

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 July 14, at 6:00P.M.**, at the Community Center, 59 Arlington Avenue, Kensington, California. The Board will commence its monthly Regular Meeting in open session **Thursday July 14, at 7:30 P.M.**, at the Community Center, 59 Arlington Avenue, Kensington, California. If further Closed Session is required, the Board will return to Closed Session following the end of the Regular Meeting.

1. Call to Order/Roll Call 6:00 P.M.

2. Closed Session-Public Comment

- a. PUBLIC EMPLOYMENT: Title: (General Counsel)-Pursuant to Government Code Section 54957.
- b. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE.
- c. CONFERENCE WITH LABOR NEGOTIATOR- Pursuant to Gov. Code Section 54957.6:
Agency designated representative: Jon Holtzman, Employee organization: Kensington Police Officers Association

3. Regular Meeting: Open Session-Call to Order/Roll Call 7:30 P.M.

The Board will return to Open Session at approximately 7:30 PM and will report out on the Closed Session if reportable action is taken.

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

4. Public Comments

Members of the public may address the Board on any issue on the Consent Calendar and items not listed on the agenda that are within the subject matter jurisdiction of the District. Comments on matters that are listed on the agenda may be made at the time the Board is considering each item. Each speaker is allowed a maximum of five (5) minutes per Board Policy 5030.41.

5. Board/staff comments

6. Consent Calendar

- a) Minutes of the Special Meeting of June 9, 2016 P-4
- b) Minutes of the Special/Regular Meeting of June 22, 2016 P-19
- c) Minutes of the Special Meeting of June 27, 2016 P-33
- d) Minutes of the Special Meeting of June 30, 2016 P-35
- e) Unaudited Profit & Loss Budget Performance Report for June 2016 P-38
- f) Park Revenue & Expense Report for June 2016 P44-
- g) Board Member Reports-None this month
- h) KPD Monthly Statistics for June 2016 P-50

- i) Training/ Reimbursement Report-Rachelle Sherris-Watt and from POST \$ 915.24 P-58
- j) Correspondence P-64
- k) Recreational Report P-75
- l) Monthly Calendar P-77
- m) General Manager's Report P-79

7. Old Business

- a. Update from Ad Hoc Committee on Governance.
- b. The Board will receive a presentation from the Interim General Manager and consider revising the Board Adopted Zero Tolerance Policy from the UC Berkeley Traffic Safety Evaluation previously approved by board action on May 13, 2010. P-80

General Manager Recommendation: Take public comment, deliberate, and approve the General Managers recommendation.

8. New Business

- a. The Board will review and consider approving revisions to Board Policy 5010.10, changing the start time of all regulars meetings of the Board of Directors from 7:30 P.M. to the new start time of 6:00 P.M. Board Action Item. First reading P-117

General Manager Recommendation: Receive the report, take public comment, deliberate and approve the new start time for all regular meetings of the Board to 6:00 P.M.

- b. The Board will and discuss possibly changing the order and manner in which it takes general public comment for items not on the agenda. First reading. Action item.

General Manager Recommendation: Discuss the item, and take public comment, deliberate and provide direction to the Interim General Manager. .

- c. The Board will review and possibly approve a Request For Proposal (RFP) seeking proposals for the completion of architectural drawings and construction documents for improvements to the Kensington Community Center. Action item. P-119

General Manager Recommendation: Discuss the item, and take public comment, deliberate and provide direction to the Interim General Manager.

- 9. ADJOURNMENT: Next Regular Meeting is scheduled for August 11, 2016 at 1930 hours, unless changed by the Board of Directors.

General Information-Accessible Public Meetings

NOTE:UPON REQUEST THE KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT WILL PROVIDE WRITTEN AGENDA MATERIALS IN APPROPRIATE ALTERNATIVE FORMATS, OR DISABILITY-RELATED MODIFICATION OR DISABILITIES TO PARTICIPATE IN PUBLIC MEETINGS. PLEASE SEND A WRITTEN REQUEST, INCLUDING YOUR NAME, MAILING ADDRESS,PHONE NUMBER AND A BRIEF DESCRIPTION OF THE REQUESTED MATERIALS AND

PREFERRED ALTERNATIVE FORMAT OR AUXILARY AID OR SERVICE AT LEAST 2 DAYS BEFORE THE MEETING. REQUESTS SHOULD BE SENT TO:

Interim General Manager Kevin. E. Hart, 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.

The deadline for agenda items to be included in the Board packet for the regular monthly meeting is 5:00 P.M., one calendar week prior to the meeting date.

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

Meeting Minutes for 6/9/16

A Special Meeting of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday, June 9, 2016, at 6:00 P.M., at the Community Center, 59 Arlington Ave., Kensington, California.

ATTENDEES

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Len Welsh, President	Randy Riddle, Renne Sloan Holtzman Sakai LLP
Rachelle Sherris-Watt, Vice President	Deborah Russell, CPA
Chuck Toombs, Director	Frank Lossy
Vanessa Cordova, Director	Barbary Steinburg
	Andrew Gutierrez
	Jim Watt
	Marilyn Stollon
<u>Staff Members</u>	John Gaccione
Interim GM/COP Kevin Hart	Mabry Benson
Sgt. Hui (on duty)	A. Stevens Delk
Lynn Wolter, District Administrator	David Spath
	Celia Concus
<u>Press</u>	Linda Lipscomb
	Karl Kruger

President Welsh called the meeting to order at 6:05 P.M. and explained that, although the meeting ought to have been a regular meeting, it had had to be changed to a special meeting, primarily to discuss the proposed budget.

President Welsh took roll call. He, Vice President Sherris-Watt, Director Toombs, Director Cordova, Interim GM/COP Hart, and District Administrator Wolter were present. Director Gillette was absent.

President Welsh announced that the District's regular meeting for the month would be held on June 22nd. He explained that the Policy and Procedure Manual stated that the Board was supposed to take up the first reading of the proposed budget at its May regular meeting. He said that the Board hadn't done this at the May meeting because the Board had had to shut down by 10:00 P.M. and that, in order not to violate the Manual again – which requires the Board to adopt its budget at its June regular meeting, the Board needed to meet at this time in order to have the first reading, which he reiterated should have been done in May. He explained that, because of this, the June regular meeting was being postponed until June 22nd, at which time the Board would adopt the final budget.

President Welsh also said that there had been some Closed Session items scheduled for the night but that these had been postponed because Director Gillette couldn't attend and because most of what had been scheduled had been briefings from the attorneys, which weren't of an urgent nature. He explained that the Closed Session items would appear on the June 22nd agenda.

PUBLIC COMMENTS

Frank Lossy said that people were still struggling with the sound system and that the Board was losing its audience. He noted that more and more people, like himself, who were hard of hearing, were giving up on coming to the meetings because they couldn't hear what was being said. He said there were legal requirements that public meetings had to have adequate systems for the hearing-impaired. He said this was an element of the Americans with Disabilities Act (ADA).

Andrew Gutierrez said he had seen that Item b had appeared on the Closed Session. He said he had been one of the people who had been reviewed in the complaint against the police department regarding police activities; specifically traffic stops. He said the presentation from the attorney, Mr. Buffington, had been the most unprofessional presentation he thought he had ever witnessed. He said he had come to the conclusion that it had been wrong and had verged on fiction. He said, therefore, that he was opposed to the release of the investigation report in any form at all. He added that, if it had been done professionally, competently, and with integrity, and all the items were to be released, he would say it would be okay to release.

Marilyn Stollon said the District had hired Public Law Group (PLG) to keep the Board within the boundaries of good governance – to be the moral compass, which people had seen repeatedly abused. She said that, while claiming to protect the District, PLG ultimately should protect the residents and not the political interests and personal interests of the majority Board. She asked for a stop to the attacks on those who criticize the police and the Board. She said that, in the late 1960's, when she had been a college student, she had had worked for Shirley Chisholm, the first African-American U.S. Congresswoman, who had been the daughter of a shoemaker. She said that, when Ms. Chisholm had been newly elected, her constituents had bought her a new wardrobe but that some in Washington D.C., who didn't want her to serve, had shredded the clothes. She said that people had also taunted and spread lies about her. She said that Ms. Chisholm had said she had been "un-bought and un-bossed" – just as Director Cordova and Vice President Sherris-Watt were. Ms. Stollon said that Ms. Chisholm had stressed standing up for one's convictions and being unafraid and that she had absorbed this lesson. She said she supported anyone who spoke out for the truth and for real change. She said the Richmond Internal Audit (IA) was clearly biased, incomplete, and worthless: It should only be publicized if every word of it were released so the public could review it and compare it, fact to fiction. She said that, if every person did not agree, as she had heard, then it should be thrown out.

Barbara Steinburg said she wanted clarity about the Richmond investigation of Director Cordova's traffic stop. She said she wanted to address the first person who had spoken and had said that Mr. Buffington had been biased. She said that Mr. Buffington was the attorney for the police, but that the investigation that had been done by the Richmond Police Department had been very separate from Mr. Buffington's comments. She said she believed that IGM/COP Hart had taken the investigation out of the Kensington Police Department in order for it to be unbiased. She said that, because there had been so many complaints about the police department from other people, the report should be released. President Welsh responded that the time to take this up would be at the June 22nd meeting.

Karl Kruger said he appreciated the notes on the financial statements that staff had been preparing for a number of months. He said he wanted IGM/COP Hart to know the notes had helped him to understand the variances. He also said he had attending the Fire District Board's meeting the previous night. He said the good thing was that he had seen eleven people in the audience; the most he had ever seen there. He said that the bad thing was that the Fire Board, without prior discussion, had authorized a 7.75% increase in fees to El Cerrito for the upcoming year. He said the KPPCSD had spent six or seven meetings talking about a 3% increase for the officers, which came with a giveback almost equal to the 3%. He noted that the Fire Board had held a meeting the prior week, at 2:00 in the afternoon, which he hadn't caught. He said that, at the prior night's meeting, he had been the only one who had objected to amount the community would be paying: 267% more than had been paid in the first year of the contract with El Cerrito. He said Kensington residents pay \$679 per house per year for fire service, while El Cerrito residents pay \$244 per house per year for fire service. He noted that Kensington residents were

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paying about three times more than El Cerrito residents. He said that there were some who had attended the Fire Board meeting who had objected to the increase for the police officers but who hadn't objected to the increase in the fire service contract.

Jim Watt said he, too, had attended the Fire Board's meeting. He said the 7 ½% increase had been calculated based on the total El Cerrito Fire Department's budget, something over which Kensington had no control. He said that, in the last Board Packet, there had been a page from the Monthly Command Watch Report and that, in that report, it had said the Kensington Police Department was still working with a skeleton crew to cover patrols. He said that he wanted to recognize Sergeant Hui, Officer Martinez, and Officer Wilson for showing up and for their integrity and that he looked forward to the return of the injured officers. He asked IGM/COP Hart about the officers on light duty and when he thought they would return to duty. IGM/COP Hart responded that he didn't have an anticipated date and that, even if he had one, he couldn't tell people.

A. Stevens Delk said that the citizens had not ceded control to the elected board: It is not for public servants to decide what is good for the people to know and not to know. She said the people insist on maintaining information so they can retain control over the instruments they had created and noted that this was an element of the Brown Act. She said she had been disturbed by the May Board meeting because of the divisiveness of the Board and the community. She cited the Buffington press release as having contributed to this. She added that, after the May Board meeting had been adjourned, it had continued for another couple of hours at a local bar. She said the fuel was becoming greater; was going to explode – completely destroying Kensington; and, perhaps, by example, the fire department would save the community.

John Gaccione said that there had been waves of Board mismanagement and police department fiascos. He added that this seemed to happen with greater frequency near Board elections. He cited that the Reno incident had occurred at about the time of the last Board election and said this had exposed the District to major legal liabilities. He said former GM/COP Harman had given the officer a 30-day suspension, which the officer had covered with a combination of vacation days and days off. He said this had rendered the suspension meaningless. He said that Officer Barrow would have been fired by most police agencies, but in Kensington the Board and then GM/COP Harman indicated that this behavior would go unchallenged. He said the Board had concealed this until after the election. He said Director Gillette had said she had been in touch with Sergeant Barrow that weekend because they had been in negotiations on the officers' memorandum of understanding, but Mr. Gaccione said he found it hard to believe they hadn't discussed the Reno incident. He said citizens had learned about the incident from an article in a local newspaper. He said that, subsequently, GM/COP Harman had been fired but that, because he had already disciplined Officer Barrow, no further disciplinary actions could be taken. He noted that three of the current Directors had served on the previous Board. He said that, with the recent Director Cordova traffic stop, there was another ethically and legally challenged situation. He said Sergeant Barrow had been supervising Officer Ramos when they went on a lunch break in north Berkeley, where they pulled over Director Cordova because she hadn't had a front license plate. He said that IGM/COP Hart had said that Kensington police had been tracking the location of Director Cordova's vehicle, but that Sergeant Barrow and Officer Ramos had said it had been a random stop. He said the officers had used unprofessional and heavy-handed methods in conducting a fix-it ticket stop, which had resulted in Director Cordova pressing charges of intimidation and harassment. He said the officers' behavior during the stop indicated it was more of a personal vendetta rather than a professional law enforcement activity. He said that Mr. Buffington was leading a personal smear campaign. He said that the Alameda Court had found Director Cordova not guilty, in the name of justice and that, for their unprofessional behavior in the traffic stop, Officer Barrow had been demoted and Officer Ramos had been suspended. He said this was matched only by the low standards tolerated in the department and matched by the Board majority. He asked why Kensington continued to be plagued by problematic police work and why the Board majority continued to support that behavior.

Mabry Benson said the Board was stuck between a rock and three hard places regarding the release of the investigation: If none of the report were to be released, it could result in accusations of the hiding something and speculation, which she said the Board was used to; and that, if the Board released all of

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the report, the Board would likely put people involved at risk of retribution. She said that those who testified likely told more because they had assumed their comments would be confidential, under the police bill of rights. She said this also would likely undermine any future investigations because witnesses would be reluctant to tell all they knew, if there was a chance that what they had said would be released. She said that, if the Board released only part of the report it would face both problems: people would wonder what had been hidden, speculation would abound, and confidentiality would be compromised. She said the option that would result in the least damage would be to release none of the report. She noted that aspects of the report had been criticized, such as not having talked to all the witnesses, which, she said, made the report meaningless. She said there were lots of folks in town who were intent on defending the police no matter what they'd done. She questioned issuing a ticket for an expired registration and missing license plate, rather than a fix-it ticket, though the items had been taken care of in Berkeley, and she asked why the Berkeley police hadn't taken care of this. She asked why Director Cordova hadn't been cited previously in Kensington and why others hadn't been cited for missing front license plates. She asked why the officers continued to ignore the red car, near 155 Arlington, that had a missing front license plate. She said this smacked of an intimidation stop. But, she said, because the tickets had been dismissed and the officer involved had been disciplined for improper procedures, she asked why people continued to defend the police and continued to attack Director Cordova as a dangerous criminal.

Celia Concus said that, if the report were to be released with un-redacted comments, with all the questions, and with all the interviews, then she would have no problem with the report being released. She said all the Reno IA and other investigations should also be released so residents could see what former GM/COP Harman really had done. She said she thought there were three other Internal Affairs investigations that were going on now that were being kept under wraps. She said that, if all of them were to be released, she would be happy. She questioned how anybody could think the stop of Director Cordova, in which she had been pulled over and ticketed, had made any sense. She asked when it was right for an on-duty officer to run a taxi service for his superior officer so he could buy a drink in another town. She asked if there wasn't enough to do in Kensington to keep that officer busy. She asked, if not, was he really needed. She said she had been told that the Richmond Police Department's Lieutenant Dickerson, had performed the investigation and had interviewed a relatively small number of people during the investigation. She said that, absent from the list of people interviewed, had been the occupants of the houses on Ensenada whom, she said, had witnessed Director Cordova being pulled over. She said Lt. Dickerson hadn't interviewed the smog technician but that she, herself, had interviewed him. She said Vice President Sherris-Watt hadn't been interviewed, though she had information to tell: She had been present when IGM/COP Hart had told Director Cordova that he had known the whereabouts of her vehicle. She said IGM/COP Hart had attributed this information to more than one officer. She said this suggested that Director Cordova's car had been under surveillance. She asked if any of the people, who had been alleged to have been present when Director Cordova had come into IGM/COP Hart's office following the incident, had been interviewed; but she said she doubted it. She said that IGM/COP Hart's comments had been inappropriate and that they had been made while an IA had been ongoing. She asked what questions Lt. Dickerson had asked, she asked if Lt. Dickerson had allowed people to speak freely during interviews, and she asked if interviewees had been allowed to add information they had thought might be relevant to the incident. She said she had just learned that Lt. Dickerson was no longer in charge of the Internal Affairs Investigations unit in Richmond and that all internal affairs investigations had been turned over to civilians so there was less opportunity for police to be investigating police. She noted that this had happened in medicine and law as well: Doctors didn't do a good job of investigating other doctors, and attorneys didn't do a good job of investigating other attorneys. She said she and others had been asking for information about out-of-jurisdiction tickets issued by Kensington officers. She said those asking had been told that the police department wasn't obligated to provide this information because it didn't have a report of this and because it would put undue burden on the two part-time office staff. She said that she understood from Jim Watt that there were two full-time officers on light duty and that, perhaps, they could help. She said she and others had been favorably impressed when IGM/COP Hart had prepared his list of "cardinal sins" that all police officers had been expected to sign. She noted it had said that severe discipline would be imposed on employees culpable of misconduct. She said she wanted to add to the list: The misconduct of not

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bearing false witness against a neighbor. She asked that her comments be included in the record. They can be found in the June 22, 2016 Board Packet, under correspondence.

Linda Lipscomb said she wanted to address what Dr. Delk had brought up. She said Dr. Delk's comments had indicated that there had been some impropriety regarding the ending of the Board's prior meeting. She noted that the prior meeting had ended early, at 10:00 P.M. She said that, in order to continue past 10:00 P.M., a vote of the Board, with at least 4 out of 5 yeases, must pass and that, at the May meeting, the vote had been 3 to 2. She noted that there had been an exceptionally long Closed Session meeting that night and that, because of this, the Board had gotten to the budget late. She said the Board had to get to the budget within certain statutory dates. She said President Welsh had been so upset that the Board had not been allowed to get to this, due to the vote not to extend the meeting, that she had invited President Welsh to go to Fonda with her to have a glass of wine. She said that she had explained that this had not been President Welsh's fault: It had been a 3 to 2 vote. She said that he had accepted her invitation and that she, another member – not a Board member – of the public, and President Welsh had then gone to Fonda on Solano Ave. and had sat at a table. She said that, about 15 minutes later, the two Board members who had voted against extending the meeting had come in and had sat down at a separate table. She said there was no continuation of the meeting, although there had been three people, including a non-Board member, at the other table. She said the suggestion that there had been a continuation of the Board meeting was incorrect. Ms. Lipscomb said she was somewhat appalled that a very important portion of the meeting had been truncated – not to rush home to the children but to rush off to Fonda.

BOARD MEMBER COMMENTS

Director Cordova reported that she and Vice President Sherris-Watt had attended the California Special Districts Association's (CSDA) Legislative Days event, on May 15 – 16, in Sacramento and that they had met Senator Hancock and Assemblyman Thurmond. She said she would debrief the Board on what exactly they had discussed at the next regular Board meeting.

Director Cordova also reported that LAFCO had conducted an election by mail to re-elect Mike McGill, of the Contra Costa Sanitation District. She reported that he had been re-elected unanimously to continue to serve special districts on LAFCO.

Vice President Sherris-Watt said she had attended CSDA's Legislative Days and had brought back handouts. She said she and Director Cordova had been introduced to legislation that could impact the Park Buildings Committee. She noted that this legislation had been included in the prior Park Buildings Agenda Packet.

Vice President Sherris-Watt reported that the Park Buildings Committee had met on May 31st. She said the Public Safety Building Committee, of which she was the Chair, consisted of Dr. Aparna Dandekar, Paul Miller, Wright Sherman, and Marcus Hibser. She said the committee was lucky to have an emergency physician, a former firefighter, an East Bay Parks executive, and two commercial architects on the committee. She said the committee had met the prior Friday to tour the fire side of the Public Safety Building with Fire Board President, Don Dommer. She said the committee would have public meetings in the future, as the community discusses the Fire Board's work on the Public Safety Building.

Director Toombs reported that, the prior weekend, the Ad Hoc Committee's Forum had been held. He said David Spath and his committee had done a terrific job. He said that there would be another forum in the future and that the Committee's report would be presented in August.

Director Toombs said the second item he wished to discuss had to do with the traffic stop involving Director Cordova. He said he was amazed by how much information the public knew that the Directors didn't know – even though they were on the Board. He asked how members of the public had obtained all this information and asked what was to be gained by this. He said he was trying to determine the real

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basis for what happened, but he had been hearing fact and fiction, spun together. He said it troubled him that there was so much energy being put into this, instead of letting the report speak for itself.

President Welsh said he echoed Director Toombs' comments and said he would speak more about this at the Board's next meeting because some of the issues would be discussed in closed session. He said that, if transparency was what it was all about, then the Board should get out as much credible information as it could.

President Welsh said that one of the things he appreciated about the Ad Hoc Committee's Saturday presentation was that the Committee approach has been one of fact-finding. He said there had been a wealth of information presented. He said that, although some Committee members had opinions, they had, for the most part, kept their opinions out of their presentations. He said he appreciated the hard work that had been done to educate community members so they could come to their own conclusions.

STAFF COMMENTS

None.

NEW BUSINESS

- 6a. The Board received a presentation from the IGM/COP regarding the 16/17 fiscal year preliminary budget for the Kensington Police Protection and Community Services District. The Board considered whether to direct the General Manager to make changes to the preliminary budget before the Board considers its adoption at its meeting on June 22, 2016. First reading.

IGM/COP Hart introduced Deborah Russell, CPA, who was to assist with the presentation. President Welsh asked that the presentation begin with an overview of the budget and then proceed to information about Measure G. President Welsh said Jim Watt had come up with an interesting proposal that he wanted to discuss as part of the budget presentation.

IGM/COP Hart reported that expenses for the Preliminary FY 2016/17 Budget were projected to be \$2,931,203. He noted that this would be a \$72,282 increase, or 2.5%, over the FY 2015/16 budget's expenses. He said total revenue was projected to be \$3,042,419. He noted that this represented a 6% increase above 2015/16 property tax revenue. He said this would result in an estimated surplus of \$111,216. He said that there was also anticipated COPS Grant revenue, but that this couldn't be included in the budget. He noted that the \$100,000 COPS Grant amount was quite constant and that, in recent years, the District had received more than \$100,000. He said that, with the inclusion of the COPS Grant, the surplus would likely exceed \$200,000. IGM/COP Hart summarized subtotals by the account categories:

- Police Salaries and Benefits: \$2,198,695
- Police Expenses: \$306,936
- Recreation Salaries and Benefits: \$31,407
- Recreation Expenses: \$88,416
- District Expenses, with legal expenses budgeted to be the same as the amount (\$99,000) budgeted for FY 2015/16: \$304,249

He reported that, excluding capital outlays, total expenses were projected to be \$2,929,703, and that, including capital outlays, total expenses were projected to be \$2,931,203. IGM/COP Hart noted that, in the current fiscal year, the District was already over-budget, with respect to legal expenses, and said the Board would need to address this line item during the budget process.

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IGM/COP Hart reported that income in the 400 accounts was projected to be \$2,909,219; park and recreation revenue was projected to be \$68,200; and franchise fees were projected to be \$65,000, \$18,000 of which would go back into the general fund.

IGM/COP Hart reiterated that revenues of \$3,492,419 less expenses of \$2,931,203 were budgeted to result in net income of \$111,216.

IGM/COP Hart reported that the 2016/17 cash carryover was projected to be \$2,204,958. He summarized the non-spendable, restricted, committed and assigned funds, which were projected to total \$595,864 and included the addition of \$150,000 for the Community Center upgrade. He said that the remaining, unassigned fund balance was projected to be \$1,609,094, which would equal 54.9% of expenditures.

IGM/COP Hart reported that Jim Watt had proposed an idea, with respect to the District's CalPERS pension Side Fund. IGM/COP Hart reported that Mr. Watt had spoken and corresponded with Ms. Archuletta of CalPERS about the possibility of the District paying off its Side Fund early. IGM/COP Hart said that the District owed approximately \$300,000 for this fund and that, if paid off early, would save approximately \$15,000. He reported further that Mr. Watt had suggested paying the amount, which exceeded what would be due in FY 2016/17, out of reserves. He reported that the District had paid the Side Fund amount, which had been due in FY 2015/16, early, thereby saving the District about \$7,000. Deborah Russell added that she, too, had spoken with Ms. Archuletta. Ms. Russell said that the Side Fund had two years' payments left to make, totaling approximately \$200,000. Ms. Russell explained that, each year, the District made a payment to CalPERS that was comprised of two parts: the Side Fund and the Unfunded Liability, which is amortized over a long period of time. She said that, each year, the District had been paying both parts, upfront, and receiving a discount for doing so and that the rate was 7.5%. She explained that, for the FY 2016/17, the bill for both parts would be approximately \$229,000 and that, if the District were to pay this at the start of the new fiscal year, it would save approximately \$8,000. She explained that, out of the \$8,000, \$3,600 would be attributable to the portion of the Side Fund that would be due for that year. She said that Mr. Watt was suggesting that the District also pay the amount that would be due in FY 2017/18, which would be approximately \$105,000. By paying this early in the FY 2016/17, she said the District would save approximately \$10,500. She explained that the District would have to pay this amount in the following year anyway and that, because of the savings, it would make sense to pay the amount out of reserves. President Welsh asked if there was a deadline associated with doing this. Ms. Russell responded that, according to Ms. Archuletta, there isn't actually a deadline. She explained that the way CalPERS calculates this is, every two weeks, they accrue the interest: If the District were to pay the two years' Side Fund amounts plus the 2016/17 Unfunded Liability amount in FY 2016/17, the District would recognize the maximum possible savings. She explained that the paperwork did not have to be submitted by June 15th. President Welsh asked if this could wait until June 22nd for a decision. Ms. Russell responded in the affirmative.

Mr. Watt said he was handing out copies of his correspondence with Fritzie Archuletta. He said he had had numerous phone calls and emails with Ms. Archuletta. He confirmed that the CalPERS discount rate was 7.5% and said the District's LAIF fund with the County was paying almost nothing on the reserve funds it had there. He said that Ms. Archuletta had told him that the District had to submit its application to CalPERS by June 15th. He said he was happy to defer to Ms. Russell, with respect to postponing the matter beyond June 15th. President Welsh said he trusted Ms. Russell to communicate with CalPERS and thanked Mr. Watt for bringing the matter to the Board's attention.

Director Cordova asked that the item be placed on the next agenda. IGM/COP Hart responded that, if there were Board consensus on the matter, he would incorporate it into the budget and said that, upon approval of the budget, the payment could be made. President Welsh asked Ms. Russell to obtain a written commitment from Ms. Archuletta.

IGM/COP Hart continued with his presentation on the budget. He reported that total cash assets were projected to be \$1,410,174 on June 30, 2016.

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President Welsh proposed going through the budget one line item at a time.

Director Cordova asked about Account 566. She said the District had routinely come in under budget for this item and wanted to know why. Staff responded that the radio contract had been a lease-purchase agreement, that the final payment for it had been made in FY 2014/15, and that, as such, no more payments would need to be made. IGM/COP Hart explained that money budgeted for this line was for equipment maintenance only.

Ms. Russell led the Board through the budget, in numerical order of the accounts. The highlights of accounts discussed were:

- 502 Director Toombs said he had had a question about the officers' salary spreadsheet and IGM/COP Hart had answered it before the meeting.
- 504 Director Toombs asked if Compensated Absences were expected to be lower than the actual amount for FY 2015/16. Ms. Russell responded in the affirmative and explained that the 2015/16 amount had been unusually high because Officer Turner had left the department.
- 506 Vice President Sherris-Watt asked why overtime had been budgeted to be \$15,000 more than the prior year, especially given Officer Martinez's return. She said she would rather go back to \$60,000. President Welsh asked IGM/COP Hart to explain the amount. He responded that the amount that had been spent year-to-date for this line item was \$55,000. He explained that, currently, there were three vacancies from patrol and that no one was available to backfill for vacation. He also explained that court time and range training usually required overtime. Ms. Russell added that the \$55,000 amount was what had been spent as of the end of February. She noted that this was the amount that had been spent at the time the budget had been put together and that the actual amount that had been spent, year to date – through May, was \$87,000. She said that the amount budgeted, \$75,000, was less than the amount that had been spent year to date. President Welsh responded that this provided him with the information he needed. Director Toombs asked if the overtime offset the fact that the District wouldn't be paying an additional officer to work the needed hours. Ms. Russell responded that, Account 502 (payroll) was under-budget. Vice President Sherris-Watt said it behooved the District to pay overtime, as opposed to paying for an additional officer. Director Cordova noted that overtime was not pensionable. Director Cordova said she had signed checks two weeks earlier and she had noted officers taking a sick day and then the next day having overtime and noted that one officer had had 36 hours of overtime in a two week period. She said she had been reading an article that said that most workers' compensation claims for police officers occurred during overtime, and she asked if the District was being mindful of the regulatory thresholds. IGM/COP Hart responded in the affirmative. He said this backfill was needed because three officers currently were not working patrol. He said his desire was to reduce overtime completely but that, with any law enforcement agency or fire department, overtime would exist. Director Cordova asked if there was a minimum period of time for an officer to be on light duty. IGM/COP Hart responded that there was now and that the policy had been changed since he had arrived. He said that, before, it had been at the discretion of the Chief and that, now, it was still at the discretion of the Chief, but he had a time limit of nine months, extendable for three months. IGM/COP Hart added that it was his desire to get people healthy sooner rather than later. He said that it had been taking longer than anybody wanted to get the workers' compensation contractor to approve needed procedures, and so, he couldn't predict when the officers would be back to regular duty.
- 508 Non-sworn personnel – Vice President Sherris-Watt asked if the budgeted CPI increase was just a possibility or a conclusion. Ms. Russell responded that it was just a possibility. Vice President Sherris-Watt said she hoped evaluations were attached to it. She asked why a CPI increase had not been included for Account 620. Ms. Russell responded that the custodian was different; he's a contractor, not an employee. Ms. Russell noted that Account 601 had the same CPI increase. Director Toombs explained that 601 accounted for the time that Ms.

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DiNapoli works on the park and the rest of her time was reflected in 508. Director Toombs said that he had looked at the Fire District's budget and that their manager had been given a 5% increase. He noted that 3% didn't seem that generous, when compared to the Fire District increase. IGM/COP Hart added that he had included this in the budget, based on the POA's contract. Vice President Sherris-Watt said she had been at the Fire District's meeting and that their firefighters would be giving back 12% of their raise to PERS. Director Toombs responded that he had heard that statistic many times and explained that the firefighters had received a 17% raise and would give back 12%. President Welsh invited David Spath to comment. Dr. Spath said this issue had been raised the night before, and he had checked the firefighters' MOU. He confirmed that the firefighters' increase was 17% (8%, 4.5% and 4.5%) and that this information was available on the El Cerrito website. Fire Board President, Larry Nagel, also confirmed this information.

Celia Concus asked how overtime was assigned. She said that, when she had looked into this in the past, it had not been equally disbursed. IGM/COP Hart responded that overtime was not assigned. He explained it was driven by shift assignments and by role. He noted, in particular, that one officer had worked more overtime than other officers because his responsibilities as detective afforded him more flexibility. Ms. Russell added that not all officers want to work overtime. Director Toombs noted that one can't run a department on overtime; after a year an officer would burn out and so, he wanted to see the officers on light duty back on regular duty. President Welsh asked for confirmation that this would be back to normal by the end of the coming fiscal year. IGM/COP Hart responded that he hoped this would be the case.

- 521A Ms. Russell reported that, according to the new MOU, the officers would begin to contribute money to their medical coverage. She noted this calculation was reflected in the budget.
- 521R Ms. Russell explained that 521R and 521T went together and, combined, were meant to equal the actuarial amount and that the retired officers would also begin contributing to their medical coverage.
- 521T Ms. Russell noted that the Finance Committee had had some discussion on this. Director Toombs said there was a \$50,000 amount included as an additional contribution to the OPEB and said he thought a new actuarial report should be done, based on the new MOU, to determine a more accurate amount. IGM/COP Hart responded that an actuarial report had been budgeted. President Welsh asked if a firm had been identified and when the process could begin. Ms. Russell responded that staff had been waiting for the MOU to be approved and was now waiting for the budget to be approved. President Welsh asked if the District would return to the actuary it had used in the past. Director Toombs responded that Public Law Group had recommended someone. Jim Watt commented that the \$50,000 "plug" amount was pretty close to the amount Adam Benson had recommended. Mr. Watt reiterated that, once a new MOU had been signed, the intent had been to obtain a new actuarial report. He also noted that the price range for actuarial reports was considerable.
- 522 Ms. Russell reported that life insurance coverage had been amended per the new MOU.
- 527 Ms. Russell reported that there had been a change with PERS. She explained that there was now a two-tiered system, with existing/Classic employees continuing to pay a flat fee and with new/PERA employees contributing to their own pension. She further explained that the PEPRA employees were required to pay a greater percentage than the Classic employees and that, as a result, the employer had to contribute less. She added that, with the Classic employees, there was also a catch-up amount, known as the Side Fund. She said that the budget also included paying an amount toward the Unfunded Accrued Liability (UAL).
- 528 Ms. Russell explained that the amount reflected the changes in the amounts the District would contribute to CalPERS per the new MOU.

- 530 Ms. Russell explained that SDRMA's estimated increase of \$17,000 was included. Director Toombs asked why there was an increase. Ms. Russell responded that this was the result of one of the officers having been out on worker's compensation for a year.
- 562 Director Cordova asked what the basis of the \$3.50 per gallon gas price was and asked why the District wasn't using something analogous to what the IRS used: \$0.54 per mile. Ms. Russell responded that the amount was based on what the District actually had to pay for gasoline. Director Cordova asked what price the Fire District was using. Ms. Russell responded that El Cerrito estimated its fuel cost and then the Fire District paid a percentage of that amount. IGM/COP Hart explained that this amount was conservative and allowed for a possible increase during the fiscal year. Ms. Russell added that, for the budget, both the price per gallon and the number of gallons had been decreased. Director Cordova asked that staff research what price other agencies were using.
- 572 Director Toombs asked for confirmation that IGM/COP Hart wanted to increase the number of reserve officers. IGM/COP Hart responded in the affirmative and noted that the last reserve officer had recently resigned to take a position as a full-time officer with Pacifica. He said two officers were being explored and the department was actively recruiting.
- 581 IGM/COP Hart said it was hoped that new shelves and other work would be done on the property room during the year to make it more efficient.
- 594 Director Cordova asked why this account was \$1,000 over-budget for the current year and if the amount budgeted would support website changes that had been discussed. Staff responded that, in the current fiscal year, Aaron Gobler had been asked to do additional projects for the website. IGM/COP Hart responded that he thought the proposed work was covered in another line of the budget and that the website was a work in progress. He added that he would like to participate more in the Kensington Farmers' Market and other community projects. Director Cordova asked that IGM/COP Hart ensure that website work was included in the budget.
- 668 and 668 Jim Watt suggested that \$10,000 be added to this line – Annex Repairs. He said that, based on information gleaned the prior night, the Kensington Police Department could be looking at a long down time, beginning 2017/18. He noted that the Fire District would likely know what its plans for the Public Safety Building would be by September. He said the Fire Board might elect to tear down the building and erect a new one. Mr. Watt suggested that the police department might relocate to the Annex or to a trailer in the parking lot. Director Cordova said she had the same concern for Account 865, the lease amount. Director Toombs asked if Vice President Sherris-Watt was incorporating this into her work with the Park Buildings Committee. She responded that she thought more money should be budgeted for Annex repairs. Director Toombs said long-term use of the Annex would be fraught with peril. He said that, when the Measure L work had been done, work had been done to determine the cost of being able to use the building for childcare. He said the cost of doing this was determined to be less than what it would cost to use it for general public purposes. He added that he liked Mr. Watt's idea of using a temporary trailer in the parking lot. Director Toombs said that, to bring the Annex up to any kind of public use, would be cost prohibitive. Vice President Sherris-Watt said that she wasn't looking to go as far as Measure L and that the building could have some use. Director Toombs clarified that any work to bring the Annex up to a basic, serviceable standard for public use would be very expensive. He said this information could be found in the Muller Caulfield report. President Welsh asked for clarification that Director Toombs was suggesting that spending \$10,000 on the Annex wouldn't make the building useable. Director Toombs responded in the affirmative. Vice President Sherris-Watt said the Annex is a capital asset that's sitting empty and that money should be spent to see if it could become something the community could use. President Welsh said there seemed to be no use in reinventing the wheel and asked if the Park Buildings Committee could make a presentation, based on what's already known about the options for

that building. He added that there might be some missing information. Vice President Sherris-Watt responded that this would make sense and noted that seismic evaluations had been absent from the Muller Caulfield report. President Welsh asked if Vice President Sherris-Watt could make a presentation at the July meeting. She responded in the affirmative. IGM/COP Hart noted that he had left in this account the same amount of money as in the prior year.

672 Vice President Sherris-Watt asked about the amount that had been spent year-to-date with respect to the amount that had been budgeted. Ms. Russell and IGM/COP Hart responded that all the bills hadn't come in yet.

830 IGM/COP Hart said he had left this amount as it had been budgeted for the current fiscal year and that the detail for the account showed the formula that had been developed for the current year. President Welsh said he hoped that, by June 22nd, there would be an analysis of what had been spent in the current year so the Board could make a more informed decision. IGM/COP Hart reported that, year-to-date, \$164,000, which he thought reflected invoices through the end of March, had been spent. President Welsh said the expense likely would exceed \$200,000 for the year.

835 Ms. Russell said that, based on the discussion about changing actuaries, this amount should be amended. Director Toombs noted that the amount shown in the budget was \$2,300. Board consensus was that this amount was not sufficient. Director Toombs asked for a breakout of the consultant detail, so the Board would know what the different elements were projected to cost. Director Toombs said there would be work associated with the Community Center renovation and with the actuarial report. President Welsh said he agreed with the need for more detail. Director Cordova said she would like to see the actuarial report estimate at \$10,000. Director Toombs said he would like to use Public Law Group's recommendation. President Welsh asked for some estimates for the next meeting. IGM/COP Hart responded that he would provide this.

840 IGM/COP Hart noted that the proposed cost of the audit would be a separate agenda item later in the evening.

860 Ms. Russell reported there would be an election this year.

865 Director Cordova said that, as Jim Watt and Vice President Sherris-Watt had mentioned, the \$1.00 lease agreement with the Fire District would end June 30, 2017. She said she wanted to get a running start on allocating funds in anticipation of the Fire District's statement the prior evening that, because of so many variables, they would not likely provide the KPPCSD with a \$1.00 lease. President Welsh said that he hadn't been at the prior night's Fire Board meeting but that the last time he had spoken to Don Dommer the Fire Board would have a community meeting before making a decision. Larry Nagel said the Fire Board was exploring:

- Refurbishing the current building
- Demolishing and rebuilding on the current site
- Building in a new location

President Welsh asked if the public would be brought into the process before a decision was made. Mr. Nagel responded that there would be a public forum after all options had been examined. Director Cordova asked IGM/COP Hart for his impression of the statement that had been made the prior night. He responded that, for the upcoming fiscal year, he didn't think the Fire District would be able to do anything or ask the KPPCSD to vacate the Public Safety Building. President Welsh noted that there would be an election in November, that a statement was just that, and that a decision about the rent was pretty far off. He said it made sense to be aware that the KPPCSD might be paying rent again. Director Cordova responded that the statement made by the Director on the Fire Board was that the Fire Board might not be in a position to renew the KPPCSD lease. Director Cordova suggested that some money be allocated now to anticipate the coming change. Director Toombs asked Vice President Sherris-Watt if her committee was looking at alternative spaces for the police department. She

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responded in the affirmative. She said the committee would examine the needs for the police department along with the needs for the fire department. Director Toombs for confirmation that someone was looking at options for where the police department would be located while work was being done on the Public Safety Building. He reiterated that he would never want to spend money on the Annex. He said he hadn't known about her committee that was looking at the police department's needs and said that it was important for this committee to identify a space for the police department for a year after 2017. Vice President Sherris-Watt said she agreed with Director Cordova that money should be put in this category to address the future space need. Director Toombs responded that the District couldn't accrue rent for a future year. Vice President Sherris-Watt said there could be expenses associated with things like new furniture, storage, and moving. Ms. Russell said she had a suggestion. She said it didn't make sense to put money into the current budget; rather, it made sense to identify something as an element of reserves. President Welsh said that, to Director Toombs point, the District needed to look at what the possibilities and associated costs might be. Vice President Sherris-Watt said the Finance Committee had looked at this and had suggested designating \$60,000 per year for the next two years and added that she would be happy with an amount between \$25,000 and \$60,000. Jim Watt commented that the Finance Committee had looked at what Ms. Russell had suggested. He said that, in addition to the \$150,000 that the Finance Committee had agreed to set aside for the Community Center for the coming year, his subcommittee had suggested setting aside an additional \$60,000 per year for the next five or so years. He said that decision had been tabled for further discussion. He said he thought the Board should set aside \$60,000. Mr. Watt said he agreed with Mr. Toombs about renovating the Annex because he had read the Muller Caulfield report. However, he said, it might make sense to tear down the building and use the slab for a temporary building. He said he thought \$10,000 could be used for this purpose. Larry Nagel said he wanted to comment on what had been said at the Fire District meeting the prior night. He said it shouldn't come as a surprise to anyone. He added that President Welsh had come to the Fire Board three years earlier, saying that the KPPCSD had severe financial difficulties that were going to be one time expenses – not recurring expenses. He said that President Welsh had said the KPPCSD was looking for some relief. He said that, at that time, the Fire Board had agreed to a three-year give-away, with a \$1.00 per year lease for three years, with the understanding that, at the end of three years, things would revert back to having the KPPCSD pay its fair share. He said the maintenance of the Public Safety Building was \$100,000, and the police department used 50% of the building; thus its share was \$50,000 in a lease for its space. He said that the lease, prior to the \$1.00 per year rate, had been \$30,000 per year and that the Fire Board had no idea what the maintenance costs would be for the new building – but it was expected to be much less. He also said the Fire Board might need to borrow money to build the new building. He said he didn't see why it was a surprise that this would be the case at the end of the three-year lease. President Welsh responded that it wasn't a surprise. Director Toombs added that the police department might not even have a place to stay because of the possible teardown or other work. He noted that he didn't think the officers would be able to stay in the building during renovation. Mr. Nagel said the Fire District was also going to have to figure out how to keep two fire trucks and a crew someplace in Kensington. Director Toombs responded that, when the Public Safety Building had been renovated previously, the fire trucks and crew had stayed in the fire station near Camp Herms, in El Cerrito. President Welsh said that it had been the Fire Board's decision to limit the \$1.00 rental to three years and that it had been his desire that the \$1.00 per year rent be on a permanent basis. He explained that his reason for requesting this had been that this is one community, with the money coming from the same people. He said Ms. Kosel had questioned whether the Fire District could legally give the KPPCSD the break on rent: She had been concerned that it might constitute a gift of public funds. He said he had obtained a memo for her that had concluded that it was not a gift of public funds because it was the community giving to itself. He said the ultimate decision should be what would make the most sense for the community, in terms of who bears what cost. He said he was very thankful for what the Fire Board had done, but he wanted people to keep the bigger picture in mind.

IGM/COP Hart noted that it was 9:45 P.M.

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**MOTION: President Welsh moved, and Director Toombs seconded, to continue the meeting beyond 10:00 P.M.
Motion failed: 2 – 2**

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

**Note: Continuing the meeting past 10:00 P.M. required a four-fifths vote at 9:45 P.M.*

President Welsh noted that this had been the second time in a row that Vice President Sherris-Watt and Director Cordova had shut down the meeting before the District's business had been completed and asked if they had done so to go back to Fonda. President Welsh said he couldn't find anyone, in the history of the KPPCSD Board, who remembered the Board not voting to go beyond 10:00 P.M. He added that, when he had come onto the Board, the meetings regularly went beyond 10:00 P.M., and everyone assumed that was going to happen. He said Director Cordova and Vice President Sherris-Watt ran in the election because they wanted to do the District's business, and now they wanted to shut the meeting down at 10:00 P.M. because of some convenience they wanted to gain from it. He said he had a very hard time with that. Director Cordova responded that there was a Director in Italy and that she and Vice President Sherris-Watt were here. President Welsh responded that Director Gillette had been present when Director Cordova and Vice President Sherris-Watt had shut the meeting down that previous time.

IGM/COP Hart interjected that he wanted to be sure of how the Directors had voted. President Welsh asked for a roll call. President Welsh questioned Director Cordova's and Vice President Sherris-Watt's concerns with following the Policy and Procedure Manual since they had failed to abide by the District's budget policy, which stated that the Board was supposed to have a consideration of the budget at its regular May meeting. He said that, because Director Cordova and Vice President Sherris-Watt had voted to shut down the meeting, the Board had failed to meet this obligation. Director Cordova responded that there had been a 15-minute presentation on streetlights, which weren't under the District's jurisdiction. President Welsh responded that this hadn't been a fifteen-minute presentation and that either Director Cordova and Vice President Sherris-Watt wanted to do the District's business, or they didn't. He asked, again, for a roll call. Director Cordova voted no, President Welsh voted yes, Director Toombs voted yes, and Vice President Sherris-Watt voted no.

IGM/COP Hart asked if there were further questions on the budget, noting it was only the first reading. Director Cordova said that, with respect to Account 898, she had learned from the California Special District's Association that they have scholarship money available to Districts. She said no one was using it, so it would be KPPCSD's for the taking. She noted that it might be a good way to offset some of the expenses charged to this account and that there was a simple one-page application. Staff responded that the District had submitted for this scholarship in the past and had been awarded each of the two times it had applied.

Director Toombs asked why Vice President Sherris-Watt and Director Cordova wanted to end the meeting when there was work to do and said the public had a right to know. Vice President Sherris-Watt responded that, at the March meeting, the Board had met until 1:00 A.M., at which point, President Welsh started screaming at Director Cordova for past infractions. President Welsh responded that he had not screamed at her and that he resented the comment. Vice President Sherris-Watt continued by saying that the composure and behavior of the Board seemed to disintegrate after 10:00 P.M. She said that the May meeting, when the Board had gone beyond 10:00 P.M., had been her fourth meeting of the week for the Board: She said she had already agreed to speak for the Kensington Property Owners' Association; she had come to the Board's meeting; she had had a Parks meeting; and she had had a four-hour interview with the FBI regarding the behavior of the KPPCSD. Director Toombs asked if this had been about the entire Board or about one officer. Vice President Sherris-Watt responded that that was

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between herself and the FBI. Director Toombs noted that was a report the Board would never see. Vice President Sherris-Watt responded that it wasn't and said the meeting had been at the FBI's request, and she had gone. Vice President Sherris-Watt added that she donated a lot of her time to the function of the District and that she had agreed, after ending the meeting at 10:00 P.M., to come back in a week – to come back in two weeks to meet. She said that, in response, Director Gillette had shouted that that was the one time of the month she could be present. Vice President Sherris-Watt said that this wasn't her problem. Vice President Sherris-Watt said she had gone to Fonda after the last meeting; she had been discussing the budget with KPOA President Gail Feldman at Fonda because Ms. Feldman was going to have to be out of the country for the Board's subsequent meeting. She said that hadn't stopped President Welsh from screaming at Director Cordova so profusely that wait staff had come over and kept asking if she were all right. Director Toombs said he was sorry he had asked the question. President Welsh said he considered Vice President Sherris-Watt's comment to be defamation.

Director Cordova said she and Vice President Sherris-Watt didn't have a majority on the vote, and so the Board would keep going.

IGM/COP Hart said he'd like to bring everyone back together to review item 6b, Measure G. He noted that the Board had done a pretty thorough review of the budget and said that, if there were any other questions, they could be answered at the next Board meeting.

- 6b. The Board discussed and reviewed the annually permitted CPI increase to the Measure G Supplemental Special Tax for inclusion in the 16/17 fiscal year budget.

IGM/COP Hart explained that this was a voter-approved special tax. He reported that the Board Packet included a summary of the history of the amounts that had been paid since the measure had been adopted. He said the maximum increase would be 2.695%. He said that he wanted the Board to provide feedback and that this was an informational item only.

- 6c. The Board received a report and discussed potentially changing its independent auditor.

IGM/COP Hart reported that the District had used the same auditor for the prior three years. He reported that, although the District had received clean audits for those years, there had been difficulty with the process of obtaining completed documents in a timely manner. He noted that the District had had to pay to have its CPA, Deborah Russell, travel to the auditor's office in Sacramento in order to ensure timely and accurate completion. He said, therefore, that he recommended returning to the District's former auditor, Steven Chang.

Director Cordova said she had a concern about this. She noted that the Fire District had just renewed its contract with Steven Chang and has been quite happy with the firm. She asked how many other auditors had been "scoped out." IGM/COP Hart responded that the Board was not required to have a RFP for its auditor. Director Cordova said that wasn't what she meant and asked how many people IGM/COP Hart had spoken with. District Administrator Wolter responded that the District had solicited bids several years earlier and had received two responses. Director Cordova responded that she wasn't asking about an RFP. District Administrator responded that this hadn't been an RFP. Director Cordova said she wanted to ask IGM/COP Hart her question: How many firms had he looked. President Welsh said District Administrator Wolter should be allowed to finish her sentence before Director Cordova cut her off. IGM/COP Hart said he had looked at only one firm. He said the Fire District and the District's CPA, Ms. Russell, had been very happy with Steven Chang. Director Cordova asked for how many years Steven Chang had performed the District's audits in the past. IGM/COP Hart responded he had gone to the "known quantity."

Celia Concus said that, at the time former GM/COP Harman had still been with the District, there had been many people who had been complaining about the fact that Lamorena Chang had been used for a long time and that it had not been in keeping with best practices to use the same firm for such a long

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time. President Welsh responded that this was true, but the District had not used the firm for the prior three years. Director Toombs asked for how long the Fire District had been using Lamorena Chang. Ms. Concus responded that she had no idea. Ms. Concus said that, at that time, people had been asking serious questions about why Lamorena Chang had not caught any of the abuses of the District's credit card – the spending for personal expenses, missed receipts, and so on. She said she believed that Mr. Chang had said there had been some mistakes but that his firm didn't look at all of the receipts. She said she wasn't a finance person, but she was recommending that, if perhaps the District wasn't happy with the current auditor, it should find another one and that the District should not go back to the previous one. Director Cordova noted that this was a good point. IGM/COP Hart responded that the District's CPA, Ms. Russell, had made the recommendation to go back to Mr. Chang and that the cost to perform the audit would be the same amount for the KPPCSD as for the Fire District. President Welsh asked for how long Lamorena Chang had worked for the Fire District. Ms. Russell responded that the length of time had been between seven and ten years. Ms. Russell said that she wanted to answer the question about the credit card issue, and that she wanted to be clear about what an audit is. She explained that a financial statement audit checked to ensure that the financial statements were fairly stated and that there were no major discrepancies. She said that the credit card issue, while upsetting, had been small and that auditors had a materiality level. She said that if one wanted an internal audit for fraud, it would be a separate thing for which the Board would need to hire someone.

Director Cordova asked if this item required a vote. IGM/COP Hart responded that this had been placed on the agenda as an informational item and said he only needed direction from the Board. He added that he would like to proceed with this. President Welsh asked what the proposed cost of the audit was. IGM/COP Hart responded that it was \$13,000. IGM/COP Hart said he wanted to know if at least three of the Directors wanted him to proceed with placing the item on the next agenda. Director Cordova responded that he should do that.

Linda Lipscomb said she wanted to answer Director Toombs' question about why the May meeting had been closed at 10:00 P.M. She said that the answer he had been given was that this had been done to preserve civility, and an example had been cited of incivility on behalf of President Welsh. She said that she had been with President Welsh the entire time and that they had left together with yet another person, who was not a Board member. She said that what had been stated was absolutely slanderous and false.

President Welsh noted that it was past 10:00 PM.

MOTION: President Welsh moved, and Vice President Sherris-Watt seconded, to adjourn the meeting.

Motion passed: 4 – 0.

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

The meeting was adjourned at 10:02 P.M.

Len Welsh
KPPCSD Board President

Lynn Wolter
District Administrator



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Meeting Minutes for 6/22/16

A Special Meeting of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday, June 22, 2016, at 6:00 P.M., at the Community Center, 59 Arlington Ave., Kensington, California. The Regular Meeting followed.

ATTENDEES

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Len Welsh, President	Randy Riddle, Renne Sloan Holtzman Sakai LLP
Rachelle Sherris-Watt, Vice President	Deborah Russell, CPA
Patricia Gillette, Director	John Stein
Chuck Toombs, Director	Catherine de Neergaard
Vanessa Cordova, Director	Paul Dorroh
	Jim Watt
	Marilyn Stollon
<u>Staff Members</u>	John Gaccione
Interim GM/COP Kevin Hart	Mabry Benson
Lynn Wolter, District Administrator	Skye Dent
	David Spath
	Celia Concus
<u>Press</u>	Andrew Gutierrez
	Karl Kruger
	Linda Spath
	Sylvia Ellsbury
	Leonard Schwartzburd
	Mark Bell
	Linda Lipscomb
	Kay Reed
	Gloria Morrison

President Welsh called the meeting to order at 6:04 P.M.

President Welsh took roll call. He, Vice President Sherris-Watt, Director Gillette, Director Toombs, Director Cordova, Interim GM/COP Hart, and District Administrator Wolter were present.

PUBLIC COMMENTS

Mabry Benson said that crime victims, witnesses, and their families have a right to prevent the release of their confidential information or records to criminal defendants. She said that, Director Cordova, as a victim of crimes having been committed against herself by some Kensington officers, was obligated to report these to authorities. She said that some on the Board thought Director Cordova should be loyal to

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the Board and, therefore, should not have reported the incident. She said that Director Cordova had been forced to recuse herself from Closed Session discussions because she was a complainant and that this constituted acknowledgement that Director Cordova is a witness and/or a victim. She said that crime victims/witnesses have a state constitutional right to prevent the release of their confidential information or records to criminal defendants. Ms. Benson said that Marsy's Law expands the rights of victims in California such that they are to be "free from intimidation, harassment, and abuse throughout the criminal justice process;" "protected from the defendant and persons acting on behalf of the defendant," such as KPPCSD Board members; and free from "disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim... or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law." Ms. Benson said that the internal investigation report was flawed and that releasing the report would put people involved at risk of retribution. She said that those who testified likely told more because they assumed their statements would be confidential under the police bill of rights and that those who testified might, therefore, be reluctant to testify in the future. She cited these as reasons why the investigation report should not be released.

Marilyn Stollon said that, if the majority Board were to vote to release the cherry-picked internal investigation, it would inspire scrutiny of the biased process and the obvious personal motivation of two Board members who appeared to be obsessed with making public, potentially slanderous, comments and erroneous information about Director Cordova, whom, she said was a victim/witness in a related criminal investigation. She said the majority Board, which had a track record of retaliating against anyone who questioned them or the police, should surprise no one. She asked if this was what they wanted their legacy to be.

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

CLOSED SESSION

- a. Public employment: Title: (General Counsel) – Pursuant to Government Code Section 54957.
- b. (1) Conference with legal counsel – anticipated litigation: Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54959.9 (1 potential case); and (2) public employee discipline/dismissal/release.
- c. (1) Conference with legal counsel – anticipated litigation: Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (1 potential case); and (2) public employee discipline/dismissal/release.

Note: Among the issues the Board considered during Closed Session item (b) was whether to disclose publicly some or all of the investigation report regarding the October 7, 2015 traffic stop of Vanessa Cordova by Kensington police officers.

The Board returned to Open Session at 7:42 P.M.

President Welsh took roll call. He, Vice President Sherris-Watt, Director Gillette, Director Cordova and Director Toombs were present.

President Welsh reported that the Board had taken no action and that one of the items would be discussed at the following week's meeting.

PUBLIC COMMENTS

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Paul Dorroh said that he and quite a few other community members had attended the Board's May 12th meeting and that the first reading of the proposed 2016-17 Budget had been on the agenda. He said that reading had not taken place because the meeting had ended at 10:00 P.M., before the agenda item could be considered, because Vice President Sherris-Watt and Director Cordova had voted against extending the meeting past 10:00 P.M. He said that Board policy requires four votes to extend past 10:00 P.M. and that the vote in favor of extending had been 3 – 2. He said that the first reading had taken place at a June 9th Special Meeting and that this meeting had also ended at 10:00 P.M. because Vice President Sherris-Watt and Director Cordova had voted against extending, even though more business remained on the agenda. He said that, at the end of the June 9th meeting, Vice President Sherris-Watt had made the surprising statement that she and Director Cordova had gone to Fonda, a bar and restaurant in Berkeley, following the May 12th meeting, in order to discuss the District's budget, over drinks, with a single constituent. He noted that they had done this after they had left a dozen or more residents, who had attended the May 12th meeting, in the lurch: Many of them had attended the meeting to participate in the discussion of the budget agenda item. He said that Vice President Sherris-Watt's and Director Cordova's behavior was unseemly and that it raised issues of transparency and hidden agendas. He asked what made the budget discussion with this one constituent so important that the budget discussion, as a whole Board, in public, had been short-circuited in favor of that private meeting. He said that Director Cordova and Vice President Sherris-Watt had time, after 10:00 P.M., to talk District business and asked why they hadn't discussed this District business in public, and he asked if they had planned, in advance, to cut off the Board meeting so they could have this private meeting. He said the strategy, if it was that, of derailing Board meetings at 10:00 P.M. was more than unseemly: It was neglectful of the duties they had been elected to do; and it was disrespectful of the community members who had taken the time to attend those meetings, expecting to see the Board deal with the entire agenda, not just the parts that Vice President Sherris-Watt and Director Cordova felt like allowing to be discussed in public.

Skye Dent said that she had been a resident for 2 ½ years and that she had always been supportive of police departments. She said she had worked with police departments with respect to community policing. She said she wanted to thank the Kensington Police Department for being different from other departments. She said that one could tell when someone accepted diversity and that everyone she had met in the Kensington Police Department sincerely believed in diversity. She said that she had been profiled and followed and that those who had done so were people who appeared on the Kensington Next Door site. She said that, for fun, she had walked on certain streets and then gone to the Kensington Next Door site and seen participants talking about having seen the "black person" on the street. But, she said, the police made up for that because they were wonderful, and she wanted to express her appreciation.

Leonard Schwartzburd said he had not been responded to in his appeal to the Board about his case with IGM/COP Hart. He also said that Paul Dorroh's comments had been disingenuous: Mr. Dorroh had cast blame and that this was consistent with the culture of character assassination that he had seen in the community.

John Stein said that he had been a resident since 1982 and that he wanted to share something he had observed during the June 4th KPPCSD Ad Hoc Committee on Governance Option's community forum. He said that he had gone outside and that, along with President Welsh, had seen a man, sweating profusely, come out of the park. He said the man asked him and President Welsh to call 911. He said he went back into the building to get IGM/COP Hart. Minutes later, he said, they had discovered that the man had gone into the Library, where children had gathered for a program. He said the librarian had left the building to seek help: She feared the man, who had appeared distraught, posed a danger to the children. He said that, a few minutes later, IGM/COP Hart had worked to calm the man and that, soon thereafter, Officer Martinez, a ten-plus year veteran of the police department, had arrived on scene. He said that Officer Martinez dealt with the man in a professional compassionate manner and that, within seconds, he had gotten the situation under control. He said that the situation ended with the man in good hands and the children safe. He said he then returned to the forum, where one of the topics being discussed was the viability of contracting out for police services. He said how fortunate residents are to

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live in Kensington and how outstanding the local Kensington Police Department is. He concluded by saying thank you to all the police officers and especially Officer Martinez.

Catherine de Neergaard said she had just returned from a serene vacation and that she had come to the meeting reluctantly to talk about the longstanding rancor, ill will, and rage that community members have had against each other. She said that there was no one single cause of it or one single person but many have been engaged in it, and it was standing in the way of progress. She said that many, including herself, had made mistakes and said things. She said that the rhetoric, threats of lawsuits, and level of blame had reached new heights since October and that it needed to stop. She said the repeating narrative of victimhood and persecution coming from Director Cordova particularly disturbed her. She said this had happened again at the end of the prior Board meeting, when according to three witnesses, President Welsh had not done anything at the restaurant – where there had been two separate parties following a meeting: Yet, there had been the accusation that President Welsh had attacked Director Cordova. Ms. de Neergaard said this was another example of the narrative of victimization and polarizing the community. She said she particularly addressed Vice President Sherris-Watt and asked that she give testimony based on her own experience, not on stories she's heard from people, before making accusation. She said she was disturbed by the lack of care shown for Kensington with Director Cordova's various threats and accusations. She said she also found the threats of lawsuits from people connected with Director Cordova really scary and very disturbing, and she asked it to please stop. She said almost everyone in the room owned a house in Kensington and, therefore, had something to lose with more lawsuits and bad publicity because it could bring down property values. She said that people needed to work things out and that if someone couldn't do so, they should step down from the Board. She said she was also concerned about the residency issue: If one didn't have a place to live – to be a Director, one had to be a resident of Kensington. She said she was concerned this wasn't the case or wasn't the case all the time. She asked that one please stop making themselves the center of attention and drama with claims of victimization and asked people to be nicer to one another. Director Cordova responded by saying that Ms. de Neergaard had filed a lawsuit against the District. President Welsh interjected that this wasn't a time for conversation. Ms. de Neergaard, in response to Director Cordova's comment, said she had done so, she had made mistakes, she had done things that weren't good and, for the most part, she had apologized for them.

John Gaccione said he wanted to comment on things that had been said by Paul Dorroh, who had said it had been derailing that meetings has stopped at 10:00 P.M. Mr. Gaccione said that, prior to the meetings being ended at 10:00 P.M., there had been several meetings that had gone on until about 1:00 A.M. and that Mr. Dorroh hadn't stayed until the end of those meetings: He had left early. Thus, he said, he found Mr. Dorroh's comments ironic and disingenuous. He said there seemed to be something going on with victimhood of one of the Directors and that comments about this must have been due to the summer solstice.

Andrew Gutierrez said he had been pleased by John Stein's appreciative comments about Officer Martinez's efforts. Mr. Gutierrez said he, too, thought Officer Martinez was one of Kensington's good officers: He had not been involved in Reno; he had not been involved in the stop; and he had not been one of the people who had harassed him when he had filed a complaint. He said that, upon review of the investigation by Richmond, he had found it to be inaccurate fiction and self-serving; so when residents have complaints, they're not treated fairly or honestly. He asked what people were supposed to think of their police department. He said there had been a lot of propaganda that evening, about how great the Kensington Police Department is. He asked, if the department was so great, why people had had so many problems with it over the prior 25 years. He said the place needed to be cleaned up. He said this should begin by taking allegations and having them reviewed. He said a clique had run Kensington for a long time, and it was time to stop. He said things should be transparent and responsible. He said he did not want the review of his complaint released because it was inaccurate and it was fiction.

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BOARD MEMBER COMMENTS

Vice President Sherris-Watt reported that the Park Buildings Committee would be meeting on July 6th and July 27th.

Vice President Sherris-Watt said she disagreed with most of the public comments that had been made regarding what had happened in the past and what had occurred at the restaurant in question. She said that, in March, she had told constituents she would never vote again to go beyond 10:00 P.M. but that she would gladly come to more than one meeting per month. She said the May meeting had been her fourth meeting that week for the KPPCSD. She said she wasn't unwilling to be present; she was unwilling to be present for hours on end for meetings that dissolved into mayhem and argument.

Director Gillette said that she had just returned from a vacation and that, while on vacation she had had an epiphany: The community was spending too much time talking about personal and petty grievances. She said the community's business, which included passing a budget and thinking about the District's future structure, needed to be attended to. She said that people needed to think about what the police were doing right and what they were doing wrong and that this needed to be done in a way that was consistent with the community's values. She said the community's values were that, when someone stood up to make comments, others didn't sneer or make faces. She said that 75% to 80% of the time was being spent on personal grievances instead of taking care of what needed to be done. She said that meetings needed to stop being a war of words and, instead, needed to become a time of moving the District forward with what's best for the community. She said that, if that means having to stay past 10:00 P.M., then that's what has to be done. She suggested that, perhaps, the meetings needed to start earlier and noted that there had been only one meeting that had gone until 1:00 A.M. She reiterated that she hoped that, in the coming year, the District could move forward in a positive manner.

Director Gillette said she had not been in town for the June 4th community forum. She said she had heard it had been fabulous, and expressed her thanks to David Spath and his team for their hard work.

President Welsh reiterated Director Gillette's comment that the Board needs to look at the way the meetings are structured. He said it would be helpful if public comments were kept to three minutes per person, and he noted that most people had been trying to keep their comments short. He noted that the Board Manual didn't stipulate when public comments needed to be made, so perhaps, comments could be made for 20 minutes at the beginning of the meeting and then resume at the end of the meeting. He said that he wanted to discuss this issue at the next Board meeting and that, perhaps, some changes in the Policy Manual might be in order.

Director Toombs said that serving on the Board was hard work and was made harder when criticized by the public. He said it would be better if people would pitch in. He said the Board needed to deal with the budget, Measure G, and a resolution that evening. He said it did nobody any good when the meetings were dragged out, thereby preventing the Board from taking care of business. He suggested moving the Consent Calendar to the end of the meeting in order to get to the most essential items first.

IGM/COP Hart asked the Board to consider Consent Calendar Item 6n first.

President Welsh asked if there were any Staff Comments. There were none.

Consent Calendar Item 6n. New Independent Auditor for the District.

IGM/COP Hart said that, for the prior three years, the District had used Fechter for its audits and that he and the District's CPA, Deborah Russell, recommended going back to Lamorena Chang. He noted that the Fire District uses this same auditor.

Director Toombs said he had no problem going back to Lamorena Chang: They had done a fine job in the past.

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Director Cordova asked if the length of the contract would be one year and asked that IGM/COP Hart bring the item back to the Board at the end of one year. President Welsh noted that this would go to the Finance Committee within the next year. Director Toombs noted that the term of the proposed contract was three years and asked if there was a termination at will clause. IGM/COP Hart responded that the contract had a 30-day termination clause.

MOTION: Vice President Sherris-Watt moved, and Director Toombs seconded, that the Board approve Item 6n, the new independent auditor for the KPPCSD, and that the Board employ Lamorena Chang for the District's independent audit for the Fiscal Year 2016. Motion passed 5 – 0.

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

- 7a. The Board discussed and considered adoption of Resolution 2016-09, the annually permitted CPI increase to the Measure G Supplemental Special Tax for inclusion in the 2016-17 fiscal year budget. The Board also considered taking action to approve the CPI to its maximum, to an amount less than the maximum, or not to increase the Special Supplemental Tax at all this year.

IGM/COP Hart provided a history of Measure G – when it had been passed and what the prior years' amounts had been. He noted that the report, included in the Board packet, had been completed by one of the District's contractors and that the contractor had determined the cost of living. He said that the maximum cost of living increase would be less than \$5 per parcel. He explained that the Board could choose whatever rate it wanted. He reported that the Fiscal-Year 2015-16 per single family parcel amount had been \$226.28 and that, if the maximum CPI were applied for Fiscal Year 2016-17, the amount would be \$232.38 per single family parcel. He noted that, if the Board chose not to pass the increase, revenue for the Preliminary Budget would be reduced by \$13,000.

Director Toombs said he was in favor of the increase and noted that the special tax was for police services only. He also noted that an increase in Measure G would free up general fund revenue for other things, such as the Community Center renovation, park maintenance, or the office's possible move.

Director Cordova said Measure G did not carry an automatic CPI increase, which made such increases discretionary for the Board. She said that she had read Section 3 of Measure G and that it was clear to her that it had been designed to address revenue shortfalls. She asked why the increase would be needed, if IGM/COP Hart was showing a proposed budget surplus of \$111,000; so not an insufficiency.

President Welsh said his understanding was different. He said Measure G was meant to help cure a structural revenue problem created by the fact that one element of the District's revenue, a police special tax, doesn't increase with CPI. This structural revenue problem keeps the District's overall revenue from keeping pace with inflation.

Director Toombs said the intent of Measure G was to provide money for the police department. He said he was unaware of the budget shortfall aspect of the measure.

Vice President Sherris-Watt said that, based on a conversation she'd had with California's CFO, Irena Asmundson, the CPI amount of 2.695% was incorrect for municipalities to use. She said Ms. Asmundson had recommended that, for the prior year, municipalities should have used 0.3% and that, for this year it should be 1.8%. Vice President Sherris-Watt said she said she couldn't approve any more than this. She said she understood how the consultant had come up with the 2.695%, but it wasn't consistent with best practices.

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President Welsh asked if there had been years in which increases had not be approved by the Board. Director Toombs responded that the documents in the Board Packet showed that increases had not been made in Fiscal Years 2011/12 or 2012/13.

Director Toombs said that there was no reason not to believe the information provided by NBS and that the CPI increase was consistent with the statute.

Director Gillette asked how Vice President Sherris-Watt had obtained the 1.8% amount. Vice President Sherris-Watt responded that this was on a website.

Jim Watt said that Board members should be open minded, prior to receiving public comments. President Welsh responded that he thought members of the public might benefit from the Board's comments, prior to making their own. Mr. Watt said he was opposed to the increase because it wasn't necessary. He said that Measure G had been passed in June 2010 and that the primary argument for its passage had been that revenues had been flat and the District had anticipated a deficit, which was projected to leave the District with just \$735,000 in unassigned cash. He said it had been said that, without Measure G, the District would quickly exhaust its reserves. He said that, even though Measure G had generated \$400,000 of revenue in its first year, it didn't improve the District's financial position. He said that, because of surging home values since 2013, the District had seen its revenues increase. He said the 2016/17 budget the Board would be reviewing later in the evening showed an unassigned cash balance of \$1,422,000 – almost twice the amount available in 2010. He also said that, although the budget showed a deficit of \$25,000, this did not reflect the anticipated receipt of the COPS \$100,000 grant or the prepayment of the District's Side Fund. He said, therefore, the District would have a surplus of \$200,000. He projected that the KPPCSD would generate \$400,000 over the upcoming four years and noted that the CPI increase in Measure G would generate only \$13,000. He reiterated that the increase wasn't needed. He said Section C of the measure stated that Measure G was to provide revenue for police services only but that any surpluses created by the measure could be used for police services or for decreasing the amount collected in a succeeding year. He said that the current per parcel amount of \$226 was a large amount for some Kensington homeowners. He said that, with budget surpluses growing, increasing the tax was not paramount and said that, Measure G needed to be considered in the context of the District's overall financial position. He asked if the District had done all it could to decrease police expenses and said he was sure Kensington voters would remember how the Directors voted, come election time.

Catherine de Neergaard said that there had been no CPI increase in Social Security payments and that she was against the Measure G increase. She said it wasn't needed, and some couldn't afford it. She said that Section 3 stated an increase would be asked for only if needed.

Linda Lipscomb said that, in the spirit of good neighborliness, she disagreed with Ms. de Neergaard. She said it would be prudent to pass the increase. Among other things, she said the District needed to put away money for its anticipated move during the Public Safety Building renovation. She said that she had been around when Measure G had been passed and that President Welsh was correct: It had been designed to help correct a structural revenue problem caused by the fact that a large part of the District's revenue – a previous special tax – couldn't, by law, be increased. She said that all the projections had indicated that revenues wouldn't be able to keep up with rising costs. She said that, by the time Measure G was approved, the law had been changed and special taxes could have a CPI factor incorporated in them. She said the budget didn't reflect the enormous sums of money being spent on legal fees – hundreds of thousands of dollars. Said the increase per month would be about five cents and would provide a little extra.

Celia Concus said she urged the Board to vote no on the increase. She said there shouldn't be an increase until there was tangible effort to cut the cost of running the police department and the District. She said the District was at least \$100,000 over budget on legal fees. She said she objected to the proposed purchase of police equipment, noting this was not Compton; it was Kensington. She said residents are repeatedly told to wait until the Ad Hoc Committee comes back with its finding before any long term decisions are made. She asked why the Board wouldn't wait on the Measure G increase, too.

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She said that approximately 25% of homes in Kensington are single person households – many of them inhabited by widows, widowers, retired people living on fixed incomes, and individuals who inherited their homes and would otherwise not be able to afford to buy them on their incomes – they're house poor. She said Kensington was not the affluent community some believe it to be. She reiterated her urging the Board not to vote to increase the amount and said that every time the community allowed more funds to be available, ways were found to spend them.

Karl Kruger said he had been talking about legal fees longer than anyone else in the room. He said the only reason the District had such high legal fees was because people in the community couldn't get along. He said this was crazy.

Kay Reed said many in the room had talked endlessly about wanting to have enough money to pay for pensions, to consider the GM/COP job split, etc. She said now there was an opportunity to increase the District's revenue. She said she recognized there were people on fixed incomes, but they couldn't have it both ways. She said this would provide money for things like pensions and splitting the GM/COP position. She said that, if the KPPCSD were flush with money the way the Fire District was, this wouldn't be an issue. She added that it would be fiscally irresponsible not to pass the increase.

Director Cordova addressed the issue of compounding, with respect to the proposed increase. She said it's not just a flat \$13,000. She said it would cost more than \$13,000 over the course of the ordinance; there was a compounding aspect to the ordinance that was material to some people.

Mark Bell said he was heavily cash poor and house rich. He said that he loves living in Kensington and that he supports the increase because it was to the long-term benefit of the community. He said he understood that this would be an increase going forward. He said he trusted the Board to make decisions on behalf of the community.

John Gaccione said that, at the prior month's meeting, there had been an attempt to put some money into a fund that would be put toward big upcoming expenses, such as making improvements to the Community Center. He said his recollection was that this had been voted down. He said that, now, he was hearing comments about how it would be good to have money to pay for these things.

Director Toombs responded that no decision had been made the prior month about funds for contingencies. He said that, if there were going to be all these expenses, every nickel would need to be found. He noted that the \$13,000 to be saved by paying off the Side Fund early plus the \$13,000 to be raised by increasing the Measure G amount would equal \$26,000, and this would at least pay for a study of where to move the police department. He said he favored the increase because of upcoming needs.

MOTION: Director Toombs moved, and President Welsh seconded, that the Board approve the Measure G increases to the fullest extent permissible under the cost of living, which would be the 2016-2017 maximum amounts shown on page 127.

Motion passed 3 – 2.

AYES: Welsh, Toombs, Gillette

NOES: Sherris-Watt, Cordova

ABSENT:

President Welsh explained that he voted in favor of the motion in order to address the long-term structural revenue issue the District faces.

- 7b. The Board received a presentation from the IGM/COP regarding the 2016/17 Fiscal Year Preliminary Budget for the Kensington Police Protection and Community Services District. The Board considered adopting the Preliminary Budget after consideration and possible changes to meet the July 1 State deadline.

IGM/COP Hart asked the District's CPA, Deborah Russell, to make the presentation.

Director Cordova asked if there had been any material changes to the budget since the prior Board meeting. Ms. Russell responded that some changes had been made. Ms. Cordova said that she had just gotten her package and therefore asked Ms. Russell to summarize the changes. IGM/COP Hart directed Ms. Cordova and Ms. Russell to his memo on page 132, which provided a summary of the changes.

- Line 978 had been increased by \$21,000 for plug-and-play audio/visual equipment. There was a FY 2015-16 carryover of \$6,000. She said the KCC and KIC have pledged up to \$8,000 toward the purchase, and this was reflected in the revenue category 437.
- Line 527 (PERS for the District) had been increased by \$105,073, minus a \$10,800 discount, to pay off the CalPERS Side Fund, for a net increase of \$94,237.
- Line 594 (Community Policing) had been increased by \$12,000 to ensure that the website meets ADA requirements and becomes more community friendly.
- Line 974 (Other Park Improvements) had been increased by \$7,5999 to replace the tennis court backboard with higher quality wood and to add more playground equipment. IGM/COP Hart said he hoped the school children would enhance the backboard with a mural. Director Cordova asked that things be prioritized to ensure that repairs are made to the water faucets and that the restroom remains open for more hours. IGM/COP Hart responded that these things are ongoing. A discussion about the ongoing problem with gophers ensued. IGM/COP Hart said this, too, was an ongoing effort.
- Line 830 (Legal) – Based on Fiscal-Year 2015-16, IGM/COP Hart recommended that this should be increased by \$100,000. He reported that legal fees for the current fiscal year were approximately \$100,000 over budget. Ms. Russell noted that the budget had not been changed to reflect this recommended increase. IGM/COP Hart said that he has very little control over this line item: It is controlled largely by the Board. Director Toombs said that he was not in favor of making the change at this time. He said that the \$99,000 in the Preliminary Budget would suffice and that the Board should discuss the merits of an increase in July or August. Director Gillette she was in favor of that, as long as there was agreement that there would be a discussion about the way in which Directors are allowed to use legal counsel. She said that one or two Board members contacted legal counsel regularly. She said that the Board needed to get its legal expenses under control so that no one person was responsible for increasing or doubling the District's legal fees. Director Cordova asked who that might be. President Welsh said he didn't mind leaving the amount at \$99,000, and he had asked for an analysis of the legal costs so the Board could better determine what the costs might be in the upcoming fiscal year. President Welsh said he anticipated legal costs to remain high because the threats of litigation and accusations, each one of which has to be investigated, don't seem as though they'll abate.
- Line 835 – had been adjusted by \$10,000 to address the need for a new actuarial report, following the approval of the new MOU. IGM/COP Hart said he would like to amend that amount: That day he had received a quote to perform an actuarial an amount not to exceed \$16,500. He said he would present this to the Finance Committee. Vice President Sherris-Watt asked if the amount budgeted should be left as is until after the proposal had gone to the Finance Committee. IGM/COP Hart responded in the affirmative. Ms. Russell said she had been asked to provide the detail of what had been spent on Consulting in the past two fiscal years and asked if this had been included in the report. IGM/COP Hart responded in the negative.
- Line 966 – had been increased by \$6,000 for portable traffic warning signs that would show people's speed. IGM/COP Hart explained that he would come back to the Board for more discussion and direction at a later date. Director Cordova asked if these would be fixed. IGM/COP Hart responded that they could be moved to any street in Kensington and would be primarily for public awareness.
- Line 967 – had been increased by \$6,100 and would be for the purchase of a Live Scan device. IGM/COP Hart explained that fingerprints were needed for a variety of reasons and that, currently, residents have to go to El Cerrito for this service. He added that this is a community service other police departments offer. Vice President Sherris-Watt asked if space would be an issue. IGM/COP Hart responded in the negative. He noted that the Kensington Police Department also provided ink fingerprint services, which is something most other police

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departments don't provide. He said the new device would pay for itself within a couple of years. Director Cordova said that without an analysis tracking demand she couldn't support this. She said that it wasn't a priority and that she'd rather see the money go elsewhere. Director Gillette said that she had done the math and that this indicated the machine would pay for itself in about a year.

IGM/COP Hart said that Ms. Russell had reviewed the major changes. He reported that the preliminary budget would have a \$25,000 shortfall, excluding the COPS Grant of approximately \$100,000. He noted that the budget addresses the possibility of the police department having to move out of the Public Safety Building and sets aside money for the Community Center. Ms. Russell said that she wanted to note that, on page 138, she had added a line for funds for the temporary relocation of the police department out of the unassigned funds.

Gloria Morrison asked if the Fire Department had asked anything from the KPPCSD, with respect to the public safety building work. Ms. Russell responded in the negative. President Welsh added that the Fire Board would be studying several options and that the community would hear about the results of this in August or September. Ms. Morrison questioned why \$50,000 had been incorporated into the budget for the Public Safety Building, when the Fire District hadn't asked for it. Ms. Russell responded that it had only been earmarked in the reserves; it had not been included in expenses for the upcoming fiscal year. Ms. Morrison said that she objected on philosophical grounds: She objected to giving money to anyone who's not asked for it.

Jim Watt said he wanted to compliment IGM/COP Hart for including significant money for capital improvements. He noted the budget included \$150,000 for Community Center improvements and \$50,000 for the police department's relocation. Mr. Watt said that, about a month earlier, there had been a demotion that would result in about \$13,000 in salary savings for the year. But, he said the savings weren't reflected in the budget. IGM/COP Hart responded that he recommended not changing the budget. Both Mr. Watt and Director Toombs noted that the salary spreadsheet didn't tie to the officers' salary line in the budget. Ms. Russell said IGM/COP Hart had directed her not to change the budget to match the updated salary spreadsheet. President Welsh asked IGM/COP Hart to explain his rationale. IGM/COP Hart responded by asking what would happen if there were a promotion or a reinstatement and by saying that budgets were fluid and provided a framework. Mr. Watt questioned the \$75,000 budgeted for overtime. He said that, historically, the amount spent had been \$40,000 - \$60,000 and that the current fiscal year, with its unusually high amount of overtime, had been an anomaly because so many officers had been on light duty. He noted that, with the reduced officers' salary amount the PERS amount would be less than the amount budgeted. He noted that the amount for the solid waste account 890 had been reduced from the 2015-16 budgeted \$25,000, but he questioned why \$19,000 had been budgeted for legal expenses for this account and suggested that this amount be eliminated or lowered. IGM/COP Hart responded that he needed to anticipate the unexpected, based on history, in preparing the budget. Mr. Watt questioned the set-aside account for automobiles. He said this amount should be brought back into the general fund.

President Welsh said that he agreed with many of Mr. Watt's comments but that they couldn't really be done for the Preliminary Budget.

Celia Concus suggested tracking the number of live-scan requests made in a month and noted that it would be staff time that would be spent on this service. She said this raised the same question she had about the automatic license plate readers: It would be staff time spent keeping the records. She said people weren't seeing officers on the street and their time should be spent on this, instead. IGM/COP Hart responded that non-sworn staff would do the applicant live-scans. Ms. Concus said that when public records requests are made, those making the requests had been told that, because of limited part-time staff, information couldn't be provided. President Welsh asked when District staff had failed to respond to a public records request and said that such requests consume quite a bit of time. Ms. Concus said that this had happened, but she didn't want to take up any more time. President Welsh said the District needed to respond and that, perhaps, he and Ms. Concus could discuss the matter later. Ms. Concus said she had been trying to get information about out-of-jurisdiction traffic stops but had been

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told that this information couldn't be provided because of lack of staff. President Welsh responded that it was one thing to ask a question and not get an answer for documents that exist; it was another thing to ask for a study. President Welsh added that he would be happy to work with Ms. Concus.

Linda Spath said she supported the live-scan proposal. She said it would be convenient to be able to have this done at the police station, for purposed of volunteer work. She noted that people may have asked in the past and been told that live-scan wasn't available and so didn't ask again.

Sylvia Ellsbury said she, too, supported the live-scan proposal because parents volunteering at the school needed to have these. She said this was a community service that would improve quality of life. She added that the school district would pay for the fingerprinting.

David Spath said he and his wife had had to go to El Cerrito to get live-scan fingerprints in order to volunteer. He encouraged the expenditure to purchase the live-scan equipment.

Mark Bell said he supported items that would generate revenue over the long term.

Linda Lipscomb said her comment was about process. She said that, in a few minutes, the Board would be voting on whether to continue the meeting past 10:00 P.M. She said she found it shocking that a Director would commit herself to never voting to have a meeting go past 10:00 P.M. She said that she thought it was a breach of fiduciary duty and that there could be circumstances in the future that might require a meeting to go past 10:00 P.M. She said that it was the law that some meetings had to be regularly scheduled meetings for certain items to be considered. Therefore, she said, scheduling another meeting couldn't solve such things.

President Welsh said there were eight proposed changes to the Preliminary Budget and asked if there was consensus to make the changes.

Director Toombs said he disagreed with the fifth proposed change, which applied to legal fees: He would prefer to discuss this after July 1st. Vice President Sherris-Watt said she agreed with Director Toombs.

Vice President Sherris-Watt also said the Park Buildings Committee would be considering an RFP and questioned whether there should be an amount included in line 972. IGM/COP Hart said that, by September, the District should learn the status of the WW Grant application. Ms. Russell asked if Vice President Sherris-Watt's issue was different from the amount that had already been budgeted for account 972. Ms. Russell explained that the detail for account 972 showed \$100,000 for the Community Center and that the expenditure would be offset by the committed funds.

Director Gillette said she, too, was concerned by the fifth proposed change – legal fees. She said it was unrealistic to think the District would spend \$99,000 in the coming year, noting that there were complaints against the District or against the Board every two or three weeks. She said she didn't know how the District would hire a new general counsel and investigate every issue for \$99,000. She said that, perhaps, the increase didn't need to be as much as \$100,000, but it would need to be a large amount. Director Toombs responded that he wanted to ensure that the Preliminary Budget was passed in order to meet statutory requirements and that he, therefore, wanted to postpone the discussion until after July 1st. President Welsh said there would be an analysis that would enable to Board to make a more effective decision. IGM/COP Hart clarified that the amount budgeted for legal expenses was the same amount as had been budgeted for Fiscal-Year 2015-16.

MOTION: Director Toombs moved, and President Welsh seconded, that the Board adopt the Preliminary Budget as presented, except that the Board not include the extra \$100,000 IGM/COP Hart had recommended for legal fees.

Motion passed: 4 – 1.

AYES: Welsh, Sherris-Watt, Toombs, Gillette

NOES: Cordova

ABSENT:

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Director Cordova said she had voted no because she was in Jim Watt's camp in thinking more refinement was needed. She said she looked forward to seeing more refinement in time for the September vote.

- 8a. The Board reviewed and considered approving Resolution 2016-11, confirming the assessment and ordering the levy for the Kensington Park Assessment District for fiscal-year 2016-17.

IGM/COP Hart reviewed the steps the Board had taken at prior meetings, with respect to the park assessment. He reported that the assessment would increase from \$15.62 in fiscal year 2015-16 to \$16.09 in fiscal year 2016-17 and that the proceeds from the assessment, which would total \$36,241.89, could be used only for the "new park." Director Toombs clarified that this was the last step of the park levy process and the fourth resolution associated with it.

MOTION: Director Toombs moved, and Vice President Sherris-Watt seconded, that the Board pass Resolution 2016-11.

Motion passed: 5 – 0.

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

At 9:45 P.M. President Welsh noted the time and said a motion was needed to extend the meeting.

MOTION: President Welsh moved, and Director Gillette seconded, to extend the meeting past 10:00 P.M. if necessary to complete all business.

Motion failed: 3 – 2.

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

**Note: Continuing the meeting past 10:00 P.M. required a four-fifths vote at 9:45 P.M.*

President Welsh suggesting continuing the meeting to a fixed time after 10:00 P.M., such as 10:30 P.M. Director Cordova responded that this wasn't permissible per the manual. President Welsh said the manual was silent as to whether this could occur. Director Cordova disagreed with him. President Welsh responded that Director Cordova had had no problem not complying with the manual's mandate to do a first reading of the budget in May and she had been quite happy to violate the manual and vote not to extend the meeting past 10:00 P.M. Vice President Sherris-Watt suggested that, while legal counsel was looking up this information, the Board could move on to the Ad Hoc Committee update.

- 7c. Update from Ad Hoc Committee on Governance

David Spath reported that the June 4th Community Forum had gone well and had been well attended. He said the Committee planned to engage the services of an editor for its final report. He reported that he had attended the Fire Board meeting and had asked if its directors would consider meeting with the Committee to discuss consolidation. He said Fire Board President, Don Dommer, had responded that he would place this on the Fire District's July agenda. Dr. Spath said that he hoped the Fire Board would attend consolidation sub-committee meeting on July 21st. He also reported that the Committee was on schedule to get the final report to the Board in early September. He said he would like to have a joint meeting of the Committee and the Board to present the final report.

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Director Toombs asked if this would be a town hall meeting. Dr. Spath responded this would be his preference. Director Cordova suggested including LAFCO in the meeting. Dr. Spath added that the Fire Board could be asked to attend, as well. Dr. Spath said he would work to coordinate the scheduling.

Director Cordova raised the issue of the traveling the Committee members had been doing and asked if they had submitted requests for reimbursement. Dr. Spath responded that he didn't think they had submitted anything, though he had let them know they could do so.

Dr. Spath reported that the bifurcation sub-committee had met after the forum and that the meeting had been well attended. He reported that the contracting out sub-committee would be meeting on July 16th and that the consolidation sub-committee would be meeting on July 21st and LAFCO's Lou Ann Teixeira would be present. Director Toombs asked that the sub-committee meetings be properly noticed so that the Board and members of the public could be informed. Dr. Spath said that the K-groups had been very helpful in keeping people informed.

President Welsh thanked Dr. Spath for the Committee's presentation and said it had been very informative.

CONSENT CALENDAR

IGM/COP Hart asked if there were any minutes in the Consent Calendar that required changes.

**MOTION: Vice President Sherris-Watt moved, and President Welsh seconded, that the Board approve Consent Calendar items f, g, i, j, k, l, and m.
Motion passed: 5 – 0.**

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

President Welsh asked if there was an answer to the legal question that had been asked earlier. Randy Riddle cited the Manual's Section 5010.50 and said that meetings could be extended by a four-fifths vote but there was no indication of a time limit. Therefore, he said, the Board could extend a meeting indefinite period of time or to a specific time. President Welsh said there was no legal restriction and asked if this would change Director Cordova's perspective. Director Toombs noted the vote would still need to be four to one. President Welsh asked if, since pledges had been made to close down meetings at 10:00 P.M. indefinitely, this information about time would change Director Cordova's mind. Director Cordova said that she had made no such pledge and that the reason she didn't want to meet past 10:00 P.M. was because the conduct on the dais deteriorated after that hour. President Welsh said she had given a different, legal, reason earlier.

Director Toombs said he wanted to address the fact that there had been no moving citations issued by Team 2. IGM/COP Hart responded that there had been just one officer on duty and that traffic took a backseat to calls for service.

President Welsh and Vice President Sherris-Watt said the Consent Calendar items that remained for approval were items a through e and h.

Director Cordova said she wanted to pull the set of minutes in which her statement had been mischaracterized. IGM/COP Hart said this was the May 12th set of minutes, item d.

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MOTION: Vice President Sherris-Watt moved, and President Welsh seconded, the approval of Consent Calendar items a, b, c, e, and h.
Motion passed: 5 – 0.

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

IGM/COP Hart said that Consent Calendar item d would return on the next agenda and announced that the next meeting would be on June 30th. He said that, at that time, the Board would consider the Appropriations Limit and some close session items. IGM/COP Hart also asked if Director Gillette and Vice President Sherris-Watt could provide an update on the park fees increase project.

Director Gillette asked if staff had been fulfilling an earlier commitment to keep Directors apprised of outstanding items for which they were responsible. IGM/COP Hart responded that staff had been doing so and that the only outstanding items were the traffic study and the park fees project.

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

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

The meeting was adjourned at 10:00 P.M.

Len Welsh
KPPCSD Board President

Lynn Wolter
District Administrator

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Meeting Minutes for 6/27/16

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Monday, June 27, 2016, at 6:00 P.M., at the Community Center, 59 Arlington Ave., Kensington, California.

ATTENDEES

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Rachelle Sherris-Watt, Vice President	Simon Brafman
Patricia Gillette, Director	
Chuck Toombs, Director	
Vanessa Cordova, Director	
<u>Staff Members</u>	
Interim GM/COP Kevin Hart	
<u>Press</u>	

Vice President Sherris-Watt called the meeting to order at 6:05 P.M.

Vice President Sherris-Watt took roll call. She, Director Gillette, Director Toombs, Director Cordova, and Interim GM/COP Hart were present. President Welsh was absent.

PUBLIC COMMENTS

Simon Brafman said he wished the Board good luck in interviewing candidates for general counsel.

The Board entered into Closed Session at 6:07 P.M.

CLOSED SESSION

- a. Public employment: Title: (General Counsel) – Pursuant to Government Code Section 54957.

The Board returned to Open Session at 7:26 P.M.

Vice President Sherris-Watt reported that the Board had taken no action.

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The meeting was adjourned at 7:27 P.M.

Len Welsh
KPPCSD Board President

Lynn Wolter
District Administrator

DRAFT

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

Meeting Minutes for 6/30/16

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday, June 30, 2016, at 6:00 P.M., at the Community Center, 59 Arlington Ave., Kensington, California. A Special Meeting in open session followed.

ATTENDEES

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Len Welsh, President	Randy Riddle, Renne Sloan Holtzman Sakai LLP
Rachelle Sherris-Watt, Vice President	Jon Holtzman, Renne Sloan Holtzman Sakai LLP
Patricia Gillette, Director	Mabry Benson
Chuck Toombs, Director	Leonard Schwartzburd
Vanessa Cordova, Director	David Bergen
<u>Staff Members</u>	
Interim GM/COP Kevin Hart	
Lynn Wolter, District Administrator	
<u>Press</u>	

President Welsh called the meeting to order at 6:03 P.M.

President Welsh took roll call. He, Vice President Sherris-Watt, Director Gillette, Director Toombs, Director Cordova, Interim GM/COP Hart, and District Administrator Wolter were present.

PUBLIC COMMENTS

Mabry Benson said that there were three lawyers on the Board and asked what it was that they didn't understand about the law. She said that to release the report of any investigation done with the premise of confidentiality would be unwise. She asked why anyone would be forthcoming if they thought their confidential statements would be made public. She said that, regardless, all she heard, over and over, was that the report should be released and then all would be resolved. She said that, additionally, in the State of California, the Police Officers' Bill of Rights did not allow for the report to be made public. She asked if the attorneys had said it would be okay to release the report and said that, if they had, it would be a good idea to find a new law firm. She said the public had been told that at least some of the officers' behavior had been improper and that discipline had been imposed. She said that, if the report were released, Officer Ramos and Officer Barrow could appeal any discipline received. She said this sounded like more legal fees to her.

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

Leonard Schwartzburd asked if his appeal would be discussed. President Welsh responded in the affirmative. Dr. Schwartzburd asked if he would receive a reply after the evening's meeting. President Welsh responded in the affirmative.

David Bergen said he agreed with Ms. Benson's comments. He said that, if the report were to be released, then all the IA's, such as the Reno report, should be released. He questioned whether the 24-hour notice had been legal, since the meeting had not been an emergency meeting. Randy Riddle responded that 24 hours was the legally required notice for a Special Meeting. He clarified that a Special Meeting was any meeting that took place between Regular Meetings.

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

CLOSED SESSION

- a. Public employment: Title: (General Counsel) – Pursuant to Government Code Section 54957.
- b. (1) Conference with legal counsel – anticipated litigation: Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54959.9 (1 potential case); and (2) public employee discipline/dismissal/release.
- c. Conference with labor negotiator – Pursuant to Government Code Section 54957.6: Agency designated representative: Jon Holtzman, Employee organization: Kensington Police Officers Association.

The Board returned to Open Session at 7:44 P.M.

President Welsh took roll call. He, Vice President Sherris-Watt, Director Gillette, Director Cordova and Director Toombs were present.

President Welsh reported that the Board had taken no action.

It was clarified that, per the Policy Manual, Special Meetings did not allow for general public comments: It allowed only for comments on items appearing on the agenda.

CONSENT CALENDAR

Director Cordova said she had meant to clarify a comment that had appeared in the minutes but thought this had appeared on a set of minutes that had already been approved. Therefore, she had no amendments for the May 12, 2016 Minutes.

MOTION: Director Cordova moved, and Director Toombs seconded, to approve the May 12, 2016 minutes.

Motion passed: 5 – 0.

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

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

- 7a. The Kensington Police Protection and Community Services District Board of Directors reviewed and considered the approval of Board Resolution 2016-10, a resolution of the Board of Directors of the Kensington Police Protection and Community Services District, affirming the establishment of the appropriations limit applicable to the district during fiscal year 2016-17.

IGM/COP Hart briefed the Board. He said the Appropriations Limit and the calculations were based on financial and population data calculated by and posted on the State of California Department of Finance's website. He said that, in order to meet legal requirements, the District needed to post the Notice at least 15 days prior to the June 30th meeting. He reported that the District had posted the Notice on June 14th. He provided a history of the setting of the Appropriations Limit, which was first set, by a special election, in the early 1980's. He added that, every four years, the voters needed to re-set the limit. He reported that the Appropriations Limit set for Fiscal Year 2016-17 was \$3,989,511.

Director Toombs said this would allow the District to spend the tax dollars it collects, up to this limit. He noted that every agency in the State has to go through this process.

Director Cordova said she had supported Measure V in 2014, when she had been a candidate, and said she was inclined to support the resolution.

MOTION: Director Toombs moved, and Vice President Sherris-Watt seconded, that Resloution 2016-10 be adopted, as stated in the agenda.
Motion passed: 5 – 0.

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

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

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

The meeting was adjourned at 7:50 P.M.

Len Welsh
KPPCSD Board President

Lynn Wolter
District Administrator

Unaudited Profit & Loss Budget Performance

June 2016

	Jun 16	Budget	Jul '15 - Jun 16	YTD Budget	Annual Budget
Ordinary Income/Expense					
Income					
400 · Police Activities Revenue					
401 · Levy Tax	11,819.21	0.00	1,573,495.81	1,527,750.00	1,527,750.00
402 · Special Tax-Police	0.00		681,690.00	680,000.00	680,000.00
403 · Misc Tax-Police	69.50	0.00	69.50	0.00	0.00
404 · Measure G Supplemental Tax Re	0.00		514,175.88	514,177.50	514,177.50
409 · Asset seizure forfeit/WEST NET	0.00		18,525.71		
410 · Police Fees/Service Charges	795.00	125.00	3,350.00	1,500.00	1,500.00
411 · Kensington Hilltop Svcs Reimb	4,800.00	0.00	28,425.00	18,900.00	18,900.00
412 · Special Assignment Revenue	0.00	0.00	11,912.79	0.00	0.00
413 · West County Crossing Guard Rei	3,555.00	0.00	10,565.00	10,830.00	10,830.00
414 · POST Reimbursement	915.24	0.00	5,761.84	0.00	0.00
415 · Grants-Police	6,838.98	0.00	90,210.87	0.00	0.00
416 · Interest-Police	0.00	400.00	2,651.50	1,600.00	1,600.00
418 · Misc Police Income	1,015.65	1,666.66	10,810.08	20,000.00	20,000.00
419 · Supplemental W/C Reimb (4850)	0.00	0.00	29,354.06	17,194.24	17,194.24
Total 400 · Police Activities Revenue	29,808.58	2,191.66	2,980,998.04	2,791,951.74	2,791,951.74
420 · Park/Rec Activities Revenue					
424 · Special Tax-L&L	0.00		35,190.86	33,000.00	33,000.00
427 · Community Center Revenue	1,965.00	8,000.00	29,615.50	33,000.00	33,000.00
435 · Grants-Park/Rec	0.00		0.00	5,000.00	5,000.00
438 · Misc Park/Rec Rev	50.00	50.00	250.00	500.00	500.00
Total 420 · Park/Rec Activities Revenue	2,015.00	8,050.00	65,056.36	71,500.00	71,500.00
440 · District Activities Revenue					
448 · Franchise Fees	21,571.06	0.00	92,717.81	48,800.00	48,800.00
456 · Interest-District	0.00	0.00	-32.44	0.00	0.00
458 · Misc District Revenue	0.00	0.00	1,976.00	0.00	0.00
Total 440 · District Activities Revenue	21,571.06	0.00	94,661.37	48,800.00	48,800.00
Total Income	53,394.64	10,241.66	3,140,715.77	2,912,251.74	2,912,251.74

Total Income is \$228,464 greater than the amount budgeted for the year.

This difference is comprised primarily by the District having received \$90,210 in COPS Grants; \$45,745 more in Levy Taxes; \$43,918 more in Franchise Fees; \$18,525 in Asset Forfeiture Funds; \$12,160 more in Supplemental Workers' Comp; and \$11,900 in Special Assignment Revenue.

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Unaudited Profit & Loss Budget Performance

June 2016

Expense	Jun 16	Budget	Jul '15 - Jun 16	YTD Budget	Annual Budget
500 · Police Sal & Ben					
502 · Salary - Officers	82,009.48	81,702.84	945,634.19	980,434.00	980,434.00
504 · Compensated Absences	0.00	2,900.00	26,722.53	20,000.00	20,000.00
506 · Overtime	11,228.94	5,000.00	98,723.65	60,000.00	60,000.00
508 · Salary - Non-Sworn	9,558.45	6,825.00	102,532.09	81,900.00	81,900.00
516 · Uniform Allowance	599.94	850.00	7,677.64	10,200.00	10,200.00
518 · Safety Equipment	0.00	2,000.00	445.96	3,250.00	3,250.00
521-A · Medical/Vision/Dental-Active	15,897.51	12,496.34	178,579.21	149,956.00	149,956.00
521-R · Medical/Vision/Dental-Retired	13,354.32	13,957.84	175,435.91	167,494.00	167,494.00
521-T · Medical/Vision/Dental-Trust	0.00		0.00	31,642.00	31,642.00
522 · Insurance - Police	433.00	540.00	4,427.50	5,240.00	5,240.00
523 · Social Security/Medicare	1,508.42	1,389.00	16,521.32	16,668.00	16,668.00
524 · Social Security - District	631.85	423.16	6,508.81	5,078.00	5,078.00
527 · PERS - District Portion	14,838.12	32,285.09	368,679.24	387,421.00	387,421.00
528 · PERS - Officers Portion	5,228.02	7,032.25	71,487.81	84,387.00	84,387.00
530 · Workers Comp	0.00	0.00	43,966.71	50,000.00	50,000.00
Total 500 · Police Sal & Ben	155,288.05	167,401.52	2,047,342.57	2,053,670.00	2,053,670.00

Accounts 502 – Police Salaries, 504 – Compensated Absences, and 506 - Overtime

YTD, Accounts 502, 504 and 506, combined, are \$10,645 more than the total amount budgeted for the year for these three accounts. This reflects changes made per the MOU adopted by the Board at its April meeting and the \$10,800 Comp. Time payout to Officer Turner in July, 2015.

Accounts 508 & 601 Non-Sworn and Park & Rec.

For the past few months, non-sworn staff has been assigned more tasks. Thus, hourly wages, YTD, for these two accounts are approx. \$21,000 more than the amount budgeted for the year for these two accounts.

Account 521 A&R Medical/Vision/Dental

CalPERS medical premiums for July, in the amount of 27,000 was due by July 10th and so had to be paid as part of the June 30th check run. This is the Primary reason these accounts, combined, are \$36,565 over budget for the year. Because the July CalPERS payment is a prepayment of a FY 2016-17 invoice, CPA Deborah Russell will adjust this from FY 2015-16 as part of the year-end close.

Account 527 & 528 – PERS District Portion

IGM/COP Hart, the PD's new PEPRAs employee, and (with the adoption of the MOU at the Board's April meeting) the officers contribute to their own pensions. Therefore, these two accounts, combined, are \$34,642 under budget for the year.

Unaudited Profit & Loss Budget Performance
June 2016

	Jun 16	Budget	Jul '15 - Jun 16	YTD Budget	Annual Budget
550 · Other Police Expenses					
552 · Expendable Police Supplies	3,788.77	141.66	5,500.21	1,700.00	1,700.00
553 · Range/Ammunition Supplies	325.00	2,000.00	2,885.91	5,000.00	5,000.00
560 · Crossing Guard	1,143.14	1,230.00	10,709.41	10,830.00	10,830.00
562 · Vehicle Operation	5,619.83	3,200.00	22,676.55	50,000.00	50,000.00
564 · Communications (RPD)	15,399.96	0.00	110,824.98	156,070.00	156,070.00
566 · Radio Maintenance	181.69	130.00	1,998.62	21,750.00	21,750.00
568 · Prisoner/Case Exp./Booking	942.54	500.00	14,065.31	6,400.00	6,400.00
570 · Training	1,960.48	900.00	8,634.87	10,000.00	10,000.00
572 · Recruiting	0.00	541.66	4,290.53	6,500.00	6,500.00
574 · Reserve Officers	0.00	337.50	221.50	4,050.00	4,050.00
576 · Misc. Dues, Meals & Travel	0.00	0.00	2,710.00	3,140.00	3,140.00
580 · Utilities - Police	714.07	1,500.00	10,057.37	10,000.00	10,000.00
581 · Bldg Repairs/Maint.	265.46	416.66	4,941.70	5,000.00	5,000.00
582 · Expendable Office Supplies	532.20	500.00	6,512.05	6,000.00	6,000.00
588 · Telephone(+Rich. Line)	409.30	1,004.00	5,904.43	8,904.00	8,904.00
590 · Housekeeping	493.41	333.34	4,798.52	4,000.00	4,000.00
592 · Publications	0.00	50.00	2,579.91	2,500.00	2,500.00
594 · Community Policing	16.95	550.00	5,463.52	4,000.00	4,000.00
596 · WEST-NET/CAL I.D.	6,101.00		11,609.00	5,925.00	5,925.00
599 · Police Taxes Administration	848.55	0.00	4,337.23	3,500.00	3,500.00
Total 550 · Other Police Expenses	38,742.35	13,334.82	240,721.62	325,269.00	325,269.00

Account 562 – Vehicle Operation

YTD expenses are about \$27,300 less than the amount budgeted for the year. This is due, in part, to relatively low gas prices.

Account 566 Radio Maintenance

An annual payment of about \$20,000 for Motorola radio was budgeted. Following March's P&L report, staff reviewed the Motorola Agreement and ascertained that it was a lease/purchase agreement. The last payment was made in FY 14/15. No payment will be due this FY.

Account 594 Community Policing

The amount is about \$1,500 greater than the amount budgeted for the year. This is due, in part, to additional work done on the website.

KPPCSD
Unaudited Profit & Loss Budget Performance
June 2016

	Jun 16	Budget	Jul '15 - Jun 16	YTD Budget	Annual Budget
600 · Park/Rec Sal & Ben					
601 · Park & Rec Administrator	632.70	650.00	7,944.90	7,800.00	7,800.00
602 · Custodian	1,750.00	1,850.00	21,000.00	22,750.00	22,750.00
623 · Social Security/Medicare - Dist	0.00	49.75	420.47	597.00	597.00
Total 600 · Park/Rec Sal & Ben	2,382.70	2,549.75	29,365.37	31,147.00	31,147.00
635 · Park/Recreation Expenses					
640 · Community Center Expenses					
642 · Utilities-Community Center	481.34	906.00	5,209.05	5,616.00	5,616.00
643 · Janitorial Supplies	0.00	0.00	1,241.17	800.00	800.00
646 · Community Center Repairs	734.00	250.00	5,761.85	3,000.00	3,000.00
Total 640 · Community Center Expense	1,215.34	1,156.00	12,212.07	9,416.00	9,416.00
660 · Annex Expenses					
666 · Annex Repairs	0.00	83.34	0.00	1,000.00	1,000.00
668 · Misc Annex Expenses	0.00	83.34	0.00	1,000.00	1,000.00
Total 660 · Annex Expenses	0.00	166.68	0.00	2,000.00	2,000.00
670 · Gardening Supplies	0.00	83.34	0.00	1,000.00	1,000.00
672 · Kensington Park O&M	5,860.26	6,525.00	51,569.87	78,300.00	78,300.00
674 · Park Construction Exp	0.00	0.00	0.00	5,000.00	5,000.00
678 · Misc Park/Rec Expense	0.00	83.34	4,292.98	1,000.00	1,000.00
Total 635 · Park/Recreation Expenses	7,075.60	8,014.36	68,074.92	96,716.00	96,716.00

Account 646 Community Center Repairs

The amount for the year is about \$2,800 more than had been budgeted. This was due in part because the water heater had to be replaced.

Account 672 Kensington Park O&M

The amount is \$27,000 less than the amount budgeted for the year.

Account 678 Misc. Park/Rec. Expense

This amount is approx. \$3,300 more than the amount budgeted for the year, in part because new tables needed to purchased.

KPPCSD Unaudited Profit & Loss Budget Performance June 2016

	Jun 16	Budget	Jul '15 - Jun 16	YTD Budget	Annual Budget
800 · District Expenses					
810 · Computer Maintenance	1,089.00	3,100.00	22,690.26	24,288.00	24,288.00
820 · Cannon Copier Contract	387.38	500.00	4,693.01	5,700.00	5,700.00
830 · Legal (District/Personnel)	0.00	8,230.00	136,202.60	99,530.00	99,530.00
835 · Consulting	0.00	0.00	29,344.04	15,000.00	15,000.00
840 · Accounting	3,384.00	6,000.00	43,762.84	34,000.00	34,000.00
850 · Insurance	0.00	0.00	27,357.99	30,000.00	30,000.00
860 · Election	0.00	0.00	0.00	0.00	0.00
865 · Police Bldg. Lease	0.00	0.00	1.00	1.00	1.00
870 · County Expenditures	0.00	50.00	21,604.54	22,300.00	22,300.00
890 · Waste/Recycle	0.00	500.00	259.74	25,000.00	25,000.00
898 · Misc. Expenses	490.35	1,275.00	16,986.06	15,300.00	15,300.00
899 · Depreciation Expense	0.00	0.00	0.00	0.00	0.00
Total 800 · District Expenses	5,350.73	19,655.00	302,902.08	271,119.00	271,119.00

Account 830 – Legal

The amount shown for the year is \$136,200 but reflects billing from PLG through February. On July 15th, the invoice for billings March through May, in the amount of approx. \$104,000, will be paid. We have not yet received June invoice. Because of accrual accounting, the invoice to be paid on July 15th and the June invoice yet to be received, will be expensed to FY 2015-16. As such, the annual amount will exceed the amount budgeted by more than \$150,000 (the amount over budget following the July 15th payment will be approximately \$141,000).

Account 835 Consulting

The amount exceeds the amount budgeted for the year by \$14,300. Most of this is for Adam Benson's analyses.

Account 840 Accounting

The amount exceeds the annual budgeted amount by \$9,800. Review of the detail for this account revealed that approx. \$29,600 was paid to CPA Deborah Russell YTD. This amount exceeds was budgeted for her work for the fiscal year. This is due, in large part, to the additional financial analyses Ms. Russell was asked to do for the Board, the Ad Hoc Committee, and for the Finance Committee.

Account 890 Waste/Recycling

The amount is \$24,740 less than the amount budgeted for the year. This is because there were no legal fees associated with this account the year.

KPPCSD Unaudited Profit & Loss Budget Performance June 2016

	Jun 16	Budget	Jul '15 - Jun 16	YTD Budget	Annual Budget
950 · Capital Outlay					
962 · Patrol Cars	0.00	0.00	27,533.48	30,000.00	30,000.00
963 · Patrol Car Accessories	0.00	0.00	3,571.94	3,000.00	3,000.00
965 · Personal Police Equipment-Asset	4,485.42		4,485.42	10,000.00	10,000.00
967 · Station Equipment	0.00		8,484.89	7,000.00	7,000.00
968 · Office Furn/Eq	0.00		0.00	6,000.00	6,000.00
972 · Park Buildings Improvement	0.00	2,100.00	13,931.04	25,000.00	25,000.00
978 · Pk/Rec Furn/Eq	0.00		603.24		
Total 950 · Capital Outlay	4,485.42	2,100.00	58,610.01	81,000.00	81,000.00
Total Expense	213,324.85	213,055.45	2,747,016.57	2,858,921.00	2,858,921.00
Net Ordinary Income	-159,930.21		-202,813.79	53,330.74	53,330.74
Other Income/Expense					
Other Expense					
700 · Bond Issue Expenses					
701 · Bond Proceeds	0.00		-177,746.56	0.00	0.00
710 · Bond Admin.	2,440.70		14,641.42	0.00	0.00
715 · Bond Interest Income	0.00		-269.59	0.00	0.00
720 · Bond Principal	0.00		125,718.06	0.00	0.00
730 · Bond Interest	0.00		33,313.29	0.00	0.00
Total 700 · Bond Issue Expenses	2,440.70		-4,343.38	0.00	0.00
995 · Loss/(Gain) - Asset Disposition	0.00		0.00	0.00	0.00
Total Other Expense	2,440.70		-4,343.38	0.00	0.00
Net Other Income	-2,440.70		4,343.38	0.00	0.00
Net Income	-162,370.91		-202,813.79	53,330.74	53,330.74

Accounts 962 & 963 Patrol Cars and Accessories

The Chief's car has been ordered, and the invoice for the car has been paid. The accessories have been installed and the invoice has been paid. These lines, combined, have come in \$1,900 under budget.

Account 965 Personal Police Equipment

At last month's meeting the Board approved increasing this line item from \$10,000 to \$28,000 (see Asset Forfeiture Funds A/C 409 for offsetting revenue) and approved the purchase of bulletproof vests, in addition to the purchase of new weapons. The line in the P&L was not adjusted to reflect the approved increase and so still stands at \$10,000. New vests were ordered and most of them have been paid for. The weapons were budgeted at \$10,000, but have not been ordered yet.

Account 967 – Station Equipment

A new phone system has been installed. The total was about \$8,000. The annual amount exceeded the budgeted amount by about \$1,000.

Account 968 – Office Furn/Equip

A new microphone system was budgeted at \$6,000 but was not purchased.

Bottom line: Net Income exceeds the budgeted amount by about \$344,700. However, it does not reflect year-end adjustments, which will include additional legal fees of an amount greater than \$105,000. This will reduce the Net Income to an amount less than \$240,000.

SS

KPPCSD

Transaction Detail By Account

July 2015 through June 2016

Date	Num	Name	Memo	Split	Amount
420 · Park/Rec Activities Revenue					
424 · Special Tax-L&L					
10/01/2015	JV07...	CCC Taxes-LLD	SP ASSESS ...	146 · Advance...	35,190.86
Total 424 · Special Tax-L&L					35,190.86
427 · Community Center Revenue					
07/16/2015	1189		CC Rental 6-...	112 · General ...	412.50
07/16/2015	4434		CC Rental 7-...	112 · General ...	300.00
07/16/2015	1350		CC Rental 7-...	112 · General ...	450.00
07/16/2015	1393		CC Rental 7-...	112 · General ...	300.00
07/16/2015	1036		CC Rental 7-...	112 · General ...	600.00
07/16/2015	006		Alanon Mtg J...	112 · General ...	90.00
08/04/2015	264		CC Rental P...	112 · General ...	700.00
08/04/2015	3751		CC Rental P...	112 · General ...	900.00
09/01/2015	208		CC Rental 8-...	112 · General ...	375.00
09/01/2015	224		CC Rental 8-...	112 · General ...	400.00
09/01/2015	3126		CC Rental 8-...	112 · General ...	375.00
09/01/2015	009		Wake Up to ...	112 · General ...	90.00
10/13/2015	1013		CC Rental 1...	112 · General ...	1,550.00
10/13/2015	1159		East Bay Coll...	112 · General ...	598.00
10/13/2015	10857		CC Rental Fe...	112 · General ...	375.00
10/13/2015	2889		CC Rental Fe...	112 · General ...	300.00
10/30/2015	16724	Micahel Collier	Reimburse...	112 · General ...	-75.00
11/16/2015	13		Wake Up to ...	112 · General ...	90.00
11/16/2015	2263		Michael Colli...	112 · General ...	1,000.00
11/16/2015	712		Kris Luna CC...	112 · General ...	400.00
11/16/2015	1979		Robin Green...	112 · General ...	412.50
11/16/2015	223		George Ferg...	112 · General ...	800.00
12/03/2015	1043		CC Rental P...	112 · General ...	300.00
12/03/2015	5927...		CC Rental P...	112 · General ...	800.00
12/03/2015	3014		CC Renal Py...	112 · General ...	800.00
01/07/2016	8250		KCC first half...	112 · General ...	7,500.00
01/07/2016	727		Rental Fee fo...	112 · General ...	450.00
01/12/2016	4468		CC Rental P...	112 · General ...	800.00

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KPPCSD

Transaction Detail By Account

July 2015 through June 2016

Date	Num	Name	Memo	Split	Amount
02/04/2016	1722		CC Rental 2-...	112 · General ...	550.00
02/04/2016	2139		CC Rental 2-...	112 · General ...	550.00
02/04/2016	2082		CC Rental 3-...	112 · General ...	375.00
02/04/2016	0014		Alanon Mtg R...	112 · General ...	90.00
03/15/2016	16991	Catherine Henderson	Community C...	112 · General ...	-375.00
03/21/2016	1085		CC Rental Fe...	112 · General ...	400.00
03/21/2016	3249		CC Rental Fe...	112 · General ...	300.00
03/21/2016	2008		CC Rental Fe...	112 · General ...	700.00
03/21/2016	2772		CC Rental Fe...	112 · General ...	200.00
03/21/2016	716		CC Rental Fe...	112 · General ...	700.00
03/21/2016	1201		Wake Up To ...	112 · General ...	90.00
04/15/2016	17072	Auction King	Refund for 4/...	112 · General ...	-100.00
04/27/2016	1011		CC Rental 4-...	112 · General ...	900.00
04/27/2016	1277		CC Rental 4-...	112 · General ...	500.00
04/27/2016	767		CC Rental 7-...	112 · General ...	500.00
04/27/2016	674		CC Rental 4-...	112 · General ...	337.50
04/27/2016	1203		Alanon April ...	112 · General ...	90.00
05/20/2016	5035		Rental Fee 4-...	112 · General ...	450.00
05/20/2016	1976		Rental Fee E...	112 · General ...	300.00
06/13/2016	1778		Amphiteater ...	112 · General ...	50.00
06/13/2016	1774		CC Rental 6-...	112 · General ...	750.00
06/13/2016	4996		CC Rental 8-...	112 · General ...	375.00
06/23/2016	168		CC Rental 6-...	112 · General ...	600.00
06/23/2016	1206		Alanon Rent ...	112 · General ...	90.00
06/30/2016	V926...		CCC Preside...	112 · General ...	100.00

Total 427 · Community Center Revenue

29,615.50

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KPPCSD

Transaction Detail By Account

July 2015 through June 2016

Date	Num	Name	Memo	Split	Amount
438 · Misc Park/Rec Rev					
08/04/2015	4445		Tennis Court ...	112 · General ...	40.00
11/16/2015	4645		Tennis Court ...	112 · General ...	40.00
01/07/2016	4691		Tennis Court ...	112 · General ...	40.00
03/21/2016	4776		Tennis Court ...	112 · General ...	40.00
04/27/2016	4825		Tennis Court ...	112 · General ...	40.00
06/23/2016	4858		Tennis Court ...	112 · General ...	40.00
06/23/2016	144		Tennis Court ...	112 · General ...	10.00
Total 438 · Misc Park/Rec Rev					250.00
Total 420 · Park/Rec Activities Revenue					65,056.36
TOTAL					65,056.36

KPPCSD

Transaction Detail By Account

July 2015 through June 2016

Date	Num	Name	Memo	Split	Amount
600 · Park/Rec Sal & Ben					
601 · Park & Rec Administrator					
07/15/2015		Di Napoli, Andrea		112 · General ...	395.10
07/30/2015		Di Napoli, Andrea		112 · General ...	388.20
08/14/2015		Di Napoli, Andrea		112 · General ...	314.10
08/28/2015		Di Napoli, Andrea		112 · General ...	385.80
09/15/2015		Di Napoli, Andrea		112 · General ...	330.90
09/30/2015		Di Napoli, Andrea		112 · General ...	402.60
10/15/2015		Di Napoli, Andrea		112 · General ...	211.50
10/30/2015		Di Napoli, Andrea		112 · General ...	344.70
11/13/2015		Di Napoli, Andrea		112 · General ...	354.30
11/30/2015		Di Napoli, Andrea		112 · General ...	357.60
12/15/2015		Di Napoli, Andrea		112 · General ...	424.50
12/29/2015		Di Napoli, Andrea		112 · General ...	236.70
01/15/2016		Di Napoli, Andrea		112 · General ...	330.00
01/29/2016		Di Napoli, Andrea		112 · General ...	336.90
02/12/2016		Di Napoli, Andrea		112 · General ...	347.10
02/29/2016		Di Napoli, Andrea		112 · General ...	336.30
03/15/2016		Di Napoli, Andrea		112 · General ...	227.40
03/30/2016		Di Napoli, Andrea		112 · General ...	396.30
04/15/2016		Di Napoli, Andrea		112 · General ...	311.70
04/28/2016		Di Napoli, Andrea		112 · General ...	264.60
05/12/2016		Di Napoli, Andrea		112 · General ...	277.20
05/26/2016		Di Napoli, Andrea		112 · General ...	338.70
06/14/2016		Di Napoli, Andrea		112 · General ...	291.30
06/29/2016		Di Napoli, Andrea		112 · General ...	341.40

Total 601 · Park & Rec Administrator 7,944.90

KPPCSD

Transaction Detail By Account

July 2015 through June 2016

Date	Num	Name	Memo	Split	Amount
602 - Custodian					
07/15/2015	16466	William Driscoll	7/1 - 7/15/15 ...	112 · General ...	875.00
07/30/2015	16503	William Driscoll	7/16 - 7/31/1...	112 · General ...	875.00
08/14/2015	16539	William Driscoll	8/1 - 8/15/15 ...	112 · General ...	875.00
08/28/2015	16576	William Driscoll	8/16 - 8/31/1...	112 · General ...	875.00
09/15/2015	16601	William Driscoll	9/1 - 9/15/15 ...	112 · General ...	875.00
09/30/2015	16642	William Driscoll	9/15 - 9/30/1...	112 · General ...	875.00
10/15/2015	16665	William Driscoll	10/1 - 10/15/...	112 · General ...	875.00
10/30/2015	16697	William Driscoll	10/16 - 10/31...	112 · General ...	875.00
11/13/2015	16761	William Driscoll	11/1 - 11/15/...	112 · General ...	875.00
11/30/2015	16777	William Driscoll	11/16 - 11/30...	112 · General ...	875.00
12/15/2015	16806	William Driscoll	12/1 - 12/15/...	112 · General ...	875.00
12/30/2015	16838	William Driscoll	12/16 - 12/31...	112 · General ...	875.00
01/15/2016	16872	William Driscoll	1/01 - 1/15/1...	112 · General ...	875.00
01/29/2016	16907	William Driscoll	1/16 - 1/31/1...	112 · General ...	875.00
02/12/2016	16938	William Driscoll	2/1 - 2/15/16 ...	112 · General ...	875.00
02/29/2016	16965	William Driscoll	2/16 - 2/29/1...	112 · General ...	875.00
03/15/2016	16988	William Driscoll	3/01 - 3/15/1...	112 · General ...	875.00
03/30/2016	17026	William Driscoll	3/016 - 3/31/...	112 · General ...	875.00
04/15/2016	17052	William Driscoll	4/01/16 - 4/3...	112 · General ...	875.00
04/29/2016	17084	William Driscoll	4/16/16 - 4/3...	112 · General ...	875.00
05/13/2016	17117	William Driscoll	5/1 - 5/15/16 ...	112 · General ...	875.00
05/27/2016	17196	William Driscoll	5/15 - 5/31/1...	112 · General ...	875.00
06/15/2016	17222	William Driscoll	6/1 - 6/15/16 ...	112 · General ...	875.00
06/30/2016	17281	William Driscoll	6/16 - 6/30/1...	112 · General ...	875.00

Total 602 · Custodian 21,000.00

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9:27 AM

07/07/16

Accrual Basis

KPPCSD

Transaction Detail By Account

July 2015 through June 2016

Date	Num	Name	Memo	Split	Amount
02/29/2016		623 · Social Security/Medicare - Dist SS A...		-SPLIT-	420.47
		Total 623 · Social Security/Medicare - Dist			420.47
		Total 600 · Park/Rec Sal & Ben			29,365.37
		TOTAL			29,365.37

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JUNE 2016 WATCH COMMANDER MONTHLY REPORT

Sergeant Hull

TEAM #1 & #2 STATISTICS

Sergeant Hull (K17) – (1000-2000)

Officer:	Hui (K42) (0600-1600)	Hull (K17) (1000-2000)	Barrow(K26) (1800-0600)
Days Worked	08	16	15
Traffic Stops	02	19	06
Moving Citations	00	04	01
Parking Citations	02	04	05
Vacation/Security Checks	01	02	00
Cases	00	04	01
Arrests	00	02	00
Traffic Accident Reports	00	00	01
Calls for Service	19	62	37

Officer:	Wilson (K38) (1800-0600)	Foley (K48) (0600-1800)	Open Shift (1800-0600)
Days Worked	12	14	00
Traffic Stops	01	53	00
Moving Citations	01	15	00
Parking Citations	05	27	00
Vacation/Security Checks	29	43	00
Cases	00	00	00
Arrests	00	00	00
Traffic Accident Reports	00	01	00
Total Service Calls	48	188	0

Sgt. Hui spent three days training at the Sherman Leadership Institute

Sgt. Hull took two days vacation

Officer Wilson took two vacation days and recovered one

Cpl. Stegman and Officer Wilkens on light duty

Officer Ramos off on admin leave

Detective Martinez wrote one parking citation

Sgt. Hull and Hui assisted Troop 100 with their annual rifle shooting event

BRIEFING/TRAINING:

- Towing Vehicles
- PC 832 – Arrest and Firearm
- PC 836 – Power of Arrest

- PC837 – Private Person’s Arrest
- VC23123 – Cell Phone Violation
- VC23123.5 – Driving while Texting
- VC23124 – Cell Phone Violation Under Age 18
- Stop and Frisk Law
- Warrantless Blood and Breath Tests for DUI’s

SERGEANT’S SUMMARY:

National Night Out is fast approaching, August 2016. Please keep this in mind as you may want to volunteer to host a block party or attend your neighborhood’s event. Past year’s participants should have already been contacted by Officer Wilkens. I urge anyone interested in participating in any way to contact Officer Wilkens at Swilkens@kensingtoncalifornia.org.

I would like to thank all past participants and volunteers for their part in making these events successful. The level of energy and care residents bring to these neighbor gatherings help bring the community closer with it’s police department and provides a good opportunity for neighbors to meet each other.

I would like to thank Officer Wilkens for her role in the success of this annual event.

SIGNIFICANT EVENTS:

- 2016-1339 – On 6-1-2016, Sgt. Hull responded to the 200 block of Arlington Ave. and arrested an adult female for trespassing.
- 2016-1344 – On 6-3-2016, Officer Martinez responded to the 00 block of Franciscan Way to a report of theft from a vehicle. The victim refused to file a police report.
- 2016-1349 – On 6-3-2016, Sgt. Hull conducted a traffic stop for speeding on Beloit Avenue. The driver had a \$153,000 non-releasable warrant for DUI with injuries out of the Richmond Superior Court.
- 2016-1353 – On 6-4-2016, Officer Martinez responded to the 00 block of Arlington Ave. to assist ECPD with a 5150 male adult that left an El Cerrito residence and ran into the Kensington Park.
- 2016-1357 – On 6-4-2016, Sgt. Hull responded to the 00 block of Beverly Rd. to a noise complaint due to a house party being held in the backyard.
- 2016-1359 – On 6-4-2016, Sgt. Hull responded to the 00 block of Arlington Ave. to a noise complaint due to a party being held at the Arlington Church.
- 2016-1386 – On 6-6-2016, Officer Foley responded to the 200 block of Colgate Ave. to an on-going parking issue.
- 2016-1390 – On 6-6-2016, Officer Foley conducted a welfare check at the request of a resident’s doctor.
- 2016-1418 – On 6-7-2016, Officer Foley responded to the 200 block of Colgate Ave. to an on-going parking issue.

- 2016-1427 – On 6-8-2016, Officer Foley responded to Arlington Ave./Sunset Dr. to a non-injury vehicle accident.
- 2016-1430 – On 6-8-2016, EBMUD worker damaged an underground gas line. Officer Wilson controlled traffic flow while repairs were conducted.
- 2016-1438 – On 6-9-2016, Officer Barrow responded to the 100 block of Lawson Rd. and found a door damaged on an uninhabitable property.
- 2016-1446 – On 6-11-2016, Officer Martinez responded to the 00 block of Marchant Garden due to food burning as the resident began cooking then left home.
- 2016-1466 – On 6-12-2016, Officer Wilson responded to the 600 block of Wellesley Ave. to mediate a civil issue over access to a shared driveway.
- 2016-1491 – On 6-13-2016, Officer Foley responded to the 600 block of Wellesley Ave. to mediate a civil issue over access to a shared driveway.
- 2016-1505 – On 6-14-2016, Officer Foley conducted a traffic stop on a resident On Kingston Rd/Ardmore Rd.
- 2016-1529 – On 6-16-2016, Officer Wilson responded to the 00 block of Arlington Ct. due to a resident's dryer catching fire.
- 2016-1533 – On 6-17-2016, Sgt. Hui responded to the 200 block of Colgate Ave. to an on-going parking issue.
- 2016-1542 – On 6-18-2016, Sgt. Hull responded to the 200 block of Colusa Ave. to a report of identity theft.
- 2016-1543 – On 6-18-2016, Sgt. Hull responded to the 200 block of Amherst Ave. to a reported vandalism to a home.
- 2016-1544 – On 6-18-2016, Officer Barrow responded to the 300 block of Berkeley Park Blvd. to a Hit & Run vehicle collision. Officer Barrow located the responsible party.
- 2016-1590 – On 6-21-2016, Officer Foley contacted a reported suspicious person whom turn out to be a private investigator.
- 2016-1627 – On 6-23-2016, Sgt. Hull responded to the 200 block of Colgate Ave. to an on-going parking issue.
- 2016-1630 – On 6-23-2016, Sgt. Hui responded to the 00 block of Arlington Ave. due to a KASEP participant making a statement about a gun to a counselor.
- 2016-1641 – On 6-24-2016, Sgt. Hull assisted Danville PD who requested an area check of the Sunset View Cemetery for a person that was reported missing.
- 2016-1645 – On 6-25-2016, Sgt. Hui recovered a stolen vehicle in the 200 block of Yale Avenue.
- 2016-1681 – On 6-27-2016, Officer Barrow responded to the 600 block of Wellesley Ave. to mediate a civil issue over access to a shared driveway.
- 2016-1683 – On 6-27-2016, Officer Barrow contacted four teenagers who came to town to enter an uninhabited home on Lawson Road.
- 2016-1685 – On 6-27-2016, Officer Barrow responded to Dylans Wy. in El Cerrito to assist with a shooting in a residence.
- 2016-1703 – On 6-29-2016, Sgt. Hui responded to the 200 block of Colgate Ave. to an on-going parking issue.

- 2016-1713 – On 6-29-2016, Sgt. Hull responded to the 00 block of Highgate Rd. to a report of identity theft.
- 2016-1725 – On 6-3-2016, Sgt. Hull responded to the 200 block of Purdue Ave. to a reported theft from a vehicle.

June 2016 Investigations and Statistics

Detective Martinez K31

Dear Kensington Residents,

I would like to introduce myself as Officer Rodney Martinez, the newly assigned detective at Kensington Police Department. I am honored and excited to become Kensington Police Department's new detective. I have been in law enforcement for 14 years and have been with this department since January, 1, 2006. I am grateful for the opportunity to take on this leadership role and look forward to solving cases with my fellow officers. Most of all I'm passionate about serving this great community!

During the next few months I will be participating in multiple trainings and special courses through P.O.S.T to expand my skills in this position. I'm looking forward to enhancing my knowledge in the field!

Respectfully,

Detective R. Martinez K31
rmartinez@kensingtoncalifornia.org

SIGNIFICANT EVENTS:

During the month of June I had five cases to review. Two of the cases involved two different suspects who were arrested and booked at the Martinez Detention Facility. The third case is still under investigation pending further leads from the victim and the fourth case is suspended due to no additional leads.

I have filed a case with the Contra Costa County District Attorney office for one count of drunk in public. The male subject is not a residence of Kensington and has a temporary court date for the month of June, 2016.

2016-1339 Trespassing Arrest.

A female who used to live in Kensington who was served an eviction notice

in August 2015 and was told by the homeowner on multiple occasions she was not welcome back had returned to the residence. When the officer arrived the female was still on scene and was arrested for trespassing. The female was booked at the Martinez Detention Facility for her warrant.

2016-1349 D.U.I Arrest Warrant.

On 06/03/2016 an officer conducted a traffic stop on a vehicle for speeding and expired registration. Further investigation revealed the driver who was from San Pablo had a D.U.I Arrest warrant out of Contra Costa County for \$153,000. The driver was booked at the Martinez Detention Facility for his warrant.

2016-1542 Identity Theft.

On 06/18/2016, a resident had called to report that they received a call from a Target Store regarding an unknown person had tried using their personal information to open a credit card which was denied due to being fraudulent. The suspect is unknown at this time and the activity was done all online. This case is under investigation.

2016/1543 Vandalism

On 6-18-2016 a resident called and reported vandalism to his house. He said he heard a "thud" noise against the front exterior wall outside of the residence and found his house was egged. The resident reported that this was the second time in two weeks. Further investigation revealed there was no suspect leads in either incident. This case is suspended until any further leads should arise.

2016/1544 Hit and Run

On 06/18/2016 a parked vehicle was hit by another vehicle that left the scene. The officer checked the area and found the vehicle and suspect parked a few blocks away. The officer made the decision to allow both parties to exchange information and not cite the driver. This case will be forwarded to DMV and District Attorney's Office for review.

55

KPD Monthly Crime Statistics

June 2016

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	0	0	0	0	0
Residential Burglary	0	0	0	0	0
Larceny Theft	0	0	0	0	0
Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
Part 1 Totals	0	0	0	0	0

Other Crimes

Other misdemeanor	1	0	0	1	1
Identity Theft	1	1	0	0	0
Fraud	0	0	0	0	0
Forgeries	0	0	0	0	0
Restraining Order Violations/ Stalking/ Criminal Threats	0	0	0	0	0
Sex Crimes (other)	0	0	0	0	0
Assault/ Battery (other)	0	0	0	0	0
Vandalism	1	0	1	0	0
Drugs	0	0	0	0	0
Warrant	0	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	0	0	0	0	0
Other Crime Totals	4	1	1	3	2

All Crime Totals

4 1 1 3 2

Traffic Accidents (Non Injury)	1
Traffic Accidents (Injury)	0

KPD Crime Statistics

YTD 2016

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	4	0	0	4	2
Residential Burglary	8	8	0	0	0
Larceny Theft	20	17	2	1	1
Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
Part 1 Totals	32	25	2	5	3

Other Crimes

Other misdemeanor	5	0	0	5	5
Identity Theft	13	9	3	1	1
Fraud	3	3	0	0	0
Forgeries	0	0	0	0	0
Restraining Order Violations/ Stalking/ Criminal Threats	3	2	0	1	0
Sex Crimes (other)	0	0	0	0	0
Assault/ Battery (other)	0	0	0	0	0
Vandalism	20	17	3	0	0
Drugs	0	0	0	0	0
Warrant	1	0	0	2	2
Hit and Run Felony	0	0	0	0	0
Hit and Run Misdemeanor	8	3	4	1	0
Other Misdemeanor Traffic	1	0	0	1	1
Other Crime Totals	54	34	10	11	9

All Crime Totals	86	59	12	16	12
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Traffic Accidents (Non Injury)	14
Traffic Accidents (Injury)	0

* 2011 case

APPENDIX A - EXPENSE PREPAYMENT/REIMBURSEMENT FORM

Name: Rachelle Sherris - Watt

Event/Activity: CSDA Legislative Days - May 17, 18

Location of Event/Activity: Sacramento, California 2016

Approved by Board of Directors on: _____

	Prepay	Reimburse
	\$ _____	\$ _____
1. Event/Activity Registration Fee		
2. Transportation		
• Airfare	\$ _____	\$ _____
• Car Rental (\$ _____ per day for _____ days)	\$ _____	\$ _____
• Car Mileage (\$.54 per mile for <u>304</u> miles)	\$ _____	\$ <u>164.16</u>
• Taxi	\$ _____	\$ _____
• Parking <u>14 + 11</u>	\$ _____	\$ <u>25.00</u>
3. Lodging (\$ _____ per night for _____ nights)	\$ _____	\$ _____
4. Meals (Complete information requested on next page of form)		
a. Breakfast	\$ _____	\$ <u>12</u>
b. Lunch	\$ _____	\$ <u>35.58</u>
c. Dinner	\$ _____	\$ <u>36.00</u>
5. Other (Explain details of request)	\$ _____	\$ _____
Total Requested	\$ _____	\$ <u>236.74</u>

correct total: 272.74

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

Signed: R Sherris Watt

Date: 5/31/16

Approved by: HART

Signed: [Signature]

Print Name: **KEVIN E. HART**

Date: 6/29/16

THIS SIDE UP ON DASH

PRIORITY PARKING SAC
LOT 92
ALL DAY PARKING
 1601 I Street
 Sacramento CA 95814

Space: 011
 Time: 7:07AM MAY 18
 Meter: 03010954-3010954
 Trans: 002174

THIS IS YOUR RECEIPT

Price: \$20.00
 Card: *****9552
 Auth: 020810

Permit Expires:

7:07PM WED
 MAY 18 2016

DISPLAY PERMIT ON DASH
 OR PAY CITATION FINE.
 NO IN AND OUT.
 NO REFUNDS.

THIS SIDE UP ON DASH

May 18, 2016

The charge for parking on May 17th was \$14-

On May 18th, I paid \$11 and Director Cordova paid \$9.

I am requesting \$25 total - \$14 + \$11

Parking

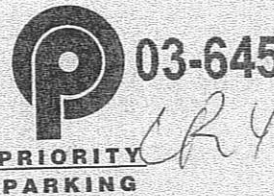
CAR - EARLY BIRD *CRV*

03645

KEY - EARLY BIRD *CRV*

03645

CUSTOMER - EARLY BIRD



Sacramento, CA (916) 492-0100

NO IN AND OUT
PARK AT OWN RISK

THIS CONTRACT LIMITS OUR LIABILITY-READ IT

Customer and Company agree as follows: Customer agrees to inspect car before leaving lot. Customer's claim of damage or loss must be reported and itemized in writing on Company's form before car is taken from auto park following a claim of loss, and if not so made, any such claim is waived by Customer. Should Company agree to make repairs to Customer's car at its expense, Company has option to choose the place and person to make repairs. Customer agrees that any lawsuit by customer for any claims must be filed within 90 days from date of parking when alleged damage occurred, in court of jurisdiction where claimed loss occurred. In all court actions the burden of proof to establish claim remains with Customer. Company is not responsible for damage by fire, theft or mechanical defects. COMPANY NOT RESPONSIBLE FOR ANY ARTICLES LEFT IN CAR, NOR WILL COMPANY ACCEPT POSSESSION OR BAILMENT OF SUCH ARTICLES. ATTENDANT HAS NO AUTHORITY TO BIND COMPANY OR CREATE BAILMENT FOR ANY SUCH ARTICLES. Company is not responsible for cars after closing time, as posted at lot. Any car keys left with Company must be picked up by Customer prior to closing time. Customer must set hand-brake before leaving car. Company not responsible for loss of use or consequential damages. Total liability of Company to Customer limited to \$750 for all damages or loss. This contract is not assignable. This is the entire contract and no employee can modify it. Customer waives all rights in conflict with the foregoing. CLOSING TIME AS POSTED.

ARTICLES LEFT IN CAR AT OWN RISK

DIGITAL PRINTING SYSTEMS, AZUSA, CA

May 17, 2016

Lunch

May 17, 18
2016

MAYAHUEL
1200 K St
Sacramento, CA 95814
(916) 441-7201

TEQUILA MUSEO
MAYAHUEL

5/18/2016 1:06:38 PM

MAYAHUEL
1200 K St
Sacramento, CA 95814
(916) 441-7201

5/17/2016 12:55:39 PM

Card Type: Visa
Card Number: XXXXXXXXXXXX2455
Swipe/Manual: Swipe
Card Owner: SHERRISHWATT/ RACHELL
Server: ALVARO 1234
Check Number: 243087/1,2
Table/Tab #: 114
Approval: 389079

Check #242902 Server: Ernesto 1533
Guests 1 Table #14 PN:1

Amount 14.92
+Tip 5.00

=Total 19.92

1	DOBLADITAS	10.25
1	CHIPS & SALSA	3.00
1	COKE	2.95
Subtotal		16.20
Tax		1.38
TOTAL		17.58

I agree to comply with
the cardholder agreement.

THANK YOU
Ernesto M

CUSTOMER COPY

Suggested Gratuity
15% - \$2.43
18% - \$2.92
20% - \$3.24

Thanks for dining with us!

60

Dinner May 17, 2016
 Breakfast May 18, 2016

Pushkin's Bakery

1820 29th Street
 Sacramento, CA 95816
 (916) 376-7752
 www.pushkinsbakery.com
 @pushkinsbakery

May 17, 2016
 5:56 PM

Receipt vAti Cash

FOR HERE

\$7.99
 \$0.55
 \$10.60
 \$11.00
 \$7.50
 \$5.50
 \$1.95

Total \$45.09
 Cash \$50.00
 Change \$4.91

There are no returns on online or in-store
 gift card purchases

AMBROSIA CAFE

1030 K Street Sac. Ca. 95814
 916 444.8129
 ambrosiafinefood.com

Date: May17'16 04:58PM
 Card Type: Visa
 Acct #: XXXXXXXXXXXXX2455
 Card Entry: SWIPED
 Trans Type: PURCHASE
 Auth Code: 349202
 Check: 4672
 Server: 297 Noreen S

Subtotal: 10.50

Tip: _____

Total: _____

**Customer
 Copy**

5/17 5/18
 Purchased dinner + breakfast at Pushkin's
 Bakery at 6pm on May 17th. Due to an
 early start on the 18th, I knew that
 breakfast would be easier to procure the
 evening before.



STATE OF CALIFORNIA

WARRANT NUMBER

06-833376

THE TREASURER OF THE STATE WILL PAY OUT OF THE
IDENTIFICATION NO.

FUND NO. FUND NAME
0268 PEACE OFFICERS TRAINING


MO. DAY YR.
8120 06 02 2016

90-1342/1211
06833376

TO: 833376
--- CITY OF
KENSINGTON

DOLLARS	CENTS
\$*****883	24

Betty T. Yee
BETTY T. YEE
 CALIFORNIA STATE CONTROLLER



⑈121113423⑈ 068333769⑈

REMITTANCE ADVICE

STD. 404C (REV. 4-95)

STATE OF CALIFORNIA

DEPARTMENT NAME		ORG. CODE	INVOICE DATE	INVOICE NUMBER	INVOICE AMOUNT
COMMISSION ON POST					
DEPARTMENT ADDRESS		CLAIM SCHED. NO.	REIMBURSEMENT FOR 05/2016		
860 STILLWATER # 100, W SAC 95605		0005657			
VENDOR					
CITY OF KENSINGTON C/O CHIEF OF POLICE					
217 ARLINGTON AVENUE KENSINGTON CA 94707-					
		** TOTAL		\$883.24	
		FISCAL YEAR 2015-2016			
FEDERAL TAX ID NO. OR SSAN	RP TYPE	TAX YR	TOTAL REPORTED TO IRS	TOTAL PAYMENT	

SGT. KEVIN HUF @ S.L.F.



STATE OF CALIFORNIA

WARRANT NUMBER

06-890099

H THE TREASURER OF THE STATE WILL PAY OUT OF THE IDENTIFICATION NO.

FUND NO. 0268 FUND NAME PEACE OFFICERS TRAINING


MO. | DAY | YR.
06 | 24 | 2016

90-1342/1211
06890099

TO: 890099
--- CITY OF
KENSINGTON

DOLLARS	CENTS
\$*****32	00

Betty T. Yee
BETTY T. YEE
 CALIFORNIA STATE CONTROLLER



⑈121113423⑈ 068900994⑈

REMITTANCE ADVICE

STATE OF CALIFORNIA
DOF

STD. 404C (REV. 4-95)

THE ENCLOSED WARRANT IS IN PAYMENT OF THE INVOICES SHOWN BELOW

DEPARTMENT NAME	ORG. CODE	INVOICE DATE	INVOICE NUMBER	INVOICE AMOUNT	RPI
COMMISSION ON POST				REIMBURSEMENT FOR 06/2016	
DEPARTMENT ADDRESS	CLAIM SCHED. NO.				
860 STILLWATER # 100, W SAC 95605	0005716				
VENDOR				** TOTAL	\$32.00
CITY OF KENSINGTON C/O CHIEF OF POLICE					
217 ARLINGTON AVENUE KENSINGTON CA 94707-					
					FISCAL YEAR 2015-2016
FEDERAL TAX ID NO. OR SSAN	RP TYPE	TAX YR	TOTAL REPORTED TO IRS	TOTAL PAYMENT	

*Ctactical Response
 School/ Comm. Viol.
 for
 Qui & Wilkens
 8-5/8-6-15*

63

To: KPPCSD Board

June 23, 2016

From Linda Lipscomb

Honorable Members of the Board:

Recently there have been several Board votes to terminate the public meetings of the KPPCSD Board at 10:00pm while there is unfinished business on the meeting agenda. This appears to be a violation of the Brown Act.

In particular, Director Sherris-Watt stated at the KPPCSD Board meeting of June 22, 2016, that she has *pledged* not to vote to extend a meeting of the Board beyond 10:00 pm. Director Cordova has joined Director Sherris-Watt in voting against the continuance of public meetings beyond 10:00pm. The policy manual states that the extension of a public meeting past 10:00pm requires at least 4 out of 5 director votes. Moreover, Director Sherris-Watt stated that one of her reasons for closing down the May 12, 2016 Board meeting was so that she and Director Cordova could continue the discussion of the District budget with an individual taxpayer, rather than continuing the discussion at the Board meeting with the public at large. Indeed, those directors were seen having that discussion at a local bar just after the 10pm termination of the May 12, 2016 meeting. At the very least, there is an appearance of impropriety, suggesting collusion to subvert the public discourse and public access to legislative representatives.

In discussing the 10:00 meeting closure time in a case involving our own Board, the California Court of Appeal stated:

...[The] assertion that the requirement calling for Board meetings to end at 10:00 p.m. “serves to accommodate the needs of these and other residents and thereby to increase public access” is illogical. (See *Holbrook v. City of Santa Monica* (2006) 144 Cal.App.4th 1242, 1250 [plaintiffs did not show “that cutting off public comment and input, ending member debate, and preventing the city council from further legislative action at an 11:00 p.m. witching hour benefits the public in any way”].)

Schwarzburg, et al v. KPPCSD, et al, No. A139630. First Dist., Div. One, April 30, 2014.

The *Holbrook* case involved two City Council members [Petitioners] who brought a lawsuit to force council meetings to close by 11:00pm. While the case focused largely on the issue of whether the Petitioners had standing, the Court of Appeal discussed at some length the Brown Act implications of the early closure of public meetings:

“The very remedy [the Petitioners] seek--a limit on the opportunity for members of the public to address the City Council--runs counter to the Brown Act's mandate of providing an opportunity for the public to directly address legislative bodies on matters of interest to the public that are within the body's subject matter jurisdiction before or during the body's consideration of that matter. . . .

. . . [Petitioners] demand that the City Council be "command[ed] . . . to adjour[n] and complete their meetings prior to 11:00 p.m.," and enjoined from "holding any meeting which stays in session beyond 11:00 p.m." We are unable to reconcile these demands with [Petitioners'] assertion that their claims do "not in any way curfew City or council member speech or petition." How may the City Council freely 'exercise its First Amendment rights or anything else after 11:00 p.m. under this cause of action,' while at the same time it is to be compelled to conclude all meetings by 11:00 p.m.? “

The conclusion one draws is that the deliberate closure of public meetings at 10:00pm, foreclosing public access because of one or more director's personal wishes is a violation of law. Director Sherris-Watt's "pledge" *never* to vote for a continuation of public meetings past 10:00pm in the future is unethical. Such pledge is a prejudgment of the merits of a future motion to continue a meeting, no matter how meritorious or serious the matter may be that is on the table. Indeed, the facile "fix" the Director proposed, i.e., scheduling additional meetings to compensate for closure of public meetings, is inadequate on several grounds.

First, early and arbitrary closure of the meetings is a breach of fiduciary duty to act in the highest and best interests of the public and its right of public access to address its legislative body. Second, there are matters such as consideration of the budget, which cannot be considered at meetings other than *regularly scheduled* meetings, a month away. Such matters

Page 3
Letter to Board

are also time sensitive by policy and law. Specially setting an additional meeting to accommodate a director's wish to finish by 10:00pm simply will not fill the gap. Also, the Board, knowing that it will not be able to continue the open session, will have to hurry along discussions, as has occurred when this early closure strategy has been employed. This subverts both the Board's and the public's discussion of agenda items. Finally, forcing the public to come back again and again on different dates to finish the discussion unfairly burdens public access, destroys continuity and context, and results in inefficiency as time needs to be spent to recap what happened at the prior meetings, just to continue. It appears that the existing policy provision, calling for a vote at 9:45pm in order to continue the meeting, is itself unlawful and should be eliminated. If the policy were eliminated, a motion to adjourn could still be made at the time deemed necessary after the completion of business, or to accommodate other needs of directors or the public.

When accepting the responsibility of Directorship on the KPPCSD Board, one accepts the hard work, the inconvenience, and at times, the extended hours and many meetings that come with the territory. If one is not willing to accept these responsibilities now and in the future, one should step down and make space for a successor who is willing to do so.

Cc: Kevin Hart, GM/COP, KPPCSD
John Holzman, Esq.
Randy Riddle, Esq.

66

Hello Lynn, please make sure this gets in the record of the next meeting. Thanks, Gayle

June 23, 2016

Dear Ms. Rachelle Sherris-Watts,

Regarding: Your Slanderous Statements About Your Colleague Len Welsh

I am writing this letter to you to let you know how disappointed I am that you slandered Len when you said at the June meeting that, and I quote from the tape of the meeting ".....that did not stop Board President Welch from screaming at Director Cordova so profusely that wait staff came over and kept asking if she were alright." That did not happen. Linda Lipscomb and I both walked in and walked out with President Welch that night.

What is even more disappointing is that you knew that Ms. Lipscomb and I were sitting with Len, and you said it anyway. My opinion of your actions may seem irrelevant to you, but your actions are creepy crawly, scary and very disturbing. You preference your comments with, "To tell the truth." Given the comments made by Dr. Delk during the meeting, I don't know if you were reacting stupidly or you were running scared. It seems clear that you were embellishing your reason for obstructing the community's business to go to a bar.

I was not at that meeting, so when I heard what you said, I couldn't believe you said it. I saw Vanessa texting that night, and thought she might have told you that. I defended you until I viewed the tape.

Subsequent to your untruth, I read your private email to Len in which you walked it back, by saying, "Who I believed about your behavior in a public space were the waitress and busboy who came over to check on Director Cordova twice during the discussion she, Gail Feklmen, and I were having. Yes, in a court of law, that would probably be described as hearsay." Well, for your information, hearsay is still slander. And please, don't even bother trying to bring Ms. Feldman into you web of tales.

You should know that I took your lies personally because I was there, and you just swept that under the carpet, which was an insult to me. As a result I, along with Ms. Lipscomb, followed up with the manager at Fonda's, as I was still convinced that you were simply told the story that Len was "screaming at Director Cordova." I asked the manager to discuss that night with his staff that waited on your table. The manager said

that if that had occurred he would find it in their Incident Log. He said that when things like that occur staff is to report it in a log. He checked and there was no such incident recorded. We asked the manager to follow up with the waitress and busboy that you referred to in your walk back. On June 22nd, we talked with the manager again who informed us that he did follow up with the waitress and busboy. Neither one of them recalled an incident ever occurred. The waitress does recall that she had a personal incident that occurred outside of the job that day, but not at Fonda's indicating that she clearly recalled that day.

Rachelle, this is unconscionable. You have not only slandered him, you double downed . I am so disappointed of your reckless disregard for the truth . The bus boy and waitress did come over to wait on you all, but they didn't come over to check on Vanessa "twice."

Shame on you. Since the record shows you slandered Len, I expect you to come clean, and make good. Coming clean means a public apology. No more lies, please. As for my personal feeling about how you insulted me, I will expect no less. You won't be able to sweep me under the carpet. Do the right thing!

Sincerely,

Gayle Tapscott

Lynn Wolter

From: Paul Dorroh <pedorroh@aol.com>
Sent: Friday, June 24, 2016 11:44 AM
To: Lynn Wolter
Subject: Re: June 22, 2016 KPPCSD Agenda Packet Posted

Lynn:

Below is the statement I made to the Board during public comments at the June 22 Board meeting. I'd be grateful if you will include in correspondence in the agenda package for the next regular meeting.

Paul

I and quite a few other community members attended the May 12 regular meeting of this board. On the agenda for that meeting was a first reading and discussion of the proposed 2016-17 budget. That reading and discussion did not take place because the meeting ended at 10:00 p.m., before the budget agenda item, because Directors Cordova and Sherris-Watt voted against extending past 10:00 p.m. Board policy requires four votes to extend past 10:00 p.m. The vote in favor of extending was 3-2 in favor.

The first reading and discussion of the budget took place at a June 9 special meeting. That meeting also ended at 10:00 p.m., after directors Cordova and Sherris-Watt again voted against extending, even though unfinished business remained.

At the very end of that June 9 meeting, Director Sherris-Watt made the astounding statement that she and directors Cordova had gone to Fonda, a bar and restaurant in Berkeley, after the May 12 meeting, in order to discuss the budget over drinks with a single constituent. This after leaving a dozen or more residents who had attended the May 12 meeting, in the lurch, many of whom had been waiting to participate in that very discussion.

The most charitable way to describe this behavior is unseemly. It raises issues of transparency and hidden agendas. What made the budget discussion with this one constituent so important that the budget discussion, as a whole board, in public, was short-circuited in favor of this private discussion? Obviously directors Cordova and Sherris Watt had time, after 10:00 p.m., to talk District business – why weren't they talking District business in public, as part of the whole board? Did they plan in advance to cut off the board meeting at 10:00 so they could have this private meeting?

In my opinion, this strategy, if it is that, of derailing board meetings at 10:00 p.m. is more than unseemly. It is neglectful of the duties of the job those directors were elected to do, and disrespectful of the community members who took the time to attend those meetings expecting to see the board deal with the entire agenda, not just the parts that directors Cordova and Sherris-Watt felt like allowing to be discussed in public.

John Stein

From: John Stein
Sent: Tuesday, June 21, 2016 9:56 AM
To: John Stein
Subject: FW: Public Comments

KENSINGTON'S FINEST

On Saturday June 4th, I drove to the Community Center to attend the Public Forum on Preliminary Findings of the KPPCSD Governance & Operations Structure Ad Hoc Committee. When the presentations were over and the public was invited to ask questions, I stepped out of the building for some fresh air. KPPCSD President Len Welch came over to say "hello." Moments later, a man came down from the Park, sweating profusely, asking us to call 911.

Len & I went back inside the building to get Police Chief Kevin Hart. Minutes later, we discovered the man had gone into the Kensington library, where children were gathered for a Saturday morning children's program. The librarian on duty had left the building to seek help. She feared that the man, who appeared distraught and unreasoning, posed a danger to the children.

Minutes later, as Police Chief Hart worked to calm the man, Officer Rodney Martinez, a 10+ year veteran of the department, arrived at the scene. Within literally a few seconds, Officer Martinez had the situation under control. He was impressively calm and thoroughly professional; he conducted the interaction with compassion, grace, and kindness.

Relieved that the man was in good hands and the children in the library were safe, Len and I returned to the public forum, where one of the topics being discussed was the viability of contracting with an outside police department to provide police services in Kensington.

How lucky we are to live in the Bay Area. How fortunate we are to live in Kensington. How outstanding is our local Police Department!

Thank you to all the police officers, and a special thank you to Officer Martinez.

John Stein
Kensington resident since 1982

Public Comment for KPPSCD Closed Session 22 Jun 2016

Crime victims/witnesses and their families have a state constitutional right to prevent the release of their confidential information or records to criminal defendants. As a victim to crimes against herself committed by some Kensington officers, Vanessa reported this to authorities as she is obligated to do. There are those on the Board who maintain that she should first be loyal to the Board and not report the incident, that she had no right to go public. Loyal to the Board?! What about loyalty to the citizens of Kensington? Is that Board member suggesting that she cover-up illegal acts? I hope not.

Note that Vanessa was forced to recuse herself from closed session as a complainant. That is acknowledgement that she is a witness/victim. Crime victims/witnesses and their families have a state constitutional right to prevent the release of their confidential information or records to criminal defendants.

Marsy's Law significantly expands the rights of victims in California. Under Marsy's Law, the California Constitution article I, § 28, section (b) now provides victims with the following enumerated rights:

1. To be treated with fairness and respect for his or her privacy and dignity, and **to be free from intimidation, harassment, and abuse, throughout the criminal justice process.**
2. To be reasonably protected from the defendant and **persons acting on behalf of the defendant.** - ie from KPPSCD Board members.
3. **To prevent the disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.**

All this is reason enough for you not to release the IA report. The fact that it was flawed is another. Another is that you will be putting people involved at risk of retribution. Those who testified likely told more because they assumed their words would be confidential under the police bill of rights prohibiting release of investigations. Equally important, you undermine any future investigations as witnesses could very well be reluctant to tell all they know if there was the chance that what they said would be released.

Mabry Benson

July 7, 2016

Dear Kensington Residents:

I recognize that there has been some concern expressed by various constituents regarding the votes I have made since May 2016 to conclude the monthly meetings of the KPPCSD at 10 pm. In wanting to allay fears and allow attention to return to the business of the District, I shall explain the reasons behind my decision.

Over the last 4+ years, the District has experienced periods of extended turmoil. When I was elected twenty months ago, we seemed to be embarking on a period of calm. Unfortunately, that was not to be the case, and since that time have replaced our General Manager/Chief of Police, had the attrition of sworn staff and been the subject of much public debate. This upheaval has required many extra and extended meetings.

I felt that these lengthy meetings, in addition to the regular work of managing my committees and attending LafCo, Ad Hoc, Fire Board, KCC and KPOA forums, was in the best interest of the District. The community needed to be heard, issues explored and resolved, and the business of the KPPCSD concluded.

In March of this year, our meeting extended to 12:59 am, the third meeting in as many months to last beyond 11:30 pm. That morning ended, not with a whimper, but a roar as Board members seemed to dissolve in arguments and recriminations. Few citizens were in attendance and our staff had toiled without a respite for hours. As this was not an unusual event, I concluded that, for the best interest of the KPPCSD, our staff and our citizens, we must handle our business with regularity and professionalism.

Not satisfied to act on instinct, I researched what other municipalities do in regard to attending to public business. Albany and El Cerrito hold meetings twice a month that last from 7:30 pm – 10:00 pm and 7:00 pm – 10:30 pm, respectively (see attached documents). Our regular meetings typically begin at 6 or 6:30 pm and have lasted, on average, over 5 hours. Piedmont does not have a set ending time, but their meetings typically take 2 hours. Richmond and Berkeley have lengthy meetings, but being cities with populations of over 100,000 residents, that should come as no surprise.

I am not suggesting that the work of the KPPCSD goes undone. I am happy to hold meetings twice a month on a regular schedule or have the occasional special meeting to make sure that the KPPCSD is on track. Making sure that we do the public's business at a time when the public can attend and reasonably participate demands that our meetings be both convenient and civil.

Sincerely,



Rachelle Sherris-Watt

9. ADJOURN REGULAR CITY COUNCIL MEETING

The next regular City Council meeting is Tuesday, July 19, 2016 at 7:00 p.m. in the City Council Chambers, 10890 San Pablo Avenue, El Cerrito.

The City of El Cerrito serves, leads and supports our diverse community by providing exemplary and innovative services, public places and infrastructure, ensuring public safety and creating an economically and environmentally sustainable future.

- Council Meetings can be heard live on FM Radio, KECG – 88.1 and 97.7 FM and viewed live on Cable TV - KCRT-Channel 28 and AT&T Uverse Channel 99. The meetings are rebroadcast on Channel 28 the following Thursday and Monday at 12 noon, except on holidays. Live and On-Demand Webcast of the Council Meetings can be accessed from the City's website <http://www.el-cerrito.org/ind-ex.aspx?NID=114>. Copies of the agenda bills and other written documentation relating to items of business referred to on the agenda are on file and available for public inspection in the Office of the City Clerk, at the El Cerrito Library and posted on the City's website at www.el-cerrito.org prior to the meeting.
- In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (510) 215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).
- ***The Deadline for agenda items and communications*** is eight days prior to the next meeting by 12 noon, City Clerk's Office, 10890 San Pablo Avenue, El Cerrito, CA. Tel: 215-4305 Fax: 215-4379, email cmorse@ci.el-cerrito.ca.us
- IF YOU CHALLENGE A DECISION OF THE CITY COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE COUNCIL MEETING. ACTIONS CHALLENGING CITY COUNCIL DECISIONS SHALL BE SUBJECT TO THE TIME LIMITATIONS CONTAINED IN CODE OF CIVIL PROCEDURE SECTION 1094.6.
- The City Council believes that late night meetings deter public participation, can affect the Council's decision-making ability, and can be a burden to staff. City Council Meetings shall be adjourned by 10:30 p.m., unless extended to a specific time determined by a majority of the Council.



RSS

City Council: Upcoming Agendas

To view prior meeting staff reports, please access through the Document tab at the top of the web page and click the following: City Council Documents, 2008 Agendas and below the agendas, see folders for the meeting date desired.

If you wish to correspond to the Council regarding items on the agenda, you should send them to **citycouncil@albanyca.org** so all members of council can receive copies for correspondence on agenda items. The City Clerk requests these emails are sent no later than 12 Noon on the day of the Council Meeting to assure copies are made available to Council Members.

PLEASE NOTE:

The past agendas in this section from July 7, 2008 and forward, are agendas placed on the Current Website. The agendas prior were added to this website from the old one only as historical documents and do not contain any active links to Staff Reports or support documentation.

Please go to KALB page to watch/listen to City Council Meeting Videos/Audio Recordings.

View Past Events

EVENT	DATE/TIME	AGENDA
City Council Special Meeting (Closed Session)	6/27/2016 6:30 PM - 8:30 PM	Included
City Council Meeting	7/5/2016 7:30 PM - 10:00 PM	Not Available
City Council Meeting	7/18/2016 7:30 PM - 10:00 PM	Not Available
City Council Meeting	9/6/2016 7:30 PM - 10:00 PM	Not Available
City Council Meeting	9/19/2016 7:30 PM - 10:00 PM	Not Available
City Council Meeting	10/3/2016 7:30 PM - 10:00 PM	Not Available
City Council Meeting	10/17/2016 7:30 PM - 10:00 PM	Not Available
City Council Meeting	11/7/2016 7:30 PM - 10:00 PM	Not Available
City Council Meeting	11/21/2016 7:30 PM - 10:00 PM	Not Available
City Council Meeting	12/5/2016 7:30 PM - 10:00 PM	Not Available
City Council Meeting	12/19/2016 7:30 PM - 10:00 PM	Not Available
City Council Meeting	1/17/2017 7:30 PM - 10:00 PM	Not Available

KCC Summer Day Camp:

Camp is at its half way mark as we head into week 5 of camp. The first three weeks were fully enrolled and the holiday week was a small camp with 45 campers. Camp is full of activities, games, tennis, art and crafts and is a fun place to be for the summer months. We have a staff of ten college-age students who love working with children. In addition to staff, KCC introduced a "counselor in training (CIT)" program to bring students entering 8th grade and older into camp life to start learning rules of games, and develop leadership skill. Camp life has found its groove and operations are running smoothly.

Demographics of our campers for these five weeks of camp include:

EL CERRITO	33%
ALBANY	2%
RICHMOND	8%
BERKELEY	8%
KENSINGTON	48%

KCC Camp ends Friday, August 19th. There are spaces available in all remaining weeks of camp, except Week 10 which is fully booked. To reserve a space, families log onto the KCC website and enroll by the week: Kensingtoncommunitycouncil.org.

KCC Classes and Events:

Jazzercise and Body Sculpting Adult exercise classes continue throughout the summer. Drop-ins are welcome. Class times are published in the monthly newspaper, "The Outlook".

KASEP:

KCC is finalizing the KASEP Fall Brochure 2016. Online Registration is scheduled for Tuesday, Sept 6th at 7:30pm. The Fall Brochure will go home in student's backpacks the week of August 31st. On-line class information, costs and schedule will be available for viewing by August 16th on KCC's website, ***WWW.KensingtonCommunityCouncil.Org***.

KASEP FALL Classes start on Monday, Sept. 19th.

The Recreation Building will be closed August 22th – September 5th for deep cleaning and transitioning from summer camp to after school KASEP classes.

KCC – Administrative

KCC Movie Night is scheduled for Saturday, September 17th, outdoor free family event.

Dead raccoon was removed from the crawl space of the Recreation Building.

Kensington Community Council
Monday, July 11, 2016
Building E

Mission Statement: The Kensington Community Council is dedicated to the improvement, development, and education of the community and to the promotion of social welfare in Kensington. It enriches the community by providing educational and recreational programs for all ages and by publishing the Outlook, a monthly newsletter that covers local events and issues.

KCC also provides a forum for all Kensington community groups to meet and coordinate their respective efforts toward the common good of the community.

AGENDA

Public Meeting

7:30 p.m.	Public Statements	
7:50 p.m.	Minutes from June meeting	Danielle
OLD BUSINESS		
8:00 p.m.	Wrap up of Solstice Celebration	Anne
8:10 p.m.	Family Movie Night for Sept. 24 th	Anne
8:20 p.m.	Community Center Renovation	Anne
8:40 p.m.	Negotiations with N. School/Fall KASEP	Marty/Kari
NEW BUSINESS		
9:00 p.m.	Contract with KPPCSD	Anne
REPORTS		
9:10 p.m.	Outlook	Lin
9:20 p.m.	Treasurer's Report	Vida D
9:30 p.m.	Recreation Report	Marty/Kari
9:45 p.m.	Adjournment	Anne

Next meeting is on Monday, September 12, 2016 @ 7:30 p.m.
The meeting will be held at the Community Center, Room 3.

July 2016

August 2016

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

July 2016

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

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jun 26	27	28	29	30	Jul 1	2
3 10:30am CC Rental (CCM)	4	5	6 7:00am AA (CCM) 6:00pm Park Bldg Mtg (Room 3)	7	8	9 4:00pm Tentative Rental
10	11 6:00pm KPSC (CC3) 7:00pm KCC Mtg (CCM) 7:00pm Cert. Area 6 7:30pm KARO Mtg (cc3)	12	13 7:00am AA (CCM) 6:00pm *GPFF (CCM) 7:00pm *KFD Mtg (CC3)	14 6:00pm KPPCSD Mtg (CCM)	15	16 9:30am Ad Hoc Sub Committee (CCM) 10:00am KPSC on Wildfire mitigation
17	18	19	20 7:00am AA (CCM)	21 7:00pm Adhoc Committee (CCM)	22	23
24	25 7:30pm *KIC (CC3)	26 7:30pm *KMAC (CC3)	27 7:00am AA (CCM) 7:00pm Park Bldg Mtg (Room 3)	28	29	30
31	Aug 1	2	3	4	5	6

27

August 2016

August 2016							September 2016						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6		4	5	6	7	8	9	10
7	8	9	10	11	12	13	11	12	13	14	15	16	17
14	15	16	17	18	19	20	18	19	20	21	22	23	24
21	22	23	24	25	26	27	25	26	27	28	29	30	31
28	29	30	31										

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jul 31	Aug 1 8:00am	2 Martinez @ I & I (Santa Rosa) - Andrea Di Napoli	3 7:00am AA (CCM)	4	5 5:00pm	6
7	8 6:00pm KPSC (CC3) 7:30pm KARO Mtg (cc3)	9	10 7:00am AA (CCM) 6:00pm *GPFF (CCM) 7:00pm *KED Mtg (CC3)	11 6:00pm KPPCSD Mtg (CCM)	12	13 11:00am CC Rental (CCM)
14	15	16	17 7:00am AA (CCM)	18	19	20 10:00am CC Rental (CCM)
21	22 7:30pm *KIC (CC3)	23	24 7:00am AA (CCM)	25	26	27
28	29	30 7:30pm *KMAC (CC3)	31 7:00am AA (CCM)	Sep 1	2	3

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KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

General Manager June 2016 Report

General

Agenda highlights for July 14 KPPCSD Board meeting;

1. UC Berkeley Traffic Study Report-Update
2. Possible Board Policy Change to start meetings earlier
3. Possible Board Policy change in order of public comment
4. RFP for architectural drawings and construction documents

On June 1, 2016, I and about 90 other Chief of Police met in Sacramento for the annual Chief of Police Legislative day. We discussed key legislative priorities for law enforcement. To some extent, we discussed the 17 ballot measures on this year's November 8th election. In addition, I met with Tony Thurmond's Chief of Staff, Opio Dupree, and Jermone McGuire, from Loni Hancock's office, to discuss general items of importance to the District.

On June 4th, I attended the Ad Hoc Town Hall meeting. This was well attended and received.

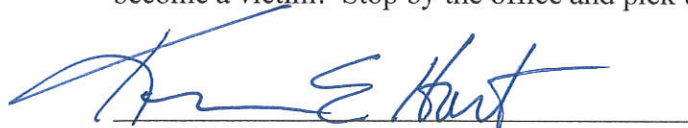
On June 7th, I attended a four hour presentation held by Commissioner Charles Ramsey (Ret), Philadelphia Police Department, Co-Chairperson of the President's Task Force on 21st Century Policing. The presentation was focused on six main topic areas or "pillars": Building Trust and Legitimacy, Policy and Oversight, Technology and Social Media, Community Policing and Crime reduction, Officer Training and Education, and Officer Safety and Wellness.

On June 10th, I attended the Boy Scout Court of Honor and received our Charter documents for the Kensington Troop 100. A very nice event.

The Kensington Board of Directors have been very busy this month, having met on June 9th, 22nd, 27, and 30th. The minutes of these minutes are included within this packet and are on the website for review. The Board of Directors approved their annual preliminary budget for the year which is balanced as required by law.

The Finance Committee held a meeting on June 15, where I presented a contract for a new auditor going forward in the new fiscal year. The Committee received the presentation and recommended the Board of Directors approve a contract with Lamorena and Chang, to provide independent review of District finances and financial statements.

Have you ever been a victim of Identity Theft? Make sure it does NOT happen again! Don't become a victim! Stop by the office and pick up your free Identity Theft Booklet.



Kevin E. Hart,
Interim General Manager

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Date: July 14, 2016
TO: KPPCSD Board
FROM: Kevin E. Hart, Interim General Manager
Subject: **Item 7b-Zero Tolerance Policy Review and Discussion**

The Kensington Police Protection and Community Services District Board of Directors has asked me to review the March 2010, Traffic Safety Evaluation Report completed by a team from the Institute of Transportation Studies from University of Berkeley. Attachment A.

The report discusses, in great length, the background and collision history of Kensington as well as traffic and enforcement improvement measures recommended. The report conducted a comparison of similar communities to Kensington and ranked the total number of collisions within the communities. Kensington had the lowest number of fatal/injury collisions in the 5 year period reviewed.

The report remains a good foundational tool to use as a guide as we continue to strive for a more pedestrian friendly and traffic safe community.

One element of the report that has received a significant amount of discussion within the community and the police department is that of the "Zero Tolerance Policy". The report states that a Zero Tolerance Policy is a more positive spin on preventing serious traffic collisions. The goal was to inform and gain the agreement of law enforcement officers, governmental and judicial representatives, and community representatives, and to have media support for the program.

However, the zero tolerance policy may of had a more negative affect than a positive one on members of the community. It appears the program was not widely advertised, nor was it accepted by a large portion of the community. Certainly, a better job in promoting the traffic and pedestrian safety component should have occurred. It's been widely reported that some residents have stated that only non-Kensington residents should be given citations, and this may have had an impact on the Kensington Police officers working the District. There is also no substantive evidence to support that vehicle collisions have been reduced in Kensington, as a result of the zero tolerance policy, without further research.

A misunderstanding from the community was that Zero Tolerance was for all violations of the vehicle code throughout Kensington, where in fact, the report only referenced the intersection and crosswalk at Arlington Avenue and Kensington Park Road. There appears to be confusion within the police department as well, having received conflicting directives from the previous chief of police. There also appears to be no specific police department policy on the issue.

The Board of Directors took action to accept the Traffic Safety Evaluation report and its recommendations regarding the zero tolerance policy. Fundamentally, as a public policy the term "Zero Tolerance" can be misunderstood and misinterpreted.

In addition, I believe there is always the need for Kensington Police officers to use appropriate discretion and compassion when confronted with the decision to either issue a citation or a warning to a traffic violator. The goal here is to change behavior, not penalize without discretionary ability. I have included the Traffic Study Report report and a copy of the minutes from May 13, 2015 as attachment A.

A majority of the traffic collisions that occur in Kensington are the result of unsafe speed for road conditions or unsafe turning movements. Roads where the most collisions have occurred are the well- traveled streets such as Coventry Road, Colusa Avenue, Kenyon Avenue, and Arlington Avenue. All of these streets are thoroughfares, with only stop signs and one traffic light on Arlington. Any supplemental traffic devices could aid officers in exercising maximum enforcement and increasing public safety.

Regardless of perception and belief, traffic and pedestrian safety is still a concern to the community and the police department collectively.

A traffic citation is a tool to influence and change a driver's behavior, leading to an increased level of compliance with traffic laws. However, a warning could also be an effective tool in compliance. In reviewing available data from citations issued by Kensington Police officers, it revealed an increase in citations written between 2010 and 2014. Data from 2015 revealed a significant reduction in the number of issued citations. This reduction could be explained by significant media attention received as a result of an off duty incident that occurred in Reno, NV, the non-renewal of previous police chief's contract, a new unknown interim chief of police, the retention of police officers, contract negotiations with the POA, and temporary staff reductions due to long term injuries.

In reviewing the total number of citations issued, we only had limited data points to evaluate. We also found some discrepancies in the total number of citations issued; we observed inconsistencies in the monthly team reports. In reviewing our internal process, we found different supervisors using different methods to extract the data which makes up the monthly team reports for the community. Some supervisors use our Records Management System through Richmond Police, some use hand counts, and in some cases citations are not tuned in by the officer prior to the end of the month,(officers on vacation, sick leave, or days off, etc). Therefore, there are no fool proof methods of obtaining 100% accuracy of citation statistics at the time of the development of the monthly stats.

Based on this revelation, using overtime and my limited duty staff, a hand count of each citation issued since January 2010 was conducted for both moving and parking citations. This represents our best and most accurate record of citations issued since 2010. I have included this new document for review as Attachment B.

In addition, I have been asked by members of the community, as well as through the Public Records Act (PRA), if I could identify the specific violations of the vehicle codes that were cited and location. The answer is still no at this time, however, through the use of limited duty staff, we are exploring the use of data input of moving citations issued into the RMS. This would include variable factors, if successful, but it would not include all details of the citation issued. More will follow on this in future reports to the Board of Directors.

Hearing the Kensington Board of Directors' and the community's concerns, coupled with the return of an injured officer and the completion of Field Training for a new officer, 2016 has shown an increase in citations being issued in comparison to 2015.

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Traffic and pedestrian safety must be our number one priority. However, the issuance of traffic citations cannot be seen as the sole indicator of reduction in traffic collisions and traffic safety, nor as a revenue source for the community.

In an effort to address traffic and pedestrian safety concerns in Kensington, I make the following recommendations;

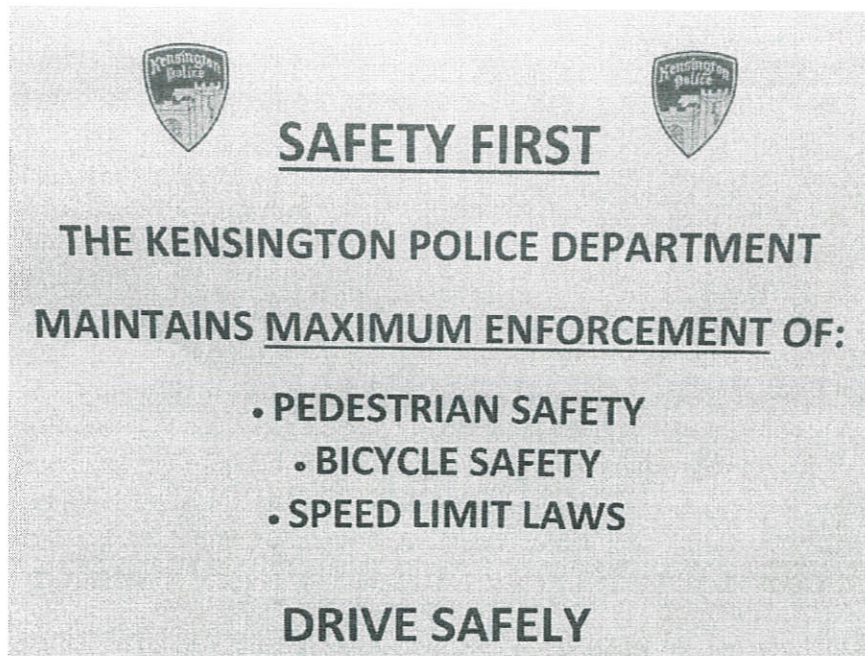
1. Replace and expand the zero tolerance policy to “Maximum Enforcement” which will provide a more consistent public image for the community. This new Maximum Enforcement Policy will be enforced throughout the community, not just at the intersection of Arlington Avenue and Kensington Park Road. Advertise this policy through media and social media channels to visitors and residents of Kensington. Violations of traffic and safety laws will not be tolerated and will be strictly enforced.
2. Purchase and post new signs at all entry points to the Kensington community. These stationary signs will be designed to increase awareness of traffic safety laws to residents and non-residents who enter the district. They will convey that all traffic laws are strictly enforced and that the KPD takes traffic safety very seriously. The signs will read as follows;
 - a. Safety First-The Kensington Police Department maintains maximum enforcement of pedestrian safety, bicycle safety, and speed limit laws. Drive Safely.
3. Purchase and install two portable digital speed radar signs to monitor speed violations and create awareness on problem streets such as Franciscan Way and Kenyon Avenue. The existing digital radar sign is on Arlington Avenue at the northern end of Rincon Road and is stationary. Since this sign was mounted, this well-traveled area has become much safer just by making drivers more aware of their speed. The portable elements of the news signs will allow the Police Department to periodically move the signs to different locations throughout the District as the need arises.

The Piedmont Police Department has added digital radar signs to many locations within their city. Due to the addition of these devices, Piedmont Police Department has experienced a dramatic decline in traffic collisions and an overall increase in safety for their residents. This item was included within the fiscal year 16/17 budget. Reasons for the digital speed signs;

- a. Alert drivers of their speed in multiple locations
 - b. Decrease traffic collisions on busy roads.
 - c. Increase safety near school and daycare centers
 - d. Slow drivers down near cross walks-Pedestrian Safety
 - e. Deter speeders by holding them accountable with citations when officer is present.
 - f. Allows officers to monitor traffic patterns.
4. Purchase one motorcycle for traffic enforcement throughout the District. Two older motorcycles in need of significant repairs were recently removed from active service and sold due to safety and economical concerns. The revenue from the sales can offset the cost of the purchase. The use of motorcycles in traffic enforcement is widely used by police agencies because of their ability to quickly respond and maneuver in high traffic areas and certain road conditions. This vehicle will be equipped with radar for use on specific streets within the District.

5. With the use of available personnel or overtime, selective enforcement of vehicle code violations such as speed, stop sign, unrestrained child, failing to yield to pedestrians, on cell phone while driving, expired registration, and mechanical violations. This could be publicly noticed in advanced, but this is not a requirement.
 - a. Areas that tend to require extra patrols due to complaints of speeders and traffic collisions are Franciscan Way, Kenyon Avenue, Arlington Avenue, Colusa Avenue, Highland Boulevard on the north and south end of Kensington Hilltop Elementary, and Grizzly Peak Boulevard.
 - b. Areas with the highest safety concern for pedestrians are Arlington Avenue at Amherst, Arlington Avenue at the southern end of Rincon Road, and Highland Boulevard surrounding the school. Due to the lack of traffic controls, the area of Kensington Hilltop Elementary gets very congested during student drop off and pick up times, making the north and south ends of the school dangerous for children and other pedestrian traffic.

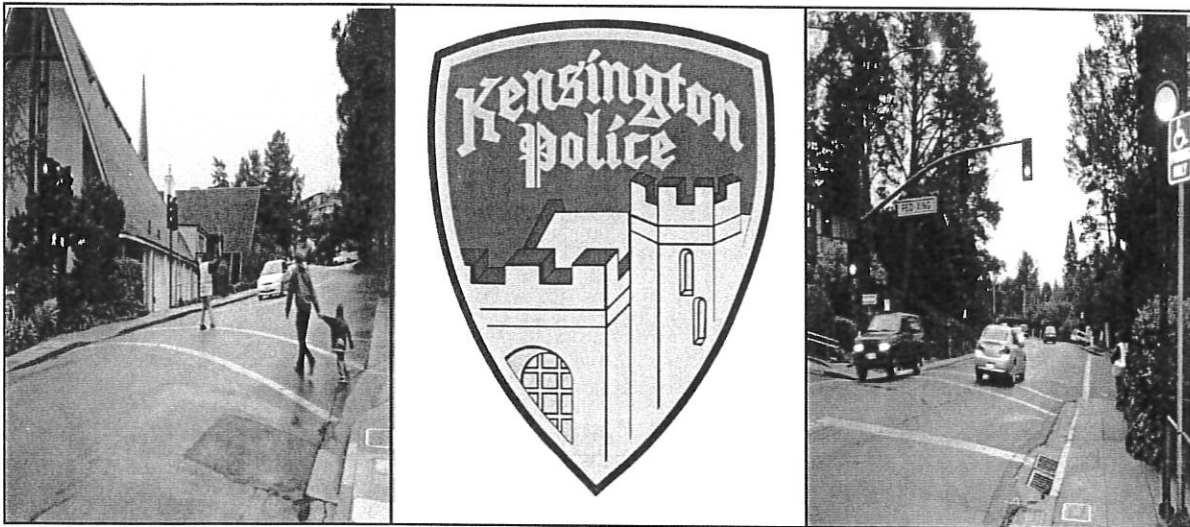
Please see below an example of the “Maximum Enforcement” sign that could be posted at all entry points into the Kensington community.



General Manager Recommendation: Take public comment, deliberate, and approve the General Managers recommendations.


Kevin E. Hart
Interim General Manager

KENSINGTON POLICE PROTECTION & COMMUNITY SERVICES DISTRICT TRAFFIC SAFETY EVALUATION



Evaluation Team:
Engineering: Matthew Manjarrez, P.E.
Enforcement: Donald Uelmen

March 2010

This report was produced in cooperation with the Kensington Police Protection and Community Services District. Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration. Opinions, findings, and conclusions are those of the authors and not necessarily those of the University of California and/or the agencies supporting or contributing to this report.

**KENSINGTON POLICE PROTECTION
& COMMUNITY SERVICES DISTRICT
TRAFFIC SAFETY EVALUATION**

MARCH 2010

FINAL REPORT

EVALUATION TEAM

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EXECUTIVE SUMMARY

The Kensington Police Protection and Community Services District (KPPCSD), which is governed by five board members elected into office by the Kensington Community, requested that the Technology Transfer Program of the Institute of Transportation Studies at University of California, Berkeley conduct a Traffic Safety Evaluation (TSE) for vehicle traffic and pedestrian safety issues at a crosswalk on Arlington Avenue and Kensington Park Road. A team of two traffic safety experts consisting of a traffic engineer and a traffic enforcement expert conducted this evaluation in January 2010 and prepared this report. The primary objective of this TSE is to improve traffic safety in the unincorporated Community of Kensington.

Based on information provided through the California Highway Patrol's Statewide Integrated Traffic Reporting System (SWITRS) data recorded from 2004 - 2008, there were a total of 230 collisions in Kensington. Based on the same SWITRS data, the Primary Collision Factor (PCF) in collisions on Kensington's streets is improper turning movements. The other critical factors are unsafe starting/backing maneuvers and speed.

The Office of Traffic Safety (OTS) rankings by population group allow cities to compare themselves with all the other cities with similar populations in the State. There are 73 cities in the OTS rankings population group F (2,501 to 10,000);, however, Kensington is not an incorporated city, so the Community is not included in the OTS rankings. A comparison with five communities with similar demographics was created using information from the SWITRS data for the California Smaller Cities, Towns, and Villages (1,000 to 6000 residents) for 2004 through 2008.

Chapter 1 provides an introduction to this report, evaluation objectives and approach, information used, and organization of the report.

Chapter 2 provides an overview of collision data for Community of Kensington, including a map and pertinent charts and graphs illustrating the locations and the historical data of vehicular collisions in the area.

Chapter 3 presents an engineering perspective for improving pedestrian safety at the intersection of Arlington Avenue and Kensington Park Road signalized crosswalk. Options for potential engineering safety improvements are presented.

Chapter 4 focuses on law enforcement's perspective on enforceability issues surrounding the specific location studied in this TSE report. Analysis and suggestions for the improvement of traffic safety issues are presented.

As discussed at the initial meeting with the Police Chief and Contra Costa County Public Works Engineer, the dominant traffic problem appears to be drivers failing to stop for the red signal at the intersection of Arlington Avenue and Kensington Park Road. The Community of Kensington has not recorded any fatal collision in over five years, and it ranks as having the fewest injury collisions when compared to five other similar communities from 2004 through 2008. It had very few bicycle and pedestrian collisions during the same time period. Law enforcement efforts are challenged by a community attitude that local residents should receive verbal warnings rather than citations for traffic violations.

The suggestions presented in this report are based on limited field observations and time spent in the Kensington Community by the TSE evaluators. These suggestions, which are also based on general knowledge of best practices in traffic engineering operations and traffic enforcement, are intended to guide the KPPCSD staff in making decisions for future safety improvement projects in the community, and they may not incorporate all factors which may be relevant to the traffic safety issues in the area.

As this report is conceptual in nature, conditions may exist in the study areas that were not observed and may not be compatible with suggestions in this report. Before finalizing and implementing any physical changes, KPPCSD and Contra Costa County staff may choose to conduct more detailed studies or further analysis to refine or discard the suggestions in this report, if they are found to be contextually inappropriate or appear not to improve traffic safety or traffic operations due to conditions including, but not limited to, high vehicular traffic volume or speeds, physical limitations on space or sight distance, or other potential safety concerns.

1. INTRODUCTION

The Kensington Police Protection and Community Services District (KPPCSD) requested that the Technology Transfer Program of the Institute of Transportation Studies at the University of California, Berkeley conduct a traffic safety evaluation (TSE) for the Community. A team of two traffic safety experts consisting of a traffic engineer and a traffic enforcement expert conducted the TSE and prepared this report.

1.1 Evaluation Objective

The primary objective of this TSE is to evaluate the signalized crosswalk at the intersection of Arlington Avenue and Kensington Park Road to ascertain if motorists are given an adequate warning and clear direction to their responsibility for the safety of pedestrians crossing Arlington Avenue. The Police Chief and Contra Costa County Public Works representative were concerned about the potential for a serious injury collision resulting from drivers failing to stop for the red signal at Arlington Avenue and Kensington Park Road. During the initial meeting, the problem with high speed of traffic on Arlington Avenue was also discussed.

1.2 Evaluation Approach

Prior to their visit to Kensington, the TSE team reviewed various traffic records and other traffic safety related information. This report presents the findings and suggestions of the TSE team to improve traffic safety and traffic operations in the community. The evaluation team determined that there was no prior TSE report completed for Kensington.

The suggestions presented in this report are based on the limited time spent in Kensington by the TSE evaluators, and they may not incorporate all factors which may be relevant to the traffic safety issues in the community. These suggestions are intended to guide the KPPCSD and Contra Costa County Public Works staff in making decisions for future safety improvement projects in Kensington, and they are based on limited field observations and general knowledge of best practices in traffic engineering operations and traffic enforcement. Conditions may exist in the focus areas that were not observed and may not be compatible with suggestions in this report. As this report is conceptual in nature, the Community and County staff may choose to conduct more detailed studies before finalizing and implementing any physical changes. They

may choose to conduct further analysis to refine or discard the suggestions in this report, if they are found to be contextually inappropriate or appear not to improve traffic safety or traffic operations due to conditions including, but not limited to, high vehicular traffic volume or speeds, physical limitations on space or sight distance, or other potential safety concerns.

1.3 Information Used in the Evaluation

The following information was used in preparation of the study:

Table 1: Information Used in Evaluation

Item	Period	Source
Statewide Integrated Traffic Records System (SWITRS) Collision Data	2004 - 2008	SWITRS, and CA Highway Patrol (CHP)
Controller Location Detail	June 20, 2000	Contra Costa County Public Works
Traffic Counts Arlington Avenue 230 ft. north of Rincon Road	Jan. 6, 2010	Contra Costa County Public Works
Traffic Counts Arlington Avenue 170 ft. south of Rincon Road	Jan. 6, 2010	Contra Costa County Public Works
Traffic Counts Rincon Road 160 ft. west of Arlington Avenue	Jan. 6, 2010	Contra Costa County Public Works
Year End Traffic Citations	1994 to 2009	Kensington Police Dept.
Hazardous Violations	2007 to 2009	Kensington Police Dept.
Year End Statistics - Arrests	1993 to 2009	Kensington Police Dept.
Year End Statistics - Reports	1994 to 2009	Kensington Police Dept.

1.4 Organization of this Report

Chapter 2 provides the Community's historical background, a vicinity map of Kensington, the population, and the highway and street systems within the Community Service District. The traffic collision data obtained from Statewide Integrated Traffic Records System (SWITRS) and the Office of Traffic Safety (OTS) and the analysis of the data are discussed in this chapter.

Chapter 3 presents traffic engineering evaluation and findings on existing traffic and safety concerns at the intersections and roadways requested for evaluation by the Community Service District, as well as suggestions on potential engineering safety improvement measures.

Chapter 4 describes the law enforcement efforts for reducing traffic problems, analysis of the collision data obtained from the sources listed in Table 1, and suggested strategies to improve traffic safety.

1.5 Acknowledgements

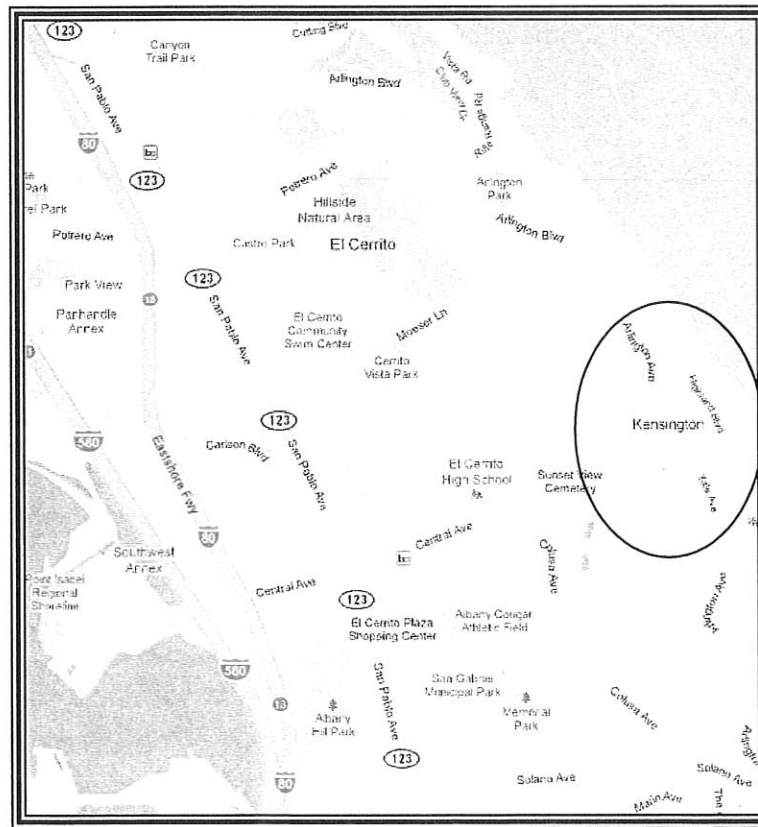
Kensington Police Chief Gregory Harman and Contra Costa Public Works Senior Civil Engineer Jerry Fahy are acknowledged for their cooperation in providing the needed data and their input on local conditions.

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2. BACKGROUND AND COLLISION HISTORY

Kensington is an unincorporated Contra Costa County community of about 2,200 homes. Located in the East Bay Hills between cities of Berkeley and El Cerrito, the 4,936 residents occupy a steep hillside area of approximately 1 square mile. Kensington maintains its own police department, as well as park and recreation programs for all ages, via the Kensington Police Protection & Community Services District. The Kensington Fire Protection District provides fire protection and emergency medical services via a contract with City of El Cerrito. Road maintenance is provided by the Contra Costa County Public Works Department.

Figure 2-1: Map of Kensington Community Services District

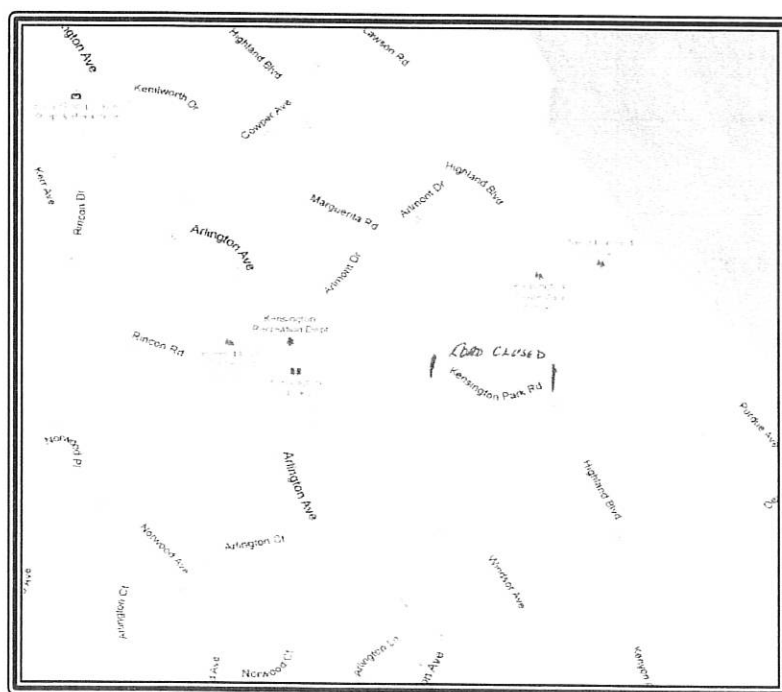


Arlington Avenue is the main road through Kensington and is a commuter route between the cities of Berkeley and El Cerrito. The north/south roadway is two lanes with parking generally allowed on both sides of the street and contains numerous horizontal and vertical curves due to

the hillside terrain. The speed limit is 25 miles per hour and there is only one traffic signal which is at the intersection of Arlington Avenue with Kensington Park Road/Rincon Road. This signal controls pedestrian traffic in a marked crosswalk crossing Arlington Avenue. During normal operations the signal on Arlington Avenue flashes yellow and the signals facing Kensington Park Road and Rincon Road flash red. The signal is actuated by the pedestrians wishing to cross Arlington Avenue.

Kensington Elementary School and the Library are on the east side of Arlington Avenue, and a church and a residential area are on the west side. The crosswalk is used throughout the day, although the peak pedestrian traffic periods are the AM and PM school commute periods. To assist about 70 students that use the crosswalk to get to school, Kensington has a crossing guard assigned from 7:45 am to 8:45 am, and for students returning home from school, the crossing guard is on duty from 2:00 pm to 3:00 pm. Pedestrians control the signal phase with a button located on a pole on the west and east side of Arlington Avenue. When the button is pushed the flashing yellow light changes to a solid yellow signal for about six seconds before changing to a solid red signal for all directions on Arlington Avenue and Kensington Park Road/Rincon Road.

Figure 2-2: Map of Arlington Avenue & Area of Kensington Park Road & Rincon Road



2.1 Traffic Collision Investigating and Reporting

Traffic Collision (TC) reports are prepared in compliance with the California Highway Patrol (CHP) Collision Investigation Manual (CIM). The Traffic Collision reports submitted by Kensington police officers are reviewed by the shift sergeant and entered into an automated information system prior to submission to the Statewide Integrated Traffic Records System (SWITRS).

2.2 Statewide Integrated Traffic Records System (SWITRS) Statistical Data

SWITRS processes all reported fatal and injury collisions which occur on California's state highways and all other roadways, excluding private property. The Kensington Community is below the statewide expected ratio of Property Damage Only (PDO) to Fatal and Injury Collisions of 2 to 1.

Table 2: Collision Data for Kensington Community Services District

<i>Collision Type</i>	<i># of Collisions</i>				
	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008*</i>
Fatal	0	0	0	0	0
Injury	7	8	1	3	5
Property Damage	39	37	48	47	35
Total	46	45	49	50	40
<i>Bicycle Involved</i>	2	1	0	2	1
<i>Pedestrian Involved</i>	0	0	0	0	1

* 2008 is preliminary data

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An analysis of five years of SWITRS data reveals that the highest number of traffic collisions occurs on Mondays and Fridays, as shown on Chart 1.

Chart 1: Collisions by Day of Week (2004 – 2008)

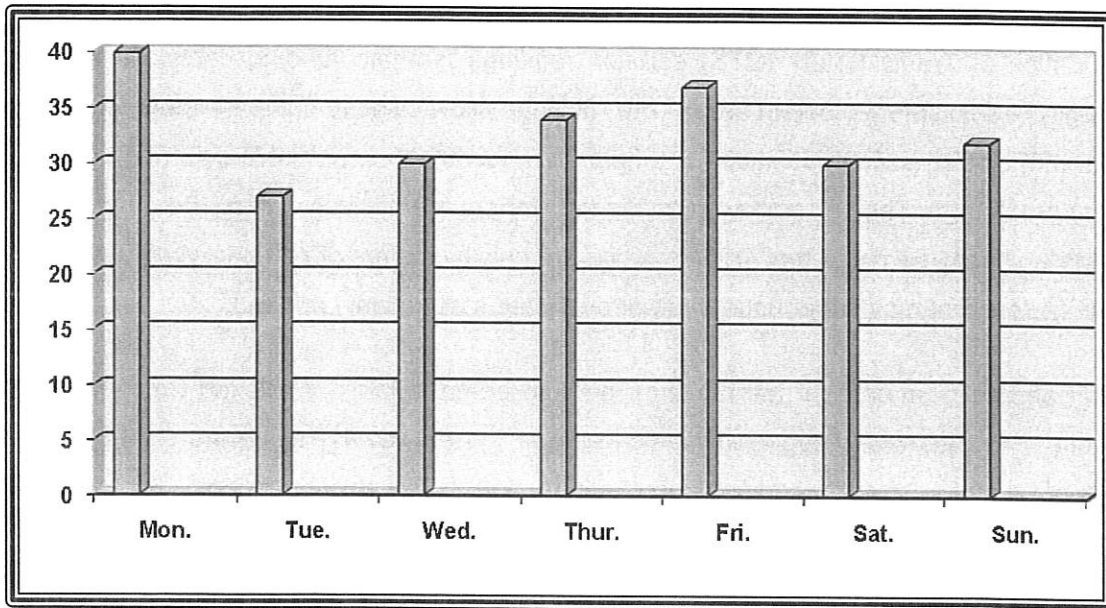
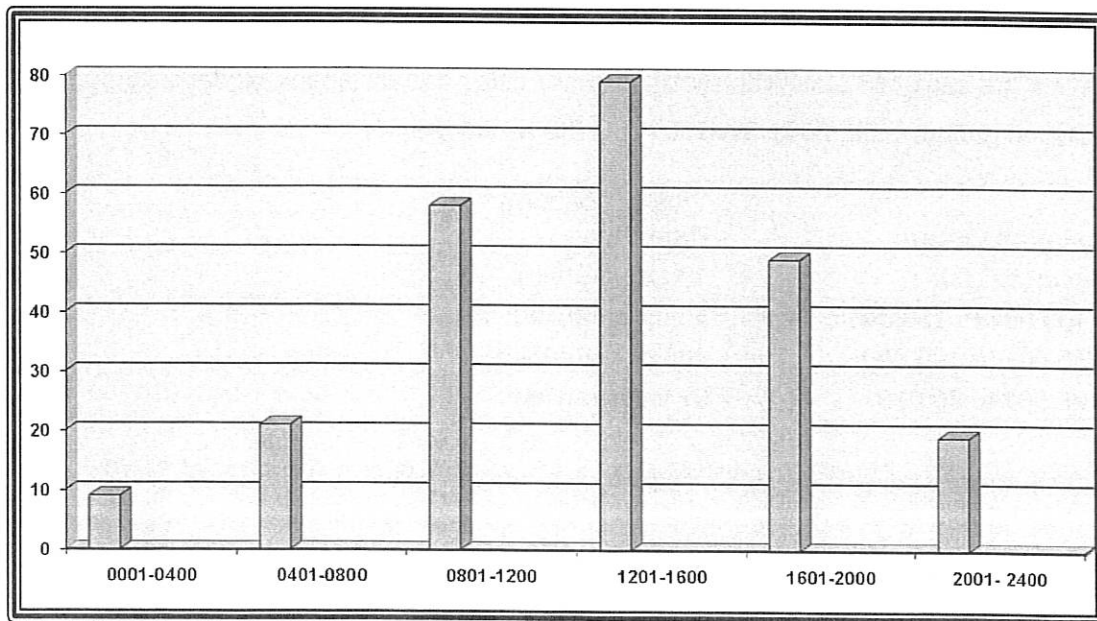


Chart 2 represents an analysis of five years of SWITRS data focusing on hours of the day. The period from 8:00 a.m. through 4:00 p.m. has the highest number of collisions.

Chart 2: Collisions by Hours of the Day (2004 – 2008)



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The charts above can assist with scheduling enforcement personnel deployment by day of week and developing shift times to have maximum impact on preventing traffic collisions.

2.3 Office of Traffic Safety Ranking

The Office of Traffic Safety (OTS) collision rankings facilitate funding decisions and identify emerging traffic safety problem areas. The rankings allow cities to compare themselves to other cities with similar-sized populations and help them identify their potential disproportionate traffic safety problem(s). They also allow counties to compare themselves with all the other counties in the state. It may be noted that OTS rankings are only indicators of potential problems; there are many factors that may either understate or overstate a city/county ranking.

Victim and collision data for the rankings is taken from the latest published California Highway Patrol (CHP) Statewide Integrated Traffic Records System (SWITRS) report. OTS provides two types of rankings: 1) victim and collision rankings, and 2) DUI arrest rankings.

Victim and collision rankings are based on rates of victims killed/injured or fatal/injury collisions per "1,000 daily-vehicle-miles-of-travel" (2008 CALTRANS) and per "1,000 average population" (2008-2009 Department of Finance) figures. Pedestrian, bicyclist and motorcycle victim rankings do not take into account the size or demographics of a city or county's pedestrian/bicyclist/motorcyclist population.

Counties are assigned statewide rankings, while cities are assigned population group rankings. Population groups using 2008 SWITRS data are as follows:

Population Group	Victim/Collision Rankings
A = over 250,000	13 cities ranked
B = 100,001 to 250,000	55 cities ranked
C = 50,001 to 100,000	103 cities ranked
D = 25,001 to 50,000	97 cities ranked

For example, for victim/collision rankings, a Population Group Ranking of "1/103" would be assigned to the city with the highest number of victims/collisions per 1,000 residents in

population group C, while a ranking of "103/103" would be assigned to the city with the lowest number of victims/collisions per 1,000 residents in population group C.¹

The Office of Traffic Safety (OTS) does not rank Kensington with the 73 cities in the OTS rankings population group F (2,501 to 10,000) because it is not an incorporated city or town. A comparison with five communities with similar demographics was created using information from the SWITRS data for the California Smaller Cities, Towns, and Villages (1,000 to 6000 residents) data for 2004 through 2008.

Table 3: Comparison of Similar Communities Ranked by Total Collisions

City	Population	Fatal/Injury	PDO	Total	Bicycle	Pedestrian
Broadmoor	4,016	26	127	153	1	5
Woodside	5,352	65	92	157	8	0
Calistoga	5,179	57	168	225	10	5
Kensington	4,963	23	207	230	6	1
Del Mar	4,936	101	134	235	25	9
Carmel	4,081	57	455	512	5	15

Kensington Community has the lowest number of fatal/injury collisions (no fatal collisions in the 5 year period), has the 2nd fewest pedestrian collisions, and the 3rd fewest bicycle collisions in comparison with five other similar communities.

¹ Reference: California Office of Traffic Safety:
http://www.ots.ca.gov/Media_and_Research/Rankings/Explanation.asp

2.4 Primary Collision Factors

When a driver commits a traffic violation (e.g., speeding, running red light, running stop sign, turning, lane-changing, etc.) that is deemed the cause of a collision, the violation is coded as the Primary Collision Factor (PCF). If it is determined that such a driver is also driving under the influence, the PCF is coded as DUI instead, and the traffic violation is then coded as a secondary cause of collision.

An analysis of the 230 total collisions recorded in the 2004 – 2008 SWITRS data for the Kensington CSD reveals that 194 collisions (or 84% of total collisions) were caused by the four Primary Collision Factors listed in Table 4 below:

Table 4: Primary Collision Factor and Percent of Total Year Data

<i>PCF</i>	2004	%	2005	%	2006	%	2007	%	2008	%
Improper Turning	18	39	23	51	20	41	24	48	24	60
Unsafe Start/Back Maneuvers	10	22	8	18	14	29	13	26	6	15
Speed	9	20	4	9	5	10	4	8	5	13
DUI Involved	1	2	3	7	0	-	0	-	0	-
Unknown/Not Stated	2	4	3	7	9	18	5	10	0	0

It may be noted that the number of collision reports coded as “unknown or Not Stated” under PCF dropped from 18% in 2006 to 0% in 2008 after a leadership change in the Kensington Police Department.

2.5 Intersections with the Highest Collisions

Based on the SWITRS data from 2004 - 2008, there were a total of 230 collisions in the Kensington CSD, with 45 (20%) of those collisions occurring at or in the proximity of an intersection, 150 (65%) not at an intersection and 35 (15%) not coded. Arlington Avenue

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appears as the primary location in 59 (45%) of the collisions, and as the secondary location in 24 (18%) of the collisions.

Table 5: High Collision Arlington Avenue Locations

Intersection of Arlington Avenue at:	<u>Total</u>	<u>Severity</u>		<u>Vehicle Involved with</u>		<u>Collision Type</u>				
		Inj.	PDO	MV	FO	HO	SS	RE	BS	Other
Amherst Avenue	10	1	9	10	0	0	4	4	0	2
Ardmont Avenue	8	0	8	5	3	0	4	1	1	2
Sunset Drive	7	1	6	4	3	0	3	2	0	3
Rincon Road	5	4	1	3	2	0	0	3	0	2
Arlemont Drive	5	2	3	3	1	0	0	3	0	2
Kensington Park Road	3	0	3	2	1	0	1	0	0	2

Key:

- Inj.: Injury
- PDO: Property Damage Only
- MV: Motor Vehicle
- FO: Fixed Object
- HO: Head On
- SS: Sideswipe
- RE: Rear End
- BS: Broadside
- Other: Fixed Object, Pedestrian, Bicycle, Non-collision

Due to the low number of collisions at each location (a five year total), it was agreed to concentrate the efforts of this evaluation at the signalized crosswalk at the intersection of Arlington Avenue and Kensington Park Road/Rincon Road.

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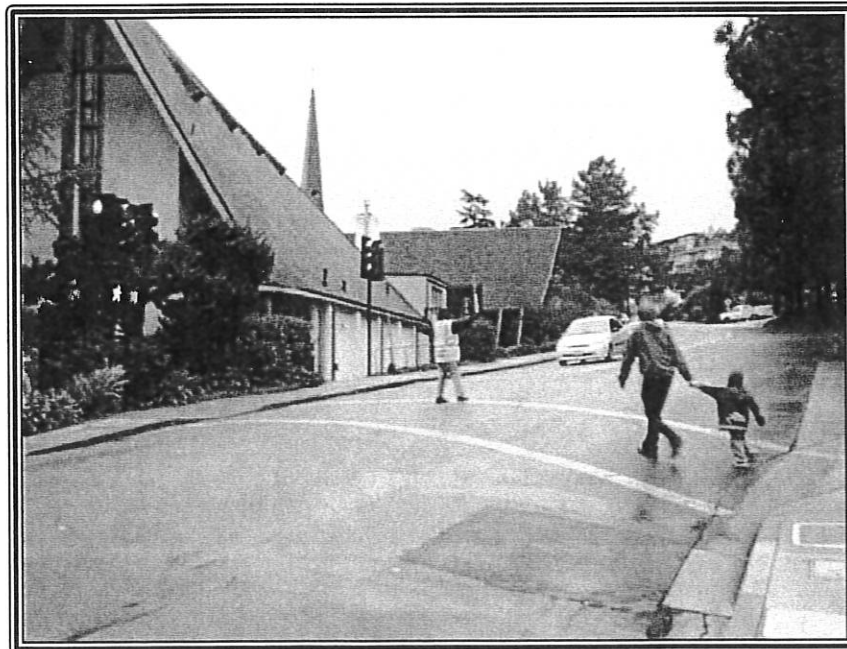
3. TRAFFIC ENGINEERING EVALUATION AND IMPROVEMENT MEASURES

This report focuses on a specific location in the Community of Kensington – the signalized pedestrian crossing at intersection of Arlington Avenue and Kensington Park Road/Rincon Road. The community is concerned that vehicles speed through the intersection and fail to stop when the red indication is displayed when pedestrians are crossing. The TSE team reviewed these concerns and identified potential improvements at this location. This chapter presents the findings and suggestions of the TSE team regarding traffic engineering issues.

3.1 Existing Conditions

The signalized pedestrian crossing of Arlington Avenue at its intersection with Kensington Park Road/Rincon Road is the only traffic signal located in the Community of Kensington. The pedestrian crossing provides access across Arlington Avenue to the Kensington Hilltop Elementary School, the Kensington Library, an adjacent church and preschool, and area residences. A school crossing guard is on duty during school commute times from 7:45 to 8:45 am and 2:00 to 3:00 pm on weekdays. The crossing guard reported that approximately 70 pedestrians utilize the signalized crosswalk during each school commute period.

Figure 3-1: Crosswalk on Arlington Avenue at Kensington Park Road



Arlington Avenue carries 6,000 to 7,000 vehicles per day on weekdays. The roadway is located on a hillside and is curvilinear with mature vegetation and development on both sides throughout its length. The horizontal and vertical curvature of the roadway along with the vegetation impedes sight lines approaching the traffic signal; however, adequate sight distance is available to satisfy minimum standards for a roadway with 85th percentile speeds of up to 30 mph. A supplemental traffic signal head is visible for 315 feet in advance of the stop bar for northbound traffic, and a supplemental signal head is visible for 485 feet for southbound traffic.

The signal is pedestrian actuated and provides a protected pedestrian phase during which vehicles on Arlington Avenue, Kensington Park Road, and Rincon Road are given a solid red indication. Therefore, the signal provides an exclusive pedestrian phase. Kensington Park Road and Rincon Road are controlled by both stop signs and traffic signals. The operational characteristics of the signal are summarized below.

- When no pedestrian actuation has been received:
 - Flashing yellow indications are displayed for both directions of Arlington Avenue.
 - Flashing red indications are displayed for both Kensington Park Road and Rincon Road.
 - A steady don't walk (upraised hand) indication is displayed at the pedestrian crossing.
- When a pedestrian actuation is received:
 - A steady yellow indication is displayed followed by a solid red indication for both directions of Arlington Avenue.
 - Solid red indications are displayed to both Kensington Park Road and Rincon Road.
 - A walk (walking person) indication is displayed once the solid red indication is given for Arlington Avenue. A pedestrian clearance interval (flashing upraised hand) is then displayed.
- When the pedestrian clearance interval is complete:

- Flashing yellow indications are once again displayed to both directions of Arlington Avenue.
- Flashing red indications are once again displayed for both Kensington Park Road and Rincon Road.
- A steady don't walk (upraised hand) indication is once again displayed at the pedestrian crossing.

The intent of flashing yellow indication for Arlington Avenue is to allow vehicles to travel through the area freely when no pedestrians are present, while the flashing red indications and stop signs on Kensington Park Road and Rincon Road allow vehicles to proceed onto Arlington Avenue when it is safe to do so after coming to a complete stop. Drivers on Kensington Park Road and Rincon Road must identify acceptable gaps in vehicular traffic on Arlington Avenue to safely make their turns onto that roadway. To accomplish this, adequate sight distance is required, which is available for drivers on Kensington Park Road, but is not available for drivers on Rincon Road. The primary sight distance constraint for drivers on Rincon Road is parked vehicles along the west curb north of the intersection.

When pedestrians are present, the solid red indications on Arlington Avenue, Kensington Park Road, and Rincon Road are intended to stop vehicles on all approaches while pedestrians are crossing. However, the combination of stop signs and signal may provide mixed direction to drivers. A solid red signal means that a driver cannot proceed to make a left turn while a stop sign means that a driver can proceed when it is safe to do so. This issue is further discussed in the following section of this chapter.

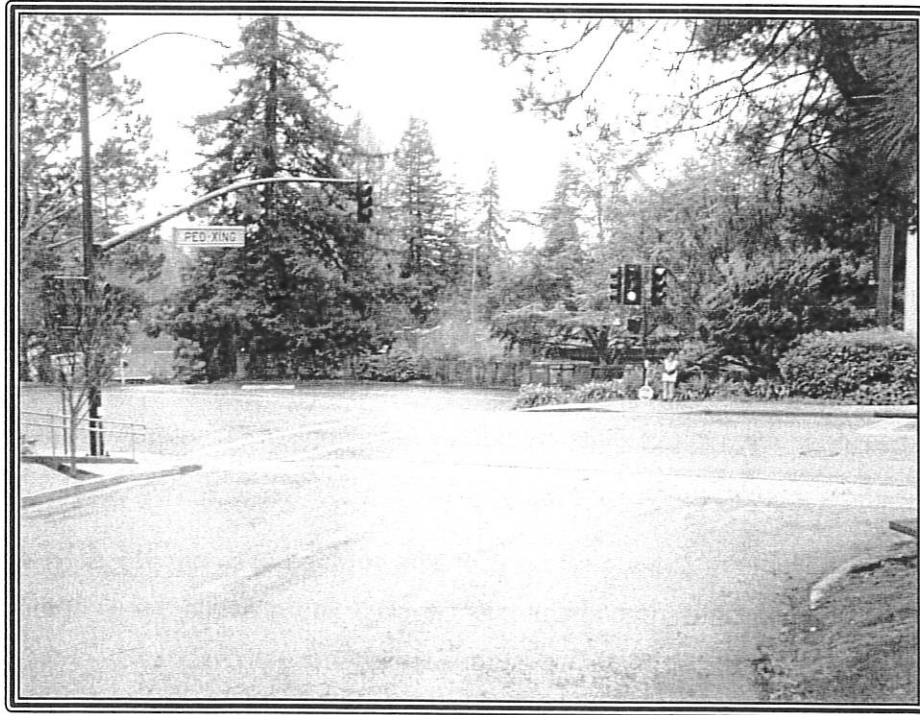
3.2 Compliance with California Code and Design Standards

The signal system located on Arlington Avenue appears to be out of compliance with the California Vehicle Code and the California Manual on Uniform Traffic Control Devices (CAMUTCD). The non-compliance appears to arise from the combination of stop sign control and signal control on the Kensington Park Road and Rincon Road approaches to the intersection. California Vehicle Code section 21355(a) and CAMUTCD section 4D.01 state that stop signs shall not be used in conjunction with traffic signal control and operation.

While the traffic signal system appears to be out of compliance with these codes and standards, it does not appear to operate in an unsafe manner. Field observations revealed that drivers are not confused by the signal system and stop signs. Further, the traffic collision history indicates that drivers are able to safely travel through the area. However, to promote uniformity with traffic control device application throughout the State and the rest of the nation and to minimize potential driver confusion, compliance with these codes and standards is suggested.

This issue cannot be resolved by simply removing the stop signs and pavement legends on Kensington Park Road and Rincon Road because CAMUTCD section 4K.02 requires that a stop sign be used on all approaches to which a flashing red indication is shown. The flashing red beacon would essentially be serving as an intersection control beacon without the required stop sign, which would result in a different non-compliance issue.

Figure 3-2: Kensington Park Road at Arlington Avenue



3.3 Potential Engineering Safety Improvements

A range of potential improvements were identified to assist the Community of Kensington and Contra Costa County with the enhancement of safety and the resolution of the non-compliance issues. Further, even though non-compliance and sight distance issues were identified, the intersection does not appear to present unsafe conditions. Therefore, the local agencies may consider evaluating these improvement options in conjunction with overall community needs and value, and ultimately determine the appropriate course of action at this location.

- **Option 1 – Install a full traffic signal.** This intersection could be converted to a full traffic signal by installing red-yellow-green indications for all vehicular approaches and walk-don't walk indications for all pedestrian crossings. This would require the installation of additional traffic signal poles and associated infrastructure. The stop signs on Kensington Park Road and Rincon Road would be eliminated. The sight distance constraints for drivers turning left from Rincon Road would become less of an issue. This option could be costly, and it may create traffic congestion on Arlington Avenue. A traffic signal warrant study will be needed.
- **Option 2 – Remove signal control from Kensington Park Road and Rincon Road.** The stop signs would remain. This option would not address the sight distance issue, and it would result in two stop controlled approaches with a signalized pedestrian crossing. This option could create conflicts between pedestrians crossing during the protected pedestrian signal phase and traffic stopped at Kensington Park Road and Rincon Road, trying to use gaps created by red signal on Arlington Avenue to make their left turns.
- **Option 3 – Remove the signal control and replace with all-way stop control.** This option would eliminate the non-compliance issue and alleviate the sight distance issue. However, it could create additional congestion on Arlington Avenue.
- **Option 4 – Remove the signal in its entirety.** The stop signs on the two side streets would remain. The non-compliance issue would be eliminated, but the sight distance issue would remain. This option would eliminate signal control protection for pedestrians crossing Arlington Avenue at this intersection, which could degrade overall pedestrian

safety at this location. However, adequate sight distance and gaps would exist for pedestrians to safely cross the street, but pedestrians would need to exercise a high degree of attentiveness and judgment. This may not be a suitable option given the high number of school children who use this crossing.

- **Option 5 – Eliminate on-street parking along the west curb line north of Rincon Avenue.** This option could eliminate or alleviate the sight distance issue depending upon how much parking to be eliminated. It would not address the non-compliance issue. This option could be implemented in combination with any of the other four options. This on-street parking is heavily utilized and its elimination would impact area residents, and the adjacent church and preschool.
- **Option 6 – Implement enhanced traffic law enforcement.** Enhanced law enforcement would probably increase compliance with traffic signal control during pedestrian crossings. This option will be discussed in more detail in Chapter 4.

4. ENFORCEMENT MEASURES

4.1 Traffic Enforcement Capabilities

The Kensington Police Protection and Community Services District is governed by a board of five directors. Operations are under the command of Chief of Police, Gregory Harman, who is also the General Manager of the District.

There are two sergeants assigned to patrol, one detective in investigations, five officers and six reserve officers. Non-sworn personnel include the District Secretary and two part-time employees, the Administrative Aide and Police Services Aide. One sergeant and three officers work 10-hour shifts Sunday through Wednesday, and one sergeant and two officers work 12-hour shifts, Thursday through Saturday. The Police Department performs a variety of services including patrol, traffic enforcement, CPR and First Aid, investigations, and warrant and subpoena services. Many other law enforcement duties are also provided to the citizens of Kensington 24 hours a day, seven days per week.

4.2 California Law Enforcement Challenge (CLEC)

A California Law Enforcement Challenge (CLEC) is a competition between similar sizes and types of law enforcement agencies. It recognizes and rewards the best overall traffic safety programs in California. The areas of concentration include efforts to enforce laws and educate the public in promoting safety. Agencies submit an application which documents their efforts and effectiveness in the safety areas. Kensington Police Department is encouraged to participate in this program and to submit an application by March 26, 2010. CLEC information and applications are available at www.chp.ca.gov/features/clec.html.

4.3 Traffic Citations

The level of enforcement action for traffic violations, issuing a citation or giving verbal warning, is left to the officer's discretion based upon extenuating circumstances and/or whether or not the violator is a local resident. This is a reality in small communities where citizen's concerns and complaints bear a significant influence on community leadership. A citation is the most effective tool to influence and change a driver's behavior leading to a raised level of compliance with

traffic laws. This result is achieved by the violator remembering the incident, the resulting fine and the effect on the driver's record and auto insurance rates. An added benefit is when the violator relates the incident to friends and neighbors who hopefully remember the circumstances when driving through that particular location to focus on driving safely. Verbal warnings are ineffective in enhancing driver safety, as the violator has a tendency to forget the incident, or if the driver relates the circumstances to associates, the 'spin' most likely ends with the offender "talking the officer out of a ticket". Citations are recorded and can be tracked, wherein verbal warnings are not a viable data resource.

At the Kensington Police Department, traffic citations are recorded annually as Moving and Parking Citations, but not usually tracked by type of violation. Table 6 shows the citations issued from specific violations from 2007 to 2009.

Table 6: Citations for Specific Violations

Year	Speed	Red Light	Stop Sign	Failure to Yield to Pedestrian	Failure to Obey Crossing Guard Pedestrian
2007	11	2	91	3	1
2008	54	8	82	5	1
2009	23	10	33	2	0

4.4 Enforcement Index

The Enforcement Index (number of citations issued / # of fatal & injury collisions), was developed by Northwestern University and is utilized by OTS, as a measure of effectiveness in traffic safety programs. OTS recommends a minimum level of 25 to reach the citation threshold of effectiveness in reducing traffic collisions, and may be used as a guide to measure the success of traffic safety programs. The Enforcement Index for the unincorporated area of Kensington is shown in Table 7:

Table 7: Enforcement Index

Year	Total Hazardous Citations	Fatal and Injury Collisions	Enforcement Index
2004	297	7	42
2005	228	8	29
2006	277	1	277
2007	305	3	102
2008	459	5	92

4.5 Speed Enforcement

Due to the narrow roads with parked cars and the terrain, speed is not the top PCF in collisions however it is a major source of traffic complaints. Contra Costa County Public Works has two hand-held radar units available for complaining citizens to use (after a training session) to conduct speed surveys in their neighborhood. Kensington Police has two radar equipped patrol vehicles and three hand-held radars available for speed enforcement. Kensington has an older model radar speed trailer which has not been used recently due to a lack of personnel available to deploy it. Contra Costa County public works also has a radar speed trailer available for deployment in locations where there are a high number of speeding complaints.

4.6 DUI Enforcement

All Kensington officers have completed the Peace Officer and Training (POST) course for administering the Standardized Field Sobriety Test (SFST). Kensington participates in the AVOID the 25 Contra Costa County DUI Enforcement project by providing officers to work with El Cerrito and San Pablo Police Departments at DUI Checkpoints.

Table 8 shows the total number of DUI arrests in Kensington and the percentage of those arrests resulting from DUI collisions.

Table 8: Kensington DUI Arrests (2007 – 2009)

Year	Total Arrests	DUI Collisions	Percentage of DUI Arrests from Collisions
2007	5	0	-
2008	2	0	-
2009	4	0	-
Total	11	0	-

4.7 Vehicle Impound Program

Kensington Police Department has a policy to impound vehicles; however a problem with vehicle storage actually makes the program impractical.

4.8 Seat Belt Enforcement and Use Rate

There were no seat belt or child safety seat citations tracked by the Kensington Police Department, however they may have been included in the 1,050 Mechanical/Registration citations issued in 2007, 2008 and 2009. Kensington has not participated in the "Click It or Ticket" campaign and does not have a record of the community's seat belt use rate.

Kensington Police might consider completing a seat belt use rate survey annually to compare the County's use rate with the current State-wide use rate (95.7% in 2008). An easy format and directions for the survey form can be downloaded from:

<http://ots.ca.gov/Grants/files/pdf/seatbelt/belt.pdf>.

4.9 Safety Enforcement Grants

Kensington has not received any OTS grants due to the community not being an incorporated city.

4.10 Traffic Signal Enforcement

The 20 Red Light violations and 2 "Failure to Obey Crossing Guard" violations occurred at Arlington Avenue and Kensington Park Road as that is only signalized intersection in the community and the only location that have crossing guards assigned. Additionally, some of the 10 "Failure to Yield to Pedestrians" violations most likely occurred at that location. These 32 violations had the potential to result in a serious injury or fatal collision. The Kensington Police Department knows that the probability of fatal or serious injury to a pedestrian, especially a child at the pedestrian crossing would have serious consequences in their community.

4.11 Traffic Safety Public Information

The Kensington Police Department has two public information resources: 1) a local newspaper "The Outlook", which is mailed to every resident ten times per year; and 2) the Police Department's website.

4.12 Coordination among Enforcement Agencies

In addition to participating in the "AVOID" the 25 DUI program, Chief Harman is a member of the Contra Costa County Chief's Association and the West County Chief's Association. Traffic issues can be put on the agenda for either one of these groups.

4.13 "Zero Tolerance Policy"

Based on the statistical data shown in Table 3, "Comparison of Similar Communities Ranked by Total Collisions", the Community of Kensington is relatively free of serious traffic problems. Measuring traffic problems is accomplished by compiling collision data; however it is impossible to measure collisions that have been prevented by police presence and traffic enforcement. Unfortunately most traffic safety and preventative programs begin after a tragedy occurs and a public outcry motivates community leaders to take action.

The problem of motorists failing to stop for the red light at the signalized crosswalk on Arlington Avenue could result in a tragic occurrence.

For many years motorists have believed that municipalities with a zero tolerance for traffic violations use the program as a source of generating revenue for the city. The policy also results in drivers being very careful to obey the traffic laws when traveling through a targeted area and a reduction in the number and severity of traffic collisions.

“Zero Tolerance Policy” is a more positive spin on preventing serious traffic collisions. The goal would be to inform and gain the agreement of law enforcement officers, governmental and judicial representatives, community representatives, and have media support for the program.

It is important to keep the public informed through media of all aspects of the “Zero Tolerance Policy” program, including the purpose and goals, and to warn the public where the focused traffic enforcement would take place, and that a “zero tolerance policy” would be in effect. It is also very important that the community understands, accepts and supports the importance of a “Zero Tolerance Policy” for the intersection and crosswalk at Arlington Avenue and Kensington Park Road.

4.14 Potential Enforcement Safety Improvements

Potential enforcement safety improvements are summarized below:

- Kensington Police Department may consider completing a seat belt use rate survey annually to compare the community’s use rate with the current State-wide use rate.
- Traffic issues can be put on the agenda for either one of these groups: Contra Costa County Chief’s Association and the West County Chief’s Association.
- A “Zero Tolerance Policy” for red signal and pedestrian crosswalk violations could be implemented for intersection of Arlington Avenue and Kensington Park Road after approval by the Community Services District Board.
- A public information campaign could also alert the citizens of the community to the potential serious injury collisions that could occur at the intersection of Arlington Avenue and Kensington Park Road/Rincon Road due to failure to stop at the red signal.

ABOUT THE TECHNOLOGY TRANSFER PROGRAM

The Technology Transfer Program, a division of the Institute of Transportation Studies at the University of California, Berkeley, is the California transportation community's source for professional training, expert assistance, and free resources for public agencies.

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**TECHNOLOGY TRANSFER PROGRAM
INSTITUTE OF TRANSPORTATION STUDIES
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**KENSINGTON POLICE PROTECTION & COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS**

NEW BUSINESS #2 - Acting Police Chief Rickey Hull will award a commendation to Detective Keith Barrow for his investigation and arrest of a hit and run suspect, KPD# 2010-1457

Acting Police Chief Rickey Hull awarded a commendation to Detective Keith Barrow.

NEW BUSINESS #3 - Acting General Manager Rickey Hull will present the Board with the Kensington Police Protection & Community Services District Traffic Safety Evaluation, prepared by the University of California, Institute of Transportation Studies, Technology Transfer Program for review, discussion, and possible action.

Acting General Manager Rickey Hull presented the Traffic Safety Evaluation and gave a summary of the recommendations which include a zero tolerance traffic enforcement policy for Kensington.

BOARD COMMENTS

Director McLaughlin commented that the strongest recommendation of the survey is the zero tolerance traffic enforcement policy and believes there is no need to look at other recommendations.

Director Stein suggested that the Police Department give regular traffic safety improvement updates to the Board.

PUBLIC COMMENTS

Nicki Kaiser, resident, asked the Board to clarify the zero tolerance policy recommended by the survey. President Toombs responded by noting that a warning is not as effective as giving a ticket, and this is what the survey recommends.

MOTION: The Board moves to accept the Traffic Safety Evaluation and its recommendation regarding the zero tolerance policy.

AYES: Wright, Toombs, McLaughlin, Stein, Kosel **NOES:** 0 **ABSENT:** 0

NEW BUSINESS #4 - Acting General Manager Rickey Hull will present the Board with Resolution 2010-06, a Resolution of the Board of Directors of the Kensington Police Protection and Community Services District, confirming the assessment and ordering the levy for the Kensington Park Assessment District for Fiscal Year 2010/2011, for discussion and Board action.

Acting General Manager Rickey gave a summary of Resolution 2010-06.

MOTION: The Board moves to approve Resolution 2010-06 as presented.

AYES: Wright, Toombs, McLaughlin, Stein, Kosel **NOES:** 0 **ABSENT:** 0

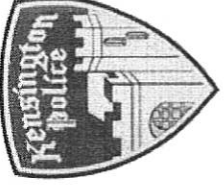
KPD Citations by Month and Year

Moving Citations by Month / Year								
	2010	2011	2012	2013	2014	2015	2016 (YTD)	2017
January	29	152	110	80	49	33	16	
February	18	130	108	43	33	10	6	
March	42	142	100	29	81	22	4	
April	24	201	57	81	82	36	6	
May	31	227	100	61	76	24	13	
June	97	109	97	52	55	22	29	
July	50	61	69	85	64	16		
August	83	78	48	118	60	6		
September	76	78	60	90	156	10		
October	30	128	65	90	67	16		
November	59	135	42	72	48	30		
December	52	55	28	41	25	22		
Total	591	1496	884	842	796	247		
Parking Citations by Month / Year								
	2010	2011	2012	2013	2014	2015	2016 (YTD)	2017
January	12	24	10	8	19	15	6	
February	3	57	20	26	21	7	7	
March	5	32	29	22	31	6	13	
April	7	23	14	20	13	6	23	
May	4	42	5	18	29	4	39	
June	26	52	14	22	28	8	47	
July	26	22	5	22	13	16		
August	13	0	1	39	25	18		
September	34	0	2	26	25	6		
October	29	0	3	36	30	12		
November	26	0	2	21	14	13		
December	33	3	1	17	15	9		
Total	218	255	106	277	263	120		

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SAFETY FIRST



**THE KENSINGTON POLICE DEPARTMENT
MAINTAINS MAXIMUM ENFORCEMENT OF:**

- **PEDESTRIAN SAFETY**
- **BICYCLE SAFETY**
- **SPEED LIMIT LAWS**

DRIVE SAFELY

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Date: July 14, 2016
TO: KPPCSD Board
FROM: Kevin E. Hart, Interim General Manager
Subject: **Item 8a-Possible Amendment to Board Policy 5010.10**

Director Gillette has asked that Board Policy 5010.10 be placed on the agenda for the July meeting for discussion and to consider possible changes to the Policy and Procedures Manual.

The proposed changes would be changing the start time of the regular monthly meeting of the Board of Directors from 7:30 P.M. to an earlier time such as 6:00 P.M. Closed session could be changed from typically 6:00 P.M. to start at 5:00 P.M.

General Manager Recommendation: Receive the presentation, take public comment, deliberate and provide direction to the Interim General Manager. First reading. Board Action Item.



Kevin E. Hart
Interim General Manager

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KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

POLICY MANUAL

POLICY TITLE: Board Meetings
POLICY NUMBER: 5010

5010.10 Regular meetings of the Board of Directors shall be held on the second Thursday of each calendar month at 7:30 PM in the Community Center, 59 Arlington Avenue, and Kensington. The date, time and place of regular Board meetings shall be reconsidered annually at the annual organizational meeting of the Board.

5010.11 The Board may choose to reschedule meetings at any time by a four-fifths vote by the Board, or if less than four-fifths of the Directors are present, a unanimous vote of those Directors that are present.

5010.12 To accommodate special circumstances that may arise between regular meetings, the General Manager may reschedule the date, time, and place of the next regular meeting after consultation with the Board President, or if the President is not available, the Board Vice President.

5010.20 Special meetings (non-emergency) of the Board of Directors may be called by the Board President.

5010.21 All Directors, the General Manager, District Counsel and other desired staff shall be notified of the special Board meeting and the purpose or purposes for which it is called. Said notification shall be in writing, delivered to them at least twenty-four (24) hours prior to the meeting.

5010.22 Newspapers of general circulation in the District, radio stations and television stations, organizations, and property owners who have requested notice of special meetings in accordance with the Ralph M. Brown Act (California Government Code §54950 through §54926) shall be notified by a mailing unless the special meeting is called less than one week in advance, in which case notice, including business to be transacted, will be given by telephone during business hours as soon after the meeting is scheduled as practicable.

5010.23 An agenda shall be prepared as specified for regular Board meetings in Policy #5020 and shall be delivered with the notice of the special meeting to those specified above.

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Request for Proposal

July 2016 - Draft Approved by Park Buildings Committee

From: Kensington Police Protection Community Service District

Additional Documents: ADA Analysis by G. Puente-Peters (2016), Seismic Analysis by G. Wallace (2016), Muller Caulfield Report (2012)

Project Objective

The Kensington Police Protection Community Service District (KPPCSD or District) is seeking proposals for completion of architectural drawings and construction documents for improvements to the Kensington Community Center located at 59 Arlington Avenue, described herein under the heading **Scope of Work**.

Background and Use of Building

The Community Center building was built in 1956 and remodeled and expanded in 1988. The building totals 4,430 square feet, with the main assembly room totaling 1,815 square feet. There are 3 other meeting rooms, toilet rooms, a kitchen that does not meet commercial standards and a small storage area. The building is very utilitarian, consisting of reinforced concrete block walls, slab on grade floor with a resilient tile surface, exposed ceiling structure with some skylights and ten exposed metal trusses. There is no insulation in the main room and heating is provided by space heaters with ventilation provided by operable windows and doors.

The Community Center building was initially constructed to serve the needs of Kensington's youth, hence its original name as the "Youth Hut". Over the years the building's purpose evolved to include more adult uses such as yoga or painting classes, and it also serves as a venue for some private parties. However, the majority of the uses continue to have a youth focus (scouts/gymnastics/after school programs). Given the continued youth focus of the building, upgrades need to recognize the importance of durability - such as impact resistant glazing on any windows/doors, and surfaces that are scuff resistant and designed for easy cleanup. The buildings western exposure creates heat gain issues during the afternoon, which should be considered.

A complete description with photos of the Community Center/Youth Hut building and the adjacent Annex Building are contained in the attachments as part of an analysis prepared by Muller & Caulfield Architects dated March 8, 2012.

Following the 2014 defeat of the bond measure that would have fully upgraded the Community Center building based on the findings of the Muller & Caulfield report, it was decided to evaluate how much work was needed to at least bring the Community Center building into compliance with current seismic and accessibility requirements. Two consultants, Gregory Paul Wallace, a structural engineer, and Gilda Puente-Peters, an ADA specialist, were hired to complete this analysis. Their reports are included in the attachments. The seismic report suggests steel columns along the west and south walls of the assembly room to provide vertical support and horizontal bracing to the roof structure. Steel ties and plywood shear walls are proposed for the

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roof to tie the main roof to the other building components. The Wallace analysis assumes the roof will be replaced; however, the roof appears to be in good condition. The ADA analysis is very detailed in terms of the work required both inside and outside the facility; however, some of the exterior ADA work described could change if there are modifications to the west wall, if gender-neutral restrooms are installed, or if the flagpole is relocated, for example.

Project Scope of Work

The proposed Project includes:

Modifications to the Community Center that are required to remedy the seismic resistance deficiencies identified in the structural report by Gregory Paul Wallace.

Modifications to the Community Center that are required to bring it into compliance with current ADA standards of accessibility and to remedy the deficiencies identified in the analysis by Gilda Puentes-Peters.

Modifications to the Community Center that will improve the general appearance and function of the building and its site. Among these are the following Alternates that can be priced separately and may or may not become part of the final Project:

Alternate 1: A new west wall for the Community Center building that will provide an indoor/outdoor feel by incorporating more use of glass and possibly a central entrance.

Alternate 2: An upgraded kitchen to provide community cooking classes and meals for social events.

Alternate 3: Enhancements to the restrooms, interior main room wall covering, floor finishes, interior and exterior painting, and possible lighting and heating upgrades.

These Alternates shall be reviewed with the District, with cost containment a principal objective. At this time, it is anticipated that the total Project budget will be \$1.0 million or less.

Note that the solutions to the Community Center's structural and accessibility problems need not follow the specific suggestions included in the reports cited above, provided that the issues are resolved successfully. The selected candidate will need to provide a demonstrated capacity for creativity and willingness to work well with diverse community input while maintaining cost control.

Scope of Architectural Services

- Meetings – The Architect shall meet with the District three times (for a duration of not more than 2 hours each) to discuss and evaluate the scope of work and progress.
- Preliminary drawings – At the second meeting, the architect shall present several concept drawings for the three alternates identified under Project Scope of Work.
- Upon approval by the District of the preliminary design work, the Architect shall prepare the Project Plans and Specifications.
- The architect shall either engage the services of Gregory Paul Wallace as structural engineer or another licensed structural engineer of their choosing.

- The Architect shall assist the District in obtaining preliminary cost estimates with the assistance of a cost consultant. Based on these cost estimates the District shall determine the Final Plans and Specifications, and specifically the inclusion of Alternates 1, 2 and 3.
- The Architect shall submit the Final Plans and Specifications for all necessary County and other governmental approvals for the completion of the work, and make any changes as may be required to complete Approved Plans and Specifications.
- The architect and the District shall collaboratively obtain bids from a minimum of three qualified contractors.
- The Architect shall visit the construction site as often as necessary to make sure the building is being completed in accordance with the Approved Plans and Specifications.
- The architect shall help the District complete all forms required by the East Bay Regional Park that are required as part of a WW Grant reimbursement process.

Exclusions from Scope of Services

- As-built surveys, metes and bounds surveys
- Soils testing and any geotechnical surveys
- Utility upgrade designs
- Materials testing
- Plan check and building fees
- List any other exceptions on a separate sheet if your company requires them

Submission Process

Responses to this Request for Proposal shall be submitted no later than:

12 pm (noon) on Wednesday, August 31, 2016.

Responses received after this time will not be opened or considered.

All proposals shall be in the form of two (2) paper copies in a sealed envelope with the architect's name, address and phone number clearly marked on the cover. Responses should directed to:

**Interim General Mgr. Kevin Hart
Public Safety Building
217 Arlington Avenue
Kensington, CA 9470**

As part of the decision process the Parks Building Committee shall ask the most competitive architectural candidates to make a 30-minute presentation to the Committee. The Committee and District's final selection shall be based on the following criteria: price, experience, recommendations, completion schedule and ability to work collaboratively with the community. The District shall make a decision on a contract award on or before 12 pm, Wednesday, November 30, 2016.

For those who would like to tour the facility prior to making a proposal, a walk through can be arranged by contacting:

Rachelle-Sherris-Watt at: rsherriswatt@keningtoncalifornia.org

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All submissions shall include:

- A summary of the firm's qualifications, history and related project experience.
- The identify of the persons who will be working on the project and their qualifications and experience.
- An outline of the proposed approach to the project including the work and schedule to complete it. Please specify the start date to complete the P&S and the estimated completion date.
- A fixed fee proposal for the performance of the services identified above, plus a separate cost for any additional services not specified above. Provide a rate schedule or hourly fees by individual, should additional work be required on a time and materials basis.
- List three references for projects that required similar services.
- Since this proposal is requesting changes to the look of the west wall, providing drawings showing the before/after look of renovation projects that the firm has worked on that are similar to this project is encouraged.

Compensation

District shall make a deposit with the Architect equal to 10% of the architect's total cost of services and shall thereafter make monthly payments on a progress basis with a mutually agreeable retention.

Miscellaneous Provisions

The District reserves the right to reject any and all proposals.

The District may award an agreement for services on the basis of the proposals submitted or the District may negotiate further with some or all of the proposers.

No proposal shall be approved until the District's Board of Directors has accepted it.

The District is not liable for any costs incurred by the applicants responding to the Request for Proposal.

Proposals and pricing information submitted as part of this proposal will not be returned.

The successful proposer will be required to sign a standard KPPCSD service agreement, including insurance requirement.

The proposals may include proprietary information or confidential information. KPPCSD will take every reasonable precaution in protecting such confidential information provided that it is clearly identified as proprietary or confidential on the pages on which it appears. However, KPPCSD is subject to California Public Records Act and must disclose records as required by the Act.