially affect your economic interest?

- An effect is "reasonably foreseeable" if there is a "**substantial likelihood**" it will occur
 - If "no," then no conflict of interest
 - If "yes," then you must go to Step Seven

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Step Seven

Is the effect distinguishable from the effect on the "public generally"?


- Impact on a "substantial segment" of the public?
 - Bus. entity interest: 25% of all or 2,000 businesses, provided the effect is on more than one industry
 - Real property interest: 10% or 5,000 property owners
 - Adjustment of taxes/rates: 10% of persons or property
 - Source of income or gifts: 10% or 5,000 people

If the effect is NOT distinguishable, there is no conflict.
If it IS distinguishable, you must go to Step Eight.

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GIFT AND TRAVEL RESTRICTIONS
Gifts of Travel

Travel payments may be subject to gift limit restrictions and/or may be reportable.



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GIFT AND TRAVEL RESTRICTIONS
Travel Payment Exceptions

Not subject to any limit and not reportable:

- Provided by the official's government agency
- Travel paid from campaign funds
- Speeches or participation on a panel for official agency business by officials, other than elected officials specified in Gov. Code § 87200


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GIFT AND TRAVEL RESTRICTIONS
Travel Payment Exceptions (cont'd)

Not subject to the gift limit, but which may be reportable:

- Reasonably necessary in connection with a business, trade, or profession
- Speech or participation on a panel




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GIFT AND TRAVEL RESTRICTIONS
Honoraria Ban

- No honoraria may be accepted
- What is honoraria?



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GIFT AND TRAVEL RESTRICTIONS
Honoraria Exceptions

Not prohibited and not required to be disclosed on a Form 700, for example:

- Returned honoraria
- Honoraria donated to agency general fund
- Honoraria made directly to a bona fide non-profit organization.


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MASS MAILING RESTRICTIONS

Items mailed at public expense may not:

- Feature an elected officer
- Mention an elected officer if prepared in coordination with the elected officer.
- 200 pieces or more




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Step Eight


Is participation "legally required"?

- A limited "rule of necessity"
 - Not applicable to break a tie
 - Not applicable when lack of quorum is caused by vacancy in office or meeting absence
- If used
 - Only to qualify number necessary
 - Disclose financial interest, the conflict, and why participation is necessary


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If there is a conflict


- Publicly identify the financial interest
- Recuse yourself from participation in discussion; do not attempt to influence
- Abstain from voting
- Leave the room while item discussed (unless on consent calendar)
- Make sure record reflects these actions



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GOVERNMENT CODE SECTION 84308

Disqualification upon accepting a contribution from a party exceeding \$250 within the preceding 12 months

"Directly elected" exception




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GOVERNMENT CODE SECTION 87407

Disqualification from making decisions concerning prospective employers



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GOVERNMENT CODE SECTION 1090

California Government Code Section 1090 prohibits an officer or employee of a public agency from participating in the making of a contract in which he or she has a financial interest.



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GOVERNMENT CODE SECTION 1090 Exceptions To Section 1090

- Remote interest
- Non-interest
- Rule of necessity



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**GOVERNMENT CODE SECTION 1090
Presumption Of Influence**

Official presumed to have made any contract executed by the agency – even if he or she disqualified himself or herself from all participation in the making of the contract.



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**GOVERNMENT CODE SECTION 1090
Scope Of Section 1090 Conflict**

- Abstention does not cure section 1090 problem
- Entire governing body is precluded from entering into the contract



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**GOVERNMENT CODE SECTION 1090
Violation Of Section 1090**

- Contracts made in violation of Section 1090 are void and unenforceable.
- Payments made to the contracting party must be returned to the public agency.
- Public agency entitled to retain any benefits it received.



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GOVERNMENT CODE SECTION 1090 Personal Consequences

Government Code Section 1097 provides that willful violations of Section 1090 are punishable by fine, imprisonment, and permanent disqualification from holding any office in California.



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BRIBERY

- A public official
- Receives or agrees to receive any bribe
- Official action influenced
- Penalties



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FAIR PROCESS REQUIREMENTS Incompatible Offices

Incompatible Offices: A public officer who is appointed or elected to another public office automatically vacates the first office if the two are incompatible.

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CLAIMING THE PERQUISITES ("PERKS") OF OFFICE


State law places significant restrictions on the "perks" that a public official may receive. Regulated categories of perks include:

- Transportation by transportation companies
- Gifts
- Travel Payments
- Honoraria
- Misuse of Public Resources
- Mass Mailing at Public Expense
- Gifts of Public Funds

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ILLEGAL GIFTS OF TRANSPORTATION PROHIBITION


- No free passes or discounts from transportation companies
- Severe penalty
- Applies to all forms of transportation



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GIFT AND TRAVEL RESTRICTIONS


- No gifts from a single source aggregating in excess of \$440
- Gifts aggregating \$50 or more must be disclosed on a Form 700.



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GIFT AND TRAVEL RESTRICTIONS

- What is a gift?
- When is a gift accepted?



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GIFT AND TRAVEL RESTRICTIONS
Exceptions to Gift Limitations

Many exceptions to gift restrictions exist:

- Gifts returned or donated to charity (without claiming a deduction)
- Gifts from family members/BFF/bona fide dating relationship
- Informational material (books, papers)
- Birthday presents of equal value
- Bequest or inheritance

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GIFT AND TRAVEL RESTRICTIONS
Exceptions to Gift Limitations

- Gift to the Special District
 - Control of the gift
 - Official district business
 - Report on Form 801
- Behested Payments/Gifts
 - Report on Form 803

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"Catch-All"

- Bias
- Due Process
- Nepotism
- Gift of Public Funds
- Extra Compensation
- Competitive Bidding Requirements



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Pre-decisional Bias

- A decision-maker must have an open mind when conducting a hearing
- A decision must be based on testimony, evidence, and information presented during the hearing



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Due Process

Constitution requires due process before depriving a person of vested rights.

- Prior adequate notice
- Opportunity to be heard
- Fair and impartial hearing



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Nepotism

- No state or federal laws concerning nepotism
- May be affected by "income" interest under Political Reform Act or definition of "family" under Political Reform Act
- Local agency may draft anti-nepotism policy



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ILLEGAL GIFTS OF PUBLIC FUNDS

The California Constitution prohibits a legislative body from approving a gift of public funds to a private person or group.

- When is an expenditure a gift?
- What is a "substantial public purpose"?



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Extra Compensation

▪ Paying extra compensation to public employees after services have been rendered is generally prohibited.

-Cal. Const. Art. XI, section 10(a)

▪ Exceptions:

- When compensation is uncertain (MOU negotiations)
- Incentive payments



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Competitive Bidding Requirements

Bidding requirements

- Depends on the type of special district

Limited exceptions:

- Wastewater, solid waste management and water recycling facilities over \$2.5 M
- City authorization for buildings over \$1.0 M

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Competitive Bidding Requirements

Violations of Competitive Bidding Laws:

- Contract is void and illegal;
- Contract cannot subsequently be ratified; and
- Contractor has limited right to reimbursement for service or materials furnished.

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Public Records Acts (PRA)

Applies to:


- Writing
- Relating to District's business
- Prepared, owned, or used by District
- In District's possession

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
Request for Public Records

- Form of the request
- Records sought must be reasonably identifiable
- Assisting the requester


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
Availability of Records

- Available for public inspection during business hours
- Copies at cost
- Timing (10 days to "respond")


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Exceptions

- Preliminary drafts
- Personnel / medical
- Trade secrets
- Litigation


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Exceptions

- Utility records
- Real estate appraisals
- Confidential documents from other public entities
- Privileged documents
- Balancing



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Remedies

- Requester can sue to challenge denial
- District has no right of appeal; review is by discretionary writ
- District pays legal fees on loss
- District wins fees only if suit is "clearly frivolous"



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Ralph M. Brown Act

- Purpose
 - Legislative body
 - Meetings
 - Exceptions
 - Closed Sessions




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Legislative Body

- Governing body
 - Commission or committee
 - Permanent or temporary
 - Created by action of the legislative body
 - Exceptions


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Meetings


- A majority discussing, hearing, or acting on agency business
- Seriatim meetings
 - Intermediaries
 - Emails


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Meetings


Exceptions

- Individual contacts
- Attending a conference, open and publicized community meeting, open and noticed meeting, or social function
 - Limitation: No discussion of agency business


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Types of Meetings

- ▣ Regular
- ▣ Special
- ▣ Emergency


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
Notice and Agenda Requirements

- ▣ Regular Meeting
 - ▣ Notice
 - ▣ Public Comment (broad)
 - ▣ Agendized matters can be added


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
Notice and Agenda Requirements

- ▣ Special Meeting
 - ▣ Calling meeting
 - ▣ Notice
 - ▣ Public comment
 - ▣ Limited
 - ▣ Only agendized items



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 PROFESSIONAL DEVELOPMENT

Notice and Agenda Requirements

- ☐ Emergency Meeting
 - ☐ Calling meeting
 - ☐ Notice
 - ☐ Public comment
 - ☐ Other limitations




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Closed Sessions

- ☐ Agenda requirements
- ☐ "Safe Harbor" agenda language
- ☐ Reportable action vs. action taken



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Closed Sessions

- ☐ Real property negotiations
- ☐ Pending litigation
- ☐ Personnel
- ☐ Labor negotiations
- ☐ Public security



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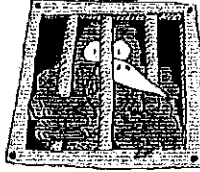
Penalties

Criminal Penalties

- Action taken
- Violation of Brown Act
- Intent

Civil Penalties

- Invalidation of Action
 - "Cure and Correct"
- Litigation and Attorneys' Fees
- Disclosure of confidential information



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California Special
Districts Association
Districts Stronger Together

This webinar is provided for general information only and is not offered or intended as legal advice. Attendees should seek the advice of an attorney when confronted with legal issues and attorneys should perform an independent evaluation of the issues raised in this webinar.



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PROFESSIONAL
DEVELOPMENT

Memorandum

Kensington Police Department



To: KPPCSD Board of Directors

APPROVED YES NO

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

Date: Friday, December 06, 2013

FORWARDED TO:

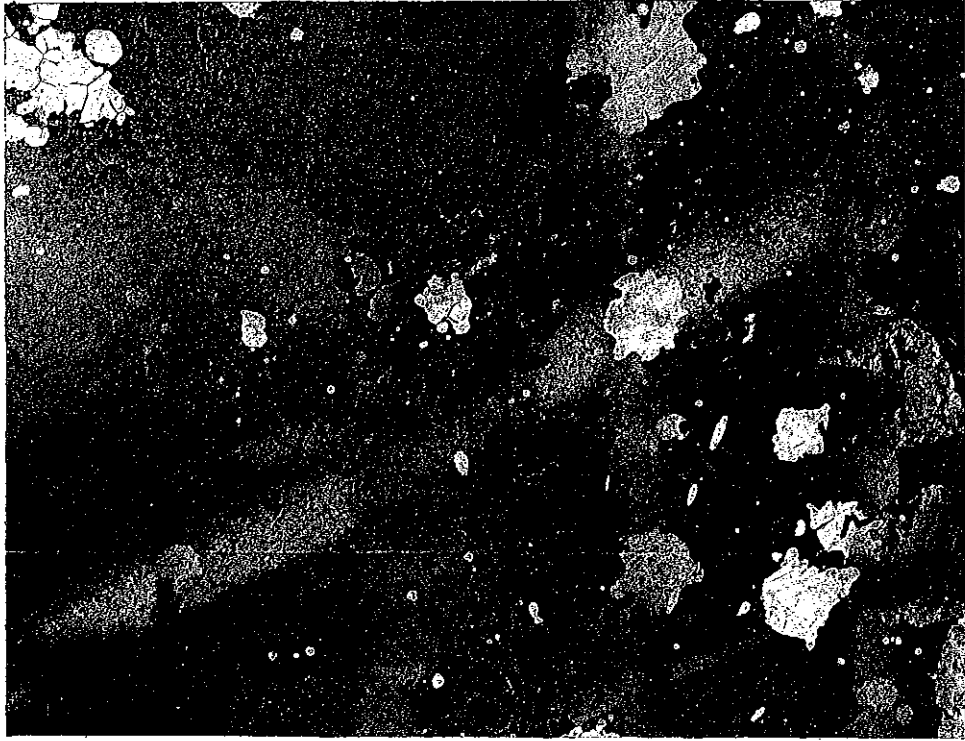
Subject: Consent Calendar Item G- Correspondence

Attached is the District correspondence received for the month of November.

Item #1- Card received from resident Larry Parks.

Item #2- Notice received from County Public Works updating the Arlington Street Light Project.

Item #3- Letter received from resident Barbara Steinberg.



11/5/13

Thank you for your time
attention and help at

: Cowper ave...

Larry Parks



Contra Costa County
Public Works
Department

Julia R. Bueren, Director

Deputy Directors
Brian M. Balbas
Stephen Kowalewski
Stephen Silveira
Joe Yee

November 12, 2013

RE: Arlington Avenue Streetlights

Dear Owner / Resident:

In late 2012, PG&E replaced a majority of the centerbore wood poles along Arlington Avenue, from Highland Avenue to Amherst Avenue, with new galvanized steel poles. The purpose of this project was to replace the aging wood poles (which were in danger of failing), with updated standard (galvanized steel) poles. New 250-watt high-pressure sodium vapor (HPSV) lights were installed as part of this project. Subsequently, in a March 2013 community meeting hosted by County Supervisor John Gioia, residents expressed concerns regarding the new streetlight pole heights, design (decorative vs. standard), glare, color, and amount of illumination, as well as some view obstruction.

An ad hoc advisory committee of Kensington residents was formed by Supervisor Gioia to work with PG&E and County Public Works staff to address these concerns. Various solutions were discussed that would meet the necessary lighting requirements and financial constraints. As a test, LED light fixtures were installed in select locations to determine if these fixtures could significantly reduce over-lighting and glare, including into homes. Based on the general success of this initial trial, all of the streetlights along Arlington Avenue were replaced with energy saving LED light fixtures. Residents reported significantly reduced over-lighting.

However, the LED lights did not mitigate all of the view obstruction concerns, as some residents reported blockage from the poles or fixtures themselves. On a case-by-case basis, PG&E and Public Works staff met with residents who believe the steel poles are blocking their view and have identified specific locations for minor pole modifications. Now that concerns regarding views have been addressed, the original centerbore wood pole replacement project initiated in 2012 will resume.

The remaining centerbore wood poles located in the following areas will be replaced with galvanized steel poles at approximately the same height:

- Pole #368, Arlmont Drive and Arlington Avenue,
- Poles #374 to 375, along Arlington Avenue from Kensington Road to Arlington Road,
- Pole #399, Wellesley Avenue and Arlington Avenue,
- Pole #400, Oberlin Avenue and Arlington Avenue,
- Pole #413, Arlington Avenue between Ardmore and Coventry Roads.

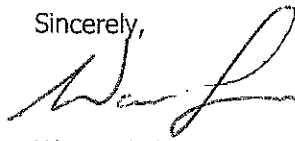
This replacement work along with view modifications to some existing steel poles along Arlington Avenue (in response to expressed resident concerns) are anticipated to begin November 18, 2013 and should take 1 to 2 weeks to complete, depending on weather conditions.

The Ad Hoc Committee suggested exploring decorative streetlights for the commercial area of Arlington Avenue. The Committee requested a test trial for a decorative streetlight to assist in selecting the final streetlights in the commercial district. As a trial, a decorative "teardrop" streetlight pole with LED technology will be installed at the intersection of Ardmore Road and Kensington Avenue during PG&E's work beginning November 18.

At the recommendation of the Ad Hoc Committee, Public Works will paint all of the Arlington lamps dark forest green, to match the Arlington lamps in Berkeley. This work will be scheduled for 2014.

If you have any questions or concerns, please email me at wlai@pw.cccounty.us or call me at (925) 313-2180.

Sincerely,



Warren Lai
Assistant Public Works Director
Engineering Services

WL:tr

G:\cngsvc\Warren\2013\Correspondence\Kensington Resident letter Pole Replacement November 18.docx

C: K. Rauch, District I
B. Balbas, Administration

Edwin Drive
Kensington Ca. 94707
November 17, 2013

Dear Chief Harmon;

I appreciate your creating the opportunity for enrollment in the Citizens' Academy. I found the information offered, to be most useful, for example, learning about how the Kensington Police Department operates, useful information about protecting one's property, safety, Traffic enforcement etc. The "Ride Along" I took with Officer Martinez was very effective in reinforcing what I had learned, even adding more knowledge.

I will be a much safer driver etc. etc.

Thanks so much for this program.

Please let me know if there is any way I can be useful to your Police Department.

Sincerely,
Barbara S. Steinberg

November 2013 Police Department Report

December 7, 2013

- Department Personnel

- We are fully staffed at 10 sworn positions with two reserve officers.

We were in the process of conducting backgrounds on two reserve officer candidates but one is now in the employment process with the Contra Costa Sheriff's Department.

- Commendations and Correspondence

- On November 5th, we received a card from resident Larry Parks thanking us for our service.

- On November 17th, we received a letter from Barbara Steinberg thanking us for her experience in the Citizen's Police Academy.

The above letters can be found in the Correspondence Section of the December 12th KPPCSD agenda packet.

- Investigation of Alleged Misconduct

- All investigations have been completed.

- 9-1-1 / Richmond Communication Center Information.

- The Ring Time Report for October identified 43 total 911 calls with 7 having ring times over 20 seconds. Average ring time for the month of October was 18 seconds.

- As reported in the September Monthly Police Report, we experienced a dropped call for service on October 28th.

At 12:12 PM, we received an alarm call on what turned out to be a residential burglary on Beloit. We had two officers at the Beloit residence continuing their investigation, when another resident on Highgate came home at 1:34:26 PM and found their residence had been broken into. The Computer Assisted Dispatch (CAD) log clearly shows the time the Highgate resident called in their burglary, and the dispatcher assigned it as a "Priority 1" call.

For whatever reason, the dispatcher never dispatched the Kensington officers to the Highgate call. I can only assume that because the officers had not cleared the Beloit call, the dispatcher held the call even though they clearly identified it as a Priority 1 call.

At 2:05 PM, the CAD call timer expired on the call, and under normal circumstances, that should have notified the dispatcher that Highgate call was still holding and that no officers had been dispatched.

It wasn't until 3:47:23 PM, that another dispatcher identified the dropped call and generated a new call for service, dispatching Kensington officers to the Highgate residence. At 3:49:26 PM, two minutes and three seconds after the officers were dispatched to the Highgate residence; they arrived and began their investigation.

We have notified Richmond Dispatch that we expect all Kensington calls for service be dispatched, whether or not Kensington officers are showing "clear" or available for service in the CAD system. Apparently, the El Cerrito Police Department has been having the same issue with calls being held while units were on other calls for service, and they too have directed that all calls be dispatched when received.

We have been assured by the Richmond Dispatch Supervisor that the dispatchers will be advised of the procedural change and calls will not be held pending field units clearing their previous calls for service.

Additionally, the unusually long ring times this month was a result of the Dispatch Center training three new dispatchers.

- The Ring Time Report for November identified 50 total 911 calls with 3 having ring times over 20 seconds. Average ring time for the month of November was 8 seconds.

- Community Networking

- On 11-11-13, Officer Wilson attended the Kensington Public Safety Council meeting.
- On 11-20-13, Chief Harman met with the police chiefs from Berkeley, Albany, Emeryville, Piedmont, El Cerrito, and Richmond to discuss common law enforcement issues shared by the agencies in our area.

- Community Criminal Activity
 - This section of the Watch Commanders Reports are prepared by Sergeant Barrow for Team One, Sergeant Hui for Team Two, and Detective Stegman.

- Watch Commander Reports
 - **Sergeant Barrow**

TEAM #1 STATISTICS

Officer:	Ramos (K41) (0600-1800)	Wilson (K38) (1800-0600)	Wilkins (K50) (1800-0600)
Days Worked	16	13	14
Traffic Stops	27	5	16
Moving Citations	23	4	12
Parking Citations	0	7	1
Vacation/Security Checks	3	41	33
FI-Field Interview	0	0	0
Traffic Accident Reports	2	0	1
Cases	2	1	7
Arrests	0	0	0
Calls for Service	29	31	95

- BRIEFING/TRAINING:
 - Reviewed Supreme Court Reverses Denial of Qualified Immunity
 - Reviewed KPD Non-Disclosure Form
 - Reviewed Smart phones and Search Warrants
 - Reviewed Search of Computer Images
 - Reviewed KPD Policy 332 Missing Person Reporting
 - Sergeant Barrow attended a three day Assertive Supervision training.
 - Sergeant Barrow attended a four day CNOA conference.
 - Officers Wilson, Wilkins and Sergeant Barrow attended a four hour block of training in TACCOM.
 - Officer Ramos attended a one day CPR/AED First Aid class.
 - Officer Ramos attended a five day Field Training Officer (FTO) course.

SERGEANT'S SUMMARY:

In November there was a deceased deer in the area of the Kensington Park. Most of you know that deceased animals (as well as most animal concerns) fall under the jurisdiction of the Contra Costa County Animal Control. Due to budgetary constraints, please be aware that Animal Control does not remove deceased animals at night or weekends. KPD will conduct an initial response depending on the call but due to the nature of the call, Animal Control may have an extended estimated time of arrival (ETA).

The holiday season is here, and historically we see an increase in thefts, burglaries and drunk driving. The tips and suggestions are the same, but they are worth repeating.

Please remember to keep items out of your vehicles at night and then lock their doors. Previously we have had residents leave gifts in running cars while they ran into a friend's house to drop something off but then when they returned, their purses and all the gifts were taken. Then they became the victims of Identity theft as well! That was not the Christmas they were hoping for. So again, even if you are in and out of your destinations, take a moment and shut off your vehicles, take your wallets and purses with you, and lock your car doors.

Keep your homes secure in every way you can think of. This includes, leaving lights on, locking doors, possibly purchasing alarms and video cameras. Request a Vacation Watch from KPD at www.kensingtoncalifornia.org and tell your neighbors if you go out of town and ask them to collect your mail (or put it on hold with the postal service). If you're expecting packages to be delivered, please make arrangements so they are not left outside and unattended. Every year we take reports of stolen packages and mail.

Other tips include being mindful of fires. It is very dry, so be careful when it comes to Christmas trees and festive lighting. Make sure your fireplace chimneys are clean and not clogged.

The PD is out on patrol looking for drunk drivers, and we get them here in Kensington in part due to the fact that the drunk drivers think they can evade CHP and the larger cities by coming down the Arlington. Wrong! We are out watching and making arrests, so spread the word and make sure if you are drinking you have a designated driver. An arrest was made last year of a subject who was driving drunk and actually had their licensed and sober spouse in the car with him.

Once again please have a safe and joyous holiday season.

○ SIGNIFICANT EVENTS:

- 2013-5304 – On 11-4-2013, Officer Ramos responded to the 400 block of Coventry Road for a reported theft from an unlocked vehicle.
- 2013-5316 – On 11-5-2013, Officer Wilkens responded to the 200 block of Lake Avenue for a reported Residential Burglary.
- 2013-5391 – On 11-10-2013, Officer Wilkens responded to the 200 block of Trinity Avenue for a reported Residential Burglary.
- 2013-5392 – On 11-10-2013, Officer Wilkens responded to the 00 block of Arlington Court for a reported vandalism.
- 2013-5414 – On 11-11-2013, Officer Wilkens responded to the 200 block of Trinity Avenue for a reported Residential Burglary.
- 2013-5582 – On 11-21-2013, Officer Wilkens responded to the 200 block of Purdue Avenue for a reported Residential Burglary.
- 2013-5589 – On 11-22-2013, Officer Wilson responded to the 00 block of Norwood Avenue for a reported Residential Burglary.
- 2013-5656 – On 11-26-2013, Officer Wilkens responded to the 00 block of Arlington Avenue for a reported non-injury vehicle collision.
- 2013-5679 – On 11-27-2013, Officer Wilkens responded to the 00 block of Kenyon Avenue for a reported theft from an unlocked vehicle.
- 2013-5692 – On 11-27-2013, Officer Wilkens responded to the 00 block of Kenyon Avenue for a reported theft from an unlocked vehicle.

TRAFFIC STATISTICS:

Team #1 took 3 traffic collision reports during the month of November.

4 moving citations were issued on Colusa Ave.
31 moving citations were issued on Arlington Ave.
1 moving citation was issued on Grizzly Peak Blvd.
2 moving citations was issued on Franciscan Way.
1 moving citation was issued on Kenyon Ave.

•• **Sergeant Hui**

Sergeant Hui is on Family Medical Leave and his November report will be included in his December report.

•• **Detective Eric Stegman**

SIGNIFICANT EVENTS: (November)

Burglaries- As you can see in our stats, residential burglaries have increased over the last two months. KPD had three reported burglaries in October and five in November. At this time we have limited leads. I am working with local agencies to develop useful information.

Without divulging too many details about these cases, let me say this: If you see someone suspicious lurking around you or your neighborhood's home, call the police immediately. Police officers cannot see a good portion of the District from the street or sidewalk (i.e. back doors and windows) which is why we depend on an alert public which partners with its police department to help prevent and solve crime. If you see something strange act on your instincts and don't delay to call KPD.

(October)

13-5191 Corporal punishment of a child/ child abuse

On 9/18/13 KPD received a report from an anonymous source of ongoing child abuse in Kensington. I investigated the accusations in conjunction with Child Protective Services (CPS). This case was forwarded to the District Attorney's office for review. When the investigation was concluded CPS chose to leave the child in the home.

KPD INVESTIGATIONS INFORMATION:

13-3288 Assault (Possible Homicide/ Manslaughter)

Details are pending the conclusion of this case.

12-5354 Murder

On 8/13/12 at approximately 1145 hours, Officer Ramos responded to a welfare check for a potential fall victim (James Durkin). Shortly after his arrival Officer Ramos requested I respond to the scene. Due to the initial circumstances I began investigating the case as a homicide. During the investigation it was revealed the victim had been stabbed in the chest with a serrated kitchen knife. Later in the investigation, the suspect (Diane Sydenham), was identified. Early on 8/14/12, Sydenham was arrested for the Murder of James Durkin. On 8/16/12 the Contra Costa County District Attorney's Office formally charged Sydenham with Murder and she was arraigned.

On 8/30/12 a judge granted an increase in Sydenham's Bail from \$1,000,000 to \$2,000,000. On 9/20/12 Sydenham entered a not guilty plea. **On 8/28/13, I testified at the preliminary examination. Subsequently Sydenham was given an arraignment date of 9/20/13, in which she will re-enter a plea. The trial date is TBD.**

KPD INVESTIGATIONS

- I made court runs to file cases, and retrieve court notifications.
- I updated the KPD Case Review Log.
- I reviewed the "Trak Flyer" messages and maintained the flyer board.
- I attended a Tactical communications training on 11/21/13
- I attended the 2013 California Narcotics officer Association Conference/ training.

KPD Monthly Crime Statistics

November 2013

Part 1 Crimes	Reported	Open/ Pending	Suspended	Closed	Arrest
Homicide	0	0	0	0	0
Rape	0	0	0	0	0
Robbery	0	0	0	0	0
Assault	1	0	0	1	0
Residential Burglary	5	5	0	0	0
Larceny Theft	3	1	2	0	0
Vehicle Theft	0	0	0	0	0
Arson	1	0	1	0	0
Part 1 Totals	10	6	3	1	0
Other Crimes					
Auto Burglary	0	0	0	0	0
Identity Theft	0	0	0	0	0
Fraud	0	0	0	0	0
Forgeries	0	0	0	0	0
Restraining Order Violations/ Stalking/ Criminal Threats	2	2	0	0	0
Sex Crimes (other)	0	0	0	0	0
Assault/ Battery (other)	0	0	0	0	0
Vandalism	2	1	1	0	0
Drugs	0	0	0	0	0
Warrant	1	0	0	1	1
Hit and Run Felony	0	0	0	0	0
Hit and Run Misdemeanor	0	0	0	0	0
Other Misdemeanor Traffic	2	0	0	2	2
Other Crime Totals	7	3	1	3	3
All Crime Totals	17	9	4	4	3

Traffic Accidents (Non Injury)	4
Traffic Accidents (Injury)	0

KPD Crime Statistics

YTD 2013

Part 1 Crimes	Reported	Open/ Pending	Suspended	Closed	Arrest
Homicide	0	1*	0	0	0
Rape	0	0	0	0	0
Robbery	0	0	0	0	0
Assault	9	1	0	8	1
Residential Burglary	31	16	10	5	1
Larceny Theft	31	6	25	1	0
Vehicle Theft	12	1	10	1	0
Arson	2	0	2	0	0
Part 1 Totals	85	24	47	15	2

Other Crimes	Reported	Open/ Pending	Suspended	Closed	Arrest
Auto Burglary	0	0	0	0	0
Identity Theft	26	9	14	3	0
Fraud	2	0	2	0	0
Forgeries	1	0	1	0	0
Restraining Order Violations/ Stalking/ Criminal Threats	4	3	0	1	0
Sex Crimes (other)	0	0	0	0	0
Assault/ Battery (other)	0	0	0	0	0
Vandalism	23	4	17	2	0
Drugs	0	0	0	0	0
Warrant	13	0	0	13	15
Hit and Run Felony	0	0	0	0	0
Hit and Run Misdemeanor	11	0	10	1	0
Other Misdemeanor Traffic	14	0	0	14	14
Other Crime Totals	94	16	44	34	29

All Crime Totals	179	40	91	49	31
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Traffic Accidents (Non Injury)	42
Traffic Accidents (Injury)	0

•• **Chief Harman**

As reported above by Sergeant Barrow and Detective Stegman, during the past two months we have experienced an increase in residential burglaries. Sergeant Barrow wrote about the importance of securing your home and car in his report, and Detective Stegman wrote about the importance of notifying the police department immediately if you see anyone or anything suspicious in your neighborhood.

Officer Wilson mentions Neighborhood Watch and the importance of getting to know your neighbors in his Neighborhood Watch Updates as a way to reduce criminal activity.

We have increased our patrols of the District during the month of November, with special attention being addressed to burglary suppression.

On Monday, December 2nd, we assisted in the El Cerrito Police Department arrest of a burglary suspect, and Detective Stegman is currently working with El Cerrito detectives to determine if this suspect was responsible for several of our recent burglaries. I will be reporting more about this arrest and our arrest of two identity theft suspects following a call from a resident on a suspicious vehicle in next month's report.

December 2013

December 2013						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

January 2014						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Dec 1	2 4:00pm **Brownies (CCM) 7:00pm *Cub-Scouts (CCM) 7:30pm *KCC (CCM)	3 7:30pm *Troop 100 (CCM)	4	5 7:15pm FBC (CC1)	6 6:00pm Girl's Scout Craft Fair (CCM)	7 10:00am CC Rental (CCM) 6:00pm CC Rental (CCM)
8 2:00pm CC Rental (CCM)	9 7:00pm *KSC (CCM) 7:00pm *Cub-Scouts (CCM) 7:30pm *KAR (CCM)	10 7:30pm *Troop 100 (CCM)	11 6:00pm GPF (CCM) 7:00pm *KED (M) (CCM)	12 6:30pm *KPSD (M) (CCM)	13 7:00pm *KASEP (CCM)	14 11:00am CC Rental (CCM)
15 Copy: Monthly Statistics Due RPD (Margaret (mfrid@richmondpd.net)) - Margaret Frid 4:00pm GPF (CCM)	16 7:00pm *Cub-Scouts (CCM)	17 7:30pm *Troop 100 (CCM)	18	19 7:15pm FBC (CC1)	20	21
22	23 7:00pm *Cub-Scouts (CCM) 7:30pm *KCC (CCM)	24 7:30pm *Troop 100 (CCM)	25	26 5:00pm CC Rental (CCM)	27	28 11:00pm CC Rental (CCM)
29	30 7:00pm *Cub-Scouts (CCM)	31 7:30pm *Troop 100 (CCM) 7:30pm *KASEP (CCM)	Jan 1, 14	2	3	4

23

January 2014

January 2014						
Su	Mo	Tu	We	Th	Fr	Sa
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February 2014						
Su	Mo	Tu	We	Th	Fr	Sa
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Dec 29	30	31	Jan 1, 14	2 7:15pm EBC (CC1)	3	4 tentative rental (CCM)
5 tentative rental (CCM)	6 7:00pm *Cub-Scouts (CCM) 7:30pm *KFC (CC3)	7 7:30pm *Troop 100 (CCM)	8 6:00pm GPFF (CCM) 7:00pm *KFD Mfg (CC3)	9 8:30pm *KPCSD Mfg (CCM)	10	11
12	13 4:00pm **Brownies** (CCM) 6:00pm KPSC (CC3) 7:00pm *Cub-Scouts 7:30pm *KARO (CC3)	14 7:30pm *Troop 100 (CCM)	15 Copy: Monthly Statistics Due RPD (Margaret (mfrid@richmondpd.net)) - Margaret Erid	16 6:30pm KPSC PRESENTATION (CCM) 7:15pm EBC (CC1)	17	18
19	20 7:00pm *Cub-Scouts (CCM)	21 7:30pm *Troop 100 (CCM)	22	23	24	25
26 9:00am Keasington Nursery School (CCM)	27 7:00pm *Cub-Scouts (CCM) 7:30pm *KFC (CC3)	28 7:30pm *Troop 100 (CCM) 7:30pm *KFD Mfg (CC3)	29	30	31	Feb 1

Office Report prepared by Marty Westby, Administrator
Kensington Community Council Board Meeting
December 2, 2013

KASEP:

Winter online registration begins this Tuesday, December 3rd at 6:00pm. Online registration and payments are accepted on the website WWW.KensingtonCommunityCouncil.Org. Families are able to register for kindergarten classes, KASEP classes and KCC children's classes all at the same time and on the same website. Winter KASEP is offering four new classes: DJ for the next generation, Cooking – Muffin Madness, Storytelling and Movement for kinders (Jelly Jam) and a Science Inventions and Experiment class.

The KASEP winter holiday party and performance takes place on Thursday, December 12th, at 5:00 pm. KASEP Chorus will lead us in holiday songs, Recorder students will perform pieces they have been working on, Creative Drama will perform along with Circus, a peek into their world. Children's work in Carpentry, Engineering, and Art and Bookmaking will be on display.

The office will be closed during the school break, December 23 - January 3, 2014. WINTER KASEP Classes start Monday, January 6, 2014.

KCC Classes and Events:

Friday, Dec. 13th from 7:00-9:00pm at the community center is the third annual Wreath Making Workshop hosted by Catherine Johnson. RSVP by calling the KCC Office.

KCC Adult classes, Jazzercise, Body Sculpting, Qi Gong and Acrylic Artists, will break for the holidays and resume the week of January 6th. Qi Gong will resume Friday, January 24th.

KCC Administrative:

Letters to each of the "K" groups will be mailed December 5th This letter invites each of the K-group members to attend KCC's Annual Group Meeting, January 13, 2014, 7:30pm at the Recreation Building (Building E).

Minor maintenance is required on the Recreation Building. Three vendors will be contacted and bids evaluated.

General Manager November 2013 Report

Budget

During the month of November, there were no real variances in the budget other than in legal expenses.

We did have a slight increase in overtime costs due to staffing issues related to training and officer's time off, as well as overtime being issued for burglary suppression details.

With the payment of the October legal billings, and our payment of \$85,000 in legal fees to date, we have already gone over our \$70,000 legal expense budgeted for the fiscal year. When this budget was drafted last May, I had originally proposed a budget for legal fees of \$100,000. This amount was reduced by the Finance Committee in an effort to balance the budget.

As documented here, at our public meetings, and in the Outlook, this increase in legal fees is due primarily to the defense of the Writ of Mandate filed against three current board directors by supporters of former Directors Kosel and Metcalf.

Kensington Park

Community Center & Annex

At the December 12th meeting of the KPPCSD Board, Godbe Research will report their findings of the voter survey completed in November on the community's support of a possible future tax measure to fund the remodel of the Community Center.

Park Repairs

In November, we completed the following additional maintenance to the park:

- *Installation of a new irrigation valve in the upper field, \$75
- *Repair of the drinking fountain, \$110
- *Repair of broken irrigation lateral on raised planter, \$95
- Tree removal by Highland, \$780
- Removal of vegetation in the old play structure area, \$380

*Please note that most of the repairs that we make in the park are the result of vandalism. If you see vandalism being committed, please call the police department immediately.

Emergency Preparedness

The agenda and the minutes of the Public Safety Council posted are on the KPPCSD web page.

The next meeting of the Kensington Public Safety Council will take place Monday, December 9th, at 6:00 PM at the Community Center Room #3.

It is very important for those interested in Kensington's emergency preparedness to come to the meetings.

Other District Items of Interest

Solid Waste

At the October 16th KPPCSD Board meeting, the Board received the HF&H Consultants, "Bay View Refuse & Recycling Services 2014 Rate Application Report" and was asked to approve rates for 2014. The Board set the proposed rates and set the Proposition 218 Hearing on those proposed rates for December, during the regularly scheduled December 12th KPPCSD board meeting.

You should have received your Proposition 218 Notice in the mail by now and if you have not, please contact me and I will see that one is delivered to you.

Public Works Issues

Street Lights

On November 12th, we received a letter from Public Works updating the progress of the Arlington Street Light Project. A copy of that letter is attached to this memo for review.

I also received an e-mail from Kate Rauch at John Gioia's Office, indicating that they are still planning on having another ad-hoc committee meeting on the street light project possibly before the holidays to be followed by another Town Hall meeting to discuss the project.

Paths

On August 19th, KPPCSD President Tony Lloyd, Director Len Welsh, and I had a meeting with County Supervisor John Gioia, his staff, and County representatives regarding the District's desire to acquire the paths. The possible process to acquire the paths was discussed, along with a commitment from John Gioia to work with us to move this exploratory process forward.

At the October 16th KPPCSD board meeting, Director Welsh will be presenting an update to the path acquisition process.

At the KIC meeting October 26, County Supervisor John Gioia again stated his support and assistance in the District's attempts to acquire the paths. We are currently waiting for a "Walk About" with County Supervisor John Gioia before proceeding with an informational meeting with the KPPCSD Board on the proposed acquisition process.

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

EBMUD

On October 21st, we received a notice from EBMUD regarding the Summit Reservoir Replacement Project, informing us that in preparation of the project, EBMUD will be clearing trees from the work area to make room for the new facilities and to remove trees at the end of their life cycle. The tree removal will take place between November 4th and December 20th, with work being done Monday – Friday, 8 AM to 5 PM.

Anyone with questions or concerns should contact EBMUD at 510-287-2053 or mblackwe@ebmud.com.



Contra Costa County
Public Works
Department

Julia R. Bueren, Director

Deputy Directors
Brian M. Balbas
Stephen Kowalewski
Stephen Silveira
Joe Yee

November 12, 2013

RE: Arlington Avenue Streetlights

Dear Owner / Resident:

In late 2012, PG&E replaced a majority of the centerbore wood poles along Arlington Avenue, from Highland Avenue to Amherst Avenue, with new galvanized steel poles. The purpose of this project was to replace the aging wood poles (which were in danger of failing), with updated standard (galvanized steel) poles. New 250-watt high-pressure sodium vapor (HPSV) lights were installed as part of this project. Subsequently, in a March 2013 community meeting hosted by County Supervisor John Gioia, residents expressed concerns regarding the new streetlight pole heights, design (decorative vs. standard), glare, color, and amount of illumination, as well as some view obstruction.

An ad hoc advisory committee of Kensington residents was formed by Supervisor Gioia to work with PG&E and County Public Works staff to address these concerns. Various solutions were discussed that would meet the necessary lighting requirements and financial constraints. As a test, LED light fixtures were installed in select locations to determine if these fixtures could significantly reduce over-lighting and glare, including into homes. Based on the general success of this initial trial, all of the streetlights along Arlington Avenue were replaced with energy saving LED light fixtures. Residents reported significantly reduced over-lighting.

However, the LED lights did not mitigate all of the view obstruction concerns, as some residents reported blockage from the poles or fixtures themselves. On a case-by-case basis, PG&E and Public Works staff met with residents who believe the steel poles are blocking their view and have identified specific locations for minor pole modifications. Now that concerns regarding views have been addressed, the original centerbore wood pole replacement project initiated in 2012 will resume.

The remaining centerbore wood poles located in the following areas will be replaced with galvanized steel poles at approximately the same height:

- Pole #368, Arlmont Drive and Arlington Avenue,
- Poles #374 to 375, along Arlington Avenue from Kensington Road to Arlington Road,
- Pole #399, Wellesley Avenue and Arlington Avenue,
- Pole #400, Oberlin Avenue and Arlington Avenue,
- Pole #413, Arlington Avenue between Ardmore and Coventry Roads.

This replacement work along with view modifications to some existing steel poles along Arlington Avenue (in response to expressed resident concerns) are anticipated to begin November 18, 2013 and should take 1 to 2 weeks to complete, depending on weather conditions.

"Accredited by the American Public Works Association"

255 Glacier Drive Martinez, CA 94553-4825
TEL: (925) 313-2000 • FAX: (925) 313-2333
www.cccpublicworks.org

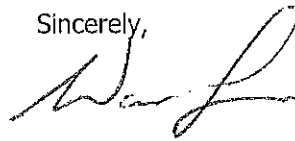
Arlington Avenue Streetlights
November 12, 2013
Page 2 of 2

The Ad Hoc Committee suggested exploring decorative streetlights for the commercial area of Arlington Avenue. The Committee requested a test trial for a decorative streetlight to assist in selecting the final streetlights in the commercial district. As a trial, a decorative "teardrop" streetlight pole with LED technology will be installed at the intersection of Ardmore Road and Kensington Avenue during PG&E's work beginning November 18.

At the recommendation of the Ad Hoc Committee, Public Works will paint all of the Arlington lamps dark forest green, to match the Arlington lamps in Berkeley. This work will be scheduled for 2014.

If you have any questions or concerns, please email me at wlai@pw.cccounty.us or call me at (925) 313-2180.

Sincerely,



Warren Lai
Assistant Public Works Director
Engineering Services

WL:tr

G:\engsvc\Warren\2013\Correspondence\Kensington Resident letter Pole Replacement November 18.docx

C: K. Rauch, District I
B. Balbas, Administration

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, December 06, 2013

Subject: Old Business Item # 1- Proposition 218 Hearing- Garbage Rates for 2014

At the October 16th KPPCSD Board meeting, a Proposition 218 Hearing was set for Thursday, December 12th at 7 PM. The Notice of Public Hearing was mailed on Friday, October 25th, providing the date for the hearing and the proposed new rates.

Pursuant to a settlement agreement, the proposed new rates, effective January 1, 2014, represent an increase in the mini can rate from \$25.20 to \$36.50, an 44.8% increase in the rate and an increase in the 32 gallon can rate from \$34.29 to \$40.50, an 18.1% increase. Additionally, pursuant to the District's contract with Bay View Refuse and Recycling Services, Inc., (Bay View) the 2015 maximum rates will be revised based on the yearly percentage change in the Consumer Price Index, or C.P.I. (All Urban Consumers, San Francisco-Oakland-San Jose) published by the U.S. Department of Commerce, Bureau of Labor Statistics for 2014.

The proposed increase in 2013 maximum solid waste collection rates are necessary because in 2012, the District and its solid waste collection provider, Bay View, entered into arbitration over certain demands made by Bay View pursuant to the current contract. On April 20, 2013, the parties entered into a settlement agreement in which, among other things, the parties agreed that the District must complete a 2013 rate review, which was the last rate review through the end of the contract term. The proposed increase in maximum solid waste collection rates are necessary as a result of this rate review.

Under the provisions of Proposition 218, if written protests are submitted by a majority of the affected property owners and customers responsible for paying the solid waste collection bills, the proposed rate changes will not be imposed and the District will consider other alternatives to the solid waste collection rates increase.

As of Friday, December 6th, we have received a total of 11 letters of protest of the proposed rates.

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, December 06, 2013

Subject: New Business Item # 1- Voter Survey Results for Park Building Remodel

Bryan Godbe, of Godbe Research, will present the findings of the survey of District voters to evaluate the feasibility of a potential future revenue measure to help fund improvements to the Community Center. This survey was approved to be conducted at the September 12th meeting of the Board. At the time, the Board authorized \$24,000 to be allocated from the Park Building Replacement Fund (\$300,000) in the budget reserves to fund the cost of the survey. To date, \$18,500 has been expensed so far.

Following the presentation, the Board will have the opportunity to discuss the survey results and have a discussion on the possible revenue ballot measure to be considered by the voters at a future election.

Attached to this memo is the last page of Craig Hill's financial report (NHA Advisors) that provides estimates of possible tax and financing costs associated with the remodeling project.

Possible Board Action.

Estimated Tax/Financing Costs

<u>Pre-Election/ Election Costs</u>	<u>CFD</u>	<u>GO</u>	<u>Comments</u>
Financial Advisor	\$5,000	5,000	
Survey/Poll	15,000	15,000	Optional
Legal	10,000	10,000	
Special Tax Consultant	5,000	-	
County Election Expense	25,000	25,000	
Campaign Manager	40,000	40,000	Paid with donations
Campaign Mailers	10,000	10,000	Paid with donations
<u>Financing Costs</u>			
	<u>CFD</u>	<u>GO</u>	
Bond Counsel	25,000	25,000	
Disclosure Counsel	15,000	15,000	
Financial Advisor	35,000	35,000	
Special Tax Consultant	10,000	-	
Rating	10,000	10,000	
Trustee/Paying Agent	5,000	2,500	
Miscellaneous	10,000	10,000	
Bond Underwriting	35,000	35,000	Dependent on Bond Size

➤ Majority of Costs can be paid through financing

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, December 06, 2013

Subject: New Business Item # 2- 1% Merit Increase for General Manager/ Chief of Police

Per the Second Extension of the General Manager/ Chief of Police Employment contract, Section 2C reads as follows:

The District shall also authorize applying an automatic 5% annual salary adjustment to the based salary to be applied on the anniversary of his employment, June 30, 2013. In Addition, the Employee is also eligible for a 1% annual merit increase, to be applied at the sole discretion of the Board of Directors on his anniversary.

The Board has completed the General Manager/ Chief of Police's annual performance evaluation for the period July 1, 2012 to June 30, 2013.

As requested, I have attached a copy the Second Extension, as well as the entire contract, for review. (The entire contract is also available on the District's website)

Board Action

GENERAL MANAGER AND CHIEF OF POLICE EMPLOYMENT AGREEMENT

Second Extension

WHEREAS, the Kensington Police Protection and Community Services District (hereinafter "KPPCSD" or "District") desires to continue to employ as an at-will employee the services of Greg Harman (hereinafter "Employee") as the General Manager and Chief of Police for the District;

WHEREAS, while terminable at will by either the District or Employee during its term, Employee's original employment agreement, attached hereto (Exhibit A), with the District was from September 4, 2007 until June 30, 2010 (Original Agreement);

WHEREAS, the Agreement was extended through June 30, 2012 per the First Extension, dated September 9, 2010 and attached hereto (Exhibit B) (First Extension);

WHEREAS, the Board performed an evaluation of the employee at the June 6th and June 26th Board meetings;

WHEREAS, since the expiration of the First Extension, June 30, 2012, employee has been working as an at-will employee of the District under the terms and conditions of the expired Agreement;

WHEREAS, the District desires to extend Employee's employment for two additional years to June 30, 2014;

WHEREAS, the District also desires to (1) implement a one-time merit and cost of living payment for services rendered since the employee was last evaluated in 2009, (2) set a new annual base salary and (3) set guidelines for increases in compensation during the term of the Second Extension; and

WHEREAS, with the exception of the changes in the First and Second Extensions, the District desires that the employment continue under the same terms and conditions of the Original Agreement, as amended, which shall remain in full force and effect.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. SECOND EXTENSION

Unless terminated earlier by either the District or Employee, the District hereby agrees to extend, and Employee accepts, the terms and conditions of Employee's original employment agreement (Original Agreement), as amended by the First Extension, attached hereto and incorporated herein as Exhibits A and B, for two more years, ending on June 30, 2014. Except for extending the Term (length) through June 30, 2014, a one-time payment for merit and cost of living, and a change in the annual base salary as identified below in Paragraph 2, the terms and conditions of employment shall be the same as the Original Agreement, as amended by the First Extension.

Nothing in this Second Extension shall prevent, limit or otherwise interfere with the right of the District to terminate the Second Extension for any reason, or no reason at all. Early termination is subject only to the provisions set forth in Section 5 of the Original Agreement.

Nothing in this Second Extension shall prevent, limit or otherwise interfere with the right of the Employee to resign at any time from this position with the District, subject only to the provisions set forth in Section 5 of the Original Agreement, during the term of this Second Extension.

Nothing in this Second Extension shall preclude the termination of this Agreement by mutual consent of both parties hereto.

2. ONE-TIME PAYMENT; ANNUAL BASE SALARY AND ADJUSTMENT GUIDELINES

- a) Following the Board's evaluation of the Employee for services rendered from December 2009 through March 15, 2012, the District authorized a one-time merit and cost of living payment of \$16,754.
- b) Effective July 1, 2012, the annual base salary under this Extension is \$148,441, payable in semi-monthly installments on the 15th and 30th.
- c) The District also authorized applying an automatic 5% annual salary adjustment to the base salary to be applied on the anniversary of his employment, June 30, 2013. In addition, the Employee is also eligible for a 1% annual merit increase, to be applied at the sole discretion of the Board of Directors on his anniversary.

IN WITNESS THEREOF, the parties hereto have executed this Second Extension to the Original Agreement this day and year first written below.

Kensington Police Protection and Community
Services District Board of Directors

Charles E. Toombs

Charles E. Toombs, President

Date: JULY 25, 2012

General Manager/Chief of Police Employee

Greg Halman

Greg Halman

Date: JULY 25, 2012

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GENERAL MANAGER AND CHIEF OF POLICE EMPLOYMENT AGREEMENT

WHEREAS, the Kensington Police Protection and Community Services District (hereinafter "KPPCSD" or "District") desires to employ the services of Gregory E. Harman (hereinafter "Employee") as General Manager and Chief of Police for the District.

WHEREAS, Employee desires to accept employment as the General Manager and Chief of Police under the terms and conditions contained in this Agreement.

WHEREAS, the Employee is aware of and understands that he serves at the pleasure of the Board of Directors of the District (hereinafter "Board"), and is subject exclusively to the Board's (or its designee's) supervision, control and direction. Employee understands that the Board (or its designee) has the sole and exclusive right to direct, supervise, manage, discipline, and control Employee's job performance.

WHEREAS, the parties understand nothing in the Agreement shall be interpreted to amend, modify or supersede any ordinance of the District, or county or state or federal law, pertaining to the operation of the District.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. DUTIES

A. The District hereby agrees to employ Employee as General Manager and Chief of Police of the District to perform the functions and duties specified in the job description, attached hereto as Exhibit "A" and incorporated herein by this reference, and to perform other legally permissible and proper duties and functions as required by law and as the District shall from time to time assign.

B. Employee hereby agrees to perform all such functions and duties to the best of his abilities and in a competent and efficient manner. Employee further agrees to focus his full professional time, ability and attention to District business during the term of this Agreement. Consequently, Employee hereby agrees not to engage in any other business pursuits whatsoever directly or indirectly, or render any services of a business, commercial, or professional nature to any other person or organization, for compensation, without the prior written consent of the District. This shall not preclude Employee from volunteering his services to other entities or individuals as long as such volunteer services are not in conflict with the services to be provided by Employee under this Agreement.

2. TERM

A. Nothing in this Section shall prevent, limit or otherwise interfere with the right of the District to terminate this Agreement for any reason, or no reason at all. Early termination is subject only to the provisions set forth in Section 5 of this Agreement.

B. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the Employee to resign at any time from this position with the District, subject only to the provision set forth in Section 5 of this Agreement, during the term of this Agreement.

C. Unless terminated earlier by either the District or the Employee, this Agreement shall be in full force and effect starting September 4, 2007, and ending June 30, 2010.

D. Nothing in this Agreement shall preclude the termination of this Agreement by mutual consent of both parties hereto.

3. ANNUAL SALARY AND COMPENSATION

The annual base salary for the position of General Manager and Chief of Police for the first year is \$130,000 payable in semi-monthly installments on the 15th and the 30th of each month. The Board (or its designee) shall conduct annual performance reviews of the Employee. Increases in the Employee's base salary during the term of this Agreement shall be at the sole discretion of the Board based upon the Employee's job performance.

4. AT-WILL EMPLOYMENT STATUS

Employee is an at-will employee, and serves at the pleasure of the Board. As an at-will employee, this means employment is at the mutual consent of Employee and the District and either may terminate the employment at any time, for any reason, or no reason at all. Employee and District agree that no representative of the District has made or can make any promises, statements, or representations which state or imply that Employee is hired, employed, or retained under any terms other than as an at-will employee. Employee's at-will status may only be changed, revoked, amended, or superseded by a written document, signed by the Employee and approved and adopted by the Board.

5. TERMINATION OF AGREEMENT, SEVERANCE, AND NOTICE

A. In the event that the District terminates this Agreement without cause prior to its expiration, then the Employee shall be entitled to a lump-sum severance payment equal to six (6) months' pro-rated base salary payable within thirty (30) days of the date of termination, subject to restrictions set forth in Government Code Section 53266. The Employee hereby agrees that he shall accept such payment as full compensation due from the District as severance pay in exchange for a full and complete release of the District, and its agents, employees, attorneys, Directors, or representatives of any kind or nature, from any and all liability or claims of any type or nature relating to the Employee's employment and/or termination of same.

No additional compensation is owed to the Employee. However, as provided by law, payment of severance pay shall be in addition to any accrued vacation leave, if any, due to the Employee upon his termination from District service.

B. This Agreement shall terminate without any additional compensation owed to the Employee, and the District shall not be obligated to make any severance payment upon any of the following events:

- (1) Upon the death of the Employee;
- (2) Upon Employee's service or disability retirement;
- (3) When Employee has been unable to perform the essential functions of his position due to illness or other disability for a period of three (3) months and it is medically determined that the Employee is permanently disabled from performing the essential functions of his position, with or without reasonable accommodation:
- (i) A determination that the Employee is permanently disabled shall be made by the District based on competent medical evidence and in accordance with applicable California and federal laws pertaining to the protection of disabled individuals;
 - (ii) If at any time it is determined by the District that a question exists as to the Employee's ability to perform the essential functions of his position, the District may require that the Employee undergo a comprehensive fitness for duty medical examination;
- (4) If this Agreement is terminated for misconduct of the Employee for his having materially breached his obligations or neglected his duties as required herein:
- (i) Misconduct includes, but is not limited to, dishonesty, fraud, self dealing, insubordination or other malfeasance or misfeasance committed in the performance of the General Manager and Chief of Police's duties and responsibilities under this Agreement; or Employee's violation of any law which can be punished as a felony committed at any time. The determination of whether Employee is terminated due to misconduct is in the District's sole discretion; and/or
 - (5) If Employee voluntarily resigns his position with the District before the expiration of the aforesaid term of his employment and the Employee does not give the District ninety (90) days notice in advance (unless the District otherwise agrees in writing). No severance pay will be due if the employee voluntarily resigns within the first year.

C. Nothing in this Article shall preclude the termination of this Agreement by mutual consent of both parties hereto.

6. HOURS OF WORK

Due to the nature of the employment of a person in the position of the District's General Manager and Chief of Police, the Employee is typically required to work at least a full-and-complete work week of forty hours (40) per week, and devote whatever time is necessary to fulfill his employment responsibilities and duties as provided for in this Agreement.

7. PERFORMANCE EVALUATION

A. The Board (or its designee) shall review and evaluate the performance of Employee a minimum of once every year. During the first year there will also be a three (3) month and a six (6) month review. The reviews and evaluations shall be conducted in a manner consistent with Board evaluation policies. At the District's sole discretion, it may add or delete criteria for evaluating the performance of Employee from time to time. The Board shall provide Employee

with a summary written statement of the findings and provide an adequate opportunity for the Employee to discuss his evaluation with the Board.

B. Annually, after the District determines its goals and objectives, the Board (or its designee) and the Employee shall further define the goals and performance objectives necessary for the proper operation of KPPCSD. The Board (or its designee) and Employee shall further establish a relative priority among the various goals and objectives. The annual goals and objectives should be reduced to writing, and should be attainable within the time and budgetary resources provided.

C. In effecting the provisions of this section, the District and Employee agree to abide by the provisions of applicable law.

8. HEALTH PLAN BENEFITS

The District will provide a comprehensive health plan for the Employee and family through the California Public Employees' Retirement System (CalPERS) Health Benefit Program, based on the current Kaiser-Permanente rates. The District will also provide a vision and a dental plan.

If Employee retires upon disability or at normal retirement age, and the premium for health, vision, and dental insurance is not otherwise covered, the District will pay the monthly premium based on the current Kaiser-Permanente rates.

This provision of health care premiums is not a vested right. At its sole discretion, in accordance with state and federal law, the District may change the provider of its health plan benefits, or change the amount of payments required by the District or the Employee at any time, or eliminate such coverage or plan altogether.

9. RETIREMENT

CalPERS retirement benefit will include the following sections - California Government Code.

- Section 21362.2 3% @ 50 formula for local safety members, effective 7/1/2000.
This formula provides to local safety members 3% of pay at age 50 for each year of service credited to that employer. Effective date 7/1/2000
- Section 20042 Single Highest Year of Compensation; Safety Members, effective 1/6/93
Defines period for determining the average monthly pay rate when calculating benefits as the 12 highest paid consecutive months.
- Section 21574 1959 Survivor Benefit, fourth level, effective 6/9/99
Provides a higher level of 1959 Survivor Benefits to survivors of a member who dies prior to retirement.
- The District will pay employee contribution of 9%
- The District will pay Medicare premiums.

In the event of any proposed changes in the CalPERS retirement plan this Agreement may be opened and the proposed change may be negotiated.

10. LIFE INSURANCE

The District agrees to pay the premium on a term life insurance policy for Employee, with the maximum annual cost to the District of \$500.

11. DISABILITY INSURANCE

The District agrees to provide PORAC Long Term Disability Plan (Option 2-Multi level Benefit with a 60 day elimination period) and shall fund the entire premium. This provision of disability premiums is not a vested right.

12. DEFERRED COMPENSATION

The District has established a Deferred Compensation Plan to be made available to all eligible District employees; pursuant to federal legislation permitting such plans. Employee can elect to make contributions from Employee's salary and invest portions of his income to meet his future financial requirements and supplement his District retirement, at no cost to the District.

13. CREDIT UNION

Membership in the Contra Costa County Employees Federal Credit Union is available with optional payroll deduction at no cost to the District.

14. SICK LEAVE

The District shall advance eighty (80) sick-leave hours upon hire, and thereafter Employee shall accrue sick leave at a rate of 10 hours per month.

The District agrees to maintain a contract with PERS to provide credit for unused sick leave, in lieu of sick leave payout upon termination or retirement. Employee agrees to waive any claim to compensation for unused sick leave during the term that the PERS contract is in effect.

The employee may utilize up to forty (40) hours of sick leave per year for illness or injury to care for members of his immediate family, or other dependents as required. Immediate family shall be construed as being family member residing within the employee's home. Additional family sick leave may be granted at the discretion of the Board.

15. VACATION LEAVE

The District shall advance forty (40) vacation hours to Employee upon hire. Thereafter, Employee shall accrue vacation leave of 120 hours per year at the rate of 10-hours per month for the first year of employment, and shall accrue 160 hours per year at the rate of thirteen and one-third (13.33) hours per month for the second and third years of employment. (Nothing in this paragraph should be construed to alter Employee's at-will employment relationship.)

The maximum balance of unused vacation leave that Employee may accrue at any time is 200 hours (25 days). Once Employee has accrued 200 hours of vacation leave, no further vacation

leave is earned until the balance accrued is reduced below 200 hours through use of vacation leave.

16. HOLIDAYS

Employee shall be entitled to fourteen (14) paid holidays consisting of one floating holiday and the thirteen (13) paid court holidays as follows:

- New Year's Day
- Martin Luther King's Birthday
- Lincoln's Birthday
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Admission Day
- Columbus Day
- Veterans' Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day
- Floating Holiday

The District encourages Employees to use his floating holiday each calendar year, as the maximum number of floating holidays that Employee can accrue is one day.

17. PROFESSIONAL DEVELOPMENT

A. The Employee is allowed up to forty (40) hours of administrative leave per year. The District encourages Employee to use his administrative leave each calendar year for professional development, as administrative leave does not accrue from year-to-year nor is it subject to any cash-out provisions.

B. The District agrees to budget for and to pay for reasonable travel and subsistence expenses of the Employee for professional and official travel, meetings, and occasions adequate to continue the professional development of the Employee in the position of General Manager and Chief of Police, and to adequately pursue necessary official functions for the District, including but not limited to, California Special Districts Association events; and such other national, regional, state, and local governmental groups and committees thereof which the Employee serves as a member subject to the District budget as approved by the District.

C. The District also agrees to budget for and to pay for reasonable travel and subsistence expenses of the Employee for short courses, institutes, and seminars that are necessary for Employee's professional development and for the good of the District.

18. AUTOMOBILE ALLOWANCE

Because the General Manager and Chief of Police's duties require travel in the course of District business, the District agrees to provide the Employee with a District vehicle (of the District's choosing) and will provide maintenance of the vehicle for use for District business. The District also agrees to provide fuel for the District vehicle for business use. The employee shall not use the District vehicle for personal use unless it is to stop in transit between authorized destinations, or in the event of a personal emergency.

19. CELL PHONE/PDA

The Employee is required to carry a cell phone or PDA at all times, to be provided by the District for District business.

20. UNIFORM ALLOWANCE

The District shall provide a uniform allowance in the amount of eight hundred dollars (\$800) per year, to be paid in four installments - September /December/March/June - of two hundred dollars (\$200) each.

The District will also pay for replacing or repairing damaged uniforms that are damaged on the line of duty.

21. SAFETY EQUIPMENT REIMBURSEMENT

The District will reimburse Employee for safety equipment up to two hundred and fifty dollars (\$250) per year, which can be rolled-over for the life of the contract.

22. PROFESSIONAL & CIVIC ORGANIZATION MEMBERSHIP

The District recognizes the desirability of representation in and before local professional, civic and other organizations, and the Employee is authorized to become a member of such clubs or organizations. During the term of this agreement, the District, at its sole discretion, may elect to pay some or all of the Employee's reasonable civic club membership expenses.

23. GENERAL EXPENSES

The District recognizes that certain expenses of a non-personal and generally job-affiliated nature are incurred by the General Manager and Chief of Police, and hereby agrees to reimburse Employee or to pay said reasonable general expenses, up to an amount not to exceed the amount provided for such purposes in the District budget.

24. INTEGRATION

This Agreement and its attachments constitute the entire agreement between the parties.

25. SCOPE AND SEVERABILITY

In the event any portion of this Agreement is declared null and void by superseding federal or state law, the balance of the Agreement shall continue in full force and effect, and the parties hereto shall commence negotiations to ensure that the superseded portion shall be rewritten to conform as closely as possible to the original intent.

SIGNATURES:

Kensington Police Protection and Community
Services District Board of Directors

General Manager/Chief of Police Employee


Patricia M. McLaughlin, President


Gregory E. Harman

Date: August 28, 2007

Date: 08/28/07

GENERAL MANAGER AND CHIEF OF POLICE EMPLOYMENT AGREEMENT - EXTENSION

WHEREAS, the Kensington Police Protection and Community Services District (hereinafter "KPPCSD" or "District") desires to continue to employ as an at-will employee the services of Greg Harman (hereinafter "Employee") as the General Manager and Chief of Police for the District.

WHEREAS, while terminable at will by either the District or Employee during its term, Employee's original employment agreement attached hereto (Exhibit A), with the District was from September 4, 2007 until June 30, 2010.

WHEREAS, since the expiration of the original employment agreement on June 30, 2010, Employee has been working as an at-will employee of the District under the terms and conditions of the expired employment agreement.

WHEREAS, the District desires to extend Employee's employment under the same terms and conditions of the original employment agreement for two additional years.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. EXTENSION

Unless terminated earlier by either the District or Employee, the District hereby agrees to extend, and Employee accepts, the terms and conditions of Employee's original employment agreement ("Original Agreement"), attached hereto as Exhibit A and incorporated herein, for two more years, ending on June 30, 2012. Except for extending the term (length) through June 30, 2012 and a change in the annual base salary as identified below in Paragraph 2, the terms and conditions of employment shall be the same as the Original Agreement.

Nothing in this Extension shall prevent, limit or otherwise interfere with the right of the District to terminate the Extension for any reason, or no reason at all. Early termination is subject only to the provisions set forth in Section 5 of the Original Agreement.

Nothing in this Extension shall prevent, limit or otherwise interfere with the right of the Employee to resign at any time from this position with the District, subject only to the provisions set forth in Section 5 of the Original Agreement, during the term of this Extension.

Nothing in this Extension shall preclude the termination of this Agreement by mutual consent of both parties hereto.

2. ANNUAL BASE SALARY

The annual base salary under this Extension is \$134,550 payable in semi-monthly installments on the 15th and 30th. KPPCSD's Board of Directors (or its designee) may conduct performance reviews of the Employee. Increases in the Employee's base salary during the term of this Extension shall be at the sole discretion of the Board of Directors.

Kensington Police Protection and Community Services District Board of Directors

Charles E Toombs

Charles E. Toombs, President

Date: Sept 9, 2010

General Manager/Chief of Police Employee

Greg Harman

Greg Harman

Date: 8/29/2010

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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, December 06, 2013

Subject: New Business Item # 3- Goals & Objectives for 2014

Board President Tony Lloyd will lead the discussion on the Board's and General Manager/ Chief of Police's goals and objectives for 2014.

Attached to this memo you will find the performance evaluation matrix of goals and objectives prepared by the Board for review and discussion.

Board action.

KPPCSD General Manager and Chief of Police Kensington Ca. Performance Evaluation Matrix Goals and Objectives

Ver 003 (120613)

#	Goals – 2014 (Proposed)	Objectives – 2014 (Proposed)
1	<p>Continue to Review and Implementation of Expense Control per Hemming Morse Report, including accounting policies, receipt and record retention, authorization and recording requirements.</p> <p>Insure best practices in expense controls and documentation is implemented</p>	<p>-Document process improvements in procedures binder in process and procedures binder</p> <p>-Determine additional ways to streamline process that reduces cost without increasing risks</p> <p>-Bring the quarterly report online for easy access and maintenance.</p>
2	<p>Create long term strategic outlook for department (with 3-5 year downstream focus)</p>	<p>-Develop physical objectives and resource optimization plans</p> <p>-Develop alternatives to current budget management such as accrual accounting</p>
3	<p><u>Solid Waste Contract Supervision</u></p>	<p>Facilitate the 2013 rate review and the outcome with the vendor.</p> <p>Develop and initiate 2015 new waste management contract requirements including RFP planning and management, Vendor selection, and process implementation plan.</p>
4	<p>Review District staffing and resource needs</p>	<p>Expansion of the district administrative clerical duties and responsibilities</p> <p>Provide the board with a three year projection of the districts staffing needs on the police and General Manager side of the operation by end of 3rd Qtr. Develop implementation plan.</p> <p>Provide board with a detailed assessment of District non-police general administrative resource requirements and projected staffing equivalents including parks and recreation, building renovation project management, technology support and implementation.</p>

5	<p>Develop a technology improvement operations plan for the district that can be implemented within the year 1 of the plan.</p>	<p>Update district computer systems to acceptable industry standard state of the art. Include all necessary security and privacy standards.</p> <p>Upgrade all district word processing to a minimum of MS operating system 7 and MS office products 2010.</p> <p>Develop a plan including timeline and budget for the complete overall of the district WEB Site including resource requirements, file aging, special needs bulletin boards, and current 2013 graphics / photographs.</p> <p>Provide technology improvements for implementation at district board meetings including public comment time clock and a revised board seating plan allowing for board member eye contact.</p>
6	<p>Develop performance reviews for all sworn officers</p>	<p>-Using Market survey for non-sworn personnel</p> <p>Update or write new job descriptions</p> <p>-CSDA market report and job description</p>
7	<p>Develop Paths Acquisition and Management Plan</p>	<p>Determine the process necessary to have a clearly defined process to transition the Kensington paths into the district inventory by end of 3Qtr 2013.</p> <p>Make a recommendation to implement the path transition plan to the board sometime in the early part of 2qtr 2013. If timing is such that no recommendation can be made, an alternative plan must be presented ASAP with clearly defined parameters and milestones</p>
8	<p>Continue to oversee District Policy Manual Revision.</p> <p>Develop Outline for a district methods and procedures manual to compliment the "Policy Manual)</p> <p>Review Contracts With District Vendors</p>	<p>Continue to be a resource to the policy review committee.</p> <p>Develop outline with resources to begin work on an M & P manual to compliment the revised policy manual upon completion. Complete by December 2014.</p>
9	<p>Develop a monthly or quarterly job contribution program that recognizes in a public way, both expected and extraordinary contributions to the community and the district.</p>	<p>Strengthen relationship between police community awareness and public awareness.</p>

Memorandum

Kensington Police Department



To: KPPCSD Board of Directors

APPROVED YES NO

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

Date: Friday, December 06, 2013

FORWARDED TO:

Subject: New Business Item # 4- Election of Board Officers for 2014

As per KPPCSD Board Policy # 4040.10, Officers of the Board shall consist of a President and Vice President, which shall be elected at the annual organizational meeting scheduled in December, as specified in Policy # 5010.60.

KPPCSD Policy # 5010.60, indicates that the Board of Directors shall hold an annual organizational meeting at a scheduled meeting in December. At this meeting the Board will elect a President and Vice President.

Board President Tony Lloyd will call for the election of Board Officers for 2014.

Board action.