

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

AGENDA

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District will be held **Thursday, September 11, 2014, at 6:30 P.M.**, at the Community Center, 59 Arlington Avenue, Kensington, California. The Board will commence its monthly Regular Meeting in open session at **7:30 P.M.** If further Closed Door Session is required, the Board will return to Closed Door Session following the end of the Regular Meeting.

Roll Call
Public Comments

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

1. Conference with Labor Negotiators (Government Code Section 54957.6)
Agency Representatives: Patricia Gillette and Chuck Toombs
Employee Organization: Kensington Police Officers Association
2. Pursuant to California Government Code Section 54957b:
 - a. The Board will enter into closed session to discuss the General Manager/ Chief of Police performance review pursuant to California Government Code Section 54957b.
 - b. The Board will discuss the possible contract extension and terms of the extension of the General Manager/ Chief of Police.

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

The Board will return to Open Session at approximately 7:25 PM and report out on the Closed Door Session.

A Regular Meeting of the Board of Directors of the Kensington Police Protection and Community Services District will be held **Thursday, September 11, 2014, at 7:30 P.M.**, at the Community Center, 59 Arlington Avenue, Kensington, California.

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

Roll Call
Public Comments
Board Member/ Staff Comments

APPROVAL OF CONSENT CALENDAR

- a) Minutes of the Special Meeting August 9, 2014, Page 3
- b) Minutes of the Special & Regular Meeting August 14, 2014, Page 5
- c) Profit & Loss Budget Performance for August 2014, Page 20
- d) Park Revenue & Expenses Report for August 2014, Page 25
- e) Board Member Reports- None
- f) Training & Reimbursement Reports-None
- g) Correspondence, Page 29
- h) Police Department Update, Page 31
- i) Monthly Calendar, Page 43
- j) Recreation Report, Page 45
- k) General Manager's Report, Page 46

DISTRICT - NEW BUSINESS

1. The Board will present a District Proclamation to Walter and Gretchen Gillfillan, who celebrated their 60th wedding anniversary during the month of August. Board Action. Page 52
2. The Policy Committee will present to the Board for a second reading the revised KPPCSD Board of Directors Policy Manual, Section 1000. Board Action. Page 53
3. KPPCSD Board President Len Welsh and General Manager/ Chief of Police Greg Harman will provide the Board with a draft of a possible contract with Bay View Refuse & Recycling and an update to the request for proposal process for solid waste and recycling services due to start September 2015. Possible Board Action. Page 94

4. General Manager/ Chief of Police Greg Harman will discuss the letter received from Kensington resident Barbara Steinberg regarding reestablishing a Kensington Post Office branch, see correspondence, and ask the Board if it would like to participate in this effort. Board Action. Page 198

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

ADJOURNMENT

General Information

Accessible Public Meetings

NOTE: UPON REQUEST THE KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT WILL PROVIDE WRITTEN AGENDA MATERIALS IN APPROPRIATE ALTERNATIVE FORMATS, OR DISABILITY-RELATED MODIFICATION OR DISABILITIES TO PARTICIPATE IN PUBLIC MEETINGS. PLEASE SEND A WRITTEN REQUEST, INCLUDING YOUR NAME, MAILING ADDRESS, PHONE NUMBER AND A BRIEF DESCRIPTION OF THE REQUESTED MATERIALS AND PREFERRED ALTERNATIVE FORMAT OR AUXILIARY AID OR SERVICE AT LEAST 2 DAYS BEFORE THE MEETING. REQUESTS SHOULD BE SENT TO:

General Manager/ Chief of Police Greg Harman, Kensington Police Protection & Community Services District, 217 Arlington Ave, Kensington, CA 94707

POSTED: Public Safety Building-Colusa Food-Library-Arlington Kiosk- and at www.kensingtoncalifornia.org
Complete agenda packets are available at the Public Safety Building and the Library.

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

Meeting Minutes for 8/9/14

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Saturday, August 9, 2014, at 9:30 A.M. at the Community Center, 59 Arlington Avenue, Kensington, California.

ATTENDEES

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Len Welsh, President	
Linda Lipscomb, Vice President	
Chuck Toombs, Director	
Tony Lloyd, Director	
Pat Gillette, Director	
<u>Staff Members</u>	
GM/COP Gregory Harman	

Board President Welsh called the meeting to order at 9:40 A.M.

PUBLIC COMMENTS

None

STAFF COMMENTS

The Board entered into Closed Session to:

1. Confer with Legal Counsel – Existing Litigation (Government Code Section 54956.9(a)
Leonard Schwartzburd v. Kensington Police Protection and Community Services District (Case Number N12-1625)
2. Confer with Labor Negotiators (Government Code Section 54957.6)
Agency Representatives: Patricia Gillette and Chuck Toombs
Employee Organization: Kensington Police Officers Association
3. Pursuant to California Code Section 54957b:
 - a) Discuss the General Manager/Chief of Police performance review pursuant to California Government Code Section 54957b.

- b) Discuss the possible contract extension and terms of the extension of the General Manager/Chief of Police.
- c) With the General Manger/Chief of Police, discuss personnel appointment, employment, and evaluation of performance of District personnel.

At 12:30 P.M., the Board returned to Open Session. The Board President reported that the Board had tabled Item 1 and had taken no action on Items 2 and 3.

The meeting was adjourned.

Meeting Minutes for 8/14/14

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday, August 14, 2014, at 6:00 P.M. at the Community Center, 59 Arlington Avenue, Kensington, California. The Regular Meeting of the Board of Directors (BOD) of the Kensington Police Protection and Community Services District (KPPCSD) followed.

ATTENDEES

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Len Welsh, President	Emily Charlie, Hanson Bridgett
Linda Lipscomb, Vice President	Kimon Manolius, Hanson Bridgett
Chuck Toombs, Director	Nick Day
Tony Lloyd, Director	John Stein
Pat Gillette, Director	Kathy Stein
<u>Staff Members</u>	Karl Kruger
GM/COP Gregory Harman	Leonard Schwartzburd
Sgt. Kevin Hui (on duty)	Kim Zvik
Lynn Wolter, District Administrator	Peter Liddell
Sgt. Keith Barrow (own time)	Gail Feldman
	Steve Bates
<u>Press</u>	Chris Hafner
Joel Koosed, Outlook	Simon Brafman

Board President Welsh called the meeting to order at 6:04 PM and took roll call. President Welsh, Vice President Lipscomb, Director Gillette, Director Toombs, General Manager/Chief of Police Harman, and District Administrator Wolter were present.

Director Lloyd arrived during the Closed Session.

PUBLIC COMMENTS

Simon Brafman said the Board should figure out how to save on legal costs.

Nick Day said that a lot of money had been spent on the writ. He said there had been faults on both sides of the matter and that the results of Measure L had been a reflection of the community's dissatisfaction about the way in which things had been done with respect to the writ. He suggested dropping the writ matter.

CLOSED SESSION

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

1. Confer with Legal Counsel – Existing Litigation (Government Code Section 54956.9(a))
Leonard Schwartzburd v. Kensington Police Protection and Community Services District (Case Number N12-1625)
2. Confer with Labor Negotiators (Government Code Section 54957.6)
 - a. Agency Representatives: Pat Gillette and Chuck Toombs
 - b. Employee Organization: Kensington Police Officers Association
3. Pursuant to California Government Code Section 54957b
 - a. Discuss the General Manager/Chief of Police performance review pursuant to California Government Code Section 54957b.
 - b. Discuss the possible contract extension and terms of the extension of the General Manager/Chief of Police.
 - c. With the General Manger/Chief of Police, discuss personnel appointment, employment, and evaluation of performance of District personnel.

OPEN SESSION

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

President Welsh took roll call. President Welsh, Vice President Lipscomb, Director Toombs, and Director Lloyd, and Director Gillette were present.

President Welsh reported that the Board:

- Conferred with legal counsel and took no action.
- Conferred with labor negotiators and took no action.

PUBLIC COMMENTS

Peter Liddell announced that the Kensington Public Safety Council (KPSC) and the Kensington Fire Department would be presenting a free class about wildfire risks on Wednesday, September 10th (at the Community Center), followed by field practice on Wednesday, September 17th (at the Arlington Community Church). He said Battalion Chief Michael Bond would teach the two sessions from 2:00 PM until 5:00 PM both days.

Mr. Liddell also reported that volunteers had worked during June and July to reduce fire hazards from around the Community Center and had filled three dumpsters with plant debris. He said ten volunteers had contributed over 100 hours. He announced that work sessions would continue through August and September on Thursdays, from 2:00 PM until 5:00 PM. He noted that release forms would be needed for all volunteers.

Mr. Liddell also reported that the KPSC had donated books to the Kensington Library.

Leonard Schwartzburd made a suggestion about the Policy Manual (it should be “the resource” not “a resource”) and made complimentary comments about individual Directors. He said he was sorry for any personal distress that may have been caused to three of the Directors by naming them, individually, in the writ. He said he had been misinformed and that it was never, for him, personal.

Vice President Lipscomb thanked Dr. Schwartzburd for his suggestion about the Policy Manual.

Karl Kruger said he was surprised to see that \$9,800 had been spent on overtime in the first month of the fiscal year and that this totaled 21.7% of the overtime budget for the year. He said he assumed this had been related to the incident the community had had. He said he would send an email to the Chief regarding the overtime and said this number of overtime hours in one month was not good management.

BOARD MEMBER COMMENTS

Director Gillette noted that Tony and Linda would not be returning to the Board at the end of their terms. She said it was an honor to serve on the Board and that Tony and Linda had worked hard to protect the community’s interests. She thanked them for their incredible service, contributions, judgment, wit, perseverance, and their willingness to attend the monthly meetings.

Director Lloyd said it had been an honor to serve the community. He said there were many talented people in the community and that he hoped such people would follow Linda and him. He singled out Chief Harman for his good work and thanked Chief Harman for his unselfish act in June of offering to pick Director Lloyd up from the hospital, following a serious illness, and drive him to his daughter’s wedding.

Vice President Lipscomb reported there had been a meeting with PG&E, the County, and the Colusa Circle property owners. She reported that GM/COP Harman and KPPCSD Board President Welsh also had attended. The purpose of the meeting had been to discuss what kind of light fixtures to install in the Colusa Circle area.

Director Gillette asked if improvements could be made to the light fixtures on the Arlington. Vice President Lipscomb replied that modifications had already been made and that the fixtures would be painted dark green or grey.

Vice President Lipscomb reported on the AT&T cell towers. She said Supervisor Gioia was the only one speaking out on Kensington’s behalf. She said that, at the last meeting, the tower proposed for Coventry Road had not been approved but that the tower for Ardmore had been.

Director Toombs thanked Director Lloyd and Vice President Lipscomb and said they had done great work for the community.

President Welsh said he echoed the positive comments about Director Lloyd and Vice President Lipscomb. He said he had learned a lot from them and thanked them for their help.

President Welsh announced he would be running for the Board and said he hoped to work for the community for several years to come.

STAFF COMMENTS

GM/COP reported that District Administrator Wolter had secured a \$1,000 grant for safety equipment.

CONSENT CALENDAR

Director Toombs asked to pull Item L, the Argument in Favor of Appropriations, and asked GM/COP Harman to provide a summary of the item.

GM/COP Harman read the memo he had prepared. He said that placing the measure on the ballot for November would save the District money and that Hanson Bridgett had prepared the Argument in Favor document.

Director Toombs clarified that placing this cap on what the District could spend was part of Proposition 13 and that, should the community fail to pass the measure, the District's revenues would revert back to pre-Proposition 13 levels. He said such a vote needed to occur every four years.

MOTION: Director Toombs moved, and Vice President Lipscomb seconded, to adopt the Consent Calendar.

Motion passed 5 to 0.

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

DISTRICT NEW BUSINESS

1. General Manger/Chief of Police Greg Harman asked the Board to approve a park bench that the Kensington Community Council (KCC) would like to donate in memory of former KPPCSD Director Joan Gallegos.

GM/COP Harman said Ms. Gallegos had served as a KPPCSD Director for 12 years and had served on the KCC Board for several years. He said KCC had allocated \$1,000 to buy and install a park bench. The KCC would like to install the bench by the path on the

far side of the upper lawn, across from Building E, and would like to dedicate the bench at the KCC 2014 Parade and Picnic.

Directors noted Ms. Gallegos' many contributions to the community, especially her hard work on the park.

MOTION: Vice President Lipscomb moved, and Director Gillette seconded, that the proposal for the bench be approved.

Motion passed 5 – 0

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

2. KPPCSD Board President Len Welsh and General Manager/Chief of Police Greg Harman provided the Board with an update to the request for proposal process for solid waste and recycling services due to start September 2015.

President Welsh reported that the RFP process was moving forward simultaneously with the second track of negotiating with Bay View Refuse. He said he hoped it would be possible to enter into a contract with the company in lieu of continuing with the RFP process. He reiterated that the District was moving forward with the RFP process and that the District was moving ahead with the survey. President Welsh said there had not been any direct negotiations with Bay View yet and that he anticipated that he and Vice President Lipscomb would have their first meeting with the company the following week. He said he and Vice President Lipscomb would report back to the Board on the status of their progress at the next regular meeting. He said that, if things were going to come to fruition, they would have to happen very soon.

GM/COP Harman reported that postcards announcing the survey had been mailed. He said that, if people didn't have access to a computer, they could call the office during business hours to do the survey.

Director Toombs asked by when the surveys needed to be completed. GM/COP Harman said that, although the postcards didn't indicate a deadline, he hoped most replies would be received quickly and in advance of preliminary discussions with Bay View Refuse.

Director Lloyd asked what percent threshold of return was expected. President Welsh responded that HF&H had performed this work before and that the District would have to rely on their judgment.

Kim Zvik recommended that the postcard information also be emailed.

In response to a question from a member of the public, GM/COP Harman said that East Bay Sanitary had indicated an interest in participating in the RFP.

In response to Ms. Zvik's suggestion, Director Toombs said that postcards had been mailed to every ratepayer. President Welsh said that, if the District didn't receive the responses expected, they would look at something else.

Gail Feldman advocated that, to have an RFP process with some integrity, the District needed to go through the RFP process and not negotiate with individual companies. She said that, although there was a lot of community support for Bay View, it was important to go through the RFP. She said that, hopefully, there would be one or two companies responding to the RFP and that this would afford the opportunity to have competitive negotiations and ensure that the community would get the best service at the best price.

Ms. Feldman also said that negotiating separately with one of the vendors would send a message to the industry that this wasn't a fair process and that, maybe, the Board had already made up its mind. She said she didn't know how this would skew the types of proposals that might be received. She said that, instead, the District should let Bay View know what the RFP process would be and that it would be a fair process. She reiterated that sitting down with Bay View in advance would send a very bad message to the industry.

President Welsh responded that the Board wasn't picking a particular vendor – this was a vendor the community had had for a very long time. He said it was not uncommon for this to happen. He said the District could not be negotiating with Bay View once the substantive part of the RFP began. He said that, if the District could receive feedback from HF&G about what would be a good fair market rate for the service the community would receive, then the KPPCSD would be armed with that information when it sat down to negotiate with Bay View. He said that, if the District couldn't settle a quick deal with Bay View that made good sense from a competitive market perspective, discussions with Bay View would stop, and the substantive part of the RFP would move forward. He said he was looking for the best possible outcome for the community. He cited the last Oakland RFP process, which he said had been a disaster – they didn't receive any bids they could use. He expressed his concern that the District could go through a very expensive RFP process and get nothing for it. He said this had motivated him to propose negotiating with Bay View, in advance of the RFP, at the last meeting. He said some people had concerns about this but that the District was obligated to explore it.

Ms. Feldman responded that she thought the Board had an obligation to the community to get the best possible service. She said a single company had served the community for over 40 years, and during that time the community had had numerous litigations with the company. She said there was nothing wrong with the people who provided the direct service, but she thought the community had been taken advantage of by the owner. She said the community had been locked into a contract over which it had had no choice. She cited that the contract allowed for significant profits and related-party transactions at pretty high rates. She said that, by going through the RFP process, the District would be letting the industry know that it would be looking at every aspect of a proposal. She said she didn't think the District would get that by negotiating directly with Bay View and

that the Board owed it to the community to say it had looked at every opportunity to get the best proposal. She commented that, if the District ended up with Bay View at the end of the RFP process, at least the Board would be able to say it had given it a fair shot.

Director Gillette thanked Ms. Feldman for her comments and said she shared some of the same concerns. She said that some in the community had expressed concern about the cost of the RFP. She said the solid waste contract would be a multi-million dollar contract and that, for this reason, the Board shouldn't be shy about the cost of the RFP.

Kathy Stein said she had contacted all of the Directors and had shared her perspective with all of them – that after sitting on the Solid Waste Committee for 17 years, she agreed with virtually everything Ms. Feldman had said.

Karl Kruger said he didn't think the issue was complex – that if the current vendor was willing to deal with the community and could provide reasonable cost, the District should go with them, rather than spending a lot of money. He said that, although management had been difficult, the service had been good.

Nick Day suggested that neighbors should be able to share cans and that this would encourage conservation. He said that the enormous increase in the mini-can rate – from \$110 every four months to \$146 for the same period – punished people for good performance.

Director Lloyd said he had talked to Kathy Stein and that this was not a simplistic process. Instead it was very complex business negotiation. He said the RFP process would allow market forces to drive down cost. He said that, although the community might not want to pay for the RFP, it would be penny-wise and pound-foolish not to follow the process. He said there would be no guarantee of lower rates, regardless of whom the District dealt with. He said that, without the competition of the RFP process, there would be no incentive for Bay View to propose the best deal. He said that Bay View would probably want Kensington's business and that there was nothing preventing them from coming to the table with the best possible deal. He said he was very concerned about getting involved in a protracted negotiation with Bay View because this would only make the process more complicated and expensive.

President Welsh said he agreed with Director Lloyd's last comment – that if the District couldn't conclude negotiations right away, then the RFP should continue. He said that RFPs were best practice when looking for market forces to give the best rate. He said that Kensington's needs were small and unique and that he didn't think an RFP would do much for the community. He said he was thinking of a short-term deal because one of the things that had been difficult with the existing long-term agreement with Bay View had been the rate review process. He said, if Kensington could get a good rate with a three or four-year extension without a rate review, then either the community would be happy with the service at the end of the period or it wouldn't. Regardless, the community would go through the process all over again.

Ms. Stein responded that Bay View needed to get another truck – the current one was on its last legs. She said it made no sense for a hauler to enter into a short-term contract when he had to go out and buy a big truck. It would be a big investment that couldn't be written off in three years.

President Welsh responded that, if he didn't see magic at the meeting, he wouldn't move forward.

Ms. Stein also commented that Bay View billed the District monthly for picking up all eight public cans. Ms. Stein asked GM/COP Harman if this had been a recent addition. GM/COP Harman said the charge had begun following the recent arbitration. Ms. Stein said the annual cost to the District was \$3,600 and this was an amount the District had not paid in the past. She said she did not want that charge to continue.

Director Toombs questioned why the District, a consumer just like all other consumers in Kensington, was being billed monthly when all other consumers were being billed quarterly. He also wondered how Bay View slipped this in.

Director Toombs said the current contract was not state of the art, that new standards existed, and that he wouldn't extend the current contract more than two months.

President Welsh responded that he hadn't been talking about an extension of the contract. Rather, he meant an extension of the relationship but with a new contract that didn't contain rate review provisions. He said that, when the contract ended, it would be over, and the District would just walk away.

Director Gillette asked if HF&H would be attending the discussions with Bay View and asked President Welsh to explain the process he envisioned. President Welsh said he didn't anticipate HF&H being at the first negotiation. He said he and Vice President Lipscomb, the two Directors designated by the Board to handle the negotiations, had a draft agreement from HF&H and that this would provide the starting point. He said there were big items they would address: price range, the future of Bay View (with respect to Mr. Figone's failing health and the trust that had been established), and whether Bay View seemed serious.

President Welsh said that the starting point would be to keep the same franchise fee but that this could be open to consideration. He noted that the current franchise fee was low, compared to other communities. He said that, although raising the franchise fee would mean more money to the District, it would also mean higher garbage rates.

Director Gillette asked what would be the advantage of a short-term arrangement, as opposed to a long-term one. President Welsh responded that the District was just coming out of a bad relationship with Bay View and this would be an opportunity for Bay View to give the community great service for the next three or four years, with no issue about the rate being changed. He said litigation-prone provisions would be absent. Then if, at the end of four years, the District wanted to negotiate a new contract, it would do so.

Ms. Stein said she was very concerned about the franchise fee, as it existed, because it had proven to be inadequate to meet the costs of the franchise. She said that the current franchise was 5%, with 2% going to the District and 3% to the County. She said the County's solid waste liaison, Deidre Dingman, had said this franchise fee was unsustainable and unhealthy and that the franchise fee had to be increased. Ms. Stein reported that, for many entities, the franchise fees were in the 10% - 12% range and that to keep Kensington's franchise fee at 2% would be unhealthy.

President Welsh responded that the franchise fee could be raised. Ms. Stein said the fee needed to be raised in order to cover the cost of maintaining the contract. She said that, without an adequate franchise fee, funds would be diverted from police, recreation, and other District needs. She said there was no tax base for solid waste.

Ms. Stein said that solid waste had never been in the plan for Kensington. She said that, years ago, Stege had managed it and then, at one point, had decided it had had enough. At that time, the contract Stege had with Bay View for Kensington's service was turned over to the KPPCSD. She said that, as a result, the contract with Bay View had never been put out for competitive bid. She said that, if Bay View offered a too-good-to-be-true rates now, the District would be renegotiating rates within 18 to 24 months.

Chris Hafner said a bifurcated process was not a good one. She suggested identifying a handful of possible bidders and conducting vendor conferences with them, as a step prior to the RFP. She encouraged the RFP as a means for the community to reset the terms of the contract.

President Welsh suggested having a couple of meetings with Bay View and reporting back to the Board at the September meeting.

Director Gillette asked what the process would be for evaluating whether or not the community would be getting a good deal. President Welsh replied that he'd asked HF&H to look at how the rates being paid now compared to similar jurisdictions. Kensington's rates were found to be in the middle. He said the sample contract provided by HF&H was quite complicated. He said that the provisions in the current contract that had proven problematic would be jettisoned, but the good provisions should be integrated into the model. He said specific elements that would be explored would be continuing the backyard service option and increasing the price difference between the 32-gallon can and the mini-can. President Welsh said his sense was that Bay View was tired of litigation. President Welsh thanked Ms. Stein for her comments and said he hoped he could consult with her.

Director Lloyd asked President Welsh why the District was giving Bay View "the answers to the test", and then grading how well the company did. He said, one way or the other, the District would end up paying HF&H the same amount – whether the District pursued a separate agreement with Bay View or completed the RFP process.

Director Lloyd asked where the District's advantage would be in negotiating with Bay View, in advance of the open-market RFP process.

President Welsh said he disagreed that early negotiations with Bay View would result in a similar amount of money being spent on HF&H. He said that, if the District did this negotiation, it wouldn't need to do the RFP process. He said the District would be consulting with its attorneys and with HF&H throughout the negotiation process. He said that, if the Board were to choose the negotiated contract, it wouldn't have to go through the RFP process, which would be expensive. He said that, with the RFP process, there would be a gamble – although the RFP process would give the District the best opportunity for the best market rate, the District could lose, just as Oakland had lost.

Director Gillette questioned where the gamble would be. The District would receive bids from different companies and then would make a decision. She said the District would not be obligated to accept the lowest bid. President Welsh responded that the lowest responsible bid was what this was all about.

Steve Bates noted that Kensington had narrow streets and that Bay View had smaller trucks, which was an advantage. He said Kensington had special needs, such as the need for some residents to maintain backyard service because of their long driveways. He said Bay View was a known quantity, and Kensington was a known quantity. He said the community could end up with something that didn't meet its needs and that the community liked the current service provider.

Director Gillette said she didn't have strong feelings about Bay View; rather she wanted to ensure a competitive process.

Vice President Lipscomb said she did have strong feelings. She said the workers who collected the garbage were very good, and the collection was fine. She said she had equally strong feelings about Bay View's owner who, in the past, had been extremely uncooperative and litigious and this had been the product of a terrible contract. She said the contract was terrible in three ways: it contained clauses that allowed Bay View to exploit increases outside of rate reviews; it had rate reviews that didn't line up from a date point-of-view; and it provided a pre-tax profit of 12% - a grand guaranty. She said HF&H had provided a contract she thought needed to be tightened up and that a better contract would solve past problems encountered with Bay View.

Vice President Lipscomb addressed the subject of the franchise fee. She said the franchise fee should be for the normal management of the contract and that it shouldn't be consumed with things like litigation. She said the current franchise fee was a product of a negotiated settlement from a prior litigation with Bay View in 1997 and that it was split unfairly, with 3% going to the County and 2% to the KPPCSD. She noted that Kensington had very little commercial business and this was a factor, with respect to generating profit for the company. She said the Board's responsibility was to obtain, for the community, the best service possible. She said most in the community liked the

company and were far removed from the litigation issues. She said she hoped there would be an opportunity to address the recent large rate increases for the mini-can. She said she saw no danger in negotiating with Bay View but that, if negotiations couldn't be wrapped up by September, the Board should move forward with the RFP.

Vice President Lipscomb said she was very critical of Bay View for having dragged the community through litigation and then losing.

Gail Feldman pointed out that the District's existing contract had been the result of litigation 17 years earlier. She said, what people didn't understand was that Bay View was interested in making money – it wasn't interested in the community or the residents and their garbage. She said that in 1996 and at Bay View's request, the County had taken Kensington's franchise away and litigation had ensued.

Vice President Lipscomb responded that Ms. Feldman was correct. She said that, at that time, the County had realized it could profit from franchise fees that could be generated from unincorporated areas. She said Mr. Figone had gone and negotiated directly with the County, gotten an agreement, and the County had said it was taking over Kensington's franchise. In response, Kensington sued to retain local control of the franchise and then settled, and that settlement forced Kensington into its current contract. Two other Districts sued and won. Vice President Lipscomb said, even with this in mind, it made sense to look at trying, on a short-term basis, to get an agreement with Bay View. She said she understood the pressure the community had been under at the time the last contract had been entered into and why this had caused the District to have to enter into such a bad contract. She said the District was no longer in that position. She noted that, because the Board had already taken action to proceed with the RFP, if needed, there would pressure being brought to bear on Bay View.

Director Lloyd asked if there would be a different timeline for Bay View than for everyone else. Vice President Lipscomb said, no. President Welsh responded that, in the RFP process, there would not be. Director Lloyd asked why the District would be looking at a four or five-year contract with Bay View but not with other vendors.

President Welsh said that, if KPPCSD were to do the RFP, it would it would not be in the District's interest to look at a four to five year deal. Instead, KPPCSD would be looking for a long-term contract for all bidders. President Welsh said that, because of the past, he wanted a very tight short-term contract with Bay View because this would provide a way to avoid rate reviews.

Director Toombs said that throughout the process he had been in favor of an RFP and that, only because President Welsh had said he could get something done really quickly, had he acquiesced to President Welsh's decision a month earlier to talk with Bay View. He said that now it was one month later and nothing had been presented to the Board.

President Welsh countered that groundwork had been done with HF&H. Director Toombs responded that the Board had received no indication of what Bay View wanted

to do and that if there was nothing concluded by September, KPPCSD should discontinue discussions with Bay View. President Welsh agreed. Director Toombs said Bay View would string the District along. He said Bay View would need to have a letter of intent for the Board to look at and said he didn't think this could be done by the Board's September meeting date. President Welsh responded that he thought that, if Bay View were sincere, he would bring a contract back to the Board in September. Director Toombs said he was concerned that President Welsh had not planned to take HF&H with him for discussions with Bay View.

Director Gillette concurred that HF&H should attend discussions with Bay View. She said that, although the service with Bay View was good, the management wasn't. She said it was management that had caused litigation. She expressed doubt that Bay View's management would change because the District gave them a new short-term contract. President Welsh responded that things would change because a short-term deal would enable the District to avoid what had proven to be the trigger-point in the past: rate views.

Vice President Lipscomb said the contract language needed to change. Management would not change. She said a rate review was a straightforward thing. Director Gillette questioned the supposition that, if only the contract language were good, Bay View's management would behave. She wondered why, if this were to be the case, the District wouldn't want to enter into a long-term arrangement.

President Welsh responded that a short-term arrangement would avoid the things that had been trigger points for trouble in the past: the rate reviews. Vice President Lipscomb said it wasn't the rate review process that had been problematic; it was the poorly written clauses, especially those that related to the rate reviews.

President Welsh agreed to have HF&H present for upcoming discussions with Bay View. Vice President Lipscomb said she and President Welsh had been reluctant to have HF&H present because of the cost.

Director Gillette said the District was talking about a contract potentially worth millions of dollars, and it wasn't the time to be penny-wise and pound-foolish. She said the whole proposal needed to be reasonable, not just the rate.

President Welsh asked if the Board wanted to take any new action. Director Toombs said it would be okay to proceed but that something concrete would need to be brought to the Board by the September meeting.

President Welsh reiterated that the RFP process would move forward.

Board consensus was that President Welsh and Vice President Lipscomb would proceed with discussions with Bay View, with the understanding that a concrete proposal would be brought to the Board in September.

3. The Policy Committee presented to the Board, for a first reading, the revised KPPCSD Board of Directors Policy Manual.

Vice President Lipscomb introduced the agenda item and noted the following:

- The Board Packet included the original, the redlined, and the proposed versions of the Policy Manual
- The Policy Committee had been meeting since 2011.
- Director Lloyd had been the first chairman of the committee, and she had been his successor.
- GM/COP Harman and Committee members John Stein, Joan Gallegos, and Barbara Dilts had been very helpful.
- Exhibits 1A and 1B were not included in the proposed version and would need to be interleaved at a future date.

Vice President Lipscomb invited all to provide her with input by emailing her with suggested changes or corrections.

Directors Lloyd and Toombs asked if the redlined version contained the substance of all changes made. Barbara Dilts responded that it did.

Director Gillette congratulated and thanked Vice President Lipscomb and the Committee, and she asked why the Chief's and the KPOA's contracts were included. Vice President Lipscomb responded that these had been included in the first Manual and that current versions of these documents were included in the proposed version of the Manual.

Director Gillette asked why there was a time limit for Board meetings. Vice President Lipscomb said this had remained unchanged from the original version because the Committee didn't think it was a bad rule to keep but that, if the Board wanted to change this, it could be considered.

Director Toombs asked if the lawyers had looked at the proposed Manual. Vice President Lipscomb responded that they had looked at it for content and compliance with the law and to ascertain whether the document contained anything illegal.

GM/COP Harman said there could be a change because Hanson Bridgett was reviewing the Conflict of Interest Policy, a policy needing review every two years.

Director Toombs asked what the timeline for completion would be. Vice President Lipscomb responded, within the next three meetings. Director Gillette suggested that the Board review one section per meeting, for the next three meetings.

John Stein suggested completion of the project before the end of Vice President Lipscomb's term.

Vice President Lipscomb reported that most of the changes made had brought the Manual up-to-date so that it reflected current policy.

Director Toombs noted that the proposed Manual contained cross-references to outside manuals and asked if those manuals were current, particularly the Kensington Police Department Manual. GM/COP Harman responded that the Police Manual was continuously updated and that it was the same manual used by hundreds of other police agencies.

**MOTION: Director Gillette moved, and Vice-President Lipscomb seconded, that the Board plan on reviewing and presenting for public comment Sections 1,000 and 2,000 at the September meeting, Sections 3,000 and 4,000 at October meeting, and Section 5,000 at the November meeting.
Motion passed 5 to 0.**

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

4. General Manager/Chief of Police Harman requested Board approval for his attendance at the 2014 California Special Districts Association (CSDA) Annual Conference, being held September 29th through October 2nd, in Palm Springs. Total estimated cost of his attendance at the conference would be \$1,673.

GM/COP Harman reviewed the memo he had prepared for the Board Packet. He said that \$4,000 had been budgeted for conferences and that the cost of this conference would be \$1,673. He said he had listed the sessions he planned to attend. Vice President Lipscomb noted the importance of the conference for a small district such as the KPPCSD and that participation would provide GM/COP Harman the opportunity to network with other Managers. Board consensus was that it supported GM/COP Harman's attendance, that the community would gain from what he would learn, and that it was important for him to attend.

Director Toombs noted that one of the sessions offered was "Working with a Design Professional" and that, given the work needed on the Community Center, this might be a good session for GM/COP Harman to attend.

Director Lloyd asked how many of the classes would count toward the annual CSDA quota for professional development. GM/COP Harman responded that his attendance would qualify for credits on the District's annual SDRMA insurance premium.

District Administrator Wolter said that, if the Board approved the attendance, she would apply for a scholarship to offset the cost.

**MOTION: Director Gillette moved, and Director Lloyd seconded, that the Board approve GM/COP Harman's attendance.
Motion passed 5 to 0.**

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

At 9:44 P.M. the Board ended its Open Session and went back into Closed Session.

The Board came back into Open Session at 11:20 P.M. President Welsh announced that the Board had finalized GM/COP Harman's performance review for presentation to him and for his signature.

The meeting was adjourned.

Memorandum

Kensington Police Department



To: KPPCSD Board of Directors

APPROVED YES NO

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

FORWARDED TO:

Date: Thursday, September 04, 2014

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

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

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

KPI USD
Unaudited Profit & Loss Budget Performance
 August 2014

	<u>Aug 14</u>	<u>Budget</u>	<u>Jul - Aug 14</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
Ordinary Income/Expense					
Income					
400 · Police Activities R...					
401 · Levy Tax	0.00		1,267,778.56	1,413,620.00	1,413,620.00
402 · Special Tax-Poli...	0.00		0.00	680,000.00	680,000.00
403 · Misc Tax-Police	0.00		69.00		
404 · Measure G Sup...	0.00		0.00		501,443.00
410 · Police Fees/Ser...	385.30		452.50		1,500.00
415 · Grants-Police	8,827.81		8,827.81		
416 · Interest-Police	0.00		0.00		2,500.00
418 · Misc Police Inc...	3,727.29	1,500.00	4,159.55	3,000.00	18,000.00
Total 400 · Police Activi...	12,940.40	1,500.00	1,281,287.42	2,096,620.00	2,617,063.00
420 · Park/Rec Activitie...					
424 · Special Tax-L&L	0.00		0.00		33,000.00
427 · Community Cen...	4,313.00	2,600.00	13,428.00	4,100.00	30,000.00
436 · Interest-Park/Rec	0.00		0.00		100.00
438 · Misc Park/Rec ...	40.00	50.00	42.00	100.00	500.00
Total 420 · Park/Rec Ac...	4,353.00	2,650.00	13,470.00	4,200.00	63,600.00
440 · District Activities ...					
448 · Franchise Fees	0.00		8,499.31		21,000.00
456 · Interest-District	0.00		0.00		350.00
Total 440 · District Acti...	0.00		8,499.31		21,350.00
Total Income	17,293.40	4,150.00	1,303,256.73	2,100,820.00	2,702,013.00
Expense					
500 · Police Sal & Ben					
502 · Salary - Officers	81,325.28	81,748.58	162,650.56	163,497.20	980,983.00
504 · Compensated A...	0.00	0.00	2,315.83	2,933.33	8,800.00
506 · Overtime	2,850.09	3,750.00	12,613.38	7,500.00	45,000.00
508 · Salary - Non-Sw...	4,180.77	6,825.00	8,849.90	13,650.00	81,900.00
516 · Uniform Allowa...	666.60	666.66	1,333.20	1,333.32	8,000.00

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KPPCSD
Unaudited Profit & Loss Budget Performance
 August 2014

	Aug 14	Budget	Jul - Aug 14	YTD Budget	Annual Budget
518 · Safety Equipment	250.00		484.85	2,500.00	2,500.00
521-A · Medical/Visio...	14,958.01	15,858.83	29,076.55	47,576.53	190,306.00
521-R · Medical/Visio...	12,054.68	11,312.33	24,109.39	33,937.03	135,748.00
521-T · Medical/Visio...	0.00		0.00		58,058.00
522 · Insurance - Police	491.50	436.67	736.50	873.30	5,240.00
523 · Social Security/...	-1,223.27	1,359.00	216.33	2,718.00	16,308.00
524 · Social Security ...	292.05	423.17	615.22	846.30	5,078.00
527 · PERS - District ...	31,667.70	31,565.00	63,335.40	63,130.00	378,780.00
528 · PERS - Officers ...	7,379.28	7,417.33	14,758.56	14,834.70	89,008.00
530 · Workers Comp	0.00		0.00	2,000.00	50,000.00
Total 500 · Police Sal & ...	154,892.69	161,362.57	321,095.67	357,329.71	2,055,709.00
550 · Other Police Expe...					
552 · Expendable Poli...	1,996.31	125.00	2,454.82	250.00	1,500.00
553 · Range/Ammunit...	0.00		500.00		3,000.00
560 · Crossing Guard	0.00	876.25	0.00	1,752.50	10,515.00
562 · Vehicle Operation	2,663.32	5,000.00	6,446.73	10,000.00	60,000.00
564 · Communication...	36,134.28	13,005.83	40,391.28	26,011.70	156,070.00
566 · Radio Maintena...	181.69	1,812.50	363.40	3,625.00	21,750.00
568 · Prisoner/Case E...	5.00	450.00	80.60	900.00	5,400.00
570 · Training	672.60	833.33	-304.42	1,666.70	10,000.00
572 · Recruiting	0.00	541.67	0.00	1,083.30	6,500.00
574 · Reserve Officers	878.24	337.50	3,017.10	675.00	4,050.00
576 · Misc. Dues, Mea...	0.00	261.67	550.00	523.30	3,140.00
580 · Utilities - Police	1,450.58	746.67	1,520.02	1,493.30	8,960.00
581 · Bldg Repairs/M...	0.00	83.33	0.00	166.70	1,000.00
582 · Expendable Offi...	1,264.22	500.00	1,738.32	1,000.00	6,000.00
588 · Telephone(+Ric...	728.26	742.00	1,461.00	1,484.00	8,904.00
590 · Housekeeping	486.13	333.33	835.24	666.70	4,000.00
592 · Publications	50.00	183.33	50.00	366.70	2,200.00
594 · Community Poli...	3,353.95	166.67	3,583.35	333.30	2,000.00
596 · WEST-NET/CAL ...	0.00		0.00	13,925.00	13,925.00
599 · Police Taxes Ad...	0.00		826.50	825.00	3,300.00

KPRCSD
Unaudited Profit & Loss Budget Performance
 August 2014

	Aug 14	Budget	Jul - Aug 14	YTD Budget	Annual Budget
Total 550 · Other Police...	49,864.58	25,999.08	63,513.94	66,748.20	332,214.00
600 · Park/Rec Sal & Ben					
601 · Park & Rec Adm...	529.66	650.00	1,072.91	1,300.00	7,800.00
602 · Custodian	1,750.00	1,895.83	3,500.00	3,791.70	22,750.00
623 · Social Security/...	0.00	49.75	0.00	99.50	597.00
Total 600 · Park/Rec Sal...	2,279.66	2,595.58	4,572.91	5,191.20	31,147.00
635 · Park/Recreation E...					
640 · Community Cen...					
642 · Utilities-Com...	658.59	468.00	990.36	936.00	5,616.00
643 · Janitorial Sup...	0.00	66.67	0.00	133.30	800.00
646 · Community C...	0.00		0.00	3,000.00	3,000.00
Total 640 · Communit...	658.59	534.67	990.36	4,069.30	9,416.00
672 · Kensington Par...	3,211.11		9,381.26	79,524.00	79,524.00
Total 635 · Park/Recrea...	3,869.70	534.67	10,371.62	83,593.30	88,940.00
800 · District Expenses					
810 · Computer Maint...	1,830.42	2,024.00	2,919.42	4,048.00	24,288.00
820 · Cannon Copier ...	582.00	475.00	1,271.10	950.00	5,700.00
830 · Legal (District/P...	23,827.50	12,500.00	38,783.06	25,000.00	150,000.00
835 · Consulting	0.00	625.00	0.00	1,250.00	7,500.00
840 · Accounting	1,007.50	2,979.17	3,607.50	5,958.30	35,750.00
850 · Insurance	0.00		0.00	28,750.00	30,000.00
860 · Election	0.00		0.00		10,000.00
865 · Police Bldg. Lea...	0.00		0.00	1.00	1.00
870 · County Expendi...	0.00		0.00		22,300.00
890 · Waste/Recycle	9,630.67	9,883.33	10,365.91	19,766.70	118,600.00
898 · Misc. Expenses	0.00	1,000.00	80.40	2,000.00	12,300.00
Total 800 · District Exp...	36,878.09	29,486.50	57,027.39	87,724.00	416,439.00
950 · Capital Outlay					
962 · Patrol Cars	0.00		0.00		30,000.00

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2:04 PM
 09/03/14
 Accrual Basis

KPPCSD
Unaudited Profit & Loss Budget Performance
 August 2014

	<u>Aug 14</u>	<u>Budget</u>	<u>Jul - Aug 14</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
963 · Patrol Car Acce...	0.00		0.00		16,000.00
972 · Park Buildings I...	1,879.81		4,368.31		
Total 950 · Capital Outlay	<u>1,879.81</u>		<u>4,368.31</u>		<u>46,000.00</u>
Total Expense	<u>249,664.53</u>	<u>219,978.40</u>	<u>460,949.84</u>	<u>600,586.41</u>	<u>2,970,449.00</u>
Net Ordinary Income	-232,371.13	-215,828.40	842,306.89	1,500,233.59	-268,436.00
Other Income/Expense					
Other Expense					
700 · Bond Issue Expen...					
710 · Bond Admin.	0.00		2,300.64		
Total 700 · Bond Issue ...	<u>0.00</u>		<u>2,300.64</u>		
Total Other Expense	<u>0.00</u>		<u>2,300.64</u>		
Net Other Income	<u>0.00</u>	<u>0.00</u>	<u>-2,300.64</u>	<u>0.00</u>	<u>0.00</u>
Net Income	<u><u>-232,371.13</u></u>	<u><u>-215,828.40</u></u>	<u><u>840,006.25</u></u>	<u><u>1,500,233.59</u></u>	<u><u>-268,436.00</u></u>

Memorandum

Kensington Police Department



To: KPPCSD Board of Directors

APPROVED YES NO

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

FORWARDED TO:

Date: Thursday, September 04, 2014

Subject: Consent Calendar Item D- Park Revenue & Expenses

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

This information is obtained through our QuickBooks software. Revenue and expenses from July 1, 2014 through August 31, 2014 are attached to this memo.

2:05 PM
 09/03/14
 Accrual Basis

KPPCSD
Account QuickReport
 July 1 through September 3, 2014

Type	Date	Num	Name	Memo	Split	Amount
420 · Park/Rec Activities Revenue						
427 · Community Center Revenue						
Deposit	7/9/2014	V918...		CCC Primary...	112 · General ...	100.00
Deposit	7/9/2014	109		July & Aug 2...	112 · General ...	90.00
Deposit	7/9/2014			Partial Paym...	112 · General ...	125.00
Deposit	7/9/2014	150		Partial Paym...	112 · General ...	175.00
Deposit	7/9/2014	2073		CC Rental 7/...	112 · General ...	600.00
Deposit	7/9/2014	6717		CC Rental ad...	112 · General ...	75.00
Deposit	7/9/2014	7397		2nd Half of R...	112 · General ...	7,500.00
Deposit	7/9/2014			CC Rental 5/...	112 · General ...	450.00
Deposit	8/4/2014	731		CC Rental 7/...	112 · General ...	375.00
Deposit	8/4/2014	3358		CC Rental 7/...	112 · General ...	900.00
Deposit	8/4/2014	3201		CC Rental 8/...	112 · General ...	500.00
Deposit	8/18/2014	9001		AA rent for A...	112 · General ...	90.00
Deposit	8/18/2014	1023		CC Rental 8/...	112 · General ...	1,400.00
Deposit	8/18/2014	602		CC Rental 8/...	112 · General ...	450.00
Deposit	8/18/2014	1139		East Bay Coll...	112 · General ...	598.00
Total 427 · Community Center Revenue						13,428.00
438 · Misc Park/Rec Rev						
Deposit	7/9/2014			Tennis court f...	112 · General ...	2.00
Deposit	8/18/2014	4314		Tennis court f...	112 · General ...	40.00
Total 438 · Misc Park/Rec Rev						42.00
Total 420 · Park/Rec Activities Revenue						13,470.00
TOTAL						13,470.00

2:06 PM
09/03/14
Accrual Basis

KP, USD
Account QuickReport
July 1 through September 3, 2014

Type	Date	Num	Name	Memo	Split	Amount
600 · Park/Rec Sal & Ben						
601 · Park & Rec Administrator						
Paycheck	7/14/2014		Di Napoli, Andrea		112 · General ...	286.25
Paycheck	7/29/2014		Di Napoli, Andrea		112 · General ...	257.00
Paycheck	8/14/2014		Di Napoli, Andrea		112 · General ...	274.25
Paycheck	8/28/2014		Di Napoli, Andrea		112 · General ...	255.41
Total 601 · Park & Rec Administrator						1,072.91
602 · Custodian						
Check	7/15/2014	15698	William Driscoll	Com. Center ...	112 · General ...	875.00
Check	7/30/2014	15726	William Driscoll	Com. Center ...	112 · General ...	875.00
Check	8/15/2014	15754	William Driscoll	Com. Center ...	112 · General ...	875.00
Check	8/29/2014	15784	William Driscoll	Com. Center ...	112 · General ...	875.00
Total 602 · Custodian						3,500.00
Total 600 · Park/Rec Sal & Ben						4,572.91
TOTAL						4,572.91

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KPPCSD
Account QuickReport
 July 1 through September 3, 2014

Type	Date	Num	Name	Memo	Split	Amount
635 · Park/Recreation Expenses						
640 · Community Center Expenses						
642 · Utilities-Community Center						
Check	7/15/2014	15696	Pacific Telemanage...	CC Pay Phon...	112 · General ...	78.00
Check	7/30/2014	15720	EBMUD	840 Coventry...	112 · General ...	29.47
Check	7/30/2014	15722	PG&E	Community C...	112 · General ...	224.30
Check	8/15/2014	15750	Pacific Telemanage...	CC Pay Phon...	112 · General ...	78.00
Check	8/15/2014	15775	PG&E	Community C...	112 · General ...	196.93
Check	8/15/2014	15778	EBMUD	2 Arlmont 6/2...	112 · General ...	383.66
Total 642 · Utilities-Community Center						990.36
Total 640 · Community Center Expenses						990.36
672 · Kensington Park O&M						
General Journal	7/1/2014	NBS	NBS Government Fi...	JUL-SEP 2014	710 · Bond Ad...	1,091.66
Check	7/30/2014	15720	EBMUD	1 Windsor Irri...	112 · General ...	2,038.49
Check	7/30/2014	15726	William Driscoll	Park Restro...	112 · General ...	425.00
Check	7/30/2014	15738	Summer Rain Land...	July Monthly ...	112 · General ...	2,615.00
Check	8/15/2014	15747	EBMUD	1 Windsor Sc...	112 · General ...	736.11
Check	8/29/2014	15784	William Driscoll	Park Restro...	112 · General ...	425.00
Check	8/29/2014	15790	Summer Rain Land...	Aug. Monthly ...	112 · General ...	2,050.00
Total 672 · Kensington Park O&M						9,381.26
Total 635 · Park/Recreation Expenses						10,371.62
TOTAL						10,371.62

Memorandum

Kensington Police Department



To: KPPCSD Board of Directors

APPROVED

YES

NO

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

FORWARDED TO:

Date: Thursday, September 04, 2014

Subject: Consent Calendar Item G- Correspondence

The District correspondence received for the month of August.

Item #1- Letter dated August 23rd, from Barbara Steinberg, detailing the community efforts to reestablish a post office branch in Kensington.

This letter has generated Agenda Item #4 on the September 11th agenda.

Kensington Calif. 94707

8/23/14

Dear Chief / City Manager Harmon

I want to let you know about our efforts to reestablish a branch Post Office here in Kensington. Shirley, at Country Chase (used to be Wing's Pharmacy) and her landlord, Mary Gaholkovsky have worked hard, trying to negotiate a reasonable contract with the Post Office. The Post Office people in Berkeley have been very resistant and reluctant to do so. Thus, Shirley has backed out from any further negotiations.

I have just started to work on this, with Mary and have sought the advice from Barbara Johnson, an aide to Congressman George Miller. She seems willing to advise and help us with the Post Office administrators. She is in touch with the Washington administrators.

Bob Kim, the owner of Young's market seems very interested in housing the branch Post Office. When appropriate, would you be willing to send a letter to Congressman Miller's office and the Post Office administrators with whom we would be dealing - a letter stating the need for a Post Office in this community and how it would benefit the Post Office (this branch Post Office under Wing (Pharmacy) brought in for the Post Office, \$250,000⁰⁰ a year.

Could you let me know if you are willing to do so, and I will give you the appropriate contacts, as soon as Barbara Johnson gets this information.

If you have any ideas, advice etc., I'd love to hear about it and hope to be able to put them to good use.

Sincerely,
Barbara Steinberg

August 2014 Police Department Report

September 5, 2014

- Department Personnel
 - We are fully staffed at 10 sworn positions with three reserve officers.
 - We are continuing the background process for a fourth reserve officer candidate.
- Commendations and Correspondence- None this Month
- Investigation of Alleged Misconduct
 - Citizen's Complaint #CI 2014-03 was initiated on May 12th on an allegation that an officer failed to perform his duty and that another allowed this failure to occur and had used a despairing remark in describing the community. This investigation is being conducted by Sergeant Hui.
 - Department Investigation 2014-04 was initiated on May 23rd on an allegation that an officer engaged in conduct unbecoming an officer while off duty. This investigation is being conducted by Chief Harman.
 - Citizen's Complaint #CI 2014-05 was initiated on August 8th on an allegation that an officer was rude to the complainant while the officer was investigating a crime at his next door neighbor's residence. The investigation was conducted and completed on August 26th by Corporal Stegman with a finding of exoneration of the officer.
- 9-1-1 / Richmond Communication Center Information.
 - The Ring Time Report for August identified 31 "911" calls for service with three calls having a ring time over 20 seconds. The average ring time for the month of August was 8 seconds.

- Community Networking
 - On 08-05-14, National Night Out, see Chief's report for details.
 - On 08-11-14, Chief Harman and Officer Wilson attended the Kensington Public Safety Council meeting.
 - On 08-25-14, Chief Harman attended the KIC meeting.
 - On 08-28-14, Chief Harman attended the "Earthquake Preparedness Workshop", sponsored by the Kensington Public Safety Council.
- Community Criminal Activity
 - This section of the Watch Commanders Reports are prepared by Corporal Stegman for Team One, Sergeant Hui for Team Two, and Sergeant Barrow for Investigations.

- Watch Commander Reports

- **Corporal Stegman**
Team 1 Statistics

Officer:	Ramos K41 (0800 - 1800)	Turner (0600- 1800)	Wilson (1800- 0600)
Days Worked	14	13	14
Traffic Stops	24	36	5
Moving Citations	10	21	2
Parking Citations	0	6	4
Vacation			
Security Checks	6	40	48
Field Interviews	0	0	0
Traffic Collision Reports	1	0	0
Cases	1	9	0
Arrests	0	3	0
Calls for Service	21	69	38

BRIEFING/TRAINING:

- Reviewed KPD Policy 368-limited English proficiency service.
- Reviewed Case Law: Michigan v. Mosley.
- Reviewed KPD Policy 370- Hearing Impaired.
- Reviewed KPD Policy 374- Biological Samples.
- Reviewed KPD Policy 373- Mandatory School Employee Reporting.

SERGEANT'S SUMMARY:

In August Officer Wilson facilitated yet another successful National Night Out event. I know he puts a great deal of effort and time into these events, and I know we are all appreciative of his work. One of the main goals of the program is establishing partnership between the community and local police departments. As we know partnerships are ideally mutually beneficial relationships. When it comes to a police department's partnership with its community, I tend to think one of our greatest values to the community is our dissemination of information. This sharing hopefully creates better awareness and understanding by those we serve. Concurrently the community's greatest values to KPD is to provide us with extra eyes and ears. The reason an aware and alert community is valuable is it increases what issues are reported to KPD. In turn we are more likely to detect and arrest criminals. It really is a symbiotic relationship.

This month during National Night Out, Officer Wilson was tipped off by a resident of strange activity that according to the resident has been going on for years. In fact several of the surrounding neighbors had also noticed strange activity, but no one had ever bothered to call us. Officer Wilson and I wound up conducting a security check of the residence which revealed criminal activity had been occurring there for quite some time, including a large abandoned "marijuana grow house." Having worked on a narcotics task force, Sergeant Barrow and I have seen our share of grow houses and this one was *no* small time operation. This 8000 plus square foot house was actually among the largest residential grows we have ever seen.

Put simply, if you see something strange just give us a call. You are most certainly not bothering us. If you want to be anonymous you can be (although we'd prefer to talk with you for more information). Most people have fairly good instincts about things but they either don't trust themselves, or they rationalize, or justify things which KPD should be made aware of, and chose never to call us.

SIGNIFICANT EVENTS:

- 2014-3860 –On 8/4/14, Officer Turner took a report of annoying phone calls, on the unit block of Avon Road.

- 2014-3880 –On 8/5/14, on a tip from a resident during National Night Out, Corporal Stegman and Officer Wilson conducted a security check on the 100 block of Lawson Road. As a result of the check it was learned there was a large abandoned indoor marijuana grow inside an 8,000 square foot house. During our investigation we learned it is likely to only have been shut down for an estimated six months to a year.
- 2014-3999 –On 8/12/14, Officer Turner arrested a suspect for displaying false tabs on their vehicle, in the 600 block of Parkside Court.
- 2014-4014 –On 8/12/14, Corporal Stegman arrested a suspect for being under the influence of narcotics, on the 200 block of Arlington Avenue.
- 2014-4162 –On 8/19/14, Officer Turner took a report of an identity theft, on the unit block of Kingston Drive.
- 2014-4264 –On 8/24/14, Officer Turner took a report of a vandalism, on the 100 block of Ardmore Drive.
- 2014-4274 –On 8/24/14, Sergeant Barrow, Corporal Stegman, and Officer Wilson responded to assist ECPD on the 500 block of Elm Street, with a barricaded subject who had inflicted serious injury on himself. The standoff lasted roughly three hours while ECPD negotiators attempted to negotiate with the distraught and belligerent male. Eventually the man decided to begin injuring himself further with a knife which prompted officers to make a tactical entry so as to prevent further injury to the man.
- 2014-4294 –On 8/25/14, Officer Turner arrested a suspect for driving without a license and not being in possession of his identification while operating a motor vehicle, near the intersection of Sunset Drive and Highgate Road.
- 2014-4311 –On 8/26/14, Officer Turner took a report of an indecent exposure, on the 200 block of Arlington Avenue.
- 2014-4315 –On 8/26/14, Officer Turner arrested a suspect with an outstanding arrest warrant, on the unit block of Avon Drive.
- 2014-4323 –On 8/26/14, Officer Turner took a report of burglary, on the unit block of Highgate Road.
- 2014-4337 –On 8/27/14, Officer Ramos took a report of a hit and run, on the unit block of Marchant Court.

- 2014-4434 –On 8/31/14, Reserve Officer Rosete and his training officer, Officer Turner, took a report of a vandalism at the intersection of Arlington Avenue and Norwood Avenue.

TRAFFIC STATISTICS:

Team #1 took 2 traffic collision reports during the month of August.

- 13 Moving citations were issued on Arlington Ave.
- 7 Moving citations were issued on Colusa Ave.
- 5 Moving citations were issued on Sunset Dr/ Franciscan Way.
- 6 Moving citation was issued on Grizzley Peak Blvd.
- 1 Moving citation was issued on Santa Fe Ave.
- 1 Moving citation was issued on Parkside Ct.

•• Sergeant Hui

TEAM #2 STATISTICS

Sergeant Hui (K42) - (1600-0400)

Master Sergeant Hull (K17) – issued 16 moving citations and 10 parking citations this month.

Officer:	Martinez (K31) (0600-1800)	Wilkins (K50) (1800-0600)
Days Worked	12	14
Traffic Stops	20	7
Moving Citations	16	6
Parking Citations	6	0
Vacation/Security	17	118
Checks		
Cases	3	1
Arrests	0	0
Traffic Accident Reports	1	0
Calls for Service	51	33

- Sergeant Hui took 12 hours of vacation leave.
- Officer Martinez took 36 hours of vacation leave.
- Officer Wilkins recovered 24 hours of comp time.

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BRIEFING/TRAINING:

- Reviewed Case Law: Michigan v. Mosley
- Reviewed KPD Policy 368 – Limited English Proficiency Service
- Reviewed KPD Policy 370 – Hearing Impaired/Disabled Communication
- Reviewed KPD Policy 374 – Biological Samples
- Reviewed KPD Policy 372 – Mandatory School Employee Reporting

SERGEANT'S SUMMARY:

I'd like to thank everyone that participated in National Night Out this year. I would especially like to recognize all of our residents who hosted a NNO party, as well as Officer Wilson for coordinating the night's events. Although I was not working on National Night Out, I had the opportunity to attend the National Night Out party in my area and had a great time. I always enjoy the opportunity to meet with residents on a more informal basis.

On a different note, I'd like to touch upon the subject of earthquake preparedness. I am sure all of you have seen the damage in Napa from the earthquake this past month. I was fortunate enough to be working that evening when the earthquake struck. We were fortunate that it did not seem anyone sustained any damages or injuries. Both the Kensington Police and Fire Departments did not receive a call for service that day related to the earthquake.

Although we were lucky, it was an unnerving reminder that we are in earthquake country and that we should have preparations in place in the event that we are affected. Our webpage has a few documents that can help provide guidelines for compiling a disaster kit. These documents can be found here:

<http://kensingtoncalifornia.org/police-department/disaster-preparedness>

If these lists seem a bit too involved, I would at a minimum encourage you to have water and food supplies to last three days. That is the minimum recommendation specified by www.ready.gov. Other items that I would recommend would include a basic first aid kit, a cell phone, and a means to power your cell phone.

SIGNIFICANT EVENTS:

- 2014-3803– On 8/1/2014, Officer Martinez responded to the 200 blk of Lake Dr on a report of a petty theft.
- 2014-4043- On 8/14/2014, Sergeant Hui met with a resident at KPD on a report of an identity theft.
- 2014-4207- On 8/21/2014, Officer Martinez responded to the 200 blk of Yale Ave on a report of a theft of a package.

- 2014-4368- On 8/28/2014, Officer Wilkens responded to the unit blk of Anson Wy on a report of a vandalism.
- 2014-4383- On 8/29/2014, Master Sergeant Hull responded to the unit blk of Kenyon Ave on a report of an identity theft.
- 2014-4379- On 8/29/2014, Officer Martinez responded to the unit blk of Highland Blvd on a report of an assault.

Reserve Officer:	Armanino (K47)
Days Worked	1
Traffic Stops	8
Moving Citations	3
Parking Citations	0
Vacation/Security Checks	7
Cases	0
Arrests	0
Traffic Accident Reports	0
Calls for Service	1

Traffic Totals for Team 2 – includes Master Sergeant Hull

15 citations were issued on Colusa Ave
 7 citations were issued on Arlington Ave
 2 citations were issued on Santa Fe Ave
 1 citation was issued on Amherst Ave

•• **Detective Sergeant Barrow**

SIGNIFICANT EVENTS:

2014-3897 Arrest for false identification to a peace officer, Possession of a controlled substance, and Possession of drug paraphernalia

On 8/7/2014, KPD Officers were dispatched to Lam Ct for a reported suspicious person, described as a white male, approximately 40 years of age, wearing a black t-shirt and white shorts. During an area check, Sgt. Hui located the male subject who gave a fictitious name. Officer Ramos and I arrived on scene. Based on prior contacts with KPD officers the true identity was obtained and through a records check the subject was discovered to be on probation for CVC 10851, stolen vehicle out of Contra Costa County. During a search of the subject's person incident to arrest, a glass pipe containing methamphetamine was located. The subject was arrested for PC148, false identification to a peace officer, H&S 11377, possession of a controlled substance, and H&S 11364, possession of drug paraphernalia.

2014-4337 Hit and Run Vehicle Collision.

On 8/27/2014, Officer Ramos was dispatched to a reported hit and run vehicle collision in the 00 block of Marchant Court. Through witness statements a license plate number was located and Officer Ramos and I contacted the suspect and owner of the vehicle. This case is closed and will be forwarded to the Contra Costa County District Attorney's Office for review.

KPD INVESTIGATIONS INFORMATION:

2012-7261 Residential Burglary

On 11/24/12, Officer Martinez responded to the 00 block of Arlington Avenue for a reported residential burglary. During the investigation items of evidentiary value were recovered at the scene and submitted to the Contra Costa County Crime Lab. Due to a back log at the crime lab this case was suspended. On 7/2/14, we received a completed crime lab report identifying a suspect in this case. The suspect is already in custody for similar crimes but not related to this case. **Update, on 8/15/2014, I arrived at the Contra Costa County West County Detention Facility in Pinole and conducted an interview with the suspect. After the interview I arrested him for burglary as he was due to be released on 8/17/2014 from his previous case. This case was filed with the Contra Costa County District Attorney's Office for PC. 459 Residential Burglary.**

2014-3298 Burglary/ Lewd and Lascivious Acts Committed Against a Child.

On Monday, July 7, 2014, at 0113 hours, KPD Officers were dispatched to the 00 block of Lenox Road on a report of an unknown suspect found in bed with an 11 year old female victim. The suspect ran from the residence when the victim woke up and began to scream. An El Cerrito Police K9 unit searched the area but the suspect was not located.

At approximately 0439 hours, Berkeley police officers were dispatched to the 700 block Vicente Street in Berkeley for a reported prowler. Berkeley police officers stopped a subject matching the description of the Berkeley and Kensington suspect in the area of The Alameda and Tacoma Avenue in Berkeley.

An infield show-up positively identified Brian Hubbard, a black male adult, 22 years old, from the City of Richmond as the suspect in both incidents. Kensington Police took custody of Hubbard as the more serious crime occurred in Kensington. Hubbard was arrested and booked into the Martinez Detention Facility.

Hubbard has been charged with 3 counts of PC. 459/460(a), First Degree Residential Burglary and 1 count of PC. 288(b)(1), Forcible Lewd Act upon a Child, with additional enhancements. Hubbard's bail was set at \$2,250,000.00. This case is still under investigation, other victims have been identified, and we are working with the Contra Costa County DA's

Office seeking additional felony charges.

KPD INVESTIGATIONS

- I made court runs to file cases and retrieve court notifications and had two arrest warrants signed by judges.
- I updated the KPD Case Review Log.
- I review all cases and incidents to ascertain if any further follow up is warranted.
- I reviewed the "Trak Flyer" messages and maintained the flyer board.
- I assisted WestNet in serving several search warrants, made arrests, and surveillance for suspects.
- I have also been assisting patrol during traffic stops, calls for service, and acting as a cover officer.

KPD Monthly Crime Statistics

August 2014

Part 1 Crimes	Reported	Open/ Pending	Suspended	Closed	Arrest
Homicide	0	0	0	0	0
Rape	0	0	0	0	0
Robbery	0	0	0	0	0
Assault	1	0	0	1	0
Residential Burglary	0	0	0	0	0
Larceny Theft	1	0	1	0	0
Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
Part 1 Totals	<u>2</u>	<u>0</u>	<u>1</u>	<u>1</u>	<u>0</u>
Other Crimes					
Auto Burglary	0	0	0	0	0
Identity Theft	2	1	1	0	0
Fraud	0	0	0	0	0
Forgeries	0	0	0	0	
Restraining Order Violations/ Stalking/ Criminal Threats	0	0	0	0	0
Sex Crimes (other)	1	0	1	0	0
Assault/ Battery (other)	0	0	0	0	0
Vandalism	3	0	3	0	0
Drugs	2	0	0	2	2
Warrant	1	0	0	1	1
Hit and Run Felony	0	0	0	0	0
Hit and Run Misdemeanor	1	0	0	1	0
Other Misdemeanor Traffic	1	0	0	1	1
Other Crime Totals	<u>11</u>	<u>1</u>	<u>5</u>	<u>5</u>	<u>4</u>
All Crime Totals	<u>13</u>	<u>1</u>	<u>6</u>	<u>6</u>	<u>4</u>

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

KPD Crime Statistics

YTD 2014

Part 1 Crimes	Reported	Open/ Pending	Suspended	Closed	Arrest
Homicide	0	1*	0	0	0
Rape	1	0	0	1	1
Robbery	0	0	0	0	0
Assault	7	1	0	6	2
Residential Burglary	9	5	4	0	0
Larceny Theft	16	1	14	1	0
Vehicle Theft	3	3	0	0	0
Arson	1	0	1	0	0
Part 1 Totals	<u>37</u>	<u>10</u>	<u>19</u>	<u>8</u>	<u>3</u>

Other Crimes					
Auto Burglary	0	0	0	0	0
Identity Theft	19	9	10	0	0
Fraud	5	1	4	0	0
Forgeries	0	0	0	0	0
Restraining Order Violations/ Stalking/ Criminal Threats	1	0	0	1	1
Sex Crimes (other)	1	0	1	0	0
Assault/ Battery (other)	3	0	0	3	1
Vandalism	9	0	9	0	0
Drugs	6	0	0	6	6
Warrant	8	0	0	8	8
Hit and Run Felony	1	0	0	1	0
Hit and Run Misdemeanor	13	2	10	1	0
Other Misdemeanor Traffic	10	1	0	9	9
Other Crime Totals	<u>76</u>	<u>13</u>	<u>34</u>	<u>29</u>	<u>25</u>

All Crime Totals	<u>113</u>	<u>23</u>	<u>53</u>	<u>37</u>	<u>28</u>
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Traffic Accidents (Non Injury)	26
Traffic Accidents (Injury)	3

* 2011 case

41

•• **Chief Harman**

As mentioned above, Tuesday, August 5th was National Night Out and Officer Wilson did an outstanding job of coordinating this year's parties with Sergeant Barrow, Corporal Stegman, Officers Ramos, Turner, Wilkens, Armanino, Foley, and I assisting him in attending the 21 parties held this year. Everyone had a great time, I gained five pounds, and Officer Wilson gained...

Thank you to all of the party hosts and those who attended the various parties!

August 18th was the start of school, and with the start of school, we conduct extra traffic enforcement around the school during the first week to assist parents and students with pedestrian safety, parking rules, traffic flow, and yes, citations for violations of the vehicle code.

The last week of August brings us to the close of summer with the Labor Day weekend, and with it, the start of extra holiday driving under the influence enforcement. On August 22nd, Officer Turner participated in a DUI Checkpoint hosted by the Lafayette Police Department and whose participation will be reimbursed by a grant received from California Office of Traffic Safety.

Finally, last month in my comments, I mentioned how important it is to assist us in protecting you and your property by just locking your doors and windows.

Recently, we responded to a call of a burglary at a residence in which the suspect broke the sliding glass door window to gain entry. Then two hours later, we received a call of a burglary alarm at a residence which we responded to. On our arrival we spoke with the neighbors who informed us that they set off the alarm when they attempted to get their neighbors dog back into the house. Concerned that the dog had gotten out after possible entry by the suspect(s), we conducted a check of the residence and found that all exterior doors to the residence were unlocked.

The neighbors informed us that their neighbor had the security alarm installed after being the victim of a burglary last year. The good news was that there was no burglary and the alarm worked perfectly. The bad news was that even after being a victim of burglary a year ago, the homeowners still have not learned to lock their doors and windows.

Help us help you...

September 2014

September 2014

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

October 2014

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

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Aug 31	Sep 1	2 7:30pm Boy Scouts (CCM)	3 7:00am AA (CCM)	4 7:15pm EBC (CC 1)	5	6
7	8 6:00pm KPSC (CC3) 7:00pm *Cub-Scouts* (CCM)	9 7:30pm Boy Scouts (CCM)	10 7:00am AA (CCM) 2:00pm Fire Training Session (CCM) 6:00pm GPF (CCM) 7:00pm *KED Mtg (CC3)	11 6:30pm KPPCSD Mtg (CCM)	12	13 6:00pm CC Rental (CCM) 7:30pm KCC MOVIE NIGHT (KCC LAWN)
14 2:00pm CC Rental (CCM)	15 7:00pm *Cub-Scouts* (CCM)	16 7:30pm Boy Scouts (CCM)	17 7:00am AA (CCM)	18 7:15pm EBC (CC 1)	19	20
21	22 4:00pm *Girl Scouts* (CCM) 7:00pm *Cub-Scouts* (CCM) 7:30pm *KIC (CC3)	23 7:30pm Boy Scouts (CCM)	24 7:00am AA (CCM)	25	26 6:00pm Animal Faire (CCM)	27 Animal Faire (CCM)
28	29 7:00pm *Cub-Scouts* (CCM)	30 7:30pm Boy Scouts (CCM) 7:30pm *KMAC (CC3)	Oct 1	2	3	4

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October 2014

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

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Sep 28	29	30	Oct 1 7:00am AA (CCM)	2 7:15pm EBC (CC 1)	3 6:00pm CCRental (CCM)	4 10:00am CCRental (CCM)
5	6 7:00pm *Cub-Scouts* (CCM) 7:30pm KCC Board Mtg (CCM)	7 7:30pm Boy Scouts (CCM)	8 7:00am AA (CCM) 6:00pm GPF (CCM) 7:00pm *KED Mtg (CC3)	9 6:30pm KPPCSD Mtg (CCM)	10 8:00pm CC Rental (CCM)	11 8:00am KIC Town Hall Mtg (CCM)
12	13 6:00pm KPSC (CC3) 7:00pm *Cub-Scouts* (CCM)	14 7:30pm Boy Scouts (CCM)	15 7:00am AA (CCM)	16 7:15pm EBC (CC 1)	17	18 8:00am KIC Town Hall Mtg (CCM) 1:30pm CC Rental (CCM)
19 KKC Parade & Picnic (CCM)	20 4:00pm Girl Scouts (CCM) 7:00pm *Cub-Scouts* (CCM)	21 7:30pm Boy Scouts (CCM)	22 7:00am AA (CCM)	23	24	25
26	27 7:00pm *Cub-Scouts* (CCM) 7:30pm *KIC (CC3)	28 7:30pm Boy Scouts (CCM) 7:30pm *KMAC (CC3)	29 7:00am AA (CCM)	30	31 HALLOWEEN	Nov 1

ASEP

September kicked off with the start of KASEP online registration. Our KASEP Fall session runs for 14-weeks, starting September 15 and ending December 19th. This session, we offered 16 new classes for a total of 60 classes (56 KASEP and 4 KCC – gymnastics, circus, and karate). Class offerings have grown over the past three years from 52 classes in 2012, 55 classes in 2013 and 60 classes in 2014 (combined KCC and KASEP). KASEP classes start Monday, September 15th.

Enrollment into classes this session peaked at 395 seats filled (of which 42 enrollments were for KCC classes - gymnastics, karate and circus). Hilltop School FALL 2014 student population is 519. KCC provides services to 178 Hilltop families, up from 170 in 2013.

99% of class enrollments are now done on-line. We were successful in adding the gymnastics annual administrative fee paid by parents to the online registration process. No more checks for Judy Baker, instructor gymnastics.

KCC

Adult classes: Jazzercise Class continues on Monday, Wednesday and Fridays; Body Sculpting is held Tuesday and Thursdays mornings. Acrylic Artist return to their painting palettes on Wednesday mornings; new artists are welcome to join. Thursday morning, Ivan Sturman hosts Thursday morning music with the "Tunesters"; all interested senior musicians are welcome. New this session, Friday Zumba Gold for adults; classes are from .45am – 10:45am. Enroll at the community center, the start of class.

KCC is hosting the Maybeck Estate walk, Sunday October 26th from 3:00pm – 5:00pm. Cost for the event is \$15.00 per person. Bob Shaner and Paul Grunland are the historians and leaders of this event.

KCC Movie Night – Saturday, September 13th. Pixar's "Wall-E" is the featured movie. Free- 7:30pm

KCC Summer Camp

KCC Summer Day Camp were days filled with children's laughter and lots of activities. There were 567 registered campers during the 10-weeks of camp, compared to 582 campers in 2013. Operations were smooth without major incident. A special thank-you to the counselors for their safe keeping of the children, and to Ethan Houser and Emiliano Carrasco-Zannini for their leadership.

KCC Administration

An unofficial and visual inspection of the KCC building was done over the summer and a list of recommended repairs was prepared.

KCC's Annual Fund Drive kicked off this September. Donation envelopes were inserted into the September Outlook publication. Sixty-five donation envelopes were received the first week of the fund drive! Many thanks to our generous donors.

General Manager August 2014 Report

Budget

In last month's report I wrote the following statement;

"July begins our new fiscal year and a review of the expenses for the month identified one variance and that was in Police Overtime. During the month of July, we expensed \$9,763.29 in overtime. The majority of this amount was a result of a major investigation that took place earlier in the month."

"Unfortunately, you cannot predict a major investigation and you hope that you don't have many during the course of your budget year. We increased the budgeted amount for overtime this fiscal year from \$40,000 to \$45,000 but just one month into the fiscal year, we find we have already expensed 22% of our overtime budget."

"This will be an area in which we will monitor closely in the coming months."

This comment generated two Public Records Act requests for documents related to the overtime paid in July and a public comment by a member of the Finance Committee at the July 10th, KPPCSD Board meeting.

As a result, I prepared a memo for discussion at the Finance Committee meeting on August 27th, which I would like to share now with you. The memo in part reads;

First, let me provide a brief explanation on how overtime is paid at the District. All overtime is calculated and paid two weeks in arrears. Even though \$9,763.29 was reported expensed during the month of July, the dates that the overtime hours were actually accrued were June 16th through July 15th.

Secondly, let me break down the documents that two different concerned citizens made in regards to this overtime.

There were 46.5 hours of overtime submitted for the pay period June 16th through June 30th, for an expense of \$2,965.10, by three (3) officers. The actual breakdown was as follows:

6/17	1 Hour	Wilkins	To attend West County Forensic Multi-Disciplinary Team meeting.
6/18	4 Hours	Wilkins	Cover for personnel shortage (Wed), Hui on vacation.
6/19	4 Hours	Turner	Traffic Court

6/20	3.5 Hours	Barrow	Follow up investigation, 14-3043 (459R PC)
6/24	3 Hours	Barrow	Westnet radios/ County Evidence Room PU ammo
6/25	3 Hours	Barrow	Westnet surveillance detail
6/26	2 Hours	Barrow	Follow up investigation, 11-1618 (187PC)
6/27	16 Hours	Turner	Cover for personnel shortage, Martinez sick & Wilkens vacation
6/28	7 Hours	Turner	Cover for personnel shortage, Martinez & Wilkens sick
6/29	3 Hours	Turner	Cover for personnel shortage, Stegman sick & Wilson vacation

Of the 46.5 hours in overtime;

- 26 hours occurred when officers called in sick after other officers were already scheduled on vacation or sick.
- 8.5 hours occurred for investigations
- 4 hours occurred for court
- 4 hours to cover for vacation
- 3 hours used that could have been completed during regular scheduled work shift
- 1 hour to attend a meeting during off hours

There were 102 hours of overtime submitted for the pay period July 1st through July 15th, for an expense of \$6,798.19, by three (3) officers. The actual breakdown was as follows:

7/2	3 Hours	Barrow	Westnet follow up investigation 12-7261
7/5	12 Hours	Turner	Team 2 personnel shortage, Hui Comp & Martinez had second day requested for vacation that was not accounted for when Hui was approved
7/6	4 Hours	Turner	Warrant arrest 14-3292, transport to jail
7/7	10 Hours	Barrow	Investigation 14-3298 (288a PC)
7/7	4.5 Hours	Stegman	Investigation 14-3298 (288a PC)
7/7	4 Hours	Turner	Patrol shortage due to investigation 14-3298 (288a PC)
7/8	13 Hours	Barrow	Investigation 14-3298 (288a PC)
7/8	10 Hours	Stegman	Investigation 14-3298 (288a PC)
7/9	5 Hours	Stegman	Investigation 14-3298 (288a PC), Court filing

7/9	5.5 Hours	Turner	Patrol coverage, vehicle tow 14-3339
7/10	1 Hour	Barrow	Investigation 14-3298 (288a PC)
7/11	3 Hours	Barrow	Investigation 14-3298 (288a PC)
7/11	8.5 Hours	Stegman	Investigation 14-3298 (288a PC)
7/13	4 Hours	Turner	Patrol shortage, Wilson sick (Cover Stegman)
7/13	5 Hours	Stegman	Investigation 14-3298 (288a PC), search warrant & Wilson sick
7/14	6.5 Hours	Barrow	Investigation 14-3298 (288a PC)
7/15	3 Hours	Turner	Investigation 14-3298 (288a PC), search warrant service

Of the 102 hours of overtime submitted, 77.5 hours were a direct result of Investigation 14-3298 (288a PC).

During the investigation of 14-3298, Wilson was off on scheduled vacation and out of the county and Martinez was schedule for training and out of the District.

Please be aware, that for any investigation and especially a major investigation, once the arrest is made, we have to have enough evidence prepared to hold the suspect for 48 hours for a Probable Cause Determination Review, and then we have 15 business days to prepare for the preliminary hearing.

After seeing the amount of overtime expensed during the month of July, I also completed an audit of overtime submitted. Of the 148.5 hours of overtime submitted above, I identified the following 15 hours that could have been eliminated.

Twelve hours of overtime was generated to cover a shift that was not accounted for at the time the officer placed his request for vacation. This was my error. I did not properly read the vacation time requested off of the Time Off Request Form, and only scheduled the officer to be off one day instead of two that he wanted. Later, another officer requested to be off on Comp Time on that second day that was not accounted for.

I was notified of the issue a day before the scheduled time off, and since both officers had already made and confirmed their plans, an officer was brought in to cover the shift.

Three hours were generated for activities that could have been completed on regular schedule duty time. This has already been addressed with the officer and should not occur again.

There was a comment made by a member of the Finance Committee about officers working over 12 hour shifts. Do we encourage officers to work over their

12 hours shift, not at all. Does it occur, unfortunately, yes. How does this occur?

After an officer works their scheduled 12 hour shift, there could be a short (4 Hour) training block scheduled, coverage needed for a shift due to illness, or just extra time needed to prepare a report or complete an investigation.

During this past pay period, an officer worked a 22 hours shift because he worked 10 hours past his regular schedule 12 hours shift in order to prepare a search warrant to be served in Investigation 14-3298 (288a PC). This is the exception and not the rule.

We closely monitor the time officers are working and encourage officers to take time off, especially after they have been working extra hours. This is why I allowed overtime to occur when two officers were placed off accidentally. Yes, I could have canceled one of the officer's days off but one, it was my mistake in the first place, and two, I work hard to allow officers time off and still maintain safe District patrol coverage and officer safety.

As I explained to the Finance Committee, I work hard to keep overtime expenses to a minimum and July was the exception and not the rule. It was also unfortunately the first month of the new fiscal year, so I believe concern was warranted.

So how did we do on overtime expenses for the month of August? Our overtime expensed in August was \$2,850, which is \$900 less than what we budgeted for during the month of August. That brought our two month year to date total for overtime to \$12,613, which is \$5,113 over budget for the first two months of the fiscal year. However, it is an area that we will continue to monitor and administer closely.

Kensington Park

Community Center & Annex

On June 3rd, Measure L (The Community Center Safety Project bond measure) lost in the election. This means that the Park Buildings Committee and the KPPCSD Board will need to re-group and determine how we will move forward with the repairs and upgrades to the Center.

Park Repairs

In August, there were no additional maintenance items completed in the park.

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

Fuel Reduction Project

The Park & Recreation Committee has formed a sub-group and has called on citizen volunteers to begin a wild land fire fuels reduction project in the park. The group's first project area is the area surrounding the Community Center. The next round of cleanup dates will be on Thursdays, during August and September, from 2 to 5 PM.

Those wishing to volunteer for future projects can contact me for information on dates and projects scheduled.

Emergency Preparedness

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

On Sunday, August 24th, the City of Napa and the rest of the Bay Area had a real wakeup call of a 6.0 earthquake early in the morning. Our KPSC went into action and held an "Earthquake Preparedness Workshop" on Thursday, August 28th. Even though it was scheduled at the last minute, they had over 70 very appreciative people in attendance.

The next meeting of the Kensington Public Safety Council will take place Monday, September 8th, at 6:00 PM at the Community Center Room #3.

The next workshop hosted by the KPSC will be on Wednesday, September 10th, at 7PM, on "Wildfire Risks", at the Community Center, followed by some field practice on Wednesday, September 17th, between 2 and 5 PM, at the Arlington Community Church.

Solid Waste & Recycling

The solid waste and recycling service survey went live in August and the survey results, as well as a draft of a contract proposal for continuing service with Bay View are part of the agenda packet for the September 11th, KPPCSD Board meeting. You can review the agenda packet on line on the KPPCSD website listed below.

Colusa Street Lights

We learned at the end of July that PG&E was planning on replacing several streetlights around the Colusa Circle area. Our County Supervisor John Gioia, arranged a public meeting with representatives from the County and PG&E that was held August 4th at Kensington resident Rodney Paul's home. Those in attendance were able to participate in the initial selection process of the replacement lights and poles. The selection process is continuing and for more information log into colusa-improvement@googlegroups.com.

Website

We have contracted with Pagepoint to revise our website in order to make it much more user friendly and up to date. The project will move through the months of August and September and you should be able to see the results by October 1st.

The Board packets, monthly reports, minutes, recordings of the KPPCSD Board Meetings, and our Bay View – County Solid Waste contracts are currently still available for review on our website at: www.kensingtoncalifornia.org

New Business Item #1

**The Board will present a District Proclamation to Walter and Gretchen Gillfillan, who celebrated their 60th wedding anniversary during the month of August.
Board Action.**

Memorandum

Kensington Police Department



To: KPPCSD Board of Directors

APPROVED _____

NO _____

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

Date: September 6, 2014

FORWARDED TO:

Subject: New Business # 2- Second Reading of KPPCSD Board Policy Section 1000

At the August 14th meeting of the KPPCSD Board, the Policy Committee presented for a first reading the revised KPPCSD Board Policy Manual. Following Board and public discussion, the Board motioned to review and present for public comment Sections 1000 and 2000 at the September 11th KPPCSD meeting.

Section 1000 is attached to this memo for review.

Section 2000 of the Policy Manual consists of personnel contracts, all of which have since expired and are currently being negotiated.

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POLICY TITLE: Purpose of Board Policies
POLICY NUMBER: 1000

- 1000.10** It is the intent of the Board of Directors (Board) of the Kensington Police Protection and Community Services District (District) to maintain a Board Policy and Procedures Manual (Board Manual). Contained therein shall be a comprehensive listing of the Board's current policies, being the rules and regulations enacted by the Board from time to time. The Board Manual will serve as a resource for Directors, staff, and members of the public in determining the manner in which matters of District business are to be conducted.
- 1000.20** If any policy or portion of a policy contained within the Board Manual is in conflict with rules, regulations or legislation passed or adopted by an entity having authority over the District, said rules, regulations or legislation shall prevail.

POLICY TITLE: Adoption/Amendment of Policies
POLICY NUMBER: 1010

- 1010.10** Any Director or the General Manager/Chief of Police may request that the Board adopt a new policy or amend an existing policy. Members of the community may suggest policy changes or additions to any Director. The proposed policy adoption or amendment shall be initiated by submitting a written draft of the proposed adoption or amendment to each Director and the General Manager/Chief of Police through the District office and requesting that the item be included for consideration on the agenda of the appropriate regular meeting of the Board.
- 1010.20** Before considering adopting or amending any policy, Directors shall have the opportunity to review the proposed adoption or amendment at the regular Board meeting prior to the meeting at which consideration for adoption or amendment is to be given. Copies of the proposed policy adoption or

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amendment shall be included in the agenda information packet for any meeting of consideration. Consistent with the Brown Act, the agenda information packets with said copies shall be made available to each Director, and posted on the District's Web site, for review at least three (3) days (72 hours) prior to any meeting of consideration. (See also Policy # 5020.10 for the date by which agenda items may be proposed.)

- 1010.30** Adoption of a new policy or amendment of an existing policy shall be accomplished at a regular meeting of the Board and shall require a 4/5 affirmative vote of the entire Board. There shall be a first reading for consideration of the new policy or amendment, followed by a second reading of the new policy or amendment before the Board may vote to adopt the proposed policy or amendment at the second or a subsequent meeting.

POLICY TITLE: Conflict of Interest
POLICY NUMBER: 1020

- 1020.10** It is the policy of the District to follow all federal, State, and local laws concerning conflicts of interest, including California Government Code Section 1090, *et seq.* (regarding government contracts) and the Political Reform Act codified at Government Code Section 8000, *et seq.*, as well as implementing regulations adopted by the Fair Political Practices Commission, as each may be amended or supplemented from time to time. Pursuant to State law and in furtherance of the purposes of this policy, it is the policy of the District regularly to review and update its Conflict of Interest Code designating disclosure requirements for the economic interest of the District officials, employees, and consultants that could give rise to an actual or apparent conflict, and to enforce compliance with the State's and the District's economic interest disclosure requirements, including those set forth in the Political Reform Act and the District's Conflict of Interest Code.
- 1020.20** The Political Reform Act, Government Code Section 81000, *et seq.*, requires state and local government agencies to adopt and promulgate Conflict of

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICE DISTRICT POLICY AND PROCEDURE MANUAL

Interest Codes. The California Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations Section 18730, which contains the terms of a standard Conflict of Interest Code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Exhibit 1B in which officials, employees and consultants are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the District.

A public official at any level of state or local government shall not use or in any way attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a financial interest. (Government Code § 87100)

Designated officials, employees and consultants shall file statements of economic interests with the District, which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008) Upon receipt of the statements of all designated officials and employees, the District shall make and retain a copy and forward the original of these statements to the County of Contra Costa Clerk of the Board of Supervisors, which shall be the filing officer.

Designated Position	Disclosure Categories
General Manager/Chief of Police	1, 2
Consultants/New Positions	*

- * Consultants/New Positions are included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The General Manager/Chief of Police may determine in writing that a particular consultant or new position, although a “designated position,” is

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hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager/Chief of Police's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Government Code Section 81008).

The following positions are NOT covered by the Conflict of Interest Code because they must file a statement of economic interests (Form 700 pursuant to Government Code Section § 87200 and, therefore, are listed for information purposes only:

Members of the District's Board of Directors

An individual holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe their position has been categorized incorrectly. The Fair Political Practices Commission makes the determination whether a position is covered by Section 87200.

Disclosure Category 1: All investments, business positions, and sources of income (including loans gifts, and travel payments) from sources that provide services, supplies, materials, machinery, or equipment of the type utilized by the District.

Disclosure Category 2: All interests in real property located in whole or in part within the District's jurisdiction or within two miles of the District's jurisdiction.

1020.30 Anti-nepotism

The purpose of this policy is to ensure effective supervision, safety, security, performance, assignments, and discipline while maintaining positive morale by avoiding actual or perceived favoritism, discrimination, or other actual or potential conflicts of interest by or between Board members, employees of the District, and the community.

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1020.31 Definitions

Relative - The parent, stepparent, spouse, ex-spouse, domestic partner, significant other, child (natural, adopted or step), sibling, grandparent, great-grand parent, cousin, niece, nephew grandchild, first cousin once removed, or second cousin of any District Board member or employee. In addition, the parent, stepparent, spouse, ex-spouse, domestic partner, significant other, child (natural, adopted or step), sibling, grandparent, great-grand parent, cousin, niece, nephew grandchild, first cousin once removed, or second cousin of any spouse or ex-spouse of a District Board member or employee.

Personal Relationship - Includes marriage, cohabitation, dating, or any other intimate relationship beyond mere friendship.

Business Relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture, or other transaction where the District Board member's or employee's annual interest, compensation, investment, or obligation is greater than \$250.

Conflict of Interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a District Board member's or employee's action, inaction, or decisions are or may be influenced by the Board member's or employee's personal or business relationship.

Supervisor - A District Board member or employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation, and/or performance of a subordinate employee.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

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1020.32 Restricted Duties and Assignments

While the District does not prohibit personal or business relationships between its Board members, employees, and the community, the following reasonable restrictions and safeguards shall apply to District Board members and employees in order to avoid actual or perceived nepotism:

- a) District Board members and employees are prohibited from directly supervising, occupying a position in the line of supervision, or being directly supervised by any other Board member or employee who is a relative or with whom they are involved in a personal or business relationship.
 - 1) If circumstances require that such a supervisor/subordinate relationship exists temporarily, the supervisor shall make every reasonable effort to defer matters involving the involved Board member or employee to an uninvolved supervisor.
 - 2) When personnel and circumstances permit, the District will attempt to make every reasonable effort to avoid placing Board members or employees in supervisor/subordinate situations. The District, however, reserves the right to transfer or reassign any Board member or employee to another position within the same classification as it may deem necessary in order to avoid conflicts with any provision of this policy.
- b) District Board members and employees are prohibited from participating in, contributing to, or recommending new hires, promotions, assignments, performance evaluations, transfers or other personnel decisions affecting a Board member or employee who is a relative, or with whom they are involved in a personal or business relationship.

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- c) In order to avoid actual or perceived conflicts of interest, District Board members and employees shall disclose in writing any personal or business relationships with District Board members, employees, or vendors. (AB1234 and Government Code Section 1090, *et seq.*, shall apply to all such conflicts of interest.) The District Board will recommend appropriate action after considering any conflict of interest issues with legal counsel. Directors shall disclose any conflicts of interest regarding any matter which comes before the Board or over which the Board has authority. Directors shall recuse themselves from discussing and/or voting on any matter where they have a conflict of interest.

- d) In the event that conflicts of interest, real or perceived, arising in a selection process cannot be adequately addressed by the provisions of this policy set forth above, the District will create an impartial selection committee to conduct the selection process. The creation of an impartial selection committee may be initiated by either the General Manager/Chief of Police or the District's Board.

POLICY TITLE: **Public Complaints**
POLICY NUMBER: **1030**

1030.10 The Board desires that public complaints be resolved at the lowest possible administrative level and that the method for resolution of complaints be logical and systematic.

1030.20 A public complaint is an allegation in writing by a member of the public of a violation or misinterpretation of a District policy, a state or federal statute by which the individual has been adversely affected.

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1030.30 Non-police complaints, including complaints against a Director, shall be resolved as follows:

The individual with the complaint shall first discuss the complaint with the General Manager/Chief of Police with the objective of resolving the matter informally.

If the General Manager/Chief of Police does not satisfy the individual making the complaint with the disposition of the complaint, the complaint may be filed, in writing, with the General Manager/Chief of Police. At the option of the General Manager/Chief of Police, conferences may be conducted with testimony or written documentation in the resolution of the complaint. The individual filing the complaint may request a written decision from the General Manager/Chief of Police.

If the individual filing the complaint is not satisfied with the disposition of the matter, a written complaint may be filed with the Board within ten (10) days of receiving the General Manager/Chief of Police's decision. The Board may consider the matter at the next regular meeting or may call a special meeting. The Board will resolve the matter expeditiously. In making its final decision, the Board may conduct conferences, hear testimony, as well as utilize any other form of evidence deemed by the Board to be helpful in making its decision. The individual filing the complaint may request a written decision from the Board.

This policy in no way prohibits or is intended to deter a member of the public or staff from appearing before the Board to present verbally, or in writing, any testimony, complaint or statement regarding actions of the Board, District programs services, or impending considerations of the Board.

1030.40 If the Board or Board member receives a complaint against the Police Department (sworn or non-sworn personnel), the complaining party shall be referred to the Kensington Police Department to file a complaint.

The Board is part of the Grievance Procedure as outlined in the Kensington Police Department Manual and therefore must remain neutral in the complaint process.

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The investigation shall be conducted according to guidelines set forth in the Kensington Police Department Manual and, additionally, for sworn personnel, according to the guidance set forth in the Police Officers' Bill of Rights. (Government Code Section 3300-3313 and the Kensington Police Department Manual).

The complaining party shall be notified, in writing, of the disposition of the complaint. Discipline, if any, of sworn personnel shall not be disclosed. (Penal Code 832.5, 832.7, 832.8.)

POLICY TITLE: **Grievance Procedures for District Employees**
POLICY NUMBER: **1040**

1040.10 Purpose and Scope
Grievances of non-sworn personnel shall be handled according to the Grievance and Personnel Complaint procedures outlined in the Kensington Police Department Manual (Policy # 1000, *et seq.*, and 1020, *et seq.*) Grievances alleging harassment and/or discrimination shall be handled according to the procedures set forth in Section 8328, *et seq.*, of the Kensington Police Department Manual. The Disciplinary Policy of Section 340 *et seq.*, of the Kensington Police Department Manual shall apply to sworn and non-sworn personnel.

POLICY TITLE: **Claims Procedures**
POLICY NUMBER: **1050**

1050.10 The purpose of this policy is to describe procedures for handling claims and to inform the public, District staff, and Board of Directors (Board) of these procedures. These policy sections are generally intended to describe the claims procedure, but do not replace or alter existing law relating to Government Tort Claims.

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1050.20 Claims Requirements. The California Government Code beginning with Section 810 sets forth requirements that a claim must meet. These requirements establish the time period within which a claim must be presented to the District and the information that must be included in the claim.

1050.21 Time of Presentation (Government Code Section 911.2).

- a) Six-month claims. If a claim is for injury to person or to personal property, or growing crops, it must be presented to the District no later than six months after the accrual of the cause of action.
- b) One-year claims. If the claim arises out of any other circumstances, it must be presented no later than one year after the accrual of the cause of action.
- c) Definition of “presentation” (Government Code Section 915). If a claim is personally delivered to the District, the date it is received is the date of presentation. If a claim is mailed to the District, the claim is deemed presented at the time it is deposited in the mail (§915 – 915.42). The envelope in which a claim is mailed should be retained in the District office with the claim in case a question arises concerning the date of presentation.

1050.22 Content of Claim. Government Code Section 910 provides that a claim shall include all of the following information:

- a) The name and post office address of the claimant;
- b) The post office address to which the person presenting the claim desires notices be sent;
- c) The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted;

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- d) A general description of the indebtedness, obligation or injury, damage or loss incurred so far as it may be known at the time of presentation of the claim;
- e) The name or names of the public employee or employees causing the injury, damage or loss, if known; and
- f) The amount claimed if it totals less than ten thousand dollars (\$10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage or loss insofar as it may be known at the time of presentation of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case.

If the claim does not contain all this information, it is deemed to be insufficient. A claim form is provided in Exhibit 1A.

1050.30 Claims Process. District employees shall follow the process described below when receiving a claim.

1050.31 Telephone/Oral Complaints. All claims against the District shall be in writing. Claimants who call or visit the District office shall be informed that all claims must be presented to the District in writing. District staff shall provide a claims form (Exhibit 1A) to the claimant, in person if the claimant is present at the Public Safety Building, or by mail. District staff shall listen to the person making the complaint and take notes specifying the date and time of the discussion and the nature of the incident. District staff shall not discuss responsibility, liability or make any admission that implicates the District.

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- 1050.32** Request for Acknowledgement of Receipt. The District should time-date stamp the claim when it is received. When a claim is delivered in person to the District or received by mail at the District offices, a written acknowledgement of receipt should not be provided. The District's time-date stamp should be affixed to a copy of the claim and returned to the claimant/messenger as an acknowledgement of receipt. The person receiving the claim may provide his/her name and title. It is not necessary to make a photocopy for the claimant/messenger if an extra copy is not provided. A copy of the page with the time date stamp will suffice as acknowledgement if a copy is not provided. This copy will be kept in the District office.
- 1050.33** Insufficient Claims. If it is determined that a claim does not include all of the required information, the District shall so notify the claimant within 20 days after the claim is presented. (Government Code Section 910.8) The form letter attached as Exhibit 1B is sufficient to meet this requirement.
- 1050.34** Claim Investigations. District staff and/or its designee shall investigate the claim and gather information pertaining to the claim as soon as possible after the claim is presented to the District, except for claims for personal injury or wrongful death, which shall be sent immediately to the District's insurance company and attorney.
- 1050.35** Action on Claims by Board or its Designee. Section 935.4 of the Government Code provides that the District, by ordinance or resolution, may authorize an employee to allow compromise or settle a claim against the District if the amount to be paid is less than \$50,000. The Board designates the General Manager/Chief of Police to act upon claims against the District in an amount up to the District's insurance deductible in any manner outlined in this policy.

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The General Manager/Chief of Police, after evaluating the claim, shall determine whether to present the claim to the Board or to recommend to the Board that an advisory committee comprised solely of two directors be formed to work with District staff regarding the specific claim. No independent investigation of a claim shall be conducted by a Board member. When the claim is presented to the Board, it may be considered in closed session if the attorney for the District is present.

Under Government Code Section 912.4, the Board or its designee must act upon the claim within 45 days after the claim has been presented or the claim is deemed to have been rejected by operation of law.

1050.36 Notice of Action Taken on Claims which are denied. A Notice of Action on Claim for each claim that has been denied shall be sent to the claimant within the time prescribed by law. If a notice of Action is sent out, subject to certain exceptions, a claimant generally has only six months from the date the Notice of Action is sent out in which to file a suit. However, if no Notice of Action is sent out, subject to certain exceptions, the claimant generally has two years from the date the cause of action accrued (usually the date of the underlying incident or accident) in which to file suit. (Government Code Section 945.6.)

Send a Notice of Action on Claim completed to show that the claim was rejected by the Board or its designee, or rejected by operation of law (see Exhibit 1C for form) to the claimant or to claimant's counsel at the address indicated in the claim. A Declaration of Service by Mail should be attached to this Notice. (See Exhibit 1C for form.) These documents should be retained in the District office.

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1050.37 Notice of Action Taken on Claims which are granted. The following procedure should be followed when a claim has been granted or granted in part:

- a) Send a Notice of Action on Claim completed, and retain a copy in the District office, to show that the claim was allowed in the specified amount (see Exhibit 1C for format) or the claimant or the claimant's counsel at the address indicated in the claim. A Declaration of Service by Mail should be attached to this Notice. (See Exhibit 1D for form.)

- b) All repair work done or money paid shall be documented (with "before" and "after" photographs when appropriate) and placed in the claim file in the District office.

- c) Any payment of claims shall be conditional upon claimant executing a Release of All Claims (Exhibit 1E).

1050.38 Other Requests. Any other applications received from a claimant, such as applications for leave to submit a late claim, insufficient claim, or subrogation claim shall be provided to the General Manager/Chief of Police, who in consultation with the attorney shall determine how to proceed and report the determination to the Board.

EXHIBITS 1A, 1B, 1C, 1D, and 1E follow.

Kensington Police Protection and Community Services District
279 Arlington Ave., Kensington, CA 94707
(510) 526-4141

_____, 20__

Notice of Action on Claim

Notice is hereby given that the claim that you presented to the Kensington Police Protection and Community Services District on _____, 20__ was [allowed in the amount of _____, rejected, rejected in part and allowed in part, specify] on _____ 20__.

WARNING: Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code Section 945.6. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

General Manager, Chief of Police
KPPCSD

Exhibit 1__

Kensington Police Protection and Community Services District
279 Arlington Ave., Kensington, CA 94707
(510) 526-4141
_____, 20__

Notice of Insufficiency of Claim

Notice is hereby given that the claim that you presented to the Kensington Police Protection and Community Services District on _____, 20__ failed to comply with certain Government Code Sections. It was insufficient for the following reason(s):

For your information, consult California Government Code Sections 910, 910.2, 910.4, 910.8 and other Government Code Sections pertaining to the filing of claims against a public entity. Pursuant to Government Codes Section 910.8, no action will be taken on this claim by the Kensington Police Protection and Community Services District for a period of 15 days after the date of this Notice. Therefore, if you wish to file an amended claim correcting these deficiencies, you should do so within that time period.

General Manager, Chief of Police
Kensington Police Protection and Community Services District
Exhibit 1B

Declaration of Service by Mail
[Alternative 1]

State of California
County of Contra Costa

I am employed in the County of Contra Costa, State of California I am over the age of 18 and not a party to the within cause or claim. My business address is 217 Arlington Avenue, Kensington, CA, 94707.

I served the foregoing document entitled: _____ by depositing a true copy thereof in the United States Mails in _____, California on _____, 20____, enclosed in a sealed envelope, with postage thereon fully prepaid, addressed as follows:

[Name and address of claimant or claimant's attorney]

I declare under penalty of perjury that the foregoing is true and correct. Executed this _____ day of _____ (month) 20____ at _____, CA.

Name Printed

Signature

[Alternative 2]

State of California
County of Contra Costa

I am employed in the County of Contra Costa, State of California I am over the age of 18 and not a party to the within cause or claim. My business address is 217 Arlington Avenue, Kensington, CA, 94707.

I am familiar with the practice of the Kensington Police Protection and Community Services District for collection and processing of correspondence for mailing with the United States Postal Service. Under that practice, correspondence is deposited with the United States Postal Service the same day it is submitted for mailing.

I served the foregoing document entitled: _____ by placing a true copy thereof for collection and mailing in the ordinary course of business practice, with other correspondence of the Kensington Police Protection and Community Services District located at 217 Arlington Ave., Kensington, Ca 94707, on _____, 20____, enclosed in a sealed envelope, with postage thereon fully prepaid, addressed as follows:

[Name and address of claimant or claimant's attorney]

I declare under penalty of perjury that the foregoing is true and correct. Executed this _____ day of _____ (month) 20____ at _____, CA.

Name Printed

Signature

POLICY TITLE: Purpose of Board Policies
POLICY NUMBER: 1000

- 1000.10** It is the intent of the Board of Directors (Board) of the Kensington Police Protection and Community Services District (District) to maintain as Board Policy and Board Procedures Manual (Board Board Manual) of Policies. Contained therein shall be a comprehensive listing of the Board's current policies, being the rules and regulations enacted by the Board from time to time. The Board Board Manual of Policies will serve as a resource for Directors, staff, and members of the public in determining the manner in which matters of District business are to be conducted.
- 1000.20** If any policy or portion of a policy contained within the Board Board Manual of Policies is in conflict with rules, regulations or legislation passed or adopted by an entity having authority over the Kensington Police Protection and Community Services District, said rules, regulations or legislation shall prevail.
-

~~POLICY~~ POLICY TITLE: Adoption/Amendment of Policies
POLICY NUMBER: 1010

~~1010.10~~ Any Director or the General Manager/Chief of Police ~~Consideration may request that by the Board of Directors (Board) to adopt a new policy or to amend an existing policy may be initiated by any Director, or by the General Manager. Members of the community may suggest pPolicy changes or additions to any Director. The proposed policy adoption or amendment shall be~~ initiated by submitting a written draft of the proposed adoption or amendment to each Director and the General Manager/General Manager Chief of Police through the District office; and requesting that the item be included for consideration on the agenda of the appropriate regular meeting of the Board of Directors.

~~1010.20~~ Adoption of a new policy or amendment of an existing policy shall be accomplished at a regular meeting of the Board of Directors and shall require a 4 5 affirmative vote of the entire Board of Directors.

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~~1010.230~~ Before considering adopting or amending any policy, Directors shall have the opportunity to review the proposed adoption or amendment at the regular Board of Directors meeting prior to the meeting at which consideration for adoption or amendment is to be given. Copies of the proposed policy adoption or amendment shall be included in the agenda information packet for any meeting of consideration. Consistent with the Brown Act, the agenda information packets with said copies shall be made available to each Director, and posted on the District's Web site, for review at least three (3) days (72 hours) prior to any meeting of consideration. (See also Policy # 5020.10 for the date by which agenda items may be proposed.)

~~1010.30~~ Adoption of a new policy or amendment of an existing policy shall be accomplished at a regular meeting of the Board and shall require a 4 5 affirmative vote of the entire Board. There shall be a first reading for consideration of the new policy or amendment, followed by a second reading of the new policy or amendment before the Board may vote to adopt the proposed policy or amendment at the second or subsequent meeting. This is an existing policy that has been reversed with the one above.

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POLICY TITLE: Conflict of Interest
POLICY NUMBER: 1020

~~1020.10~~ The Political Reform Act, Government Code §81000, *et seq.*, requires state and concerning conflicts of interest, including California Government Code Section 1090, *et seq.* (regarding government contracts) and the Political Reform Act codified at Government Code Section 8000, *et seq.*, as well as implementing regulations adopted by the Fair Political Practices Commission as each may be amended or supplemented from time to time. Pursuant to State law and in furtherance of the purposes of this pPolicy, it is the policy of the District regularly to review and update its Conflict of Interest Code designating disclosure requirements for the economic interest of the District officials, employees, and consultants that could give rise to an actual or apparent conflict, and to enforce compliance with the State's and the District's economic interest disclosure requirements, including those set forth in the Political Reform Act and the District's Conflict of Interest Code. ~~(Appendix~~

~~Designated employees shall file statements of economic interests with the District Manager for forwarding to the Clerk of the Board of Supervisors.—~~

~~1020.10~~ It is the policy of the District to follow all federal, State, and local laws concerning conflicts of interest, including California Government Code Section 1090, *et seq.* (regarding government contracts) and the Political Reform Act codified at Government Code Section 8000, *et seq.*, as well as implementing regulations adopted by the Fair Political Practices Commission as each may be amended or supplemented from time to time. Pursuant to State law and in furtherance of the purposes of this pPolicy, it is the policy of the District regularly to review and update its Conflict of Interest Code designating disclosure requirements for the economic interest of the District officials, employees, and consultants that could give rise to an actual or apparent conflict, and to enforce compliance with the State's and the District's economic interest disclosure requirements, including those set forth in the Political Reform Act and the District's Conflict of Interest Code. ~~(Appendix~~

~~1020.20~~ The Political Reform Act, Government Code Section 81000, *et seq.*, requires state and local government agencies to adopt and promulgate Conflict of

Interest Codes. The California Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations, Section 18730, contains the terms of a standard Conflict of Interest Code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations, Section 18730 and any amendments to it duly adopted by the Political Practices Commission are hereby incorporated by reference and, along with the attached Exhibit 1B in which officials, employees and consultants are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the Kensington Police Protection and Community Services District. (District).

A public official at any level of state or local government shall not use or in any way attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a financial interest. (Government Code §87100.

Designated officials, employees and consultants shall file statements of economic interests with the District, which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008) Upon receipt of the statements of all designated officials and employees, the District shall make and retain a copy and forward the original of these statements to the County of Contra Costa Clerk of the Board of Supervisors, which shall be the filing officer.

It has been determined that the positions listed below manage public investments and are required to file a statement of economic interests pursuant to Government Code Section 87200. These positions are listed for informational purposes only. Directors shall file a Form 700 (Fair Political Practices Commission).

<u>Designated Position</u>	<u>Disclosure Category</u>
<u>General Manager Chief of Police</u>	<u>1, 2</u>
<u>Consultants New Positions</u>	<u>*2</u>
<u>Directors</u>	<u>1, 2</u>

*Consultants New Positions are included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

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The General Manager Chief of Police may determine in writing that a particular consultant or new position, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to ~~fully~~ comply fully with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager Chief of Police's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Government Code Section 81008).

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The following positions are NOT covered by the Conflict of Interest Code because they must file a statement of economic interests (Form 700) pursuant to Government Code Section § 87200 and, therefore, are listed for information purposes only:

Members of the District's Board of Directors

An individual holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe their position has been categorized incorrectly. The Fair Political Practices Commission makes the determination whether a position is covered by Section 87200.

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Disclosure Category 1: All investments, business positions, and sources of income (including loans gifts, and travel payments) from sources that provide services, supplies, materials, machinery, or equipment of the type utilized by the District.

Disclosure Category 2: All interests in real property located in whole or in part within the District's jurisdiction or within two miles of the District's jurisdiction.

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As set forth in the District's Conflict of Interest Code, designated officials, employees, and consultants shall file statements of economic interests with the District, which will make the statements available for public inspection and reproduction. (Government Code Section 81008)

Upon receipt of the statements of all designated officials and

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employees, the District shall make and retain a copy in the District office and forward the original of these statements to the County of Contra Costa Clerk of the Board of Supervisors of Contra Costa County.

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1020.30 Anti-nepotism

The purpose of this policy is to ensure effective supervision, safety, security, performance, assignments, and discipline while maintaining positive morale by avoiding actual or perceived favoritism, discrimination, or other actual or potential conflicts of interest by or between District Board members, (Board), employees of the District, and the community.

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1020.31 Definitions

a) **Relative** - The parent, stepparent, spouse, ex-spouse, domestic partner, significant other, child (natural, adopted or step), sibling, grandparent, great-grand parent, cousin, niece, nephew, grandchild, first cousin once removed, or second cousin of any District Board member or employee. In addition, the parent, stepparent, spouse, ex-spouse, domestic partner, significant other, child (natural, adopted or step), sibling, grandparent, great-grand parent, cousin, niece, nephew, grandchild, first cousin once removed, or second cousin of any spouse or ex-spouse of a District Board member or employee.

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b) **Personal Relationship** - Includes marriage, cohabitation, dating, or any other intimate relationship beyond mere friendship.

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c) **Business Relationship** - Serving as an employee, independent contractor, compensated consultant, owner, Board member, shareholder, or investor in an outside business, company, partnership, corporation, venture, or other transaction where the District Board member's or employee's annual interest, compensation, investment, or obligation is greater than \$250.

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d) **Conflict of Interest** - Any actual, perceived or potential conflict of interest occurrence conflict of interest in which it reasonably appears that a District Board member's or employee's action, inaction, or decisions are or may be influenced by the

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Board member's or employee's personal or business relationship, or status as a relative.

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e) **Supervisor** - A District Board member or employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation, and/or performance of a subordinate employee.

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f) **Subordinate** - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

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1020.32 Restricted Duties and Assignments

While the District ~~does~~does will not prohibit personal or business relationships between its Board members, employees, and the community, the following reasonable restrictions and safeguards shall apply to District Board members and employees in order to avoid actual or perceived nepotism:

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~~2000.31~~ District Board members and employees are prohibited from directly supervising, occupying a position in the line of supervision, or being directly supervised by any other Board member or employee who is a relative or with whom they are involved in a personal or business relationship.

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1) If circumstances require that such a supervisor/subordinate relationship exists temporarily, the supervisor shall make every reasonable effort to defer matters involving the involved Board member or employee to an uninvolved supervisor.

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2) When personnel and circumstances permit, the District will attempt to make every reasonable effort to avoid placing Board members or employees in supervisor/subordinate situations where there is a conflict of interest. The ~~Board~~District, however, reserves the right to transfer or reassign any Board member or employee to another position within the same classification as it may deem necessary in order to avoid conflicts with any provision of this policy.

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2001b) District Board members and employees are prohibited from participating in, contributing to, or recommending new hires, promotions, assignments, performance evaluations, transfers or other personnel decisions affecting a Board member or employee who is a relative, or with whom they are involved in a personal or business relationship.

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2002c) In order to avoid actual or perceived conflicts of interest, District Board members and employees shall disclose in writing any refrain from developing personal or business relationships with District Board members, employees, or vendors, or citizens during the course of or as a direct result of any official contact. (AB1234 and Government Code Section 1090, et seq., shall apply to all such conflicts of interest.) The District Board will recommend appropriate action after considering any conflict of interest issues with legal counsel. Directors shall disclose any conflicts of interest regarding any matter which comes before the this Board or over which the this Board has authority. Directors shall recuse themselves from discussing and or voting on any matter where they have a conflict of interest.

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2003d) In the event that conflicts of interest, real or perceived, arising in a selection process cannot be adequately addressed by the provisions of this policy set forth above, the District will create an impartial selection committee to conduct the selection process. The creation of an impartial selection committee may be initiated by either the General Manager/Chief of Police or the District's Board.

e) Directors shall disclose any conflicts of interest regarding any matter which comes before this Board or over which this Board has authority. [not included in lawyers' version]

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Directors shall recuse themselves from discussing and or voting on any matter where he or she has a conflict of interest. [not included in lawyers' version]

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APPENDIX A [from lawyers]

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The Political Reform Act, Government Code Section 81000, *et seq.*, requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The California Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard Conflict of Interest Code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix in which officials, employees and consultants are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the Kensington Police Protection and Community Services District (District).

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Designated officials, employees and consultants shall file statements of economic interests with the District, which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008) Upon receipt of statements of all designated officials and employees, the District shall make and retain a copy and forward the original of these statements to the County of Contra Costa Clerk of the Board of Supervisors.

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Designated Position [†]	Disclosure Category
General Manager/Chief of Police	1
Consultants*	2

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Disclosure Category 1: A designated official or employee assigned to Category 1 is required to disclose investments, interests in real property, income, and any business entity in which the designated employee is a director, officer, partner, trustee, employee or holds any position of management.

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Disclosure Category 2: Consultants shall disclose investments, interests in real property, income, and any business entity in which the designated

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[†]It has been determined that the positions listed below manage public investments and will file a statement of economic interests pursuant to Government Code Section 87200. These positions are listed for informational purposes only:

~~employee is a director, officer, partner, trustee, employee or holds any position of management, subject to the following limitation:~~

~~*The General Manager may determine in writing that a particular consultant, although holding a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.~~

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Appendix A here: Parts I, II, III

Appendix APPENDIX B [to be submitted to the lawyers]

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All interest in real property as well as investments and business positions in business entities and income from sources which provide facilities, services, supplies, or equipment of the type utilized by the District, including, but not limited to:

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Pumps, motors, and similar equipment
Construction and building materials
Engineering services, including hydrology services
Construction contractors
Safety equipment and facilities
Hardware tools and supplies
Freight and hauling
Motor vehicles, heavy equipment, special vehicles and parts and services thereto
Petroleum products
Photographic services, supplies and equipment
Janitorial services
Pesticides and herbicides
Communications equipment and services
Electrical equipment, including pumping equipment
Computer hardware and software
Architectural services
Custom farming services such as weed abatement
Office equipment
Accounting services
Real estate agents/brokers and investment firms
Title companies
Public utilities
Insurance companies
Uniform manufacturers
Gun sales and manufacturers
Any retail or commercial enterprise located within the District, here

POLICY TITLE: Public Complaints
POLICY NUMBER: 1030

~~1030.40~~ 1030.10 The Board of Directors (~~Board~~) desires that public complaints be resolved at the lowest possible administrative level, and that the method for resolution of complaints be logical and systematic.

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1030.20 ~~The~~ a public complaint is an allegation in writing by a member of the public of a violation or misinterpretation of a District policy, a state or federal statute by which the individual has been adversely affected.

~~1040.10~~ NEEDS ANOTHER SENTENCE HERE.

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~~1030.30~~ The method of resolving ~~a~~ Non-police complaints, including complaints against a Director, shall be resolved as follows:

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~~1030.34~~ 1030.30 Non-police complaints, including complaints against a Director, shall be resolved as follows:

The individual with the complaint shall first discuss the complaint with the ~~General Manager~~ General Manager Chief of Police with the objective of resolving the matter informally.

If the ~~General Manager~~ General Manager Chief of Police does not satisfy the individual ~~registering~~ making the complaint with the disposition of the complaint, the complaint may be filed, in writing, with the ~~General Manager~~ General Manager Chief of Police. At the option of the ~~General Manager~~ General Manager Chief of Police, conferences may be conducted with testimony or written documentation in the resolution of the complaint. The individual filing the complaint may request a written decision from the ~~General Manager~~ General Manager Chief of Police.

If the ~~General Manager~~ General Manager Chief of Police does not satisfy the individual filing the complaint ~~is not satisfied~~ with the ~~dis~~position of the matter, a written complaint may be filed with the Board of Directors within ten (10) days of receiving the ~~General Manager~~ General Manager Chief of Police's decision. ~~The Board may consider the matter at the next regular meeting or may call a special meeting.~~ The Board will resolve the matter expeditiously ~~resolve the matter.~~ In making ~~the~~ its final decision, the Board may conduct conferences, hear testimony, as well as utilize ~~the transcripts of~~

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~~written documentation any other form of evidence deemed by the Board to be helpful in making its decision. The individual filing the complaint may request a written decision from the Board.~~

This policy in no way prohibits or is intended to deter a member of the ~~community public~~ or staff from appearing before the Board to present verbally, or in writing, any testimony, complaint or statement in regards ~~to~~ regarding actions of the Board, District programs services, or impending considerations of the Board.

1030.40 If the Board or Board member receives a complaint against the Police Department (sworn or non-sworn personnell), the complaining party shall be referred to the Kensington Police Department to file a complaint.

~~1040.20~~ Public complaints regarding the Kensington Police Department and or its employees shall be handled in the same manner as interdepartmental complaints.

~~1030.40~~ The Board or Board member shall refer the complaining party to the Kensington Police Department with the complaint. The Board is part of the Grievance Procedure as outlined in the Kensington Police Department Manual (KPD Policy 7-13. See attached.) and and therefore must remain neutral in the complaint process.

~~The complaining party shall be referred to the appropriate supervisor for resolution of the complaint.~~

~~If the complaining party is not satisfied with the results of meeting with the supervisor, a complaint may be filed in writing.~~

~~An assigned supervisor shall investigate the complaint. The investigation shall be conducted according to guidelines set forth in the Kensington Police Department Manual and, additionally, for sworn personnell, according to the guidance set forth in their Police Officers' Bill of Rights (shall follow the guideline set forth in Government Code Section 3300-3311 and the Kensington Police Department Manual).~~

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The complaining party shall be notified, in writing, of the disposition of the complaint. Discipline, if any, of sworn personnel shall not be disclosed.
(Penal Code 832.5, ~~832.7, 832.87.~~)

POLICY TITLE: Grievance Procedures for District Employees

POLICY NUMBER: 1040

APPENDIX A GRIEVANCE PROCEDURE FOR DISTRICT EMPLOYEES

WILL BE REVISED OR DELETED

I.1040.10 Purpose and Scope

Grievances of non-sworn personnel shall be handled according to the Grievance and Personnel Complaint procedures outlined in the Kensington Police Department Manual (Policy # 1000, et seq., and 1020, et seq.) Grievances alleging harassment and/or discrimination shall be handled according to the procedures set forth in Section 8328, et seq., of the Kensington Police Department Manual. The Disciplinary Policy of Section 340 et seq., of the Kensington Police Department Manual shall apply to sworn and non-sworn personnel. It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department's philosophy is to promote a free verbal communication between employees and supervisors.

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II. Grievance Defined — A grievance is any difference of opinion concerning terms or conditions of employment or the dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee bargaining agreement (Memorandum of Understanding);
- This Board Manual, and
- District rules and regulations covering personnel practices or working

conditions.

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment, as well as complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background and other lawfully protected status or activity are subject to the

~~complaint options set forth in Kensington Police Department Policy Manual § 328, and personnel complaints consisting of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law set forth in Board Manual §1030.~~

III. ~~Procedure~~ Except as otherwise required under a collective bargaining agreement, if an employee believes that he or she has a grievance as defined above, then that employee shall observe the following procedure:

~~a) Attempt to resolve the issue through informal discussion with immediate supervisor.~~

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~~b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the Sergeant of the affected division or bureau. **GREG, WHAT'S APPROPRIATE HERE**~~

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~~c) If a successful resolution is not found with the Sergeant, the employee may request a meeting with the General Manager Chief of Police.~~

~~d) If the employee and the General Manager Chief of Police are unable to arrive at a mutual solution, then the employee shall proceed as follows: submit in writing a written statement of the grievance and deliver one copy to the General Manager Chief of Police and another copy to the immediate supervisor and include the following information:~~

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- ~~1) the basis for the grievance (i.e., what are the facts of the case?);~~
- ~~2) the allegation of the specific wrongful act and the harm done;~~
- ~~3) the specific policies, rules or regulations that were violated, and~~
- ~~4) what remedy or goal is being sought by this grievance.~~

~~e) The employee shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.~~

~~(f) The General Manager Chief of Police will receive the grievance in writing. The General Manager Chief of Police and the Kensington Police Protection Community Services District Board will review and analyze the facts or allegations and respond to the employee within 14 calendar days. The response will be in writing, and will affirm or deny the allegations. The response shall include any remedies if appropriate. The decision of the District Board is considered final.~~

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~~Employee Representation Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.~~

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~~V. Grievance Records At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administration for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the Kensington Police Protection Community Services Board's office to monitor the grievance process. WHERE KEPT?~~

GRIEVANCE PROCEDURE — here

POLICY TITLE: Claims Procedures
POLICY NUMBER: 105040540

~~1040.10~~ **1050.10** Purpose. The purpose of this policy is to ~~establish~~ describe procedures for handling claims and to inform the public, District staff, and Board of Directors (Board) of these established procedures. These policy sections are generally intended to describe the claims procedure, but do not replace or alter existing law relating to Government Tort Claims.

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~~1040.20~~ **1050.20** Claims Requirements. The California Government Code sets forth requirements that a claim must meet. These requirements establish the time period within which a claim must be presented to the District and the information that must be included in the claim.

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~~1040.21~~ **1050.21** Time of Presentation (Government Code Section 911.2).

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~~b)1)~~ **a)** Six-month claims. If a claim is for personal injuries, wrongful death, or damage to personal property or growing crops, it must be presented to the District no later than six months after the accrual of the cause of action.

~~b)2)~~ **b)** One-year claims. If the claim arises out of any other circumstances (such as damage to real property), it must be presented no later than one year after the accrual of the cause of action.

~~c)1)~~ **c)** Definition of "presentation" (Government Code Section ~~915.4~~ **915.4**). If a claim is personally delivered to the District, the date it is received is the date of presentation. If a claim is mailed to the District, the claim is deemed presented and received at the time it is deposited in the mail (~~915.4~~ **915.4**). If a proof of service by mail accompanies the claim, the date of mailing as stated in the proof of service is the date of presentation. If there is no proof of service, the postmark date on the envelope is deemed to be the date of presentation. The envelope in which a claim is mailed should be retained in the District office with the claim in case a question arises concerning the date of presentation.

MORE HERE ON LEGAL RETENTION PERIOD AND SCANNED COPIES

~~1040.22~~ ~~1050.22~~ Content of Claim. Government Code Section ~~910~~ ~~910~~ provides that a claim shall include all of the following information:

~~1034~~ a) _____ The name and post office address of the claimant;

~~1033~~ b) _____ The post office address to which the person presenting the claim desires notices be sent;

~~1033~~ c) _____ The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted;

~~1034~~ d) _____ A general description of the indebtedness, obligation or injury, damage or loss incurred so far as it may be known at the time of presentation of the claim;

~~1033~~ e) _____ The name or names of the public employee or employees causing the injury, damage or loss, if known; and

~~1036~~ f) _____ The amount claimed if it totals less than ten thousand dollars (\$10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage or loss insofar as it may be known at the time of presentation of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether jurisdiction over the claim would rest in municipal court (generally \$25,000 or less) or superior court (generally over \$25,000). ~~(Code of Civil Procedure Section 86) be a limited civil case.~~

If the claim does not contain all this information, it is deemed to be insufficient. A claim form is provided in Exhibit D1A.

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1050.40.30 Claims Process. District employees shall follow the process described below when receiving a claim.

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~~1040.31~~**1050.31** Telephone/Oral Complaints. All claims against the District shall be in writing. Claimants who call or visit the District office shall be informed that all claims must be presented to the District in writing. District staff shall provide a claims form (Exhibit ~~D1A~~) to the claimant, in person if the claimant is present at the Public Safety Building, or by mail. District staff shall listen to the person making the complaint and take notes specifying the date and time of the discussion and the nature of the incident. District staff shall not discuss responsibility, liability or make any admission that implicates the District.

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~~1040.32~~**10540.32** Request for Acknowledgement of Receipt. The District should time-date stamp the claim when it is received. When a claim is delivered in person to the District or received by mail at the District offices, a written acknowledgement of receipt should not be provided. ~~It is sufficient if~~ The District's time-date stamp ~~is should be~~ affixed to a copy of the claim and returned to the claimant/messenger as an acknowledgement of receipt. The person receiving the claim may provide ~~their~~ his/her name and ~~title~~ title but should not sign any documents. It is not necessary to make a photocopy for the claimant/messenger if an extra copy is not provided. A copy of the page with the time date stamp will suffice as acknowledgement if a copy is not provided.
This copy will be kept in the District office.

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~~10540.33~~ **10540.33** Insufficient Claims. If it is determined that a claim does not include all of the required information, the District shall so notify the claimant within 20 days after the claim is presented. (Government Code Section 910.8) The form letter attached as Exhibit ~~A-1B~~ is sufficient to meet this requirement.

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~~1040.34~~**10540.34** Claim Investigations. District staff ~~and or its designee~~ shall investigate the claim and gather information pertaining to the claim as soon as possible after the claim is presented to the District, except for claims for personal injury or wrongful death,

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which shall be sent immediately to the District's insurance company and attorney.

~~1040.35~~ 10540.35 **Action on Claims by Board or its Designee.** Section 935.4 of the ~~G~~overnment Code provides that the District, by ordinance or resolution, may authorize an employee to allow compromise or settle a claim against the ~~D~~istrict if the amount to be paid is less than \$50,000. The Board designates the ~~General Manager~~ General Manager Chief of Police to act upon claims against the District in an amount ~~of up to the District's insurance deductible (currently \$500,500)~~ in any manner outlined in this policy.

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The ~~General Manager~~ General Manager Chief of Police, after evaluating the claim ~~and consulting with the Board President,~~ shall determine whether to present the claim to the Board ~~of Directors~~ or to recommend to the Board that an advisory committee comprised solely of two directors be formed to work with District staff regarding the specific claim. No independent investigation of a claim shall be conducted by a Board member. When the claim is presented to the ~~Board of Directors~~, it may be considered in closed session if the attorney for the District is present.

Under Government Code Section 912.4, the Board or its designee must act upon the claim within 45 days after the claim has been presented ~~or: If the Board or its designee fails or decides not to act within 45 days after presentation of the claim, the claim is deemed to have been rejected by operation of law on the 45th day.~~

~~1040.36~~ 10540.36 **Notice of Action Taken on Claims which are denied.** ~~It is important to send out a~~ Notice of Action on Claim for each claim that has been denied shall be sent to the claimant within the time prescribed by law. ~~in order to limit the amount of time a claimant has to file a law suit, whether the claim is denied by operation of law or by the Board or its designee.~~ If a notice of Action is sent out, subject to certain exceptions, a claimant generally has only six months from the date the Notice of Action is sent out in which to file a suit. However, if no Notice of Action is sent out, subject to certain exceptions, the claimant

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generally has two years from the date the cause of action accrued (usually the date of the underlying incident or accident) in which to file suit. (Government Code Section 945.6.) The following procedure should be followed when a claim has been denied: ~~need lawyer input on statute of limitations - Greg~~

a) Send a Notice of Action on Claim completed to show that the claim was rejected by the Board or its designee, or rejected by operation of law (see Exhibit ~~AICBB~~ for form) to the claimant or to claimant's counsel at the address indicated in the claim. Use either Option 1 or Option 2 at the bottom of the form (not both), depending upon whether or not the claimant is represented by counsel. A Proof Declaration of Service by Mail should be attached to this Notice. (See Exhibit ~~IDC~~ for form.) These documents should be retained in the District office.

No Exhibit C in Manual. WILL BE PROVIDED

b) ~~No b)~~

~~1040.37~~ 10540.37 Notice of Action Taken on Claims which are granted. The following procedure should be followed when a claim has been granted or granted in part:

a) Send a Notice of Action on Claim completed, and retain a copy in the District office, to show that the claim was allowed in the specified amount (see Exhibit ~~ICB~~ for format) or the claimant or the claimant's counsel at the address indicated in the claim. Use either Option 1 or Option 2 at the bottom of the form (not both), depending upon whether or not the claimant is represented by counsel. A Proof Declaration of Service by Mail should be ~~attache~~attached to this Notice. (See Exhibit ~~IDC~~ for form.) No Exhibit C in Manual

Linda will provide

b) ~~a)~~

~~1000b)~~ All repair work done or money paid shall be documented (with "before" and "after" photographs when appropriate) and placed in the claim file in the District office.

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c) Any payment of claims shall be conditional upon claimant executing a Release of All Claims (Exhibit 1E).

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10540.38 Other Requests. Any other applications received from a claimant, such as applications for leave to submit a late claim, insufficient claim, or subrogation claim shall be provided to the ~~General Manager~~ General Manager Chief of Police, who in consultation with the attorney shall determine how to proceed and report the determination to the Board.

APPENDIX A, B, C, D EXHIBITS 1A, 1B, 1C, 1D, and 1E here

POLICY TITLE: Executive Officer
POLICY NUMBER: 2000

~~2000.10~~ **2000.10** The ~~General Manager~~ General Manager Chief of Police shall be the Executive Officer of the Kensington Police Protection and Community Services District (~~District~~) and for the Board of Directors (~~Board~~). (See Job Description, Exhibit 2A).

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~~2000.20~~ **2000.20** The terms and conditions of the ~~General Manager~~ General Manager Chief of Police's employment shall be specified in the employment agreement of employment established between the ~~General Manager~~ General Manager Chief of Police and the Board of Directors. The employment agreement of employment shall specify the period of employment ~~be for the period of time as specified in the attached Memorandum of Understanding. (See Appendices A and B.) Appendix B doesn't exist~~

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2000.20

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2000.30 Annual Goal Setting and Performance Appraisal Evaluation - The General Manager Chief of Police

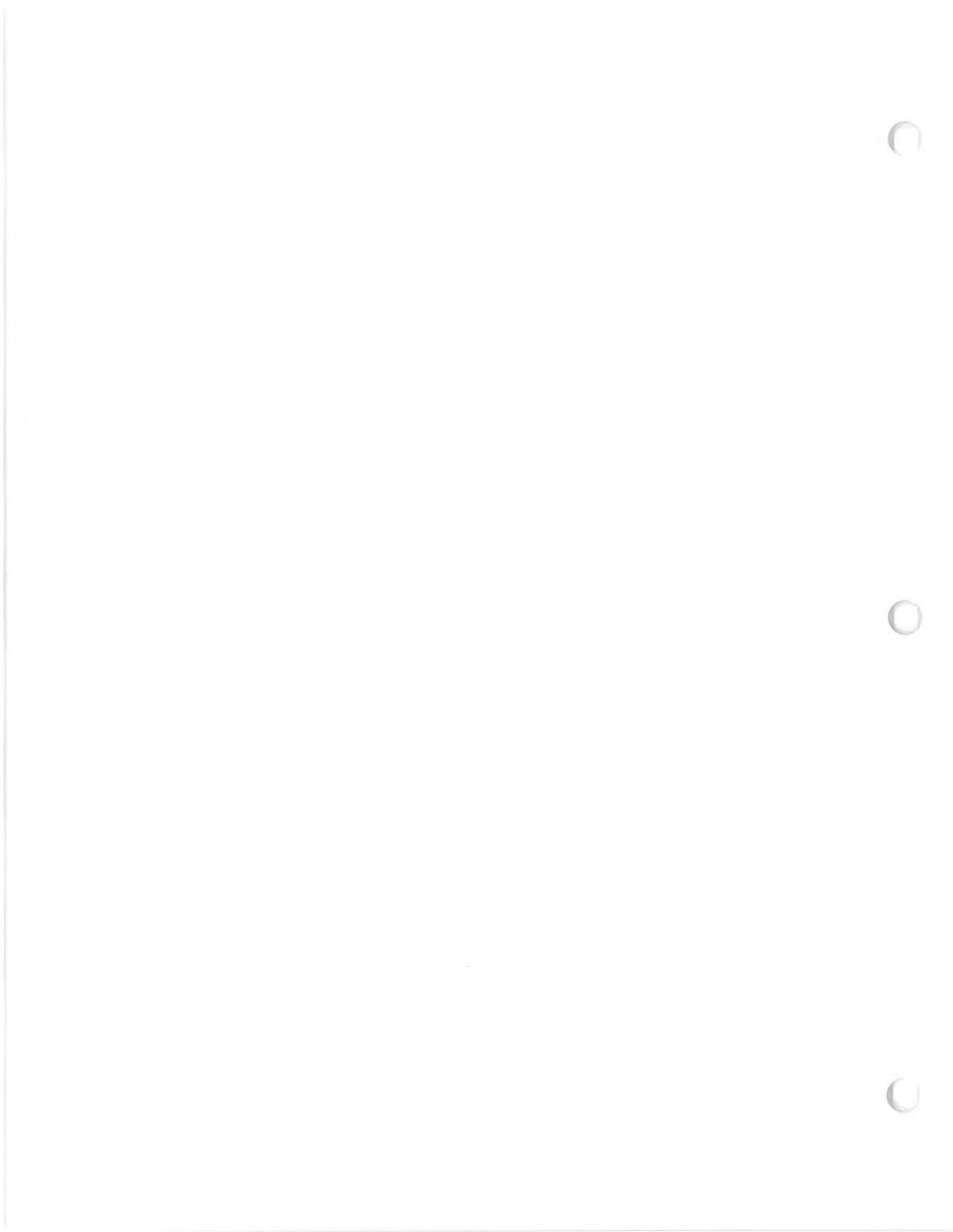
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~~2000.25~~ **2000.31** The General Manager Chief of Police General Manager of the District ~~is~~ retained and serves at the will of the Board of Directors. The Board of directors shall review the

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Memorandum

Kensington Police Department



To: KPPCSD Board of Directors

APPROVED _____

NO

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

Date: September 5, 2014

FORWARDED TO: _____

Subject: New Business # 3- Possible Contract with Bay View Refuse & Recycling

Brief Historical Overview

At the June 12, 2014, KPPCSD Board meeting, the Board directed General Manager/ Chief of Police Greg Harman to enter into an agreement with HF&H Consultants for services of providing an request for proposal (RFP) process for determining the next solid waste and recycling contractor beginning in September 2015, at the end of our current contract with Bay View Refuse & Recycling.

At the July 10, 2014, KPPCSD Board meeting, KPPCSD Board President Len Welsh suggested to the Board, that the District should consider contacting representatives from Bay View to see if they were interested in providing a proposal to continue to serve the District with solid waste and recycling services. The discussion that followed, clearly indicated that this sole source contract would be on a "parallel path" with the RFP process, and therefore not delay the RFP process in any way.

At the August 14, 2014, KPPCSD Board meeting, it was reported that the District was moving forward with the solid waste and recycling service survey, and maintaining the RFP process while meeting with representatives from Bay View to determine if Bay View would be interested in providing a proposal for continuing to serve the District. The Board directed the committee contacting Bay View to have an agreement or proposal in place by the September 11th KPPCSD Board meeting or discontinue the sole source path and return to focus solely on the RFP process.

Our solid waste and recycling service survey went live during the second week of August, and as of the date of this memo, we have had 481 responses of the 2132 current customers, for a 23% response rate. The survey and the results are attached to this memo for review.

On August 26th, representatives from the District and Bay View met for a second meeting, in which both sides discussed what they would wish to see as far as a new agreement with Bay View to continue serving the District following the end of the current contract. This meeting resulted in a proposal received by the District from Bay View on September 4th to continue serving the District. This proposal is attached to this memo for review.

Additionally, HF&H Consultants have prepared a draft of a new franchise agreement between the District and Bay View, which both parties have agreed to in principle but have yet to finalize as to terms of the agreement. The draft franchise agreement can also be used as a scope of service and basis for the RFP process. This draft of the franchise agreement is attached to this memo for review.

Analysis

There were several concerns regarding the scope of service and our current service with Bay View, which we tried to identify and address with the survey and in our discussions with representatives from Bay View. The primary ones identified and addressed by the District representatives, (KPPCSD Board President Len Welsh, KPPCSD Vice President Linda Lipscomb, HF&H Consultant's representative Tracy Swanborn, and KPPCSD General Manager/ Chief of Police Greg Harman) were as follows:

- * The need to prepare new franchise agreement to current industry standards.
- * Does the community want additional scope of services, such as composting?
- * What is the current satisfaction level with both the service and scope of services provided by Bay View?
- * Does the community believe the fees paid for current service to be fair?
- * Should backyard service be paid for as an additional surcharge to curbside service?

These concerns were addressed by the results of the survey and in discussions with representatives from Bay View.

The draft of the proposed franchise agreement with Bay View prepared by HF&H Consultants, not only is in line with industry standards, but would also change the way Bay View or the next contractor obtains a profit, charges fees for service, and adjusts those fees during the length of the five (5) year agreement with a three (3) year possible extension. The old profit calculation of attempting to maintain a 12% benchmark return on expenses has been eliminated, with profit now gained by the contractor setting agreed upon fees for service, and receiving their profit margin by reducing their expenses in providing the service. Adjustments to fees are now to be calculated by consumer price indexes related to the industry, eliminating costly rate review processes.

Former restrictions on how service was to be provided and financial reporting requirements have been adjusted to allow the contractor to provide service in the most cost efficient manner available to them, and yet still benefit the District by helping to keep fees and rates low.

As to the question does the community wish additional services, since we are already being provided with back door service and unlimited yard waste, the only new service

that has been discussed in the community is the addition of composting. This question was addressed in survey question #10, "How interested would you be in putting your food scraps out for collection if you knew the material would be composted?" 54% of survey respondents indicated that they would be very interested or moderately interested with 46% of survey respondents indicating that they were not interested in composting or are already doing so in their own back yards.

However, when respondents were informed that if the District were to offer food scrap collection service, there would be the following conditions; use of a wheeled cart for weekly limited pickup of yard trimmings and food scraps, the cart would be placed curbside, and there would be an additional fee for the service, 64% of survey respondents indicated that they were not interested in the service, 14% were still interested but not willing to pay more, and 22% indicating that they were still interested and willing to pay a surcharge.

As to the question of current satisfaction level with both the service and scope of services provided by Bay View, in response to survey question #4, 95% of the respondents indicated that they were very satisfied, moderately satisfied, and satisfied with Bay View's service, and 5% indicating that they were unsatisfied with Bay View's service.

As to the question of the fees paid for current service to being fair, in response to question #5, 73% of the respondents believed the fees were reasonable with 17% indicating that the fees were too high.

The District representatives also asked HF&H Consultants to prepare a solid waste rate survey, using communities of similar size with similar servicing issues as we experience in Kensington. The survey concluded that our current rates for the mini can and 32 gallon can both for curbside and back yard service were within the average of the 12 jurisdictions compared. The survey did however indicate that our rates for the 64 and 96 gallon cans were above average, but also indicated that only 9% of our customers use the larger cans. The HF&H Consultants Solid waste Rate Survey is attached to this memo for review.

As to the final concern of whether backyard service should be paid for as an additional surcharge to curbside service, question #6 asks how many customers place their garbage at the curb, with 55% indicating that they always did, and 6% indicating that they sometimes place their garbage curbside. The remaining 39% responded that they never put their garbage out but utilize the back yard service.

Question #7 asked if customers felt people that use the back yard service should pay an additional fee, with 43% of respondents stating yes, 35% stating no, and 22% indicating that they did not know.

The September 4th proposal from Bay View is very straight forward, with Bay View agreeing to the terms of the length of the contract, agreeing to a continuation of the

current scope of services with an additional cleanup day offered to the community, and agreement to the terms of future rate increase calculations. The Bay View proposal does attempt to maintain the current \$4.00 difference in pricing between the mini can and the 32 gallon can, and has terms of the franchise agreement fees that are different than what both sides initially discussed. There would need to be addition discussion on these two items. A copy of the Bay View proposal is attached to this memo for review.

To date, \$10,786 has been expensed on the RFP process, the solid waste survey, and preparing the draft franchise agreement. The District has budgeted \$79,000 for the RFP process, with an additional \$35,000 budgeted for legal fees associated with the RFP.

Recommendation

There is no argument and best governance practice clearly states that an RFP process in identifying a service contractor is the way to proceed. The fact that the service contract we are trying to determine the best cost and scope of service available is valued at over \$5 million over the next five years, with the potential for an additional \$3 million extension, makes the argument for a RFP process to occur before awarding this contract even more compelling.

However, of the 23% of current Bay View customers that responded to our service survey, 95% or 472 respondents indicated that they were satisfied with the service provided by Bay View, 73% or 351 responded that they felt Bay View's rates for service were reasonable, and there was no indication from respondents to change the current scope of services provided by Bay View.

Bay View has serviced this community for over 70 years, with the only issue between the District and Bay View coming recently as a result of a poorly written 20 year old contract. It is my recommendation to the Board that they consider allowing the committee to finalize an agreement with Bay View for possible approval at the October 9th KPPCSD Board meeting.

Note: In the event the Board does not wish to finalize an agreement with Bay View at the October meeting, the District would still be on track and schedule to continue the RFP process with issuance of the RFP for solid waste and recycling service in November.

Q1 By checking this box, I agree that I am a resident in Kensington, California and I agree to take this survey only once.

Answered: 481 Skipped: 0

I am a resident of...



0% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%

Answer Choices

Responses

I am a resident of Kensington and agree to take this survey only once.

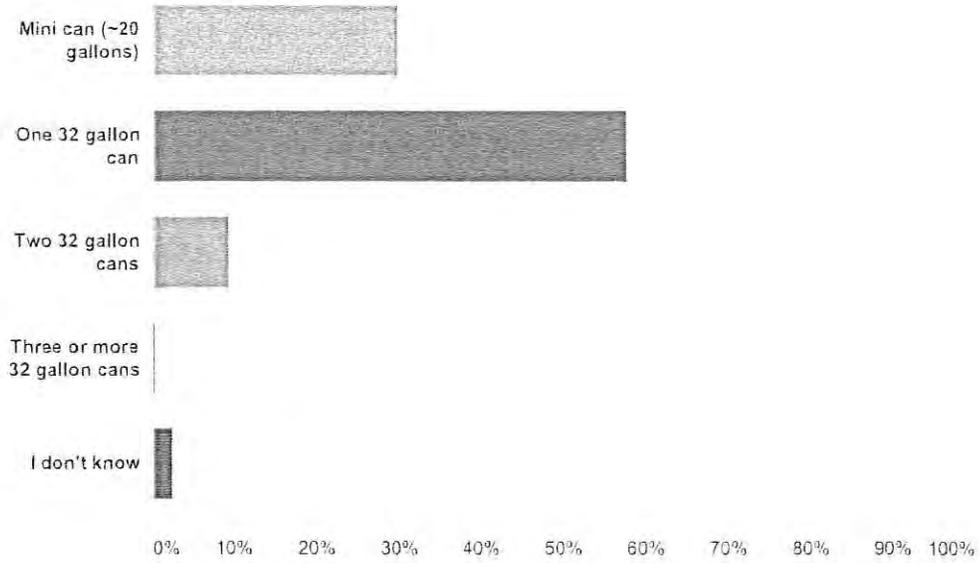
100.00% 481

Total

481

Q2 How much garbage service do you subscribe to?

Answered: 485 Skipped: 0



Answer Choices

Responses

Mini can (~20 gallons)	29.90%	145
One 32 gallon can	57.73%	280
Two 32 gallon cans	9.48%	46
Three or more 32 gallon cans	0.41%	2
I don't know	2.47%	12
Total		485