

# KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

## AGENDA

A Regular Meeting of the Board of Directors of the Kensington Police Protection and Community Services District will be held Thursday, June 9, 2011, at 7:00 P.M., at the Community Center, 59 Arlington Avenue, Kensington, California.

Note: All proceedings of this meeting will be tape recorded and *please note the 7 P.M. start time.*

Roll Call  
Public Comments  
Board Member/ Staff Comments

### APPROVAL OF CONSENT CALENDAR

- a) Minutes of the Regular Meeting May 12, 2011, Page 3
- b) Profit & Loss Budget Performance for May 2011, Page 17
- c) Board Member Reports-None
- d) Correspondence- None
- e) Police Department Update, Page 22
- f) Monthly Calendar, Page 31
- g) Recreation Report – To be provided by KCC at the meeting
- h) General Manager Update, Page 33

### DISTRICT – OLD BUSINESS

1. The District will hold a Proposition 218 Public Hearing in response to Bay View's request for a 6% increase to rates to begin in 2011. This public hearing was set at the April 14th, KPPCSD Board meeting. Possible Board Action. Page 37
2. General Manager Greg Harman will present to the Board for a second reading, review, discussion, and possible adoption the Kensington Police Protection & Community Services District Fiscal Year 2011/2012 Operational Budget. Board Action Page 39

### DISTRICT - NEW BUSINESS

1. General Manager Greg Harman will present to the Board Kensington Police Protection & Community Services District Resolution 2011-011, establishing the annual supplemental special tax for police protection (Measure G) for Fiscal Year 2011/2012 for review and possible adoption. Board Action. Page 53
2. General Manager Greg Harman will present to the Board a request to enter into a Memorandum of Understanding to continue our participation in the West County Costa County Narcotic Enforcement Team (WestNet) through January 1, 2014. Board Action. Page 57
3. General Manager Greg Harman will present to the Board Grand Jury Report # 1105, "Ethics and Transparency Issues in Contra Costa County" for review and response under Section 933.5(a) of the California Government Code that requires that the District report an action to the findings no later than August 24, 2011. Board Action. Page 70
4. General Manager Greg Harman will present to the Board the SDRMA Election Resolution (Kensington Police Protection & Community Services District Resolution 2011-012) and Ballot for discussion and possible Board action. Page 82
5. Director Cathie Kosel will present to the Board a proposal that the District enroll in "Crimereports.com". This item was placed on the May 13, 2010 agenda and did not receive a second motion to approve. Possible Board Action. Page 100
6. Director Cathie Kosel will present to the Board for a first reading suggested changes to the current Board Policy Manual regarding the nature and form of the employment evaluation for Chief Harman. Possible Board Action. Page 134

### ADJOURNMENT

General Information

Accessible Public Meetings

NOTE: UPON REQUEST THE KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT WILL PROVIDE WRITTEN AGENDA MATERIALS IN APPROPRIATE ALTERNATIVE FORMATS, OR DISABILITY-RELATED MODIFICATION OR DISABILITIES TO PARTICIPATE IN PUBLIC MEETINGS. PLEASE SEND A WRITTEN REQUEST, INCLUDING YOUR NAME, MAILING ADDRESS,PHONE NUMBER AND A BRIEF DESCRIPTION OF THE REQUESTED MATERIALS AND PREFERRED ALTERNATIVE FORMAT OR AUXILARY AID OR SERVICE AT LEAST 10 DAYS BEFORE THE MEETING. REQUESTS SHOULD BE SENT TO:

District Secretary Anita Gardyne, 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](http://www.kensingtoncalifornia.org)

Complete agenda packets are available at the Public Safety Building and the Library.

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**KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS**

**Meeting Minutes for 05/12/2011**

**AGENDA**

A regular meeting of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday, May 12, 2011, 7:00 PM, at the Community Center, 59 Arlington Avenue, Kensington, California.

**ATTENDEES**

Elected Members	Guests/Presenters
Charles Toombs, President	Nicki Kaiser
Linda Lipscomb, Vice President	Bryce Nesbitt
Tony Lloyd, Director	Pat McCaughlin
Mari Metcalf, Director	Joan Gallegos
Cathie Kosel, Director	Lynn Wolter
	Ciara Wood
	Joel Koosed
	Jack Griffith
Staff Members	
Gregory E. Harman, General Manager/Chief of Police	
Anita Darden Gardyne, District Secretary	
Detective Keith Barrow	
Officer Rodney Martinez	
Acting Sergeant Kevin Hui	

ANNOUNCEMENTS: Board President Charles Toombs called the meeting to order at 7:00 PM and introduced new Kensington Police Protection and Community Services District (KPP & CSD) Secretary Anita Darden Gardyne.

**PUBLIC COMMENTS**

Bryce Nesbit announced that he brought homemade cookies for the Directors to enjoy and that providing the cookies was not an attempt to influence the BOD. He also shared that Contra Costa County has approved the Kensington Improvement Club request for an encroachment permit to place signs marking the entrances of the existing paths.

Nicki Kaiser shared that the BOD meeting minutes are too brief and do not fully reflect the comments she shared at the last meeting. She requested that more detailed notes be written and made available to the public.

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Nicki Kaiser researched Director Kosel's campaign contributions from donor Mr. Pagoni when Director Kosel ran for Mayor of El Cerrito in 1989. Nicki expressed concern that Director Kosel had actually received \$500 in campaign contributions from donor Pagoni, exceeding the \$99 amount Director Kosel had previously communicated she had received. Nicki stated that she had documents in hand that she had copied from the City of El Cerrito's records that confirmed the \$500 donation from donor Pagoni. Nicki also said that she believed that Director Kosel was disingenuous in her claim that donor Pagoni had given her a smaller donation as compared to others who were running against her in the campaign. After some initial disagreement as to the level of the donation Director Kosel and Nicki reviewed the documents Nicki obtained from the City of El Cerrito and Director Kosel agreed that she had misstated the amount of ~~donation received from donor Pagoni. Director Kosel reminded the community that these contributions~~ occurred maybe twenty five years ago so her memory was not fresh. Nicki provided copies of her reports to President Toombs.

### **BOARD COMMENTS**

Director Kosel discussed democracy and checks and balances. She expressed a concern about the need for improved checks and balance in a democracy given the unusual set up we have in Kensington specifically as it pertains to the joint General Manager/Chief of Police (GM/COP) role. With that particular role set up Director Kosel wants to ensure the BOD is fulfilling its oversight role of the GM/COP as a check and balance as it is vital and necessary. As an example, she cited that she had made a request to GM/COP Harman to meet with Debbie Russell, Kensington Police Protection and Community Services District (KPP & CSD) CPA last month and that her request was denied by both GM/COP Harman and President Toombs. She said there is a BOD policy that forbids this. Director Kosel said she subsequently requested that Ms. Russell either participate in a conference call or attend a KPPCSD Board meeting so that she and other BOD members could ask questions directly about policy. Director Kosel said that GM/COP Harman told her that Ms. Russell charges \$65/hr for her professional services and that this was cited as one of several reasons her request was denied. Director Kosel stated that she simply wanted to speak with Ms. Russell regarding KPPCSD policy, and that she would gladly pay herself for 10 – 20 minutes of Ms. Russell's time. Director Kosel said that federal, state, special district, and city policies everywhere require these checks and balances be in place and for whatever in Kensington we don't seem to exercise those checks in balances on a regular basis or not at all.

Director Kosel read, and ultimately presented, a document she authored (copy attached and referenced as Attachment 1) dated May 12, 2011 in which she requested copies of all monthly statements of Premier credit cards held and/or controlled by Gregory Harman and Andrea DiNapoli and paid by the KPPCSD from the date of Mr. Harman's first employment with KPPCSD to this present time. Director Kosel reminded GM/COP Harman that laws require him to provide the data requested within 10 days. GM/COP Harman accepted the written document. KPPCSD District Secretary Gardyne's responses to the request were submitted to Director Kosel on May 26, 2011 and May 31, 2011, respectively.

Director Kosel asked the BOD to review the policy that puts them in a do loop to review everything that comes back to the position of GM/COP. She concluded by saying that there are 3 or 4 things on the agenda this evening that violate the checks and balances requirements and that she will cite them as they occur. She expressed a hope that by the end of the evening the entire BOD will agree with her that the policy should be revised.

President Chuck Toombs provided a status on an RFP on the park building assessment. There is a stellar committee consisting of community volunteers, and a few BOD members to pull together an RFP for the professional design, recommended use and renovations of Building E, the Annex and Youth Hut and the

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best use of public and provided money on the renovations. This committee has been working since September. He thanked all the committee members by name: Andrew Mixer, Andrew Reed, Jack Griffith Lisa Corona, Bruce Morrow, John Stein, and Ciara Wood, some of whom were present. He said that they received three responses to the RFP and that two design groups were selected to continue with the bidding process, and that their prices ranged from \$35,000 to \$49,000. He said the selection committee will be interviewing these two remaining design firms on May 20, 2011 from 1 – 5PM and that GM/COP Harman will participate in this meeting as the District head. The committee will be seeking design ideas from these two finalists and also seeking ways to reduce estimated costs for the project. This committee hopes to make its recommendation to the BOD before the July BOD meeting.

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~~President Chuck Toombs shared that the Kensington Public Safety Council is having a Wild Fire presentation at 2:00 PM on Saturday May 14<sup>th</sup> here in this building and he encouraged all to attend.~~

Vice President Lipscomb shared that the Kensington Garden Improvement Club is sponsoring a Stratford path clean-up on Saturday May 14<sup>th</sup> 10:00 – 12:00 PM. All are encouraged to participate and to bring their garden gloves and tools.

### STAFF COMMENTS

GM/COP Harman introduced District Secretary Anita Darden Gardyne and directed her to give a brief overview of her background. Secretary Gardyne shared that she was raised in nearby Richmond, graduated from Kennedy High, and had worked at Kensington Elementary while in high school. She said that she has BA with Double Majors in “Economics” and “Economics in the Black Community” from UC Berkeley as well as a Master of Business Administration from UC Berkeley. She has served as Finance Director at Pacific Bell/Telesis, UC Berkeley, and Quantum Corporation. She lives in nearby Montclair, is married, and that has two children. One a freshman at University of Puget Sound and the other a first grader at Head Royce School in Oakland. Secretary Gardyne then received a very warm welcome from all present and expressed gratitude at the opportunity to be a part of the KPPCSD team/community.

GM/COP Harman provided an update about a burglary suspect that had recently been arrested in Oakland and allegedly in possession of property owned by Kensington residents. He said that KPD Detective Keith Barrow confirmed that some of the property seized in Oakland did have Kensington Police Department (KPD) property tags on it but that the property did not belong to Kensington residents. Detective Barrow determined that, in actuality, the items bearing the KPD tags had been seized by KPD back in 09 when the same burglary suspect was arrested in Kensington. At that time, it was determined that some of the property seized at the time of the suspect’s arrest in was ultimately returned to the suspect’s spouse after KPD determined that the seized property was owned by the spouse. There was no Kensington property involved.

GM/COP Harman said the April 30, 2011 Drug Take Back Day led by Detective Keith Barrow resulted in 134 pounds of medicine (just medicine without bottles) being turned in to KPD in four hours. Last year 56 pounds of drugs were turned in. He said that future Drug Take Back Days will be scheduled and communicated to the community.

GM/COP Harman, along with his son Dakota, Officer Rodney Martinez, Reserve Officer Chris Armanino, and Acting Sergeant Kevin Hui all participated in the St. Baldwick’s fund raising event in cooperation with the Walnut Creek PD as well as other local police departments. These participants shaved their heads to raise funds for children’s cancer research. To date, the event has raised \$42,000 but is expected to reach \$45,000. Team Kensington raised \$850 but that is expected to grow to \$1,000.

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**CONSENT CALENDAR**

Item b: Director Kosel referred to page 11 of the BOD agenda package and asked what drove the \$11,632, in Officer Overtime (OT) for the month of April, 2011. GM/COP Harman said much of it was due to a homicide investigation, Westnet investigation, and street coverage due to officers covering for scheduled officer training and Sgt. Khan being on disability. Detective Barrow explained that Westnet has been working a narcotics ring that operates from here down to Mexico. The team recovered 135 pounds of amphetamines and 26 fire arms some used in murders. 37 search warrants are being served and 17 federal indictments are pending. Westnet may reimburse KPD for our participation and several of those arrested had been previously arrested in Kensington for crimes such as burglary. Westnet operations are ongoing but Detective Barrow said the OT associated with this investigation should be reduced going forward. Director Kosel asked that the BOD be provided with a listing of those activities that contributed to April's Officer Over Time as April used in excess of 2% of the annual OT budget. The report requested was prepared by District Staff and is included herein as Attachment 2. VP Lipscomb reminded all that during the month of March that there was a murder investigation, 7 arrested on Windsor, Sgt Khan on disability, and two other officers on sick leave and that all contributed to the need for overtime. She suggested that the officers deserve a commendation for their actions during the month.

Item e: Director Kosel referred to page 25 of the BOD agenda package regarding Department Investigation #10-003 a complaint against GM/COP Harman that is being investigated by GM/COP Harman. She cited this is an example of the lack of checks and balances that she referred to earlier in the meeting. She reiterated her concern that she believes this is inappropriate and that she will encourage the BOD to look at dividing the GM and COP position so that there are some checks and balances in this agency. President Toombs asked if an outside investigator be hired and Director Kosel responded no and reiterated her belief that the GM and COP functions should be divided so the GM could investigate the COP.

Director Kosel inquired about the status of a solar powered sign on Arlington and asked about a current status. GM/COP Harman said that the County has determined that the sign will be placed in the initial spot selected and that a concerned neighbor will be notified through appropriate channels.

**MOTION: Director Kosel pulled items b (Profit & Loss Performance for April 2011, Page 3) and e (Police Department Update, Page 25) for Board discussion and then moved to adopt the Consent Calendar. This was seconded by President Toombs.**

**AYES: Toombs, Lipscomb, Lloyd, Metcalf, Kosel      NOES: 0      ABSENT: 0**

**OLD BUSINESS #1** - Officer Rodney Martinez presented the BOD with a recommendation for the purchase of a replacement police vehicle that was budgeted for in this current fiscal year. This item was tabled from the April 14<sup>th</sup> meeting.

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**STAFF COMMENTS**

GM/COP Harman explained that Officer Martinez was making this presentation because he is the KPD Vehicle Maintenance Officer and has extensive experience and expertise in automotive repair and maintenance.

Officer Martinez then shared his recommendation to replace a 2006 Ford 500 which has an excess of 100,000 miles on it, has serious and costly engine and transmission damage that is estimated at about \$8,000 to repair, and was recently rear ended causing additional body and automotive damage. He also explained that the current vehicle was not pursuit ready and therefore not available for use in all potential police activities. ~~This vehicle is currently driven by vehicle GM/COP Harman. Officer Martinez~~ evaluated several replacement vehicles both new and used, hybrid and traditional cars, and recommended purchase of 2011 Ford Crown Victoria that is pursuit ready. He also recommended that funds derived from the sale of the 2006 Ford 500 along with insurance proceeds from the accident be used to defray the cost of a new vehicle. He also said that an unmarked car with red lights and sirens can do traffic stops, go on pursuits, and go on Code 3 calls.

**BOARD COMMENTS**

President Toombs confirmed that there would be some insurance funds available to help pay for a new vehicle since the vehicle to be replaced was recently rear ended and the other party has been determined to be at fault. He also confirmed that the replacement vehicle would meet the requirements of a police interceptor.

Director Lipscomb said that between the insurance payment from the woman who rear ended the vehicle, which is expected to be about \$1800 and the resale of the current vehicle, which is expected about \$5000, KPPCSD would have approximately \$6800 in funds to put towards the payment of a new vehicle. The alternative is to spend \$8,000 in repair costs.

Director Kosel recommended that KPD go to Ross on the corner of San Pablo and Lincoln for automotive repair service as she believes they have lower prices than Albany Ford, the current KPD repair center. She confirmed that KPD has seven vehicles and questioned the policy for officers taking vehicles home. GM/COP shared that he is the only one who takes a vehicle home unless business needs require an officer to do so and advanced permission from the GM/COP is necessary. She also wanted a purchase of a hybrid considered.

Director Metcalf confirmed that a second repair center was contacted and had submitted its repair estimates for the damaged vehicle. She also reviewed the repair costs for the Ford 500

Director Lloyd asked how much hanger time we are having with the cars given the frequency of repairs. He confirmed that of the seven vehicles currently in use, at least one on average is out for maintenance. He also confirmed that the funds to purchase a vehicle are in the budget.

**PUBLIC COMMENTS**

Bryce Nesbit confirmed that a hybrid vehicle had been considered as a replacement and highlighted the benefits of using a hybrid though he could not speak to the brakes and pursuit aspect of a hybrid.

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Nikki Kaiser confirmed that she had ridden in the Ford 500 in question and that it was a dog, took extreme abuse, and supported purchase of a new vehicle.

**MOTION: Director Lipscomb motions to direct the GM to purchase a Crown Victoria year 2010 or 2011, the best they can get, a new Crown Victoria, solid in color, a Chief's car that is pursuit rated. This was seconded by President Toombs.**

**AYES: Toombs, Lipscomb, Lloyd    NOES: Kosel, Metcalf    ABSENT: 0**

**OLD BUSINESS #2**    General Manager Greg Harman will present to the Board a recommendation to renew the contract with All City Management Services to provide school crossing guard services for Fiscal Year 2011-2012 in the amount of \$9,626.00. This item was tabled from the April 14<sup>th</sup> meeting.

**STAFF COMMENTS**

GM/COP Harman recommended renewal with All City Management Services to provide crossing guard services. They have been in place for his entire tenure, they are responsive, their rates have remained flat for the third year in a row, and the school likes them.

**BOARD COMMENTS - None**

**PUBLIC COMMENTS - None**

**MOTION: Director Metcalf motions to approve the recommendation as submitted by the Chief and is seconded by President Toombs.**

**AYES: Toombs, Lipscomb, Lloyd, Metcalf, Kosel    NOES: 0    ABSENT: 0**

**OLD BUSINESS #3**    General Manager Greg Harman will present to the Board a recommendation to enter into contract with Saviano Company Inc. to repair the playing surface of the Kensington Park tennis courts at a total cost of \$7,500.00. This item was tabled from the April 14<sup>th</sup> meeting.

**STAFF COMMENTS**

GM/COP Harman visited the Kensington tennis courts in August and confirmed the existence of cracks throughout both courts and expressed concern as to the potential liability should someone get injured in the cracks. As a result, he directed Police Services Specialist Andrea DiNapoli to contact three vendors and secure their costs for court resurfacing and repair. He recommended selection of Saviano Company as they were the low bid provider, had repaired the Kensington courts in 2006, and was used to repair El Cerrito's courts on Moeser recently.

**BOARD COMMENTS**



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President Toombs visited the cracks in the tennis court with Kensington resident Jack Griffith and agreed there was a need for repair but wanted to better understand the underlying cause of the cracks before spending funds. He recommended creation of a committee made of KPPCSD and residents to try to determine the underlying causes of the cracks and then to make a recommendation to the BOD as to the recommended next steps.

Director Lipscomb said that sometimes the earth moves here but it is good to check with El Cerrito to see what they did with their courts. She also cited receiving one complaint from a tennis court user.

Directors Kosel, Metcalf, and Lloyd all agreed with Jack Griffith that the underlying cause of the cracks needs to be explored before any funds are spent to repair the court.

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### PUBLIC COMMENTS

Jack Griffith said there were several potential causes of the cracks such as water and earth movement and that the underlying cause of the cracks should be understood before repair work is performed. He said this is also important because determining the right repair job, whether that be a patch job or a full court resurfacing, is a function of the underlying problem. He suggested that KPPCSD partner with the EC Park and Rec to assess how EC Park and Rec made their recent decisions to repave their courts on Moeser.

Ciara Wood said she believed there could be a geologic condition affecting the courts and recommended that Jean Durham, a Kensington resident and geologic professor, be a part of a team to evaluate the underlying cause of the cracks in the courts. Ciara agreed to contact Ms. Durham and request she join this committee. Ciara subsequently did so and Ms. Durham has agreed to join the committee.

Nicki Kaiser suggested the water could be a factor in the cracks as well as the location of the park relative to a known slide area.

Bryce Nesbitt spoke about drainage.

President Toombs suggested that a small volunteer committee be formed to look at that the Kensington court cracks and to determine the underlying cause of the cracks so that the court repair that is ultimately done is the right solution and not a patch over a bullet wound. He also wants to minimize the chance of this becoming a recurring problem. He proposed that this consist of District Secretary Anita Gardyne, Jack Griffith, Jean Durham, and a to be determined designate from El Cerrito Park and Rec.

It was the consensus of the BOD to create this committee with the expectation that it report back to the BOD.

**OLD BUSINESS #4** Board President Chuck Toombs will present to the Board a request to retain Brown Taylor as special employee to the District to facilitate the administration of the General Manager/Chief of Police Annual Goal Setting and Performance Appraisal and to approve payment for such services as are set forth in the accompanying budget with payment at the rate of \$150.00 per hour. This item was tabled from the April 14<sup>th</sup> meeting.

### BOARD COMMENTS

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President Toombs said that consultant Brown Taylor would be able to help get the newer members of the BOD up to speed and to explain how to use the template for evaluating the GM/COP's performance and the process for completing it will work. He reiterated that the template provided is the formal evaluation that was adopted by the BOD in May, 2010, one that will be used unless and until the BOD amends or creates a new policy.

Director Lipscomb said that Brown Taylor would be superfluous to the process and that she feels she can manage the GM/COP's performance process without Brown Taylor's participation. She does not support Brown Taylor's further participation in this process and is against it. She also reminded all that our small district uses consultants from time to time to utilize professional staff at cost as we do not have a big city administration with all the costs.

Director Kosel searched and found an alternative to Brown Taylor who also does evaluations of Police Chiefs named Richard Karns and suggested that the BOD consider his services if they feel an additional resource is warranted. She also reminded the BOD that Brown Taylor exceeded his last contract. She agrees with Directors Lipscomb, Lloyd, and Metcalf regarding Brown's services and would like to see exit interviews from those who have left the District office included in the GM/COP's performance process.

Director Lloyd said the he feels comfortable with the template and the process though he questions if some of the evaluation areas are over the top. At best, he believes a one hour discussion with Brown Taylor could be useful but does not support using 12 hours of the consultant's time.

Director Metcalf agrees with Director Lloyd and thinks that 12 hours of Taylor Brown's time is superfluous.

### **PUBLIC COMMENTS**

Pat McCaughlin said the BOD should consider use of a neutral person to do the analysis and to assist in preparing the final report.

Nicki Kaiser did not support the hiring of Brown Taylor for 12 hours and suggested the BOD email their specific questions to Brown Taylor so that he could send a typed response back thus requiring at best one hour of his time.

Joan Gallegos is concerned about the BOD's rush to involve consultants in issues.

Ciara Wood agrees with Joan Gallegos and is concerned about the overuse of consultants by the BOD. She is particularly concerned that the template Brown Taylor prepared is intentionally overly complex so as to ensure his ongoing services are required. She reminded the BOD that they are elected to address matters that and should be mindful of using consultants and lawyers given the financial state of the district.

Bryce Nesbitt wants to see 360 degree feedback from the GM/COP's direct reports and suggests that the GM/COP's performance appraisal ratings only reflect those points where the BOD shares consensus. He also thinks the template is long.

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It was the consensus of the BOD not to hire Brown Taylor at this time.

**OLD BUSINESS #5** Director Tony Lloyd will provide an update on the KPPCSD Path Ad-Hoc Committee and will request the Board appoint a replacement participant to serve on the committee.

**STAFF COMMENTS- None**

**BOARD COMMENTS**

Director Lloyd work is moving along at a good pace, has formed relationships with the County across levels, and is halfway through the survey of the 15 paths so that shortly all paths will have formal numbers if not names. They have also worked with attorneys to ask what the legal ramifications are of owning the paths in the event that this is ultimately the committee's recommendation to the BOD. They are also researching liability and insurance questions depending upon the committee's final recommendation. The committee's next public meeting is scheduled for June 2<sup>nd</sup>. He seeks a second BOD Director to join the committee and has also been in contact with community member Gretchen Gillfillian about joining the committee as its 7<sup>th</sup> member.

President Toombs confirmed that this is a BOD committee and subject to the Brown Act.

Director Kosel initially volunteered to be a liaison to a citizen's committee and requests that Bryce Nesbit continue his role on that citizen's committee.

**PUBLIC COMMENTS**

Bryce Nesbitt conducted his citizen's actions prior to approaching the BOD and his documents have been open from the beginning. He nominated Gretchen Gillfillian to serve on the committee.

Nicki Kaiser is comfortable with either a BOD member or a community member on the committee but prefers to maintain 7 members on the committee.

**MOTION: Director Lloyd motions to add a 7<sup>th</sup> person to fill a vacancy with Gretchen Gillfillian. Director Lipscomb seconded this motion.**

**AYES: Toombs, Lipscomb, Lloyd, Metcalf      NOES: 0      ABSTAIN: Kosel**

**DISTRICT - NEW BUSINESS**

**NEW BUSINESS #1** General Manager Greg Harman will present to the Board for adoption Resolution 2011-10 of the Kensington Police Protection & Community Services District confirming the assessment and ordering the levy for the Kensington Park Assessment District for Fiscal Year 2011/2012. GM/COP Harman makes a brief presentation on this item.

**BOARD COMMENTS - None**

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**PUBLIC COMMENTS**

Bryce Nesbit made public comments on the issue.

**MOTION: Director Kosel motions to approve the adoption of Resolution 2011-010 which is 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 the Fiscal Year 2011/12. Director Lipscomb seconded this motion. AYES: Toombs, Lipscomb, Lloyd, Metcalf, Kosel NOES: 0 ABSENT: 0**

**NEW BUSINESS #2** General Manager Greg Harman will present to the Board for review, discussion, and possible adoption the Finance Committee's draft of the Kensington Police Protection & Community Services District Fiscal Year 2011/ 2012 Operational Budget.

GM/COP Harman made a brief presentation reviewing the budget process to date through the Finance Committee. Contrary to the Finance Committee recommendation, he does not recommend hiring of the 10<sup>th</sup> officer position until the future funding of the COPS Grant is determined as this grant would be used to be the salary and benefits of this position. He further stated that he does support increasing Measure G this fiscal year until it is determined how much money will be received if the vehicle license fee is placed on the ballot and approved. He noted that the budget approved by the Finance Committee still has a \$23,000 shortfall.

GM/COP Harman expressed concern about hiring a 10<sup>th</sup> officer with only ¾ of the necessary funding in place in the budget. He expressed concern that if no funds became available to fully fund this position, this 10<sup>th</sup> officer would be laid off after only 9 months of service. He reminded the BOD that since KPPCSD is self insured for underemployment, KPPCSD would be liable for paying the laid off officers benefit which equals the officer's pay without the benefit of his/her services. He said the Kensington Police Officer Association (KPOA) Reps are behind him.

District Secretary Anita Gardyne encouraged the BOD to kick the tires on its proposed budget to ensure it is realistic.

**BOARD COMMENTS**

Director Lipscomb explored the shift impact of the burden of working with nine officers. She confirmed that the officers' overtime will go up if the 10<sup>th</sup> position is not funded and explored the pro and con impacts of funding and not funding the 10<sup>th</sup> position. She explored the risk of hiring on a deficit funding basis and agreed that there was some risk in hiring a 10<sup>th</sup> officer. She reminded all that the BOD is proposing an austerity budget given current economic realities but every effort is being made to maintain the quality services we all have come to expect and enjoy from KPPCSD. She thanks GM/COP Harman for doing most of the budget work.

Director Kosel said that the COPs grant money was gone away for some time and that she reviewed 94704 pre-foreclosures and does not believe the BOD should anticipate an increase in property taxes in the near term. She also explored how GM/COP Harman assigns officer OT.

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She also asked for a status as to when a traffic expert will be engaged to find a more efficient means of traffic enforcement and a status on the KPOA negotiations.

Director Lloyd confirmed that the proposed 2011- 2012 legal budget is flat year over year as the legal budget for Bay View was simply moved out of the District operating budget to the Bay View budget. He next explored the consulting fees contained in the proposed budget and noted that the only fees contained in the budget are for the actuarial report for the benefits for retirees that the BOD is currently engaging. No other consultants are budgeted for 2011 – 2012. He reminded the BOD to be careful that when they vote to engage consultants going forward as they are doing so with the full knowledge that they likely have to find budget along with the approval of an actual project. Finally, Director Lloyd questioned total income to KPPCSD for the current year particularly as it pertained to the Parks grant. He closed by thanking the finance sub-committee members, particularly Director Lipscomb, for their efforts.

President Toombs recommended the Finance Sub-Committee review KPPCSD total income and specifically look at some of the finer nuances of the budget as well as the COPS grant for current and next fiscal year. He also strongly supported hiring the 10<sup>th</sup> officer as that is what the voters were told would happen if Measure G passed.

**PUBLIC COMMENTS**

Pat McCaughlin, Nicki Kaiser and Lynn Wolter made public comments on the issue.

It was the consensus of the BOD to reconvene the Finance Sub-Committee and to come back to the June BOD meeting with a second reading of the budget.

**MOTION: President Toombs motions to extend the meeting time from 10:00 PM to 10:15PM. Director Lloyd seconded this motion.**

**AYES: Toombs, Lipscomb, Lloyd, Metcalf , Kosel    NOES: 0    ABSENT: 0**

**NEW BUSINESS #3.** General Manager Greg Harman will present to the Board for approval the renewal of the Consolidated Communications Agreement and the renewal of the Consortium Records Management Agreement between KPPCSD and the City of Richmond.

GM/COP Harman made a brief presentation.

**BOARD COMMENTS**

All Directors agreed this contract renewal reflects a good value, is a good decision, and an efficient use of resources.

**PUBLIC COMMENTS – None.**

**KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS**

**MOTION: Director Kosel motions to approve this agreement. President Toombs seconded this motion.**

**AYES: Toombs, Lipscomb, Lloyd, Metcalf, Kosel      NOES: 0      ABSENT: 0**

**NEW BUSINESS #4** General Manager Greg Harman will provide the opportunity to the Board to make a possible nomination of a KPPCSD Director to seek election on the CSDA Board of Directors Seat C.

GM/COP Harman made a brief presentation.

~~It was the consensus of the BOD that there is no member wishing to run for the vacant seat.~~

**MOTION: Director Lipscomb motions to end the meeting at 9:53PM. Director Kosel seconded this motion.**

**AYES: Toombs, Lipscomb, Lloyd, Metcalf, Kosel      NOES: 0      ABSENT: 0**

**ADJOURNMENT**

General Information

Accessible Public Meetings

NOTE: UPON REQUEST THE KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT WILL PROVIDE WRITTEN AGENDA MATERIALS IN APPROPRIATE ALTERNATIVE FORMATS, OR DISABILITY-RELATED MODIFICATION OR DISABILITIES TO PARTICIPATE IN PUBLIC MEETINGS. PLEASE SEND A WRITTEN REQUEST, INCLUDING YOUR NAME, MAILING ADDRESS, PHONE NUMBER AND A BRIEF DESCRIPTION OF THE REQUESTED MATERIALS AND PREFERRED ALTERNATIVE FORMAT OR AUXILIARY AID OR SERVICE AT LEAST 10 DAYS BEFORE THE MEETING. REQUESTS SHOULD BE SENT TO:

District Secretary Anita Gardyne, 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](http://www.kensingtoncalifornia.org)

Complete agenda packets are available at the Public Safety Building and the Library.

May 12, 2011

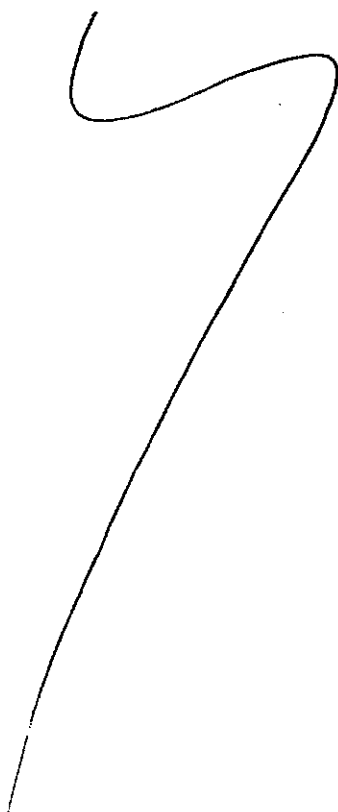
To: Greg Harman, GM/COP of KPPCSD

From: Cathie Kosel, Director of KPPCSD

Regarding request for information

As a member of the governing board of KPPCSD and as a citizen of Kensington, I am requesting copies of all monthly statements of Premier credit cards held and/ or controlled by Gregory Harman and Andrea DiNapoli and paid by the Kensington Police Protection and Community Services District from the date of Mr. Harman's first employment with KPPCSD to the present time. I make this request under the State of California Public Records Act and the Federal Freedom of Information Act. The law requires that they be provided to me within 10 days.

Cathie Kosel



From BOB 5/12/11 7:07p  
(Cathie)

## KENSINGTON POLICE DEPARTMENT OFFICER OVERTIME HOURS FOR APRIL, 2011

*Prepared June 3, 2011 by GM/COP Harman and District Secretary Gardyne with assistance from Police Specialist DiNapoli and CPA Debbie Russell*

OFFICER	4/1 – 4/15	4/16 – 4/30	Total April, 2011	Comments
Sergeant Hussain Khan	0.00	0.00	0.00	
Sergeant Rickey Hull	0.00	0.00	0.00	
Detective Keith Barrow	49.50	30.50	80.0	Includes 36 hours for Westnet, 24 hours for a residential burglary, burglary suppression, and some homicide investigation, 10 hours for a homicide investigation, and 10 hours for Special Assignments including the Drug Take Back Day.
Rodney Martinez	04.50	22.00	26.50	4.5 hours to attend the KPPCSD Board Meeting and 22 hours for Alameda County Regional Training Center (Basic Rifle School) including 11 that occurred at night.
Eric Stegman	32.00	09.00	41.00	7.5 hours for Derek Wheat Prelim, 9 hours for retiree range/makeup range training, 15.5 hours for Westnet, and 9 hours dayshift coverage
Doug Medina	06.00	03.00	09.00	6 hours special assignment for "Burglary Saturation Unit" and 3 hours to work with Detective Barrow
Doug Wilson	03.00	0.00	03.00	3 hours Range Training
Juan Ramos	04.00	06.00	10.00	4 hours of patrol coverage and 6 hours special assignment.
Acting Sergeant Kevin Hui	0.00	0.00	0.00	
<b>TOTAL OT HOURS</b>	<b>99.00</b>	<b>70.50</b>	<b>169.50</b>	



**KPPCSD**  
**Unaudited Profit & Loss Budget Performance**  
 May 2011

	<u>May 11</u>	<u>Budget</u>	<u>Jul '10 - May 11</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
<b>Ordinary Income/Expense</b>					
<b>Income</b>					
<b>400 - Police Activities Revenue</b>					
401 - Levy Tax	64.45		1,245,770.63	1,234,000.00	1,234,000.00
402 - Special Tax-Police	0.00		679,980.00	680,130.00	680,130.00
404 - Measure G Supplemental Tax Rev	0.00		405,721.40	405,720.00	405,720.00
410 - Police Fees/Service Charges	155.00	166.67	1,500.00	1,833.33	2,000.00
414 - POST Reimbursement	0.00		4,212.86		
415 - Grants-Police	0.00		88,684.43		
416 - Interest-Police	0.00		3,378.45	4,500.00	6,000.00
418 - Misc Police Income	1,550.22	1,000.00	14,833.93	11,000.00	12,000.00
419 - Supplemental W/C Reimb (4850)	0.00		41,440.98		
<b>Total 400 - Police Activities Revenue</b>	<u>1,769.67</u>	<u>1,166.67</u>	<u>2,485,522.68</u>	<u>2,337,183.33</u>	<u>2,339,850.00</u>
<b>420 - Park/Rec Activities Revenue</b>					
421 - Levy Tax-Park/Rec	0.00		31,127.64		
424 - Special Tax-L&L	0.00		0.00	30,000.00	30,000.00
426 - Park Donations	0.00	41.67	0.00	458.37	500.00
427 - Community Center Revenue	775.00	1,666.67	14,722.50	18,333.33	20,000.00
435 - Grants-Park/Rec	0.00	8,500.00	0.00	93,500.00	102,000.00
436 - Interest-Park/Rec	0.00		189.87	225.00	300.00
438 - Misc Park/Rec Rev	0.00	83.33	2,177.00	916.67	1,000.00
<b>Total 420 - Park/Rec Activities Revenue</b>	<u>775.00</u>	<u>10,291.67</u>	<u>48,217.01</u>	<u>143,433.37</u>	<u>153,800.00</u>
<b>440 - District Activities Revenue</b>					
448 - Franchise Fees	0.00	7,000.00	20,010.96	21,000.00	21,000.00
456 - Interest-District	0.00		648.65	600.00	800.00
458 - Misc District Revenue	0.00		3,201.02		
<b>Total 440 - District Activities Revenue</b>	<u>0.00</u>	<u>7,000.00</u>	<u>23,860.63</u>	<u>21,600.00</u>	<u>21,800.00</u>

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**KPPCSD**  
**Unaudited Profit & Loss Budget Performance**  
 May 2011

	<u>May 11</u>	<u>Budget</u>	<u>Jul '10 - May 11</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
<b>Total Income</b>	2,544.67	18,458.34	2,557,600.32	2,502,216.70	2,515,450.00
<b>Expense</b>					
<b>500 - Police Sal &amp; Ben</b>					
502 - Salary - Officers	76,526.91	75,581.50	840,900.41	831,396.50	906,978.00
504 - Compensated Absences	0.00	0.00	0.00	10,000.00	10,000.00
506 - Overtime	5,042.47	3,333.34	44,846.70	36,666.66	40,000.00
508 - Salary - Non-Sworn	4,227.29	4,333.34	31,840.75	47,666.66	52,000.00
516 - Uniform Allowance	666.60	666.66	7,440.59	7,333.34	8,000.00
518 - Safety Equipment	0.00	208.34	721.20	2,291.66	2,500.00
521-A - Medical/Vision/Dental-Active	12,563.01	32,677.75	140,213.38	359,455.25	392,133.00
521-R - Medical/Vision/Dental-Retired	11,137.45	0.00	131,906.74	0.00	0.00
521-T - Medical/Vision/Dental-Trust	0.00		243,373.00		
522 - Insurance - Police	657.31	1,016.66	7,441.01	11,183.34	12,200.00
523 - Social Security/Medicare	1,139.93	1,228.84	12,035.68	13,517.16	14,746.00
524 - Social Security - District	293.00	268.66	2,037.50	2,955.34	3,224.00
527 - PERS - District Portion	21,555.54	21,349.50	236,860.99	234,844.50	256,194.00
528 - PERS - Officers Portion	6,947.38	6,862.34	76,340.76	75,485.66	82,348.00
530 - Workers Comp	0.00		31,873.41	35,011.50	46,682.00
540 - Advanced Industrial Disability	0.00		1,229.64		
<b>Total 500 - Police Sal &amp; Ben</b>	<u>140,756.89</u>	<u>147,526.93</u>	<u>1,809,061.76</u>	<u>1,667,807.57</u>	<u>1,827,005.00</u>
<b>550 - Other Police Expenses</b>					
552 - Expendable Police Supplies	0.00	166.67	360.59	1,833.37	2,000.00
553 - Range/Ammunition Supplies	0.00	333.33	3,394.95	3,666.63	4,000.00
560 - Crossing Guard	775.46	802.17	8,297.04	8,823.87	9,626.00
562 - Vehicle Operation	2,863.38	3,125.00	40,097.44	34,375.00	37,500.00
564 - Communications (RPD)	0.00	11,386.67	62,955.39	125,253.37	136,640.00
566 - Radio Maintenance	0.00	366.67	0.00	4,033.37	4,400.00

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**KPPCSD**  
**Unaudited Profit & Loss Budget Performance**  
 May 2011

	<u>May 11</u>	<u>Budget</u>	<u>Jul '10 - May 11</u>	<u>YTD</u>	<u>Budget</u>	<u>Annual Budget</u>
568 · Prisoner/Case Exp./Booking	1,191.23	416.67	6,820.39		4,583.37	5,000.00
570 · Training	-259.79	1,000.00	13,629.68		11,000.00	12,000.00
572 · Recruiting	178.00	637.50	7,356.00		7,012.50	7,650.00
574 · Reserve Officers	0.00	666.67	3,225.36		7,333.37	8,000.00
576 · Misc. Dues, Meals & Travel	125.00	275.00	2,542.08		3,025.00	3,300.00
580 · Utilities - Police	1,149.73	666.67	7,683.25		7,333.33	8,000.00
581 · Bldg Repairs/Maint.	0.00	83.33	571.16		916.67	1,000.00
582 · Expendable Office Supplies	155.92	500.00	4,921.61		5,500.00	6,000.00
588 · Telephone(+Rich. Line)	645.71	920.67	7,204.03		10,127.33	11,048.00
590 · Housekeeping	367.37	416.67	3,564.98		4,583.33	5,000.00
592 · Publications	215.22	250.00	2,356.92		2,750.00	3,000.00
594 · Community Policing	0.00	416.67	1,082.96		4,583.37	5,000.00
596 · WEST-NET/CAL I.D.	0.00		12,656.00		12,472.00	12,472.00
598 · COPS Special Fund	0.00		0.00			
599 · Measure G Administration	0.00		1,553.50			
<b>Total 550 · Other Police Expenses</b>	<u>7,407.23</u>	<u>22,430.36</u>	<u>190,273.33</u>		<u>259,205.88</u>	<u>281,636.00</u>
<b>600 · Park/Rec Sal &amp; Ben</b>						
601 · Park & Rec Administrator	498.54	541.67	4,482.86		5,958.37	6,500.00
602 · Custodian	1,750.00	2,000.00	19,250.00		22,000.00	24,000.00
606 · Casual Labor	2,050.00		2,050.00			
623 · Social Security/Medicare - Dist	0.00	41.42	264.74		455.62	497.00
<b>Total 600 · Park/Rec Sal &amp; Ben</b>	<u>4,298.54</u>	<u>2,583.09</u>	<u>26,047.60</u>		<u>28,413.99</u>	<u>30,997.00</u>
<b>635 · Park/Recreation Expenses</b>						
<b>640 · Community Center Expenses</b>						
642 · Utilities-Community Center	95.86	396.33	3,974.96		4,359.63	4,756.00
643 · Janitorial Supplies	0.00		52.02		1,500.00	1,500.00
646 · Community Center Repairs	0.00	83.33	9,931.42		916.63	1,000.00

**KPPCSD**  
**Unaudited Profit & Loss Budget Performance**  
 May 2011

	<u>May 11</u>	<u>Budget</u>	<u>Jul '10 - May 11</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
<b>Total 640 · Community Center Expenses</b>	95.86	479.66	13,958.40	6,776.26	7,256.00
<b>660 · Annex Expenses</b>					
662 · Utilities - Annex	389.83	41.67	1,069.95	458.33	500.00
668 · Misc Annex Expenses	0.00	41.67	0.00	458.37	500.00
<b>Total 660 · Annex Expenses</b>	<u>389.83</u>	<u>83.34</u>	<u>1,069.95</u>	<u>916.70</u>	<u>1,000.00</u>
<b>670 · Gardening Supplies</b>	0.00	166.67	0.00	1,833.33	2,000.00
<b>672 · Kensington Park O&amp;M</b>	542.88	5,133.33	41,152.64	56,466.67	61,600.00
<b>678 · Misc Park/Rec Expense</b>	3,110.00	166.67	3,328.82	1,833.33	2,000.00
<b>Total 635 · Park/Recreation Expenses</b>	<u>4,138.57</u>	<u>6,029.67</u>	<u>59,509.81</u>	<u>67,826.29</u>	<u>73,856.00</u>
<b>800 · District Expenses</b>					
810 · Computer Maintenance	1,357.00	2,502.83	31,078.62	27,531.17	30,034.00
820 · Cannon Copier Contract	411.25	430.00	5,222.40	4,730.00	5,160.00
830 · Legal (District/Personnel)	12,160.00	4,166.67	36,626.90	45,833.33	50,000.00
835 · Consulting	0.00	400.00	4,380.00	3,800.00	4,000.00
840 · Accounting	11,390.00	2,150.00	34,825.00	23,650.00	25,800.00
850 · Insurance	0.00		28,956.41	30,000.00	30,000.00
860 · Election	0.00	1,000.00	10,443.24	11,000.00	12,000.00
865 · Police Bldg. Lease	0.00		28,840.00	14,420.00	28,840.00
870 · County Expenditures	0.00	1,658.33	22,148.92	18,241.67	19,900.00
890 · Waste/Recycle	15,932.26	208.33	30,112.69	2,291.67	2,500.00
898 · Misc. Expenses	101.75	787.50	7,338.96	8,662.50	9,450.00
<b>Total 800 · District Expenses</b>	<u>41,352.26</u>	<u>13,303.66</u>	<u>239,973.14</u>	<u>190,160.34</u>	<u>217,684.00</u>
<b>950 · Capital Outlay</b>					
962 · Patrol Cars	23,563.05		23,563.05	30,000.00	30,000.00
963 · Patrol Car Accessories	0.00		3,382.38		
969 · Computer Equipment	0.00		1,263.77		

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**KPPCSD**  
**Unaudited Profit & Loss Budget Performance**  
 May 2011

	<u>May 11</u>	<u>Budget</u>	<u>Jul '10 - May 11</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
972 · Park Buildings Improvement	4,493.00	17,500.00	12,982.53	132,500.00	150,000.00
978 · Pk/Rec Furn/Eq	1,517.71		1,517.71		
<b>Total 950 · Capital Outlay</b>	<u>29,573.76</u>	<u>17,500.00</u>	<u>42,709.44</u>	<u>162,500.00</u>	<u>180,000.00</u>
<b>Total Expense</b>	<u>227,527.25</u>	<u>209,373.71</u>	<u>2,367,575.08</u>	<u>2,375,914.07</u>	<u>2,611,178.00</u>
<b>Net Ordinary Income</b>	-224,982.58	-190,915.37	190,025.24	126,302.63	-95,728.00
<b>Other Income/Expense</b>					
<b>Other Expense</b>					
<b>700 · Bond Issue Expenses</b>					
701 · Bond Proceeds	0.00		-177,900.66		
710 · Bond Admin.	0.00		11,200.21		
715 · Bond Interest Income	0.00		-344.94		
720 · Bond Principal	0.00		105,422.05		
730 · Bond Interest	0.00		57,982.62		
<b>Total 700 · Bond Issue Expenses</b>	<u>0.00</u>		<u>-3,640.72</u>		
<b>Total Other Expense</b>	<u>0.00</u>		<u>-3,640.72</u>		
<b>Net Other Income</b>	<u>0.00</u>	<u>0.00</u>	<u>3,640.72</u>	<u>0.00</u>	<u>0.00</u>
	<u><b>-224,982.58</b></u>	<u><b>-190,915.37</b></u>	<u><b>193,665.96</b></u>	<u><b>126,302.63</b></u>	<u><b>-95,728.00</b></u>

# May 2011 Police Department Report

June 3, 2011

- Department Personnel

~~Sergeant Khan has retired on medical disability on May 31<sup>st</sup>.~~

- Commendations and Correspondence- None this month

- Investigation of Alleged Misconduct

- Department Investigation #10-001 was initiated on September 20<sup>th</sup> on an allegation that an officer posted an inappropriate screen saver on a District computer. The investigation is being conducted by Sergeant Hull.
- Department Investigation #10-003 was initiated on November 11<sup>th</sup>, at the KPPCSD Board meeting, when Catherine de Neergaard made a formal complaint indicating, "That there is no fair, impartial, and reasonable police review procedure", after voicing her complaints regarding Chief Harman's policies and directions to the department were not being heard. This complaint was followed by an e-mail complaint received by Chief Harman on November 15<sup>th</sup>.

This complaint will be investigated by Chief Harman and will be presented to the Board at a future KPPCSD Board meeting.

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

- The Ring Time Report for May has not been received as of this report date.

- Communication Center Service Complaints

- No complaints received this month however, ***this is a good time to remind everyone that for police non-emergencies, you need to contact the dispatch center at "236-0474" and not the KPPCSD business line of 526-4141.*** The KPPCSD business line is only monitored 6 hours a day during the week and should not be used to report police matters. Doing so, only delays the police response time, so please dial Dispatch direct.

- Community Networking

- On 05-02-11, Chief Harman attended the Kensington Community Council meeting.
- On 05-03-11, Chief Harman and KPPCSD Director Tony Lloyd attended the CSDA Legislative Day in Sacramento.
- On 05-04-11, Chief Harman attended the West County Chief's meeting in Hercules.

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In the afternoon, Chief Harman participated in the Steering Committee for the County Hazardous Mitigation Plan.

- On 05-07-11, Chief Harman and TAS Hui attended the Hilltop School Carnival.

Officer Martinez and Chief Harman attended the Kensington Car Meet held at the Kensington Chevron Station.

- On 05-09-11, Chief Harman and Officer Wilson attended the Kensington Public Safety Council meeting.
- On 05-10-11, Chief Harman, TAS Hui, Officer Martinez, Reserve Officer Armanino, and Dakota Harman all participated in the Walnut Creek Police Department St. Baldrick's Event. Team Kensington raised over \$1,500 and the entire event raised \$45,000 for children's cancer research.
- On 05-20-11, Chief Harman attended the CSDA Membership meeting in Sacramento.
- On 05-23-11, Chief Harman attended the KIC meeting.
- On 05-25-11, Chief Harman attended the Contra Costa County Police Chief's Association meeting in Martinez.

Following the meeting, Chief Harman attended the Calpers Workshop in Walnut Creek.

- Community Criminal Activity

- This section of the Watch Commander's Reports are prepared by Sergeant Hull for Team One, Acting Sergeant Hui for Team 2, and Detective Barrow.

- Watch Commander Reports

•• **Sergeant Hull**

TEAM #1 STATISTICS

Officer:	Stegman (K32) (0600-1800)	Wilson (K38) (1800-0600)
Days Worked	15	17
Traffic Stops	28	21
Moving Citations	17	26
Parking Citations	7	8
Vacation/Security	65	74
Checks		
FI-Field Interview	0	0
Cases	0	1
Self Initiated Cases	0	0
Arrests	0	0
Calls for Service	32	28

Sgt. Hull took 80 hours vacation.

Officer Stegman took one sick day and one vacation day

BRIEFING/TRAINING:

- Reviewed amended laws:
  - HS 11357 – Possession Marijuana
  - PC487 – Grand Theft
  - PC602 – Trespass
  - PC666 – Petty Theft
  - PC831.5 – Picketing in Uniform
- Reviewed Legal Update; Searching Cellular Phones
- Reviewed the Fourth Amendment
- Reviewed KPD Policy 362 – Identity Theft
- Reviewed KPD Policy 356 – Megan's Law
- Reviewed KPD Policy 516 – Traffic Citations
- Reviewed KPD Policy 520 – Disabled Vehicles
- Reviewed KPD Policy 524 – 72 Hour Parking Violations
- Reviewed the Exclusionary Rule
- Reviewed Proposition 8
- Reviewed Standing

SERGEANT'S SUMMARY:

It appears the criminal/s responsible for several of our residential burglaries have been caught. One of the suspects admitted burglarizing several Kensington



residences. I am happy to report several of our crime cases will soon be closed. There were multiple agencies involved in closing these cases to include Sonoma PD, El Cerrito PD and the Contra Costa Sheriff Department. A former KPD employee, who now works for the CCC Sheriff Department, was instrumental in finding residences that the suspect visually identified as homes he burglarized (See Detective Barrow's summary for further details). Again, I would like to emphasize to you if someone knocks on your door purporting to sell or deliver something or they state they have the wrong address **CALL THE KENSINGTON POLICE DEPARTMENT ON THE NON-EMERGENCY PHONE NUMBER 510-236-0474!**

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The Kensington Police Department continues to focus on traffic enforcement throughout the District. I want to remind everyone to be aware of your speed and the rules of the road. Many of you may have come to realize that we issue citations for mechanical violations as well. Please ensure your headlights, rear lights, brake lights, license plate lamps, and turn signals work properly to reduce the possibility of you receiving a mechanical violation citation.

#### SIGNIFICANT EVENTS:

- 2011-2778 – Officer Stegman and Reserve Turner responded to the 300 block of Arlington Ave. to a report of commercial burglary.
- 2011-2783 – Officer Stegman and Reserve Turner responded to the 00 block of Franciscan Way to a report of a resident in need of medical attention.
- 2011-2817 – Officer Stegman and Reserve Turner responded to the 400 block of Colusa Ave. to a non-injury vehicle accident.
- 2011-2820 – Sgt. Hull responded to the 100 block of Arlington Ave. to flooding due to a water main break.
- 2001-3004 – Officer Stegman responded to the 200 block of Stanford Ave. to a civil dispute with construction workers
- 2011-3163 – Officer Stegman and Reserve Armanino responded to the 200 block of Arlington Ave. to mediate a civil dispute over a traffic citation.
- 2011-3172 – Officer Wilson responded to Oak View Ave. and Colusa Ave where a resident was contacted and held for 72 hour mental evaluation.
- 2011-3193 – Officer Stegman responded to the 00 block of Arlington Ave. to a request for a welfare check.
- 2011-3202 – Officer Wilson and Reserve Turner responded to the 1600 block of Oak View Ave. where a resident was held for 72 hour mental evaluation.
- 2011-3322 – Officer Stegman and Reserve Colon assisted Albany PD with a report of auto theft.
- 2011-3326 – Officer Wilson responded to the 1600 block of Oak View Ave. to mediate a neighbor dispute.
- 2011-3327 – Officer Wilson responded to the 300 block of Colusa Ave. to mediate a neighbor dispute.

- 2011-3341 – Officer Stegman and Reserve Turner responded to the 100 block of Colusa Ave. to monitor a funeral where violence was threatened to occur.
- 2011-3522 – Officer Wilson, Reserve Colon and Sgt. Hull responded to the corner of Arlington Ave. and Cowper Ave. to assist ECFD 65 with flooding due to a damaged fire hydrant.

**LOCATION OF TRAFFIC CITATIONS ISSUED:**

- 55 citations issued on Arlington Ave.
- ~~44 citations issued on Colusa Ave.~~
- 18 citations issued on Franciscan Way
- 1 citation issued on Yale Ave.
- 1 citation issued on Berkeley Park Blvd.
- 1 citation issued on Lenox Ave.
- 1 citation issued on Kenyon Ave.

**.. Acting Sergeant Hui**

**TEAM #2 STATISTICS**

A.S. Hui (K42) wrote 12 moving citations.  
(1400-0200)

Officer:	Martinez (K31) (0600-1800)	Medina (K35) (1800-0600)	Ramos (K41) (0730-1730)
Days Worked	17	14	16
Traffic Stops	34	107	35
Moving Citations	7	46	18
Parking Citations	0	2	2
Vacation/Security Checks	29	96	17
FI-Field Interview	0	0	0
Cases	1	2	2
Self Initiated Cases	1	0	0
Arrests	1	0	0
Calls for Service	55	28	30

Officer Ramos took 10 hours of sick leave.

**BRIEFING/TRAINING:**

- Reviewed KPD Policy 320 – Domestic Violence
- Reviewed KPD Policy 328 – Discriminatory Harassment

## SERGEANT'S SUMMARY:

As summer nears, many of our residents take advantage of the nicer weather for vacation and travel. While making preparations for any upcoming vacations, I would also encourage you to consider the Kensington Police Department's Vacation Watch program. This is a program where residents notify the department of when they will be out of town. Our Vacation Watch Coordinator maintains a log of these residences and our patrol officers check on these residences as time permits during their shift. Vacation Watch sign-ups can be done in person at the Kensington Police Department or online at [www.kensingtoncalifornia.org](http://www.kensingtoncalifornia.org). Please try to have your vacation watch requests submitted to us at least a few days before your vacation.

## SIGNIFICANT EVENTS:

- 2011-2852 – On 5/4/2011, Officer Ramos responded to the 200 blk of Arlington Ave on a report of harassing phone calls.
- 2011-2932 – On 5/7/2011, Officer Martinez responded to the unit blk of Edwin Dr on a report of a suspicious circumstance.
- 2011-2959 – On 5/8/2011, Officer Martinez responded to the 100 blk of Colusa Ave on a report of a traffic collision occurring on private property.
- 2011-3019 – On 5/11/2011, Officer Ramos and Acting Sergeant Hui responded to the intersection of Kerr Ave and Rincon Dr on a report of a traffic collision.
- 2011-3042 – On 5/12/2011, Officer Medina responded to the unit blk of Arlmont Dr on a report of vandalism to a vehicle.
- 2011-3067 – On 5/14/2011, Officer Medina responded to the unit blk of Arlington Ave on a report of a hit and run traffic collision.
- 2011-3143 – On 5/15/2011, Officer Ramos responded to the unit blk of Yale Cir on a report of a theft.
- 2011-3381 – On 5/25/2011, Officer Martinez towed a vehicle on the unit blk of Arlington Ave because the driver did not possess a valid license.
- 2011-3382 – On 5/26/2011, Officer Martinez responded to the unit blk of Edgcroft Dr on a report of illegal dumping.
- 2011-3429 – On 5/26/2011, Acting Sergeant Hui responded to the 100 blk of St. Albans Rd on a report of possible lost or stolen property.
- 2011-3459 – On 5/27/2011, Officer Medina responded to the unit blk of Ardmore Rd on a report of an identity theft.
- 2011-3481 – On 5/28/2011, Officer Martinez responded to the 400 blk of Yale Ave on a report of a possible theft.
- 2011-3455 – On 5/29/2011, Officer Martinez initiated a traffic enforcement stop on the 300 blk of Colusa Ave that resulted in a warrant arrest.

•• **Detective Keith Barrow**

**SIGNIFICANT EVENTS:**

**2011-2778 Commercial Burglary**

On 05-01-11 at approximately 0620 hours, in the morning, champagne colored two door short bed Chevy pick up truck backed into the front doors of the Chevron gas station located at 304 Arlington Avenue. The driver was a black male 25-35 years old, with black hair approximately 5' 6 wearing a dark colored North Face sweatshirt, white T-shirt underneath, and jeans. The suspect took several items and fled the area. **If you have any information concerning this case please call Detective Barrow at (510)526-4141 ex. 26.**

**KPD INVESTIGATIONS INFORMATION:**

**2011-2136, 1912 Arson.**

On 04-05-11, an officer responded to a reported arson outside of a classroom at the Kensington Hilltop School. This is the second arson perpetrated at the school in the last month. This case is under investigation.

**2011-2194, 2706 Residential Burglary**

**On May 20, 2011, the Sonoma County Sheriff's Department arrested two suspects for residential burglaries committed in their jurisdiction. We were able to link the suspects to two residential burglaries committed within Kensington. It is believed that these suspects have been involved in numerous other residential burglaries throughout the bay area. This investigation is still ongoing and I hope to find evidence of other Kensington victims. This case is under investigation and eventually will be submitted to the Contra Costa DA for prosecution.**

**2011-1618 Homicide.**

**On 03-12-11, KPD Officers were dispatched to a possible dead body in the 00 block of Arlington Avenue. The individual was pronounced dead at the scene. This case is being investigated as a homicide.**

**2010-6692, 6786 and 6867 Stolen Vehicle**

On 12-15-10, 12-18-10 and 12-21-10 three vehicles were stolen. All three of the vehicles have been recovered by KPD. Two suspects have been identified and we will be filing charges with the Contra Costa DA.

**2010-5319 and 5351 Arson**

**On 10-16-10 and 10-17-10, Kensington Police Officers responded to fires at 59 Arlington Avenue, the Kensington Park building E. The fires were determined to be arsons. These cases are under investigation.**

## KPD INVESTIGATIONS

- Made several court runs for filling cases, and citation drop off's.
- Updated the KPD residential burglary log.
- Updated the KPD stolen vehicle log.
- I'm currently assigned one day per week as a Field Training Officer.
  
- On April 30, 2011, we had our second prescription drug, National Take Back Initiative event, sponsored by the Drug Enforcement Administration (DEA). At our last event we received **56 lbs.** of unpackaged prescription drugs. This event was a great success as we took in **134 lbs.** of unpackaged prescription drugs, far surpassing our last event. DEA Supervisory Special Agent Glenn Moore of the Oakland field office told me he was hoping that we will have another National Take Back Initiative Day sometime in the month of October. I will keep you informed of any further dates.

## WEST-NET ASSIGNMENT:

I am currently assigned to the West Contra Costa County Narcotic Enforcement Team (West-NET) one day per week.

While on this assignment I work with other West Contra Costa County law enforcement Officers and agencies. I participate and aid in the service of search warrants, surveillance and on going narcotics investigations.

## INVESTIGATORS SUMMARY:

In the month of May the District of Kensington sustained 2 identity thefts, 1 non-injury vehicle accident and 1 Hit and Run Vehicle Accident, 0 Injury Hit and Run Accident, 2 Injury Accidents, 0 Residential Burglaries, 0 Attempted Residential Burglaries, 1 Commercial Burglary, 0 Auto Burglary, 0 Thefts from unlocked vehicles, 0 Stolen Vehicle, 0 Petty Theft, 3 Vandalisms, 0 Embezzlement, 0 Elder Abuse, 0 Frauds, 0 Forgery, 0 Attempted Grand Thefts and 0 Grand Thefts.

## •• Chief Harman

The biggest community concern continues to be that of traffic safety and traffic safety has generated the most communication in the public, on the Board, and within the police department. The way in which we address traffic safety has also divided the community, with half the community complaining that we are not doing enough as far as traffic safety is concerned and the other half complaining

that we are doing too much. And there are strong feelings and emotions on both sides of the issue.

In the early part of 2010, the University of California, Institute of Transportation Studies, Technology Transfer Program, completed a Kensington Traffic Safety Evaluation for the District at no charge. This report will be placed on the District's website for review.

One of the main findings and recommendations of the report was that the District should adopt a "Zero Tolerance Policy" for traffic enforcement. The report noted, "That 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." The report also noted that in small communities there is a tendency to issue warnings and not citations due to political pressure, and therefore communities should adopt a "Zero Tolerance Policy" to change driver's behavior.

Based on the recommendation of the report, at the May 13, 2010 KPPCSD Board meeting, the District's Board of Directors voted to accept the report and the recommendation of a "Zero Tolerance Policy" for traffic enforcement in the District. During the following months after the May meeting, we have been reporting and advising the community that we were moving toward a "Zero Tolerance Policy" of traffic enforcement. As we began the New Year, our police officers have implemented a Zero Tolerance Policy, making traffic enforcement stops for both driving and vehicle mechanical violations, and issuing citations and not warnings.

Are our traffic enforcement efforts working?

Traffic safety is measured by vehicle accidents that occur in a community. If you were to compare the first quarter of 2010 when we had 8 traffic accidents, to the first quarter of 2011 when we had 6 accidents, that would be a 25% reduction in traffic accidents since we implemented a "Zero Tolerance Policy" in traffic enforcement. If this is a trend that continues through the remaining part of the year, a 25% decrease in traffic accident would seem to be a successful result of our efforts to improve traffic safety in the community.

How can you avoid receiving a traffic citation?

Drive at or under the speed limit of 25 mph, stop at the stop signs, stop at the traffic light, adhere to the rules of the road, and keep your vehicle registered, insured, and have all of your vehicle's equipment working properly. If you follow these rules, you will not receive a traffic citation from a Kensington police officer.

And stay off your cell phone while driving!

# June 2011

June 2011							July 2011						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
5	6	7	8	9	10	11	3	4	5	6	7	8	9
12	13	14	15	16	17	18	10	11	12	13	14	15	16
19	20	21	22	23	24	25	17	18	19	20	21	22	23
26	27	28	29	30			24	25	26	27	28	29	30
							31						

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
May 29 - Jun 4	<b>May 29</b>	<b>30</b>	<b>31</b>	<b>Jun 1</b>	<b>2</b>	<b>3</b>	<b>4</b>
						5:00pm CC Rental, CC	10:00am CC Rental, CC
Jun 5 - 11	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>
	4:00pm CC Rental, CC	4:00pm Brownies, CC	7:00pm Troop 100, C		6:00pm KPPCSD MTC		4:00pm CC Rental, CC
Jun 12 - 18	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>
	3:00pm CC Rental, CC	4:00pm Brownies, CC	7:00pm Troop 100, C	7:30pm Pilates, CCM		7:00pm Franciscan TI	
Jun 19 - 25	<b>19</b>	<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>
		4:00pm Daisy Troop,		7:30pm Pilates, CCM			11:00am CC Rental, CC
Jun 26 - Jul 2	<b>26</b>	<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>	<b>Jul 1</b>	<b>2</b>
				7:30pm Pilates, CCM			

# July 2011

July 2011							August 2011						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
3	4	5	6	7	1	2	7	8	9	10	11	12	13
10	11	12	13	14	15	16	14	15	16	17	18	19	20
17	18	19	20	21	22	23	21	22	23	24	25	26	27
24	25	26	27	28	29	30	28	29	30	31			
31													

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Jun 26 - Jul 2	Jun 26	27	28	29	30	Jul 1 Police Bldg Lease dt	2
Jul 3 - 9	3	4 8:00am CC Rental; CI	5	6 7:30pm Pilates, CCM	7	8	9
Jul 10 - 16	10	11	12	13	14 6:00pm KPPCSD MTC	15	16
Jul 17 - 23	17	18 4:00pm Daisy Troop;	19	20 7:30pm Pilates, CCM	21	22	23
Jul 24 - 30	24	25	26	27 7:30pm Pilates, CCM	28	29	30
Jul 31 - Aug 6	31 12:00pm CC Rental; CI	Aug 1	2	3	4	5	6

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# General Manager May 2011 Report

## Budget

In April, we received our third installment of our 2010-2011 COPS Grant funding in the amount of \$27,555. We now have a balance due of \$11,316.

As far as future COPS Grant funding, with the Governor's May revision of the State budget, the Vehicle License Fees are still being proposed to be extended by a special election. However, per a memo I received from Cal Chief's Association, COPS money will continue to be funded. There will be slight reductions in VLF funds that go to non- public safety entities, but no reductions to public safety. As with all State funding, I maintain, "Show me the money" before getting too excited.

POST reimbursement funding has been reinstated and returned to POST control. What this means is that POST training reimbursements will continue in 2011-2012, which greatly helps expand on our training budget that was cut from \$7,000 to \$5,000 for Fiscal Year 2011/2012. However, this too is a, "Show me the money" issue.

We were also notified that our SB 90 applications have been received and processed, and we can expect \$21,049 in reimbursements for holding public meetings. The disclaimer at the base of the notice read, "Due to insufficient appropriations, the balance due will be forthcoming when additional funds are made available."

We were notified by SDRMA that for 2011/2012, our estimated discount for being insured for both Property/Liability and Workman's Compensation with SDRMA will be \$1,448 and \$2,159 respectively. This discount will help offset in \$22,000 increase in our Workman's Compensation rate.

Finally, the CalPERS CERBT Trust Fund sent a notice this month that indicated that for Fiscal Year 2010/2011 to date, the fund has achieved a gross return of 27.87%. If maintained through the end of the year, this would be an outstanding rate of return of our CERBT Trust Fund for the first year in which we participated in the fund.

## Kensington Park

### **Park Restroom**

The volunteer restroom group has received 11 bids for the project, selected and approved the low bidder, and will be making a recommendation to the Board at the April 14<sup>th</sup> meeting to award the contract to ERA Construction of Richmond. The bids ranged in price from the low bid of \$136,710.38 to the high bid of \$245,371.00. The

Committee's estimate for completing the project prior to the bids being submitted was between \$150,000 and \$180,000.

ERA has completed all of the requirements to have the awarded contract. They are now in the process of preparing and submitting the restroom plans to us for approval before requesting the County building permit.

### **Community Center & Annex**

The Park Building Sub-Committee met on May 20<sup>th</sup> and following interviews with two firms, has made a selection of one firm to recommend to the full committee at the next meeting to be scheduled for June 14<sup>th</sup>.

### **Park Repairs**

During my recent inspections of the park, I noticed that the tennis courts have large cracks running through both of them. We received three estimates for their repair and I made a recommendation to the Board to hire Saviano Company to complete the repairs at a cost of \$7,500 at the May 12<sup>th</sup> meeting. However, the Board directed me to set up a committee to assess the cracks, determine the cause of the cracks, and recommend whether a repair or a complete resurfacing is needed. This committee has been put together by District Secretary Anita Gardyne and will have their first meeting and inspection of the courts on Monday, June 6<sup>th</sup>.

### **Emergency Preparedness**

We now have the agenda and the minutes of the Public Safety Council posted on the KPPCSD web page for review.

The next meeting of the Kensington Public Safety Council will take place Monday, June 13<sup>th</sup>, at 6:30 PM at the Community Center Room #3.

### **Other District Items of Interest**

#### **Solid Waste**

On December 1<sup>st</sup>, Bay View Refuse made a request for a 6% increase in rates to begin in 2011.

On January 18<sup>th</sup>, Allison Schutte, our attorney from Hanson/ Bridgett, Rick Simonson, our rate reviewer from HF&H, and I met with Lewis Figone, Jeffrey Schoppert, Bay View's attorney, Charles Cowden, Bay View's accountant, and Kim Christie, Bay View's office manager, at Bay View's office to discuss the rate increase request. At the conclusion of this meeting, all parties agreed to a follow up meeting scheduled for February 1<sup>st</sup>.

On January 27<sup>th</sup>, I was contacted by Jeffrey Schoppert who indicated that Bay View was not prepared to meet on February 1<sup>st</sup> and requested that the meeting be postponed.

On February 2<sup>nd</sup>, I received the year end financials from Bay View and was preparing for our next meeting with Bay View. In 2010, Bay View achieved a profit of 2.42%.

On February 23<sup>rd</sup>, our attorney, Allison Schutte was contacted by Jeffrey Schoppert, and we were informed that Bay View does not wish to continue to meet with staff and discuss their request further.

During that same week, staff learned that Bay View mailed a letter dated February 15<sup>th</sup>, to all households in the District, informing customers of Bay View's desire for another rate increase for 2011.

Both the District and Bay View are currently in full compliance with all contract terms. In accordance with the contract, the District conducted a rate review in 2009 and approved a rate increase for 2010. The contract will expire in 2015.

In the event that Bay View assigns the contract to another company, subject to the approval of the District, the terms and conditions of the contract will remain in effect through 2015.

On April 14<sup>th</sup>, the KPPCSD Board instructed me to begin the Proposition 218 Hearing process, which we have done with the mailing of the public hearing notices being mailed April 26<sup>th</sup>. ***The public hearing on the matter to raise the garbage rates as requested by Bay View will be held on Thursday, June 9<sup>th</sup>, at the regular KPPCSD meeting.***

### **Traffic**

Following the March 10<sup>th</sup> KPPCSD Board meeting, in which the Board directed Jerry Fahy of the County's Public Works Department to install the solar powered radar sign at 34 Arlington, Samane Nili contacted the Contra Costa County Public Works Director in protest, halting the installation. Ms. Nili had a scheduled meeting with the Public Works Director set for March 21<sup>st</sup> to discuss her concerns.

Jerry Fahy recently has informed me that the County's legal counsel is now looking into the issue.

As you can see from the Sergeant's reports in the May Police Monthly Report, we are continuing with our traffic enforcement efforts with 121 traffic citations issued during the month.

We are also participating in the California Office of Traffic Safety's "2011 Click It or Ticket Campaign" beginning May 23 through June 5<sup>th</sup>. Use your seatbelts!

Officer Ramos successfully completed his 80-hour POST certified Motorcycle Officer training course. This course is the most difficult POST course to successfully complete in law enforcement. Congratulations Manny!

Officer Ramos will begin a short motor field training program before beginning motor enforcement duties in Kensington.

### **Website**

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

[www.kensingtoncalifornia.org](http://www.kensingtoncalifornia.org).

### **EBMUD**

In April, the District along with all other EBMUD water ratepayers, received notice that EBMUD is proposing to increase water and wastewater rates 6% in Fiscal Year 2012. ***The public hearing for this proposed rate increase will take place Tuesday, June 14<sup>th</sup>, at 1:15 PM, in the Board Room at EBMUD located at 375 11<sup>th</sup> Street, second floor, Oakland.***

The Summit Reservoir Replacement Project Draft Environmental Impact Report is available for review at the Kensington Fire District Office at 217 Arlington and the Public Library at 61 Arlington. ***The public meeting is scheduled to review the draft on June 22, 2011, from 6:30 PM to 8:30 PM at the Shepherd of the Hills Lutheran Church, 401 Grizzly Peak Boulevard, Berkeley.***

### **St. Baldrick's Foundation**

Team Kensington PD (Chief Harman, Sergeant Hui, Officer Martinez, Reserve Officer Arminino, and Dakota Harman) raised \$1,500 for childhood cancer research at a "Shave Off" held Tuesday, May 10, 2011, at the Shadelands Art Center, 111 North Wiget Lane, Walnut Creek. The event sponsored by the Walnut Creek Police Department raised over \$45,000 for St. Baldrick's Foundation.

### **ATT**

ATT has notified the District that they are beginning a project to install a new fiber optics cabinet within the public right of way on the east side of Arlington Avenue adjacent to the library at 61 Arlington. There will also be trenching work across Arlington Avenue to connect to PG&E facilities. Construction is scheduled to start in an estimated 4-6 months and estimated to take 10-14 days. Prior to construction, residents in the area will be notified via a door hanger placed 48 before construction begins.

## DISTRICT – OLD BUSINESS

1. The District will hold a Proposition 218 Public Hearing in response to Bay View's request for a 6% increase to rates to begin in 2011. This public hearing was set at the April 14th, KPPCSD Board meeting. Possible Board Action.

# Memorandum

Kensington Police Department



**To:** KPPCSD Board of Directors

APPROVED YES NO

**From:** Gregory E. Harman, General Manager

\_\_\_\_\_

**Date:** Friday, June 03, 2011

FORWARDED TO:  
\_\_\_\_\_

**Subject:** Old Business Item #1 Proposition 218 Hearing- Bay View Rate Increase

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At the April 14<sup>th</sup> KPPCSD Board meeting, I was directed to begin the process of preparing for a Proposition 218 Public Hearing to discuss the request made by Bay View in December 1, 2010 for a rate increase of 6% on all rates, except for the rate of the mini can, for which they requested a rate increase of 23%.

The Proposition 218 notices were prepared and mailed on April 26<sup>th</sup>, providing for a 45 day notice before the public hearing set for June 9<sup>th</sup>.

As of today's date, we have received 28 letters of protest to the rate increase, 3 letters that support the rate increase, one letter that neither protests or supports the rate increase, and 51 notices that we sent out that were returned by the Post Office as not deliverable.

Staff has consulted with District legal counsel and its rate review consultant regarding Bay View's current request, in particular whether the request met the exceptions in the Agreement for a rate change due to extraordinary costs, events or changes in scope. Staff, legal counsel, and the rate review consultant have concluded that Bay View's request does not meet the Agreement's requirements for considering a mid-cycle increase.

It is Staff's recommendation that the Board should deny the rate increase, which, in the opinion of staff, would be in full conformance with the terms of the Agreement with Bay View which is binding through 2015.

## DISTRICT – OLD BUSINESS

2. General Manager Greg Harman will present to the Board for a second reading, review, discussion, and possible adoption the Kensington Police Protection & Community Services District Fiscal Year 2011/ 2012 Operational Budget. Board Action.

# Memorandum

Kensington Police Department



To: KPPCSD Board of Directors

APPROVED YES NO

From: Gregory E. Harman, General Manager

\_\_\_\_\_

Date: Saturday, June 04, 2011

FORWARDED TO:

Subject: Old Business Item #2 KPPCSD 2011/2012 Budget

\_\_\_\_\_

On May 23<sup>rd</sup>, the Finance Committee met to review the KPPCSD 2011/2012 Fiscal Year Budget, following the first reading by the Board on May 12<sup>th</sup>. The Finance Committee Report from that meeting is attached to this memo for your review.

On May 31<sup>st</sup>, our accountant Debra Russell and I met to discuss the changes requested by the Finance Committee and finalize the KPPCSD 2011/2012 Fiscal Year Budget for the Board's second reading June 9<sup>th</sup>. These changes are documented in a memo prepared by Debra Russell that is also attached to this memo for your review.

These changes effect the assumptions made of the KPPCSD 2011/2012 Budget as presented to the Board May 12<sup>th</sup>, and discussed at the Finance Committee meeting May 23, and are documented in the revised budget and shown in summary on the KPPCSD Projected Revenue & Expenses 2011/2012 page of the budget.

In summary, those changes are:

2011/2012	Total Revenue	\$2,589,950
	Total Expenses	\$2,647,214
	Projected Shortfall	-\$57,264
2011/2012	Previously Allocated Funds	\$122,000
2011/2012	Excess Funding over Expenses	\$64,736

We originally estimated a budget shortfall of -\$26,188, after raising the Measure G tax from \$179 to \$200 and hiring the 10<sup>th</sup> officer position for  $\frac{3}{4}$  of the Fiscal Year. As a result of the COPS Grant funds being carried over, we now estimate we will have a year end excess of \$64,736.



By maintaining the current budgeted expenses for 2011/2012, which includes the hiring the 10<sup>th</sup> officer position for ¾ of the Fiscal Year, and by not raising Measure G to \$200 a parcel, maintaining it at the current \$179 a parcel, the excess revenue would be estimated to be \$17,257.

This would be my recommendation to the Board.

## KPPCSD Finance Committee Report

Meeting May 23, 2011

The Finance Committee scheduled a meeting on May 23, 2011. Directors Toombs and Lipscomb were present as was Pat McLaughlin, a citizen participant. Deborah Russell, the District's outside accountant, Chief Harman and Anita Gardyne, District Secretary were also present.

Members of the public included Kevin Hui, Keith Barrow, Lynn Wolter and Joan Gallegos.

Committee members Paul Haxo, Gloria Morrison and Elena Carruthers were not present and the committee lacked a quorum to officially conduct business. However those present did discuss the issues regarding the Budget and wish to share the consensus reached at this committee meeting with the Board.

After background discussion on several areas of concern, the group suggests that the Board accept the Budget as presented to the District at the May 12, 2011 meeting with the following additional observations:

1. Accounting for Consultants. At this time, the full Board has not approved the retention of any consultants other than for an actuarial report. Deborah Russell, the accountant for the District advises that it is inappropriate to account for consulting expenses until the Board has formally approved them. Those members of the Finance Committee in attendance concurred with this recommendation.
2. Future of COPS Funding. Chief Harman advises that the State of California may fund part of the future COPS grants based on possible increases to the Vehicle License Fee by the legislature. He did not know how much money may be available.
3. Brown Act Reimbursements. Chief Harman also advised that there may be Brown Act reimbursement funds of upwards of \$20,000 for past expenses regarding mandatory compliance with the Brown Act.
4. CalPERS Performance. Indications from CalPERS are that its returns on assets under management are approaching the 7.75% targeted return so that our mandatory catch-up contributions may be reduced.
5. Workers Compensation Experience Modification. Chief Harman will inquire into how long the District must carry the burden of an increase to the Workers' Compensation Experience Modification rate which has caused our workers compensation expenses to remain arbitrarily higher than normal.
6. Repairs to Roof. Chief Harman recommends that the Board consider making needed repairs to the roof of the Youth Hut where necessary and to repair and replace dry rotted support members where necessary. Chief Harman will obtain bids for such work.
7. Size of Projected Deficit. The committee members in attendance feel that the size of the projected deficit of \$26,188 is approximately 1% of total expenses of \$2,516,138, which is within a reasonable margin of error.

Those in attendance also have reviewed a forecasting model prepared in 2009 and have asked Pat McLaughlin, Deborah Russell and District Secretary Anita Gardyne to update that model with current assumptions on income and expenses in order to test its utility for future projections.

Finally, Chief Harman will investigate what may be necessary to increase the Measure G revenues from their current \$179 per residence amount to the current limit of \$200 per residence.

Those members of the Finance Committee in attendance at its recent meeting respectfully submit these comments for Board review.

## BUDGET DRAFT MEMO TO CHIEF

Per the Finance Committee meeting consensus, I have updated the FY 2011/2012 Budget Draft to include actual general ledger expense account data through 04/30/2011 and updated the Revenue and Beg Cash sheets to reflect expected actuals.

Other changes have been made as follows:

1. I adjusted G/L 502 to the corrected "salaries 11-12FinComm Hui corrected" sheet. I had previously failed to adjust this pro-forma to account for the incentive pay that two officers earned and began getting paid for during the FY 2010/2011. This increased G/L account 502 and related accounts (523, 527 and 528 – payroll taxes and PERS contributions). The total combined increase here is approximately \$11,000.
2. I added the new G/L account 540 – Advanced Industrial Disability to the detail and recapped budget sheets. There is no budgeted amount for FY 2011/2012, but there is a FY 2010/2011 actual amount spent through 04/30/2011 of \$1,230.
3. Originally, the expectation we planned under in preparing the earlier budget draft was that the Park Bathroom would be completed by end of FY 2010/2011, generating a cost projected at \$150,000 and receiving a grant of \$100,000, all off-set by saved allocated funds of \$48,000. This no longer appears to be the case, since KPPCSD will probably have spent only \$30,000 of that by year-end. I lowered expected revenue for FY 2010/2011 by the \$100,000 grant and moved it to revenue for FY 2011/2012 instead. G/L account 972 for FY 2011/2012 now reflects remaining work on the bathroom for \$120,000. The net increase to the FY 2011/2012 budget is \$20,000. I have adjusted the Rev & Exp worksheet to reflect the \$48,000 allocated bathroom funds KPPCSD is again expecting to use in the upcoming year.
4. Once again, as the FY 2010/2011 COPS funding is coming late, KPPCSD will continue to have a carry forward to use in the upcoming year. The projected carry forward amount is \$74,000. This is also reflected in the revised Rev & Exp worksheet. This will help offset the 10<sup>th</sup> officer position in FY 2011/2012.

Deborah R. Russell

**KENSINGTON POLICE PROTECTION  
&  
COMMUNITY SERVICES DISTRICT**

**OPERATING BUDGET  
FISCAL YEAR 2011/2012**

**Chuck Toombs, President/ Finance Committee  
Chair**

**Linda Lipscomb, Vice President/ Finance  
Committee Vice Chair**

**Tony Lloyd, Director**

**Mari Metcalf, Director**

**Cathie Kosel, Director**

**Greg Harman, General Manager/ Chief of Police**

**June 9, 2011**

CODE	CLASSIFICATION	2010/2011		2010/2011 BALANCE	PERCENT SPENT	2011/2012 BUDGET	BUDGET DIFFERENCES
		2010/2011 BUDGET	EXPENDITURES Apr 30, 2011				
<b>POLICE SALARIES AND BENEFITS</b>							
502	Salary - Police	\$906,978	\$764,374	\$142,605	84.28%	\$884,824	(\$22,154)
504	Compensation Cash-Out	\$10,000	\$0	\$10,000	0.00%	\$10,000	\$0
506	Overtime	\$40,000	\$39,804	\$196	99.51%	\$40,000	\$0
508	Salary/Non-Sworn	\$52,000	\$27,613	\$24,387	53.10%	\$58,500	\$6,500
516	Uniform Allowance	\$8,000	\$6,774	\$1,226	84.67%	\$7,800	(\$200)
518	Safety Equipment	\$2,500	\$721	\$1,779	28.85%	\$2,500	\$0
521A	Medical Insurance - Active	\$148,760	\$127,650	\$21,110	85.81%	\$156,416	\$7,656
521R	Medical Insurance - Retired	\$146,029	\$120,769	\$25,260	82.70%	\$157,539	\$11,510
521T	Medical Insurance - Trust	\$97,344	\$243,373	(\$146,029)	250.01%	\$96,432	(\$912)
522	Disab. & Life Insurance	\$12,200	\$6,784	\$5,416	55.60%	\$12,500	\$300
523	Medicare 1.45% (District)	\$14,746	\$10,896	\$3,850	73.89%	\$14,516	(\$230)
524	Social Security(7.65%) /Non-Sworn	\$3,224	\$1,745	\$1,480	54.11%	\$3,627	\$403
527	P.E.R.S. - District	\$256,194	\$215,305	\$40,889	84.04%	\$303,492	\$47,298
528	P.E.R.S. - Officers Portion	\$82,348	\$69,393	\$12,955	84.27%	\$80,336	(\$2,012)
530	Workers Compensation	\$46,682	\$31,873	\$14,809	68.28%	\$68,656	\$21,974
540	Advanced Industrial Disability	\$0	\$1,230	(\$1,230)	0.00%	\$0	\$0
SUB-TOTAL		\$1,827,005	\$1,668,305	\$158,701	91.31%	\$1,897,139	\$70,134
<b>POLICE EXPENSES</b>							
552	Expendable Police Supplies	\$2,000	\$361	\$1,639	18.03%	\$1,800	(\$200)
553	Range/Ammunition	\$4,000	\$3,395	\$605	84.87%	\$4,000	\$0
560	Crossing Guard	\$9,626	\$7,522	\$2,104	78.14%	\$9,626	\$0
562	Vehicle Operation	\$37,500	\$37,234	\$266	99.29%	\$55,000	\$17,500
564	Communications	\$136,640	\$62,955	\$73,685	46.07%	\$154,320	\$17,680
566	Radio Maintenance	\$4,400	\$0	\$4,400	0.00%	\$23,400	\$19,000
568	Prisoner/Case Expenses/Bookings	\$5,000	\$5,629	(\$629)	112.58%	\$5,000	\$0
570	Training	\$12,000	\$13,889	(\$1,889)	115.75%	\$10,000	(\$2,000)
572	Recruiting	\$7,650	\$7,178	\$472	93.83%	\$0	(\$7,650)
574	Reserve Officers	\$8,000	\$3,225	\$4,775	40.32%	\$2,000	(\$6,000)
576	Misc. Dues, Meals.Travel	\$3,300	\$2,417	\$883	73.24%	\$3,210	(\$90)
580	Utilities - Police	\$8,000	\$6,534	\$1,466	81.67%	\$8,000	\$0
581	Bldg. Repair/Maint	\$1,000	\$571	\$429	57.12%	\$1,000	\$0
582	Office Supplies	\$6,000	\$4,766	\$1,234	79.43%	\$6,000	\$0
588	Telephones	\$11,048	\$6,558	\$4,490	59.36%	\$7,980	(\$3,068)
590	Housekeeping	\$5,000	\$3,198	\$1,802	63.95%	\$4,000	(\$1,000)
592	Publications	\$3,000	\$2,142	\$858	71.39%	\$3,000	\$0
594	Comm. Policing	\$5,000	\$1,083	\$3,917	21.66%	\$2,500	(\$2,500)
596	CAL-ID/WEST-NET	\$12,472	\$12,656	(\$184)	101.48%	\$12,900	\$428
598	COPS Special Fund	\$0	\$0	\$0	0.00%	\$0	\$0
599	Measure G Administration	\$0	\$1,554	(\$1,554)	0.00%	\$3,200	\$3,200
SUB-TOTAL		\$281,636	\$182,866	\$98,770	64.93%	\$316,936	\$35,300
<b>RECREATION SALARIES AND BENEFITS</b>							
601	Park and Rec. Admin.	\$6,500	\$3,984	\$2,516	61.30%	\$6,500	\$0
602	Custodian	\$24,000	\$17,500	\$6,500	72.92%	\$26,000	\$2,000
623	Social Security (7.65%) /District	\$497	\$265	\$232	53.27%	\$497	\$0
SUB-TOTAL		\$30,997	\$21,749	\$9,248	70.17%	\$32,997	\$2,000
<b>RECREATION EXPENSES</b>							
640	<b>Community Center Expenses</b>						
642	Community Center Utilities	\$4,756	\$3,879	\$877	81.56%	\$4,756	\$0
643	Janitorial Supplies	\$1,500	\$52	\$1,448	3.47%	\$750	(\$750)
646	Community Center Repairs	\$1,000	\$9,931	(\$8,931)	993.14%	\$1,000	\$0
650	<b>Building E Expenses</b>						
656	Building E Repairs	\$0	\$0	\$0	0.00%	\$0	\$0
660	<b>Annex Expenses</b>						
662	Annex - Utilities	\$500	\$680	(\$180)	136.02%	\$1,000	\$500
666	Annex Repairs	\$0	\$0	\$0	0.00%	\$0	\$0
668	Annex - Misc. Exp	\$500	\$0	\$500	0.00%	\$0	(\$500)
670	Gardening Supplies	\$2,000	\$0	\$2,000	0.00%	\$2,000	\$0
672	Park O&M	\$61,600	\$40,610	\$20,990	65.92%	\$61,820	\$220
674	Park Construction Expense	\$0	\$0	\$0	0.00%	\$0	\$0
678	Misc. Park/Rec Expense	\$2,000	\$219	\$1,781	10.94%	\$1,000	(\$1,000)
SUB-TOTAL		\$73,856	\$55,371	\$18,485	74.97%	\$72,326	(\$1,530)

CODE	CLASSIFICATION	2010/2011		2010/2011 BALANCE	PERCENT SPENT	2011/2012 BUDGET	BUDGET DIFFERENCES
		BUDGET	EXPENDITURES Apr 30, 2011				
<b>DISTRICT EXPENSES</b>							
810	Computer	\$30,034	\$29,722	\$312	98.96%	\$30,034	\$0
820	Canon Copier Contract	\$5,160	\$4,811	\$349	93.24%	\$6,160	\$1,000
830	Legal	\$50,000	\$24,467	\$25,533	48.93%	\$35,000	(\$15,000)
835	Consultant	\$4,000	\$4,380	\$0	0.00%	\$3,600	(\$400)
840	Accounting	\$25,800	\$23,435	\$2,365	90.83%	\$25,275	(\$525)
850	Insurance	\$30,000	\$28,956	\$1,044	96.52%	\$30,000	\$0
860	Election	\$12,000	\$10,443	\$1,557	87.03%	\$0	(\$12,000)
865	MCI Fund/KFD Maintenance	\$28,840	\$28,840	\$0	100.00%	\$29,705	\$865
870	County Expenditures	\$19,900	\$22,149	(\$2,249)	111.30%	\$19,900	\$0
890	Waste/Recycle Expenses	\$2,500	\$14,180	(\$11,680)	567.22%	\$17,500	\$15,000
898	Miscellaneous Expenses	\$9,450	\$7,237	\$2,213	76.58%	\$10,641	\$1,191
	<b>SUB-TOTAL</b>	<b>\$217,684</b>	<b>\$198,621</b>	<b>\$19,063</b>	<b>91.24%</b>	<b>\$207,815</b>	<b>(\$9,869)</b>
	<b>Operating Expense TOTAL</b>	<b>\$2,431,178</b>	<b>\$2,126,912</b>	<b>\$304,266</b>	<b>87.48%</b>	<b>\$2,527,214</b>	<b>\$96,035</b>
<b>CAPITAL OUTLAY</b>							
961	Police Bldg. Improvements	\$0	\$0	\$0	0.00%	\$0	\$0
962	Patrol Cars	\$30,000	\$0	\$30,000	0.00%	\$0	(\$30,000)
963	Patrol Car Accessories	\$0	\$3,382	(\$3,382)	0.00%	\$0	\$0
965	Weapons / Radios	\$0	\$0	\$0	0.00%	\$0	\$0
967	Station Equipment	\$0	\$0	\$0	0.00%	\$0	\$0
968	Office Furn. & Equip.	\$0	\$0	\$0	0.00%	\$0	\$0
969	Computer Equipment	\$0	\$1,264	(\$1,264)	0.00%	\$0	\$0
971	Park Land	\$0	\$0	\$0	0.00%	\$0	\$0
972	Park Bldgs. Improvements	\$150,000	\$8,490	\$141,510	5.66%	\$120,000	(\$30,000)
973	Park Construct. Fund	\$0	\$0	\$0	0.00%	\$0	\$0
974	Other Park Improvements	\$0	\$0	\$0	0.00%	\$0	\$0
978	Park/Rec. Furniture & Equipment	\$0	\$0	\$0	0.00%	\$0	\$0
	<b>Capital Outlay SUB-TOTAL</b>	<b>\$180,000</b>	<b>\$13,136</b>	<b>\$166,864</b>	<b>7.30%</b>	<b>\$120,000</b>	<b>(\$60,000)</b>
	<b>BUDGET GRAND TOTAL</b>	<b>\$2,611,178</b>	<b>\$2,140,048</b>	<b>\$471,131</b>	<b>81.96%</b>	<b>\$2,647,214</b>	<b>\$36,035</b>

**KPPCSD  
Revenue Projection  
2011/2012**

	Estimated Actual 2010/2011	Projected 2011/2012
<b>Ordinary Income/Expense</b>		
<b>Income</b>		
<b>400 · Police Activities Revenue</b>		
401 · Levy Tax	\$1,249,343.00	\$1,250,000.00
HomeOwners' Tax	13,000.00	13,000.00
402 · Special Tax-Police	679,980.00	680,000.00
403 · Misc Tax-Police	50.00	50.00
404 · Measure G Supplemental Tax Rev	405,721.00	453,200.00
410 · Police Fees/Service Charges	1,500.00	2,000.00
414 · POST Reimbursement	4,200.00	0.00
415 · Grants-Police	100,000.00	0.00
416 · Interest-Police	4,000.00	3,000.00
418 · Misc Police Income	13,500.00	12,000.00
419 · Supplemental W/C Reimb (4850)	<u>49,000.00</u>	<u>0.00</u>
<b>Total 400 · Police Activities Revenue</b>	<b>\$2,520,294.00</b>	<b>\$2,413,250.00</b>
<b>420 · Park/Rec Activities Revenue</b>		
424 · Taxes-L&L	\$31,128.00	\$30,000.00
426 · Park Donations	0.00	500.00
427 · Community Center Revenue	22,000.00	24,000.00
435 · Grants-Park/Rec	0.00	100,000.00
436 · Interest-Park/Rec	250.00	200.00
438 · Misc Park/Rec Rev	<u>2,500.00</u>	<u>500.00</u>
<b>Total 420 · Park/Rec Activities Revenue</b>	<b>\$55,878.00</b>	<b>\$155,200.00</b>
<b>440 · District Activities Revenue</b>		
448 · Franchise Fees	\$20,000.00	\$21,000.00
456 · Interest-District	850.00	500.00
458 · Misc District Revenue	<u>3,200.00</u>	<u>0.00</u>
<b>Total 440 · District Activities Revenue</b>	<b><u>\$24,050.00</u></b>	<b><u>\$21,500.00</u></b>
<b>Total Income</b>	<b>\$2,600,222.00</b>	<b>\$2,589,950.00</b>

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**KPPCSD**  
**Projected Revenue and Expense**  
**2011/2012**

**Budgeted Revenues 2011/2012**

Total 400 · Police Activities Revenue	\$2,413,250
Total 420 · Park/Rec Activities Revenue	155,200
Total 440 · District Activities Revenue	<u>21,500</u>

Total Revenues \$2,589,950

**Budgeted Expenditures 2011/2012**

500 · Police Sal & Ben	
Total 500 · Police Sal & Ben	\$1,897,139
Total 550 · Other Police Expenses	316,936
Total 600 · Park/Rec Sal & Ben	32,997
Total 635 · Park/Recreation Expenses	72,326
Total 800 · District Expenses	207,815
Total 950 · Capital Outlay	<u>120,000</u>

Total Expenditures \$2,647,214

Excess of Revenue over Expense 2011/2012 -\$57,264

**Previously Allocated Funds**

Bay View	0
Park Restroom	48,000
COPS Grant	<u>74,000</u>

Total Allocated Funds Used 122,000

Excess Funding over Expenses 2011/2012 64,736

Cash Carryovers 2010/2011 \$1,541,297

Estimated Fund Carryovers into 2011/2012 \$1,606,033

**Future Allowances:**

Allowance for Mandated Contingencies (10% of Total Expenditures)	\$264,721
Allowance for Est'd Vacation/Comp Liab	80,000
Allowance for Notes Payable - District Portion of Bond	92,830
Allowance for Park Bldgs Replacement (Originally Stated)	300,000
Expenditure for Annex Renovation in Current Year	<u>0</u>

Total Allowances \$737,551

**Allocated Funds:**

Dedicated for Park Restroom	\$48,000
Use of Dedicated Funds for Park Restroom	(\$48,000)
Bay View Account Balance	165,000
Use of Dedicated Funds for Bay View	(\$17,500)
COPS Carry Forward 2010/2011	74,000
Use of COPS Funds for Officer's Salary	<u>(\$74,000)</u>

Total Allocations \$147,500

Available Funds Net of Future Allowances and Allocations \$720,982

**KPPCSD**  
**Estimated Available Cash**  
**06/30/11**

	<u>04/30/11</u>	Incoming Tx. Advance	Incoming Grant/Reimb	May Exp	June Exp	Transfer between funds	06/30/11 Est
<b>ASSETS</b>							
<b>Current Assets</b>							
<b>Checking/Savings</b>							
100 · Petty Cash	130.00						130
110 · CCC Cash Accts							
112 · General Fund	120,019.55	62463.77	113900	250000	300000	280547	26,930
113 · Capital Fund-Cash	26,788.27						26,788
114 · Land & Light-Park O&M	19,079.90	966.62				-20047	0
excluded 116 · PB Admin-Cash	155,547.07	640.88				-10500	145,688
excluded 117 · PB Resv-Cash	17,416.82						17,417
Total 110 · CCC Cash Accts	<u>338,851.61</u>						<u>\$53,718</u>
134 · CCC LAIF Accounts							
134a · General LAIF	1,431,805.89					-336051.78	1,095,754
134b · COPS LAIF	81,454.96		11316			-18015.96	74,755
134c · Park LAIF	51,615.54						51,616
134d · Garbage/Bay View LAIF	181,505.08					-15932.26	165,573
134e · Capital LAIF	99,751.87						99,752
Total 134 · CCC LAIF Accounts	<u>1,846,133.34</u>					<u>\$1,487,449</u>	
Total Checking/Savings	\$2,185,115	\$64,071	125216	\$250,000	\$300,000	-\$120,000	\$1,541,297
							2,069,186 including Bond Funds



**KPPCSD Officers' Salaries - Fiscal 2011/2012**

Officer Name	Grade	Date Hired	Date in Grade	Date in Step	Months in Step	Monthly Base	Holiday Pay	Incentive	Monthly Salary	Pay Period	Hourly Base	Hourly	Longevity Pay	Annual Total
Harman, G	Chief	9/4/2007	9/4/2007	09/04/09	12.000	\$ 11,212.50			11,212.50	\$ 5,606.25	\$ 64.69	\$ 64.69		\$ 134,550.00
Hull, R	Sgt/Step4	10/16/97	03/03/04	07/01/07	12.000	\$ 7,392.28	\$ 398.07	\$ 554.42	8,344.77	\$ 4,172.38	\$ 42.65	\$ 48.14	\$ 1,400.00	\$ 101,537.19
Sergeant	Sgt/Step1	10/01/11	07/01/11	10/01/11	9.000	\$ 6,635.50	\$ 357.28		6,992.78	\$ 3,496.39	\$ 38.28	\$ 40.34		\$ 62,935.02
Barrow, K.	Step 5	09/16/05	09/16/06	09/16/09	12.000	6,447.75	\$ 347.20	\$ 322.39	7,117.34	\$ 3,558.67	\$ 37.20	\$ 41.06		\$ 85,408.05
Martinez, R	Step 5	01/01/06	01/01/06	01/01/10	12.000	6,447.75	\$ 347.20	\$ 322.39	7,117.34	\$ 3,558.67	\$ 37.20	\$ 41.06		\$ 85,408.05
Stegman, E	Step 5	06/01/06	06/01/06	06/01/10	12.000	6,447.75	\$ 347.20	\$ 322.39	7,117.34	\$ 3,558.67	\$ 37.20	\$ 41.06		\$ 85,408.05
Medina, D	Step 5	07/01/06	07/01/06	07/01/08	12.000	\$ 6,447.75	\$ 347.20	\$ 322.39	7,117.34	\$ 3,558.67	\$ 37.20	\$ 41.06		\$ 85,408.05
Wilson, D	Step 5	05/19/08	05/19/08	05/19/10	12.000	6,447.75	\$ 347.20	\$ 322.39	7,117.34	\$ 3,558.67	\$ 37.20	\$ 41.06		\$ 85,408.05
Ramos, J	Step 4	09/16/09	09/16/09	09/16/10	2.500	6,106.39	\$ 328.81		6,435.20	\$ 3,217.60	\$ 35.23	\$ 37.13		\$ 16,088.00
	Step 5			09/16/11	9.500	6,447.75	\$ 347.20		6,794.95	\$ 3,397.48	\$ 37.20	\$ 39.20		\$ 64,552.03
Hui, K	Step 4	04/17/10	04/17/10	04/17/11	9.500	6,106.39	\$ 328.81		6,435.20	\$ 3,217.60	\$ 35.23	\$ 37.13		\$ 61,134.40
	Step 5			04/17/12	2.500	6,447.75	\$ 347.20		6,794.95	\$ 3,397.48	\$ 37.20	\$ 39.20		\$ 16,987.38
							\$ 3,843.37	\$ 2,166.36					\$ 1,400.00	\$ 884,824.27

Total BasePay Minus Holiday, Incentive, & Longevity: \$ 877,414.54

	Mo. Base	Holiday	Mo. Total	HrlyBase	HrlyTot		Mo. Base	Holiday	Mo. Total	HrlyBase	HrlyTot
<b>Sergeants</b>						<b>Officers</b>					
Step#1	6,635.50	357.28	6,992.78	38.28	40.34	Step#1	5,200.28	\$280.00	5,480.28	30.00	31.62
Step#2	6,900.92	371.56	7,272.48	39.81	41.96	Step#2	5,486.30	\$295.40	5,781.70	31.65	33.36
Step#3	7,107.95	382.76	7,490.71	41.01	43.22	Step#3	5,788.05	\$311.64	6,099.69	33.39	35.19
Step#4	7,392.28	398.07	7,790.35	42.65	44.94	Step#4	6,106.39	\$328.81	6,435.20	35.23	37.13
						Step#5	6,447.75	\$347.20	6,794.95	37.20	39.20

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## DISTRICT - NEW BUSINESS

1. General Manager Greg Harman will present to the Board Kensington Police Protection & Community Services District Resolution 2011-011, establishing the annual supplemental special tax for police protection (Measure G) for Fiscal Year 2011/2012 for review and possible adoption. Board Action.

**RESOLUTION NO. 2010-011**  
**A RESOLUTION OF THE BOARD OF DIRECTORS**  
**OF THE KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**  
**ESTABLISHING THE ANNUAL SUPPLEMENTAL SPECIAL TAX FOR POLICE PROTECTION**

The Board of Directors of the Kensington Police Protection and Community Services District (hereafter referred to as the "Board of Directors") does resolve as follows:

**WHEREAS**, in 2010, the voters of the Kensington Police Protection and Community Services District (the "District") approved a supplemental special tax (the "Supplemental Special Tax") in the amount of \$200 per year for single family residential parcels, with amounts for properties in other use categories identified in Ordinance No. 2010-01, to provide a source of funding for police protection services.

**WHEREAS**, for Fiscal Year 2011/12, the maximum annual amount of the Supplemental Special Tax for each category of property shall be determined by multiplying the preceding fiscal year's maximum special tax by an inflation factor in an amount not to exceed the increase in the Consumer Price Index as published by the U.S. Department of Labor for the April to April San Francisco-Oakland-San Jose area (the "Consumer Price Index"). The following table shows the maximum Supplemental Special Tax for Fiscal Year 2010/11 and Fiscal year 2011/12. The increase in the Consumer Price Index from Fiscal Year 2010/11 to Fiscal Year 2011/12 is 2.82%.

Class of Improvement or Use*	2010/11 Maximum Tax	2011/12 Maximum Tax
Single Family Residential	\$200.00 per parcel	\$205.64 per parcel
Multiple Unit Residential	300.00 per parcel	308.46 per parcel
Commercial and Institutional	300.00 per parcel	308.46 per parcel
Miscellaneous Improved Property	200.00 per parcel	205.64 per parcel
Unimproved Property	60.00 per parcel	61.69 per parcel

\*Class of Improvement or Use will be determined annually based on data from the Contra Costa County Assessor.

**NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE BOARD OF DIRECTORS, AS FOLLOWS:**

1. The Board of Directors hereby declares its intention to levy the Supplemental Special Tax for the Fiscal Year, July 1, 2011 through June 30, 2012 in the following amounts.

Class of Improvement or Use*	2011/12 Supplemental Tax
Single Family Residential	\$200.00 per parcel
Multiple Unit Residential	300.00 per parcel
Commercial and Institutional	300.00 per parcel
Miscellaneous Improved Property	200.00 per parcel
Unimproved Property	60.00 per parcel

\*Class of Improvement or Use will be determined annually based on data from the Contra Costa County Assessor.

PASSED AND ADOPTED by the Board of Directors of the Kensington Police Protection and Community Services District on \_\_\_\_\_, the \_\_\_\_ day of \_\_\_\_\_, 2011, by the following vote to wit:

AYES:

\_\_\_\_\_  
Chuck Toombs, President

NOES:

\_\_\_\_\_  
Linda Lipscomb, Vice President

ABSENT:

\_\_\_\_\_  
Tony Lloyd, Director

\_\_\_\_\_  
Mari Metcalf, Director

\_\_\_\_\_  
Cathie Kosel, Director

I HEREBY CERTIFY the foregoing resolution was duly and regularly adopted by the Board of Directors of the Kensington Police Protection and Community Services District at the regular meeting of said Board held on \_\_\_\_\_, the \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
District General Manager



## DISTRICT - NEW BUSINESS

2. General Manager Greg Harman will present to the Board a request to enter into a Memorandum of Understanding to continue our participation in the West County Costa County Narcotic Enforcement Team (WestNet) through January 1, 2014. Board Action.

# **MEMORANDUM OF UNDERSTANDING**

# Memorandum of Understanding

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**MEMORANDUM OF UNDERSTANDING**

This Memorandum of Understanding (MOU) to establish the West Contra Costa County Narcotic Enforcement Team is entered into by the California Bureau of Narcotic Enforcement (hereinafter BNE) and the following participating agencies:

California Department of Justice, Bureau of Narcotic Enforcement \_\_\_\_\_

Contra Costa County District Attorney's Office \_\_\_\_\_

Contra Costa County Sheriff's Office \_\_\_\_\_

El Cerrito Police Department \_\_\_\_\_

Hercules Police Department \_\_\_\_\_

Kensington Police Department \_\_\_\_\_

Pinole Police Department \_\_\_\_\_

Richmond Police Department \_\_\_\_\_

San Pablo Police Department \_\_\_\_\_

## I. PURPOSE

The purpose of this memorandum is to set forth the responsibilities of the participating agencies as they relate to the West Contra Costa County Narcotic Enforcement Team. Working in conjunction, the participating agencies will endeavor to effectively enforce the controlled substance laws of the State of California as expressed in the Health and Safety Code, and applicable federal laws relating to the trafficking of controlled substances. Agencies participating in the West Contra Costa County Narcotic Enforcement Team will be targeting their investigations toward the apprehension of mid to major level narcotic offenders. Use of this task force concept is intended to ensure well-coordinated narcotic enforcement regionally and increase the flow of narcotic-related intelligence information between the various law enforcement agencies participating in the BNE Task Force program.

## II. MISSION

The mission of the West Contra Costa County Narcotic Enforcement Team will be to significantly diminish the availability and use of illegal drugs in Contra Costa County and apprehend the responsible offenders, thereby increasing public safety.

The West Contra Costa County Narcotic Enforcement Team's primary mission is to provide high quality specialized controlled substance enforcement and to facilitate cooperation among all agencies operating in West Contra Costa County. The West Contra Costa County Narcotic Enforcement Team will share information regarding gangs on a continual basis with other agencies, and will also continually report to the West Contra Costa County Narcotic Enforcement Board.

## III. TASK FORCE COUNCIL

The West Contra Costa County Narcotic Enforcement Team will be governed by a "Task Force Council (Executive Board)."

**Participating Agency** - A "Participating Agency" is an allied state, federal or local law enforcement agency that has made a commitment of resources and/or manpower for an agreed upon time period.

**Structure** - The Task Force Council will consist of the Senior Special Agent in Charge (SSAC) or Special Agent in Charge (SAC) of the San Francisco Bureau of Narcotic Enforcement BNE regional office or their designee and the department heads of each participating agency or their designee.

**Role** - The Task Force Council shall meet on a bi-monthly basis for the purpose of reviewing the activities of the West Contra Costa County Narcotic Enforcement Team. Also, the members shall have general responsibility for the oversight of the West Contra Costa County Narcotic Enforcement Team operations.

**Policy Authority** - The Task Force Council shall be responsible for the West Contra Costa

County Narcotic Enforcement Team policies and operating procedures. The Council shall periodically review and evaluate the West Contra Costa County Narcotic Enforcement Team operations, goals, objectives, policies and procedures.

#### **IV. MANAGEMENT**

The management and supervision of the West Contra Costa County Narcotic Enforcement Team's resources will be the responsibility of the Task Force Commander. The Task Force Commander shall retain supervisory control of the personnel assigned to the West Contra Costa County Narcotic Enforcement Team. When the number of law enforcement personnel from participating agencies drops below four, BNE may terminate the MOU. When the number of law enforcement personnel from participating agencies is over nine, BNE may add a second Special Agent Supervisor (SAS).

#### **V. TASK FORCE COMMANDER**

A BNE SAS shall be responsible for managing the West Contra Costa County Narcotic Enforcement Team and will report to the Task Force Council through the Chairperson of the Council. The Task Force Commander takes direction from the Task Force Council. The Task Force Commander will provide the Task Force Council with bi-monthly and annual reports of the West Contra Costa County Narcotic Enforcement Team activities. Any personnel assigned to the West Contra Costa County Narcotic Enforcement Team shall work under the immediate supervision and direction of the Task Force Commander and shall adhere to policies and procedures of the West Contra Costa County Narcotic Enforcement Team.

#### **VI. COMPENSATION**

Each participating agency is responsible for providing its respective personnel with salaries, benefits and overtime in accordance with FLSA regulations.

#### **VII. BUDGET**

The Task Force Commander will prepare a proposed budget each year (date to be determined by the Task Force Council) for the ensuing fiscal/calendar year for approval by the Task Force Council. A bi-monthly report of expenditures shall accompany the monthly statistics report submitted to the Task Force Council as outlined in the Policy & Procedure Manual.

#### **VIII. TRAINING**

Training is handled by participating agencies according to their individual budgets. A yearly training plan for all task force personnel, sworn and non-sworn, shall be prepared by the Task Force Commander upon their assignment to the task force. In addition, a yearly group training plan shall be prepared and submitted with the task force yearly budget proposal.

#### **IX. ANNUAL REPORT**

The Task Force Commander will provide the Task Force Council and BNE Headquarters with an annual report of activity no later than March 15, of each year. This report will summarize the preceding calendar year's operation and shall include a section for statistical data broken down in a similar fashion to that of the monthly reports. The report shall contain sufficient information regarding controlled substance abuse and trafficking trends to enable the Council to reassess task force goals and objectives.

## **X. RESOURCES**

Each of the below listed agencies have agreed, by virtue of the signature of the department head affixed to this MOU, to contribute the following personnel and/or resources to the the West Contra Costa County Narcotic Enforcement Team in each year of this agreement.

### California Department of Justice

#### Bureau of Narcotic Enforcement

- One Special Agent Supervisor
- One vehicle
- Office space
- Telephone service/equipment
- Undercover buy funds
- Miscellaneous undercover surveillance equipment

### Contra Costa County District Attorney's Office

- Miscellaneous legal support

### Contra Costa County Sheriff's Department

- One officer
- One vehicle
- Safety Equipment

### El Cerrito Police Department

- One officer
- One vehicle
- Safety Equipment

### Hercules Police Department

- Clerical and operational fund support only as indicated
- support only as indicated below

### Kensington Police Department

- Clerical and operational fund support only as indicated
- support only as indicated below

### Pinole Police Department

- Clerical and operational fund support only as indicated

- support only as indicated below

Richmond Police Department

- Two officers
- Two vehicles
- Safety Equipment

San Pablo Police Department

- \*Two officers
- \*Two vehicles
- \*Safety Equipment

\*One San Pablo Police Officer ½ funded by the CCCSO



The participating law enforcement agencies will fund the West Contra Costa County Narcotic Enforcement Team annually as follows:

<u>AGENCY</u>	<u>OPERATIONAL FUND</u>
Contra Costa County Sheriff's Office	\$ 8,000.00
El Cerrito Police Department	\$ 8,000.00
Hercules Police Department	\$ 8,000.00
Kensington Police Department	\$ 8,000.00
Pinole Police Department	\$ 8,000.00
Richmond Police Department	\$ 8,000.00
San Pablo Police Department	<u>\$ 8,000.00</u>
TOTAL	\$56,000.00

The amount of contributions listed above will be evaluated on a yearly basis and adjusted to meet the needs of the unit.

\$56,000.00 Operational Funds - Expenditures to be used to pay for all costs for the Task Force secretarial position.

Any surplus Operational Funds may be used to help off-set administrative costs such as:

- printing, photo development, shipping
- locks and keys
- evidence destruction
- raid gear
- mailbox rental
- equipment repair - reference materials
- film batteries, paper, office supplies, etc.

#### SECRETARIAL SUPPORT

To be equally shared by all participating law enforcement agencies through their Operational Fund contributions.

The California Department of Justice, Bureau of Narcotic Enforcement will fund the West Contra Costa County Narcotic Enforcement Team in the following areas:

- Narcotic Buy Funds
- Office rental (Utilities & Expenses)
- Telephone (Equipment and Expenses)
- Alarm System

The funds provided by the California Department of Justice, Bureau of Narcotic Enforcement does

not include the salary of one Special Agent Supervisor assigned to the unit. The funds provided by the State Agency cannot be applied in the form of salary for any position of the narcotic unit.

In the event the Task Force Council elects to expand personnel commitment to the Task Force, additional facilities or expenses will be absorbed by the Task Force.

## **XI. FACILITIES, EQUIPMENT & PROPERTY**

When the number of law enforcement personnel from participating agencies drops permanently below four, BNE may terminate the MOU. In such cases, any balance of the facilities lease agreement (or any other contractual agreement) will be shared on a pro-rate basis by the participating agencies in this MOU, or paid with any asset forfeiture funds.

Any and all property, including equipment, furniture, furnishings of whatever kind or description, purchased or acquired with DOJ funds shall be the property of DOJ. At the termination of this agreement and whereupon no new agreement is reached, all said property shall be returned to DOJ.

Any equipment purchased with task force or seized funds which is damaged, broken misplaced, lost or stolen, through gross negligence, wrongful act, or omission of an officer or agent assigned to the West Contra Costa County Narcotic Enforcement Team, shall be repaired or replaced by the agency of the responsible employee at the determination of the Task Force Commander.

The California Department of Justice, Bureau of Narcotic Enforcement will fund the West Contra Costa County Narcotic Enforcement Team in the following areas:

1. Lease of office space.
2. Installation of telephone lines and monthly, local, and long distance charges.
3. Telephone equipment.
4. Utilities.
5. Alarm equipment and monitoring.
6. Janitorial services
7. Landscape services
8. Purchase and installation of at least one personal computer, printer and modem which is compatible with DOJ's system.

The Contra Costa County Sheriff's Office will provide the following:

1. All West-NET evidence will be stored at the Contra Costa County Sheriff's Office.

## **XII. ASSET FORFEITURE**

Based on the attached asset forfeiture agreement, proceeds derived from an asset forfeiture, under state or federal law, initiated in the course of investigations conducted by the West Contra Costa County Narcotic Enforcement Team, will be shared equitably among member agencies, including BNE. The equitable sharing will be based on the attached formula developed by the Task Force Council (refer to Attachment A). All forfeiture procedures and sharing will be based upon the appropriate provisions of state or federal law and policy. Modifications to the asset forfeiture agreement requires approval in writing by the members of the Task Force Council and BNE Headquarters.

## **XIII. ADMINISTRATION AND AUDIT**

In no event shall the member agencies charge any indirect costs to DOJ for administration or implementation of this agreement during the term thereof. Any and all records pertaining to the West Contra Costa County Narcotic Enforcement Team expenditures shall be readily available for examination and audit by BNE or any other participating agency. In addition, all such records and reports shall be maintained until audits and examinations are completed and resolved, or for a period of (3) three years after termination of the agreement, whichever is sooner.

## **XIV. INSPECTION PROCESS**

It is the policy of BNE to maintain a formal administrative inspection program. This program requires inspections of each BNE supervised regional task force once every twenty four (24) months or as necessary, with follow-up inspections within six (6) months. Copies of the inspection report will be delivered to the regional office SAC and the Task Force Commander.

Upon the change of command of a Task Force Supervisor, an administrative inspection shall be conducted, which includes all areas of the compliance inspection with the exception of staff interviews.

## **XV. NONDISCRIMINATION CLAUSE**

All participating agencies will comply with Title VI of the Civil Rights Act of 1964 and all requirements imposed or pursuant to the regulations of the U.S. Department of Justice (CFR, Part 42, Subparts C and D) issued pursuant to Title VI relating to discrimination on the grounds of race, color, creed, sex, age or national origin and equal employment opportunities.

## **XV. RESPECTIVE RESPONSIBILITIES**

For the purpose of indemnification, each participating agency of the West Contra Costa County

Narcotic Enforcement Team shall be responsible for the acts of its participating officer(s) and shall incur any liabilities arising out of the services and activities of those officers while participating in the West Contra Costa County Narcotic Enforcement Team. Personnel assigned to the West Contra Costa County Narcotic Enforcement Team shall be deemed to be continuing under the employment of their jurisdictions and shall have the same powers, duties, privileges, responsibilities and immunities as are conferred upon them as peace officers in their own jurisdictions.

## **XVII. POLICY AND PROCEDURE MANUAL**

It is agreed that all members of the task force shall abide by the applicable policies and procedures as expressed in the West Contra Costa County Narcotic Enforcement Team manual, which is specific in content to the needs, objectives and goals of the West Contra Costa County Narcotic Enforcement Team.

## **XVIII. TERM OF AGREEMENT**

The term of this agreement shall be from 01/01/11 through 01/01/14. The term of this agreement may be canceled by notice in writing to the Task Force Council Chairperson thirty (30) days prior thereof. An extension of this MOU will be granted pursuant to the signed agreement of the Task Force Council. The West Contra Costa County Narcotic Enforcement Team will only be responsible for financial obligations incurred by task force participating agencies during the term of this agreement.



## DISTRICT - NEW BUSINESS

3. General Manager Greg Harman will present to the Board Grand Jury Report # 1105, "Ethics and Transparency Issues in Contra Costa County" for review and response under Section 933.5(a) of the California Government Code that requires that the District report an action to the findings no later than August 24, 2011. Board Action.



May 26, 2011

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

Dear Gregory Harman, General Manager/Chief of Police:

Attached is a copy of Grand Jury Report No. 1105, "Ethics and Transparency Issues in Contra Costa County" by the 2010-2011 Contra Costa Grand Jury.

In accordance with California Penal Code Section 933.05, this report is being provided to you at least two working days before it is released publicly.

Section 933.5(a) of the California Government Code requires that (the responding person or entity shall report one of the following actions) in respect to each finding:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees with the finding.
- (3) The respondent partially disagrees with the finding.

In the cases of both (2) and (3) above, the respondent shall specify the portion of the finding that is disputed, and shall include an explanation of the reasons therefor.

In addition, Section 933.05(b) requires that the respondent reply to each recommendation by stating one of the following actions:

- 1. The recommendation has been implemented, with a summary describing the implemented action.
- 2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
- 3. The recommendation requires further analysis. This response should explain the scope and parameters of the analysis or study, and a time frame for the matter to be prepared for discussion. This time frame shall not exceed six months from the date of the publication of the Grand Jury Report.

Kensington Police Protection & Community Services District  
May 26, 2011  
Page 2

4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation thereof.

Please be reminded that Section 933.05 specifies that no officer, agency, department or governing body of a public agency shall disclose any contents of the report prior to its public release. Please insure that your response to the above noted Grand Jury report includes the mandated items. We will expect your response, using the form described by the quoted Government Code, no later than **August 24, 2011**.

It would be greatly appreciated if you could send this response in hard copy to the Grand Jury as well as by e-mail to [jcuev@contracosta.courts.ca.gov](mailto:jcuev@contracosta.courts.ca.gov) (Word document).

Sincerely,



LINDA L. CHEW, Foreperson  
2010-2011 Contra Costa County Civil Grand Jury



A REPORT BY  
THE 2010-2011 CONTRA COSTA COUNTY GRAND JURY

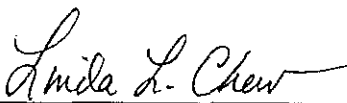
725 Court Street  
Martinez, California 94553

REPORT 1105

**Ethics and Transparency Issues in Contra Costa County**


APPROVED BY THE GRAND JURY:

Date: MAY 4, 2011

  
LINDA L. CHEW  
GRAND JURY FOREPERSON

ACCEPTED FOR FILING:

Date: 5/16/11

  
JOHN LAETTNER  
JUDGE OF THE SUPERIOR COURT

Contact: Linda Chew  
Foreperson  
(925)-567-9638

## Contra Costa County Grand Jury Report 1105

### **ETHICS AND TRANSPARENCY ISSUES IN CONTRA COSTA COUNTY**

**TO: Contra Costa County Board of Supervisors  
Contra Costa Local Agency Formation Commission  
Cities in Contra Costa County  
Independent Special Districts in Contra Costa County**

#### **SUMMARY**

Ethical behavior and transparency (openness) by public officials are essential to good government. Despite the fact that County officials receive ethics training, the Grand Jury has found instances of ethical breaches.

In some cases, there have been public accusations of ethical misbehavior and/or misrepresentation, charges of nepotism and cronyism, and allegations of long-term County mismanagement of a mitigation fund.

The Grand Jury believes that greater effort must be made to improve openness and accountability, to display more sensitivity to ethical considerations, and to be aware of any appearances of impropriety to the public.

#### **BACKGROUND**

Effective January 1, 2006, AB 1234 (Government Code Sections 53232, et seq.) required that local officials who receive compensation, salary, stipends, or expense reimbursements must receive training in public service ethics laws and principles. The requirement applies not only to the governing body of a local agency but also to members of commissions, committees, boards, or other local agency bodies, whether permanent or temporary, decision-making or advisory. Training must be renewed every two years.

According to the Fair Political Practices Commission and the California Attorney General, training regarding conflicts of interest, perquisites of office and governmental transparency should include the following:

(1) Laws relating to personal financial gain by public servants...

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- (A) Laws prohibiting bribery (Pen. Code, § 68)
- (B) Conflicts of Interest under the Political Reform Act (Gov. Code, §§ 87100, 87103).
- (C) Contractual Conflicts of Interest (Gov. Code, § 1090 et seq.).
- (D) Conflicts of Interest and Campaign Contributions (Gov. Code, § 84308).
- (E) Conflicts of Interest When Leaving Office (Gov. Code, §§ 87406.3, 87407).

- (2) Laws relating to claiming perquisites of office
- (3) Government transparency laws
- (4) Laws relating to fair processes

The Grand Jury has divided the remainder of this report into several sections. Each section contains its own findings and recommendations. An overall finding and recommendation has also been made that may apply to all agencies throughout the County.

**LAFCO: SOME MEMBERS OVERSTEPPING THEIR BOUNDARIES**

**BACKGROUND**

The Contra Costa Local Agency Formation Commission (LAFCO) reviews, approves, or disapproves changes in organization to cities and special districts including annexations, detachments, new formations and incorporations. Its members (commissioners) serve the entire county and are to be neutral decision makers. LAFCO commissioners are guided by a Commissioner’s Handbook which states:

“Government Code Section 56325.1 states that while serving on the Commission all members shall exercise their independent judgment on behalf of the interests of residents, property owners and the public as a whole.”

In May, 2010, two LAFCO commissioners addressed a developer-sponsored local ballot measure to extend the Urban Limit Line of the City of Brentwood. Prior to the election, these commissioners signed a public letter indicating that they were speaking not only as LAFCO spokespeople, but as representatives of the Contra Costa County Mayors’ Conference, their appointing agency. They stated that should Brentwood voters defeat Measure F, LAFCO could annex the land in question to Antioch. Further, certain other LAFCO commissioners, instead of speaking to these statements, chose to weigh in supportively on the **content** of the letter, when the matter was not before LAFCO. The measure failed, and both LAFCO and the Mayors’ Conference took some action to address this.

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LAFCO stated that its procedures do not allow for reprimand or removal of offenders, but inserted new language into the Commissioner's Handbook (1.4 Rules and Procedures – Section F.5) which details when a commissioner may act as a spokesperson.

The Mayors' Conference, while voting (12-4) not to remove the involved commissioners, issued an admonishment, and adopted an amendment to the Conference Policies and Procedures statement prohibiting individual positions from being expressed as representative of the will of the Conference. In its motion, the Mayors' Conference stated that it "is not in the business of taking issues on individual matters, especially when pitting one city against another."

The Grand Jury recognizes that some corrective actions have been taken. However, some LAFCO members weighed in favorably on the import of the letter. While LAFCO had the option to recommend removal to the offending members' appointing authority for "malfeasance of office" (Commissioner Handbook 1.2), it did not do so.

## **FINDINGS**

1. Some LAFCO members committed ethical breaches by indicating that they spoke on behalf of LAFCO and the Mayors' Conference on matters not before LAFCO.
2. Certain other LAFCO members weighed in inappropriately on the statements.

## **RECOMMENDATIONS**

1. All LAFCO members, including the public member, should receive regular training per AB 1234\*, on the LAFCO Commissioners Handbook with particular focus on LAFCO's mission statement and ethics, as well as the Updated Commissioner Representation policy (1.4 Rules and Procedures – Section F.5).
2. LAFCO should promptly consider appropriate action when a violation of its policies occurs.

### **\*AB 1234 - Local Officials Ethics Training Requirement**

The newest of these ethics training requirements applies to certain local public officials. While similar to the rules for state officials that have been in place since 1998, the rules applicable to local officials are different in content, including a requirement that these officials receive training not only in applicable ethics laws but also in ethics principles and agency rules.

## NEPOTISM ALIVE IN CEMETERY DISTRICT

### BACKGROUND

**Nepotism** is favoritism (as in appointment to a job) based on kinship.<sup>1</sup>

**Nepotism** undermines public trust by making government look like a family business run not for the community, but for the families in power.<sup>2</sup>

The Contra Costa County Board of Supervisors (BOS) makes appointments to certain special district boards. Each Supervisor recommends appointments for their respective district, after public notice of vacancy and interviews of applicants have been completed.

Recently, when a Supervisor's spouse sought an opening on the board of a small cemetery district, this notice and interview process was not initially followed. As a result, there was significant public reaction to the appearance of nepotism.

The spouse of one Supervisor sat on LAFCO, which regulates County boundaries. A prerequisite for this person's inclusion on LAFCO was being on the board of a special district. This person's current special district membership was ending soon and he sought a special district slot elsewhere.

In violation of California's Maddy Act (Gov. Code Section 54970-54974) the Clerk of the Board failed to advertise/post this opening to the public. As a result, several interested candidates were not considered or interviewed. The Supervisor self-recused and another Supervisor recommended appointment of the spouse. Ultimately, the BOS referred the process to an impartial outside panel, so as to avoid any real or perceived conflict-of-interest. The position was then advertised and applications from eight people were received.

After an interview process, a different individual was recommended by the special panel and was appointed by the BOS.

Subsequently, the BOS adopted an anti-nepotism policy that prohibits appointment by BOS members of relatives, domestic partners, and individuals with shared business interests to Boards, Councils, and Advisory Panels.

<sup>1</sup> Merriam-Webster Dictionary

<sup>2</sup> Robert Wechsler  
Director of Research, City Ethics  
<http://www.cityethics.org/node/811>

### FINDINGS

1. There was a failure to advertise/post the open position, in compliance with the Maddy Act.

2. The initial recommendation to appoint the spouse of the Supervisor for the open special district position was not consistent with the appointment procedure.
3. At a minimum, these improprieties created the appearance of nepotism.
4. The formation of an outside, impartial panel to interview and select an applicant was appropriate.
5. The adoption of a County anti-nepotism policy was proper.

## **RECOMMENDATIONS**

1. The County should adopt a policy requiring the formation of impartial selection committees in situations where there are conflicts of interest, real or perceived, that cannot be adequately addressed by a normal recusal process.

## **THE DECOMPOSING OF THE KELLER CANYON MITIGATION FUND**

### **BACKGROUND**

The Keller Canyon Mitigation Fund (KCMF) was established in 1992 to lessen the impacts of an East County landfill on roads, open space, and the surrounding community. Funds are generated through dumping fees and granted through an application process. Approximately \$14 million has been awarded over the past ten years.

In 2005, the BOS voted to eliminate the Finance Committee oversight of the KCMF. Since then the District Supervisor, the Supervisor's Chief-of-Staff, and a County employee comprise the KCMF Committee, and have had discretion in the awarding of grants. Eligible recipients of grants have expanded from those who were truly impacted by the landfill to any non-profit groups the KCMF Committee deems eligible.

In 2010, a group of concerned citizens complained about irregularities with the KCMF's operations. The group conveyed its concerns to various County agencies. Among these were:

- KCMF is being used illegally as a political "slush fund."
- KCMF lacks required grantee and management paperwork (applications, work plans, progress reports, etc.).
- Substantial expenditures are being made outside of the intent and guidelines of the KCMF, often without required BOS approval.

The Contra Costa County Auditor-Controller's office addressed the charges in its November 5, 2010, "Response to Allegations Concerning the Keller Canyon Mitigation Fund" Report (Auditor's report).

A fraud audit was not performed. However, it was determined that the "internal control environment of the KCMF is seriously deficient" and that because of this there is "a possibility of fraud and abuse". In addition, it was determined that over the last 10 years, \$634,372 was spent without required BOS approval, and that since 2005, when BOS Finance Committee oversight ended, the fund has had a deficit in each of the following years.

The Auditor's report detailed some problem areas with the fund and recommended, among other goals, restoring transparency, accountability, and public confidence in county governance with regard to the KCMF.

One recommendation calls for establishment of an ethics policy and training for KCMF Committee members. This recommendation, which "includes a recusal provision," seeks to eliminate numerous instances where KCMF Committee members also sit on boards of grantee organizations.

At the time this Grand Jury report was written, the BOS had instructed the Finance Committee to review the Auditor's Report and its recommendations.

## FINDINGS

1. Proper oversight of the KCMF by the BOS is lacking, which provides opportunity for impropriety.
2. The KCMF has distributed grants without the required applications, work plans, and follow-up reports.
3. The KCMF, as currently administered, is not transparent, and lends itself to a perception of being a "political slush fund," (defined as "A sum of money used for illicit or corrupt purposes, as for buying influence." (Webster's New Universal Unabridged Dictionary)).
4. Ethical concerns are raised when grants are awarded to organizations whose boards include members of the granting committee.
5. Despite the fact that \$14 million has been distributed over the past ten years, no annual report has been issued. At the time of the writing of this report, no County-linked website to the KCMF could be found.
6. Due to a lack of publicly available information about the KCMF, not all non-profit organizations, nor the public, are aware of the fund, its mission, and its processes, and thus are unable to benefit from it.

## RECOMMENDATIONS

1. The BOS should direct the County Administrator's Office to more closely monitor the KCMF activity and ensure compliance with BOS approval requirements, as well as application, work plan and performance reporting requirements.
2. The BOS should require training on and compliance with a County ethics policy for all KCMF Committee members.
3. An annual report for the KCMF should be issued, and a County-linked website should be established to clarify mission, application and selection process and requirements.
4. The BOS should consider re-establishing the Finance Committee oversight of grant awards.
5. The BOS should ensure that all County mitigation funds, or similar funds under the control of a single Supervisor, receive proper supervision.

## OVERALL FINDING

The Grand Jury finds that:

1. Avoiding the appearance of unethical behavior especially with regard to conflicts-of interest and nepotism, is crucial to public confidence in governance.

## OVERALL RECOMMENDATION

1. Each of the 19 cities, 28 independent special districts and the County should review and report to the Grand Jury on the adequacy of its:
  - a) nepotism policy;
  - b) conflict-of-interest policy; and
  - c) ethics training policy.

## REQUIRED RESPONSES

### LAFCO section

#### Findings and Recommendations

Local Agency Formation Commission

1, 2



**NEPOTISM section**

**Findings**

Contra Costa County Board of Supervisors 1-5

**Recommendations**

Contra Costa County Board of Supervisors 1

**KELLER CANYON section**

**Findings**

Contra Costa County Board of Supervisors 1-6

**Recommendations**

Contra Costa County Board of Supervisors 1-5

**Overall Finding and Recommendation**

**Finding and Recommendation**

Contra Costa County Board of Supervisors 1

**REQUESTED RESPONSES**

**Overall Finding and Recommendation**

**Finding and Recommendation**

The cities of: Antioch, Brentwood, Clayton, Concord, Danville, El Cerrito, Hercules, Lafayette, Martinez, Moraga, Oakley, Orinda, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon and Walnut Creek 1

**Independent Special Districts:**

Crockett Community Services District, Diablo Community Services District, Discovery Bay Community Services District, Kensington Police Protection and Community Services District, Knightsen Town Community Services District, Kensington Fire Protection District, Moraga-Orinda Fire District, Rodeo-Hercules Fire Protection District, San Ramon Valley Fire Protection District, Los Medanos Community Healthcare District, Mt. Diablo Healthcare District, West Contra Costa County Healthcare District, Byron-Bethany Irrigation District, East Contra Costa Irrigation District, Bethel Island Municipal Improvement District, Ambrose Recreation and Park District, Green Valley Recreation and Park District, Pleasant Hill Recreation and Park District, Rollingwood-Wilart Park Recreation and Park District, Byron Sanitary District, Central Contra Costa Sanitary District, Ironhouse Sanitary District, Mt. View Sanitary District, Rodeo Sanitary District, Stege Sanitary District, West County Wastewater District, Contra Costa Water District and Diablo Water District, Byron-Brentwood-Knightsen Union Cemetery District 1

## DISTRICT - NEW BUSINESS

4. General Manager Greg Harman will present to the Board the SDRMA Election Resolution (Kensington Police Protection & Community Services District Resolution 2011-012) and Ballot for discussion and possible Board action.

## SDRMA'S BOARD OF DIRECTORS ELECTION BALLOT INSTRUCTIONS

Notification of nominations for three (3) seats on the Special District Risk Management Authority's (SDRMA's) Board of Directors was mailed to the membership in January 2011.

On May 10, 2011, SDRMA's Election Committee reviewed the nomination documents submitted by the candidates in accordance with SDRMA's Policy No. 2011-02 Establishing Guidelines for Director Elections. The Election Committee confirmed that seven (7) candidates met the qualification requirements and those names are included on the Official Election Resolution and Ballot.

Enclosed is the Official Election Resolution and Ballot along with a Statement of Qualifications as submitted by each candidate. Election instructions are as follows:

1. The enclosed combined Official Election Resolution and Ballot must be used to ensure the integrity of the balloting process.
2. After selecting up to three (3) candidates, your agency's governing body must approve the enclosed Official Election Resolution and Ballot. **Ballots containing more than three (3) candidate selections will be considered invalid and not counted.**
3. The signed Official Election Resolution and Ballot MUST be sealed and received **by mail or hand delivery at SDRMA's office on or before 5:00 p.m. on Friday, September 16, 2011 to the address below.** Faxes or electronic transmissions are NOT acceptable. A self-addressed, stamped envelope is enclosed.

Special District Risk Management Authority  
Election Committee  
1112 "I" Street, Suite 300  
Sacramento, California 95814

5. The four-year terms for newly elected Directors will begin on January 1, 2012 and terminate on December 31, 2015.
6. Important balloting and election dates are:

**September 16, 2011 - Deadline for members to return the signed Official Election Resolution and Ballot**  
September 20, 2011 - Ballots are opened and counted  
September 21, 2011 - Election results are announced and candidates notified  
October 12, 2011 - Newly elected Directors are introduced at the SDRMA Annual Meeting/Breakfast to be held in Monterey at the CSDA Annual Conference  
November 2, 2011 - Invite newly elected Board members to attend SDRMA Board meeting (Sacramento)  
January 2012 - Newly elected Directors are seated and Board officer elections are held

Please do not hesitate to call SDRMA's Chief Executive Officer Greg Hall at 800.537.7790 if you have any questions regarding the election and balloting process.

**RESOLUTION NO. 2011-012**

**A RESOLUTION OF THE GOVERNING BODY OF THE  
Kensington Police Protection and Community Services District  
FOR THE ELECTION OF DIRECTORS TO THE SPECIAL DISTRICT  
RISK MANAGEMENT AUTHORITY BOARD OF DIRECTORS**

**WHEREAS**, Special District Risk Management Authority (SDRMA) is a Joint Powers Authority formed under California Government Code Section 6500 et seq., for the purpose of providing risk management and risk financing for California special districts and other local government agencies; and

**WHEREAS**, SDRMA's Sixth Amended and Restated Joint Powers Agreement specifies SDRMA shall be governed by a seven member Board of Directors nominated and elected from the members who have executed the current operative agreement and are participating in a joint protection program; and

**WHEREAS**, SDRMA's Sixth Amended and Restated Joint Powers Agreement Article 7 - Board of Directors specifies that the procedures for director elections shall be established by SDRMA's Board of Directors; and

**WHEREAS**, SDRMA's Board of Directors approved Policy No. 2011-02 Establishing Guidelines for Director Elections specifies director qualifications, terms of office and election requirements; and

**WHEREAS**, Policy No. 2011-02 specifies that member agencies desiring to participate in the balloting and election of candidates to serve on SDRMA's Board of Directors must be made by resolution adopted by the member agency's governing body.

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the Kensington Police Protection and Community Services District selects the following candidates to serve as Directors on the SDRMA Board of Directors:

(continued)



OFFICIAL 2011 ELECTION BALLOT
SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY
BOARD OF DIRECTORS

VOTE FOR ONLY THREE (3) CANDIDATES

Mark each selection directly onto the ballot, voting for no more than three (3) candidates. Each candidate may receive only one (1) vote per ballot. A ballot received with more than three (3) candidates selected will be considered invalid and not counted. All ballots must be sealed and received by mail or hand delivery in the enclosed self-addressed, stamped envelope at SDRMA on or before 5:00 p.m., Friday, September 16, 2011. Faxes or electronic transmissions are NOT acceptable.

- SANDY RAFFELSON
District Clerk, Herlong Public Utility District
EMERY ROSS
Director, Mariposa County Resource Conservation District
MIKE SCHEAFER
Director/Secretary, Costa Mesa Sanitary District
EDMUND K. SPRAGUE (INCUMBENT)
Board President, Ollvenhain Municipal Water District
ED GRAY (INCUMBENT)
Director, Chino Valley Independent Fire District
BETHZABE YANEZ
Board President, East Palo Alto Sanitary District
TERRY BURKHART
Board President, Bighorn-Desert View Water Agency

ADOPTED this \_\_\_ day of \_\_\_, 2011 by the Kensington Police Protection and Community Services District by the following roll call votes listed by name:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: APPROVED:

Handwritten mark

**Special District Risk Management Authority  
Board of Directors  
Candidates' State of Qualifications**

**This information will be distributed to the membership with the ballot, "exactly as submitted" by the candidates – no attachments will be accepted. No statements are endorsed by SDRMA**

Nominee/Candidate: Sandy Raffelson  
District/Agency: Herlong Public Utility District  
Work Address: 448-805 Pole Line Rd, P O Box 515, Herlong CA 96113  
Work Phone: (530) 827-3150 Home Phone: (530) 254-0234

Why do you want to serve on the SDRMA Board of Directors?

I think it would be a great experience to serve on the Board and I could give Northern California and Small District's a voice on the Board. I feel I would be an asset to the Board with my degree in business and my 25 years experience in accounting and auditing. I have audited small districts and know what they need and what they can afford.

I understand the challenges that small District face every day when it comes to managing liability insurance and worker's compensation for a few employees with limited revenues and staff. My education and experience gives me an appreciation of the importance of risk management services and programs, especially for smaller district's that lack expertise among staff because of not dealing with claims on a day to day basis to be proficient in it.

I feel I could be an asset to this Board and would love a chance to try.

What Board or committee experience do you have that would help you to be an effective Board Member? (SDRMA or any other organization)

I am currently the District Clerk for the Herlong PUD Board of Directors for the last 3 years, before that serving as the Secretary to the Board of Herlong Utilities, Inc. I worked directly with the formation of our District which included working for 2 separate Board's of Directors and the transfer of assets from a public benefit corporation to a special district. As part of the team that worked to form the District I was directly involved with LAFCo, Lassen County Board of Supervisors and County Clerk to establish the District's initial Board of Directors as well as the transfer of multiple permits and closure procedures from multiple agencies for the seamless transition of our District operations. I closed out the Corporation books and established the books for the District transitioning to fund accounting. I have also administered the financial portion of a large capital improvement project as well as worked on the first ever successful water utility privatization project with the US Army and Department of Defense. I also am the primary administrator of a federal contract for utility services with the Federal Bureau of Prison.

In the last 15 years I have served on several Boards in Logan and Lassen County. I have served 4 years on a Preschool Board that during that time the school purchase property and moved the Preschool to a better location, hired a new Director and 2 new teachers.

I have served as PTA President for 2 years for a private K-8<sup>th</sup> grade school. After resigning from PTA President, I accepted a Board member position for 4 years during which time we hired 1 principal and 2 teachers, purchased computer lab equipment enough for all student, upgraded water system in building and purchased insulated windows to keep children warm and heating cost down.

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**Special District Risk Management Authority**  
**Board of Directors**  
**Candidates' State of Qualifications**

I was nominated for Treasurer for Lassen County 4H Council, at which time I was also on several committees including Fair, Scholarship, Grant and Fundraising. I served as Treasurer for 3 years, paying all bills, reimbursing funds, making all deposits and did all bookkeeping for the Board. I also transformed the books from the 60's to the current age by setting the Council books up on a Bookkeeping Software and designing Financial Statements everyone could understand.

I am currently Lassen County Horse Show Manager for a 2 day horse show with over 100 classes. Also this is my 9<sup>th</sup> year putting together the Lassen County 4H/FFA Horse Show for the Community. This includes all fundraising/donations to run the shows, purchasing all awards, getting staff to help with shows, and managing the show on the event date.

What special skills, talents, or experience (including volunteer experience) do you have?

I have my Bachelors Degree in Business with a minor in Sociology. I have audited Small Districts for 5 years, worked for a Small District for 4 years and have 25 years of accounting experiences. I am a good communicator and organizer. I have served on several Boards and feel I work well within groups or special committees. I am willing to go that extra mile to see things get completed.

I believe in recognition for jobs well done. I encourage Incentive programs that get members motivated to participate and strive to do their very best to keep all losses at a minimum and reward those with no losses.

I have completed my Certificate for Special District Board Secretary/Clerk Program through CSDA and co-sponsored by SDRMA and California Special District Alliance. I have completed several of the SDRMA's Target Safety courses and CSDA courses. I am currently working on my completion of the CSDA Special District Leadership Academy and will complete these courses on April 28<sup>th</sup>, 2011.

I work for a District in Northeastern California that has undergone major changes from a Cooperative Company to a 501c12 Corporation, to finally a Public Utility District. I have worked with LAFCo to become a District. Through past experience I hope to make a great Board member representing the small districts of Northern California and their growing pains and make decisions that would help all rural/small districts.

What is your overall vision for SDRMA?

I appreciate the way the Board and staff has worked hard to make SDRMA programs affordable for small district and I would like to help continue in this direction. I would also like to grow the education program to help keep claims down and if claims are down than each district would benefit by less cost.

**I certify that I meet the candidate qualifications as outlined in the SDRMA election policy. I further certify that I am willing to serve as director on SDRMA's Board of Directors. I will commit the time and effort necessary to serve. Please consider my application for nomination/candidacy to the Board of Directors.**

Candidate Signature: *Sandy Raffelson* Date: 3/30/11

**Special District Risk Management Authority**  
**Board of Directors**  
**Candidate's Statement of Qualifications**

This information will be distributed to the membership with the ballot, "exactly as submitted" by the candidates – no attachments will be accepted. No statements are endorsed by SDRMA.

Nominee/Candidate    Emery Ross  
District/Agency      Mariposa County Resource Conservation District  
Work Address          5009 Fairgrounds Road, P. O. Box 746, Mariposa, CA 95338  
Work Phone            209-966-3431            Home Phone 209-852-2606

**Why do you want to serve on the SDRMA Board of Directors?**

- To gain more knowledge about the SDRMA and what factors affect the decisions it renders.
- To assist in maintaining SDRMA as a top-notch organization, from a Board member perspective.

**What Board or committee experience do you have that would help you to be an effective Board member? (SDRMA or any other organization)**

- Appointed to the Board of Directors of the Mariposa County Resource Conservation District in June 2010; served as an Associate Director for 1-1/2 years.
- Currently President of the Board of Directors of the Lake Don Pedro Community Services District; have served on the LDPCSD Board since 2008.

**What special skills, talents or experience (including volunteer experience) do you have?**

- 15 years experience working for a public agency with 250 employees where there was much exposure to risk management from all sides. During my years as a manager, worked with County District Attorney, judges and County Counsel.
- Work experience with family law firm.
- Independent columnist for local newspaper for past 7 years; ag editor.
- Cattle rancher in Mariposa County for past 18 years.

**What is your overall vision for SDRMA?**

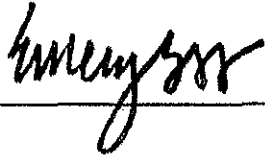
See SDRMA broaden its existing resource capability in the area of training for elected officials and special district staff in order to reduce future exposure.



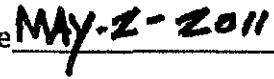
**Special District Risk Management Authority  
Board of Directors  
Candidate's Statement of Qualifications**

I certify that I meet the candidate qualifications as outlined in the SDRMA election policy. I further certify that I am willing to serve as a director on SDRMA's Board of Directors. I will commit the time and effort necessary to serve. Please consider my application for nomination/candidacy to the Board of Directors.

Candidate Signature

A handwritten signature in black ink, appearing to read "K. Meyer" or similar, written over a horizontal line.

Date

A handwritten date "MAY-2-2011" in black ink, written over a horizontal line.

**Special District Risk Management Authority  
Board of Directors  
Candidate's Statement of Qualifications**

This information will be distributed to the membership with the ballot, "exactly as submitted" by the candidates – no attachments will be accepted. No statements are endorsed by SDRMA.

Nominee/Candidate Mike Scheafer

District/Agency Costa Mesa Sanitary District

Work Address 1551-B Baker St, Costa Mesa, CA 92626

Work Phone 714-435-0300

Home Phone 714-549-4961

**Why do you want to serve on the SDRMA Board of Directors? (Response Required)**

I believe I have the qualifications and experience that enable me to assess the needs of Special Districts in risk management areas. I enjoy being able to help manage the risks of my customers, and would look forward to bringing that attitude and ability to Special Districts. I feel a commitment to serving a broad base of constituents and being able to provide a service if I can. Personally I enjoy examining the issues faced by Districts and then being able to provide help with solutions.

I believe serving on the SDRMA Board of Directors presents challenges and opportunities that will help me grow as a Director of my Special District.

**What Board or committee experience do you have that would help you to be an effective Board Member? (SDRMA or any other organization) (Response Required)**

Former and current Special District Director, former City Councilmember City of Costa Mesa. Active in Lions Clubs International as a Past District Governor and member of several local, state and international committees. Service on several non profit boards of directors: Boys and Girls Clubs, Little League Baseball, AYSO, Costa Mesa Senior Center, others. Have served as President of all boards that I have been a member of.

Former member of Western Insurance Information Service, having served as a public speaker for that organization. I hold a community college teaching credential in Insurance Education.

Former instructor for AD Banker, Insurance Education. Taught California pre licensing classes as well as California Department of Insurance Continuing Education classes.

Participant and speaker for the insurance industry in both Sacramento and Washington DC. Served as political liaison for State Farm Insurance.

**Special District Risk Management Authority  
Board of Directors  
Candidate's Statement of Qualifications**

**What special skills, talents, or experience (including volunteer experience) do you have?  
(Response Required)**

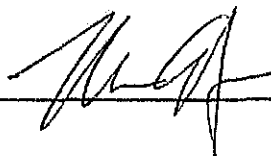
In almost every board that I have associated with I have been asked to take a leadership role, either on the board or as a speaker for that organization. I possess a skill in public speaking and interaction with people. I enjoy public speaking, especially for organizations and causes where I feel I can provide a service. I have years of volunteer experience in insurance, sports, youth activities, public service and other areas.

**What is your overall vision for SDRMA? (Response Required)**

I would look forward to continuing the excellent work that SDRMA currently does. I would like to be a part of expanding and marketing the work of SDRMA. As a Director I appreciate the need to manage the risk that we all face. My vision would be to continue that work, but look for ways to make sure that all Special Districts are aware of the service provided by SDRMA.

**I certify that I meet the candidate qualifications as outlined in the SDRMA election policy. I further certify that I am willing to serve as a director on SDRMA's Board of Directors. I will commit the time and effort necessary to serve. Please consider my application for nomination/candidacy to the Board of Directors.**

Candidate Signature \_\_\_\_\_



Date \_\_\_\_\_

4/11/11

**Special District Risk Management Authority  
Board of Directors  
Candidate's Statement of Qualifications**

**This information will be distributed to the membership with the ballot, "exactly as submitted" by the candidates – no attachments will be accepted. No statements are endorsed by SDRMA.**

Nominee/Candidate **Edmund K. Sprague**  
District/Agency **Olivenhain Municipal Water District**  
Work Address **1966 Olivenhain Road, Encinitas, CA 92024**  
Work Phone **(760) 753-6466** Home Phone **(760) 484-4404**

**Why do you want to serve on the SDRMA Board of Directors? (Response Required)**

I have made a career-long commitment to safety and risk management, as a firefighter since 1986, emergency planner since 1993, and president of Olivenhain Municipal Water District's Board of Directors for the last three years, to which I was recently named to another term as president. My experience developing oversight standards and risk management assessment programs across several public agencies, combined with 14 years of leadership experience, is invaluable to a greater understanding of the field of risk management and my ability to properly navigate challenges faced by those in the industry.

Thankfully, I have been able to share my extensive knowledge and give back to the community in my capacity serving the customers of OMWD. A founding member of SDRMA, OMWD's commitment to safety far exceeds simply meeting minimum requirements, and this commitment has been renewed annually by the Board of Directors as part of our "Safety Has No Quitting Time" program. We have taken advantage of the Target Safety program since its inception, and have found it a cost-effective and valuable tool in providing employees with the training that they need to continually operate as safely as possible. Board members and management also routinely attend SDRMA trainings and events. Our commitment has yielded an unmatched lost-time injury rate and an exceptional experience modification factor—among the best in the state—proving that SDRMA has acted wisely in rewarding agencies such as ours with discounted premiums. OMWD has invested its trust in SDRMA, and SDRMA has most prudently returned the favor.

SDRMA's commitment to safety and risk management is just as extraordinary as at OMWD, and my successful track record of managing risk across agencies and disciplines provides me with a unique opportunity to positively contribute to the guidance of an organization as committed to risk management as I am.

**What Board or committee experience do you have that would help you to be an effective Board Member? (SDRMA or any other organization) (Response Required)**

The lion's share of my board-level experience is as president of OMWD's Board of Directors. During my tenure, OMWD has responded to the economic crisis of the last several years by dedicating ourselves like never before to the efficient expenditure of public funds. The board enacted policies such as the "Holding the Line" program, a unique cost-containing initiative that recently earned CSDA's Innovative Program of the Year award. The Special District Leadership Foundation recognized OMWD as a District of Distinction based on our sound fiscal and administrative policies, also recognized by the Government Finance Officers Association of the US and Canada for Excellence in Financial Reporting. Further, I serve as an elected councilmember of the La Costa Heights School Site Council, which oversees budgets and planning for supplemental educational programs. I am proud of my successes in leading such fiscally prudent public organizations, and I look forward to sharing these same principles at SDRMA.

**Special District Risk Management Authority  
Board of Directors  
Candidate's Statement of Qualifications**

**What special skills, talents, or experience (including volunteer experience) do you have?  
(Response Required)**

Teamwork is critical when working together as a board, and I have proven as a member of Carlsbad Fire Department and OMWD's Board of Directors that my exemplary ability to work as part of a larger team is a valuable resource in pursuit of common goals. Compromise in the boardroom, however, is only effective when balanced with the ability to communicate one's informed position. This never-ceasing desire for maintaining my willingness to learn on behalf of my constituents is evidenced through my pursuit of a masters degree in Public Administration, as well as Special District Administrator certification through the Special District Leadership Academy. Just as important is sharing this knowledge with others; I ably convey lessons as a Battalion Chief with Carlsbad Fire, as a fire service instructor at Palomar College, as an Assistant Scoutmaster with Boy Scout Troop 2000, and as a volunteer with the Carlsbad Boys & Girls Club and Elfin Forest Recreational Reserve.

**What is your overall vision for SDRMA? (Response Required)**

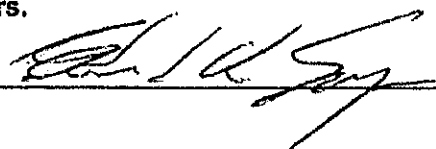
SDRMA is widely respected in the special district community for its commitment to risk management, insurance, safety, and service to its members. Even during my relatively brief tenure on OMWD's Board of Directors, I have witnessed SDRMA constantly striving to improve the services that it offers, and I hope to assist SDRMA in continuing and enhancing the level of service that it provides.

This is not to say that SDRMA shouldn't continue to explore opportunities to improve; streamlining of the CIP program by which to offer more competitive base-level premiums is one area that may be examined. Another area is ensuring that the package of services SDRMA provides is competitive with that of other providers; SDRMA may consider a program through which instructors visit job sites for specific trainings when a Target Safety module may not be sufficient.

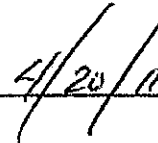
However, the groundwork for effective administration of SDRMA has clearly already been set by the board, and I hope to continue the strong tradition of exemplary service to its members.

**I certify that I meet the candidate qualifications as outlined in the SDRMA election policy. I further certify that I am willing to serve as a director on SDRMA's Board of Directors. I will commit the time and effort necessary to serve. Please consider my application for nomination/candidacy to the Board of Directors.**

Candidate Signature



Date





**Special District Risk Management Authority  
Board of Directors  
Candidate's Statement of Qualifications**

**What special skills, talents, or experience (including volunteer experience) do you have?  
(Response Required)**

After serving in the US Army, I enjoyed a lengthy career in law enforcement retiring in 2004 as a Police Lieutenant. I learned early in my career, that to be an effective individual and leader, it was important to actively listen to people; to seek understanding of all sides of an issue; and make decisions based on common sense and "rightness".

My experience as an elected official has broadened my knowledge and reinforced my belief that decisions must be made based on what is right, and not on what is a personal preference.

**What is your overall vision for SDRMA? (Response Required)**

I see SDRMA as continuing its' journey as a successful, effective and efficient service provider through innovation, right thinking and conservative business strategies. I can visualize the organization exploring other avenues of financial endeavors that will benefit our customers.

**I certify that I meet the candidate qualifications as outlined in the SDRMA election policy. I further certify that I am willing to serve as a director on SDRMA's Board of Directors. I will commit the time and effort necessary to serve. Please consider my application for nomination/candidacy to the Board of Directors.**

Candidate Signature Ed Gray Date April 21, 2011

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**Special District Risk Management Authority  
Board of Directors  
Candidate's Statement of Qualifications**

This information will be distributed to the membership with the ballot, "exactly as submitted" by the candidates – no attachments will be accepted. No statements are endorsed by SDRMA.

Nominee/Candidate Bethzabe Yanez

District/Agency East Palo Alto Sanitary District

Work Address 901 Weeks Street, East Palo Alto, CA 94303

Work Phone 650-325-9021

Home Phone

**Why do you want to serve on the SDRMA Board of Directors? (Response Required)**

I want to serve on the SDRMA Board because risk management is one of the most important challenges facing our agency today. I've been involved in public service in various capacities in my community for the past ten (10) years and I've come to understand the importance of transparency, accountability, and fiscal responsibility. Managing risk is crucial to the success or failure of any Public Agency.

**What Board or committee experience do you have that would help you to be an effective Board Member? (SDRMA or any other organization) (Response Required)**

I'm currently serving as Board President on the East Palo Alto Sanitary District Board of Directors. In my position, I'm responsible for agenda preparation and the conduct of Regular Board meeting. I also serve on the District Finance Committee responsible for approving all district warrants and advising District Management on issues coming before the board. In these positions I have learned the art of negotiations and compromise to get projects developed and implemented that serve the best interest of our community. If selected, I bring my skills and commitment to the SDRMA Board.



**Special District Risk Management Authority  
Board of Directors  
Candidate's Statement of Qualifications**

**What special skills, talents, or experience (including volunteer experience) do you have?  
(Response Required)**

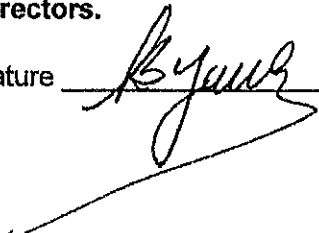
I offer the following skill set, that I feel will benefit the SDRMA Board if selected: Past President of the East Palo Alto YMCA, City of East Palo Alto Traffic & Transportation Commission, Board Member of the Mouton Mental Health Center, Owner Operator of Gaston & Betsy Catering Service. Also, I'm bilingual and have used my skills as an interpreter for various city agencies.

**What is your overall vision for SDRMA? (Response Required)**

I see the future of SDRMA as a primary source of education to member agencies leading the way in developing strategies that we can use to meet the risk management challenges of the future. While I believe the services currently being offered both crucial and important, I feel the ability to identify future agency needs and the education of member agencies is priority number one.

I certify that I meet the candidate qualifications as outlined in the SDRMA election policy. I further certify that I am willing to serve as a director on SDRMA's Board of Directors. I will commit the time and effort necessary to serve. Please consider my application for nomination/candidacy to the Board of Directors.

Candidate Signature



Date

4.26.11

Special District Risk Management Authority  
Board of Directors

Candidate's Statement of Qualifications

Nominee/Candidate: Terry Burkhart  
District/Agency: Bighorn-Desert View Water Agency  
Work Address: 622 Jemez Trail, Yucca Valley, CA 92284

**Why do you want to serve on the SDRMA Board of Directors?**

I believe my thirty four years experience in the insurance industry, primarily in agency commercial departments, can be of value to SDRMA. I enjoy working with my current Board of Directors and expect SDRMA to be interesting, challenging, and educational.

**What Board or committee experience do you have that would help you to be an effective Board Member? (SDRMA or any other organization)**

Currently I am President, Bighorn-Desert View Water Agency Board of Directors, in the second year of a two year term. Other Boards include Johnson Valley Improvement Association, nine years as board member or officer; Business and Professional Women (BPW), North Orange County BPW, board member and all offices; BPW Regional board – secretary.

Instructor for Insurance Educational Association for twelve years.

Completed Special District Leadership Academy

Completed Special District Institute three part course.

Committees: BDVWA – Planning, Legislative, Engineering, Grants & Security – chair

Various ad hoc committees: Reche Basin Recharge Project

Financial/Budget

Commissioner, Mojave Pipeline Commission

Representative to Mojave Water Agency Technical Advisory

Committee

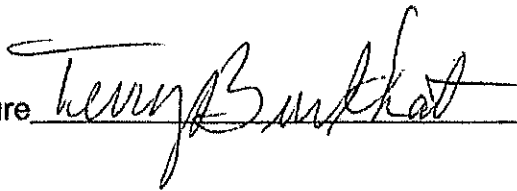
What special skills, talents or experience (including volunteer experience) do you have?  
34 years in insurance industry, much as agency Commercial Department Manager. Did policy analysis for risk management consultant for large international company. Experience noted above.

What is your overall vision for SDRMA?

The name speaks for itself: "Risk Management" must be the essential goal. Providing education to clients on avoidance of loss, mitigation of loss, as a means of achieving safety goals. Prompt response to client loss situations, working with the client to control/minimize loss, and where applicable prevent future loss is vital. Satisfied clients are apt to pay more attention to loss prevention information provided them.

I certify that I meet the candidate qualifications as outlined in the SDRMA election policy. I further certify that I am willing to serve as a director on SDRMA's Board of Directors. I will commit the time and effort necessary to serve. Please consider my application for nomination/candidacy to the Board of Directors.

Candidate Signature



Date

4-29-2011

## DISTRICT - NEW BUSINESS

5. Director Cathie Kosel will present to the Board a proposal that the District enroll in "Crimereports.com". This item was placed on the May 13, 2010 agenda and did not receive a second motion to approve. Possible Board Action.

## Greg Harman

---

**From:** Cathie Kosel [ckosel@sbcglobal.net]  
**Sent:** Wednesday, June 01, 2011 3:54 PM  
**To:** 'Greg Harman'  
**Cc:** 'Charles Toombs'; marimetcalf@gmail.com; 'Richard Lloyd'; 'LINDA LIPSCOMB'  
**Subject:** Agenda Item: Accountability  
**Attachments:** CrimeReports Info.pdf; CrimeReports Map.pdf

Greg: This is an agenda item. There are two attachments that should be included. Thanks! Cathie

Propose that KPPCSD enroll in crimereports.com

As a measure of accountability of the police department to the public and to the KPPCSD board of directors, and as a measure of accountability of the board of directors to the public, it is proposed that we enroll in crimereports .com

Partnering with thousands of law enforcement agencies across North America, CrimeReports is the premier crime map and anonymous tip network in North America. The CrimeReports network offers a family of tools that includes everything you need to provide – and manage – crime information to the public.

It is used throughout the United States and a super majority of cities in Contra Costa County is enrolled. A monthly recap of incidents in the Outlook is not timely or sufficient.

The Windsor Avenue resident who claimed that it infringes on privacy is inaccurate; Sgt. Hull and I could not verify her assertion and Brandon Hess of CrimeReports assures that no names or specific addresses are used.

The cost is approximately \$588 per year.

***Cathie Elaine Kosel***  
 Real Estate Sales Since 1979  
 DRE #R00712617

*Coming together is a beginning; keeping together is progress; working together is success.*

\*\*\*\*\*CONFIDENTIALITY NOTICE\*\*\*\*\*

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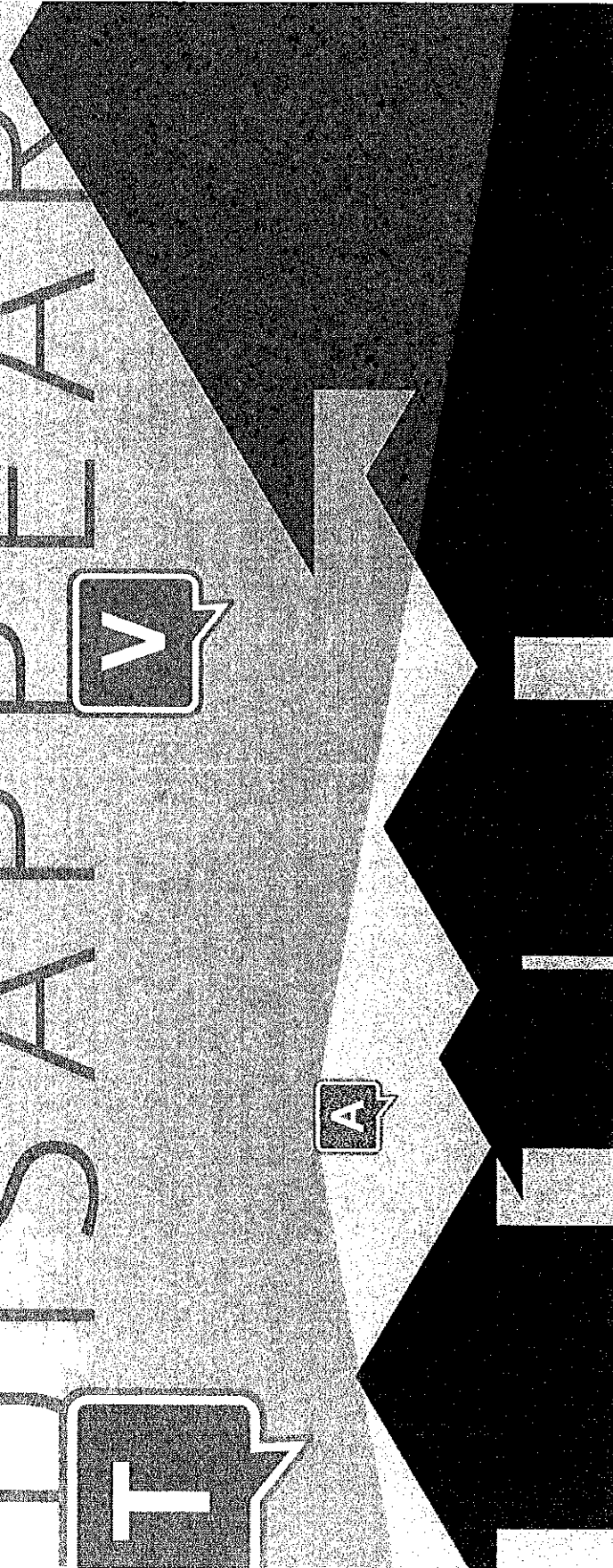
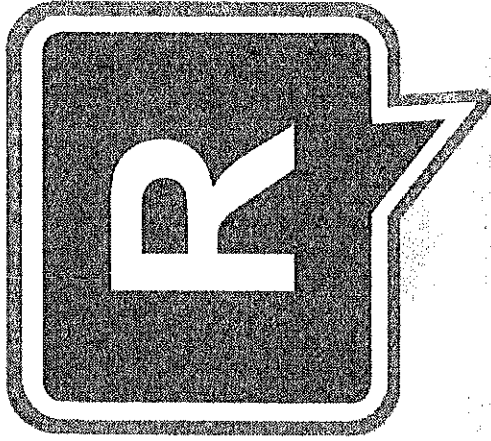
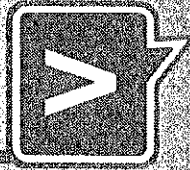
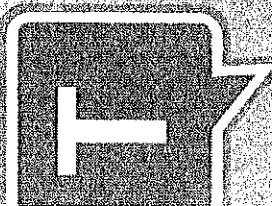
6/2/2011

101



PUT CRIME ON THE MAP  
AND WATCH IT

DISAPPEAR

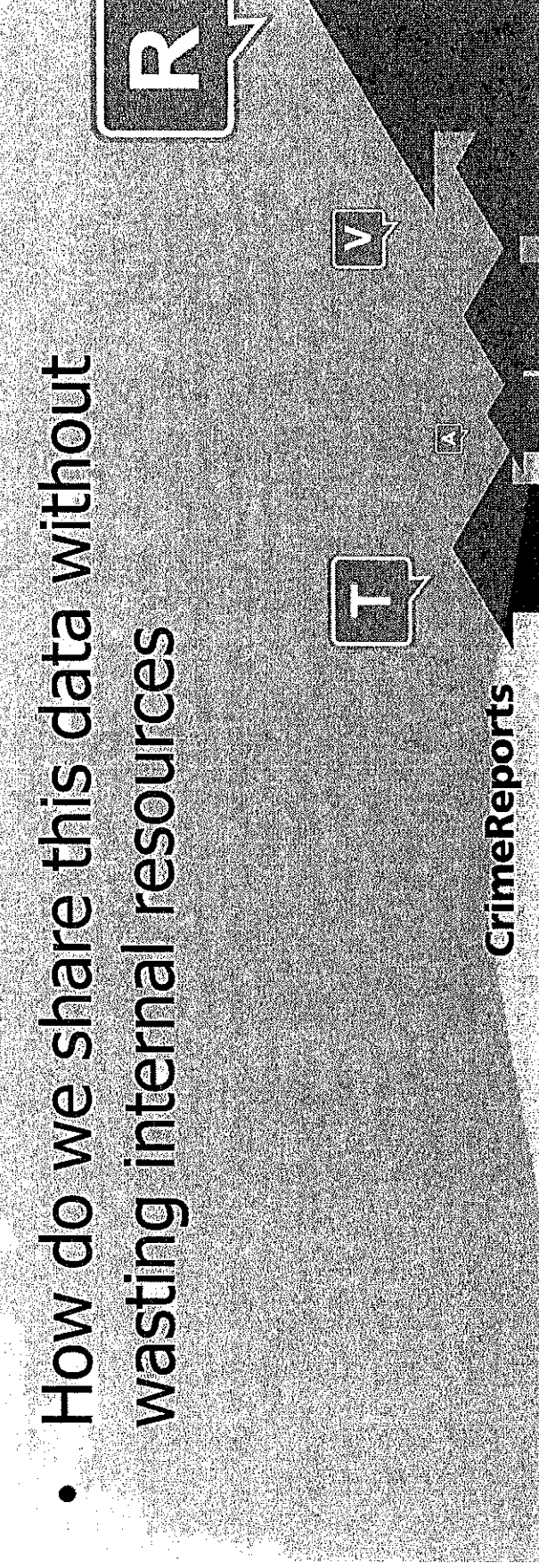




With the increasing pressure for law enforcement to share data...

...it all comes down to 2 questions:

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CrimeReports makes it simple and easy for your department to share timely and important local crime data with citizens, activists and other community organizations.

- Largest public facing crime mapping network in North America
- 950+ agencies signed up in the last 2 ½ years
- Adding 50+ agencies each month
- Crime map currently covers 25% of US population
- Last year we mapped over 10,000,000 crimes across North America
- Seamless, secure CAD/RMS interface
- Up and running in 24 hours

**CrimeReports**







## Highlights for Community:

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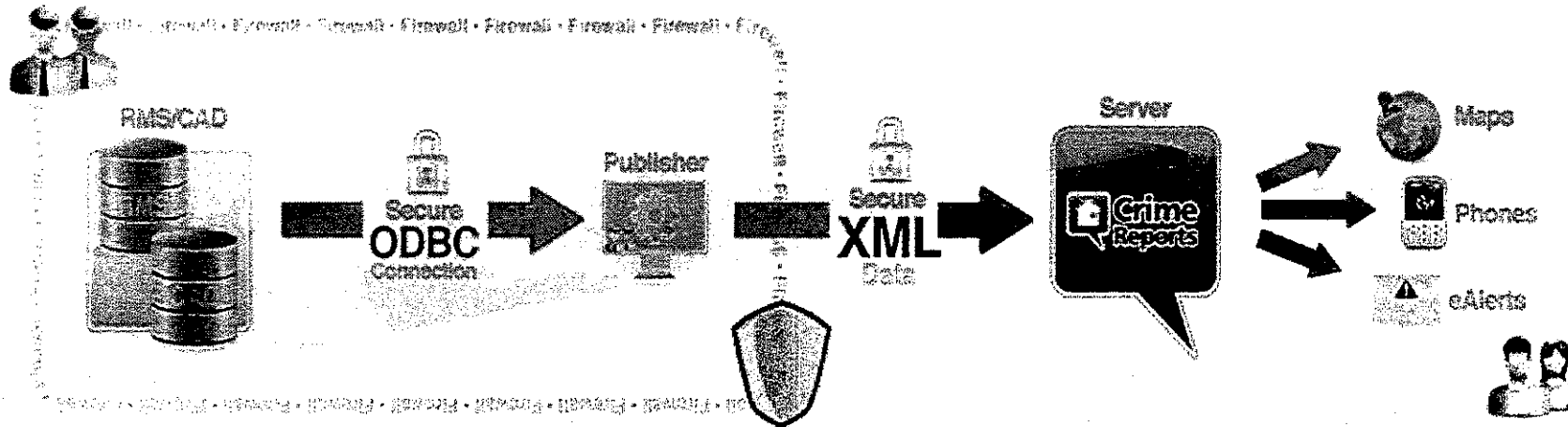
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- Free map widget for your agency website

**CrimeReports**



# How Does It Work:



- Leverage your department's existing Records Management System
- No additional report writing or data management required
- Data is completely controlled by department

CrimeReports



Safer communities. One neighborhood at a time.

Get started now

My address:

Boston, MA

Search

Terms of use

Submit a tip about a crime. ▶

18 Crimes shown

Days: 3 7 14 30

Games

Hide Sex Offenders

Show Neighborhoods

Map Satellite Hybrid Terrain

Crime Details

What's Happening

Traffic

10/27/2010

ARCH ST & MILK ST

Identifier: 100582158

Time: 07:22:00

Time: 7:22 AM

M/V Accident

Agency: Boston Police Department

SEND TO FRIEND

CrimeReports

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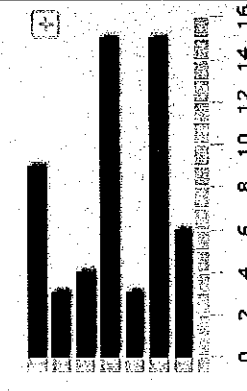
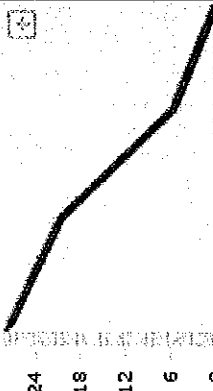
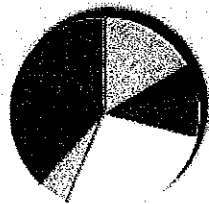
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55 Crimes shown

Days: 3 7 14 30

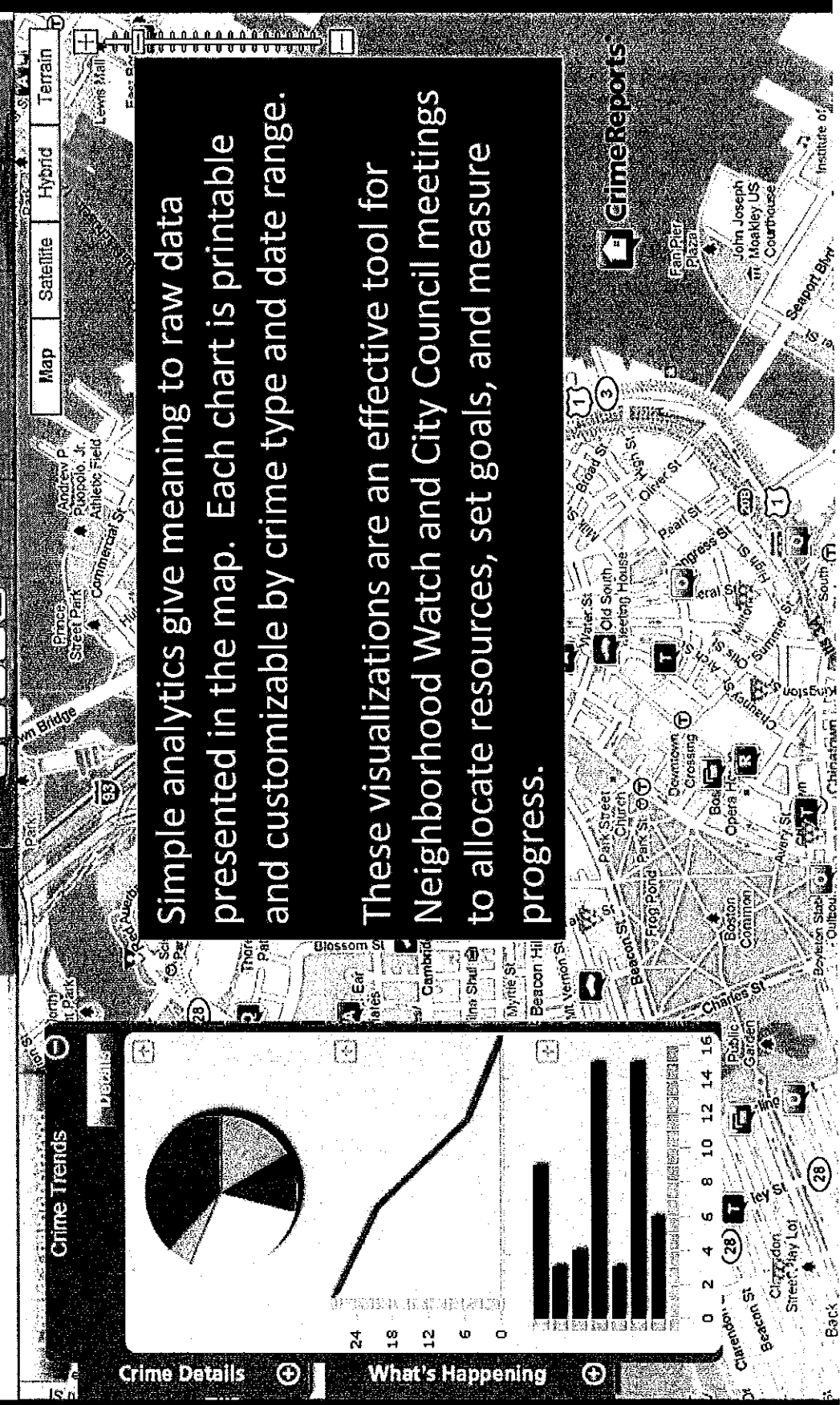
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### Crime Trends



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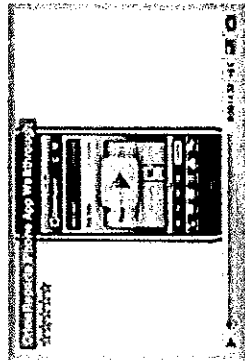
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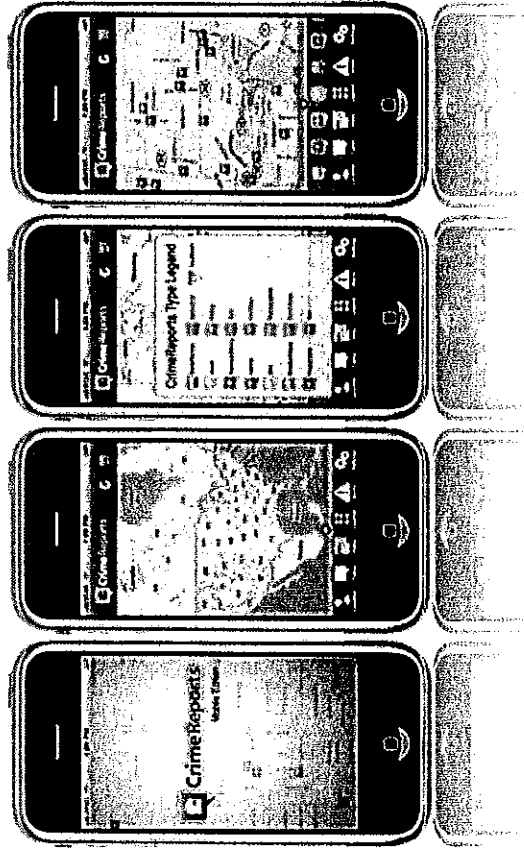
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[Download iPhone App](#)

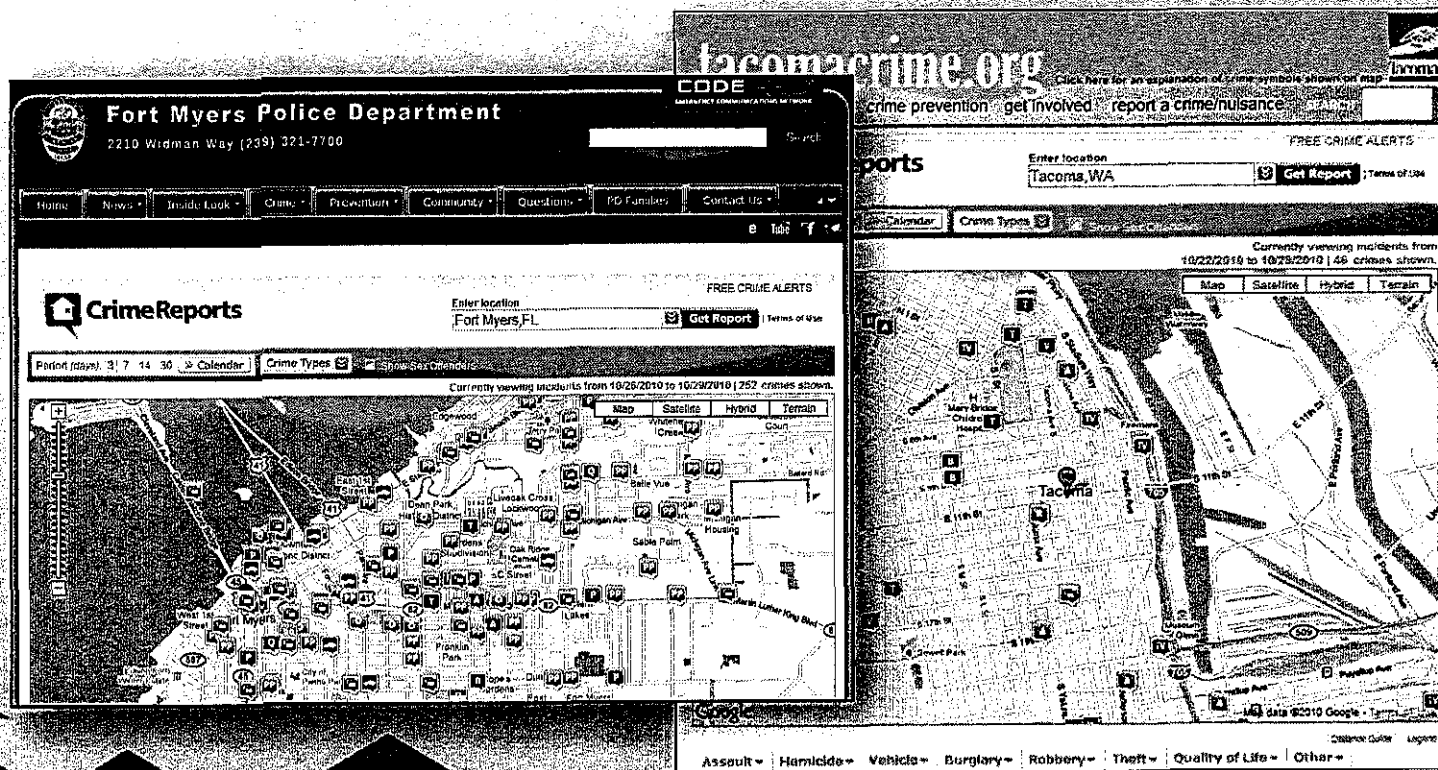


Set up email alerts right from iPhone

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- Ready-to-use Crime List and Map link for department's web site
- Increase citizen satisfaction by providing searchable, sort able crime lists and maps available from the department's web site
- Easy-to-understand crime reports and maps available to citizens 24/7/365





CrimeReports.com  
Customer  
Success Story

**Location:**

Chelmsford, Mass.  
Police Department

**Population:**

38,000 Citizens

**Challenge:**

- Provide citizens with accurate information
- Avoid impacting budget for other important programs

**Solution:**

- Automated, accurate public crime mapping
- Low cost, so community organization can fund it for the department



# Crime Reports

*CrimeReports "has helped us to educate the public about crime in the area in an easy-to-use format where they can just go to the website, type in the address, and get the information."*

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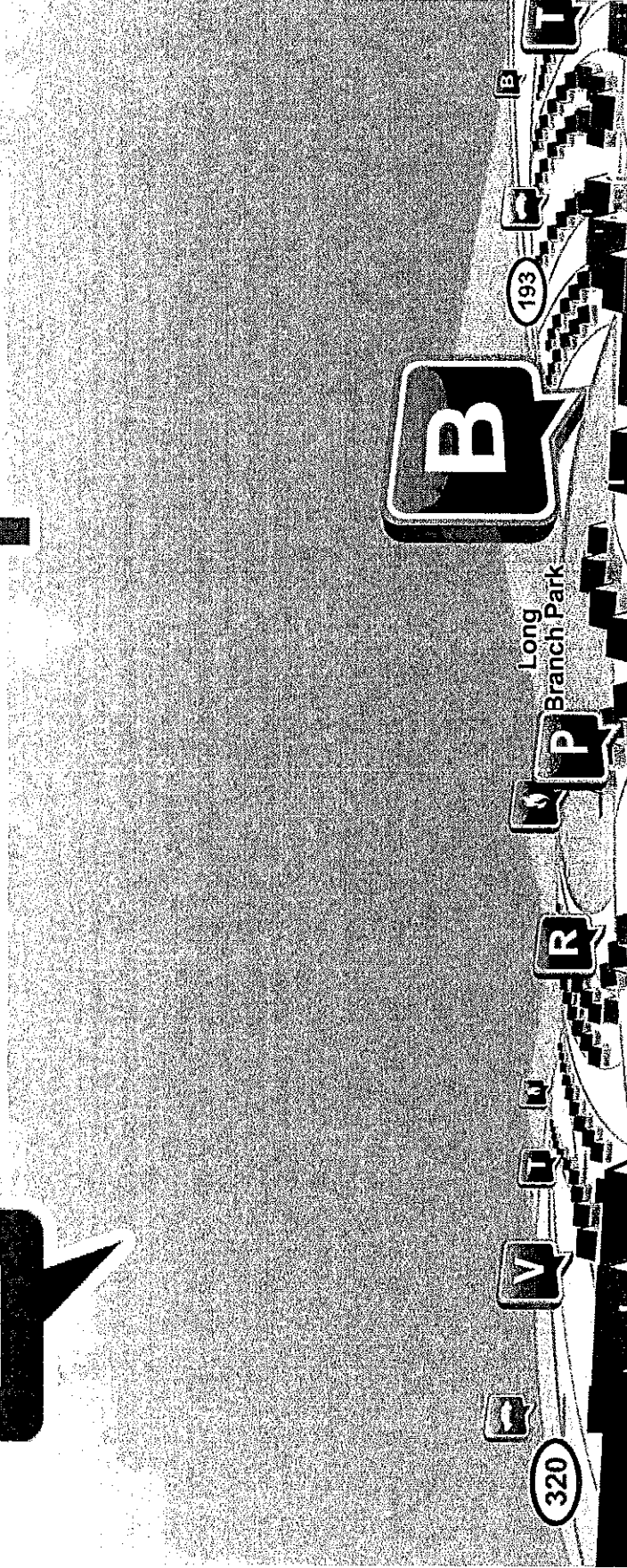
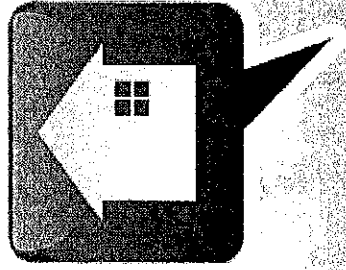
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How to get started with...

# Crime Reports



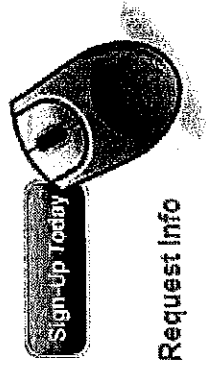


# Join the Crime-Mapping Largest Crime-Mapping Network in the World!

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Get on the map today, and publish your crime data in as little as 24 hours.



### Request Info

Name

Phone

Email

Agency



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Which product(s) do you wish to use?

Choose your Product(s):

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Check the CrimeReports Box



Continue to fill out down the page

### Your Information - Required

First Name:

Keyword 2:

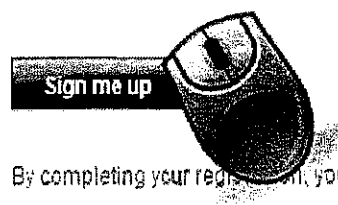
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\*Your SMS keyword is what routes the tip to your account in our system.  
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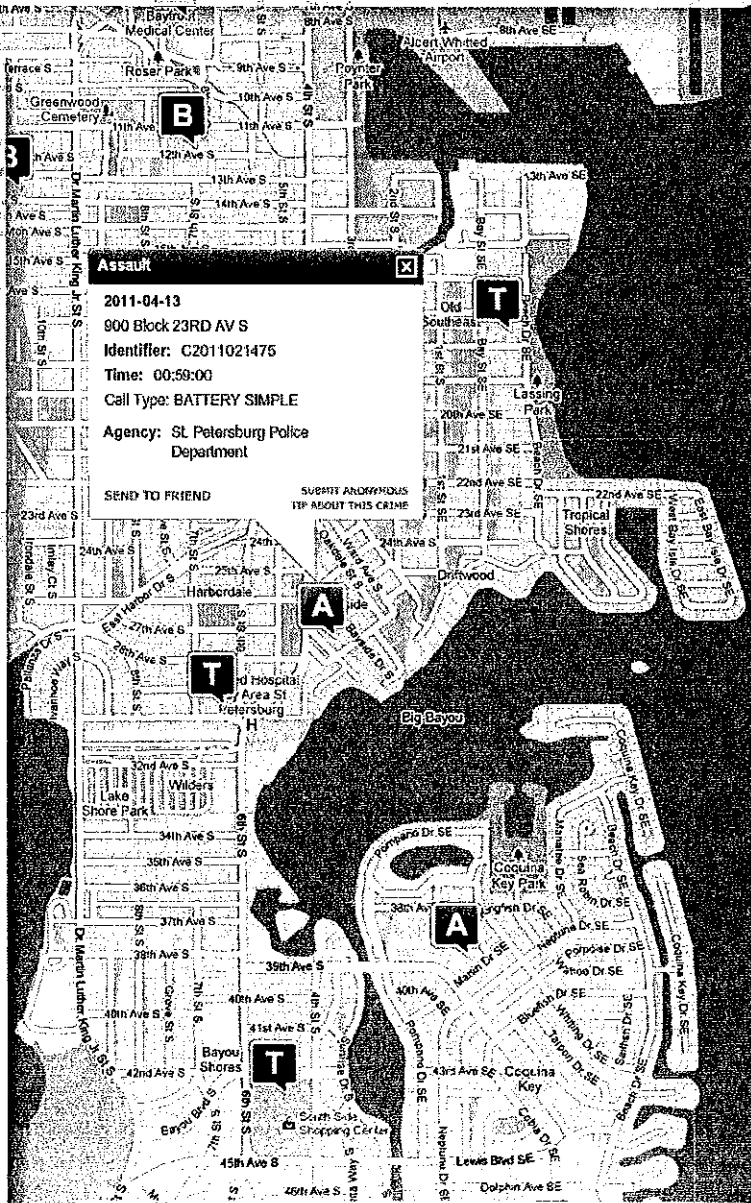
# PUT CRIME ON THE MAP AND WATCH IT DISAPPEAR.

This isn't your ordinary crime map. CrimeReports is a two-way communication tool that allows you to engage the public in preventing, solving and reducing crime.

Getting crime on the map is only the beginning. Use the full power of citizen involvement in cleaning up crime in your community.

- Inform the public about when and where crime is happening in the community using the easy-to-use Google Maps tool
- Updates daily to keep agency-provided information fresh and accurate
- Free neighborhood crime updates and agency alert communications delivered free to citizens email
- Seamlessly integrate anonymous tipping tool into the crime information on the map
- Quick, easy installation
- No new software, no new infrastructure, no maintenance costs, no update costs

Turn over for a quick product tour.



**ASSAULT**

2011-04-13  
 900 Block 23RD AV S  
 Identifier: C2011021475  
 Time: 00:59:00  
 Call Type: BATTERY SIMPLE  
 Agency: St Petersburg Police Department

SEND TO FRIEND

SUBMIT ANONYMOUS TIP ABOUT THIS CRIME

FOR MORE INFORMATION CALL  
**888-888-CRIME**  
 CRIMEREPORTS.COM

# CrimeReports®

AT A GLANCE

**DATA PROVIDED BY**  
See which agencies are providing crime data on the map.

**SEARCH BOX**  
Enter a city, zip code, or specific address and click Search.

**DATE RANGE**  
Choose a preset number of days, or choose a date range by clicking the calendar.

**EMAIL ALERTS**  
Click here to receive free email alerts of crime in your area.

**SUBMIT A TIP**  
Click to submit an anonymous crime tip to your local law enforcement agency.

Current view data provided by: St. Petersburg Police Department

17 Incidents shown

Print this map view

**PRINT**  
Print the crime detail list.

**INCIDENT LAYERS**  
Check the box to choose which incidents show on the map and to turn on/off sex offender information.

**MAP LAYERS**  
Click to see neighborhoods or official law enforcement areas.

**GOOGLE MAPS CONTROLS**  
Zoom in and out. Toggle between views.

**MARKER**  
Click an incident marker to see more details about the crime. Send an anonymous tip about this crime.

**INCIDENTS**  
See the details of incidents on the map, including crime type, date, and location.

**Sort**  
Sort crime in the list by type, date, or distance from the center of the map.

Crime	Date
Assault	2011-02-21
4TH AVE N K 8TH ST N	
Assault	2011-02-21
1000 Block DR MARTIN L...	
Breaking &...	2011-02-21
100 Block 2ND AV S	
Theft from V...	2011-02-21
100 Block 23RD ST N	
Theft	2011-02-21
200 Block DR MARTIN L...	
Theft from V...	2011-02-21
1000 Block 10TH ST N	
Theft	2011-02-21
200 Block BURKINSON	
Theft of Vehi...	2011-02-21
2000 Block 4TH AV N	
Theft of Vehi...	2011-02-21
100 Block 2ND AV N	
Assault	2011-02-21

**PRINT**  
Print the current map view

**MESSAGE CENTER**

**MESSAGE INBOX**  
See messages and alerts sent by the agency and replies.

**MESSAGE TYPES**  
Choose from three different message types to the public.

**ATTACH IMAGES**  
Attach multiple images to any type of message.

**POST ALERTS TO TWITTER™ AND FACEBOOK™**

**AGENCY PAGE**

**AGENCY NAME**  
Send users directly to your agency page with a custom URL.

**CUSTOMIZE THE MAP**  
Show only your crime. Set default date range, crime types and layers.

**ALERT FEED**  
Show most recent alerts sent out through message center.

**LINKS**  
Show custom information and/or link to external websites.

FOR MORE INFORMATION CALL  
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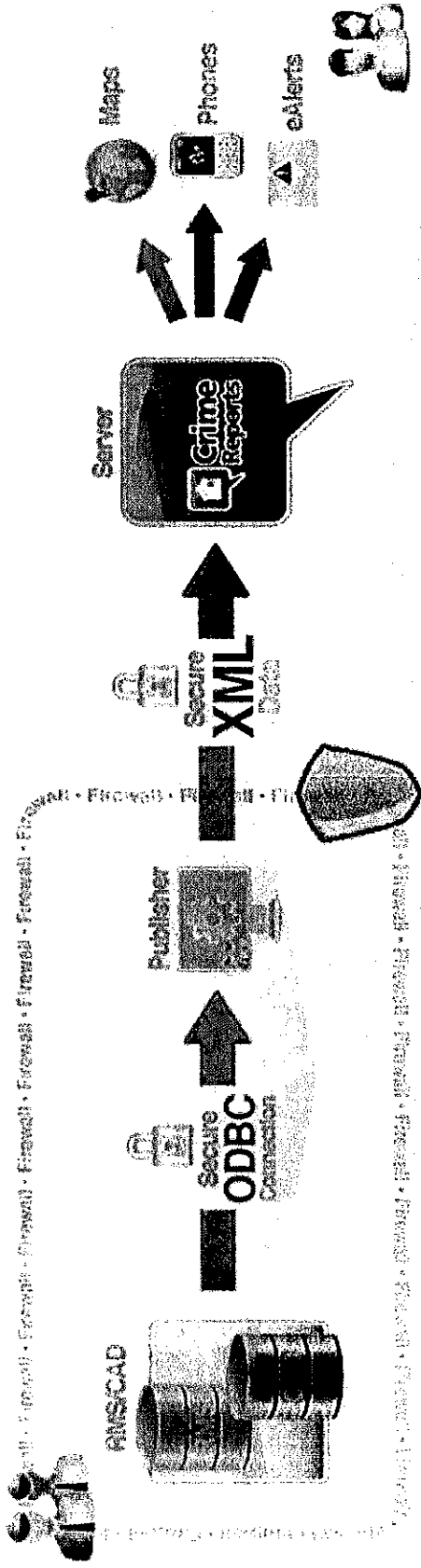
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**CrimeReports**





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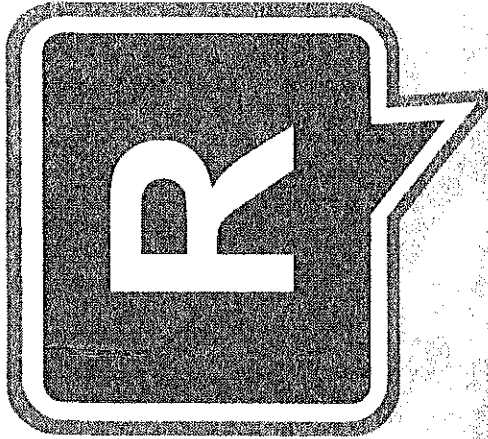
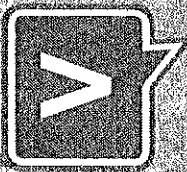
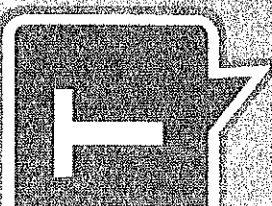






PUT CRIME ON THE MAP  
AND WATCH IT

DISAPPEAR

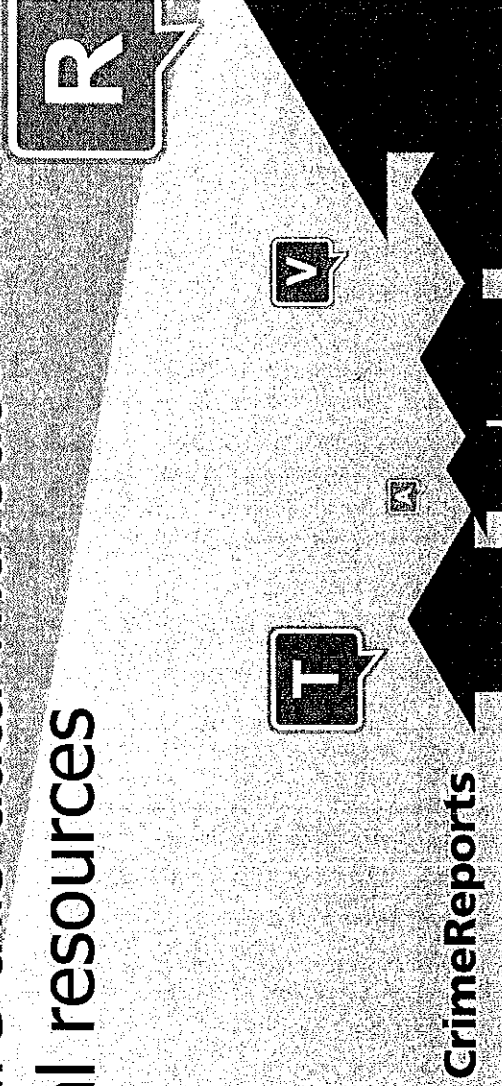




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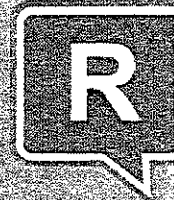




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My address: Boston, MA

Search

Terms of use

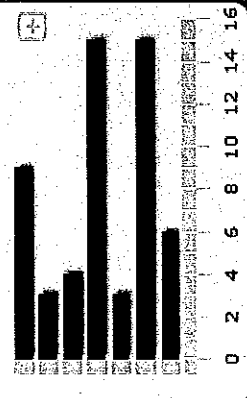
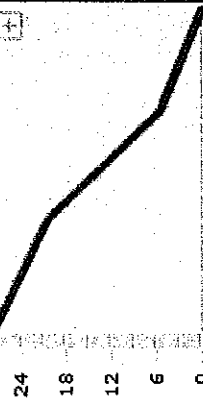
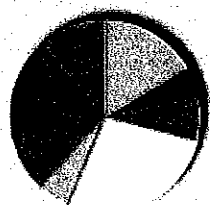
Submit a tip about a crime.

66 Crimes shown

Days: 3 7 14 30

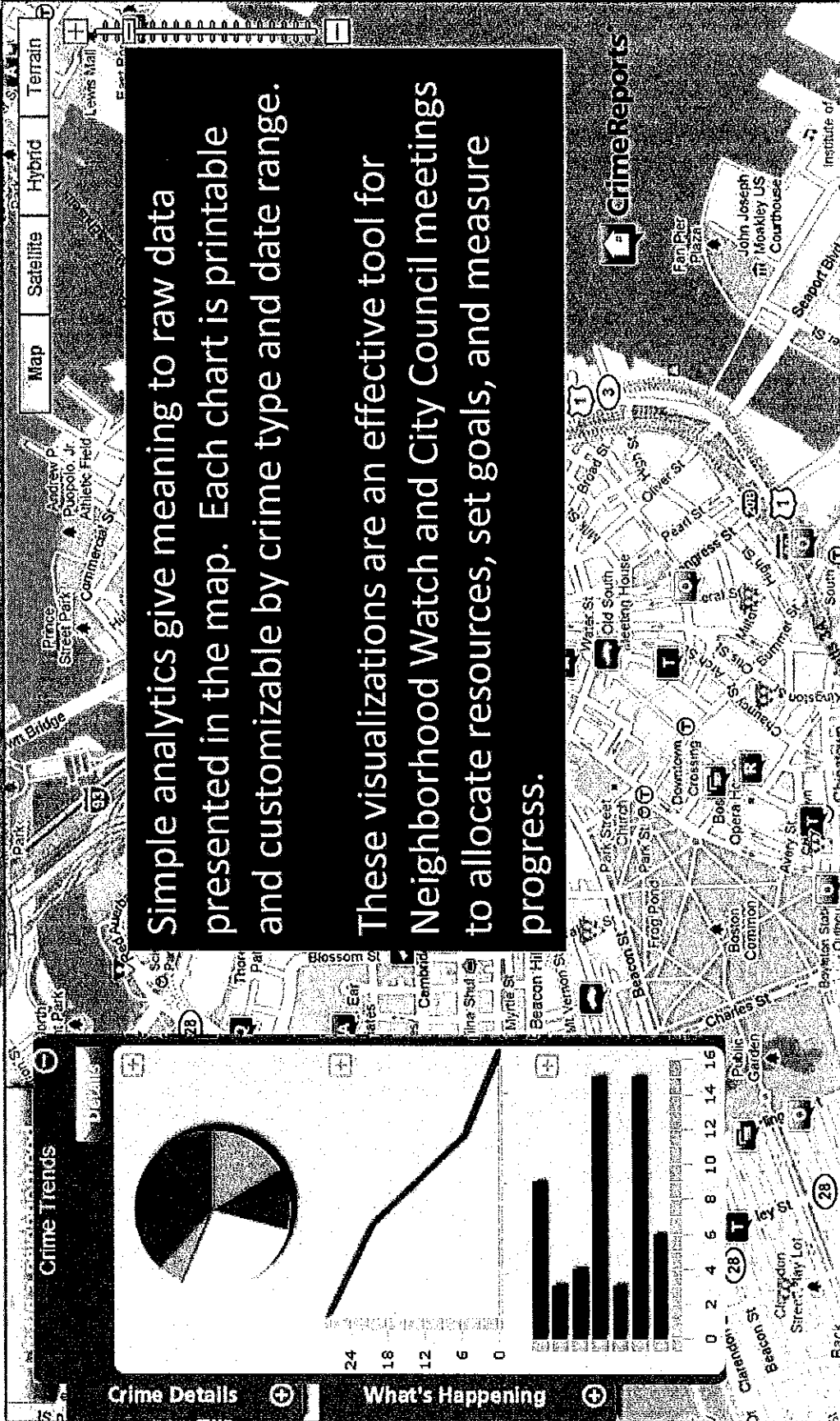
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Crime Trends



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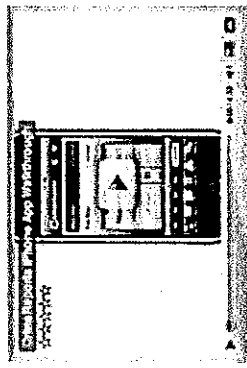
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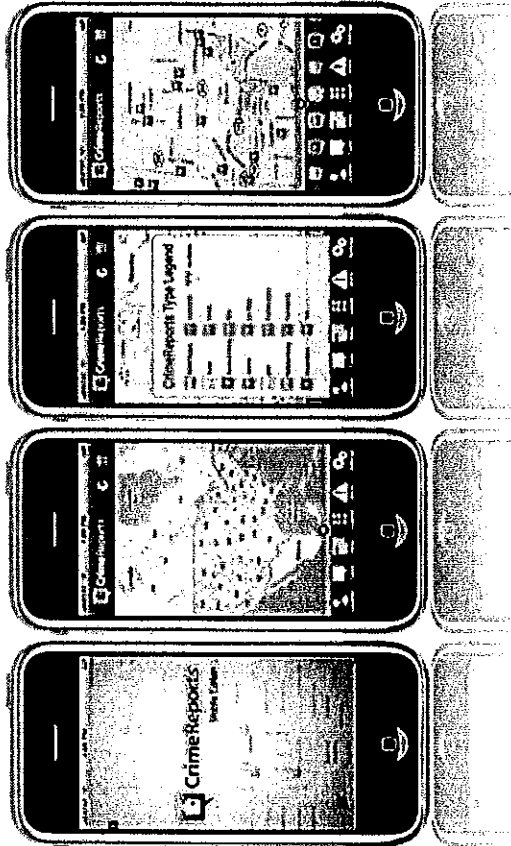
FREE on iTunes

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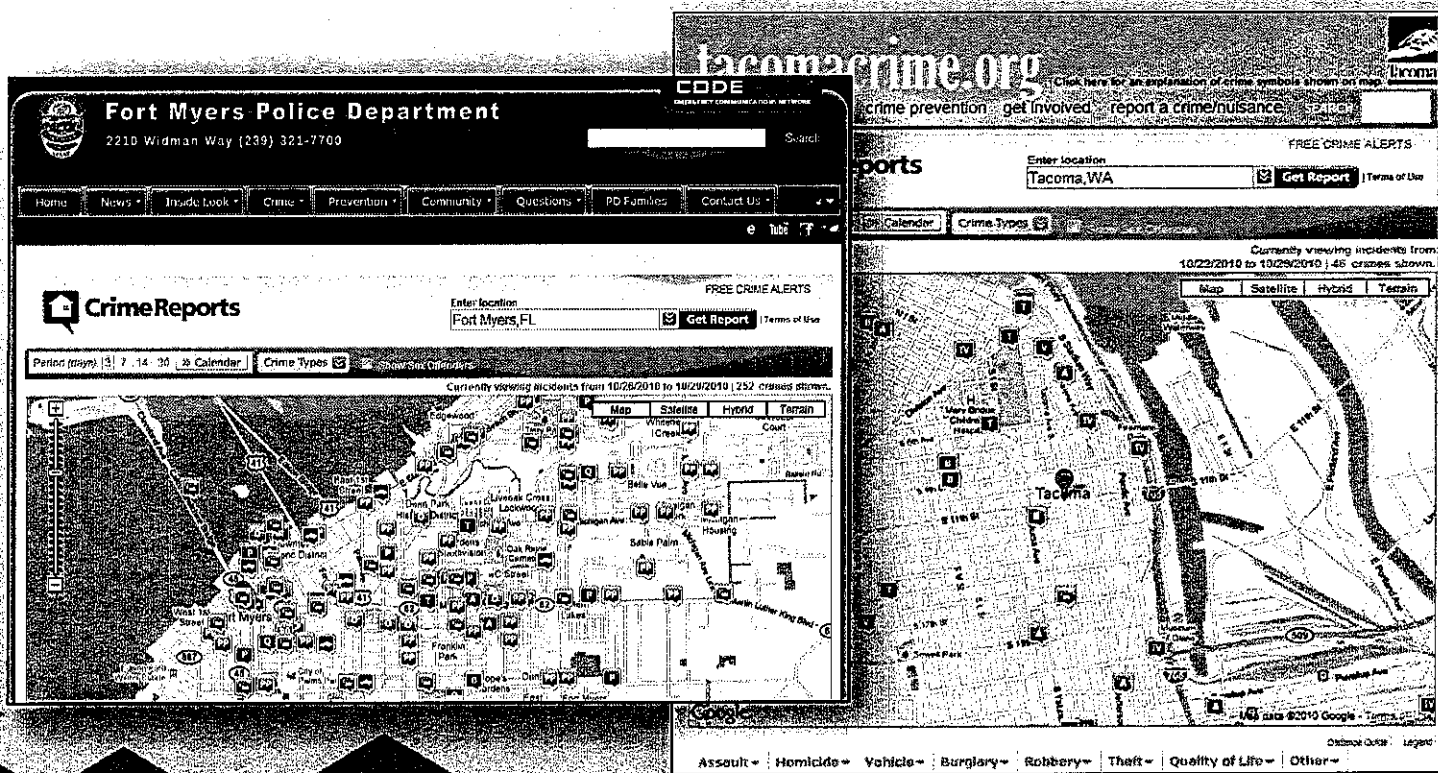


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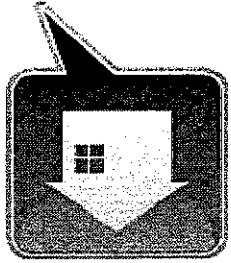
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CrimeReports.com  
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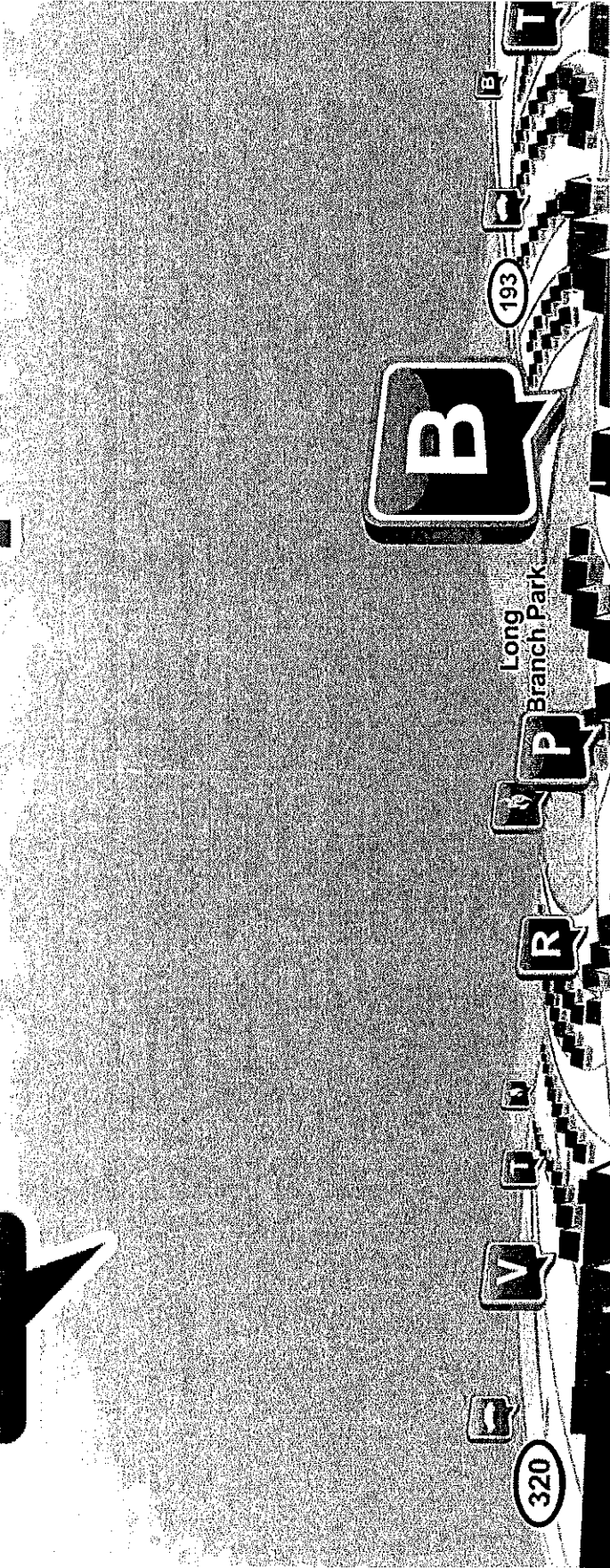
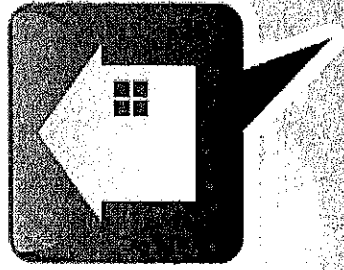
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# Crime Reports



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Request Info

Name  Email

Phone  Agency

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Continue to fill out down the page

### Your Information - Required

First Name:

Keyword 2:

Keyword 3:

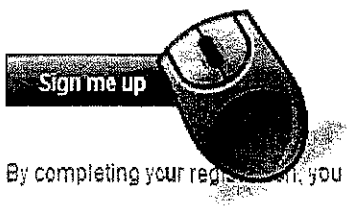
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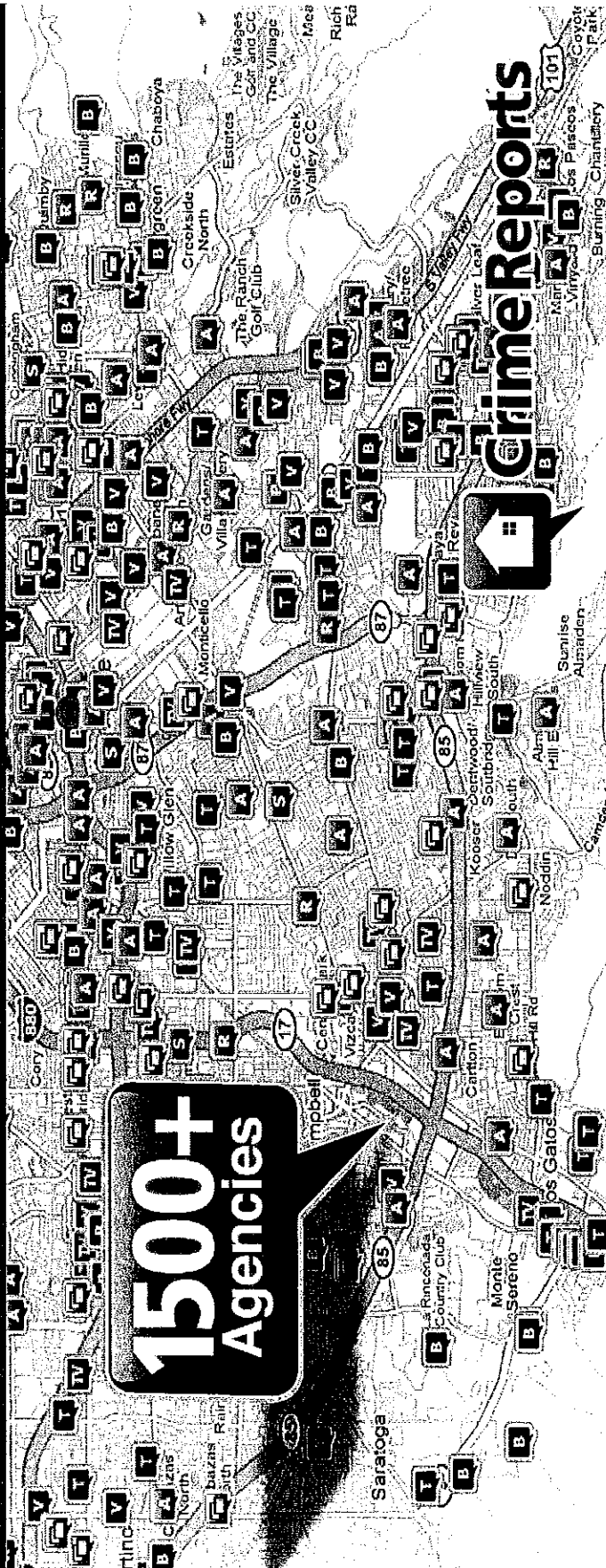


By completing your registration, you agree that you have read and agree to the [Terms of Service](#).

31

# GET ON THE MAP

CLICK HERE to go online and get started



## DISTRICT - NEW BUSINESS

6. Director Cathie Kosel will present to the Board for a first reading suggested changes to the current Board Policy Manual regarding the nature and form of the employment evaluation for Chief Harman. Possible Board Action.

**Greg Harman**

**From:** Cathie Kosel [ckosel@sbcglobal.net]  
**Sent:** Thursday, May 26, 2011 12:36 PM  
**To:** Charles Toombs  
**Cc:** gharman@kensingtoncalifornia.org; marimetcalf@gmail.com; Richard Lloyd; LINDA LIPSCOMB  
**Subject:** RE: Evaluation policy

Regarding agenda item for employee evaluation.

The KPPCSD Policy #2000.25 and the attachment provided to directors this week have significant shortcomings. In order that KPPCSD may approach professional standards of employment evaluation, it is suggested that the KPPCSD Policy #2000.25 be amended to include the following aspects: measurable goals and objectives, anonymous employee surveys, and exit interviews of former employees.

The present instrument has many similarities to evaluation systems used in some large corporations with some significant exceptions.

- 1) Probably the most important part is not included in the package: **the agreed-to goals for the GM/COP for the past year.** I understand that these can change monthly based on the required meetings between the President of the Board and the GM/COP.
- 2) Are there "District goals reflective of District priorities" (Phase I Annual Performance Goals: page 3)? I looked for some on the Web site, but didn't find them. If they exist, **shouldn't they be public?** If they don't exist, then perhaps this paragraph should be edited.
- 3) **Assuming District goals and priorities exist, they should be linked to the goals for the GM/COP so that at least the priorities of the District and Board are clear.**
- 4) I've been evaluated and have evaluated others based on core competencies and job dimension elements, but NOT NINE General Dimensions and 72 sub-factor dimensions. **Three or 4 General and 1-2 sub-factors for each general dimension might be more reasonable IF each had measureable criteria.**
- 5) The main problem with the 9 and the 72 is that there are **NO indications for how each of these will be measured**, with a few exceptions (administers the Board calendar...). As a result, **each director is being asked to provide a quantitative evaluation (1 to 5) for which there are absolutely no quantitative, measureable criteria**, and produce 72 of these evaluation numbers. Granted, some may not need measureable criteria (e.g., Carries out directives of the Board...), but then examples of successful completion would be useful.

- 6) **The final product of this evaluation will be more individual, intuitive, impressions (gut feelings) translated somehow into numbers which are then added and averaged.** (If there are District Goals and District Priorities, some of the 9 General Dimensions might be weighted more than others).

In summary, **the evaluation instrument needs District goals and priorities; it needs agreed to goals for the GM/COP and the agreed to measurement of each of those goals.** Finally, it needs a measureable criterion for each of the 72 sub-divisions.

Additionally, **it is standard operating procedure in professional employee evaluations to include anonymous survey evaluations from current employees and to include exit interviews of former employees conducted by the BOD.** It is suggested that the KPPCSD move to become more professional by adopting these procedures which will increase accountability of the GM/COP to the board and accountability of the board to the public.

**From:** Charles Toombs [mailto:[cet@mcinerney-dillon.com](mailto:cet@mcinerney-dillon.com)]  
**Sent:** Thursday, May 26, 2011 10:13 AM  
**To:** Cathie Kosel  
**Cc:** gharman@kensingtoncalifornia.org  
**Subject:** RE: Evaluation policy

Cathie:

Please excuse my delayed response to your note below but the press of business prevented me from replying earlier to you.

I looked over the material regarding Board Policy Manual Section 2000.25 that Chief Harman sent out this week, as well as the facts and circumstances surrounding the required two readings of the prior policy recommendations that Brown Taylor first presented in March 2010.

It is clear that the board in 2010 unanimously approved Brown Taylor's recommendations regarding new Section 2000.25 and that the evaluation form provided by Brown Taylor was in fact the form unanimously adopted by this board pursuant to Section 2000.25.3. It is now part of the policy manual and sets forth the guidelines on how we are to conduct evaluations. The material that Chief Harman sent out earlier this week correctly reflects our current policy

If you wish to change that policy as previously approved, please provide an agenda item to that effect with whatever information that you wish this board to consider and we will formally deliberate on it pursuant to the requirements regarding amendments to the District's Policy Manual. The deadline for agenda submissions is Thursday June 2. By this note, I am alerting Chief Harman that you may be sending these items his way.

Thanks,

Chuck Toombs

6/3/2011



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**From:** Cathie Kosel [mailto:ckosel@sbcglobal.net]  
**Sent:** Saturday, May 21, 2011 9:22 AM  
**To:** Charles Toombs  
**Cc:** 'Mari'; 'LINDA LIPSCOMB'; 'Richard Lloyd'  
**Subject:** Evaluation policy

Chuck: In reviewing the policy, I note that section 2000.25.3 allows for the board to add the review sections I requested at our last meeting which you said were not possible. Accordingly, in light of the fact that you misstated the policy at the meeting, I would again request that anonymous reviews by current employees and exit interviews from employees from the last two years be included in the evaluation. This would allow for a more complete evaluation and is standard operating procedure in most public agencies.

Thanks!

***Cathie Elaine Kosel***  
 Real Estate Sales Since 1979  
 DRE #R00712617

Coming together is a beginning; keeping together is progress; working together is success.

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