

Meeting Minutes for 10/26/17

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday, October 26, 2017, at 6:00 P.M., at the Community Center, 59 Arlington Ave., Kensington, California. A Regular Meeting (Open Session) followed.

ATTENDEES

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Rachelle Sherris-Watt, President	Ann Danforth, District's Legal Counsel
Eileen Nottoli, Vice President	David Bergen
Len Welsh, Director	Simon Brafman
Sylvia Hacaj, Director	Mabry Benson
Chris Deppe, Director	Andrew Gutierrez
	David Spath
<u>Staff Members</u>	Celia Concus
Anthony Constantouros, General Manager	Paul Moss
Rickey Hull, Interim Chief of Police	Meldan Heaslip
Lynn Wolter, District Administrator	Catherine de Neergaard
	Simone Biase
<u>Press</u>	

President Sherris-Watt called the meeting to order at 6:02 P.M. President Sherris-Watt, Vice President Nottoli, Director Hacaj, Director Deppe, GM Constantouros, ICOP Hull, and District Administrator Wolter were present. President Sherris-Watt announced that Director Welsh was delayed and would join the meeting shortly.

CLOSED SESSION PUBLIC COMMENTS

None.

The Board entered into Closed Session at 6:03 P.M.

CLOSED SESSION

- 2a. Conference with Legal Counsel – Existing Litigation
One case, name unspecified because disclosure would jeopardize existing settlement negotiations. Sections 54956.9(d)(2) and (g) of the California Government Code.
- 2b. Conference with Legal Counsel – Anticipated Litigation
Initiation of litigation pursuant to Section 54956.9(d)(4) of the California Government Code.

- 2c. Conference with Labor Negotiators
Agency designated representatives: (General Manager Anthony Constantouros and Jonathan Holzman).
Employee organization: Kensington Police Officers Association.
- 2d. Public Employee Performance Evaluation
Title: District General Manager

The Board returned to Open Session at 7:37 P.M.

Roll call: President Sherris-Watt, Vice President Nottoli, Director Welsh, Director Hacaj, and Director Deppe were present.

President Sherris-Watt announced there was nothing to report from the Closed Session.

SWEARING-IN CEREMONY

Interim General Manager Rickey Hull swore-in new Reserve Officer Amit Nath, who took his oath of office and received his badge.

OFFICER RECOGNITION

After the swearing-in ceremony, President Sherris-Watt acknowledged Sergeant Barrow and Officers Wilkens and Foley for providing police service in the North Bay during the fires there, and she read aloud a thank you note that had been sent by Santa Rosa.

She also presented ICOP Hull with a gift to recognize his 20 years of service with the Kensington Police Department. She thanked him for his service and commitment to the District and its citizens and for all she hoped he would continue to do.

President Sherris-Watt announced that the District was adopting the use of comment cards.

PUBLIC COMMENTS

Paul Moss said he'd been a Lake Avenue resident for over 40 years, had served as a former volunteer firefighter with the Kensington Fire Department – when that group existed, and was an active member of Contra Costa County Sheriff's Search and Rescue Team. He said he'd been motivated to speak because he'd been deployed to the fires in the North Bay and because the Wildcat Canyon area, adjacent to Kensington, hadn't burned in about 100 years. Thus, he wanted to ask the Board two things:

- For someone to write an article for the Outlook explaining how the County Warning System (CWS) works and to ensure that Kensington residents are registered for it.
- To consider subscribing to Nixle, an early warning and information system, as an adjunct to the County's warning system.

Mr. Moss explained that CWS was a reverse 9-1-1 system activated by the CWS, upon request of law enforcement or the fire department, to contact (by voice mail) those who had signed up for the service. He cited the pros of this system as already being in place and as being able to focus calls on specific geographic locations. He said that the downsides of the CWS system were that the calls went only to land lines, unless people signed up to receive calls or text messages on their cell phones, and that the calls were made only when there were major threats to human safety. He also noted that a call from CWS would not be easy to ascertain, as caller ID would show a sequence of zeros: Therefore, most people would likely conclude it was a junk call.

Mr. Moss explained that Nixle provided notification services for local police departments, county emergency management offices, and municipal governments and agencies within the United States. He said Nixle allowed government agencies to send messages to local residents, via text or email, almost instantly. He said the pros of Nixle were that Kensington officials could activate the system directly, without having to go through the County, which could save valuable time, and that messages could cover a wide range of circumstances, including weather, missing persons, traffic, and local events – so not limited to major threats. And, he said, residents could select what type of informational alerts they want to receive and the manner in which they receive alerts – email, text, Twitter, etc. He explained that, for the community to participate in Nixle, the KPPCSD would have to subscribe as a government agency so that residents could receive alerts.

Mr. Moss noted that the estimated cost for the KPPCSD to subscribe to Nixle would be about \$3,000 per year and said that Nixle representatives could come to Kensington to explain how their system works. He provided a handout and said the Nixle contact person was Nathan Russell.

Director Welsh asked if the system went through city police departments, rather than fire departments. Mr. Moss responded that, most of the time, it was the police, and he explained that the police department would not be in possession of individuals' contact information – Nixle would be, once individuals provided their information directly to Nixle.

Andrew Gutierrez said that, for 26 years, he'd been asking for police presence on the Arlington to enforce traffic laws. He said that there were about 6,500 cars travelling this road daily and that County data indicated that the average speed of these cars was above the speed limit. He said the police department issued few citations and asked why. He urged there to be more enforcement on the Arlington and noted that an El Cerrito resident, living on the Arlington, had complained, on Nextdoor, about the same thing. Thus, he said there was a corridor traffic problem from Richmond to Berkeley.

Catya de Neergaard said several people had reported they'd been turned away at the El Cerrito Recycling Center when they'd tried to recycle their fluorescent light bulbs, paint, fertilizer, and chemicals – they'd been asked to pay for this service. She said that an individual at the recycling center responded that Kensington had dropped out of a joint powers relationship in July and that this was the reason given for the charge for service. President Sherris-Watt responded that Vice President Nottoli would be able to address some of the recycling comments during Board comments.

Ms. de Neergaard said the speech she'd given on September 14, 2017, had been omitted from the minutes. President Sherris-Watt said that this would be handled when the Board addressed the Consent Calendar.

Jim Watt reported Karl Kruger, a member of the Finance Committee, had been hospitalized for about ten days and was improving, although lacking sufficient energy to attend meetings. He said he hoped Mr. Kruger would be back at meetings soon.

Mr. Watt noted that the agenda's language about Public Comments needed to be corrected. He said the second line should be rewritten to say, "The public may address the Board on any issues not listed on the agenda."

Mr. Watt said the ICOP Hull's June, 2017, contract extension was not posted on the District's website. He noted that the monthly police reports had not been posted on the website since January, 2016, that police activity logs hadn't been posted since June 2016, and that it would be appropriate to update these. He said that, information about the Community Center renovation had been placed under the documents section of the website: He suggested there should be a separate page for this and that it include the more recent documents.

Simon Brafman reported that only one water fountain (the memorial one) in the park was working. He also reported there was a problem for pedestrians at two crosswalks because trees and bushes limited visibility: Arlington and Sunset and Arlington and Oberlin. He also suggested installing lights on the

crosswalk, as Berkeley had done for some of its crosswalks. District Administrator Wolter responded that she would contact the County about the cited crosswalks.

Andrew Gutierrez reiterated that speed on the Arlington was a problem that had resulted in a death and in two cars landing in residents' front yards. He reiterated that more officers were needed on the street.

Mabry Benson suggested that more stop signs be installed – especially at the intersection of Arlington Avenue and Sunset – to improve pedestrian safety.

BOARD COMMENTS

Director Welsh said he'd been approached by residents who wanted to know why the KPPCSD Board hadn't placed the Fire District's planned Public Safety Building renovation on its agenda. He said he didn't see a need to do that but he did want to report on a discussion he'd had with Fire District Director Don Dommer: At the community meeting, at which the Fire Board had made its presentation about the Public Safety Building plans, it had been suggested that the Fire District should consider the alternative of renovating the existing building – the Board should present only the pros and cons of staying in that building. He said that the Fire Board was planning a seismic study of the existing building to ascertain if it was on a fault and that the report wouldn't be available until the end of the year. He said the community needed to hear from the Fire Board at a community meeting.

Vice President Nottoli reported that ICOP Hull had placed copies of a senior resource directory booklet on the back table. She invited attendees to take one.

President Sherris-Watt reminded everyone that there would be a composting workshop the coming Saturday, between 10:00 A.M. and noon, at the Community Center. She reported that the Pharmaceutical Drop-off would be held the coming Saturday, between 10:00 and noon, at the Public Safety Building. She announced that the Kensington Community Council parade would be held the coming Sunday from noon until 3:00 P.M. and that General Manager Tony Constantourous would be the Grand Marshall. She also announced that the Friends of the Kensington Library would hold its book sale on Sunday, too.

Director Hacaj reported that Glass Associates architect, Farhat Doud would have drawings of the proposed Community Center renovation set up at the Community Center on Sunday during the parade and would be available to answer questions. She also reported that Glass Associates would make a presentation at the Board's next meeting on November 16th.

STAFF COMMENTS

None.

CONSENT CALENDAR

President Sherris-Watt said she intended to pull Item a, the September 14, 2017 Minutes, from the Consent Calendar. She said people had individual comments but she'd prefer to contact them to fix them. She said there would be a full assessment of them.

President Sherris-Watt said she'd also like to pull Item c (Unaudited Profit and Loss Budget Performance Report for June 2017), Item d (Unaudited Profit and Loss Budget Performance Report for September 2017), and Item i (Monthly Calendar).

Director Deppe asked to pull Item f.

With respect to Item c, President Sherris-Watt said that the Finance Committee had met the prior evening and had discussed this item: The document reflects the summation of Fiscal Year 2016-17.

She noted that net income had been budgeted to be loss of \$132,000, but the year ended with a net gain of \$392,000, which reflected the addition of the COPs Grant, which had not been included in the budget.

Jim Watt said there had been a Finance Committee meeting the prior night. He noted that the General Manager had not been present; thus, some of the questions he'd had hadn't been answered. He said that the monthly statements should come with footnotes to explain major variances and that the September report didn't include these. He posed the following questions and comments:

- Account 427 Community Center Revenue – It's considerably short of expectations. He asked if there was an explanation for this.
- Accounts in the 500 section contained some major variances, which should be explained; Account 504 Compensated Absences and Account 506 Overtime. He also noted there was a slight increase for Account 508 Non-sworn Salaries.
- Account 521T Medical Trust – This had been discussed by the Finance Committee, which had agreed that this payment should have been made as early in July as possible. He explained that this money is placed in trust to offset future retiree medical liabilities. The amount to be set-aside in the current fiscal year was \$262,000, but no money had been set aside yet. The KPPCSD's trust was invested in a more aggressive investment that was expected to yield a higher return than money sitting in the District's checking account. If the investment had been made on July 1st, the return on the \$262,000 would have been about 10%, or about \$20,000. The money should be set aside and set aside quickly.
- Account 527 PERS District – The wrong amortization schedule had been used – a 15-year amortization schedule was to have been used, not a 30-year schedule. Thus, more money should have been allocated to this account.
- Account 564 Communications – He wasn't clear whether the money that was supposed to have been put into this account for the full year (\$222,000) included the \$140,000 of payment that was to have been made and applied to the prior fiscal year. He asked if the \$140,000 payment had been accounted for.
- Account 972 Park Buildings Improvement Account – This was the money that would be needed to meet the obligations for the start of construction on the upgrade of the Community Center. The total amount in the account was \$307,000 and so far, \$4,000 had been spent. His concern was that this was the amount committed for the current year; in addition the District had set aside an additional \$350,000 in committed reserves, for a total of \$657,000. The Board needed to start figuring out what amount it would budget for the potential increased costs for the building.

President Sherris-Watt responded that, for Account 564, the \$222,000 did include the \$140,000. She said the Board realized it did not have footnotes: It was a change the GM and she had discussed in terms of moving forward. She said that she understood it was not as clear as the Board would like and that the Board would begin a serious review of all its financial documents in order to present the best information in the most readable format.

President Sherris-Watt noted that, for Account 678 Miscellaneous Park and Recreation Expenses, the amount was shown as \$1,370: It had been agreed that it would be a \$1,200 budget item. She said that there were other items in the Profit and Loss Budget Performance Report that didn't match an earlier document she had and that she would discuss them with the GM before bringing them back to the Board.

Celia Concus noted that Account 596 West-NET/Cal ID was budgeted at \$6,100 but that Kensington was no longer participating in West-NET. She asked if this was an error. District Administrator Wolter responded that the line included another expenditure that had nothing to do with West-NET. Director Hacaj suggested that "West-NET" should be removed. Ms. Concus asked what Cal-ID was. Director Wolter responded that this was a police item but that she didn't have more information about the service with her that evening. She said she would provide Ms. Concus with the information, by email, the following day.

With respect to Item f – KPD Monthly Statistics for September, Director Deppe said he agreed with Mr. Gutierrez about the traffic problems. He said he's been contacted by two residents, who'd asked to have a radar sign placed on their street. He added that he'd wanted more traffic enforcement for a long time. He noted that there was a sign that said traffic laws were strictly enforced, but this wasn't being done. He asked what the plan was to get traffic under control and asked that, by the next meeting, there be an explanation of what's being done with traffic control. He said he was going to meet with Officer Martinez the following day to discuss moving the radar sign to Kenyon from Highland. He added that he would like to look at getting more radar signs in the future because he thought they would help, and he reiterated that he wanted to know what the Police Department was going to do to get traffic under control.

President Sherris-Watt responded that Director Deppe could place purchasing another radar sign on a future agenda: This would bring the total to three. She noted that it was onerous for the officers to move the signs.

Director Welsh said that this seemed piecemeal and suggested there be a more holistic approach. He said there should be discussions with ICOP Hull about what plan would slow down traffic. Director Deppe concurred.

Jim Watt asked to speak about Item e – KPD Statistics for August. He said there appeared to be something wrong with these statistics: Total incidents for September were 327, and total incidents for August were 2,510. President Sherris-Watt invited ICOP Hull to respond. ICOP Hull responded that he didn't have a clear answer, that he would review the report, and that he would provide a more direct answer at the next meeting. Director Hacaj said this was part of the transition to RMS; there were some glitches, and this was likely what this was.

Andrew Gutierrez noted that the County set Kensington's traffic signage and that, when one spoke with the County, one was speaking with an unresponsive bureaucracy. He added that the only way this would change would be if Kensington teamed up with El Cerrito and then approached the County to gain control over what's happening on the Arlington. He added that, since no tickets were being issued, there was no penalty for speeding and noted that many people were using the Arlington as a thoroughfare on a daily basis. He said tickets needed to be issued. He noted that, now, if anyone protested a ticket, an officer was supposed to show up in Martinez. He asked how this would change if Kensington were to go with Albany: Would they go to Albany traffic court? He said a prior GM/COP had said the department didn't issue citations because it cost too much to send an officer to Martinez to defend them. He concluded by saying that organic changes were needed and that some of the things Director Deppe has talked about were part of this.

David Spath said that the Arlington was not the only street suffering from heavy traffic and that he and his neighbor had spoken with Director Deppe about this. He said he lived on Purdue and that his street moved into Kenyon and then down to Westminster and the Arlington. He said this was a wonderful shortcut for many people going to and from work during the week and going to and from the park on weekends. He said he agreed that what needed to happen was to determine how traffic enforcement could best be done with the existing police force. He pointed out that officers couldn't focus only on issuing citations and then not patrol: An enforcement approach needed to be well thought through. He agreed it was important to focus on the Arlington, but it wasn't the only problem.

Director Deppe said his concern was that, at some point, there might be a really bad incident, which is why something comprehensive needed to be done.

With respect to Item i – Monthly Calendar, President Sherris-Watt said there were a couple of errors: the next KPPCSD Board meeting would be held November 16th, not November 9th, and the Finance Committee meeting would be on November 29th (there would not be a meeting on November 22nd).

**MOTION: President Sherris-Watt moved, and Director Welsh seconded, to adopt Items b through j of the Consent Calendar.
Motion passed: 5 – 0.**

AYES: Sherris-Watt, Nottoli, Welsh, Hacaj, Deppe

NOES:

ABSENT:

President Sherris-Watt asked to address Item 8c first.

NEW BUSINESS

President Sherris-Watt asked to address Item 8c first.

- 8c. The KPPCSD discussed the request from the Kensington Green Group regarding the adoption of renewable electric energy at District-owned buildings.

President Sherris-Watt announced that members of the Kensington Green Group were present and that the group had submitted a letter requesting that the KPPCSD adopt renewable electric energy at District-owned buildings.

Catya de Neergaard said that, in addition to the above, the group was asking for an endorsement for 100% clean energy, which would be a statement of intent. She said this had originally been part of the Sierra Club's Mayors Across America commitment to 100% clean energy. She noted that 160 mayors had signed up to participate and that she'd just found out that Kensington could sign up for the campaign, even though it didn't have a mayor: The organization would be happy for President Sherris-Watt to endorse and add Kensington to the cities across America opting for 100% clean energy. She added that, by early next year, 100% green electrical (renewable) energy might be available. She said the Green Group was excited that the County and Kensington had joined with MCE, which is a community choice aggregate that would enable Kensington residents to avail themselves of 50% green electricity immediately, but she said opting up would be required to get 100% green energy. She explained that the Green Group thought it would be a good idea to go for the 100%, which wouldn't be much more expensive.

Mabry Benson said she wasn't opposed to supporting 100% renewable energy, but she didn't think the Board should be making any decision until there'd been a better presentation of the costs involved. She asked what the District's usage, category, and current rates were. She said a full table of possible costs needed to be provided before there could be a meaningful decision.

President Sherris-Watt responded that the District was not a residential customer and explained that the District would need to submit some bills to Marin Clean Energy. She said the Board would need to decide about the utilities in the Community Center and could make a recommendation about the Public Safety Building to the Fire Board, but only the Fire Board could make that decision.

Meldon Heaslip said he and others were leading a local initiative to encourage Kensington residents, businesses, and government bodies to opt up to Marin Clean Energy's (MCE) 100% clean renewable electric energy choice, Deep Green. He said that, when MCE launches in the spring there would be an opportunity for Kensington to increase the clean, renewable electric energy it consumes. He encouraged the Board and Kensington residents not to opt out of MCE and to opt up to MCE's Deep Green choice and said that the effect of doing so would be akin to installing solar on every rooftop and banks of batteries for when the sun is down. He concluded by saying that having the District opt up to Deep Green would be a great start that would enable the Green Group to approach other entities and ask them to opt up, with greater confidence, and by saying that it would be feasible for the entire community to opt up by 2018.

President Sherris-Watt noted that the Finance Committee had considered this item the prior night and had agreed that the endorsement of 100% clean energy reflected the values of the position Kensington should take.

Director Hacaj said this was reflective of the values of the majority of the community, but the Board had an obligation to get more specific information before making a motion on the item. She said an analysis of prior PG&E bills needed to be done – so send them to Marin Clean Energy to have them evaluate what the change would be. She noted that one of the benefits and requirements of the proposed renovation of the Community Center was improved energy efficiency: Thus, the District would be doing better in the future. She supported this effort but asked the GM and staff to provide a financial analysis.

Director Welsh said that he agreed with this and that, if the Board was going to vote on this, it needed to know what it would cost.

President Sherris-Watt suggested that the Board agree not to opt out of going to Marin Clean Energy, which had been endorsed by the County supervisors and spearheaded by John Gioia. She also suggested that the Board endorse 100% clean energy now and that a motion about whether the District would go to the Deep Green level could be made in the future.

Director Deppe asked what it meant to endorse 100% clean energy. President Sherris-Watt responded it meant the District would present its name, under the KPPCSD Board President's name, on the Sierra Club's list of those endorsing 100% clean energy.

Vice President Nottoi asked if it would be possible to endorse but not agree to join the 100% right now. President Sherris-Watt responded in the affirmative.

Director Welsh said he thought it would be good to do this as one complete decision; therefore he suggested tabling this for the next meeting. Before then, he suggested there be research to determine what it would cost not to opt out and what it would cost to opt in fully so that the Board could make an informed decision.

Vice President Nottoli agreed with this because it would be awkward to endorse something one wasn't going to do.

President Sherris-Watt said the District would agree to opt in and make the transition, just as everyone in Kensington would do, but there would be different stages of opting in.

Director Hacaj said that everyone would be comfortable with the idea of the District not opting out of Marin Clean Energy's renewable energy but they would not be comfortable going with 100% green until the Board knew all the information.

Director Welsh recommended making no decision at this time and tabling the item until the next meeting, at which time he anticipated the Board would proceed with the needed information.

Meldon Heaslip said he would help the District obtain the financial information.

Simon Brafman said it would be good to consider the cost to the environment and to future generations of not doing this, even if doing this cost more.

Simone Biase, a member of the Kensington Green Group, said she agreed with everyone's comments.

Catya de Neergaard reported that most residential customers would pay about \$4 to \$5 more per month for this service.

The Board thanked the presenters and determined that consensus was that this item should be tabled to the Board's November meeting.

- 8a. The Board reviewed and discussed the execution of an MOU between the Kensington Fire Protection District and the KPPCSD to provide a fire-wise garden in Kensington Park.

Director Hacaj introduced the item by saying that this was the culmination of a couple of years of work that had begun before she'd joined the Board and that, following the events in Santa Rosa, every little bit would help. She said this educational tool – a fire-wise garden – would be located in the old “Tot Lot” area of the park, just east of the library. She clarified that the Kensington Fire Protection District would not take possession of the property but would design, install, and maintain a demonstration garden to illustrate the kinds of plants that one could install that would be less prone to fire. She noted that this would complement work that had been done by Charli Danielson, Katie Gluck, and Peter Liddell to remove flammable vegetation around the Community Center and that the garden would enhance the park's appearance. She said that the District's legal counsel, Ann Danforth, and the Fire District's attorneys had reviewed the MOU and that it had been adopted by the Fire District Board.

President Sherris-Watt said this was a terrific idea – she'd toured Oakland's fire-safe garden about a year ago. She fully approved executing this MOU and noted that a fire-wise garden had kept the fire in the Glen Ellen area from causing a home to burn.

Vice President Nottoli said that the location was terrific and that she looked forward to seeing the garden and the selection of plants.

Director Welsh said he'd worked with Katie Gluck, Peter Liddell, Charli Danielson and others over the years to clear out the brush, and this was a nice next step. He thanked the Fire District for being willing to perform this community service.

MOTION: President Sherris-Watt moved, and Director Hacaj seconded, that the Board adopt the Memorandum of Understanding between the Kensington Fire Protection District and the KPPCSD for the fire-wise demonstration garden, that the Board designate Director Hacaj and Vice President Nottoli as the approvers of the garden plan, and that the Board President execute the agreement.

AYES: Sherris-Watt, Nottoli, Welsh, Hacaj, Deppe

NOES:

ABSENT:

- 8b. Resolution Authorizing the General Manager to Execute Documents Relating to District Employees' PERS Benefits.

The District's legal counsel, Ann Danforth, presented this item. She said there were routine documents for CalPERS that the District was required to execute; it was part of taking care of a public service. She explained that because of the District's public safety employees, with their benefits under the CalPERS program, the Board, or its official designee, was required by CalPERS to execute these documents. She said that, as a practical matter, it was difficult to have these documents come before the Board because they required findings that rested on evidence that may not be made public. She added that, because the Board met only once or twice per month, this could slow down the process, during which time the employee might still be on payroll, rather than receiving the pension benefits. Therefore, she recommended that the Board consider this resolution, which would provide the GM with the authority to execute such documents as PERS may require the District to execute. She said that, once the District provided them with a certified resolution, CalPERS would accept the GM's signature.

President Sherris-Watt said this was a sensible and economic move. Director Welsh agreed.

MOTION: Vice President Nottoli moved, and Director Welsh seconded, that the Board approve the Resolution Authorizing the General Manager to Execute Documents Relating to District Employees' PERS Benefits.
Motion passed: 5 – 0.

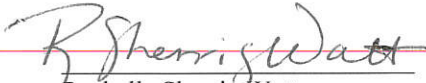
AYES: Sherris-Watt, Nottoli, Welsh, Hacaj, Deppe NOES: ABSENT:

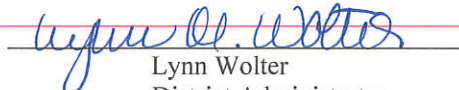
President Sherris-Watt announced that the Board's next meeting would be held on November 16th.

MOTION: President Sherris-Watt moved, and Director Welsh seconded, to adjourn.
Motion passed: 5 – 0.

AYES: Sherris-Watt, Nottoli, Welsh, Hacaj, Deppe NOES: ABSENT:

The meeting was adjourned at 9:00 P.M.


Rachelle Sherris-Watt
KPPCSD Board President


Lynn Wolter
District Administrator