

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

AGENDA

November 16, 2017
Closed Session 6:30 P.M.
Open Session 7:30 P.M.

A Regular Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District will be held **Thursday, November 16, 2017, 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 **Thursday, November 16, 2017, at 7:30 P.M.**, at the Community Center, 59 Arlington Avenue, Kensington, California. If further Closed Session is required, the Board will return to Closed Session following the end of the Regular Meeting.

1. **Call to Order/Roll Call**
2. **Closed Session – Public Comments**
3. **Closed Session Agenda**
 - a. **CONFERENCE WITH LABOR NEGOTIATORS:**
Agency representatives: General Manager Anthony Constantouros and Jonathan Holzman.
Employee organization: Kensington Police Officers Association.

Adjourn to Open Session

4. **Regular Meeting: Open Session – Call to Order/Roll Call 7:30 P.M.**
5. **Public Comments:** Members of the public may address the Board on any issue on the Consent Calendar and on items not listed on the agenda but that are within the jurisdiction of the District. Comments on matters that are listed on the agenda may be made at the time the Board is considering each item. Please observe our five-minute limit, per Board Policy 5030.41.

We ask that speaker cards be submitted to staff for comments on agenda items.

6. **Board/Staff Comments**
7. **Consent Calendar**

For adoption:

- a) Minutes from September 14, 2017 Meeting – Pg.3
- b) Minutes from October 26, 2017 Meeting – Pg. 22

For information only:

- c) Unaudited Profit and Loss Budget Performance Report for October 2017 – Pg. 32
- d) Franchise Fees Report – Pg. 35
- e) KPD Monthly Statistics for October – Pg. 37
- f) Correspondence – Pg. 40
- g) Recreation Reports for October – Pg. 45
- h) Interim Police Chief's Report – Pg. 46

8. **Old Business**

- a. Presentation by Glass Associates – Pg. 47

- b. The Board will discuss a Staff Report on Clean Energy and consider endorsing 100% Clean Energy and taking action to Opt-up to 100% Clean Energy (Deep Green) – Pg. 48
- c. General Manager Anthony Constantouros will present an update of Police Services Request for Proposals – Pg. 54

9. New Business

- a. The Board will receive and discuss the Administrative and Support Services Study completed by Bob Deis, Senior Consultant of the Public Management Group. Mr. Deis will make the presentation – Pg. 55
- b. The Board will discuss and consider adopting a Board Ordinance 2017-01 Prohibiting Encroachments on District Land – Pg. 79
- c. ICOP Hull will discuss discrepancies in recent Police Statistics Reports.
- d. ICOP Hull will present an update on traffic solutions.

ADJOURNMENT

General Information

- All proceedings of the Open Session will be audio and video taped.
- The Community Center has devices for hearing assistance. Please contact GM Anthony Constantouros for information about the equipment.
- The Community Center is Wi-Fi accessible.
- Upon request, the Kensington Police Protection and Community Services District will provide written agenda materials in appropriate alternative formats or disability-related modification of disabilities to participate in public meeting. Please send written request, including your name, mailing address, phone number, and a brief description of the requested materials and preferred alternative format or auxiliary aid or service at least two days before the meeting. Requests should be sent to: Lynn Wolter, District Administrator, 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.

These are draft minutes. Once approved by the Board, the minutes will be posted on the District website, under the dropdown menu "Approved Minutes."

Meeting Minutes for 9/14/17

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday, September 14, 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	Jeff Sloan, Renne Sloan Sakai
Len Welsh, Director	David Bergen
Sylvia Hacaj, Director	Linda Lipscomb
Chris Deppe, Director	Paula Black
	Jim Watt
	Celia Concus
<u>Staff Members</u>	
Anthony Constantouros, General Manager	Paul Dorroh
Rickey Hull, Interim Chief of Police	Leonard Schwartzburd
Courtney Walmsley, Assit. to District Administrator	Kris Hafner
<u>Press</u>	
Linnea Due	

President Sherris-Watt called the meeting to order at 6:06 P.M. President Sherris-Watt, Vice President Nottoli, Director Hacaj, GM Constantouros, ICOP Hull, and Assist. to District Administrator Walmsley were present.

Christopher Deppe, took the oath of office, which was administered by GM Constantouros, and was sworn in as a District Director.

CLOSED SESSION PUBLIC COMMENTS

None.

The Board entered into Closed Session at 6:08 P.M.

CLOSED SESSION

- 3a. Conference with Legal Counsel – Existing Litigation
One case, name unspecified because disclosure would jeopardize existing settlement negotiations. Sections 54956.9(d)(1) of the California Government Code.

The Board returned to Open Session at 7:32 P.M.

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

President Sherris-Watt welcomed Director Deppe and announced that he had taken and signed his Oath of Office prior to the Closed Session. For ceremonial purposes, Christopher Deppe, again, took the oath of office, which was administered by GM Constantourous.

PUBLIC COMMENTS

Jim Watt said he wanted to address three issues covered in the September 2017 Outlook.

- Selection of new Director, Chris Deppe – The Outlook article and several letters to the editor gave mixed views on the selection process. He said he hoped Director Deppe would become knowledgeable about the larger financial issues and potential solutions to these problems.
- A recent high-speed chase of a stolen car by two Kensington police officers – Given what occurred, he said there was great risk of personal injury as well as astronomical legal exposure to the District if someone had been hurt in the chase. He hoped the District would adopt clear guidelines regarding pursuit, which he thought should be curtailed, given Kensington's street network. He also asked if the pursuit had been called off when the stolen vehicle went up the Arlington the wrong way and what the cost of damage had been to Kensington vehicles involved in the pursuit.
- A letter from Don Dommer regarding the upgrade of the Public Safety Building – Mr. Dommer stated that a structural upgrade wasn't a wise direction: Thus, the Fire District was developing a list of deficiencies for public review. With that built-in bias, Mr. Dommer had continued by saying that the Fire Board was still pursuing an on-site replacement, based on a reduced project to fit the budget and that it had retained a financial consultant to determine their funding capabilities. Mr. Watt said a costly new structure would likely be the result, with the Fire District assuming that the KPPCSD would pay about one-third of these costs and added rent. He said it was time for the KPPCSD Board to take a stand on the matter before the Fire District wasted any more money on studies involving a replacement of the building. He noted that, a few months ago, the KPPCSD Board had voted to pay the Fire District \$35,000 in annual rent for the space used by the police department. As one who worked in commercial real estate, Mr. Watt said that he didn't think that such a rent was justifiable, based on market conditions and that, in the world of commercial real estate, tenants typically had no obligation for structural upgrades, including seismic repairs or for any enhanced improvements, unless requested by the tenant – in this case the KPPCSD. He noted that, with commercial real estate, it was common that, if a tenant had to vacate its premises as a result of a landlord-required reconstruction, the tenant's rent was abated until the premises could be reoccupied. So far, all the community had heard from the Fire District was that the work being proposed was due to required seismic upgrades and an expansion that would benefit the fire department. Therefore, he believed that the KPPCSD Board should inform the Fire District that any costs for replacement or an upgrade of the Public Safety Building should be the sole responsibility of the Fire District, that the KPPCSD should be obligated to pay only market rent for the space it occupied, and that the rent should be abated during reconstruction. He added that this should be communicated, now that the Fire District had engaged the services of a financial consultant: If the Fire District understood that it was on the hook for the bulk of the building costs, with no rental adjustment from the KPPCSD, then, maybe, they would take a more realistic look at its options – thereby saving Kensington taxpayers considerable construction costs. This approach would also put to rest the concerns that the KPPCSD had potential exposure for significant financial costs incurred by the Fire District.

Catya de Neergaard said she'd put up a poll on Kensington Nextdoor, asking if participants wanted Kensington to contract out for police services. She explained this was a straw poll, not a scientific one. She wanted to know what the silent majority had to say. She said that whatever choice was made for contracting out, not contracting out, or partially contracting out needed to be Kensington's choice –

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residents needed to be educated and then allowed to make the choice for themselves. With 159 people participating, the poll indicated showed 48% wanted to keep police services as is – an independent force, 16% wanted to contract out for police services unconditionally, and 27% wanted contracting out if certain conditions were met. The two sets of conditions most wanted were: 9% were in favor of contracting out only if the community could get better and more professional service and save money and 9% were in favor only if the current level of service was maintained and the community saved money. Thus, she said the total wanting to contract out – including certain conditions being met – was 43%. Another 9% said they needed more information, and 1% said they wanted another choice. She said this indicated to her that the community was divided right now and that it needed more information and education to help make a decision. She said people had different points of view, and now the District was going to explore the options.

Karl Kruger said he'd attended the prior week's Fire Board meeting, and he'd been surprised to hear the announcement that the Fire Board had been told by the KPPCSD Board that there would be a decision, this month, on contracting out. He said he almost fell off his chair to hear that someone had decided there would be a decision at the end of the month. He said there hadn't even been a discussion of the issue. He said he stood against contracting out: There was probably no one in the community who was more strongly against contracting out than he. He asked the Board to tell him whether the KPPCSD Board had told this to the Fire Board. President Sherris-Watt responded that the KPPCSD Board would not be making a decision about contracting out this month. Mr. Kruger asked the Directors if the Fire Board had made this up. President Sherris-Watt responded that no one from the KPPCSD Board had attended this Fire Board meeting. Director Welsh responded that this sounded like a misunderstanding, because the KPPCSD Board was nowhere near this decision-making point. He said this evening's agenda included the agenda item of exploring, in a totally unbiased fashion, the pros and cons of contracting out: Thus, he reiterated that the comment Mr. Kruger had shared was a misunderstanding. Mr. Kruger said he'd been shocked to hear the Fire Board' contracting out comment.

Linda Lipscomb welcomed new Director Deppe. She said this was a difficult task, and she thanked him for giving up his time to do it. She said she hoped he would come to it with an open mind and evaluate it on behalf of all Kensington citizens.

- With respect to the comment that had been made by the Fire Board on the community's current arrangements, she wanted to report that the statistics she'd seen regarding the Fire Services Kensington received indicated that at least 40% of the services that came out of the Kensington station went to service other communities – mostly El Cerrito. She wondered if anyone had considered – if there were going to be upgrades to the Public Safety Building – whether El Cerrito should be asked to pay for part of the Public Safety Building upgrade work, based on the proportional services being provided to that community. She clarified that the Kensington Public Safety Building looked to be El Cerrito's third fire station. She noted that the reasons given for the building's upgrade were: The quality of the building seismically; modernization; and the comfort of staff. She also noted the need to accommodate a larger fire truck, which based on common sense, might not be the best thing because of the community's small, tortuous roads. She said the larger truck might be meant to accommodate a larger community – El Cerrito, in order to get up and down Moser. From a bargaining standpoint, she said there should be bargaining on behalf of Kensington residents to seek participation from the other side.
- She wanted to continue to advocate for looking at things from the point of view that this was one town. She said the community had a distinct character and a high level of services being delivered to citizens. She noted that, despite the schism, all the arguments, and all the internecine warfare, the community enjoyed a high quality of life. She didn't want it forgotten that there was still a possibility to be one town – perhaps with the Fire District and the KPPCSD combined.

Paul Dorroh congratulated Director Deppe and thanked him for agreeing to serve on the Board. He said that, looking at the evening's agenda, he had been struck by the fact that, for the first time he could remember, there was no Closed Agenda item for personnel matters. He knew there were personnel out on disability and at least one officer out on administrative leave. He asked if it would be possible for

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the community to be updated on the status of police department personnel. President Sherris-Watt responded that the Board could not comment on this matter.

BOARD COMMENTS

See Ms. Walmsley's 9/14/17 minutes for this section (attached).

STAFF COMMENTS

GM Constantouros welcomed Courtney Walmsley, who was attending to take the minutes.

CONSENT CALENDAR

See Ms. Walmsley's 9/14/17 minutes for this section (attached).

NEW BUSINESS

9. Request for Proposals for an Evaluation of Options Related to Delivering Police Service.

GM Constantouros introduced the item. He said this had been a major community issue for at least the last decade and the last report had been Ad Hoc Committee's October 2016 report. Among the recommendations in that report had been hiring a professional to provide additional information. Seeking proposals from professionals to provide this information was the next step in the evaluation process. This information would fall into two categories:

- Determining the cost and organization of the current department: The organization for a police department; the appropriate staffing levels; the costs involved.
- Comparing that organization to contracting options. What options are there? Obtain complete proposals from neighboring jurisdictions – at least invite them to make a proposal. Then compare these to the organization that would be the correct organization for the community.

Mr. Constantouros emphasized the importance of obtaining public input. There would be opportunities for this at two times, but this could change as the report continued. This report would take some time to complete – at least six months, and he'd tried to make the report easier to understand by putting it into four phases. Once requests for proposals began, they tended to change as information was obtained. It was important to be flexible about the information obtained from professionals. The report could change based on input from the professionals, from citizens, and/or from neighboring agencies. The cost analysis could also influence the kind of report and offer changes in the process. He said he'd already received some suggestions and was interested in any community comments. He noted that suggested changes included the deletion of the description of the department in the first section, which had been copied from the Ad Hoc Committee, because some of the information wasn't current. There were also some improved descriptions of the community, some specifics added to the four phases to make the parts more clear, and there would be times for community input.

GM Constantouros said there would be significant costs with this report – probably toward the higher end of \$50,000 to \$100,000. He also said there were, currently, a lot of costs in the police department that were unusual: litigation was unnecessarily high at an average of \$100,000 per year; and 30% - 40% of the department not working for various reasons. These were problems that needed to be addressed and fixed. He believed the report would pay for itself by solving these problems in the near future and that the savings would accrue forever. He explained that he'd spoken to a few cities about litigation costs for police departments: They were basically zero. He concluded by saying this report would

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make no decisions. Rather, it was intended to hire someone to get information that would help the District evaluate and make a decision.

Director Welsh said this was a great proposal. He asked how GM Constantouros envisioned the process of seeking public input. GM Constantouros responded that he anticipated having a public meeting, publicized in advance – where information was presented, and the public had the opportunity to respond.

Director Deppe asked if it would be possible to put proposed timelines on the individual phases. GM Constantouros replied that it would be possible but hard to do without talking to the consultants first and that he'd like to do this as quickly as possible. However, he said that he didn't want to rush things if there were good reasons not to do so but that six months was a reasonable estimate.

President Sherris-Watt said her one recommendation was to expand the number of Directors interviewing the finalists: She'd like to see two Directors. GM Constantouros responded that this would be a Board decision.

GM Constantouros said he might have the opportunity to invite police chiefs from neighboring communities to interview the consultants, but they wouldn't be part of the selection process. President Sherris-Watt responded that this seemed somewhat problematic to her, but it could be considered.

Director Hacaj thanked GM Constantouros for being so responsive to the community's concerns and for speaking to individual Board members throughout the process. She said the report reflected where she wanted the process to go, and she thanked him for taking everyone's feedback into consideration. She noted that this was one of the most important tasks the Board had identified when it was interviewing GM candidates. She thought it would be a good idea to expand the number of Directors to work with the GM on interviewing people.

Director Hacaj made other specific comments:

- In Phase 2, she wanted to ensure that the same measurements for success cited in Phase 4 were applied to Kensington's police department, when that evaluation was done.
- Under the consultant's proposal section, on page 9 of the document, she asked to include asking the consultants if they had any personal or professional connections to KPPCSD Board members, staff, or Kensington residents that should be noted.
- Under RFP Evaluation Criteria, the third paragraph said "the city," which should be changed to "the District."
- On the first bullet point, the ending phrase said "with a preference for the demonstrated experience of the assigned consultants with similarly sized or California cities." She asked for clarification. GM Constantouros responded that there were consultants who had done work for cities in other areas in the country. He said those studies were relevant, but the legal requirements for the manner in which police operated could be very different: thus, the preference for California and specifically for similarly sized California cities.

Director Hacaj thanked GM Constantouros for taking input from the community members with whom he'd met, for listening to the community over the last several months, and for respecting the direction in which the Board wanted him to go.

Vice President Nottoli thanked President Sherris-Watt for having GM Constantouros prepare this proposal: It was an excellent way to begin this process. She said that she recognized there had been problems associated with the police department and that this was a tool that would enable the Board to evaluate its current department and to consider what options might exist. She noted that, with respect to the CalPERS issue, this was an issue that would need to be explored thoroughly.

Vice President Nottoli said the estimated cost of the study could be between \$50,000 and \$100,000. She noted that there had been discussions about the District's financial constraints – there were lots of

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financial obligations the Board wanted and needed to meet. She said this had to be done on a very tight budget: Thus, there could be no expansion of scope.

Director Hacaj said that she would like the next budget reflect the potential cost of this work and that she would like to see the District's final budget adopted before the end of the month. GM Constantouros said he didn't have a proposal yet, so there was no firm amount to add to the budget. Director Hacaj responded that, even if there wasn't a firm amount, she wanted to see an amount reflected in the budget.

With respect to the number of copies, GM Constantouros said some residents had expressed an interest in receiving copies, so he wanted to increase the number to ten. Vice President Nottoli suggested obtaining an electronic copy to post on the website.

GM Constantouros clarified that this was a professional services RFP, which was different from something like a construction project, where the Board would be obligated to select the lowest responsible bidder. He said the Board would not have to select in this manner with this RFP: The Board should select the professional who would best meet the needs of the community.

President Sherris-Watt said she wanted to thank the Ad Hoc Committee for its work, which had been the first step in getting the District to this point. She also thanked GM Constantouros, who had moved the District forward.

Leonard Schwartzburd thanked GM Constantouros for an excellent protocol for an RFP and thanked the Board for bringing the District to this stage so professionally.

Paula Black welcomed Director Deppe to the Board. She acknowledged that the unpaid volunteer Board did a tremendous amount of work, and she thanked them for it. She also thanked GM Constantouros for the excellent RFP and said she was pleased that there would be so much public input. She said that she was pleased that the Board was building on the Ad Hoc Committee's work and that informed decisions were good decisions. She commended the Board for taking this step forward.

Kris Hafner said that, with respect to the police department and police issues, the community had been "flying blind" for a long time because of a lack of information. She congratulated GM Constantouros and the Board for pursuing this path, which she hoped would provide very concrete information about the current state and information that would allow the community to see a future state: The needs of the community as defined by the community. She asked that decisions be made based on fact and information that the community would all see together. She also asked that the public be involved in as many ways as possible. She requested that the entire final report be made broadly available.

Jim Watt said he'd had an opportunity to speak with GM Constantouros earlier in the day about the budget and about his suggested changes to the four phases of the RFP. In the introduction of the RFP, there was a description of the current make-up and scheduling of the police department, including an organizational structure that had been in existence since 1984. He provided a handout consisting of a flowchart diagramming what the shift schedule looked like. Now that there was a GM and the community had had the experience of being chronically shorthanded, while still ranking as one of the safest towns in California, it was time to ask:

- How many officers were really needed?
 - Could current officers be supplemented with part-time retired officers?
 - Did the District need a full-time traffic officer?
 - Could detective duties be contracted out?
 - Could the full-time Interim Chief fill in for supervisory duties?
 - Why should officers work 12-hour shifts?
 - How could things change so officers could spend more time on patrol and not in the office?
- He said it would have been nice to see more of these issues fleshed out in the proposal.

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Mr. Watt said that, with respect to the first phase of the work, an assessment of the existing organization – if done objectively, would show that the department had been in turmoil for the last few years. If the District were to maintain an in-house police department, existing practices would need to be revamped, and this was not clearly conveyed in the RFP document. He said that the scope of work also called for a financially sustainable in-house department over the next 5 to 10 years and that he thought it would be almost impossible to provide such an analysis, given the assumptions about staffing levels, CalPERS investments, MOU negotiations, and officer turnover. Instead, he said the District should come up with its best-case stand-alone department and see how it compared to outsource options.

Mr. Watt noted that the scope of work stated the Board would seek contracting proposals based upon organizational goals. However, he said the organizational goals of an in-house department could be quite different if outsourced. In outsourcing, the District could utilize the services of the chief and detective staff and there could be a supervisor working out of the main office who could call in other officers when backup was required.

Mr. Watt explained that there would be lots of intangibles that would need to be part of any contract:

- Length of time officers would serve in Kensington.
- Ability to off-load an officer back to the contracting agency if the community so desired.
- MOU terms of the contracting agency.
- Unfunded police liabilities.
- History of the agency, in terms of workers' compensation issues.
- Disciplinary problems.
- Maintenance of cars.
- Use of existing police office.
- Terms of the contract and the mechanism by which costs would be allowed to increase.

Mr. Watt said he saw no reference to the potential cost for exiting CalPERS or any start-up or training costs.

Mr. Watt concluded by saying he had recommended changes, and he provided a handout to the Board.

President Sherris-Watt said the document and the Board's investigation of this issue was part of a two-pronged approach: The Board wanted to know what the potential possibility for the future was, what difficulties and problems already existed of which the Board was unaware, and what could be done to rectify them. She said the Board was looking at an ideal department, but was also looking carefully at the existing department and the ways in which it could be improved.

Director Welsh said that GM Constantouros had talked about a five to ten year timeframe of sustainability if the community kept its own force. He suggested also considering the same kind of sustainability that would go along with contracting out.

Linda Lipcomb emphasized a point that had been made by President Sherris-Watt: The community had a department that ministered to the needs of the citizenry. She said the first order of business should be looking at how the existing department could be improved, how it could be made to function as smoothly as possible, and how costs could be minimized. She cited that contracting out would be a sea change in the way in which services would be directed. She didn't want to see short-shrift paid to what the community had: The District had produced one of the safest communities and one of the richest environments in which she'd ever lived. She'd lived in Kensington for 40 years and had had nothing but good relations with the department. The notion of contracting out was the wrong assumption: The community had a functioning department that had been delivering the services – the focus should be on making it run as well as possible.

President Sherris-Watt summarized changes the Board made to the document:

- Improved introduction that more closely identified the community's description.
- On page 4, fixing the description of the current staffing situation.

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- Possibly applying the ideas for public input in other phases of the project.
- Application for the recommended performance measures to evaluate success to Phase 2.
- The recommended performance measures to evaluate success in the last line of Phase 4.
- On page 9, change the consultant's proposal so that they would submit 10 paper copies.
- On page 11, replace the word "city" with "district."

Director Welsh asked for clarification about the change to Phase 2 to include success evaluation in the same way as noted in Phase 4. Director Hacaj responded that she wanted to make sure that, as part of the examination of the District's own department, the Board was clear about performance measures for success. She said that, if the Board looked at other departments for the purpose of contracting out, the Board would identify measures for success: Performance on contract and services. She said it would be nice if the Board could be clear about how it would evaluate Kensington's own department going forward.

Director Welsh said he thought the language in Phase 4 would apply to Kensington's own department as well. GM Constantouros responded that the intent on Phase 4 was that it would apply to Kensington's own department, contracting out, and everything in between.

GM Constantouros said he had one other change that Director Hacaj had recommended about personal connections to the KPPCSD or any residents would be included in the application. He noted that Mr. Watt had some suggestions that should be considered and said he could work on those. Director Hacaj responded that she would be comfortable authorizing GM Constantouros to look at the suggestions and, with consultation with President Sherris-Watt, finalize the document. Director Welsh responded that this was a good idea.

GM Constantouros said that he also wanted to note there were four recommendations, and he thought the Board might want to consider changing one of them: Two interviewees from the Board. He noted that it would be helpful if the Board would authorize this and identify the two Directors. Director Hacaj said that she would be happy to serve on this and that she wanted to nominate Director Welsh.

Legal Counsel Danforth suggested that the Board identify the two Directors as an ad hoc subcommittee for this limited purpose.

GM Constantouros noted that he had mentioned the possibility of including a police chief from another agency and asked for feedback from the Board on this. Director Hacaj responded that a possible difficulty was that, if such agency chose to submit, it would give that agency an unfair advantage. Director Welsh said he understood why GM Constantouros would want the input, and GM Constantouros responded that it would be good to have this from a police chief outside the organization. President Sherris-Watt said this was something she would like to consider at a later date but that it could be problematic if adjacent agencies or applicant agencies were to be involved.

Celia Concus said it seemed that the whole reason for this proposal was to explore whether or not the District should look at contracting out and/or keeping the District the way it is. She said there should be two members of the Board who campaigned strongly for exploring whether or not to contract. She said she didn't mean to offend Director Welsh, but he'd stated his opinions so strongly. Director Welsh asked her to cite what opinions he'd stated about contracting out – other than saying the District needed more information. She responded that what she'd heard was that he felt strongly about combining the KPPCSD and the Fire District and that this indicated a strong bias. Thus, she said he would not be a good fit for the ad hoc committee.

Director Hacaj said that what the Board was looking for was not the decision about whether to contract: This would be an examination of the option of consulting. Vice President Nottoli clarified that the Board was only looking at possible consultants. President Sherris-Watt responded that she'd heard and considered Ms. Concus' concern about which Directors she'd recommend – who would ably execute this interviewing process. She noted that she had full confidence in both Directors, especially Director Welsh. She added that she was confident that he would be unbiased in bringing to the Board a firm that

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would present good information. Ms. Concus responded that she liked Director Welsh but that she was not confident.

MOTION: President Sherris-Watt moved that the Board accept and authorize GM Constantouros to develop and prepare the Request for Proposals for an Evaluation of Options Related to Delivering Police Services, with the changes thus identified by the Board this evening, and she nominated Director Hacaj and Director Welsh to form an ad hoc committee to interview finalists with the GM and the Interim Chief of Police to recommend a firm to the Board.
Motion passed: 5 – 0.

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

NOES:

ABSENT:

President Sherris-Watt thanked GM Constantouros.

President Sherris-Watt announced that the Board's next meeting would be September 28th.

The meeting was adjourned at 8:53 P.M.

Rachelle Sherris-Watt
KPPCSD Board President

Lynn Wolter
District Administrator

Note: At GM Constantouros' direction, this revision of the September 14, 2017 Minutes' Speakers/Presenters and Public Comments sections and Agenda Item 9 (Request for Proposals for an Evaluation of Options Related to Delivering Police Service) was prepared by District Administrator Lynn Wolter.

Courtney Walmsley, who sat in for District Administrator Wolter during her vacation, prepared the original version, which is attached for reference for those sections not revised.

**Kensington Police Protection
and
Community Services**

Meeting Minutes for Board Meeting 09/14/2017

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Service District was held Thursday, September 14, 2017, at 6:30 P.M., at the Community Center, 59 Arlington, California. A Special Meeting (Open Session) followed.

Note: All proceedings of the Open Board will be videotaped.

1. **Call to Order/Roll Call**
2. **Christopher Deppe-Oath of Office** (to be administered by General Manager Anthony Constantouros)
3. **Closed Session-Public Comments**
 - a. **CONFERENCE CALL WITH LEGAL COUNSEL- EXISTING LITIGATION** (Paragraph (1) of subdivision (d) of Government Code Section 94956.9) One case, name unspecified because disclosure would jeopardize existing settlement negotiations.
4. **Regular Meeting:** Open Session-Call to Order/Roll Call 7:30 P.M.
5. **Christopher Deppe- Oath of Office** (to be administered by General Manager Anthony Constantouros) before Closed Session and at beginning of Open Session.
6. **Public Comments:**Members of the public may address the Board on any issue on the Consent calendar and on items not listed on the agenda but that are within the jurisdiction of the District. Comments on matters that are listed on the agenda may be made at the time the Board is considering each item,. Each speaker is allowed a maximum of five (%) minutes, per Board Policy 5030.41
7. **Board/Staff Comments**
8. **Consent Calendar**
 - a. Minutes from August 14, 2017 Meeting, Pg. 6
 - b. Unaudited Profit and Loss Budget Performance Report for August 2017, Pg. 19
 - c. Franchise Fees Report for August 2017, Pg. 23
 - d. KPD Monthly Statistics for August: None this meeting
 - e. Correspondence, Pg. 25
 - f. Recreation Report: None this meeting
 - g. Monthly Calendar, Pg.50
 - h. General Manager's report- None this month
 - i. Designation of Negotiators, Pg. 52
9. **Request for Proposals for an Evaluation of Options Related to Delivering Police Service**, pg. 54

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ADJOURNMENT

General Information

- All proceedings of the Open Session will be audio and video taped.
- The Community Center has devices for hearing assistance. Please contact Anthony Constantouros for information about the equipment.
- The Community Center is wi-fi accessible. Terms and conditions are included in the Board Packet.
- Upon request, the Kensington Police Protection and Community Services District will provide written agenda materials in appropriate alternative formats or disability-related modification of disabilities to participate in public meeting. Please send written request, including name, mailing address, phone number, and a brief description of the requested materials and preferred format or auxiliary aid or service at least **two days** before the meeting. Requests should be sent to:

General Manager Anthony Constantouros
Kensington Police Protection & Community Services
217 Arlington Avenue
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 at Kensington Library.

All public records that relate to open session items 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 Avenue, Kensington, CA 94707 at the same time that those records are distributed or made available to a majority of the Board.

ATTENDEES

Board Members:

Rachelle Sherris-Watt	President
Eileen Nottoli	Vice President
Len Welsh	Director
Sylvia Hacaj	Director
Christopher Deppe,	Director

STAFF

Anthony Constantouros	General Manager
Ann Danforth	Legal Counsel
Rickey Hull	Interim Chief of Police

Courtney Walmsley	Assistant to District Administrator Lynn Wolter
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PRESS

Linnea Due	Reporter
?	Photographer

SPEAKERS/PRESENTERS

Jeff Loan Renne Sloan Sakai	Jim Watt
Linda Lipscomb	Paul D?
Len Welsh	Celia Concus
Rachelle Sherris-Watt	Sylvia Hacaj
Tony Constantouros	Christopher Deppe
Eileen Nottoli	Leonard Whiksbord
Paula Black	Chris Hafner

Roll Call: LW, SH, EN, RSW, CD

President Sherris-Watt called the meeting to order at 6:06 P.M. President Sherris-Watt, Vice President, Nottoli, Director Welsh, Director Hacaj, Director Christopher Deppe, GM Constantouros, ICOP Hull, Legal Counsel Ann Danforth, Assistant Administrator Walmsley were present. President Sherris-Watt reported on Chris Deppe's oath to office filling in vacant Board position.

Vacancy is filled. Christopher Deppe takes/is sworn in oath of office. The official swearing in occurred before Closed Session. Ceremonial opening of Christopher Deppe will happen at the beginning of the open meeting.

CLOSED SESSION PUBLIC COMMENTS

The Board entered into closed session at 6:08 pm.

CLOSED SESSION

The Board returned to Open Session at 7:32 P.M.

Roll Call: LW, SH, EN, RSW, CD

Welcomed Christopher Deppe and took oath of office- recital and Tony Constantouros presentation of oath. Deppe sworn in.

Speakers at Board meeting: September 14, 2017

1st Speaker: ?

1. Is upset thinking the Board was voting or making a decision whether to pursue contract police force or keep Kensington police force independent. He said he attended the Kensington Fire Department meeting and was told (erroneously) that decision was happening and was upset that little public comments/input were being addressed. Board President refuted this information and did not speculate on why the Fire Department mentioned this issue. Speaker wholeheartedly does NOT want Kensington Police Department to use contract services and thinks it would be huge disservice to the community.

Speaker: Linda Lipscom

1. Welcomed Mr. Deppe to the Board, looks forward to his calm demeanor especially when it comes to dealing with the difficult tasks ahead. One of these tasks is the ongoing question of what the Kensington Police department should do (in particular regard to citizens' opinion of the current state of affairs of the KPD):
 - a) After an assessment of KPD, use contract services or
 - b) fix internal problems and keep the KPD independent

According to the statistics, 40% of Kensington's police services are used by neighboring cities like El Cerrito. Thinks the Board should propose cities that use KPD services pay for portion of upgrades/assessment to Kensington Police department. Thinks that KPD uses this as a bargaining chip for payment of upgrades/services (i.e. If particular city like El Cerrito uses services, that particular city should help pay for some costs/upgrades necessary to by KPD).

Really wants Kensington to become one unified town and make the best decisions for the town. Sees too much division and would like it to be more unified keeping its distinct characteristics, personality, and high quality of life and services intact. She wants the citizens coming together, letting their opinions and voices be heard by the Board when the Board makes major decisions about the direction of the town.

Speaker: Jim Watt

1. Has numerous issues with the Board and would like to address his three main points. One, he read the September 17th *Outlook* article giving mixed reviews on process of cost control and financial issues.
2. Issue # 2: He witnessed a high speed chase by Kensington Police Department and was extremely concerned by the dangerous behavior exhibited by the cruisers. He was deeply troubled by the need of the police to catch perpetrator versus the safety of the citizens and those on the road. He would like to know what the protocol is, if none, create and adopt guidelines to appropriate means and behavior. He demanded to know if this dangerous pursuit was really necessary.
3. He has concerns with the cost of upgrades to the Kensington Community Center. He thinks there have been deficiencies in public review of costs associated with upgrades. He believes the new structure is too costly and wants the Board to deny the Fire Department more money. He thinks the rent of the KCC is justifiable. As a landlord, landlord's do not have to make the same commitment to seismic upgrades/retrofits and ADA upgrades to properties. The Board should be sole financial responsibility for bulk of building costs and

discuss more realistic options of new building costs saving Kensington residents from exorbitant costs and spending.

Speaker: Paul D.

1. Welcomes Mr. Deppe to the Board and knows his calm personality will be beneficial to the Board. Paul Dee does not agree or like when the Board discusses personnel issues in closed sessions. Would prefer personnel issues be addressed during the open session portion of the meeting. He wants to be continually and constantly updated with Kensington Police department personnel matters and issues.

Speaker: Board Member Director Len Welsh

1. Welcomes Mr. Deppe to Board. Knows he did not vote for Mr. Deppe, but does look forward to working with him

Speaker: Board Member Rachelle Sherris-Watt

1. Welcomes Mr. Deppe to Board and looks forward to his participation
2. Thanks Board members for all their hard work and dedication to the process of filling the vacancy.
3. Announces Finance Meeting (scheduled for 09/27/2017 at 7:00 pm and Solid Waste meeting at 09/21/2017 also at 7:00pm).

Speaker: Sylvia Hacaj

Item 8 from Consent Calendar

-Item b

-Item d

-Item i

Speaker: Karl Kruger

He was curious to understand the legal fees and why the fees were separate from each other (police legal fees separate and apart from district legal fees). He thought that looked suspicious and there was some aspect of playing with numbers; he wanted additional clarity in how these fees were spent.

Financial statement, 7.5 years

Speaker: Rachelle Sherris-Watt

Responded to Mr. Kruger and said there was a gross error in the financial statement report. Said that Ann Danforth would address the issue and respond to why the police and district had separate legal feeds, it was not intentional obfuscation or playing with numbers.

Speaker: Jim Watt

1. Disagrees with Debbie Russell's conclusions.
2. Thought the financials and budget looked peculiar.
3. Would like Debbie's response to Jim Watt's concerns be emailed to the board/committee. Mr. Watt wanted to know why salary 502 was higher than anticipated. Officer barrow was mistreated and later, re-instated. Why was this not mentioned to the public. What is the current status of Officer Barrows?
4. What is going with compensated absences of Sargent Hughie separation? Is he still employed or considered part of the police force or department? Again, why were not people told or the public kept informed?

Consent Item (d)

- August statistics not available
- What are officers doing? What is happening with Barrows, Wilkins and Hughie?
- Is Wilkins available for duty (capable?) Wants an update on his status.

Designation of Negotiations

Negotiate OMU (GM tony Constantouros and Mr. Wolstrom) for KPD. Negotiate and contract in context. "Are we going to retain an independent police department?" Agency not great as KPD is far behind other agencies and do not make contributions into account for medical benefits for retirement or when they retire.

Primary role: Better benefits rather versus benefit obligations to employees.

Speaker: Rachelle Sherris-Watt

1. Will update statistics.
2. Needs to ask about the legality of commenting upon employment status police officers before making any comments on particulars of status or providing updates.

Consent Calendar continued:

Speaker: Linda Lipscomb

1. Other jurisdictions have greater gains to retirement fund .
2. Officers received 17% wage increase although this was not the case of the Kensington Police Department.

Consent Calendar approved

Ayes: 5 -0

Request for Proposals for Kensington Police Department Assessment

Speaker: Tony Constantouros (?)

This is a major community issue and needs to be addressed. This request is important and may be somewhat costly due to the far-reaching implications it will have on KPD. The proposal will not identify any issues, but will also have a number of other benefits basically educating the department and the public about the issues facing the KPD: 1) Are the problems easily remedied? 2) What is the cost and are the fixes financially viable and sustainable? 3) Does contracting out make sense of Kensington or not?

1. The request for proposal is at beginning stage. The request would like to compare organization of KPD to similar department in other cities like Kensington.
2. There will be multiple opportunities for public input at various stages of proposal assessment. Report can take up to six months or more to construct as it will be an ever-evolving, fluid, and possible increasing in scope process.
3. The cost can run anywhere from \$50,000-\$100,000 and going with the lowest proposal cost is not always the best option as scope may(and likely will change). 30% of KPD's current costs are related to personnel issues and need to be addressed.
4. Open to suggestions and would like to continue receiving input and opinions on an ongoing basis. Respects the variety of points of view and would like to keep the process of assessment as open as possible. Public comments and forums are good places and times to give these ideas.

5. Right now, there seems to be a lot of outdated financials that also need to be addressed. There are a fair amount of unusual and unnecessarily high costs to the ongoing litigation the KPD is dealing with. Seems outright excessive. Why?
6. Has certain specifics related to the Four Phases of the Assessment and findings of the RFP.
 - a. Phase One: Public Input
 - b. Phase Two: Initial observations
 - c. Phase Three: Problem-solving issue in KPD. Is the leadership effective at proposing solutions and troubleshooting or not.
 - d. Phase Four:
7. To reiterate, this report does NOT make any decisions; it is simply an opportunity to define issues, make suggestions, take opportunity for public feedback, and make an educated financially sound decision on whether or not to keep Kensington's Police Force independent or contract out. This assessment will provide many answers while probably generating more questions about the happenings to the police department and what the best, most cost-effective measures should be adopted and implemented. This is a time to get educated on what challenges are present and best way to proceed forward.

Speaker: Len Welsh

Wants to know processes in information gathering and what that entails.

Speaker: Tony Constantouros

Wants to have public forums and meetings for public input

Speaker: Christopher Deepe

Are timelines on various phases possible?

Speaker: Tony Constantouros

Difficult to pin down. Thinks six months for initial input is good, but does not really know specifics.

Speaker: Rachelle Sherris-Watt

Would like more directors involved to interview potential contract hire.

Speaker: Tony Constantouros

Would like to invite police chiefs from neighboring communities to get input from them

Speaker: Sylvia Hacaj

Thanks GM for being responsive to community and respecting their wishes. Agrees with Sherris-Watt regarding the need for more Board members to be involved in the hiring and interview process. She recommends herself and Len Welsh to be involved.

Would also like the potential consultants if they have any personal connections (family members, business interests, etc.) to Kensington. Any ties that might compromise the integrity of the preliminary findings.

Speaker: Rachelle Sherris-Watt

Agrees with Sylvia Hacaj in interviewing process excluding those who have personal connection to Kensington.

Speaker: Sylvia Hacaj

Would like some clarification on “the district” not “they city” as Kensington has special considerations. Would like to see other reports from similarly sized communities

Speaker: Eileen Nottoli

Thanks Tony for his RFP proposal gathering as recognizes it as a great tool for analyzing issues and really sinking teeth into issues/concerns. Really welcomes the opportunity to see options and changes in the Kensington Police Department. Also it will mention issues with CalPers associated cost with various options. Potential consultants must understand that they will be working on a tight budget and stick to it as much as possible.

Speaker: Sylvia Hacaj

Wants budget to reflect cost of proposals. Wants to see what each proposal will cost and the scope to make the best decision between cost and scope understanding that scope and cost might increase if questions and issues come up that need further and more in depth knowledge. The community needs this information for everyone to make an informed decision when times comes.

Speaker: Rachelle Sherris-Watt

Thanked Tony for his work and request for proposals and moving Kensington is analysis and vetting of the Kensington Police Department.

Speaker: Leonard Whiksbord

Thanked Tony for gathering RFPs and thanked Board for hiring Tony and looks at this as an opportunity to exercise his capabilities as the new GM.

Speaker: Paula Black

Welcomed Mr. Deppe to the Board. She thanked the Board for all their hard work and is glad that the Board finally is complete. Thanked Toney for his RFPs. She herself recognizes and respects community input and wants everyone to participate in this decision looking at facts after the assessment is complete. She has given this independent police vs. contract police work a lot of thought and is really looking forward to additional clarity and knowledge that she hopes assessments will shine light on. She knows that more information will lead to making better decisions for the community and the KPD.

Speaker: Chris Hafner (Kensington Property Association member)

He feels like he is “flying blind” as he has very little knowledge, clarity or understanding of all the issues and concerns that the Kensington Police Department is facing in regards to personnel and litigation. Thanked Tony for requesting proposals (RFPs). Thinks this will be a perfect manner to do some information gathering.

Speaker: ?

Some people already feel strongly one way or another with this decision, but wants everyone to remain calm and measured in behavior and make ultimate decision based on FACTS, not emotion. Public involvement, active participation, input, and knowledge is absolutely essential to this entire process and wants limited redacted information in assessment when made available to public.

Speaker: Jim Watt

Had spoken with Tony regarding the budget and would like to make quite a few changes to the proposal (attached two documents of his changes and what he would like included).

1. In the introduction or Phase One of the RFP, he wants a description and organizational structure of KPD. The last assessment of a description and organizational structure are from 1984 (extremely out-of-date). Watt created a flowchart of the KPD shift-scheduling in demonstrating how chronically short-staffed and disorganized the KPD is.
2. Has lots of questions regarding KPD, wants more description, details, and information about the variety of issues the KPD has. He wants details, scope, and minutia to be know to public.
3. Organizationally, Watt wants increased in-house KPD stability where the KPD utilizes the chief more efficiently and also wants to know length of some officer service.
4. Has many questions and terms. Provides his own suggestions he thinks would be beneficial to the process and thinks everyone should agree to them.

Speaker” Rachelle Sherris-Watt

She thinks the proposal (RFP) should take on a two-pronged approach:

1. What needs to be done for the future of the Kensington Police Department? What good policies and practices will be discovered, what needs immediate change, and what needs to be addressed in further detail down the road?
2. What are the current issues and how best to ameliorate the problem-areas?

Looking for ways to improve police department for community and employees.

Speaker: Len Welsh

He would like to focus on 5-10 year sustainability of current police forces versus the 5-10 plan if they choose to contract out police.

Speaker: Linda Liscomb

Looking to how we can improve the police department, she would prefer to work with current department and police protection that Kensington has rather than just starting all over again with contracting out services. She believes contracting out would be disruptive, expensive, and maybe not the best option overall. Would like to stay independent and fix the problems.

Adopt the Motion the Request for Proposals regarding Evaluation of KPD

Speaker: Rachelle Sherris-Watt

Would like to see changes in introduction and description of Kensington community on P.4 of RFP. Would also like public input to be a part of each part of Four Phases mentioned in assessment. Would like performance measures applied to Phase Two of assessment, p. 9. She wants ten paper copies made.

Speaker: Sylvia Hacaj

Would like assessment and public to define what are clear measures of success. Defining and creating a specific rubric to measure success needs to be discussed in Phase 4 of assessment

Speaker: Tony Constantouros

Agreed that anybody that has a personal connection with Kensington should be a part of the consulting firm doing the assessment of the KPD. Would like two Board members to be part of interview team for the consulting firms interested in working with Kensington and their RFPs.

Two Directors for Ad hoc Interview Team: Sylvia Hacaj, Len Welsh plus General Manager Tony Constantouros, and Chief of Police Rickey Hull.

Speaker: Sylvia Hacaj

Would like to solicit information from other jurisdictions, but not including police chiefs from other agencies.

Speaker: Len Welsh

Agrees with Board member Hacaj about not including police chiefs from other agencies as that would give other agencies unfair advantage and not provided unbiased feedback.

Speaker: Rachelle Sherris-Watt

Need to address police chief attendance/inclusion at another time.

Speaker: Celia Concus

Reason for proposal is to gather information exploring issues & concerns of KPD to make an educated decision about maintaining an independent force or contracted force.

Speaker: Len Welsh

Has concerns regarding combining district with Fire Department board.

Speaker: Celia Concus

Does not think Welsh should not be a part of the interviewing committee as he is too biased as he was in favor of some earlier ruling Does have confidence in his ability and remain unbiased

Speaker: Len Welsh

In response, he says he regrets he attitude.

Speaker: Sylvia Hacaj

Has full confidence Welsh would do well as part of interviewing committee and the sole purpose of committee is to examine the different options, different costs, different proposals.

Speaker: Rachelle Sherris-Watt

Has full confidence in Sylvia and Len's in hiring process without preconceived notions or biases.

Motion to Create Ad Hoc Committee for conducting interviews and vetting proposals,
5-0 Ayes, 0 No

Motion to Adjourn: 5-0 Ayes, 5- 0 Nos Meeting Adjourned: 8:53 P.M.

Prepared by: Courtney Walmsley Date: 09/25/2017

Rachelle Sherris-Watt, President

These are draft minutes. Once approved by the Board, the minutes will be posted on the District website, under the dropdown menu "Approved Minutes."

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.

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- 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.

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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

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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 Constantouros 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.

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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.

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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).

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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.

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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.

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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.

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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

KPPCSD
Unaudited Profit & Loss Budget Performance

Accrual Basis

October 2017

	Oct 17	Budget	Jul - Oct 17	YTD Budget	Annual Budget
Ordinary Income/Expense					
Income					
400 · Police Activities Revenue					
401 · Levy Tax	0.00	0.00	1,581,774.74	1,740,000.00	1,740,000.00
402 · Special Tax-Police	0.00	0.00	0.00	680,000.00	680,000.00
403 · Misc Tax-Police	0.00	0.00	0.00	0.00	0.00
404 · Measure G Supplemental Tax Rev	0.00	547,995.00	0.00	547,995.00	547,995.00
409 · Asset seizure forfeit/WEST NET	0.00	0.00	0.00	0.00	0.00
410 · Police Fees/Service Charges	60.00	125.00	320.75	500.00	1,500.00
411 · Kensington Hilltop Srvc Reimb	0.00	0.00	0.00	0.00	20,051.00
412 · Special Assignment Revenue	0.00	0.00	0.00	0.00	0.00
413 · West County Crossing Guard Reim	0.00	0.00	0.00	0.00	11,623.00
414 · POST Reimbursement	0.00	0.00	0.00	0.00	0.00
415 · Grants-Police	0.00	0.00	0.00	0.00	0.00
416 · Interest-Police	0.00	625.00	0.00	625.00	2,500.00
418 · Misc Police Income	716.21	1,150.00	723.77	2,300.00	11,500.00
419 · Supplemental W/C Reimb (4850)	0.00	0.00	2,048.97	11,033.00	11,033.00
Total 400 · Police Activities Revenue	776.21	549,895.00	1,584,868.23	2,982,453.00	3,026,202.00
420 · Park/Rec Activities Revenue					
424 · Special Tax-L&L	0.00	37,503.00	0.00	37,503.00	37,503.00
427 · Community Center Revenue	1,910.00	2,000.00	4,385.00	8,500.00	28,000.00
437 · Contributions for Sound System	0.00	0.00	0.00	0.00	0.00
438 · Misc Park/Rec Rev	40.00	0.00	80.00	0.00	200.00
439 · Contributions for Community Ctr	40.00	350.00	302.00	700.00	3,500.00
Total 420 · Park/Rec Activities Revenue	1,990.00	39,853.00	4,767.00	46,703.00	69,203.00
440 · District Activities Revenue					
448a · Franchise Fees Gross	24,055.08	22,033.00	26,492.20	28,333.00	90,000.00
448b · less Franchise Fees Paid Out	-10,309.32	-1,350.00	-11,353.80	-2,700.00	-38,570.00
456 · Interest-District	0.00	50.00	0.00	50.00	200.00
458 · Misc District Revenue	0.00	0.00	0.00	0.00	0.00
Total 440 · District Activities Revenue	13,745.76	20,733.00	15,138.40	25,683.00	51,630.00
Total Income	16,511.97	610,481.00	1,604,773.63	3,054,839.00	3,147,035.00
Expense					
500 · Police Sal & Ben					
502 · Salary - Officers	65,952.08	80,253.00	288,769.39	302,058.00	940,953.00
504 · Compensated Absences	0.00	0.00	30,211.82	4,500.00	9,200.00
506 · Overtime	7,988.34	6,250.00	45,665.70	25,000.00	75,000.00
508 · Salary - Non-Sworn	6,075.41	5,382.50	23,602.32	21,530.00	64,590.00
516 · Uniform Allowance	466.62	666.67	1,933.14	2,666.68	9,000.00
518 · Safety Equipment	0.00	208.33	1,582.05	833.32	2,500.00
521-A · Medical/Vision/Dental-Active	11,244.37	15,046.92	62,936.40	60,187.68	180,563.00
521-R · Medical/Vision/Dental-Retired	11,641.00	11,519.25	54,985.22	46,077.00	138,231.00
521-T · Medical/Vision/Dental-Trust	0.00	0.00	0.00	0.00	262,462.00
522 · Insurance - Police	0.00	578.33	1,294.00	2,313.32	6,940.00
523 · Social Security/Medicare	1,383.63	1,326.42	6,209.23	5,305.68	15,917.00
524 · Social Security - District	1,302.95	333.75	4,961.86	1,335.00	4,005.00
527 · PERS - District Portion	12,571.18	14,430.00	208,179.72	210,711.00	326,151.00
528 · PERS - Officers Portion	2,984.34	3,212.00	13,392.35	12,848.00	38,546.00
530 · Workers Comp	0.00	0.00	91,391.75	92,000.00	92,000.00
Total 500 · Police Sal & Ben	121,609.92	139,207.17	835,114.95	787,365.68	2,166,058.00
550 · Other Police Expenses					
552 · Expendable Police Supplies	0.00	183.33	0.00	733.32	2,200.00
553 · Range/Ammunition Supplies	750.00	458.33	750.00	1,833.32	5,500.00
560 · Crossing Guard	1,291.50	1,162.30	2,195.56	2,324.60	11,623.00
562 · Vehicle Operation	2,496.06	3,020.83	10,367.88	12,083.32	36,250.00
564 · Communications (RPD)	11,329.54	0.00	86,722.95	222,958.00	222,958.00
566 · Radio Maintenance	181.69	181.67	726.76	726.68	2,180.00
568 · Prisoner/Case Exp./Booking	650.00	741.67	1,012.79	2,966.68	8,900.00
570 · Training	0.00	833.33	2,217.00	3,333.32	10,000.00
572 · Recruiting	0.00	1,312.50	350.00	5,250.00	15,750.00

KPPCSD
Unaudited Profit & Loss Budget Performance

Accrual Basis

October 2017

	Oct 17	Budget	Jul - Oct 17	YTD Budget	Annual Budget
574 · Reserve Officers	0.00	806.25	349.49	3,225.00	9,675.00
576 · Misc. Dues, Meals & Travel	750.00	236.25	1,525.00	945.00	2,835.00
580 · Utilities - Police	1,836.15	200.00	3,304.59	2,200.00	11,040.00
581 · Bldg Repairs/Maint.	0.00	250.00	0.00	1,000.00	3,000.00
582 · Expendable Office Supplies	417.53	541.67	1,421.59	2,166.68	6,500.00
588 · Telephone(+Rich. Line)	945.06	425.00	1,932.07	1,700.00	5,100.00
590 · Housekeeping	248.08	333.33	1,538.20	1,333.32	4,000.00
592 · Publications	0.00	0.00	0.00	0.00	3,500.00
594 · Community Policing	1,000.95	800.00	2,259.85	3,500.00	9,000.00
595 · Legal/Consulting - Police	3,775.10	2,766.67	13,014.69	11,066.68	33,200.00
596 · WEST-NET/CAL I.D.	0.00	0.00	0.00	6,100.00	6,100.00
599 · Police Taxes Administration	927.89	0.00	1,799.32	1,750.00	3,500.00
Total 550 · Other Police Expenses	26,599.55	14,253.13	131,487.74	287,195.92	412,811.00
600 · Park/Rec Sal & Ben					
601 · Park & Rec Administrator	768.40	700.00	3,043.32	2,720.00	8,323.00
602 · Custodian	1,750.00	1,750.00	6,550.00	7,000.00	22,750.00
623 · Social Security/Medicare - Dist	0.00	53.08	0.00	212.32	637.00
Total 600 · Park/Rec Sal & Ben	2,518.40	2,503.08	9,593.32	9,932.32	31,710.00
635 · Park/Recreation Expenses					
640 · Community Center Expenses					
642 · Utilities-Community Center	916.93	553.00	1,985.19	2,212.00	6,636.00
643 · Janitorial Supplies	0.00	75.00	755.49	475.00	1,250.00
646 · Community Center Repairs	0.00	208.33	0.00	833.32	2,500.00
648 · Community Center Equip Maint	182.75		731.00		
Total 640 · Community Center Expenses	1,099.68	836.33	3,471.68	3,520.32	10,386.00
660 · Annex Expenses					
662 · Utilities - Annex	0.00	0.00	0.00	0.00	0.00
666 · Annex Repairs	0.00	0.00	0.00	0.00	1,000.00
668 · Misc Annex Expenses	0.00	0.00	0.00	0.00	1,000.00
Total 660 · Annex Expenses	0.00	0.00	0.00	0.00	2,000.00
670 · Gardening Supplies	0.00	250.00	0.00	500.00	1,000.00
672 · Kensington Park O&M	3,700.62	7,000.00	18,172.34	39,500.00	69,300.00
674 · Park Construction Exp	0.00	0.00	0.00	0.00	5,000.00
678 · Misc Park/Rec Expense	0.00	0.00	0.00	0.00	1,370.82
Total 635 · Park/Recreation Expenses	4,800.30	8,086.33	21,644.02	43,520.32	89,056.82
800 · District Expenses					
808 · District Salaries	14,171.35	11,635.00	53,384.49	46,540.00	139,620.00
809 · District Payroll Taxes	0.00	890.08	0.00	3,560.32	10,681.00
810 · Computer Maintenance	1,089.00	2,207.33	14,426.00	8,829.32	26,488.00
820 · Cannon Copier Contract	578.44	420.42	1,692.36	1,681.68	5,045.00
830 · Legal (District/Personnel)	6,718.50	5,220.00	14,077.34	20,880.00	53,000.00
835 · Consulting	0.00	3,566.67	0.00	14,266.68	42,800.00
840 · Accounting	0.00	5,000.00	4,060.00	11,100.00	45,500.00
850 · Insurance	0.00	0.00	37,070.96	32,576.00	32,576.00
860 · Election	0.00	0.00	0.00	0.00	0.00
865 · Police Bldg. Lease	2,955.67	2,955.67	11,822.68	11,822.68	35,468.00
870 · County Expenditures	829.36	1,800.00	946.42	1,800.00	21,800.00
890 · Waste/Recycle	0.00	0.00	0.00	0.00	0.00
898 · Misc. Expenses	3,853.74	1,687.50	8,573.83	6,750.00	20,250.00
899 · Depreciation Expense	0.00	0.00	0.00	0.00	0.00
Total 800 · District Expenses	30,196.06	35,382.67	146,054.08	159,806.68	433,228.00
950 · Capital Outlay					
961 · Police Bldg Improvements	0.00	0.00	0.00	0.00	0.00
962 · Patrol Cars	0.00	0.00	0.00	0.00	0.00
963 · Patrol Car Accessories	0.00	0.00	0.00	1,000.00	1,000.00
965 · Personal Police Equipment-Asset	0.00	0.00	0.00	3,287.75	13,546.64
966 · Police Traffic Equipment	0.00	0.00	100.16	0.00	8,810.16
967 · Station Equipment	0.00	0.00	0.00	0.00	6,005.00

KPPCSD
Unaudited Profit & Loss Budget Performance

Accrual Basis

October 2017

	Oct 17	Budget	Jul - Oct 17	YTD Budget	Annual Budget
968 · Office Furn/Eq	0.00	0.00	0.00	0.00	0.00
969 · Computer Equipment	0.00	1,500.00	0.00	3,000.00	3,000.00
972 · Park Buildings Improvement	10,613.47	20,000.00	15,283.47	50,000.00	307,230.00
974 · Other Park Improvements	0.00	0.00	0.00	0.00	4,500.00
978 · Pk/Rec Furn/Eq	0.00	0.00	0.00	1,000.00	1,000.00
Total 950 · Capital Outlay	10,613.47	21,500.00	15,383.63	58,287.75	345,091.80
Total Expense	196,337.70	220,932.38	1,159,277.74	1,346,108.67	3,477,955.62
Net Ordinary Income	-179,825.73	389,548.62	445,495.89	1,708,730.33	-330,920.62
Other Income/Expense					
Other Expense					
700 · Bond Issue Expenses					
701 · Bond Proceeds	0.00	0.00	0.00	0.00	0.00
710 · Bond Admin.	2,583.81	0.00	5,084.36	0.00	0.00
715 · Bond Interest Income	0.00	0.00	0.00	0.00	0.00
720 · Bond Principal	0.00	0.00	140,484.95	0.00	0.00
730 · Bond Interest	0.00	0.00	12,490.36	0.00	0.00
Total 700 · Bond Issue Expenses	2,583.81	0.00	158,059.67	0.00	0.00
995 · Loss/(Gain) - Asset Disposition	0.00	0.00	0.00	0.00	0.00
Total Other Expense	2,583.81	0.00	158,059.67	0.00	0.00
Net Other Income	-2,583.81	0.00	-158,059.67	0.00	0.00
Net Income	-182,409.54	389,548.62	287,436.22	1,708,730.33	-330,920.62

34

Transaction Detail By Account

July through October 2017

Date	Num	Name	Memo	Split	Amount
440 · District Activities Revenue					
448a · Franchise Fees Gross					
08/28/2017	0573		Bay View Ref...	112 · General ...	2,437.12
10/04/2017	0617		Bay View Ref...	112 · General ...	21,418.78
10/04/2017	0594		Bay View Ref...	112 · General ...	2,636.30
Total 448a · Franchise Fees Gross					26,492.20
Total 440 · District Activities Revenue					26,492.20
TOTAL					26,492.20

KPPCSD
Transaction Detail By Account
 July through October 2017

Date	Num	Name	Memo	Split	Amount
440 · District Activities Revenue					
448b · less Franchise Fees Paid Out					
07/01/2017	A/P R...	Contra Costa County	TO REVERS...	210 · Account...	1,749.61
07/14/2017	18091	CCC Community D...	3% Franchis...	112 · General ...	-1,749.61
08/15/2017	18148	CCC Community D...	3% Franchis...	112 · General ...	-1,044.48
10/13/2017	18292	CCC Community D...	3% Franchis...	112 · General ...	-1,129.84
10/13/2017	18292	CCC Community D...	3% Franchis...	112 · General ...	-9,179.48
Total 448b · less Franchise Fees Paid Out					-11,353.80
Total 440 · District Activities Revenue					-11,353.80
TOTAL					-11,353.80



KENSINGTON POLICE DEPARTMENT

Page 1

PATROL STATISTICS REPORTING PERIOD: OCTOBER 2017

11/06/2017

Statistic	Count
Total Incidents	435
Calls for Service	184
Officer Initiated Incidents	251
Traffic Stops	41
Other OIA Incidents	210
Bus/Building checks	117
Veh/Ped Check	10
Total Officer Reports	13
Accident	0
Crime	6
Criminal Accident	0
Missing Person	0
Trial by Declaration	0
Utility	0
Vehicle	1
Unclassified Reports	6
Total Misdemeanor & Felony Arrests	0
Misdemeanor Arrests	0
Felony Arrests	0
Total Citations	27
Moving	17
Parked	10
FIs	0

**KENSINGTON POLICE DEPARTMENT**

Page 1

**INCIDENTS BY INCIDENT TYPE
OCTOBER 2017**

11/06/2017

INCIDENT TYPE	DESCRIPTION	NUMBER THIS TYPE
10-33	Alarm	34
11-24	Abandoned Vehicle	17
11-82	Vehicle Accident - No Injury	2
20002 VC	Hit and Run - Property Damage	2
23103 VC	Reckless Driving	1
242 PC	Battery	1
415 PC	415 PC - Disturbance of Peace	7
422 PC	Terrorist Threats	1
459 PC	Burglary	3
484 PC	Theft	2
488 PC	Petty Theft	1
5150WI	Dangerous or Gravely Disabled Person	1
530.5 PC	Identity Theft	3
594 PC	Vandalism	1
911CALL	911 Call	9
ADVICE	Person Seeking Advice From PD	3
ANIMAL	Animal Call	4
AREACHK	Area Security Check	8
BOLO	BOLO	1
EXTPATRL	Request for Extra Patrol	15
FD FIREGR	Fire - Grass, vegetation, wildland	1
FD FRALRM	Fire alarm activation	3
FLAG	Flagdown of Officer	1
FNDPROP	Found Property Report	3
FOLLOWUP	Case/Incident Follow-Up Activity	11
FOOTPTRL	Foot Patrol	5
HAZARD	Hazard	7
HAZMAT	Hazardous Material Report	1
INFO	INFORMATION	2
KPDASST	KPD Assist	4
LOCKOUT	Residential or Vehicle Lockout	1
MISCAMC	Misc Albany Muni Code Violation	1
MPAIDED	Citizen Assist	37
MPAUTO	Mis Pub Auto	10
MPCIVIL	Misc Civil Matter	3
MPJUV	Juvenile Problem	3
OTHER	Unclassified	1
OUTASST	Assistance to an Outside Agency	9
PARKER	Parking Citation	10
PARKNWLK	Park and walk	4
RECVEH	Recovered Stolen Vehicle	1
RESTORDR	Restraining Order	1
RIDER	Ride Alongs	1
SECURITY	Security or Business Chk	117



KENSINGTON POLICE DEPARTMENT

Page 2

INCIDENTS BY INCIDENT TYPE OCTOBER 2017

11/06/2017

INCIDENT TYPE	DESCRIPTION	NUMBER THIS TYPE
SUSCIRC	Suspicious Circumstance	12
SUSPERS	Suspicious Person/s	5
SUSVEH	Suspicious Vehicle	5
TRFHAZ	Traffic Hazard	6
TRIP	Check Vehicle Registration & Status	9
VACWATCH	Vacant Home Watch	3
VEHSTOP	Vehicle Stop	41
WELFARE	Welfare Check	1
Total Incidents		435



KENSINGTON POLICE DEPARTMENT

INCIDENTS BY OFFICER BY INCIDENT TYPE OCTOBER 2017

Page 1

11/06/2017

OFFICER	NO. THIS OFFICER	INCIDENT TYPE	NUMBER THIS TYPE
[REDACTED]		415 PC - Disturbance of Peace	2
[REDACTED]		911 Call	1
[REDACTED]		Abandoned Vehicle	1
[REDACTED]		Alarm	1
[REDACTED]		Area Security Check	4
[REDACTED]		Case/Incident Follow-Up Activity	1
[REDACTED]		Check Vehicle Registration & Status	5
[REDACTED]		Citizen Assist	6
[REDACTED]		Dangerous or Gravely Disabled Person	1
[REDACTED]		Fire - Grass, vegetation, wildland	1
[REDACTED]		Fire alarm activation	1
[REDACTED]		Hazard	2
[REDACTED]		Hazardous Material Report	1
[REDACTED]		Identity Theft	1
[REDACTED]		Mis Pub Auto	1
[REDACTED]		Parking Citation	4
[REDACTED]		Security or Business Chk	2
[REDACTED]		Suspicious Circumstance	2
[REDACTED]		Vehicle Stop	2
[REDACTED]		415 PC - Disturbance of Peace	1
[REDACTED]		Alarm	4
[REDACTED]		Animal Call	1
[REDACTED]		Juvenile Problem	1
[REDACTED]		Person Seeking Advice From PD	1
[REDACTED]		Security or Business Chk	26
[REDACTED]		Suspicious Circumstance	3
[REDACTED]		Suspicious Vehicle	3
[REDACTED]		Traffic Hazard	1
[REDACTED]		Vehicle Stop	7
[REDACTED]		Abandoned Vehicle	1
[REDACTED]		Case/Incident Follow-Up Activity	1
[REDACTED]		Check Vehicle Registration & Status	1
[REDACTED]		Citizen Assist	7
[REDACTED]		Abandoned Vehicle	2
[REDACTED]		Alarm	7
[REDACTED]		Animal Call	1
[REDACTED]		Assistance to an Outside Agency	1
[REDACTED]		Burglary	1
[REDACTED]		Case/Incident Follow-Up Activity	3
[REDACTED]		Check Vehicle Registration & Status	1
[REDACTED]		Citizen Assist	4

ND

October 26, 2017

Dear Kensington Police Protection and
Community Services District & First Responders,

I would like to thank you for
your compassion, hardwork, and bravery.
You along with the other first responders
risked your own lives to save many others,
and we will always be so incredibly
thankful for your courage. Thank
you for keeping everyone safe.
We hope that we can return the
favor and help you and your community
in time of need. Once again, thank
you so much!

Sincerely,

Araceli Blanco

Araceli Blanco

Kathleen Respini
Hannah's Children
191 Pickwick Drive
Napa, California 94558

25 October 2017

Dear Responders,

This is to all of you who are not only first responders, but responders of every area and of every expertise who responded in one way or another during the wild fire crisis in Northern California during the month of October, 2017.

I am an ordinary citizen of the city of Napa. I was very fortunate in that my home happens to be in a neighborhood that was untouched by the fire. We also had cell phone service and electricity during the entire crisis. That's not to say we weren't very nervous as the situation remained fluid for so many days.

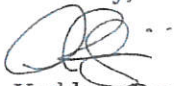
As I had errands to take care of during these days, I couldn't help but notice the multitude of police, sheriff and fire vehicles that originated from so many places...with city or county names I didn't even recognize. It was this that touched me to my core. I know you all will say you were just doing your jobs, but to me, you all are the heroes who came to our aide in our most desperate hours. I thought of the families you left behind, some under evacuation. And I thought of those of you whose homes were burned to the ground as you fought to save our communities. I thought of your selflessness as you worked long hours in unforgiving conditions. I saw the many white tents and the trucks all lined up at the Town and Country Fair Grounds in Napa. As I drove past, I willed my truck to be quiet so as not to disturb your sleep. It felt as though even the ground you slept on was sacred, bringing much needed rest.

I have never witnessed such sacrifice by so many for communities where they are not even known. This is humanity at its best, while in the worst of circumstances. This was nothing short of amazing.

I wish to convey my deepest appreciation to all of you, each and every one, although I doubt there are words adequate to this task.

Thank you from the bottom of my heart.

Sincerely,



Kathleen Respini

Kensington Police Protection and
Community Services District

Thank you for all you have
done for our community!

With ♥

The North Bay
American Heart Association

Thank you for all your recent help in the
October 2017 Northern California Wildfire. We
appreciate everything you did to help save,
protect and defend our lives and property
during this fire.

North Bay Industries Activity Center
Rohnert Park, Ca

THANK YOU FOR
THE HELP

ELLEN

LOVE

LISA

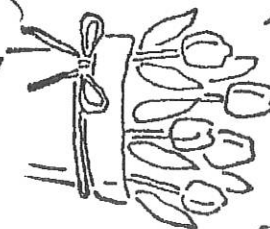
Thank you for help
Caesar Zuniga

ROSEMARY

THANK YOU

JOAN
B

THANK YOU



THANK YOU

THANK YOU

HEVIN

ELLEN

Caesar Zuniga

Thank you !!



#Sonoma Stray

Office Report prepared by Rowena Cerri, Director
Kensington Community Council Board Meeting
November 6th, 2017

KASEP:

- KASEP is more than halfway through the Fall Session, which ends on Friday, December 15th. Our new classes: Beginning Mandarin, Crafty Creations and More, Adventures in the Garden, and Skyhawk's Sports Medley has proven to be very popular with students and will be offered again in the next session.
- Our Winter session brochure is being finalized and will be distributed the week of November 27th. Registration is on Tuesday, December 6th at 7:30pm.

KCC Classes:

- Wednesday Acrylic Artists are busily painting in the Community Center every Wednesday 9:45am – 12:30pm. They are a small group of self-directed artists, who enjoy painting together and welcome new artists to their group. There is a \$9 drop-in fee.
- Friday's Tai Chi Chuan with Nobuo Nishi has a strong following and meets every Friday in the Community Center at 9:30am to 10:30am.
- Nobuo Nishi is starting a new class beginning Tuesday, November 14th called "Tai Chi Arthritis and Fall Prevention" in the Community Center from 9:30am to 10:30am. See November's Outlook for more details.

KCC Events:

- KCC's annual Fall Parade and Picnic took place on Sunday, October 29th and had a great turnout despite the overcast weather. The Korematsu Jazz band had an awesome performance and the wonderful Dad's Club cooked about 200 meals. There was plenty of community volunteers to make the event productive and successful.

KCC Administration:

- The Fall Fund Drive envelopes are still trickling in. So far we have collected \$6,750 and we sent out 60 Thank You letters. KCC is very grateful to everyone who has donated so generously. If you would still like to donate, please send your donation to:

KCC Fall Fund
59 Arlington Avenue
Kensington, CA 94707

- The replacement window glass (cracked by a camper during Summer Camp) for Rec. Bldg, Room A has been repaired (Arrow Glass of Albany) on Fri, October 13th and cost \$343.76.

OCTOBER 2017 CHIEF'S MONTHLY REPORT

Reserve Officer Amit Nath was sworn into the Kensington Police Department.

The Kensington Police Department received several cards and a letter of gratitude for the first responder assistance the police department provided to Sonoma County for the fire damage.

I would like to thank Officer Ramos, Officer Wilkens, Reserve Nath, and Reserve Ferreira for their participation in the Kensington Parade.

I would like to thank Officer Wilkens, Officer Wilson, Reserve Ferreira, for participating in the PD's efforts to ensure the safety of parents and children Halloween night.

A Kensington Fire Board Director call for emergency services on 10/22/17 and was transferred to the Alameda County Regional Emergency Communications Center. There is an investigation into how/why this occurred.

AGENDA ITEM # 8a.

November 16, 2107

Glass Associates Presentation

Submitted by Director Sylvia Hacaj

Glass Associates will present design development drawings as part of the next phase of the Community Center renovation. As a reminder, these upgrades address required seismic safety, disability access and energy efficiency building standards. Since the architects last appeared before the Board in July, they have sought additional input from the Park Planning and Recreation Committee and residents at several community events.

In December, estimates from the Cost Estimator will be presented to the Board. Based on these figures the Board will provide direction to Glass Associates about how to proceed with construction documents and to take any additional actions to be prepared to bid out the project. Currently, we are being guided by an opinion of probable costs, representing the consultant team's best assessment of reasonable cost expectations.

AGENDA ITEM # 8b.

To: KPPCSD Board of Directors

From: Lynn Wolter, District Administrator

Date: November 16, 2017

Subject: Request from the Kensington Green Group regarding the adoption of renewable electric energy at District-owned Buildings.

At the October 26, 2017 KPPCSD Board meeting, Kensington's Green Group urged the Board to adopt renewable electric energy at District-owned buildings. Green Group member Catya de Neergaard explained that the County and Kensington had joined with Marin Clean Energy (MCE), which is a community choice aggregate that would enable Kensington residents and the District to obtain 50% green electricity immediately. But, she explained, an extra opt-up would be needed obtain 100% green electricity.

Following discussion, Board consensus was that this item should be tabled until its November 16, 2017 meeting and that staff be directed to obtain information about the cost of opting up to the Deep Green level.

Background:

At its February 11, 2106 meeting and at the urging of Kensington's Green Group, the Board adopted Resolution 2016-04, in which the KPPCSD Board approved support for the study of the formation of a countywide community choice aggregation (CCA) entity and inclusion of stakeholders from unincorporated communities in the County's future CCA planning. It cited that Marin was among those Bay Area counties that had created or joined a CCA. (A copy of Resolution 2016-04 and the minutes for the corresponding agenda item are attached.)

At its October 26, 2017 meeting, the Board discussed Kensington Green Group's request that the Board adopt renewable electric energy at District-owned buildings. Following discussion, Board consensus was that this agenda item be tabled until its November 16, 2017 meeting and that staff obtain information about what this would cost by sending copies of the District's Community Center electric bills to Marin Clean Energy.

After the meeting, District staff sent copies of Community Center electric bills for the most recent 12-month period, which totaled approximately \$1,400, to J.R. Killigrew at Marin Clean Energy and enquired about the cost of selecting the Deep Green option,

which would provide 100% clean energy. Mr. Killigrew's analysis determined that, based on the year's usage, the additional cost would be \$6 to \$8 per month.

Mr. Killigrew also informed staff that "Deep Green is 100% California wind and solar energy, and ½ of the premium is set aside of local renewable development projects like Richmond Solar One." He let staff know that there would not be any equipment or any installation needed to opt up to Deep Green. He also noted that solar could be a viable option to help with onsite generation, and he encouraged the District to explore this option.

For Board Consideration:

To discuss and possibly take action to adopt renewable electric energy and/or to opt up to the Deep Green level of renewable electric energy for the Community Center.

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Resolution 2016-04

RESOLUTION OF THE KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT BOARD, CONTRA COSTA COUNTY, CALIFORNIA APPROVING SUPPORT FOR THE STUDY OF THE FORMATION OF A COUNTYWIDE COMMUNITY CHOICE AGGREGATION (“CCA”) ENTITY AND INCLUSION OF STAKEHOLDERS FROM UNINCORPORATED COMMUNITIES IN THE COUNTY’S FUTURE CCA PLANNING

WHEREAS, in 2002 the California legislature adopted into law AB 117, the “Community Choice Aggregation” (CCA) model which authorizes cities or counties to create a Joint Powers Authority (a not-for-profit agency) to aggregate the purchasing power of all its customers in order to procure electricity with an emphasis on renewable sources, such as solar and wind, while maintaining the existing investor-owned utility to provide for electrical transmission, distribution, and maintenance, thereby offering its customers a choice they didn’t previously have, and maximizing the reduction of greenhouse gas emissions,

WHEREAS, CCA models can negotiate cost-competitive pricing with electricity suppliers and developers, and potentially enable the creation of local renewable projects on a scale significantly beyond that of an investor-owned, fossil fuel-oriented monopoly, and provide quality local jobs while sustaining environmentally and economically healthy communities, and

WHEREAS, Marin, Sonoma, Napa, San Francisco, San Mateo, Santa Clara and Alameda counties, and the cities of Richmond, El Cerrito and San Pablo have either created or joined a CCA or have voted to create a CCA,

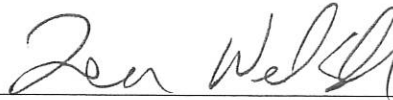
THEREFORE BE IT RESOLVED, that the Kensington Police Protection and Community Services District, a special district in unincorporated Contra Costa County, supports the study of a countrywide Community Choice Aggregation program and strongly encourages the inclusion of stakeholders from unincorporated communities in the County’s future CCA planning, and

BE IT FURTHER RESOLVED, that a copy of this approved resolution of support be sent to the Clerk of the Board of the Contra Costa County Board of Supervisors.

PASSED AND ADOPTED by the Board of Directors of the Kensington Police Protection and Community Services District at a regular meeting thereof held on the 11th day of February 11, 2016, by the following vote, to wit:

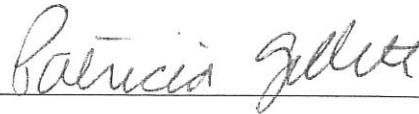
Ayes:

5



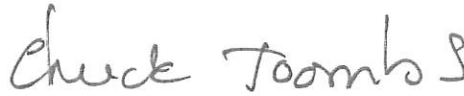
Len Welsh, President

Noes:

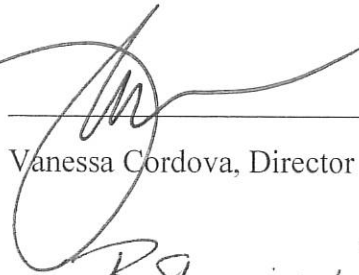


Patricia Gillette, ~~Vice President~~

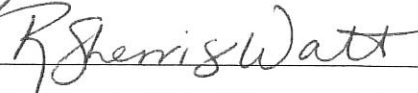
Absent:



Chuck Toombs, Director

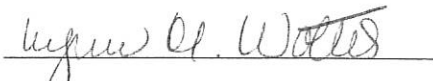


Vanessa Cordova, Director



Rachelle Sherris-Watt, Director, *Vice President*

Attest:



Lynn Wolter,
District Administrator

said the Board might be interested in considering this and added that San Pablo attributed solving five homicides to these cameras. He said that Piedmont had the same system and that El Cerrito was considering implementing it.

- FBI was accepting applications for its 2016 FBI Teen Academy, which would be a one-day class for anyone, under the age of 18, interested in learning what the FBI does.
- That Text 9-1-1 had been implemented. If, in the event of an emergency, one entered 9-1-1 as a text message, one would be connected to a dispatcher. He added that calling was the preferred method but texting was now an option.
- He had been briefed on the status of the Richmond investigation a couple of days earlier and had learned that the report likely would be delivered to him the following Tuesday.
- He said that he, too, had read the paper and that he would be conducting an inquiry into the allegations made in it. He said it should be ready before the Board's March meeting.
- Officer Armanino had left to go to another agency, and he thanked him for his service.
- He said he planned to include visibility of the staff table with the new video system.
- That he and Ron Weisman had talked with one another twice since October and that Mr. Weisman had never mentioned anything about Sergeant Barrow. He said he didn't remember having received a voicemail from Mr. Weisman but that, because of the newly installed phone system, it was possible that the voice mail message may have been lost. He invited Mr. Weisman to come to his office to discuss his concerns.

IGMCOP Hart said that, because Adam Benson was present, he hoped the Board would consider Item 9f first. He also asked that the Board consider 9i because a mother, who needed to get home to a child, was in the audience and wanted to comment on it. President Welsh responded that the Board would consider 9i first.

- 9 i. The Board considered approving proposed Resolution 2016-04 of the Kensington Police Protection and Community Services District, showing support for the study of the formation of a countywide community choice aggregation (CCA) entity and inclusion of stockholders from unincorporated communities in the county's future CCA formation planning.

President Welsh thanked Director Cordova for placing the item on the agenda and preparing the resolution.

Director Cordova introduced the item and described this as a pooling of consumer electricity demand within a specific region and providing the consumer with a provider choice, usually at a lower cost. She said many counties were exploring this. She said Contra Costa County was a bit late in coming to the table on this. She said Kensington was often not included in such County-wide discussions because it didn't have a city council. She said she had brought this before the Board so that it could support the County in its efforts to investigate the feasibility of community choice and so that it could have a seat at the table if there were to be a planning phase to CCA. She explained that the resolution only provided support of the County Supervisors. Vice President Sherris-Watt thanked the Kensington Green Group, which brought together speakers and community members to discuss community choice.

Richard Freeman said he was proxy for Shoshana Wexler, a member of the Green Group who could not attend the evening's meeting. He read a statement from Ms. Wexler in which she:

- Thanked President Welsh and Director Cordova for sponsoring the resolution.
- Noted that the Board of Supervisors would be meeting on February 29th to discuss this issue and the inclusion of unincorporated areas in County-wide planning.
- Urged the KPPCSD Board to vote yes on its resolution.

Shea Wolfe said she had been living in Kensington for about eight years, and she thanked the Board for moving this item up on its agenda. She said that she was a scientist on climate change, that she was concerned about the effects of climate change, and that she was in favor of community choice energy. She said that she supported a feasibility study for Contra Costa County and that she believed Sonoma

and Marin Counties already had such programs. She explained that this option would make lower rates and energy mix choices available to consumers. She said communities needed to move away from fossil fuel and to renewable energy sources because of climate change. She said it was important for Kensington to be included Contra Costa County's feasibility study.

Vice President Sherris-Watt said she wanted to make a correction with regards to the notation that there would be no fiscal impact resulting from the Board's approval of the resolution: she said that KPPCSD's electric bills were over \$800 per month and this could be reduced with a CCA program. Director Cordova responded that the reason there would be no fiscal impact was because approval of the resolution was pro-forma, although Director Sherris-Watt's comment was a good one.

MOTION: Director Gillette moved, and President Welsh seconded, adoption of Resolution 2016-04.

Motion passed 5 – 0.

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

9 f. The Board considered increasing the FY 15/16 budget in order to increase the Annual Required Contribution (ARC) for Retiree Health Liabilities.

President Welsh asked that Adam Benson assist with this agenda item.

Adam Benson reported that, at the February 1st Finance Committee meeting, there had been a 5 – 5 vote on whether to increase, above the recommended minimum, the amount of money the District should contribute to the OPEB Trust; as such, there had been no recommendation. He reported that, at the Board's request, he had examined the Actuarial Report and its assumptions, and he had prepared a memo about orders of magnitude to test different assumptions.

Director Cordova said the Board had asked Mr. Benson to assist the IGM/COP with a five-year plan, and she asked him to help her integrate these two efforts. Mr. Benson responded that this was not related to the five-year plan: The five-year plan would be done later, once a new MOU was adopted.

Vice President Sherris-Watt said she had asked for this to be on the agenda, following the Finance Committee's meeting, because she believed that the District should put a larger amount of money into the OPEB Trust, based on Mr. Benson's analysis. She noted that the actuarial report's medical trend rate was low, based on industry standards, and that Mr. Benson's analysis used a higher trend rate that resulted in a higher contribution amount. She added that moving \$20,000 into the OPEB Trust made sense because the longer the District waited, the more money it would have to contribute.

Director Toombs said that, once the District passed a new MOU, it would have to do another actuarial report and that this might happen in the next two to four months. He said there been discussion about the medical trend rates, the implied subsidies, and the mortality rates, but the Board needed to bear in mind that the District was also paying as it went. He said the Trust was meant to be funded over a limitless horizon and that the ARC would be revised perpetually because the District was required to do an actuarial report every two years. He said that moving \$20,000 today, from reserves into the Trust in a diminishing stock market, could result in the \$20,000 declining to a lower amount. He noted that Mr. Watt had said the Board needed to increase its reserves. He said it made no sense to move money to satisfy a political objective. He projected that the ARC would likely increase by \$30,000 to \$40,000 once the new MOU was adopted.

President Welsh noted that once money was put into the Trust, the District could not withdraw it.

Vice President Sherris-Watt said that the District needed to fund the officers' benefits and that putting the additional funds into the Trust was prudent. She added that it seemed odd to go against Mr. Benson's recommendation. Director Toombs responded that Mr. Benson had said that, if the District

AGENDA ITEM # 8c.

November 16, 2017

UPDATE ON POLICE SERVICES REQUEST FOR PROPOSALS

Submitted by: Anthony Constantouros, General Manager

BACKGROUND:

At the September 14, 2017 Board Meeting, the Kensington Police Protection and Community Services District authorized the distribution of a Request for Proposal (RFP). The RFP was for an evaluation of options related to delivering police services. The Board also appointed Directors Len Welsh and Sylvia Hacaj to participate in interviewing prospective firms. The District received two proposals in response to a RFP, and the two firms were interviewed on Friday, November 3.

The interview panel selected one of the firms and authorized reference checks for the firm. The reference process is currently underway and was not completed at the time of agenda finalization. Once the backgrounding of the selected firm has been completed, a contract should be completed, and the firm should begin the evaluation process as detailed in the RFP. It is recommended that a special meeting of the Board be scheduled to approve the contract and authorize the firm to commence the review process.

RECOMMENDATION:

1. Schedule a Special Meeting of the Board of Directors for Wednesday, November 29 at 7:00 PM.

AGENDA ITEM # 9a.

November 16, 2017

Administrative and Support Services Study

Submitted by: Anthony Constantouros, General Manager

BACKGROUND:

Over the last several months the General Manager has reviewed the current organizational structure and division of responsibilities of the administrative staff. There appear to be opportunities to be more efficient, improve the alignment of assignments, and identify functions that are not currently staffed. The Public Management Group was engaged to conduct a first phase evaluation and recommend any changes. This initial study has been completed and is attached. After this study is presented to the Board, options for additional analysis and next steps can be considered.

Mr. Bob Deis, Senior Consultant of the Public Management Group, who conducted the analysis, will present his report and recommendations at the meeting.

RECOMMENDATION:

After presentation of Mr. Deis, authorize receiving proposals to:

1. Assign duties that have been detailed in the study to newly created job descriptions including knowledge and abilities for each position; complete labor market compensation comparisons.
2. Conduct a review of the District human resource practices and policies.
3. Update the Board's policies and procedures manual.



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November 6, 2017

Mr. Antonio Constantouros
General Manager
Kensington Police Protection & Community Service District
217 Arlington Ave
Berkeley, CA 94707

Re: Review of District Administrative and Support Services—Phase 1

Dear Mr. Constantouros:

Please find attached the results from our initial review of the District's administrative and support services.

It appears the District has gone through changes in District administration over the years as the General Manager was part of the Police Chief position. The recent creation of the first stand-alone General Manager was an implicit move to professionalize and increase the accountability of the District operations and to provide stability in overall management.

Consistent with this theme, you asked that our firm independently review the administrative and support functions in the District and suggest improvements in how they are assigned to staff and contractors. This review was done with the goals of: 1) reducing risk to the District enterprise; 2) improving effectiveness by ensuring the right skill sets are matched with each duty; 3) improving efficiencies by allocating functions to the appropriate level in the organization with the commensurate compensation level; and, 4) recommending a new District structure using good governance tenets.

Given our experience working with many public agencies, we believe this multi-phased project is important given the District's history. A repeated theme we find in public agencies that are in crisis or simply not reaching their potential is where expectations and professional standards for staff are not clear and organized with good governance tenets in mind--from District management and the Board. When roles are not clear and organized, individual personalities and styles take too much of a role, creating inefficiencies, sometimes mistakes are made or the agency is at undue risk. This becomes acute when a key person leaves the agency.

This report reflects the first phase towards achieving these goals. We have articulated our observations and recommendations in this area. However, we recommend specific “next steps” to achieve all four goals. We also, provide a simple template or framework for discussing, examining and assigning new roles in the District. We hope this helps in the District’s understanding of the current situation and where to go from here.

I wish to thank staff for assisting in this project. They are all dedicated to serving the District’s residents. The observations and recommendations found in this report are in no way intended to be a critique of individual performance or contribution.

It was a pleasure and honor to work on this project phase. I truly enjoy working with the District Board, you and staff.

I am available to help in any way that adds value to the District.

Sincerely,



Bob Deis,
Senior Consultant
Public Management Group, RSHS

Enclosure: Review of District Administrative and Support Services—Phase 1

Kensington Police Protection and Community Service District

Review of District Administrative and Support Services
Phase One

November 6, 2017



Kensington Police Protection and
Community Services District



Renne Sloan Holtzman Sakai
Public Management Group™

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The Purpose and Scope of our Review

You have contracted with our firm to begin looking at the District's organizational structure and how its administrative support activities are distributed amongst staff and contractors. With this initial look, you wanted to see if there were potential improvements that would be more cost effective for the District. You were also concerned about risk to the District because it appeared there were basic responsibilities found in public agencies that were not being addressed at the District. Finally, as the first dedicated but part-time General Manager (GM), you find yourself consumed by activities that are atypical for your position and clearly not the most cost effective use of your time. It also has the dual effect of taking you away from the more strategic priorities of the District Board e.g. reviewing the best mode for delivering police services and the remodel of the community center, thus pushing you further into a full-time position. This later issue runs counter to the Board's premise when creating the dedicated GM position i.e. that it would be part-time and within the long-term fiscal parameters of the District.

Again, this report examines administrative support activities and does not discuss police operations. A review of police services will be conducted by another outside consultant separate from this review.

Executive Summary

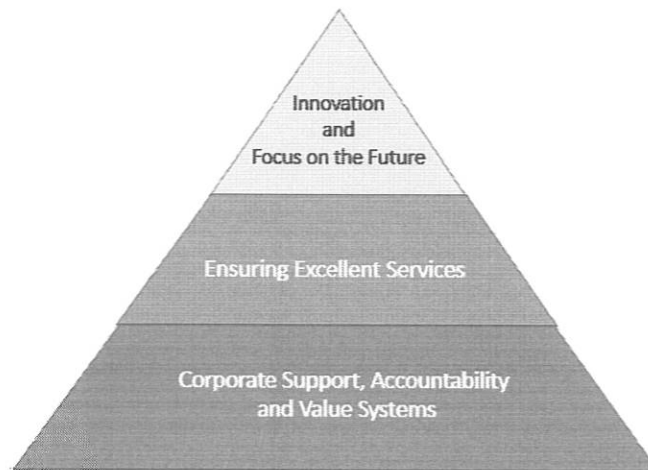
With the creation of a professional part-time District GM, this is an opportune time to begin assessing how the District is conducting business and assigning duties to its limited staff and contractors. We have completed a first phase review of the District's business activities and how the division of labor has occurred up to now. While staff and contractors have endeavored to do the District's business in the best way possible, we believe there are opportunities for improving how the work is distributed among them. This review is not about finding fault or an implicit performance review of individuals. Instead, it is about enhancing District cost effectiveness and performance, reducing risk to the enterprise and providing clarity about expectations. This last area of inquiry "clarity on expectations" is typically the biggest source for positive or negative cultures in public agencies.

The report provides a framework for viewing the District's performance and how might the new GM fulfill his role in this framework. It also inventories the basic administrative support functions of a public agency, assesses who is performing them, identifies which ones are not being addressed and proposes one way to reset the organizational structure and individual roles.

How are Public Agencies Organized and What are the Criteria for Their Success?

The Framework for Good Governance and High Performance

The triangle below provides the building blocks for good governance in governmental agencies and the framework for how our firm evaluates public agencies and assists in creating a high-performing local public agency. It is important to mention that each building block needs to be mastered before the organization can excel in the next block. In other words, if the District does not excel in Corporate Support, Accountability and Value Systems, it is not achieving its potential in Ensuring Excellent Services. Furthermore, if the District is not excelling in the first two blocks, it will be hampered in its ability to take managed-risks through Innovation and Focusing on the Future.



Corporate Support, Accountability and Value Systems At the base is having strong corporate-level support systems that provides departments or program operations with tools they need to deliver on their missions. It involves having the people, policies and procedures which support an extreme level of transparency, accountability, teamwork, and high expectations for values, ethics and professional standards. This is what sets government apart from the private sector. How the District gets the work done is as important as what it accomplishes. If there are breakdowns in these systems, it can create barriers to departments providing good service. Problems in this area can create inefficiencies or other inappropriate activity that eat away at the legitimacy of the District in the eyes of your citizens. This is the focus area of this assessment phase.

Examples of processes and systems in this block include: executive management, public participation and collaboration, personnel practices and policies, conformance with the Brown Act, the use of technology, purchasing, contracting, asset management, budgeting, accounting, treasury, internal controls and professional standards. An ethical code of conduct underlies these systems and practices along with expectations about dealing with ethical concerns as they arise.

Ensuring Excellent Services This is the bread and butter of local agency operations; the service delivery and operations for police, fire, public works, parks and more. These departments or programs need corporate support systems and clear direction to ensure that good services are delivered to the public. These departments should also be practicing Best Management Practices in each of their service areas. Service delivery is about having the right people in the right places along with the tools and proper direction to produce great outcomes.

Innovation and Focus on the Future The top building block is what moves a community or organization forward. It is where innovation takes place. This is where staff, and elected and community leaders identify emerging needs and challenges and develop strategies to address or ameliorate them before they are intransigent problems in front of the District. This includes managed risk taking – trying new things with the recognition that needs change and approaches should change commensurately. This is not a “risk-free” process. However, pursuing innovation can produce the unneeded risk of mistakes if the District has not mastered the first two building blocks. There are visible examples of mistakes in the public sector, many of which have their roots in the fact the organization did not master the basic building blocks.

Role of the General Manager

With the creation of the first General Manager (GM) position in the District, the natural question to ask is: “What is the role of the GM”? It appears, at least up to now, the role involves fulfilling the duties that no one else is doing. This approach can find the GM dedicating a large portion of their time to clerical or routine work which crowds out time available for higher priorities. This obviously is wrong and not the most cost effective use of the District’s investment in the GM position and skill sets.

I have personally been inside many distressed organizations with the assignment of repairing them directly, as the city manager of Stockton, or as a consultant--assisting CEO’s, GM’s and their governing bodies in diagnosing problems and offering help in their return to health. One common attribute of distressed public agencies or mediocre performing agencies, is in the vacuum of clear expectations, where individuals define for themselves what their role is within an agency. This is typically due to high-turnover in management and non-existent or weak leadership. Inevitably a crisis occurs or new leadership arrives and a comprehensive evaluation takes place to clarify roles in an organized manner, to reduce risk to the agency and improve overall performance.

The Kensington Police Protection and Community Service District has reached this point with the hiring of a new GM. While the District has not experienced a substantial crisis like bankruptcy, it has clearly been wrestling with other issues, such as extreme turnover and litigation activity in your Police Department.

Again, referring to the “Framework for Good Governance and High Performance” the role of the GM is to: 1) ensure the first building block is in place and operated by skilled professionals;

2) hold the programs accountable for good service and outcomes; and 3) directly collaborate with the governing body and community leaders in identifying and pursuing the strategic goals of the District.

My assessment of the GM role to date is that you are heavily involved in the transactional details of the framework's first building block and have little time available for the rest. As a result, this project has one goal of identifying the key processes necessary to ensure the first building block is being satisfactorily addressed with resources other than the GM, so that you can focus on the other 2 duties described above.

What is apparent to me as a 34-year public servant and a consultant in many organizations, the major source for stress within public agency CEO or GM offices and between their respective governing bodies, is the fact that the GM has one, sometimes two feet planted in the first basic building block while the governing body is focused on the top building block. The GM cannot do both for very long. Inevitably if this is not addressed and reconciled, disappointment ensues with both parties. What typically occurs is the governing body (and sometimes community) becomes disappointed in the pace of addressing big and visible community issues or the GM/CEO becomes disenchanted or distressed and leaves the organization.

Having described the framework for high-performing public agencies, it is important to recognize there are not always hard lines for the GM's role in satisfying these building blocks. Larger agencies can invest in specialized skill sets that provide capacity in each area. However, the District is a very small where the GM may have to perform some basic functions that might be delegated to someone else in a larger agency. However, the GM cannot find themselves in that Catch 22 situation and be so bogged down that it cannot address the strategic goals of the governing body.

Project Methodology

To conform with project budget parameters, this phase of the project was a simple one. A basic survey was developed that inventoried most of the basic administrative support activities that you would find in the first building block of the framework "Corporate Support, Accountability and Value System" (see Attachment 1). The three-primary staff/contractors were asked to complete the survey and participate in a detailed interview to clarify duties and the time it takes to complete them.

Based on the survey responses and interviews with: the GM, District Administrator, Police Services Specialist (who completes administrative support work as well) and the District's contracted chief accountant (a Certified Public Accountant); I have the following observations and recommendations.

Observations and Recommendations

Clerk of the Board (COB)

This position is the gate keeper and conduit to ensure Board (and Board appointed committees) meetings follow a standard and professional process of: developing agendas, gathering staff reports, posting agendas, supporting the Board and GM at meetings, ensuring community access, collecting and developing accurate minutes and following up to ensure Board decisions are effectuated when involving contracts, purchase orders and other actions. The COB ensures all these activities must conform with the Brown Act. Typically, the COB maintains a central file system for all documents.

Observations

Some of these duties was shared between the District Administrator and GM/COP. It appears other duties were not assigned. There was confusion when someone was sick or on vacation and there was lack of cross training, causing last second activities by the GM, the Chief of Police and/or the President of the Board. Staff reports are not consistently formatted to assist the public in understanding the reports. To help address this situation the GM asked the District Administrator to assume a portion of the COB role.

The Policies and Procedures Manual is old and doesn't adequately provide consistent guidance in this area. Conversely, it includes other details not commonly found in a manual.

There is no backup or cross trained staff person to avoid the scenario where the GM or Board President must drop their own activities and fill in for the Clerk of the Board.

Large amount of resources is consumed (typically 5 hours but up to 8 hours per meeting) in developing detailed minutes when an audio/video posting should suffice. This practice is extremely rare given current technology. This large expenditure is serving the interests of the regular attendees at Board meetings, but I question if the larger community uses it as well to justify the expense.

Sometimes follow up from Board meetings does not occur or there is confusion on what actions the Board took at a given meeting. For example, the FY 17-18 budget was not posted on the District website at the time of this review because apparently, it was not clear if a budget was duly adopted by the Board. This confusion around the budget identified other needed improvements associated with its formulation and review by the public that is discussed later in this report. Sometimes contracts are not get executed in a timely fashion after Board approval.

Recommendations

- 1) Develop Policies and Procedures Manual that clarifies roles, responsibilities and typical timelines for agenda process. Templates for postings, staff reports, contract review and approval, Board decision packets and other COB duties (use of technology) should be inserted as well. The agenda process should produce standard postings and staff reports that provide the information in a format desired by the GM and Board, with appropriate attachments, and professional power point presentations, etc. The goal should be that someone else can sit in for COB upon reviewing the Manual.
- 2) Delegate all the COB duties to one staff person and ensure the COB is responsible for tracking Board direction and decisions and making sure follow up does indeed occur. It should also be clear the COB is responsible for the District's files.
- 3) Identify someone to be cross trained that can fill in for the COB.
- 4) Consider alternatives to detailed minutes. Survey other small entities and neighboring jurisdictions and compare to current District practice. Minutes typically serve as record of the decisions, deliberations and actions of an elected body. Audio/video streaming should be posted to the webpage with action minutes. Maybe a biweekly newsletter (as part of a larger information strategy) with a summary of actions along with other District information might ameliorate the need for detailed minutes. In this later approach, the District is talking to the greater community vs. the minutes are likely talking to a minority.

Asset Management

Many people do not fully appreciate the large investment public agencies have in public assets—the means for providing services. This category includes monitoring and planning for the eventual replacement of assets at the end of their life-cycles. It also includes regular preventive maintenance to ensure proper life cycles and asset performance occurs to support the provision of excellent services.

Observations

It is unclear who “owns” the condition of the grounds and facilities and monitors the contractor's performance i.e. from an asset management perspective—asset performance, maintenance and replacement. Assets wear out and must be replaced, eventually. This is what a Capital Improvement Program (CIP) addresses, which does not exist in the District.

Up to now, the GM had little involvement in the community center remodel project. Yet, the GM will likely be responsible for remodeling the building within pre-determined budget parameters and ultimately operating it as well. Depending upon the

magnitude of the remodel, the new building must satisfy regulatory standards, likely the County development code and American with Disabilities Act (ADA). A well designed project should consider the operating needs of the users and the maintenance activities of staff and contractors. Finally, this will be the largest expenditure commitment of the District in some time, thus typically a governing body wants someone to lead the project that is accountable to all the Board members.

There is no fleet, information technology (IT) and facilities replacement fund program. Typically, agencies set aside funds on an annual basis to eventually replace assets as they reach the end of their useful lives, to reduce surprises or the impact on annual budgets. It is my understanding that a police officer is assigned the task of tracking and maintaining the police vehicles.

Recommendations

- 5) Normally we would recommend a review of the parks and grounds by a professional, who in turn would recommend possible changes in maintenance activities and/or capital improvements. If this is not possible given the sensitivity of the finances, a staff person (District Administrator or GM), in conjunction with the two Board Parks committees and the contractors should review any past reports, inspect the grounds and facilities, evaluate their condition and performance, and jointly develop a maintenance and long-term capital program. This should be reported to the Board for future action.
- 6) The GM and staff need to be heavily involved in the Community Center remodel project. The design needs to take in account the user and maintenance perspectives. Americans with Disabilities Act (ADA) compliance will be an issue given the topography. The land use/development regulatory agency needs to be included at some point in time. A financing plan must be developed as project costs become better known.
- 7) A baseline assessment of the fleet, IT and other assets should be undertaken with a multi-year replacement schedule developed to ensure adequate fiscal planning at end of life cycles.

Information Technology (IT)

This includes the provision of technology that performs two primary roles. First, technology is key in providing valuable information to each stakeholder that has a separate role to fulfill. Service providers need information to provide excellent services. Managers and elected officials use information for accountability, transparency and to make decisions. Citizens use technology to keep abreast on the District activities and to participate in decision making. Second, technology is used to enhance efficiencies in the District. Someone in the District needs to

design, purchase, maintain, monitor, and eventually replace technology to serve these purposes. The security of the District's systems must be monitored as well.

Observations

The current District approach is not centralized under one person's responsibility and is splintered among various vendors working independently. Given the budget parameters of this phase, I had limited time to assess, but it appears the primary IT role is performed by a vendor "Rubicon". It appears no one person is assigned to monitor the performance of this vendor vis-à-vis the goals of IT as described above. There is no assigned back up for operating the audio-visual system for Board meetings and a previous District employee independently handled this role.

The payroll system is a highly manual process that consumes an extraordinary amount of staff time. The payroll needs of the District are not unique when compared to other public agencies that have police departments. There are alternatives out there that would be more efficient. This is the first payroll process that we have seen where employees are paid before time is earned.

Recommendations

- 8) Review the IT contracts especially for Rubicon and interview the individuals assigned to the District. Depending upon the interview results, the District should be clear who is responsible for the primary IT functions, including: monitoring hardware/software performance vs. District needs; evaluating alternatives to the current payroll system, ensuring network and system security, webpage management, adequate help desk capacity, creating an IT replacement plan, etc. One District staff person should be assigned the overall District IT monitoring role.
- 9) Seek alternatives to the current payroll system. This may consist of a new system purchase or contracting with another provider or agency.

Customer and Citizen Point of Contact

This is one of the most impactful services the District provides--interacting with community members and/or businesses. Whoever fills this role has more of an impact on the District's image in the community than any other point of contact. The quality of the interaction, the reliability and hours of operation and the responsiveness is key to the District's performance. Yet, given the limited resources of the District, this must be performed in the most efficient way possible.

Observations

It appears two employees share overlapping responsibilities in the area. There are no written standards e.g. hours of availability, lunch coverage, etc. Customer service inquiries for solid waste apparently come to staff and even the GM. Your contract with

the solid waste provider requires they have office hours (8:00 to 3:00) to address citizen inquires. They also must provide a messaging system.

Recommendations

- 10) Clarify office and phone hour standards, including during lunch breaks. Clarify roles between the two staff, when answering citizen inquiries, with a provision for backup when the other is out.
- 11) Unless the citizen inquiry can be easily answered, refer solid waste inquiries to the provider. Ask provider to complete outreach program on common questions and educate how to reach them with questions.

Solid Waste Contractor Performance

The District's solid waste provider, Bay View Refuse and Recycling Services, Inc. is signatory to a comprehensive contract that clarifies roles and responsibilities. It is important to clarify that the District is in the business of providing solid waste and recycling services, but it is provided via Bay View on behalf of the District. This means the District may have certain liabilities associated with this service, unless it has been transferred to Bay View via contract. It is important that a staff person in the District be responsible for understanding contract requirements, monitoring performance, ensuring regular communication with the provider, understanding of the larger regulatory context and completes an examination of their books, if needed. No contract anticipates everything, so regular monitoring of District needs and interacting with the provider is important to consider changes over the life of the agreement.

Observations

While the agreement says, the GM is the District representative with Bay View, it is doubtful that a combined GM/Police Chief had the adequate time to fulfill these duties. It appears the Board's Solid Waste Committee may be filling some of that void.

The provider contract is 43 pages long with various reporting, performance, communication and audit requirements. The franchise fee is 7%, which may be a source for more revenue, notwithstanding the politics.

The contract has communication standards with the community.

Recommendations

- 12) Decide which staff member is the point person (can be a delegated responsibility to another agency) to understand the regulatory environment and current best practices, monitor District/provider performance and to interact with the Solid Waste Committee.

Parks and Recreation Provider Performance

It appears the District is in the business of providing parks and recreation services to District residents, but again, it is provided through contractors. It is important the District clarify what service goals and standards they have in these two areas and a staff person be assigned the task of effectuating these goals through current contractors, or other means if appropriate.

Observations

The Police Services Specialist is the liaison with the providers (Bill Driscoll, Fernando Herrera and Kensington Community Council) to get things done on a day-to-day basis, but does not monitor overall performance against some desired standard.

It appears the Board has two committees (Park Grounds and Park Planning) with mutually supporting roles in this area.

The fee schedule regarding use of the facilities appears to be dated. The recreation provider has reserved time slots for the use of the Community Center.

Recommendations

- 13) A District employee should work with the Board and committees to identify, monitor and address the performance of contractors from an Asset Management perspective (see above) and a program performance perspective as described here.
- 14) Review and update the fee schedule including what consideration the District receives from the recreation provider for the use of facilities.

Public Information and Engagement

An area that is quickly evolving in public agencies includes citizen expectations for their governmental institutions regarding two-way communication between public officials and citizens. This is a challenging area in that methods for satisfying this need are quickly evolving as well, given the plethora of tools and the constantly changing technology. However, like other agencies, the District needs to develop a communication and engagement plan and effectuate it within the financial parameters available to the District.

Observations

There is no discernable plan or assigned role from the interviewees in this area, except the District Administrator is assigned the maintenance of the webpage.

This is an area where technology can play a big role in fulfilling District goals.

There appears to be 8 Board committees that cover various aspects of District business, including: Solid Waste, Finance, Community Outreach, Technology, Park Grounds, Park Planning, Policy and Procedures and Emergency Preparedness. This is a large list given the size of the District. The project budget did not provide enough time to evaluate their specific roles and related expectations of staff, but I assume this large number has an impact on staff e.g. inquiries, postings, research, minutes, etc.

There appears to be a large active group of citizens that participate in the semi-monthly Board meetings. This reflects an engaged and active citizenry. The challenge for staff and governing bodies throughout the country is assessing whether the active participants are representative of the overall District. To the extent they are, their participation is valuable for the District. Yet, the District should have a plan to reach out to the other members of the community to ascertain the collective opinion of the greater community.

Recommendations

- 15) Develop a public information and engagement program that provides an efficient avenue to share District information and to solicit feedback from the community. This would supplement what the Board and GM receive at Board meetings. Given the community center remodel and the evaluation of the Police services, this is an opportune time to initiate such an effort.
- 16) Discuss with the Board the role of the committees and their impact on staff. Consider reducing the list of committees and/or combine some of them.

Legal

The chief counsel to the Board and GM is typically a contracted one for small agencies, along with specialty counsel if needed. Given state and federal law, the largest specialty area is typically for labor relations. It is important that attorneys are appropriately included in developing policies, procedures and templates for such things as contracts, review of contracts and other legal commitments. They should also be consulted as needed to ensure compliance with the law. Conversely, it is important that General Counsel ensures the appropriate management of risk and conformance with law by providing advice and training to staff.

Observation

The project budget did not provide time to interact with Ann Danforth, District counsel. She is relatively new to the District and should be consulted on the recommendations in this report.

Recommendation

- 17) District counsel should be involved in developing any new policies and procedures that are recommended in this report.

Finance, Budget and Accounting

This is a critical role of any public agency and represents a large part of that first building block of the good government framework described earlier. An agency rarely gets kudos for being great in this area, but if it fails in this area, the trust and legitimacy of that agency gets tarnished for a very long time.

This area covers many roles and activities, including: 1) having appropriate internal controls to safeguard District assets; 2) developing and implementing fiscal management policies and practices that ensures the short and long-term solvency of the District; 3) fulfilling the transparency role by developing an expenditure plan (budget) and financial statements that satisfies best practices; 4) controlling fiscal activity to ensure conformance with budgets; and, 5) ensuring conformance with state and federal law, Board policy and other tenets associated with public agencies e.g. fairness in competing for District business.

Observations

There is no comprehensive financial policies and procedures manual which would provide guidance on District expenditures such as purchasing, credit cards, contracts, etc. No expenditure activity should occur without specific or delegated authority through Board action.

As mentioned earlier, the payroll process is largely a manual one that is difficult to follow. Processes that are largely manual or lack written guidelines make the District vulnerable to clerical errors, staff turnover or extended leaves.

Small agencies tend to be more informal, lack clear separation of duties and are candidates for inappropriate use of funds.

The District budget has very limited information that is typically found in a public agency budget. The Government Finance Officers Association (GFOA) best practices is the benchmark for public agency budgets. A budget should go well beyond a simple accounting document. It should be integrated into the planning and management functions of the District. It should have a short and long term perspective, with linkages to District goals, desired results and outcomes and promote communication and transparency with stakeholders. The District budget and related processes do not satisfy these standards.

The biggest missing piece is the role of the Chief Finance Officer (CFO) in the District. District staff performs the transactional role while an outside Certified Public Accountant (CPA) performs the chief accountant role. There is no one providing the professional role of designing and overseeing the activities described for this category. It appears various people or stakeholders might (or think that are) performing pieces of

this role, but this bifurcation creates risk for the District. For example, the District is self-insured for workers' compensation. A CFO would assess the District's risk profile and claims experience vis-à-vis District financial capacity and engage the GM and Board on options. A CFO would ensure conformance with state law e.g. GANN compliance. A fiscal forecast needs to be completed and regularly updated using reliable revenue/expenditure trends. The budget can be improved over time.

The Finance Committee is appropriately concerned about the District's Other Post-Employment Benefits (OPEB) and PERS expenditure trends. A CFO and GM would have the proper context to assess these liabilities and collaborate on a fiscal plan which would have budget and possibly labor negotiation implications.

A CFO would have the skill sets to assess the (largely) manual payroll system and implement a more efficient replacement.

Recommendations

- 18) Consider hiring a part-time CFO to address the following: 1) develop a finance policy and procedures manual; 2) evaluate internal controls; 3) evaluate the risk management financing structure; 4) purchase and implement new payroll system; 5) commission long range fiscal forecast; 6) improve the budget process; 7) evaluate the financing strategy for the community center remodel project; and, 8) ensure there is adequate cross training for key processes.

Human Resources (HR) Management

This category of activities is focused on ensuring the District has a capable workforce that is well trained, equitably compensated and treated fairly, with entry points for addressing concerns and are accountable for contributing towards the District's mission. There is also a plethora of state and federal laws that must be complied with, including the Meyers Milias Brown Act.

Observations

It is hard to justify a dedicated HR professional given the size of District, but the HR systems could be reviewed at a deeper level and reset to conform with current best practices, and the myriad of state and federal laws. State law in this area changes annually, thus updates in practices need to change commensurately as well.

Job descriptions have been developed with a high degree of self-direction.

While performance evaluations were apparently timely under previous management, employees have not received one since then.

The Police Services Specialist is diligent in ensuring that Police receive their necessary POST training.

Recommendations

- 19) Invest in a one-time review of the HR systems and develop updates to any processes that are dated. Develop a basic policies/procedures manual and train a few staff.
- 20) Complete performance reviews with staff and seek an understanding of the future performance expectations given new management and the implications of this project. Consider a staff workshop to develop plans for implementing the recommendations found in this report.
- 21) After deciding the future roles and duties of District staff, use an independent resource to develop new job descriptions and related compensation.

Redefining Roles and Duties of District Staff

Observations

With the creation of the dedicated part-time GM position, this is the perfect time to clarify its role in the District; however, this cannot be done in a vacuum. Given there are only three staff (and one contractor) that perform administrative support for the District, the duties for all should be clarified in a coordinated way. The division of labor should be allocated based on what is best for the District and follow basic Human Resources classification and compensation tenets. The GM duties and role should be clarified using the framework for good government discussion above. The balance of duties (whether currently performed or not as identified in this report) should be distributed into positions and job descriptions that have appropriate skill sets and commensurate pay.

For example, the District Administrator with a salary of \$48 per hour is performing duties that range from clerical, technical or to a higher level of business support or management. Some of these duties can be best completed by a clerical skill set at a lower wage. The title may also be confusing to some given there is a General Manager and a District Administrator. Titles should be developed that appropriately describe the role and duties of each position, after completing this project.

Recommendations

- 22) The GM should work with the Board and clarify the role of the GM position.
- 23) The GM should take this report and commission an independent rewriting of job descriptions based on what makes sense for the district. New compensation

schedules would be developed commensurate with the new job descriptions and necessary skills to be successful.

A possible process for the division of labor could be as follows:

A. Inventory all administrative support duties that are being performed by the District Administrator, Police Services Specialist and the GM and allocate them to the following positions based on the similar skill sets required to perform them:

1. District Administrator (or Business Support Manager)—assuming some tasks that are currently being done by the GM
2. Administrative Assistant (clerical and minute taking duties) – assuming clerical tasks that are currently being done by the District Administrator
3. Police Services Specialist (may be limited to just police support)
4. CFO duties (could be contracted)
5. General Manager

B. Inventory all tasks not being done as suggested by this report and allocate them to the above positions.

C. Redesign new job descriptions by someone outside the District, determine the appropriate compensation based on the skill sets necessary for success in the new jobs and the labor market.

Priority and Goal Setting by the Board and GM

Successful public agency governing bodies meet on an annual basis with their chief executive to do the following: 1) In the case of the District, hear from the GM about the current state of the organization e.g. strengths and weaknesses; 2) the governing body reflects on the opportunities and challenges facing the community; 3) they develop near and long term goals for the District that are pragmatic and reconciled with the capacity of the District; and 4) direct the GM to develop a budget that effectuates the goals of the board. This ensures continuity of direction from the Board down into the organization. This type of activity is not “fluff” and a waste of taxpayer’s monies. If you believe in the framework for good government mentioned above, this activity is simply good stewardship of the public agency. It is key to the top building block in the framework for good government. It is also a best practice that we have seen in successful public agencies.

Observation

We did not see evidence of this best practice being regularly conducted at the District.

Recommendation

- 24) Conduct a Board GM workshop that fulfills the goals identified above.

Next Steps

Assigning Duties, Responsibilities and Expectations

The next natural step is to take the above inventory of duties as described above and assign them to newly created job descriptions and titles that follow good human resource practices e.g. duties are commensurate with appropriate knowledge, skill and abilities (KSA's) along with labor market competitive pay structures. The new District organizational structure and related fiscal implications should be proposed by the GM and adopted by the Board.

Consider commissioning an independent review of the District human resource practices and policies, update as appropriate and train various staff on the changes.

Depending upon resource constraints and competing priorities, consider help in updating the Board's policies and procedures manual.

Enclosure: Attachment A—Employee Survey



Attachment A

A	B	C	D	E	F	G	H	I	J	K
1										
2										
3										
4	Review of Kensington CSD's Admin Support Functions August 24, 2017	Frequency Per Week		Time To Complete Per Week		Inrequent Items-How Often Per Month/Year		Time To Complete Per Month/Year		
5	Work Sheet									
6										
7	Finance, Budget and Accounting									
8										
9	Accounts Payable--paying bills when due & ensuring compliance with Purchasing/Credit Card policies									
10	Accounts Receivable--issuing bills, collecting, monitoring and booking receivables									
11	AP or AR Problem Identification/Resolution--identifying and resolving any areas of concern									
12										
13	Purchasing--acquiring goods, services, registering for conferences, making other obligations, etc.									
14	Purchasing--developing contracts, ensuring execution by proper authority, monitoring for compliance									
15	Purchasing--maintaining central repository for all contracts and related documents									
16	Purchasing--ensuring compliance with District Purchasing/Contracting Policies									
17	Purchasing Problem Identification/Resolution--identifying and resolving any activity that is a concern									
18										
19										
20										
21	Budget Develop...working with staff, developing budget for review by GM and/or Committees & BOB									
22	Budget Develop--ensuring budget is accurate, compares with state law and is defensible in public									
23	Budget Mgmt--uses accounting system to monitor conformance with original budget adoption and control points									
24	Budget Mgmt--ensures that rev./exp. Transactions are conforming to budget format to aid in monitoring									
25	Budget Forecasting--based on current trends, forecasts the District's fiscal position over time									
26	Budget Problem Identification/Resolution--identifying and resolving any activity that is a concern									
27										
28										
29	Payroll--ensures payroll is accurately inputted into the system to facilitate issuing of paychecks									
30	Payroll--ensures payroll is in conformance with MOU's, employment contracts or District policy									
31	Payroll--ensures pay is in conformance with state and federal law (e.g., IRS, etc.)									
32	Payroll--ensures pay and related costs are properly and timely charged against the budget									
33	Payroll--ensures other comp. programs/costs are monitored, properly accounted for and 3rd party providers are paid									
34	Payroll Problem Identification/Resolution--identifying and resolving any areas of concern									
35										
36										
37	Treasury--monitors and manages the cash balances of the District									
38	Treasury--ensures adequate balances to fund expected cash flow and invests in excess that conforms to BOD policy									
39	Treasury--periodically reviews locations and processes used for collecting cash & properly depositing of that cash									
40										
41										
42	General Accounting--ensures accounting activity is timely recorded in conformance with the budget, state law and GAAP									
43	General Accounting--ensures books are closed in a timely basis & develops draft financial statements for audit									
44	General Accounting--works with outside auditors to facilitate audit conclusion and resolve outstanding issues									
45	General Accounting--ensures the budget reconciles with final audited figures									
46	General Accounting--reviews processes with a focus on adequate internal controls and safeguarding of assets									
47	General Accounting--ensures all assets are properly recorded									
48	General Accounting Problem Identification/Resolution--identifying and resolving any activity that is a concern									
49										
50										
51										
52	Human Resources Management									
53										
54	HR--works with hiring authority to ensure a fair and timely recruitment and selection process									
55	HR Onboarding--works with hiring authority to ensure employees have signed and enrolled in all benefit programs									
56	HR Training--works with hiring authority to ensure all MOU or state required training stds. are met e.g. POST, AB1234, etc.									
57	HR Performance Eval's--ensures hiring authority is completing PE's and related step/merit increases									
58	HR Benefits Administration--ensures all benefit programs have current contracts, ee's are enrolled or unenrolled at separation									
59	HR Benefits Administration--monitors workers compensation activity for negative activity									
60	HR Benefits Administration--ensures proper liability insurance is maintained and reviewed periodically									
61	HR Benefits Administration--monitors the retiree health insurance program and costs									
62	HR--Ensures development and control of HR files									

ITEM NUMBER: 9b

To: KPPCSD Board of Directors
From: Ann R. Danforth, General Counsel
Date: November 16, 2017
Subject: Draft Encroachment Ordinance – Introduction and First Reading

I. BACKGROUND

The Kensington Police Protection and Community Services District owns and maintains parklands for the benefit of its residents. By their nature, public parks should be accessible to the public. Unfortunately, adjoining landowners occasionally use public land for their own private benefit. This may be inadvertent or intentional, temporary or not. However it comes about, these actions have the effect of privatizing the public land so occupied and potentially exposes the District to liability. Judicial remedies such as abatement are available but may be costly to pursue without careful planning.

California Government Code¹ 61060 (b) authorizes a District to adopt ordinances for the administration, operation, use and maintenance of its facilities and services. Section 54951 authorizes the District to enact an administrative citation and abatement process that will shift the cost of code enforcement to the party that has violated local law. The proposed ordinance would use these powers to (a) authorize staff to issue citations for unauthorized encroachments and (b) create a process that requires the party responsible for an unauthorized encroachment to bear the cost of abatement.

II. ANALYSIS

A. Core Components.

The proposed ordinance would do the following:

¹ Unless otherwise indicated, all code citations in this report are to the California Government Code.

1. Define encroachments to include the installation of any improvements or the performance of any work on district land.
2. Prohibit any encroachment without district approval.
3. Authorize the General Manager to issue a permit for encroachments for ten days or less in duration.
4. Authorize the Board to issue a permit for encroachments expected to remain for more than ten days.
5. Establish criminal and civil administrative penalties for violations of the ordinance.
6. Establish an administrative citation process to enforce the ordinance.
7. Establish an administrative abatement process to remove encroachments where the owner refuses to do so.
8. Enable the District to recover the costs of abatement, including attorneys' fees.

B. The Citation and Abatement Process.

The process is designed to be fair, efficient and economical. When staff becomes aware of an illegal encroachment, it issues a Notice of Violation and Compliance Order. This document would describe the encroachment, outline the steps required to remedy it (which may require restoration of any disturbed district property) and establish a date for compliance. The Notice would also describe the process for contesting the violation and the consequences for failing to comply.

If the responsible party failed to file a successful appeal of the Notice and/or did not cure the encroachment on or before the compliance date, the District would record the Notice the citation fines would begin to accrue on a daily basis until the responsible party achieved compliance. In addition, the Board would hold an abatement hearing. At this hearing, the Board would consider whether the encroachment had been cured and, if it had not, whether to proceed to abatement or pursue other remedies. The Board would also impose administrative costs upon the violator, including attorneys' fees. If the violator failed to pay accrued penalties and costs, the Board could collect them by creating and enforcing a lien against the violator's property.

The process includes several opportunities for the alleged violator to contest the charges against him or her. The initial Notice of Violation and Compliance Order allows for a timely appeal, at which the violator may challenge the existence of an illegal encroachment and/or the steps necessary to cure it. The second point is the administrative hearing before the Board, at which the violator can either contest the finding of failure to comply with the Notice or otherwise argue that abatement and

further fines are not required to obtain compliance. Finally, after each of these points, the alleged violator may seek judicial review. After judicial review, the prevailing party would be entitled to attorneys' fees.

III. THE ORDINANCE PROCESS

The District has not enacted an ordinance for several years, therefore a review of the process may be helpful. Under Section 61060, a district may adopt ordinances using the procedures of Article 7 (commencing with Section 25120) of Chapter 1, Part 2, Division 2 of the Government Code. This is the same process that counties use. An ordinance must be introduced and adopted at separate meetings. The ordinance must be read in full at either introduction or passage, unless the Board passes a motion to read by title only. With a few exceptions, not applicable here, the Board must adopt the ordinance at least five days after introduction, at a regular meeting or an adjourned regular meeting. The ordinance takes effect 30 days after adoption, unless it is adopted as an urgency ordinance.

IV. STAFF RECOMMENDATION

Staff recommends that the District Board of Directors:

1. Hold a hearing on the Ordinance.
2. Introduce and hold first reading of the Ordinance (**Exhibit 1**) by moving to read by title only and passing the motion.
3. Pass first reading by motion using a roll call vote.
4. Continue the item to the next regular meeting for second reading and adoption of the ordinance

Exhibits: Draft Ordinance

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT PROHIBITING UNAUTHORIZED ENCROACHMENTS ON DISTRICT LAND AND ADOPTING PROCEDURES, PENALTIES AND OTHER REMEDIES FOR SUCH ENCROACHMENTS.

Ordinance No. 2017-01

WHEREAS, Kensington community voters created and funded the Kensington Police Protection and Community Services District (“District”) to provide police, solid waste, and recreational services; and

WHEREAS, the District owns and operates park grounds and facilities for the benefit of its residents; and

WHEREAS, from time to time, private individuals have installed landscaping and other improvements on District-owned real property, without District permission, which has the effect of privatizing the affected land and depriving the public of full enjoyment thereof; and

WHEREAS, when encroaching property owners fail to remove voluntarily said encroachments, the District must initiate and prosecute action to reclaim the land for its intended public purpose; and

WHEREAS, to abate unauthorized encroachments, the District may be required to expend public funds for, without limitation, surveyors, service of process, court costs, attorneys’ fees and ultimately, removal of the improvements;

WHEREAS, the District Board of Directors finds that all costs of removing unauthorized encroachments should be borne by the person or persons that installed them and not by public funds.

NOW, THEREFORE, THE DISTRICT BOARD OF DIRECTORS OF THE KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT DOES ORDAIN AS FOLLOWS:

SECTION 1: The District Board of Directors hereby ordains and adopts the following Administrative Enforcement Ordinance for Unauthorized Encroachments:

ADMINISTRATIVE REMEDIES

§ 1. Definitions. As used in this ordinance, the terms listed in this section shall have the following meaning:

Administrative Order: The Order issued by the Board if the Encroachment is not corrected by the Compliance Date, pursuant to §§ 8 and 9 of this Ordinance.

Compliance Date: A Notice and Compliance Order's deadline for taking the corrective actions specified therein to remove an Encroachment and restore District-owned land, as set forth in a Notice of Violation and Compliance Order. The District Board may modify the Compliance Date upon appeal pursuant to § 6.

Corrective Actions: The actions necessary to remove an Encroachment and restore District-owned land to its condition preceding the Encroachment.

District: the Kensington Police Protection and Community Services District.

District Board: The Board of Directors of the Kensington Police Protection and Community Services District or its designee.

District-owned land: real property in which the District holds an interest, including, without limitation, fee title ownership, easement or leasehold.

Encroacher: a person or persons who have created, maintained, installed or is otherwise responsible for an Encroachment. Where the Encroachment has been installed or maintained in association with privately owned real property by a person other than the owner of said property, both said owner and the person who installed or maintained the Encroachment shall be considered Encroachers.

Encroachment: Any object, structure, vegetation or other improvement of any kind that encroaches, intrudes or otherwise is located on District-owned land and that has been installed, maintained or otherwise caused to exist by a party other than the District. Encroachments include, without limitation, all activities defined as Work under this ordinance.

Encroachment permit means written District approval of Work within, upon, or beneath District-owned land.

Manager: The General Manager of the District or his/her designee.

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Notice of Violation and Compliance Order: The document that the District shall serve upon the Encroacher describing the violation of this ordinance, outlining the actions necessary to correct the violation and stating the District's intention to record said Notice if the violation is not corrected by a specified date, as more fully described in § 5.

Work: The erection of any structure; placement of any improvement; filling; excavation; installation or removal of utility lines or pipes; installation or construction of sidewalks or driveways; installation of roadway approaches; removal or planting of trees or shrubs. "Work" shall also include installation or construction of sidewalks or driveways; removal or planting of trees or shrubs, or any activity that interferes with or obstructs the free flow of traffic, pedestrians or normal activities on public property. "Work" shall also include, without limitation, the business or trade of selling, vending, hawking or peddling any merchandises, article or item whatever.

2. Applicability.

(a) This ordinance is adopted pursuant to § 53069.4 of the California Government Code.

(b) This ordinance provides for administrative remedies, which are in addition to all other legal remedies, criminal or civil, that the District may pursue to address any violation of state and local law.

(c) The administrative abatement process set forth in this ordinance applies to continuing violations of this ordinance.

(d) The Manager shall have sole discretion whether to use the administrative remedies process set forth in this ordinance.

§ 3. Encroachments Prohibited.

(a) No person may create, install, maintain or allow an Encroachment without prior written District approval.

(i) Any person violating any of provision this ordinance shall be guilty of an infraction except as otherwise set forth herein.

(ii) Each person who violates this ordinance shall be charged with a separate offense for each and every day during any portion of which any violation of

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any provision of this ordinance is committed, continued or permitted by such.

(iii) The Manager shall have sole discretion to charge repeat offenses as misdemeanors.

(b) The Manager shall have discretion to issue temporary Encroachment permits for Work of up to ten days duration. No such permit shall create a property interest on the part of the permittee.

(c) The District Board must approve any Encroachment permit for Work or other Encroachment expected to continue for more than ten days. No such permit shall create a property interest on the part of the permittee unless the Board expressly grants such an interest.

(d) Any Encroachment permit issued pursuant to this ordinance shall be subject to such terms and conditions that the District, in its sole discretion, deems necessary to ensure the timely removal of any Encroachments and restoration of District land to its condition preceding the Work or other Encroachment.

§ 4. Method of Service. Whenever this ordinance requires service of any document, the District shall cause said service to occur as set forth in this section. The District shall mail the document to the Encroacher if their address is reasonably available and shall conspicuously post a copy of the order at the property that is the site of the Encroachment. In addition, where the Encroachment is associated with real property owned or occupied by the Encroacher, the District shall also serve the document on the occupant of said real property and the owner of said real property at the owner's address as it appears on the last equalized county assessment roll available on the date the notice is prepared. The failure of any person to receive any notice required under this ordinance shall not affect the validity of any proceedings taken under this subchapter.

§ 5. Notice of Violation, Compliance Order and Intention to Record.

(a) Whenever the Manager determines that a violation this Ordinance is occurring or exists, the Manager may issue a written notice of the violation ("Notice of Violation and Compliance Order"), served as set forth in § 4 to any person responsible for the violation.

(b) A Notice of Violation and Compliance Order issued pursuant to this ordinance shall contain the following information:

- (i) The location of the violation;
 - (ii) A citation to this ordinance and a description of the violation;
 - (iii) The Corrective Actions required to comply with this Ordinance;
 - (iv) The Compliance Date, which shall be the last day to complete the Corrective Actions.
 - (v) A statement that if the Corrective Actions are not complete by the Compliance Date, (A) administrative penalties will begin to accrue on a daily basis, and (B) the District will record Notice of Violation and Compliance Order against any privately owned real property associated with the Encroachment and commence abatement proceedings.
 - (vi) Either a copy of this ordinance or an explanation of the consequences of noncompliance with this ordinance, including the amount of potential penalties, and a description of the hearing procedure and appeal process.
 - (vii) A statement that the failure to file an appeal within 10 days of the date of the issue date of the Notice of Violation and Compliance Order will be considered a waiver of any objections to the facts stated in said document and a failure to exhaust administrative remedies regarding said facts.
- (c) The Compliance Date shall give the Encroacher a reasonable period in which to complete the Corrective Actions. However, should the violation constitute an imminent threat to life or property, the Manager may order immediate compliance.
- (d) The Manager shall have the discretion to extend the Compliance Date by up to 15 calendar days upon a finding that prior to the Compliance Date, the Encroacher has obtained any necessary permits and begun and diligently performed the Corrective Actions.

§ 6. Appeal; Board Hearing.

- (a) Any person served with a Notice of Violation and Compliance Order may file an appeal within ten (10) calendar days from the date of service. If no appeal is filed within same period, the Notice of Violation and Compliance Order will constitute a final decision of the District as to the matters stated therein under Government Code Section 53069.4(b)(i).

(b) The appellant shall file their appeal in writing with the Manager, setting forth the basis of the appeal in sufficient detail to enable the Manager to investigate the facts therein.

(c) The District shall set a date, time and place for the hearing before the District Board. The deadlines set forth in the Notice of Violation and Compliance Order shall be tolled while the appeal remains pending.

(d) The Board's hearing shall be informal and formal rules regarding evidence and discovery shall not apply. The Board shall consider any written or oral evidence regarding the alleged violation and actions required to cure the violation.

(e) Within 15 days following the conclusion of the hearing, the Board shall issue its written decision, making findings of fact on each alleged violation, which findings shall be supported by a preponderance of evidence in the record. The District will serve the Board's decision on the Encroacher as set forth in § 4.

(i) If the Board determines that the Encroachments described in the Notice of Violation and Compliance Order do not exist, it shall revoke said document and the District will take no further thereon.

(ii) If the Board determines by a preponderance of the evidence that the Notice of Violation and Compliance Order correctly describes violations of this ordinance and the actions required to correct them, it shall affirm the Notice of Violation and Compliance Order. The Board shall have the discretion to modify the Compliance Date to allow a reasonable period of time to complete the Corrective Actions.

(iii) If the Board determines that the Notice of Violation and Compliance Order inaccurately describes violations of this ordinance and/or the actions required to correct them, it shall issue a corrected Notice of Violation and Compliance Order.

(iv) The District Board's decision shall constitute a final decision of the District as to the matters stated therein under Government Code Section 53069.4(b)(i).

(f) The Board may establish an appeal fee by resolution, which fee shall be paid at the time the appellant files their appeal.

§ 7. Actions Subsequent to the Notice of Violation and Compliance.

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(a) If the Manager determines that the Corrective Actions have been completed on or before the Compliance Date, the District will take no further action with respect to the subject Encroachment.

(b) If the Corrective Actions have not been completed on or before the Compliance Date, the administrative penalties shall begin to accrue, the Manager shall record the Notice of Violation and Compliance Order and shall set an Abatement Hearing before the District Board.

(c) The District shall cause a written notice of the Abatement Hearing to be served on the Encroacher as set forth in § 4.

(d) The notice of the Abatement Hearing on a Notice of Violation and Compliance Order shall contain the date, time and place at which the District Board shall conduct the hearing.

(e) Each hearing shall be set on a date not less than 10 days nor more than 60 days from the date of the notice of hearing unless the Manager determines that the matter is urgent or that good cause exists for an extension of time.

(f) The failure of any person subject to a Notice of Violation and Compliance Order to appear at the hearing shall constitute a failure to exhaust administrative remedies, and a waiver of the right to contest the accrual of administrative penalties, recordation of the Notice of Violation and Compliance Order and abatement of the Encroachment.

§ 8. Abatement Hearing; Findings and Order.

(a) At the place and time set forth in the notice of Abatement Hearing, the District Board shall conduct an administrative hearing following the procedures described in § 6(d) and (e) except that the only issues under consideration shall be the following:

(i) The failure of the violator or owner to complete the Corrective Actions on or before the Compliance Date; and

(ii) Whether the Board should order abatement of the Encroachment or pursue other remedies.

(b) Within 15 days following the conclusion of the hearing, the Board shall make findings and issue its determination regarding:

(i) The Board shall issue written findings, which shall be supported by a preponderance of the evidence in the record.

(ii) If the Board finds, by majority vote, that the Corrective Actions were not completed by the Compliance Date, the Board shall issue an administrative order as set forth in § 9 of this ordinance.

(iii) If the Board finds that the Corrective Actions were completed by the Compliance Date, the Board shall issue a finding of those facts and direct that the recorded Order be cancelled.

§ 9. Administrative Order. If the District Board determines that the Corrective Actions were not completed on or before the Compliance Date, the Board shall issue an Administrative Order described in § 8 imposing any or all of the following:

(a) Administrative penalties as provided in § 10, retroactive to the Compliance Date;

(b) Administrative and other costs as provided in § 11, retroactive to the Compliance Date;

(c) An abatement order, directing District staff to abate the Encroachment if the Encroachment is not removed as ordered by the Administrative Order.

(d) If the Board finds that the Encroacher has worked diligently and in good faith to complete the Corrective Actions on or before the Compliance Date, the Board may grant a one-time extension before imposing Administrative Penalties and commencing abatement. This extension shall be contingent upon the Encroacher depositing with the District the estimated Administrative Costs described in § 11, for which the Encroacher shall remain liable.

(e) The Administrative Order will constitute a final decision of the District as to the matters covered therein under Government Code Section 53069.4(b)(i).

§ 10. Civil Administrative Penalties.

(a) Where a violation would be considered an infraction under §3(a)(i), the civil penalties assessed for each administrative citation issued for the same violation shall not exceed the following amounts:

(i) First violation, One Hundred Dollars (\$100.00) per day per violation;

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- (ii) Second violation within a one-year period, Two Hundred Dollars (\$200.00) per day per violation;
 - (iii) Third or subsequent violation within a one-year period, Five Hundred Dollars (\$500.00) per day per violation.
- (b) Where a violation would be considered a misdemeanor under §3(a)(i), the civil penalties assessed for each violation shall not exceed One Thousand Dollars (\$1,000.00) per day per violation.
- (c) Each day after the Compliance Date that the Corrective Actions remain incomplete shall constitute a separate violation.
- (d) In determining the amount of the administrative penalty, the Board may take any or all of the following factors into consideration:
- (i) The duration of the violation;
 - (ii) The frequency, recurrence and number of violations, related or unrelated, by the same Encroacher;
 - (iii) The seriousness of the violation;
 - (iv) The good faith efforts of the violator to come into compliance;
 - (v) The economic impact of the penalty on the violator;
 - (vi) The impact of the violation on the community;
 - (vii) Such other factors as justice may require.
- (e) Administrative penalties imposed by the Board shall accrue from the date specified in the compliance order and shall cease to accrue on the date the violation is corrected as determined by the Manager or the Board.
- (f) Administrative penalties assessed by the Board shall be due by the date specified in the administrative order.
- (g) Administrative penalties assessed by the Board are a debt owed to the District and, in addition to all other means of enforcement, if the violation is located on real property, may be enforced by means of a lien against the real property on which the violation occurred.

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(h) If the violation is not corrected as specified in the Board's order to correct, administrative penalties shall continue to accrue on a daily basis until the violation is corrected, subject to the maximum amount set forth in division (c) above.

(i) If the violator gives written notice to the Manager that the violation has been corrected and if the Manager finds that compliance has been achieved, the Manager shall deem the date the written notice was postmarked or personally delivered to the Manager or the date of the final inspection, whichever first occurred, to be the date the violation was corrected. If no written notice is provided to the Manager, the violation will be deemed corrected on the date of the final inspection.

§ 11. Administrative Costs.

(a) The District Board shall assess administrative costs against the violator when it finds that the Corrective Actions have not been completed by the Compliance Date.

(b) The administrative costs may include any and all costs incurred by the District in connection with the violation of this ordinance, including, but not limited to, costs of investigation, staffing costs incurred in preparation for the hearing and for the hearing itself, attorney fees and costs for all permits, work and inspections necessary to enforce the Notice of Violation and Compliance Order.

§ 12. Failure to Comply with Administrative Order. Failure to pay the assessed administrative penalties and administrative costs specified in the administrative order of the District Board may be enforced as:

(a) A personal obligation of the violator, enforceable in Small Claims Court; and/or

(b) Where the Encroachment or Work is associated with real property owned or occupied by the Encroacher, a lien upon the real property. The lien shall remain in effect until all of the administrative penalties, interest and administrative costs are paid in full.

§ 13. Right of Judicial Review; Attorney's Fees.

(a) Any person aggrieved by a final District action under this ordinance may obtain judicial review by filing a motion for review with the Superior Court in Contra Costa County in accordance with the timelines requirements and provisions set forth in Cal. Gov. Code § 53069.4.

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(b) The prevailing party in any judicial action and/or administrative proceeding to abate a nuisance and/or to enforce any provision of this ordinance shall recover the incurred attorney's fees as follows:

(i) The recovery of attorney's fees shall be limited to those individual judicial actions or administrative proceedings in which the District elects, at the initiation of that individual judicial action or administrative proceeding, to seek recovery of its own attorney's fees; and

(ii) In no judicial action or administrative proceeding shall an award of attorney's fees to a prevailing party exceed the amount of reasonable attorney's fees incurred by the District in the judicial action or administrative proceeding.

§ 14. Recovery of Administrative Civil Penalties.

The District may collect the assessed administrative penalties, administrative costs and attorney's fees by use of all available legal means, including recordation of a lien pursuant to § 17.

§ 15. Report of Compliance After Administrative Order.

If, after the District Board has issued an Administrative Order, the Manager determines that the Corrective Actions are complete, the Manager shall so advise the Board by written report.

§ 16. Compliance Dispute.

(a) If the Manager does not file a report pursuant to § 15, an Encroacher who believes that compliance has been achieved may request a compliance hearing before the Appeals Hearing Board by filing a request for a hearing with the Board.

(b) The hearing shall be noticed and conducted in the same manner as a hearing on a Notice of Violation and Compliance Order provided in §§ 6 and 7 of this ordinance.

(c) The Board shall determine the dispute as follows:

(i) If the Corrective Actions are complete, the completion date, and to what relief, if any, the Encroacher may be entitled.

(ii) If compliance has not been achieved, what further steps are required to achieve compliance. In addition, for good cause shown, the Board may amend or modify its original Administrative Order.

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§ 17. Lien Procedure.

(a) Whenever the amount of any administrative penalties and/or costs imposed by the Administrative Order in connection with privately owned real property has not been satisfied in full within 90 days and/or has not been successfully challenged by a timely motion for judicial review, these obligations may constitute a lien against said real property.

(b) The lien provided herein shall have no force and effect until recorded with the County Recorder. Once recorded, the administrative order shall have the force and effect and priority of a judgment lien governed by the provisions of the Cal. Civ. Proc. Code §§ 697.340 and may be extended as provided in Cal. Civ. Proc. Code §§ 683.110 to 683.220, inclusive.

(c) Interest shall accrue on the principal amount of the lien remaining unsatisfied pursuant to the law applicable to civil money judgments.

(d) A copy of the recorded lien shall be served upon the owner of the subject property pursuant to § 4 of this ordinance.

§ 18. Public Hearing and Protests.

(a) Any person whose real property is subject to a lien pursuant to § 16 may file a written protest with the Manager within ten (10) days of receiving notice thereof.

(b) Each written protest or objection must contain a description of the property in which the protesting party is interested and the grounds of such protest or objection. Notwithstanding the foregoing, the District will only consider protests on grounds that the owner could not have raised on appeal from the Notice and Compliance Order pursuant to § 6 of this ordinance nor at the Abatement Hearing conducted pursuant § 8 of this Ordinance.

(c) The District Board shall set the matter for hearing no sooner than 15 days and no later than 60 days after the receipt of the protest.

(d) The District Board's decision will constitute a final decision of the District as to the matters covered therein under Cal. Gov. Code Section 53069.4(b)(i)

§ 19. Recording of Lien.

Thirty days following the adoption of a resolution by the District Board imposing a lien, the Manager shall file the same as a judgment lien in the office of the County

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Recorder of Contra Costa County, California. The lien may carry such additional administrative charges and costs, including attorneys' fees, as set forth by resolution of the District Board.

§ 20. Satisfaction of Lien.

Once the District receives payment in full for outstanding penalties and costs, the Manager shall either record a notice of satisfaction or provide the property owner or financial institution, with a notice of satisfaction so they may record the notice with the office of the County Recorder. Such notice of satisfaction shall cancel the District's lien.

§ 21. Foreclosure of Real Property Lien.

The District may foreclose the lien and sell the real property by the filing of a complaint for foreclosure in a court of competent jurisdiction and obtaining a judgment to foreclose. There shall be no right to trial by jury. The prevailing party shall be entitled to its attorneys' fees and costs.

§ 22. Redemption of Lien.

The property owner may redeem the lien by the payment in full of all amounts secured by the lien within six months after the lien is recorded and notice is given to the property owner.

§ 23. Penalties as Personal Obligation.

If the District Board determine that the administrative penalties and costs set forth in the Board's order should become a personal obligation of the Encroacher, it may direct that a petition be filed with a court of competent jurisdiction to enter said order as a judgment of that court. The prevailing party shall be entitled to its attorneys' fees and costs.

§ 24. Interest.

Interest shall accrue on all amounts declared due by the District Board, and unpaid, from the date of the administrative order to the date paid pursuant to the laws applicable to civil money judgments.

§ 25. Rules and Regulations.

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The District Board may by resolution adopt such rules and regulations for the administration and interpretation of this chapter as it may consider proper.

SECTION 2. SEVERABILITY.

If a court of competent jurisdiction issues a decision holding that any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance, or any part thereof, is invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining sections or portions of this chapter or part thereof. The Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that any one or more sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 3. EFFECTIVE DATE.

This Ordinance shall take effect and be in force thirty (30) days after the date of passage. Pursuant to the provisions of Government Code Sections 61060 and 25124, District staff shall post a copy of the ordinance within in fifteen (15) of passage, with the names of the directors voting for and against the ordinance. The ordinance shall be posted for at least one week in a prominent place at the Board chambers and at the bulletin boards at _____ and _____.

This ordinance was introduced at a regular meeting of the Board of Directors of the Kensington Police Protection and Community Services District on _____, 2017, and was adopted at a regular meeting of the said Board on _____, 2017, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

RACHELLE SHERRIS-WATT

President, District Board of Directors

ATTEST:

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ANTHONY CONSTANTOUROS

General Manager & Secretary to the Board

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