

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

AGENDA

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District will be held **Wednesday June 22, 2016, at 6:00P.M.**, at the Community Center, 59 Arlington Avenue, Kensington, California. The Board will commence its monthly Regular Meeting in open session **Wednesday June 22, at 7:30 P.M.**, at the Community Center, 59 Arlington Avenue, Kensington, California. If further Closed Session is required, the Board will return to Closed Session following the end of the Regular Meeting.

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

2. Closed Session-Public Comment

- a. PUBLIC EMPLOYMENT: Title: (General Counsel)-Pursuant to Government Code Section 54957.
- b. (1) CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION: Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54959.9: (1 potential case); and (2) PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE.
- c. (1) CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION: Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (1potential case); and (2) PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE.

Among the issues the Board will consider during closed session item (b) is whether to disclose publicly some or all of the investigation report regarding the October 7, 2015 traffic stop of Vanessa Cordova by Kensington police officers.

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

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

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

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

5. Board/staff comments

6. Consent Calendar

- a) Minutes of Special/Regular Meeting of March 10, 2016 P-4
- b) Minutes of Special/Regular Meeting of April 14, 2016 P- 31
- c) Minutes of Special Meeting of April 27, 2016. P- 46
- d) Minutes of Special/Regular Meeting of May 12, 2016. P-51
- e) Unaudited Profit & Loss Budget Performance Report for May 2016 P-63
- f) Park Revenue & Expense Report for May 2016 P-69
- g) Board Member Reports-None this month
- h) KPD Monthly Statistics for May 2016 P-73
- i) Training/ Reimbursement Report-\$1747.10 P-82
- j) Correspondence P-83
- k) Recreational Report P-116
- l) Monthly Calendar P-117
- m) General Manager's Report P-119
- n) New Independent Auditor for the District P-120

7. Old Business

- a. The Board will discuss and consider adoption of Resolution 2016-09, the annually permitted CPI increase to the Measure G Supplemental Special Tax for inclusion in the 2016/17 fiscal year budget. The Board may take action to approve the CPI to its maximum, to an amount less than the maximum, or choose not to increase the Special Supplemental Tax at all this year. Action Item. P-126

General Manager Recommendation: Receive the report, take public comment, deliberate and determine the amount of increase, if any, to the Supplemental Tax for fiscal year 2016/17. Action Item.

- b. The Board will receive a presentation from the IGM/COP, regarding the 2016/17 fiscal year Preliminary Budget for the Kensington Police Protection and Community Services District. The Board may adopt the Preliminary Budget after consideration and possible changes to meet the July 1 State deadline. Action Item. Second reading P-132

General Manager Recommendation: Receive the presentation, take public comment, deliberate and approve the 16/17 fiscal Preliminary Budget for the Kensington Police Protection and Community Services District.

- c. Update from Ad Hoc Committee on Governance.

8. New Business

- a. The Board will review and consider approving Resolution 2016-11, confirming the assessment and ordering the levy for the Kensington Park Assessment District for fiscal year 2016/17. Board Action Item. P-215

General Manager Recommendation: Receive the report, take public comment, deliberate and approve Resolution 2016-11.

9. ADJOURNMENT: Next Regular Meeting is scheduled for July 14, 2016 at 1930 hours, unless changed by the Board of Directors. The Board has scheduled a Special Meeting for June 30, 2016, at 1800 hours.

General Information-Accessible Public Meetings

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

Interim General Manager Kevin. E. Hart, Kensington Police Protection & Community Services District, 217 Arlington Ave, Kensington, CA 94707. POSTED: Public Safety Building-Colusa Food-Library-Arlington Kiosk- and at www.kensingtoncalifornia.org.

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

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

The deadline for agenda items to be included in the Board packet for the regular monthly meeting is the Wednesday before the regular scheduled Thursday meeting the following week.

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

Meeting Minutes for 3/10/16

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday, March 10, 2016, at 6:00 P.M., at the Community Center, 59 Arlington Ave., Kensington, California. The Regular meeting of the Board of Directors followed.

ATTENDEES

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Len Welsh, President	Randy Riddle, Renne Sloan Holtzman Sakai LLP
Rachelle Sherris-Watt, Vice President	Adam Benson, Renne Sloan Holtzman Sakai LLP
Chuck Toombs, Director	John Holtzman, Renne Sloan Holtzman Sakai LLP
Patricia Gillette, Director	David Bergen
Vanessa Cordova, Director	Andrew Gutierrez Simon Brafman David Spath
<u>Staff Members</u>	Karl Kruger
Interim GM/COP Kevin Hart	Jim Watt
Sgt. Hui (on duty)	Ron Wizelman
Lynn Wolter, District Administrator	Linda Lipscomb Chris Deppe
<u>Press</u>	Leonard Schwartzburd
Linnea Due	Garen Corbett Gail Feldman Celia Concus A. Stevens Delk Marilyn Stollon Rich Karlssen Mabry Benson Rick Artis John Gaccione Trisha Mindel Vebika Elliott Lori Trevino Lisa Caronna Gloria Morrison Barbara Stienburg

President Welsh called the meeting to order at 6:02 P.M. President Welsh, Vice President Sherris-Watt, Director Toombs, Director Cordova, Director Gillette, Interim GM/COP Hart, and District Administrator Wolter were present.

PUBLIC COMMENTS

Mabry Benson asked why the Board would be considering an MOU with the officers prior to the Ad Hoc Committee completing its work. She said:

- The proposed MOU was worse than the one the District had considered in November 2014.
- The Board should retain the right to dismiss officers.
- The Board should retain the right to disband the police department or contract out for services.
- It was good that employees make a modest contribution to their healthcare.
- Health coverage into retirement should not be continued.
- Dependents should not receive coverage.
- There should be an amount provided for the change in the way life insurance would be provided.
- Vacation accruals were generous.
- Salaries were bad, especially the one time payment of \$1,000 to make up for the absence of salary increases during prior years.
- The MOU was not a good deal for the District.

CLOSED SESSION

The Board entered into Closed Session at 6:11 P.M.

- a. Conference with Labor Negotiators (Government Code Section 54957.6) Agency designated representative: Jonathan Holtzman, Renne Sloan Holtzman Sakai LLP. Employee organization: Kensington Police Officers Association. The Board was to receive an update in contract negotiations.
- b. Public Employee Discipline/Dismissal/Release (Government Code section 54957(b)).
- c. Public Employee Discipline/Dismissal/Release (Government Code section 54957(b)).

The Board returned to Open Session at 7:28 P.M.

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

President Welsh reported that, with respect to all three items, there was nothing reportable.

Director Cordova said she had recused herself for items b and c.

President Welsh announced that he wanted to move some of the agenda items. In particular, he wanted to move the MOU to the beginning of the agenda because the attorneys were present and would need to leave, once that item had been completed. He said that he also wanted to change the order in which several other agenda items would be considered and explained that the final agenda item had been placed at the end of the agenda because it had been submitted late.

PUBLIC COMMENTS

Barbara Steinberg reported that a possible site had been identified for a Kensington post office. She said that Director Cordova had been negotiating with the Post Office and had said that she thought community letters could stand in the way of those negotiations. Director Cordova responded that she had not been negotiating on the District's behalf and said that the Post Office was trying to make it financially feasible for a merchant to have a village post office. Director Cordova said that the identified

possible location might require the relocation of some of the community's fixed mailboxes and that the Post Office recognized that there is a need for a site in Kensington.

Mabry Benson said that it had recently come to her attention that some of the officers used their safety equipment allowance to purchase guns. She said that, although the allowance amount of \$250 didn't cover the entire cost of each gun, the District had a part interest of each gun. She said, with respect to her participation on the Ad Hoc Committee, she wanted to say something. She noted that this was recent information that had not yet been dealt with by the Committee and thus, she was making the comment on her own behalf. She said that El Cerrito and Albany had suggested the District ask POST Management Studies to do a study of the District's policing needs. She said that the three Committee members who were asked to study contracting out were not at all qualified to gather the needed information for that kind of study. She noted that because the Brown Taylor report was eight years old, current information was needed. She asked that the District authorize such a study.

Lori Trevino said she wanted to discuss something disturbing that she had learned. She said she believed that President Welsh and Director Gillette needed to recuse themselves from any discussion or action related to discipline of Sergeant Barrow because they had demonstrated an inability to objectively deliberate on any matter involving him. She said she had received copies of District phone bills for the period May 2014 that showed that, just after the Reno incident, the first person Sergeant Barrow called was former GM/COP Harman and that the first person former GM/COP Harman called was President Welsh and the second was Tony Lloyd. She noted that, on the following day, former GM/COP Harman had called Sergeant Barrow and another Reno phone number before calling Sergeant Barrow and President Welsh again. She added that subsequently, Director Gillette had called Sergeant Barrow and spoken with him for half an hour. Ms. Trevino said it appeared that both President Welsh and Director Gillette had been informed of the Reno incident immediately after it had occurred. She suggested that this was an effort to help Sergeant Barrow avoid discipline. She noted that Sergeant Barrow started using his personal cell phone for District business soon after IGM/COP Hart arrived. She noted that IGM/COP Hart receives an allowance for a cell phone but that he had indicated that he did not use this allowance because he didn't want to carry two phones. She said IGM/COP Hart actually did have two phones: There was one number on his business card and another, which appears on District phone bills, that he uses to call others. She said the IGM/COP Hart had told people at a recent community gathering that Sergeant Barrow had texted him following the traffic stop involving Director Cordova. She said the District had no record of those texts.

Gloria Morrison said she wanted to be sure that the report from IGM/COP Hart, involving claims of harassment, would be discussed. She said this report covered the crazy things people believe when they think they're being harassed. She said she thought the report was an excellent explanation of what had happened and she thanked IGM/COP Hart because public confidence in the police department and its chief was essential.

Marilyn Stollon read a letter from Cathie Kosel about IGM/COP Hart's report. Ms. Kosel's letter said:

- IGM/COP Hart's comments about claims of harassment, made by three women, had been dismissive and offensive.
- IGM/COP Hart's investigation into claims made by Director Cordova, Laura Chick, and Ms. Kosel was shoddy, incomplete, and unworthy of his position.
- IGM/COP Hart could have reported that he didn't have access to records involving Ms. Kosel.
- Former GM/COP Harman had delivered several boxes of documents to the Fire District for shredding during his final three months in office.
- IGM/COP Hart had not contacted Ms. Kosel for any information she could have provided. Instead, IGM/COP Hart had taken a public shot at undermining Ms. Kosel's credibility and this raised questions about his own credibility.
- She questioned whether IGM/COP Hart would find evidence of abuse in the District's annals, adding that bad guys didn't keep records of their misdeeds.
- She had kept perfect records, including boxes of documents, in case she decided to sue the District for harassment.

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- She had provided proof of the incident to Thomas Peele because he had demanded proof.
- Thomas Peele's reputation for good journalism was well known, as he did not report anything that had not been supported by evidentiary proof.
- Had IGM/COP Hart asked, she could have provided a copy of a June 2010 email from Kurt Franklin in which he stated that he referred to the allegations of one exposing oneself that had been made by officers.
- She had a copy of an invoice from attorney Lee Anne Wallace, who had been hired by former GM/COP Harman to investigate allegations that had been made against Ms. Kosel.
- There were additional documents associated with the incident, and her attorney and Mr. Peele had copies of them.
- Harassment had been used in Kensington to silence those who had questioned KPPCSD expenditures and police interactions with citizens.
- IGM/COP Hart's report was an attempt to cover-up inconvenient truths about rogue officers.
- The report coincided with the desperate attempt, by the majority Directors, to silence Director Cordova by proposing an unlawful policy restraint on her first amendment rights as well as the rights of all whistleblowers.

Ms. Stollon cited documents that had been attached to Ms. Kosel's letter.

Jim Watt suggested that, when the Board had such a long agenda, it should schedule two meetings in the month and asked that the Board consider adding another meeting two weeks hence.

Celia Concus said she wanted to address IGM/COP Hart's attempt to discredit Peele. She said that IGM/COP Hart reported that he had reached out to all those mentioned in Peele's article and had obtained records related to the claims of harassment. She questioned whether he had reached out to Laura Chick. President Welsh responded that he, himself, had reached out to Laura Chick and had asked her what had happened. Ms. Concus responded she had reached out to Ms. Chick, too. President Welsh said he had told Ms. Chick that it had been a 9-1-1 disconnect that had resulted in the police coming to her house: Mr. Peele had reported that the police had shown up for no good reason at all. President Welsh also said that he had asked Mr. Peele on which day the incident had occurred and that Mr. Peele had responded, sometime in 2012. President Welsh added that he had asked IGM/COP Hart to research this matter but that the article had been written without IGM/COP Hart's information. President Welsh concluded by saying that Ms. Chick had told him that Mr. Peele had misrepresented what she had said.

Ms. Concus responded that she, too, had spoken with Ms. Chick and that Ms. Chick had told her that police officers had arrived and asked her if she had made a 9-1-1 call and that Ms. Chick had said she hadn't. Ms. Concus said the officers then asked Ms. Chick if anyone else was in the house who had made the call and Ms. Chick had responded that there was a sleeping child. Ms. Concus said Ms. Chick was furious that the report indicated that she had misdialed because she had not misdialed and had not made the call. Ms. Concus said that Ms. Chick was emphatic that the officers had lied when they had filled out their report on the incident. She said the responding officers had been Sergeant Barrow and Officer Ramos and she questioned whether this had been a rehearsal for the Director Cordova traffic stop. Ms. Concus said she next wanted to address Cathie Kosel, but that this had already been addressed. Ms. Concus asked if IGM/COP Hart had contacted Director Cordova or Joanne Garvey, whose number had been used to dial the call. Ms. Concus said Ms. Garvey could not have made the call because she had died six months before the call had been made. Ms. Concus said the call had not been made from that house. President Welsh responded by asking Ms. Concus if she thought the District was making up that there had been a 9-1-1 disconnect and if she thought that the records IGM/COP Hart had obtained were false. He said that 9-1-1 disconnects happen frequently: A call goes through, Richmond Dispatch picks up the phone call, and then police respond to that with higher priority because it could mean that someone with bad intentions was pulling the phone out of the caller's hand in the midst of their emergency call for help. He said that, although it is unknown why the call had been made from Ms. Chick's residence, there was a record of it at Richmond Dispatch. He clarified that the police had come to Ms. Chick's home because of a 9-1-1 call and that, as such, they had gone there for a legitimate reason: It was in the records.

Lisa Caronna said she that, when she read IGM/COP Hart's report, she was grateful that he had looked at the actual call record. She said that Richmond was where all the community's 9-1-1 calls went. She said that, were she to call 9-1-1 or her burglar alarm were to go off, she hoped that someone would come to her door. She said she was relieved that the logs had shown that these had been 9-1-1 calls because there had been so much controversy surrounding the allegations that officers had shown up without there having been calls. She said this was a relief and she appreciated the research that had gone into that side of the story.

Andrew Gutierrez said he was one of the people who had been included in Mr. Peele's article as someone who had been intimidated. He said IGM/COP Hart's summary was, basically, the same as former GM/COP Harman's had been. He said there had been a discrepancy between former GM/COP Harman's version and his own of the traffic stop written about by Mr. Peele. He described former GM/COP Harman's version and his own version. He said it was not dark and that Officer Turner had tailgated him. He said the incident did not happen on the Arlington, it had been on Norwood. He said that, prior to his being on Norwood, the officer had caught up with him on Arlington Ave. and had tailgated him all the way to the Fouda's home on Norwood, where Mr. Gutierrez said he had gone to pick up the Foudas to take them to an event. He said there had been one officer and former GM/COP Harman had said there had been two officers and that it had been dark. Mr. Gutierrez reiterated that neither had been the case. He said that former GM/COP Harman's letter said the officer did not give him a ticket because Mr. Gutierrez was a known critic of the police department. He said the officer parked behind him for quite some time but didn't get out of his car and that the officer let him go back out onto the street with a broken taillight. He said it spoke of low character that the police department didn't issue a ticket to him because he was a known critic. He said the police department had been problematic for the 25 years he had lived in Kensington. He said it was unprofessional not to have told him about the broken taillight because it could have put his, and others', safety in jeopardy. He said the officer pulled away when he saw the Foudas come out of their home. He said former GM/COP Harman had said he had interviewed everyone who had been involved but that neither his wife nor the Foudas had been interviewed. He said just about everything in former GM/COP Harman's report had been in error. Mr. Gutierrez said he had written to former GM Harman about his reporting and handling of the case. He cited this as a conflict of interest because he had been writing to the person who was his own boss. He said that the idea that a dysfunctional group, like the Kensington Police Department, and amalgamate it with a functioning group, like the Fire Department belied any common sense. He handed out copies for everyone and said he wondered how much of the information would be found in former GM/COP Harman's records. A copy of this handout is included in the April 2016 Board Packet, under correspondence.

Rich Karlssen said that he had served a lot of professional boards and that this was the first board he had known to take public comment before the meeting began. He said that the problem with this was that the business part of the meeting was starting forty minutes late. He said the purpose of the Brown Act was for the community to be informed of the order in which the Board would be considering agenda items. He said the Boards he had represented had taken public comment at the end. He said he came to District meetings to hear what action the Board would be taking and to participate in those discussions. He asked the Board to consider moving public comments to the end or the middle of its meetings. Director Cordova asked for clarification that Mr. Karlssen was referring to general public comment for items not on the agenda. Mr. Karlssen responded in the affirmative. President Welsh responded that this was an excellent suggestion and said he would put this on the agenda for the next meeting.

David Bergen asked how the agendas were generated; specifically who writes it, who decides what's to be included, and who decides the order. President Welsh responded that any Board member could request that an item be placed on the agenda and that he and IGM/COP Hart put together the agenda. He added that, if someone wanted to have something placed on the agenda, it needed to be submitted by the Thursday before the Board meeting. He said a member of the public could also make a request for the President to consider. He added that the attorneys are also consulted because there were things that could and could not be said.

BOARD COMMENTS

Directors Toombs and Cordova said they had no comments.

Director Gillette said she didn't appreciate Lori Trevino having accused her of being a liar during public comments. She said that, during the time Ms. Trevino had cited in District phone records, she had been in the midst of negotiations with the police department, that both she and Sergeant Barrow had been on the negotiating team, and that she believed that had been the topic of the phone conversation. She said the innuendo that she had spoken to Sergeant Barrow about something, of which she knew nothing at the time, was inappropriate and she didn't appreciate it.

Director Gillette said had an update on community outreach and that she would place the item on the next month's agenda. She reported her ideas to date:

- A column in the Outlook, in which two Directors would issue a report related to the Board's work.
- Something related to new residents – perhaps a welcome letter containing information about what the District does.
- An annual meeting hosted by two Directors to welcome new residents to the Community.
- National Night Out – assign one or two Directors to attend separate events.
- Fall Barbeque – an informational table staffed by Directors, with other Directors assisting on the food line and in other ways.
- PTA Meetings – one or two Directors attending to talk to parents about the District and its current projects.
- Online chat opportunity.
- Coffees at people's homes for local input.

She asked people to email her if they had additional suggestions or had objections to what she had suggested.

Vice President Sherris-Watt reported that the Park Buildings Committee would be meeting on Monday at 7:00 PM. She reported that she, Jim Watt, and Tod Hodson, members of the Park Buildings Committee, had attended the KCC meeting the past Monday. She said the KCC had hired a new KASEP Coordinator, Kari Tindol, who was currently serving as PTA President of Kensington Hilltop School. She said current coordinator, Marty Westby, would be leaving in December and would be sorely missed.

Director Cordova said she wanted to acknowledge the services of Ms. Westby and said she was a phenomenal administrator. President Welsh also thanked Ms. Westby for her service, and she received a round of applause.

STAFF COMMENTS

IGM/COP Hart reported that Officer Wilkens' peers had selected her to be Officer of the Year and that 9-1-1 text service was now available. He said that officers would respond to this and that there would be written documentation in the computer system of such calls for help.

IGM/COP Hart said that he wanted to address some of the things that had been said about his report regarding things that had been written in Thomas Peele's recent article. He addressed Lori Trevino and said he had never said at the public meeting she had referenced that Sergeant Barrow had sent him a text message during the Director Cordova traffic stop. He stated: That did not happen. He said he was not a liar. He said he did not have two cell phones. He said that, to save the District money when he came on

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board the prior year, he had Google assign a second phone number to his personal cell phone such that his personal cell phone now has two numbers associated with it. He said it was not his intent, in his report, to discredit anyone, but it was his intent to put out accurate information based on the records he could find. He said members of the Board and the community had asked him to respond to Mr. Peele's article to ensure that the facts were provided.

IGM/COP Hart reported that Public Works would be in the community to keep drains clear during periods of heavy rainfall.

IGM/COP Hart responded to earlier comments about agenda items: He said that items that are to appear on the agenda need to be submitted by the Thursday before the Board meeting. He said items appearing at the end of the agenda have usually been submitted late, after the rest of the agenda has already been prepared.

District Administrator Wolter reported that IGM/COP Hart had introduced identity theft booklets and that copies of these were available on the table at side of the room. She reported that three Directors still needed to submit Forms 700, which would be due on April 1st, and that the Transmittal Form would need Director signatures the next day.

Director Cordova asked IGM/COP Hart to see if the Outlook could accommodate something about Text 9-1-1.

NEW BUSINESS

- 8a. The Board received a presentation from the Interim General Manager/Chief of Police about offering a \$15,000 reward for information leading to the arrest and conviction of the suspect(s) of an unsolved homicide that occurred in Kensington in March 2011.

IGMCOP Hart introduced the item, saying that homicide victim Eric Elliott had been killed in Kensington Park in the early hours of March 12, 2011. He said that he had been meeting with the victim's sister, Kensington resident Vebika Elliott, every month, he was trying to breath new life into the investigation, there were some potential suspects, he hoped a \$15,000 reward for information leading to the arrest and conviction of the suspect(s) would help solve the crime.

Vebika Elliott spoke about and provided photos of her brother, who had grown up in Kensington and who had been killed at 50 years of age. She said she had come to advocate for a reward leading to the arrest of the people who had killed her brother. She said that, ever since IGM/COP Hart had let her know that the District's legal counsel had said it would be legal to offer a reward, it had been a difficult time for her. She described Kensington as a rural community when she and her family had moved to Kensington in 1963, that, as children, she and her brother had roamed throughout the area and so knew it well, and that it was a different world then. She said that her brother had been camped out in the park, at the time he was killed, because the community had been his home. She said her experience with former GM/COP Harman had not been good but that she had kept in touch with Sergeant Barrow, who had been really good. She said her mother had been heartbroken by the murder of her son and had died soon thereafter. She said that, when she had heard that the District was going to hire a new General Manager/Chief of Police, she had emailed the Board to encourage them to hire a good detective. She said it wasn't the 1970's anymore: There was real crime occurring. She said that, in the Kensington Police Department there had always been good officers and unpleasant ones. She said you fix what's broken. You don't just throw it out. She said that, with a real Police Chief, the Board could fix what was broken and evolve. She said she had been pleasantly surprised when she had learned that the Board had hired someone who had been a homicide detective, had experience in forensics, and had been in charge of a homicide unit. She said people would never appreciate the Kensington Police, motley crew that they are, until one's brother has been killed in the Kensington Park. She said that former GM/COP Harman seemed to have been ruined by the administrative part of his job and that, because of this,

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maybe there was too much crime for the GM and COP positions to be combined. She said IGM/COP Hart had been promptly responsive to her phone calls, he had contacts with the press, and, with all he had done, he was her hero. She concluded by saying that her brother deserved the reward and that there was real crime and the community wasn't immune to it.

Vice President Sherris-Watt said she was concerned about just putting out a reward without getting information out to the community. She said the District had not done a good job of getting the story out: There had been just a small square devoted to it in the Outlook. She said she would like to know that there was a targeted plan to bring people to justice. President Welsh asked IGM/COP Hart how he would get out the word. IGM/COP Hart responded that there would be a press conference and press release letting it be known that police departments were looking for information leading to the arrest and conviction of the suspect(s) regarding a homicide. He said that, because the homicide had occurred five years earlier, it was considered a "cold case." He said that, based on the video he had seen, he believed there were people out there who may have information about the case. President Welsh said that he didn't see any harm in offering the reward because it could help solve the crime but that, if it didn't help solve the crime, the District wouldn't be out any money. IGM/COP Hart said he wanted to be very direct: He was looking for a murder, he needed to get out information, and people would pay attention to a \$15,000 reward. He said it could, potentially, be years before the District would have to pay the reward. He said, if one had ever seen a dead body, it had a dramatic impact.

Director Cordova asked if IGM/COP Hart could provide the Board with more detail about the case in a Closed Session. He responded in the negative. Director Toombs reiterated that there would be a press release that would coincide with the announcement of the reward.

Sandy Waters said she had heard that, at the time the body had been discovered, the crime had initially not been determined to be a homicide and that it hadn't been investigated well. IGM/COP Hart responded that there might be some semblance of truth to that: It initially had not been determined to have been a homicide; it had been determined to have been so only after an autopsy had been performed. Ms. Waters asked for clarification that the Kensington Police Department had been the one to determine that it had been a homicide five years earlier. IGM/COP Hart responded in the affirmative.

Mark Bell said he would welcome information about this, as he was the parent of two children who use the park all the time. He said many other families do as well and thus, there were a lot of eyes on the park. IGM/COP Hart said he welcomed information from anyone who had been in the park on March 12, 2011, between the hours of 1:00 A.M. and 6:00 A.M.

Director Cordova asked if the money would come from the general fund or elsewhere. IGM/COP Hart responded that, ultimately, the money would come from the general fund.

MOTION: Director Toombs moved, and Director Gillette seconded, that the Board offer the \$15,000 reward for information leading to the arrest and conviction of the suspects regarding the unsolved homicide and that, as part of that, a press release would explain the circumstances behind the death and the relationship of Mr. Elliott to Kensington, and that this reward is pending on the arrest and conviction of the perpetrator or perpetrators.
Motion passed: 5 – 0.

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

8b. The Board Received a report regarding a proposed contract between the Kensington Police Officer's Association and the Kensington Police Protection and Community Services District. The Board reviewed the terms and conditions of the contract and decided whether to place the contract on the April 2016 agenda for possible approval.

John Holtzman and Adam Benson provided the background information for this item. Mr. Holtzman said he had been the lead negotiator for the tentative agreement with the POA and that Mr. Benson had

been on the negotiating team with him. He said that Mr. Benson had done a lot of cost analysis that had led to the agreement. Mr. Holtzman said the negotiating team had been Mr. Benson, Director Toombs and himself. He said that negotiations with the POA had re-commenced in around July 2015 and that there had been numerous meetings. He said the Board had decided that the prior tentative agreement had contained a number of shortcomings – among them: The four-year term; the cost of a 17% wage increase with the officers giving back 12% for pension contributions (when one adds to wage, one has to pay pension on that amount – a 1% wage increase would actually cost 1 ½%, while the 1% give back was just 1%); and the absence of getting employees to pay a portion of their medical costs, which also affected the hidden costs associated the retirees.

Mr. Holtzman explained that the major elements of the new tentative agreement:

- An expiration date of December 31, 2017. He explained that this was about as short an MOU as one would want – because of the costs associated with negotiations – and that, given the short term, new negotiations would need to begin in about one year.
- There would be no wage increases between the time the current MOU expired and March 1, 2016.
- A 3% across the board increase on March 1, 2016 as well as a \$1,000 lump sum payment, upon the initiation of the agreement and a second 3% across the board increase on March 1, 2017. He noted that this was less than the 17% increase that had been proposed in the prior tentative agreement. He said the purpose of the \$1,000 payment was: a) that it enabled the District to avoid having to make retroactive payments, which, he explained, was difficult to calculate because it affected overtime and every other component of pay; b) it was not costly because it didn't add to base pay and; c) it would not be pensionable.
- Offsetting the wage increases would be: A 4% give-back on the part of the employees to begin paying for their pension, which he said was less than the 12% give-back that had existed in the prior tentative agreement; and an \$85 per month give-back by the employees for medical coverage, beginning January 1, 2017, with another increase to \$125 per month on June 30, 2017. Mr. Holtzman explained that this change would apply to retirees as well.
- The grievance procedure: He explained that the current MOU gave the impression that the Chief and the Board could initiate discipline against police officers. Mr. Holtzman explained that, under the Government Code, only the Chief could initiate discipline against officers. He said this also was a due process issue because the Board would need to serve as the appellate body to consider discipline. He said the tentative agreement clarified this language.

Mr. Benson spoke about cost aspects of the tentative agreement. He said that there were supplemental documents about this in the Board Packet. He described the documents:

- A compensation comparison that showed wage and benefits data, as of June 30, 2015, for a number of jurisdictions; Albany, Berkeley, El Cerrito, Moraga, Piedmont, Richmond, Broadmoor Police Protection District, Central Marin Police Authority, and East Bay Regional Park District. He said that, when he looked at just wages, Kensington's top step officers' salaries were 15% - 20% below the average. He said that, when benefits were factored in, Kensington's top step officer total compensation was about 6% below the average. When he compared Kensington only to other Special Districts, the data showed that Kensington was somewhat ahead.

He said he had also looked at the compensation for an El Cerrito firefighter, which the Board had asked him to do.

Mr. Benson said the tentative agreement would total a net increase of less than 1% per year. He said the tentative agreement was better than what had been negotiated in other nearby communities. He said the labor market was improving and that the current tentative agreement was consistent with what he and Mr. Holtzman had seen several years ago, when agencies were in much worse shape. He said that, as the economy was improving, they were starting to see wage increases consistent with CPI, in the 2% - 3% range. He said Kensington's tentative agreement was similar to that of Ross.

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- A cost analysis that included the tentative agreement, step increases, longevity pay, and a placeholder for a tenth officer. He said there would be less than a 1% increase in the overall budget for FY 2015/16; about a 4.32% increase in total compensation in the following fiscal year, which would be due, in large part, to the addition of the tenth officer for the full year; and another 2.91% for fiscal year 2017-18. He noted that this did not include possible changes in the ARC amount and said that this would be close to cost neutral. With respect to the District's overall revenue, Mr. Benson said that a 1% increase in property taxes would bring in about \$15,000, not including supplemental taxes under Measure G; a 2% increase would be likely, and a 3% increase would be possible.
- A comparison between the old tentative agreement and the new one to show the timing differences and the total impact.

Vice President Sherris-Watt asked about the comparison between the compensation for a Kensington police officer and an El Cerrito firefighter and whether it included retirees' benefits. Mr. Benson said it only captured the value current active members' salary and benefits information during one year of service; it did not capture future benefits.

Director Gillette asked what would happen if the District did nothing and kept the current MOU for the next 2 ½ years. Mr. Benson responded that PERS and healthcare would be key drivers, but that, if the District were to adopt the tentative agreement, it would net out to about the same if the District were to do nothing. He also noted that the officers had received only one 3% increase in the prior six years and that the agreement would begin to address pent-up labor demand. He said benefit costs would continue to increase, and the agreement would begin to address this. Director Gillette responded by thanking Mr. Holtzman and Mr. Benson and by saying she was pleased about the healthcare contribution and the minimal overall impact, while still giving the officers a wage increase.

Jim Watt said he disagreed with Mr. Holtzman and Mr. Benson. He said he had done his own compensation analysis, using Clayton, Moraga, Tiburon, Ross, and Belvedere. He said that he had concluded that Kensington officers' wages were similar. He said the real differences were in the benefits. He said that, with benefits, the difference between Kensington and the other five communities was about \$25,000 per officer, or \$250,000 per year based on 10 officers. He said he had hoped the proposed MOU would address the officers' generous benefits, but it did not. He said, if ratified, the MOU would increase officers' pay by 3%, effective March 1, 2016, and by another 3% a year from now for a total increase of 6%, or about \$50,000 total salary increase for nine officers. He noted that the net salary increase, after the giveback, would be about \$17,000. He said that the \$50,000 salary increase would be pensionable and the District's pension obligation was about 45% of total salary. He said this would result in an annual increase of \$23,000 in District cost; thus, the increase in salary and pension costs would be about \$40,000 per year. He said that the healthcare contribution, on the part of employees and retirees, would equal \$33,000. He said this would also lower the District's ARC contribution by about \$7,000. He said medical cost decreases would equal about \$40,000, while the salary increases to the officers would equal about \$40,000. He said the drawback to this was that the officers' contributions were fixed but medical and pension costs would continue to increase. He said there would likely be a \$25,000 increase in medical costs and a \$25,000 increase in PERS costs. He said that, based on this, the officers would have improved their position by about \$28,000 and the District's costs would have increased by \$50,000 by the end of the tentative agreement. He noted that, during the same period of time, the retired officers would be \$25,000 worse off. He said this was not a contract of which to be proud because the officers would be the winners, not the District. He advised the Board to go back to the bargaining table.

Gail Feldman read a statement on behalf of the Kensington Property Owners' Association (KPOA). She said that the KPOA appreciated the work that had been done but that the KPOA advised caution, with respect to the long-term costs of the tentative agreement. She said that Kensington was behind with respect to its employees' and retirees' contributions; Kensington taxpayers would still be picking up 90% of the benefits costs. She said that cost containment was needed now, a long-term strategy was needed, and she asked Mr. Benson for any cost analyses he had not included in the Board Packet.

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Linda Lipscomb said that she was in favor of the agreement, that it was wonderful, and that it had been a long time in coming. She said the officers had been very patient and that the Board's committees had worked very hard. She noted that the District had lost a couple of officers and that she was sure salaries had played a major part in this. She said she had small packet of salaries in neighboring jurisdictions: El Cerrito, Berkeley, Albany, and Richmond. She said that, contained in her packet was an article about the Sheriff's Department that cited that department was losing deputies because of salaries. He said people could talk all they wanted about benefits, but that, when a young man came into a community, he would be looking for how much pay he could get. Ms. Lipscomb thanked all involved for reaching a proposed agreement and said she and many other Kensington residents were happy and relieved that the officers, upon whom the resident rely in daily life, would finally have a contract. She said she had looked at the contract and had concluded it was a terrific deal for Kensington taxpayers and said it addressed the need for officers to earn a comparable wage. She said she had not included Clayton in her analysis because it was not comparable – it was located out in the valley and was not comparable to the kind of service Kensington's officers give. She noted that, in the first year of the contract, the officers' base salaries would be 26% lower than those of the surrounding communities of Albany, El Cerrito, Berkeley, and Richmond. She said that, in the second year, officers' salaries would be 24% less than the base salaries in the same surrounding communities. She said the same would be true of Sergeants' base salaries, which would be 23% lower than those of surrounding communities in the first year and over 20% less in the second year. She said that, to those who thought that contracting out to El Cerrito would be a viable idea, she noted that the proposed salaries for Kensington's officers would be 21% lower than those of El Cerrito's officers in the first year and 19% lower in the second year. She noted that, in her review of published information, raises for sworn employees ranged from 2% in Berkeley to 4½ % in Albany. She thanked the negotiating team for including employee participation in both medical and pension contributions.

Rick Artis said he had brought his computer to the podium so that he could refer to a graph. He said he was cautiously optimistic about the tentative agreement. He said that, in the end, the issue was revenue and expense. He said he had presented this data at the previous town hall meeting – he showed the Board and audience a graph on his computer, which he said was available on the District's website – and said that the historical revenue and expense lines were very close together. He said he would like to see how those lines would extend by incorporating the data of the tentative agreement into the graph, but that it looked as though the tentative agreement would contain the rise of the police side of costs to within the rising slope of revenue. He said the nasty increases for the District hadn't been from police costs; they had been from other areas. He said the proposed agreement sounded good, he was encouraged by the structural change, and the District seemed to be heading in the right direction. He concluded by saying that an entry-level police officer did not make a particularly high salary, based on what was in the proposed MOU: His gardener and his housekeeper, on an hourly basis, make about 75% of what the District would be paying an entry-level police officer in Kensington. He said this did not seem to be an outrageous salary but noted there were benefits that contributed a lot. He said that there had been discussions during the evening's meeting about the value of officers and about crime in the community and that people should ask themselves if a police officer was worth just a little bit more than a gardener. He concluded by saying he supported this proposal.

At 9:40 the Board stopped to make a motion to continue the meeting past 10:00 P.M.

MOTION: Director Gillette moved, and President Welsh seconded, that the Board continue the meeting past 10:00 P.M.

Motion passed 5 – 0.

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

Garen Corbett said he was not speaking as a member of the Ad Hoc Committee or as a Kensington Property Owners' Association member. He said he was cautiously optimistic about the proposed MOU. He said he was a former benefits consultant, and he had spent a lot of time thinking about various

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aspects of benefits and their projected costs. He said this seemed like a very reasonable and good deal for the community. He said he thought the District should start thinking now about where it would be in a year and to begin thinking about those negotiations, in terms of: structure; the community's priorities; the optimal size of the police department; and the services we want to be providing. He said the long-term obligations were large and scary. He said the progress regarding health and pension contributions was the right one. He noted this had likely been difficult to negotiate, especially in light of the pent-up salary pressure. He concluded by saying he supported the agreement.

Karl Kruger thanked the people who had negotiated the contract. He said he was happy there was a proposed contract because the community's police officers should not have gone without a contract for the time that they had. He said he endorsed what was in the contract. He said he liked the fact that the vacation accrual would be capped and said he hoped the IGM/COP Hart would not allow officers to build up vacation. He said he thought that fourteen holidays was excessive but that, in total, he supported the contract.

Mabry Benson said that the officers would be paying only a 2% contribution to PERS in the first year and that the 4% contribution wouldn't take effect until the second year. Adam Benson confirmed that was correct. She said that, in the earlier version of the MOU, the officers were going to end up contributing 9% and that the tentative agreement amount was not close to this and, thus, was not a good deal. Mr. Benson said the prior deal would have brought the officers up to 12%, but it would have given the officers a 16% salary increase at the same time, which really would have cost 1.5 times that amount. Ms. Benson said she thought the officers needed to start contributing to PERS and the pay raises, near the middle, were too high. She said she didn't think this job was anywhere near as hard as the job in Richmond and Berkeley, which were near the top. She said it was nice that everyone would be making a health contribution but asked if medical would continue for retirees. Mr. Benson responded that the current requirement, in the government code, was that whatever an agency paid for active employees, it must pay the same for retirees. He said the District could move away from that by adopting a cafeteria plan, but it could not get there as part of the current negotiations. Ms. Benson responded that paying for retirees' health costs had been a major part of budget discussions and that she was disappointed that these costs would continue. She asked how much the life insurance would cost annually. Director Toombs responded about \$200 per officer. Mr. Benson said the District would be changing the approach on this: Instead of reimbursing each officer the amount of the premium, the District would provide coverage through a group policy, which should be less expensive. She questioned the vacation accrual calculation. Mr. Benson responded that some of the officers had accrued vacation that exceeded the amount allowed under the current agreement: The new agreement would implement a cap of 200 hours prospectively. He said that, because of staffing needs, officers often couldn't take vacation, which created a problem from an accrual standpoint.

Lisa Caronna thanked everyone who had worked on the agreement. She said this was an improvement over the prior tentative agreement. She noted this would be the first time the officers would be contributing to their healthcare and this was a good step. She said that negotiations were a process. One didn't get everything the first time. She said things moved forward incrementally to make a community more sustainable for the long haul. She said this contract would end in December 2017, which meant that negotiations would need to start somewhere around June 2017. She reiterated that this was a process and that more issues would be addressed in future negotiations, which were right around the corner. She concluded by saying that she supported the MOU as proposed.

David Spath said he echoed Mr. Corbett's and Ms. Caronna's comments. He said this was an excellent first step in improving the District's position, as well as giving the officers a modest raise, particularly in comparison to those jurisdictions around Kensington. He said that the officers in the jurisdictions cited by Mr. Watt in his analysis, had been given larger raises. He said that, for El Cerrito, the officers were being granted raises of 16%, through 2018, with a give back of 12%; but, as Mr. Watt had noted, this 16% increase would be pensionable. He said that, with the proposed Kensington contract ending in 2017, he hoped that medical costs could be further reduced with a cafeteria plan. He said KPPCSD was in a strong position because, according to PERPRA, they would have considerable bargaining power to impose a significant increase in the officers' contributions, all the way up to 9%. He said he thought the

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negotiators had done a good job. He noted that new officers coming into the department who weren't already members of PERS would suffer considerably, in comparison to the existing employees. He said that was why the District had lost one of its new officers: That officer had to pay significant pension contributions, with very little salary paid to him. He said that officer went to another agency where, although he still had to make the same pension contributions, his salary was considerably higher. He said he applauded the negotiators for the efforts.

President Welsh asked Mr. Benson if he had more he wanted to say. Mr. Benson responded that benefit cost pressures were something that the District would need to monitor. He said the tentative agreement made an important first step in this regard. He added that, because the District was in a risk pool for agencies with fewer than 100 officers, the District's PERS rate would not actually grow anymore. He added that PERS rates of 45%, in which a 1% salary increase translated into a 1.45% cost increase, were based on the old way of doing things. He said that PERS had actually carved out the Unfunded Accrued Liability (UAL) in the side fund. He said those were hard dollars that made up most of the prior 45%. He added that the normal cost was the only piece applied to salary: Now 1% increase in salary would translate into a 1.19% increase in cost to the District. Mr. Benson said that he had looked at Mr. Watt's analysis, that he didn't agree with Mr. Watt's selection of comparable agencies, and that El Cerrito was a very relevant comparable. Mr. Benson added that in his own comparison, he had used a Step 4 to a Step 4 comparison because using a top step comparison was most commonly used. Vice President Sherris-Watt asked if Mr. Benson had used any other steps for comparison. Mr. Benson responded that he hadn't because there wouldn't be much variation in the conclusion.

President Welsh noted that comments had been completed and that the tentative agreement would appear on the April agenda. He thanked everyone for their hard work and for the presentation.

CONSENT CALENDAR

President Welsh asked if anyone wanted to pull something from the Consent Calendar. Director Toombs said that, given the hour and the number of items remaining on the agenda, he would not pull anything.

Gloria Morrison said she was interested in IGM/COP Hart's report, especially because the Outlook had given the community some information about the status of the review by the Richmond Police Department on the so-called harassment. President Welsh responded that this was an item on the agenda.

Chris Deppe said he wanted to comment on the February Police Department Statistics. He asked if there had been 15 stops but only two traffic citations issued in February. IGM/COP Hart responded in the affirmative. Mr. Deppe said this was the opposite of Zero Tolerance and indicated that the Police Department wasn't doing its job. IGM/COP Hart responded that citations were not a gauge of whether the department was doing its job. IGM/COP Hart said he would like to see more citations issued but only if people deserved citations. He added that he wanted to give officers the discretion to warn, as well as to cite. Mr. Deppe said he couldn't believe that there had been only two instances, in all of February, that had warranted citations. He said he paid his tax dollars to have the Police Department do its job. He said he didn't think the Police Department was doing its job, that he didn't think the Board was doing its job either, and that IGM/COP Hart wasn't hearing him. Director Toombs responded that he had planned to pull this report but hadn't, in the interest of time. Director Toombs said two citations in one month didn't seem like many, and he really wanted scofflaws to be cited. Vice President Sherris-Watt said that, technically, the Board hadn't rescinded Zero Tolerance. IGM/COP Hart responded that Zero Tolerance, as passed by the KPPCSD, had really been only for the signal light in Kensington: It had not been for across-the-board traffic enforcement. He said the negativity about Zero Tolerance was what he wanted to get rid of, but he did want to address pedestrian safety and speed. He said to Mr. Deppe that he did hear his comments.

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A. Stevens Delk said that she had spoken about Zero Tolerance months earlier and that IGM/COP Hart had made it clear that Zero Tolerance didn't work. She said that, just before IGM/COP Hart had come to Kensington about 50% of stops had resulted in a citation. She said that, once IGM/COP Hart had come, the number of citations relative to the number of stops had decreased to about 30% and, now, the rate had dropped further. She said she agreed that the study that had resulted in Zero Tolerance had been focused on just the traffic light intersection and that the study had been completed at no cost to the District. She said, possibly, people were driving better and that was the reason for fewer citations.

IGM/COP Hart noted that one of the traffic officers had just returned to duty after having been on medical leave for several months and he encouraged everyone to obey the speed limit. Director Cordova said IGM/COP Hart was always welcome to take over traffic, as former GM/COP Harman had often done this when the Department had been short on resources.

Leonard Schwartzburd said, with respect to traffic stops, he took a wider view. He said he wasn't soft on the way the Police Department was being run. He said that he had been driving from Berkeley into Kensington for 25 years, that there didn't used to be stop signs on the Colusa Circle, and that, after they had been installed, he had driven through them because he had had a lot on his mind and his head had been in the clouds. He said that, when he had done this, a Kensington officer, who he said was no longer with the department, had stopped him and spoken with him quite seriously about his having driven through the stop sign. He said the officer had used his discretion and had let him go. He said that, a month or two after that, his mind had been in the clouds and he drove through the stop sign again. He said that the same officer had stopped him and been really angry with him but did not issue a ticket. Dr. Schwartzburd said that this was the kind of law enforcement that was effective, that it was an example of how relationships with officers could change behavior, and that he had not driven through the stop sign since then. The purpose wasn't to issue more citations; it was to make people safer.

President Welsh asked IGM/COP Hart to provide an analysis of the drop in citations within the next couple of months.

Andrew Gutierrez said he lived just north of "dead man's curve" on the Arlington. He said he had invited IGM/COP Hart to observe the activities on that part of the Arlington. He said the County actually determined the signage on Kensington's roads. He said that, if tickets were issued, the officers would have to go to Martinez to defend them. He said that Arlington Avenue had become a thoroughfare because of the clogged freeways. He said things were likely going to get worse, and there already were 6,000 – 7,000 cars traveling the Arlington on a daily basis. He said he thought there needed to be a more aggressive attitude about giving tickets and let those receiving citations go to Martinez if they want to challenge them.

Barbara Steinberg said her assumption was that the officers were trying to educate people. She said this took a much better officer than one who only issued tickets.

President Welsh said both approaches – issuing citations and educating people – were needed. He added that there was a difference between compliance and enforcement and that some people needed to get a ticket to change their behavior. He reiterated his desire to see an analysis.

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

Motion passed 5 – 0.

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

OLD BUSINESS

7 a. David Spath provided an Ad Hoc Committee on Governance update.

David Spath reported that there were three subcommittees:

- Contacting of services – This subcommittee had contacted jurisdictions that had contracted with the Sheriff's Department, and it had contacted Albany, El Cerrito, and Richmond about the possibility of providing service. He said that the subcommittee also planned to talk to UC Berkeley and to EBRPD and that it had done a lot of work in just one month.
- Bifurcation of the General Manager/Chief of Police position – He said there had been discussions with the City of Berkeley and the Albany Police Chief to get a sense of how they operate and what they do, with respect to budgets, and what their disciplinary limits are, vis a vis the General Manager and the Chief of Police. He said the subcommittee would be looking at a variety of jurisdictions that have half-time general managers and some that have half-time police chiefs. He said they were also looking at jurisdictions that had had the combined position in the past and then split it as well as jurisdictions that currently have combined general manager/chief of police position. He said they were also going to look at a fire districts because, the law did not require fire districts to have a general manager and so fire chiefs often serve in the capacity of both general manager and fire chief. He said the sub-committee had made a lot of progress.
- Consolidation of the Fire District and the KPPCSD – He said this subcommittee was looking into what consolidation meant, how it would come about, and what it would look like. He said that the subcommittee intended to meet with the boards of both districts to discuss the boards' views of consolidation and to look at agencies with separate and with combined police and fire services governing boards.

Dr. Spath reported that the Committee intended to hold community forums on June 4th and June 11th and that he had spoken with the librarian about creating a file of Ad Hoc Committee documents for the library. He said the committee was planning to make a survey to get from the public a sense of what the public thinks of current services. He reported the committee would like to conduct the survey in April, that it would be a web-based survey but that, for those who did not want to do an online survey, he hoped there would be an opportunity for them to participate in some other way – perhaps at the library. He said the committee wanted to send postcards to all residents to notify the community in the Outlook about this survey. He said he would return to the Board to seek permission regarding the cost of such a mailing and asked that this appear on the April agenda. President Welsh asked if Dr. Spath had an estimate. He responded that he didn't and that he would speak with District staff to try to obtain this information. President Welsh said the Board would be willing to entertain such a request.

Director Gillette asked if the survey would include questions about what specific services people like and don't like. Dr. Spath responded that the committee had a list of different services that are provided and that the committee would be asking people to rank them. He added that the survey questions had been developed, based on input from members of the committee and members of the public who had been attending the meetings. He encouraged members of the public to attend the meetings. He announced that the next meeting would be on April 7th at 7:00 P.M. and said people could contact him by email. Director Cordova encouraged people to attend the committee's meetings and said Dr. Spath was an excellent moderator. Director Gillette asked when he thought the committee would have something to report. Dr. Spath responded he hoped sometime in July, depending on what the Board wants. Vice-President Sherris-Watt said she had received complimentary feedback from Albany about the committee.

Director Cordova asked how the Committee was doing on legal funds. Dr. Spath responded that they were doing fine. He said he had been providing a copy of the committee's agendas to Randy Riddle, and he assumed Mr. Riddle had been reviewing these gratis.

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Director Gillette, in response to Dr. Spath's earlier question, said she wanted to see a complete report, rather than receiving serial information, in order to see information in a way that would enable her to compare and contrast. Dr. Spath responded that one of the more challenging aspects of the committee's work was determining the services the community wants in terms of structure, such as whether the community wanted 24/7 patrolling. He said this really should be left to professionals to determine. President Welsh asked if the committee would want a consultant. Dr. Spath said this was something the committee would likely address at its April meeting.

President Welsh thanked Dr. Spath for his report and suggested taking a five-minute break. At 10:34 P.M. the Board took a break.

At 10:42 P.M. the meeting resumed. Vice President Sherris-Watt proposed changing the agenda to address some of the remaining items and then to address the remaining items at a subsequent meeting no later than two weeks hence.

Director Cordova said she supported Vice President Sherris- Watt's proposal and supported meeting every two weeks until the Board got ahead of the workload. She said many of the items were time-sensitive. IGM/COP Hart said that it would be fine if the Board wanted to have a Special Meeting in the future but that, if it wanted to set regular meetings every two weeks, it would have to be an agenda item. Following discussion, Board consensus was that it would work through the evening's agenda.

- 8c. The Board received a report from the Interim General Manager on the status of the investigation regarding a traffic stop conducted on October 7, 2015.

IGM/COP Hart read a statement. He reported that, in connection with a traffic stop of Director Cordova, serious allegations had been made against police officers. He said that, because of this, Richmond Police Department's Lieutenant Brian Dickerson had conducted a full, fair, and independent investigation of the incident. He said the report was currently under review. He reported on next steps, which, he said, would include a deliberative process and could include disciplinary measures. He said that the law required police departments to maintain strict confidentiality and that he expected to conclude his work in this endeavor within the following two weeks. He concluded by reporting that one of the two officers involved in the traffic stop had been placed on administrative leave with pay but that "administrative leave with pay was neither a disciplinary action nor an indication of wrongdoing."

President Welsh said he had a question for legal counsel: Could an actual change in status be revealed? Mr. Riddle responded in the affirmative. President Welsh added that, should that occur, no other information could be revealed.

Gloria Morrison asked that IGM/COP Hart's report be posted on the website. She asked if the names of the police officers would be revealed. IGM/COP Hart responded that Officer Ramos was on paid administrative leave. Ms. Morrison asked for confirmation that the other officer was still the head of the police officers' association. IGM/COP responded in the affirmative and added that he had no control over that. Ms. Morrison said she objected to individuals reading other people's letters during public comments. She said people should come and read their own letters, or if time doesn't permit, send it to the Board and the IGM/COP so it could be part of the packet. She noted that the reading of other people's letters was a little suspect.

Leonard Schwartzburd asked if Officer Ramos had been placed on administrative leave in connection with the traffic stop. IGM/COP Hart responded that he could not say.

Garen Corbett said he appreciated the need for sensitivity and due process with respect to this matter and asked that it be resolved expeditiously. President Welsh responded that, because the District needed an independent investigation performed by an outside agency, the District could not push for a speedier completion of the process.

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Trisha Mindel said that reading letters as part of public comments was strange but was, sometimes, unavoidable. President Welsh responded that a letter could just as well be delivered so that Board members could read them for themselves. Vice President Sherris-Watt said she disagreed: The agenda hadn't gone out until Monday, a person might be ill and, if sent, a letter wouldn't appear in the record until the following month. She added that, putting a damper on letters could pose a difficulty for the elderly or infirm.

Directors Toombs and Gillette asked to get back to the agenda.

Linnea Due asked if the community could find out the names of the twelve witnesses. IGM/COP Hart responded, "Not at this time."

Celia Concus said that, in the prior month's Outlook, there had been an interview with IGM/COP Hart. She said it had been reported that he would first be releasing the information from the internal affairs investigation to the complainant and that it appeared not to be happening. She asked why the information was being put forth at a public meeting. IGM/COP Hart responded that nothing was being put forward: This was the process. He noted that the complainant had not been officially notified. He added that he had reported only on process and that he had made no report on findings. He clarified that he was still reviewing findings and determining what course of action to take. Ms. Concus asked if IGM/COP Hart would notify the complainant once he had all the findings. IGM/COP Hart responded in the affirmative: He said that the law required this and that he had told this to the complainant.

John Gaccione said that before a rush to judgment, the facts should be determined. He said that the community was going to have to wait a lot longer and that the longer it took the more the community would be at a loss to figure out what was going on. He asked what people should believe, what was real, what had happened, and said there was great frustration.

Andrew Gutierrez asked how long the officer would be on administrative leave and how many officers were actively engaged. IGM/COP Hart responded that the officer on administrative leave would remain on leave until IGM/COP Hart could make a determination whether any policies or procedures had been violated. He added that the District was maintaining minimum staffing levels on the street and that the residents were protected. Mr. Gutierrez asked if this was on overtime. IGM/COP Hart responded that, in some cases, it was. Mr. Gutierrez asked for more detail. IGM/COP Hart responded that there was one vacancy, two officers were on medical leave, and one on administrative leave.

- 8e. The Board considered changing the starting time of the April 14, 2016 regular meeting of the Board from 7:30 P.M. to 6:00 P.M.

President Welsh reported that this had been a request made by Director Gillette. Director Gillette said she needed to leave the April meeting by 9:30 P.M.

MOTION: Vice President Sherris-Watt moved, and President Welsh seconded, that the Board move the April 14, 2016 regular meeting of the KPPCSD Board from 7:30 P.M. to 6:30 P.M. Motion passed 5 – 0.

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

- 7b. The Board received a report from the Park Building Committee on a Measure WW Grant application for the Kensington Community Center facility improvements. The Board considered taking action to approve the application and subsequent submittal to the East Bay Regional Parks District for possible funding.

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IGM/COP Hart provided the background for this item and said the Board had seen this item once before. He said that WW funds were available from East Bay Regional Parks and that Vice President Sherris-Watt and Jim Watt had worked hard on preparing a preliminary grant application for submittal in the amount of \$158,358. He said there had been no decision yet on what the funds would be spent but the indication was that some ADA work would be done on the parking lot and possibly on the bathroom and kitchen. He said the details would be discussed later; under discussion for the evening was a review of the application.

Director Gillette asked for confirmation that the application would be for ADA upgrades to the property and asked if the District would be bound to that scope of work – could the Board change its mind and do something else. IGM/COP Hart responded that, if the District did any construction, it would, by law, have to do the ADA required work. He noted that the Park Building Committee had determined that it wanted to tackle first the work that had to be done. He said that other funds – from reserves and possibly from other Kensington groups – could be tapped for additional work, but the WW funds would be used for ADA issues.

Director Cordova said that, although a scope of work had to be identified at the time of the grant submission, the scope could be expanded at a later point in time.

Vice President Sherris-Watt said that the grant application had to show that the KPPCSD could afford to do the work proposed because the WW funds would be granted as a reimbursement only after the District had paid for the work. She noted that the District currently had \$207,000 set aside for improvements on the building and the grant proposal was for \$158,358. She added that the seismic work estimate exceeded the set-aside amount and so wasn't a good project for the grant proposal.

Director Toombs said he had gone on the WW website and seen that there was a lot of information that needed to be submitted along with the application. IGM/COP Hart responded that everything required had been included, except for a Board resolution, which EBRPD already had on file from 2009, when the park restroom had been done. Director Toombs asked, if the District received the money this year, would the District have to spend it before the end of the WW period. Vice President Sherris-Watt responded that the work would need to be completed before December 31, 2018 and that, if everything wasn't turned in by then, the District would not be reimbursed.

Vice President Sherris-Watt noted that, once the threshold of \$148,000 of construction cost was reached, ADA work must be done.

MOTION: Director Cordova moved, and President Welsh seconded, that the Board take action to approve the application and subsequent submittal to the East Bay Regional Park District for funding of Measure WW grant monies.

Motion passed: 5 – 0.

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

- 7c. The Board considered approving a proposal from the Interim General Manager/Chief of Police to increase the FY 15/16 Budget – Capital Outlay Item 965 by \$18,000. This amount would be offset by new revenue, in the amount of \$18,526 of Asset Forfeiture Funds.

IGM/COP Hart provided the background on this item. He reported that this agenda item had been discussed at the prior Board meeting. He said Asset Forfeiture Funds, in the amount of \$18,526 had been received. He reported that the \$10,000 that had originally been budgeted for weapons and their associated add-ons (including holsters, lighting equipment, ammunition, and training) would not be enough money. He said that, by adding the \$18,000 of Asset Forfeiture Funds to the \$10,000 that had already been budgeted, there would be sufficient funds for the weapons and their associated add-ons plus bulletproof vests. He noted that a speaker at the prior month's meeting had said there was a \$300

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vest and added that, yes, there was such a vest, but it was very uncomfortable and could not be worn underneath clothing. He noted that a sample of the \$300 vest and of the vest he was recommending (it breathes, is custom-fit, and would be worn by officers at least 12 to 14 hours per day) were on display on the side table. He said it was not his recommendation to spend the least amount of money on a vest. IGM/COP Hart said the current process was that officers bring their own firearm to work and can elect whether or not to wear a vest. He said he saw these as flaws in current procedures.

IGM/COP Hart reported that Asset Forfeiture Funds could not go into an agency's general fund; they could be used only for specific things – among them, weapons and training. He said he was proposing that the budget be increased by \$18,525 to be placed into a specific line item. He said the money did not have to be spent all at one time; funds not spent could be carried over for use another year. He reported that he had provided quote detail, as requested by the Board, which showed the vests at \$698 apiece and showed two different weapons – he said he had not yet made a final decision on which weapon he would select. IGM/COP Hart said that, at the Board's prior meeting a speaker had recommended purchasing refurbished firearms but that he was recommending the purchase of new firearms, which would be warrantied for a number of years.

President Welsh said he wanted to make clear that the vests were to be worn under the uniform, as opposed to the over-the-uniform \$300 version that had been suggested by a speaker at the prior Board meeting. He said he supported everything IGM/COP Hart had recommended.

Director Cordova asked for confirmation that there was still a safety allowance in the proposed MOU. IGM/COP Hart responded in the affirmative and said that each officer would receive \$250. She wondered why the District wouldn't look a "Toyota" model of a vest and then allow the officers to upgrade, using their safety equipment allowance. She also said she didn't understand why the District needed to procure 15 of everything. IGM/COP Hart responded that he was recommending buying 15 weapons and ordering only as many vests as were needed. He explained that the department needed at least ten weapons for officers, two for reserves, and at least two more in case weapons were being repaired.

Director Cordova said these were not the only Asset Forfeiture Funds that had been received from the WESTNET operation. IGM/COP Hart responded that this \$18,525 was the first asset forfeiture disbursement and that it would take years to adjudicate the related cases. He noted that he had been the one to push for the disbursement and that it was the first of what he thought would be additional disbursements.

Vice President Sherris-Watt said she supported purchasing and standardizing weapons. She noted that only one of the quotes was still valid and said that pricing could have changed. IGM/COP Hart responded it could have, but only slightly, and said that he was asking for a not-to-exceed amount. She said she wanted to see fresh quotes. She said she would approve purchases for ten officers and three reserves but would not approve 15 of each item.

President Welsh said he didn't want to second-guess the Chief's judgment with respect to extra equipment he would need to have on hand to guaranty service. IGM/COP Hart clarified that he planned to purchase 15 weapons and only as many vests as there are officers.

Director Toombs said he thought the Board was expressing a desire that IGM/COP Hart get the best bargain possible on the needed equipment. IGM/COP Hart responded that he was recommending what he thought it was the best course of action.

Director Gillette asked, if the Board were to move the additional funds into the account with the restriction that IGM/COP Hart could buy a certain number of guns and vests and there were money left over, what the District could do with the remaining funds. IGM/COP Hart responded that the \$18,525 of Asset Forfeiture Funds were restricted and could be used only for law enforcement training and equipment but that the other \$10,000 were not restricted. He added that, ideally, he would spend the \$18,525 first because the \$10,000 had no such restrictions.

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Jim Watt said he was concerned with the cost. He noted that both the Sig Sauer and the Glock guns were equipped with special features, including night lighting. He said that the extra features were not common among most police agencies and that they added another \$3,500. He said he agreed with Director Cordova; the officers' safety equipment allowance should be used to offset the purchase of this equipment. He said \$3,000 remained in Account 553 Range/Ammunition Supplies and that this should be used for the ammunition part of the proposal. He said these changes would reduce the total being requested.

President Welsh asked IGM/COP Hart to respond to the issues raised by Mr. Watt. IGM/COP Hart responded that the lighting was attached to the firearm itself so that, when an officer went into a dark area – even during the day – and didn't have a flashlight, the officer would always have a flashlight. He said this was a safety issue. He said that, with respect to the reserve officers, he was trying to enhance the reserve program. He said he would like to add three to five more reserve officers, though it was becoming hard to do so, given the improving economy. He said that, once a firearm was assigned, it became officer specific, because things like the sights were set to each officer's preference and because each officer qualified with a specific weapon.

Director Cordova asked if the reserve officers carried weapons while on patrol. IGM/COP Hart responded in the affirmative.

President Welsh said that, in the State of California, when any employer decided a certain type of safety equipment was needed, that employer had a legal obligation to provide it without cost to the employee. He said that, under the law, the District couldn't provide less than adequate safety equipment and then ask the officers to upgrade using their safety allowance. Director Cordova said she disagreed with this perspective and cited a conversation she had had with the California Peace Officers' Association, which said the District's legal obligation was met with the \$250 safety equipment allowance per the MOU.

Mabry Benson asked if the District owned the weapons officers had purchased with safety allowances. President Welsh, IGM/COP Hart and Randy Riddle responded that guns purchased with safety allowances belong to the officers. It was clarified that the District would own the new guns. Ms. Benson asked if the new car had been ordered. She said IGM/COP Hart had been more interested in purchasing a new car than in purchasing safety equipment for the officers.

A. Stevens Delk said that, for a number of years the District had not been issuing service weapons, though the policy manual said it would; instead, the District had been providing a safety allowance, which the officers could use to help them buy a weapon. IGM/COP Hart responded that the District did not issue service weapons, nor was it required to do so per the policy manual.

Gail Feldman said there were two issues:

- The appropriation of \$18,000, which would give authority. Vice President Sherris-Watt responded that this had been done at the Board's prior meeting.
- The budget issue.

MOTION: Director Gillette moved, and President Welsh seconded, that the Board approve the proposal from the Interim General Manager/Chief of Police to increase the FY 15/16 Budget Capital Outlay Item 965 by \$18,000, with the explicit instruction that the IGM/COP not spend any more than he has to in order to outfit the current officers with vests and not to buy more than 15 guns.

Motion passed 3 – 2.

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

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Following the motion being made and seconded, Vice President Sherris-Watt and Director Cordova said they would not approve more than \$10,000. When Director Gillette asked why, Vice President Sherris-Watt said she had done the math on 13 vests and 15 weapons and that she was uncomfortable because she knew the quotes weren't valid. IGM/COP Hart responded that this total of \$20,000 wouldn't cover the \$24,500 cost of just the body armor and the weapons, as shown on his cost summary.

8g. The Board reviewed a report and discussed taking action regarding succession planning for the Interim General Manager/Chief of Police position.

IGM/COP Hart stepped away from the dais.

President Welsh introduced the item, noting that Director Cordova and Vice President Sherris-Watt had jointly submitted the item and the corresponding memo included in the Board Packet. Vice President Sherris-Watt said that she and Director Cordova wanted to begin the discussion about what would occur in the future: Was the District going to consider separating the positions or write a new contract for an interim GM/COP position, noting that the Board needed to negotiate a new contract with someone by June 2, 2016. She said the three-page summary outlined a number of approaches for planning.

President Welsh described possible options:

- Negotiate a new short-term contract with the incumbent.
- Initiate a new open recruitment for an Interim GM/COP.
- If not negotiating a contract with the incumbent, go back to finalists from last interview process to see if they're interested.
- Split the GM/COP position.

Randy Riddle noted there was nothing in the Government Code that would restrict how the Board could search for a new GM/COP. Mr. Riddle also noted that he had recommended that IGM/COP Hart not participate in the discussion and noted that IGM/COP Hart had left the dais.

Director Gillette said that Mr. Spath had indicated that the Ad Hoc Committee would likely be providing the Board with its findings by the end of summer. She said she had not made up her mind whether splitting the position was a good or bad idea. She asked why, at the end of June – if IGM/COP Hart weren't coming back, the Board would pre-empt the Ad Hoc Committee's study of whether splitting the position would be a viable solution. She said that the memo had identified this as a "proof of concept opportunity" and that she didn't think this was necessary. She said that she was opposed to putting the police department back into chaos and to getting rid of a general manager who understands the District. She added that she didn't understand the logic of doing so.

Director Cordova responded that this would just be a short-term option. She said there was a very short recruitment window before the Board needed to execute on June 1st. She said it was a unique position, combining two skillsets, for which there was not a huge market. She added that the Board might be forced to patch something together. She noted that Vice President Sherris-Watt had had a conversation with John Holtzman about what would happen, worst-case scenario, if the Board couldn't find someone. She said that Public Management Group, for which Adam Benson works, also has city managers that work on a contract basis and that John Holtzman had offered a variety of scenarios that included tapping into PLG's consulting division, with which the District already had a relationship.

Vice President Sherris-Watt said that a trial run of splitting the position might offer some real world experience. She said she wasn't trying to pre-empt the Ad Hoc Committee.

Director Cordova said that one option was to execute a contract with the incumbent. Another option would be to open up the recruitment. A third was to look back at the other qualified candidates who had been interviewed previously. And, another option was to break apart the position, because time was short, and work with PMG. She said she wasn't advocating any one option; she was advocating taking action so the Board wouldn't end up without any options. President Welsh responded that he agreed that

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the Board either needed to extend the contract with the current IGM/COP or find a new IGM/COP but that he wasn't prepared to go to a different model until the Board had some data from the Ad Hoc Committee; he didn't want to make guinea pigs out of the citizens of Kensington by experimenting with something that it had never done before. He said there might be a better way to do it, but he didn't want to move to it until there were data to support it. He said that he would support exploring a new contract with the current IGM/COP.

Director Gillette thanked Vice President Gillette and Director Cordova for putting thought into the issue. She said that, perhaps, the Board should give direction to its attorneys to enter into negotiations with the current IGM/COP to see if he was interested in continuing and that, if he were not to be interested, this would eliminate one of the options.

Vice President Sherris-Watt suggested putting the options in the following order:

- a) Negotiate with the current IGM/COP.
- b) Negotiate with the previous finalists.
- c) Ask Mr. Holtzman to advise on the availability of a per diem IGM/COP.

President Welsh asked about opening up recruitment. Director Gillette said she wouldn't favor going to PMG: Her preferences were options a and b. She said she didn't favor having Public Law Group put any effort into this effort; nor did she support option c, unless options a and b failed.

Director Cordova said that she would not support negotiating with the current IGM/COP but that the Board could explore it.

Director Toombs said he agreed with Director Gillette. He said he wanted to maintain the status quo, with respect to keeping the GM/COP position combined, because there might be a whole new model and he wanted to wait and see what facts the Ad Hoc Committee would bring to the table about the benefits and drawbacks of separating the position. He said he would favor entering into a short-term contract with the current IGM/COP and noted that the other finalists may have already taken other positions. He added that there was a short window for the number of hours those finalists could work because they were PERS retirees. Directors Cordova and Gillette responded that the term would be short.

Director Gillette said that, at the appropriate time, perhaps Dr. Spath could speak with the PLG to see what a split GM/COP position would look like, from a cost perspective.

Director Gillette suggested that the Board authorize PLG to explore a short-term contract with IGM/COP Hart to determine what that would look like and what it would cost, as well to determine what IGM/COP Hart's interest might be. And, she suggested that the Board simultaneously determine the availability of the prior finalists. She said that if neither proved viable then the Board should initiate recruitment for a new IGM/COP. She suggested that all those things should happen within the next month. Mr. Riddle suggested that the Board have a committee to address the suggestions.

Linda Lipscomb said that, as she understood, the Board was going to push forward and explore some form of contract extension with the current IGM/COP. She said that, without that, the Board would be crazy not to understand the stability that IGM/COP Hart had brought to the community in the wake of all the machinations that had followed the prior administration. She said it was important to understand the talent the District had with IGM/COP Hart's General Manager and Chief of Police skills. She added that this was a rare skillset and that the community would be grateful if IGM/COP Hart would accept an extension of his contract. She said that this was a difficult community to serve and that the City Manager of El Cerrito had a salary of \$200,000.

Mabry Benson said that IGM/COP Hart's contract expires on June 1st and that, because of the short timeframe, the Board should first ask IGM/COP Hart whether he's interested but that the Board should keep all options available, including how a part-time General Manager and a part-time Chief of Police would work. She said that the Board's advisors should work on option a first and that the response to

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that would likely be quick and that if that didn't work out then the other options should be pursued because the Board only had two months.

Gail Feldman asked that, with respect to the direction the Board would be giving Mr. Holtzman, it determine a contract term. She said that, whether the contract would be with the incumbent or with a new person, the Board needed to think about what would be occurring in the coming months. In particular she asked the Board to respect the process to which it had agreed with the Ad Hoc Committee. She said many of the Committee members were putting in a lot of time. She added that the group that was looking at splitting the position was doing a phenomenal job and that they would be done within the next couple of months. She reiterated that it was important to let the process play out, in accordance with what the Board had established. She said there would be an election coming up and that, whether or not there was a new Board in place, it might want to bring in its own person. She said the Board should get the report from the Ad Hoc and allow time to put into place whatever might come of that work. She said not doing so would be disrespectful of the community and was really unnecessary. She concluded by saying that it was good that the issue had been brought forward and that the Board needed to define what it really needed and to give direction to Mr. Holtzman.

Director Gillette thanked Ms. Feldman and said she agreed with her. Director Gillette said the Board needed to look at a contract that would probably go to the end of the year, if not beyond, because, by the time the Ad Hoc Committee came back, a decision was made, and a new Board was put in place in December, it would not be good for a new Board to be without a GM/COP. She said a contract would probably need to go through to January or February of the following year.

Vice President Sherris-Watt suggested that she and Director Gillette form a committee to meet with Mr. Holtzman. Director Cordova said she wanted to state her preference for term: that it be in three-month increment extensions. She said she would not support a six-month contract. Director Gillette responded that she thought the Board should vote on the matter because she did not support three-month extensions. She said doing so would be unfair to IGM/COP Hart or whomever would take the position. She added that the Board wouldn't be ready three months hence. President Welsh suggested another nine-month contract with a three-month extension. He added that he didn't want the IGM/COP to be expiring just as a new Board was coming in. He said that, if the Board were going to go to a new model, there would need to be time to figure out the transition. President Welsh clarified that nine months would take the contract through January.

Director Cordova responded that she would not support a nine-month contract with an option for a three-month extension.

Marilyn Stollon said that some creative and business-wise options had been presented. She said the District had access to a consulting firm that had experts in both areas who could step in. She said this could be very cost-effective because there would be fewer benefits. She said the Board was closed and stuck in looking at only one path. She said the Board had a real opportunity to look at something more viable. Director Gillette responded that the Board was not looking at just one option and that Ms. Feldman had put it best: The Board had authorized and empowered the Ad Hoc Committee to look at several different options, and the Committee members had invested time in that. She said Directors were saying the Ad Hoc Committee should do its work and not be preempted. Ms. Stollon said that the Ad Hoc Committee report wouldn't be ready until the end of summer and that, rather than waiting for all the options to be presented at one time, the GM/COP piece should be looked at ahead of the other options.

Dr. Spath confirmed that the Ad Hoc Committee's findings for all the options would likely be ready at the end of summer, even though the framework had indicated November. He said the Committee had been asked to work more quickly, which it has done. Dr. Spath added, stepping aside from his role with the Committee, that he thought Ms. Feldman had made some very good points. He said the upcoming forum would be a perfect vehicle for public comments about the different options, which could give the Board a sense about how the community feels about the available options.

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Director Cordova said that she wasn't preempting anything and that what had inspired the packet's document had been, what would happen on June 1st if the Board hadn't done anything.

Dr. Spath responded that this was prudent and that option a would be the first one the Board would want to examine. He said this would give the Committee the opportunity to present all the options to the community.

Rick Artis said the discussion had been a lot of "useless thrashing." He said the logical way to proceed was for the Board to maintain the status quo until – with reason, discipline, and facts – the community figured out what it wanted to do. He said the most respect that could be shown to the community, the Committee, and the current IGM/COP would be to nail this down in a logical way that would allow the community to proceed in order. He said President Welsh's suggestion had been a good one and noted that Director Cordova had said she wouldn't support that suggestion. He reiterated that maintaining the status quo, until the Ad Hoc Committee had determined its findings, was the logical way to proceed. Vice President Sherris-Watt responded that the Board could not leave itself beholden to one particular employee and that, by having fallback positions, the Board would have negotiating power. Mr. Artis responded that the Board did have negotiating power but had failed to use it and that that was the problem because not everyone wants to use that negotiating power for the simplest outcome.

David Bergen said that the idea of trying out a per diem COP and a per diem GM was a good idea and that this wouldn't preempt the Ad Hoc Committee's work because it wouldn't be permanent. He said that, when one didn't know what the outcome would be, one ran an experiment and that that's what this would be.

Director Toombs said that whenever there was a negotiation, getting the best outcome was most important. He noted that the term of a GM/COP contract needed to be of sufficient term so that, should a new model be adopted, someone would be running the ship during the time of transition.

**MOTION: Director Gillette moved, and President Welsh seconded, that the Board authorize the Public Law Group to explore a new contract with IGM/COP Hart that would last from June 1st through February 28th and that, if IGM/Cop Hart is not interested in that, then she and Vice President Sherris-Watt, in conjunction with the Public Law Group, would simultaneously explore the availability of the candidates the Board interviewed previously and identified as good candidates for this particular District and explore open recruitment, and then bring that information back to the Board at its April meeting.
Motion passed 5 – 0.**

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

During the Board's discussion of the above motion, Ms. Stollon said it was a disservice to the community for the Board to make such an important decision at such a late hour. She said many others would have stayed to give feedback and that the Board should address unimportant agenda items late in the evening and address the important ones early. She said the decision was being rammed through. Director Toombs responded that, if one wanted to attend a long meeting, one should go to a Berkeley City Council meeting and that they still did good things. He said the Board was there to finish its job.

IGM/COP Hart returned to the dais.

- 8d. The Board discussed and considered approving a resolution to require a board member who becomes aware of possible misconduct by a District employee to report that conduct to the Board President or General Manager, and to encourage the Board member to inform the Board President and /or General Manager and General Counsel before speaking to reporters or other media sources.

Director Gillette, who had asked for this item to be placed on the agenda, said that this was not a first amendment right infringement and asked to continue the item. Director Toombs noted that this would

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be asking people to follow the law, with respect to employees' rights. Director Gillette said this was not a restraint, it was recognizing the responsibility the Directors had to themselves, to the Board, and to the community. She reiterated that she wanted to continue the item to the next meeting.

- 8f. The Board considered appointing Chuck Toombs as the Kensington Police Protection and Community Services District Liaison to LAFCO.

Director Cordova asked if the item could wait until the next meeting. Director Toombs responded that the Board needed to act on the item that night. Director Gillette asked for someone to explain to the community what this meant. President Welsh responded that LAFCO was the agency that regulated special districts like the KPPCSD and the Kensington Fire District. He said LAFCO had a Board of Directors for which there was currently an open seat. He added that it was critical that the appointment be made promptly because of the timing of the election. He said there was one candidate for that seat and that, if the Board designated Director Toombs as the liaison, he could vote "yes" or "no" for that person. He said Tony Lloyd had previously served as the District's liaison.

Vice President Sherris-Watt said that Director Cordova was the Board's Intergovernmental Coordinator and so didn't understand why she hadn't been considered for the position. Director Cordova added that she attended LAFCO meetings monthly anyway. President Welsh responded by asking why Director Cordova hadn't brought the election matter to the Board. He noted that the election had been percolating for several months and asked why she hadn't done anything with it. Director Cordova responded that she couldn't make appointments and asked why President Welsh hadn't made the appointment. President Welsh responded that Director Cordova was the Coordinator and hadn't said a thing about the matter and that he had found out about the election by accident. He added that, because of his experience, he thought Director Toombs would be better suited for the liaison position.

Director Cordova said that she and Vice President Sherris-Watt had been attending LAFCO meetings. She said that LAFCO'S Executive Director, Lou Ann Texeira, contacted two people: the General Manager and the President of the Board. Director Cordova added that she didn't feel comfortable having one Board member speaking on behalf of the entire body. Director Toombs responded that he agreed with her, saying that whoever held the position should not speak for him/herself: Rather, the appointee was to speak only with the Board's direction on the Board's position. He added that no one was to go the LAFCO meetings, or any other group's meetings, and speak unless the Board had authorized them to do so, with a specific agenda. He said he thought his role would be not to act unless the Board had provided him with direction. He reiterated that anyone appointed to any such position was to act only at the direction of the Board.

Vice President Sherris-Watt said she had respect for how hard Director Toombs worked, but she believed the position should go to Director Cordova because it was within her purview and that, therefore, she would oppose Director Toombs' appointment.

Director Cordova added that she sat on the statewide CSDA Formation group.

President Welsh asked to table the item for the next meeting. IGM/COP Hart reminded the Board that it would miss the election window.

David Bergen said that Director Cordova should be appointed to the position because of her position, her interest in LAFCO, and her connections.

Director Gillette asked if there was a reason why President Welsh didn't want to appoint Director Cordova. President Welsh responded that it wasn't a matter of not wanting to appoint Director Cordova; he thought Director Toombs would do a better job for this particular situation.

Director Cordova said she wanted to point out that only the President could make appointments and that she had no committee appointments, either in the current year or in the prior year. She said she had one

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role: Intergovernmental Coordinator, which she said she had done and built upon in a very limited capacity. She added that she considered this to be a marginalization. She said that former Board members held more committee positions than she did. She said she was the only one who had worked in local government, she had worked in LAFCO within the context of redevelopment during the heyday, she had worked for a park special district, and she wasn't "off the turnip truck."

Director Gillette asked Director Toombs why he thought he might be better for the position. Director Toombs responded that he didn't think he would be better or worse than anyone else would. He said that, apparently, LAFCO had to have somebody formally noticed, subject to subsequent Board approval; that his name had surfaced as the person who would go out to LAFCO; and now this was a matter of ratification of something that had occurred earlier in the week. Director Toombs added that he had worked with LAFCO, had been on the Board for seven years and had been to LAFCO meetings, had read LAFCO's reports, and had some understanding of what LAFCO managed. He said it was not a matter of ego for him and that the decision lay with the Board. He said he didn't have any reason why Director Cordova should hold the position, any more than he should. He said that circumstances had led to himself being the designee and that, now, it was a matter of ratifying that position. Director Cordova responded by thanking Director Toombs for clarifying that he had been noticed and that she hadn't been.

John Gaccione said there was some talk about the KPPCSD looking to consolidate with the Fire District and that, as he understood, LAFCO would be making those kinds of decisions. He asked whether Director Toombs had a position about consolidation and said that was a concern. Director Gillette responded by asking if Mr. Gaccione would have that question for both Director Toombs and Director Cordova. Mr. Gaccione responded, saying that Director Cordova hadn't been appointed, so it applied only to Director Toombs. Director Toombs responded that Mr. Gaccione had missed the point: Director Toombs would only take direction from the Board in situations where he represented the District.

Director Toombs said he wanted to read something that had been written about Measure G, which he said was always "shoved down his throat." He read two statements that had been written about the measure. The first: "The Services District voted against consolidation with the Fire District, which would have provided additional tax revenues to support all public safety services in Kensington, without new taxes." Director Toombs then read a second statement: "The Fire District cannot legally transfer any of its tax revenue or reserves to the Police District. Fire District funds must be expended for fire services or returned to taxpayers." He read further, "Combining the two Districts is a lengthy complicated legal process. Moreover, there is no assurance a single combined District would receive as large an allocation from the County of general property taxes as the two separate Special Districts now receive. The combined District could have less total revenue than the two existing Districts, a result that could compound the problem." He asked Mr. Gaccione who had written each statement. Mr. Gaccione responded that he had no idea. Director Toombs responded that Celia Concus and her group had written the first statement, saying that a merger was a good idea to save money and that he, Director Toombs, had written the second one. Celia Concus responded that the statement had been given to her by Gail Feldman to sign. Mr. Gaccione asked Director Toombs what had been the point of this. Director Toombs apologized for having put Ms. Concus on the spot and said that the point he was trying to make was that the statements had been written in 2009/10 and that people's opinions evolved. Director Toombs said he had been "tarred and feathered" over his statement many times. He said he wouldn't do anything now, unless the Board had told him what they wanted.

Director Cordova said this wasn't a commentary on Director Toombs; it was a commentary on the way it had been handled. She said the Board should have discussion about who was interested in the position and then come to a decision instead of presenting it in the way it had been – it hadn't been in the spirit of consensus.

Mabry Benson asked who had asked Director Toombs to take the position. President Welsh responded that he had. She said it was rude of President Welsh not to have asked Director Cordova. Director Cordova noted that neither Director Gillette nor Vice President Sherris-Watt had been asked either. President Welsh responded that he brought the matter to the Board to seek its approval.

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Director Gillette said that she had concerns and that she didn't understand the reasons articulated for not having Director Cordova hold the position. She said that, if the person who served in this role only did what the Board told that person to do, then it didn't really matter who held the position. She reiterated that the appointed person could only follow the direction of the Board. She added that the Board was creating an issue where one didn't need to exist. She said that not appointing Director Cordova would create problems over something that wasn't that significant. She said that if the only thing that person could do was be a mouthpiece for the Board and the rest of the Directors could go and ensure that was all that was happening, she didn't see why the Board was having a protracted discussion. Director Toombs responded that he agreed. He said that he and Director Cordova were competent to take on the position and that, if Director Cordova was selected, it was with the caveat that she was there as the Board's representative: Her personal opinions were not to go to the fore.

Director Gillette asked if Director Cordova could do that. Director Cordova responded in the affirmative and said it would be her honor to do so – she didn't get to do much else. Director Toombs said Director Cordova would be going to LAFCO as the Board's spokesperson; would need to keep the Board informed about what LAFCO was doing, regardless of her personal opinions; and would need to bring back issues for the Board to take into consideration.

President Welsh asked Director Cordova to make him one promise: The next time he goes to a Fire Board meeting that she would not send him text messages telling him "he was foaming at the mouth," "making a fool of himself," "he was embarrassing the District," and all the other things she had done when he had gone to the Fire Board meeting to ask for a joint finance meeting. Vice President Sherris-Watt said the Board should not devolve into this. President Welsh continued by saying he had never read anything less professional from a grown human being. He said he didn't think Director Cordova was fit to be a liaison to other agencies because of the way she sometimes communicated. He said that, if she wanted him to put those communications in a Board Packet, he would do so and that, if the Board wanted to appoint Director Cordova to the position, it could do so.

MOTION: Vice President Sherris-Watt moved, and Director Gillette seconded, that Director Cordova be the KPPCSD LAFCO representative.

Motion passed 4 – 1.

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

Vice President Sherris-Watt thanked Director Toombs, and Director Cordova thanked Director Gillette.

MOTION: Vice President Sherris-Watt moved, and President Welsh seconded, that the meeting be adjourned.

Motion passed: 5 – 0.

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

The meeting was adjourned at 12:59 A.M.

Len Welsh
KPPCSD Board President

Lynn Wolter
District Administrator

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Meeting Minutes for 4/14/16

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday, April 14, 2016, at 6:30 P.M., at the Community Center, 59 Arlington Ave., Kensington, California. The Regular meeting of the Board of Directors followed.

ATTENDEES

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Len Welsh, President	Randy Riddle, Renne Sloan Holtzman Sakai LLP
Rachelle Sherris-Watt, Vice President	Adam Benson, Renne Sloan Holtzman Sakai LLP
Chuck Toombs, Director	John Holtzman, Renne Sloan Holtzman Sakai LLP
Patricia Gillette, Director	Mike Hazelwood, Renne Sloan Holtzman
Vanessa Cordova, Director	Justin Buffington, Rains Lucia Stern, PC
	Officer Theodore Foley
	Linda Lipscomb
<u>Staff Members</u>	John Gaccione
Interim GM/COP Kevin Hart	Linnea Due
Sgt. Hui (on duty)	Gloria Morrison
Lynn Wolter, District Administrator	Leonard Schwartzburd
	Mabry Benson
<u>Press</u>	Andrew Gutierrez
Linnea Due	Marilyn Stollon
	Lori Trevino
	Jim Watt
	A. Stevens Delk
	David Spath
	Lisa Caronna
	Garen Corbett
	Rob Firmin
	Karl Kruger
	Gayle Tapscott
	Gail Feldman
	Paul Dorroh
	Rick Artis
	Barbara Steinburg
	Celia Concus

President Welsh called the meeting to order at 6:33 P.M. President Welsh, Vice President Sherris-Watt, Director Toombs, Director Cordova, Director Gillette, Interim GM/COP Hart, and District Administrator Wolter were present.

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PUBLIC COMMENTS

A member of the public asked for more information about the subject matter that would be discussed in the Closed Session. President Welsh responded that this was a lawsuit that had arisen from an injury on one of the paths.

CLOSED SESSION

The Board entered into Closed Session at 6:34 P.M.

Conference with Legal Counsel – existing litigation, (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Meyers. V. Kensington Police Protection and Community Services District.

The Board returned to Open Session at 7:06 P.M.

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

President Welsh reported that, in Closed Session, the Board had been briefed by its attorney on the agenda item and that no action had been taken.

IGM/COP Hart asked President Welsh if Item 8a, under New Business, could be taken first. President Welsh responded in the affirmative.

8a. Introduction of new employee: The IGM/COP introduced Theodore Foley to the community and swore him in as Kensington's newest officer.

IGM/COP Hart asked Theodore Foley to join him at the podium. IGM/COP Hart provided background information on Theodore Foley: Attended the Police Academy in 1994; Visalia Police Department; Madera County Sheriff's Office; ICE; served in U.S. Army 1994-99 and in U.S. Coast Guard 2009-present; Kensington Reserve Officer 2010-16, with two commendations; POST Firearms Instructor, Impact Weapons Instructor, Range Master; and speaks Spanish. IGM/COP said it was his pleasure to swear him in. IGM/COP Hart administered, and Theodore Foley took, the oath of office. IGM/COP Hart pinned on the badge and introduced Officer Foley, who was welcomed with a round of applause. Officer Foley thanked IGM/COP Hart and the District for the opportunity and said he looked forward to meeting members of the community.

PUBLIC COMMENTS

Linda Lipscomb spoke about the recent investigation, completed by the Richmond Police Department, about the traffic stop involving Director Cordova. She said that, when she had moved to Kensington in 1977, Kensington had been a friendly town governed by volunteers. She said that, a few years earlier, District business had started to be sidetracked and that she thought this was the goal of some who wanted to make the District appear to be in constant disarray and chaos. She said this was meant to make our small community susceptible to being "sucked up" by neighboring El Cerrito. She noted that Kensington was in the Sphere of Influence of El Cerrito and said there was a definite push from the more vocal critics of the Board towards contracting out with El Cerrito for Kensington's police services. She said that there were several legal reasons why that might not be possible. She said that preserving Kensington's independence was important because it afforded the community a safe way of life. She said that she had been a Director and had been on the receiving end of invective and disapproval and that the Directors should be thanked for their service. Ms. Lipscomb said there was an official report of the investigation of the vehicle stop of one of the Directors and the ensuing interaction with Kensington officers. She noted that several official complaints had been made. She said she called on everyone,

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officers and Directors, to waive any privilege they might have which could prevent the release of the investigation report. She said this was an educated community and that, if those involved really stood for transparency, they would encourage the release of the report to the citizens so they could judge for themselves what happened. Otherwise, all the community would have was what it currently had – speculation, interpretation, and spin. She said there should be an immediate review of Board policy regarding Board member participation on social media, especially with respect to matters over which the Board had within its purview. She said that, when a Director wrote to a social media site – such as Kensington Next Door – about a matter before the Board, it created the appearance of bias and that, should another Director join in the discussion, then no other Director could join in because it could constitute a violation of the Brown Act. She said other matters were not to be disclosed. She reiterated her thanks to the Directors for their service.

Justin Buffington introduced himself as the attorney for the Kensington Police Officers' Association. He said he was at the meeting to discuss the internal investigation about the traffic stop involving one of the Directors and said he was glad that Ms. Lipscomb had mentioned the concept of releasing the report in question. He said there had been a number of allegations made about the police department in general and not just the POA: Those were allegations of conspiracy by members of the police department and the Association to stalk, harass, and intimidate the Director in question. He said the POA had been waiting for the report to come in, in the form of the report he held in his hand. He said the report had been completed by an outside investigator with the Richmond Police Department, who didn't "have a dog in the fight" and hadn't known any of the involved parties. He said, therefore, that it represented an impartial investigation and inquiry into the circumstances that had occurred in October 2015. He said there was an audio recording of the entire traffic stop, which had been part of the investigation. He said the POA now had an opportunity to respond and it had done so in the form of a summary of some of the facts that had occurred, which had been referenced in the investigation. He noted that a number of people had seen that summary. He said that, now, the investigation itself was available, that the people involved did have a privilege, and that the officers involved had decided to waive their privilege and allow the public to see the investigation so the public could scrutinize the investigation and conduct its own analysis. He said that, out of respect for the Director involved, the POA said it would give the Director an opportunity to give her assent to release the report, even though he and the POA didn't believe any privacy rights were implicated by its release because privacy rights were meant to protect the rights of employees and not complainants. He said he and the POA asked the Director to agree to the release of the document, at which time he and the POA would make it available to the community. He said that he and the POA hoped that the Director would want the truth to come out and would agree to the release. Mr. Buffington distributed copies of a document he asked to be included in the record. This document appears in the May Board Packet, under correspondence.

John Gaccione asked what this meant, with respect to the recent press release, which he said was embarrassing. He asked if President Welsh was going to offer an apology for the comments he had made at the prior month's meeting, which Mr. Gaccione said had been disrespectful of another Board member. Mr. Gaccione said an apology should be forthcoming. He then read some passages from the Kensington Police Department's Policy manual's Law Enforcement Code of Ethics, which says that an officer's fundamental duty was to serve the community; to safeguard lives and property; to protect the innocent, the weak, and the peaceful; to keep one's private life unsullied; not to bring discredit to oneself or one's agency; not to act officiously; or to let personal feelings prejudice or influence one's decisions. He noted that the code said that an officer's badge was a symbol of public faith, that an officer would never engage in or condone acts of corruption or bribery, and that an officer alone was responsible for his/her behavior.

Linnea Due asked what document Mr. Buffington had given to the Directors and staff. Ms. Due asked specifically if Mr. Buffington had distributed the investigation report itself because she had understood that the Board would be the appeal body. She asked if the officers had waived their right to an appeal. President Welsh responded that Mr. Buffington had distributed a copy of the press release from earlier in the week, which was not the report.

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A. Stevens Delk announced that the Fire District would be offering a free paper-shredding event on April 10th between 10:00 A.M. and 2:00 P.M. She said that, at last month's meeting, she had cited the Kensington Police Policy Manual, which said that weapons would be issued by the police department. She said that IGM/COP Hart had responded that they were not so issued. She had then asked what the manual said, he had replied that the department did not issue weapons. She said that, later, IGM/COP Hart had shown her the policy statement, which says that the department-issued weapon would be a specific type of handgun. She said she had interpreted this to mean that the department would issue a handgun. She said that IGM/COP Hart had told her that the policy manual was an "off-the-shelf" version that the department had "tweaked." She noted that the department purchased this document through a \$2,000 per year service. She said that IGM/COP Hart had submitted a 100-day plan at the time he had been hired and that one of its stated goals had been to review and update the policy manual. She said that had been 300 days earlier. She said that, if there had been any updates, they had been intra-departmental and had not been posted on the online version. She asked IGM/COP Hart to remedy this problem.

Gloria Morrison asked about the grant application that had been submitted for WW funds. Vice President Sherris-Watt responded that she would address that under Board comments.

Leonard Schwartzburd said that it appeared that the report was going to be released and that this pleased him. He said he hadn't had a chance to read, in its entirety, what Mr. Buffington had been distributed. He said that, regardless of whether some of the facts were correct, they didn't explain why the officers had stopped the Director outside of Kensington. He said he believed she had been targeted. He said that Director Cordova's having said that Sergeant Barrow had glared at her was consistent with Sergeant Barrow's behavior towards him. He said he had been a strong critic of how the Board and some of the police had operated. He said there were really good officers on the force and some who were the opposite. He said he had asked IGM/COP Hart to keep Sergeant Barrow away from him because he didn't trust his judgment. He said that IGM/COP Hart was minimizing Director Cordova's saying that Sergeant Barrow had followed and stopped her in Berkeley and then harassed her. Dr. Schwartzburd said he believed that IGM/COP Hart was now part of the culture of cover-up that had existed and still does exist. He said that Jan Behrsin's letter, which had been circulated three years earlier, had characterized Kensington as a police state. He said that this was accurate because, when police acted as though they were above the law, then it was a police state. He said that Sergeant Barrow "skated again" and that, in this, he was above the law. He speculated what it was that Sergeant Barrow "had" on Board members that allowed him to behave in such a flagrant manner. He said that IGM/COP Hart had supported criminal activity by Officer Ramos by deliberately covering up a crime and then conspiring with Sergeant Barrow to falsify the police report. He said there was video evidence, which IGM/COP Hart had seen, that showed the destruction of evidence of a crime, which IGM/COP Hart had tried to explain as not a crime and this defied the laws of physics. He said the report itself spoke of collusion between Sergeant Barrow and Officer Ramos. He asked what IGM/COP Hart was going to do about the lawless behavior of these officers on his watch. Dr. Schwartzburd also said that, when it came to collusion, IGM/COP Hart had given him the choice of only Sergeant Barrow or Officer Ramos to investigate the crime that had been committed against himself. He said this had left him with a clear conviction of whom the criminals really were. He said that, if the Board allowed harassment of this elected official to stand unchallenged, this would be the final straw for him, as was Director Cordova's claim that the police department was corrupt was true, as was any majority vote of the Board. He asked where the due process was. He said that the words used by Sergeant Barrow's "mouthpiece" were similar to the way Cathie had been treated by the then majority. He said character assassination was the modus operandi of the "power-trippers" who had been running things. He said Director Cordova should have courage, she shouldn't let "these people" frighten her into paralysis, and she should continue to fight for her constituents. He said that, if the Board majority were to pass an MOU that was the "shell game" that the present one was, then this, along with a lot of other things, could be corrected after the upcoming election.

Mabry Benson said that the reasons people left their jobs were their manager or their work environment – it often had nothing to do with money. She said that, to the best of her knowledge, the Board had never conducted exit interviews to find out why the District's employees, particularly the good ones,

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were leaving. She said the Board should have known there were serious personnel matters rather than just ignoring them. She said this was another example of the Board's failure of oversight. She said her criticisms of the police department were meant to improve it. She said that, at the prior month's meeting she had raised questions:

- What was the District's interest in the officers' weapons?
- Was there going to be any discussion about authorizing a study of the community's policing needs?

She addressed Ms. Lipscomb and said she agreed that police investigation records should be opened up. She said there was a Senate bill that would make all complaint records open to the public and said she supported passage of this. She said that, when police refused to make records public, it begged the question, "What are they hiding?" She said this protected the bad police and did a disservice to the good police.

Andrew Gutierrez said that he had been mentioned in the Rains document and that the language was unprofessional. He said the community should be ashamed that it occurred here and that the POA hired such people. He said that, with respect to his own complaint, Dr. and Mrs. Fouda had not been interviewed. He said there had been one person, not two people involved in the incident, and it had been Officer Turner. He said the report had said the incident had occurred on the Arlington but it had occurred at the approach to the Blake Estate. He said it was not dark but that the officer had said the taillight was out and that, to catch him, the officer had to have traveled at a high rate of speed. He said he had said this was harassment. He said the report was fiction. He said Kensington was no longer Mayberry: It was more like a little Chicago. He said the language used to describe Ms. Cordova was unprofessional and that the incident, as reviewed by another police department, was not trustworthy and shouldn't be released. He said that, when his son had been recovering from cancer, Officer Ramos had found that his son's license sticker hadn't been current, that his son had been cited in the middle of the night, and that his son's car had been legally parked on the street. He said the fee had been paid; his son just hadn't affixed the sticker because it hadn't arrived. He said he did not have confidence in the police department; although some of the officers were really nice law abiding people, some were not.

Marilyn Stollon said she wanted assurance that she would not be subjected to retaliation by the police force for her comments. She said that, because they had received Police Officers' Association endorsements, she wondered if President Welsh, Director Toombs and Director Gillette would denounce the smear tactics of the Police Officers' Association's attorney. She asked if the police officers deserved a pay increase after having resorted to these tactics. She said that the Board majority wasn't providing oversight of the Interim Chief and that the Police Officer's Association was running the town. She said that, with respect to the Richmond Police Department's investigation of the traffic stop, IGM/COP Hart had said the report would be impartial and thorough, that he would get the Richmond officer's recommendations, and that he may or may not follow them. She said that IGM/COP Hart had said that personnel information would not be released but that he would release as much as he could. She said she had been somewhat encouraged, even though it would be police investigating police. She asked how IGM/COP Hart could have all the relevant information if only KPD officers who hadn't there had been interviewed, but Berkeley residents on Ensenada who had seen the stop hadn't been interviewed. She said the smog test hadn't been interviewed nor had Vice President Sherris-Watt, who had publicly verified information. She asked if it was proper for a city manager to leave town for several days, the day after a crisis. She said that, by doing so, IGM/COP Hart had delayed filing documents. She asked if the investigator had looked into how the Directors had supervised this. She said she would be interested in seeing what the investigator's recommendations might be for these issues, should the report be released. She asked if the press release, which referred to parts of the investigation, was an indication of the fabrication that existed in the Richmond IA report – cops investigating cops. She said this would be the second road to litigation. She said that she advocated adherence to the Brown Act but that the Board majority was continuing to maneuver behind the scenes, with quickly scheduled Closed Sessions to approve an MOU in 2015 and to extend the contract of the current IGM/COP. She said there was documentation that several of the Directors had been contacted by phone when the Reno scandal had occurred, despite having said that they knew nothing until the investigation had been completed. She said she had lost faith in the majority Board. She said President Welsh and Directors Toombs and Gillette should resign.

Lori Trevino said she wanted to talk about Justin Buffington's press release, which she said was shameful and disgusting and a transparent attempt to smear someone who had been a longtime resident of the community. She said it was an attempt to divert attention away from something important. She said that there likely were strings attached to asking the Director if she would agree to releasing the report. She said the press release reported that the allegations of harassment and stalking had been determined to be unfounded because the traffic stop had been found to be lawful. She said the investigator didn't interview all the witnesses and that he didn't interview anyone who could have validated Director Cordova's claims. She questioned whether it had been a lawful stop. She said that the press release said that Director Cordova had been driving without a license and that she didn't have valid registration. Ms. Trevino said there was documentation that these were not true statements. She said Director Cordova had had a valid driver's license and a moving permit in her possession. She said that Director Cordova had been cited for having expired tabs and that, on the day of the citation, Director Cordova was going to get the smog certification to complete her registration process. She said Director Cordova had been cited for not having a front license plate, something she claimed not to have known was a requirement and had not intended to dispute. Ms. Trevino said this had been selective enforcement. She said that, on that day, there had been four cars parked within close proximity to the Police Station and that one of them was parked outside the Community Center that night. She said that it was believed that at least two of the vehicles belonged to police personnel and she provided copies of photos of the vehicles. She said that officers didn't cite vehicles if they belonged to friends and colleagues but they did cite the "crazy Board member" two miles away, in a different county, while getting food. She asked if data about other vehicles missing front license plates would be provided to the investigator. She said that several District vehicles didn't have front license plates at the time of Director Cordova's stop, including one that had been owned by the District for years. She said she understood there had been a reason for this – an officer had been out for an extended period of time, due to illness. She said she would like to see evidence that Kensington Police had ever initiated pursuit of someone in a traffic stop outside Kensington. She said that, when officers issue a citation in a different county they were supposed to find out the location of the courthouse where the citation was to be filed. She said she didn't believe the citation had been filed yet. She said she would like to know how this had been a valid traffic stop.

Jim Watt said that he had attended the prior night's Fire Board meeting. He said that meeting's purpose had been to hear from the structural engineer that the Fire Board had hired to assess the Public Safety Building, which he said is jointly used by the police and fire departments. He said there would be actions taken in an attempt to rectify the defects associated with the building. He said he had been attending Fire Board meetings since the start of the year and that the concerns about the building had been discussed since then and prior to that time. He said that the Fire Board President, Don Dommer, had spoken with President Welsh and IGM/COP Hart about the retrofitting, or possible replacement, of the Public Safety Building. He said the Public Safety Building had been built in 1969, to standards that no longer apply for seismic safety purposes. He said the building had been upgraded with retrofits, but these had been just partial and had encompassed just part of the building. He said the structural engineer had said the Fire Board needed to do something about this essential services building; whether it involved a full tear-down and rebuild or a major retrofit wasn't known. He said the Fire Board anticipated having that information within the next four months. He said this would cost a significant sum of money and could easily involve disruption of the police department and the fire department, which may have to move out during the work. He said there would be a significant cost to the District, when it looks to find a place to re-locate the police department. He said that, assuming the police reoccupy the space, the KPPCSD would no longer receive the benefit of the \$1.00 per year rent. He said he was mentioning this because he sits on the Finance Committee and on the Parks Building Committee, and the KPPCSD has the same problem with the Community Center. He said there were still some unknown costs of what it would take to fix the Community Center and that there were some who would like to bring the Community Center up to more than just seismic standards and ADA compliance. He said that the community was facing two issues that were going to result in significant cost. He said he requested that President Welsh, IGM/COP Hart, and others put this issue on the agenda in order to bring it to the public's attention.

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President Welsh announced that he was suspending public comments because Director Gillette needed to leave at 9:30 P.M. and there were significant things on the agenda that needed to be discussed. He said he would accommodate those who still wanted to comment later in the agenda. Director Gillette added that it wasn't just that she had to leave; there were people in the audience who had come to hear about specific agenda items.

Director Cordova noted that the LAFCO agenda item would take about two minutes and asked that it be addressed. President Welsh responded that he wanted to take up the MOU first and would then address the LAFCO item.

BOARD COMMENTS

Vice President Sherris-Watt reported that the Park Buildings Committee had submitted a grant request to the East Bay Regional Park District for \$158,358 of Measure WW funds. She said the grant documents had appeared in the prior month's Board Packet. She said the District would be part of the grant review in late May or early June.

Vice President Sherris-Watt reported that, the prior night, she had attended the Fire Board meeting. She said that the Fire Board had released the Biggs Cardoza seismic assessment and that this report would appear on the Fire District's website.

Vice President Sherris-Watt asked if the Rains Lucia Stern (Buffington) press release would be on the May agenda. President Welsh responded in the negative. President Welsh said he wanted to make it clear that the KPPCSD had nothing to do with the press release but that it would appear as part of the record in the agenda packet because anything that was submitted would appear. Vice President Sherris-Watt said that, therefore, she was submitting, for the record, her response to the Rains Lucia Sterns press release, dated April 12, 2016.

Vice President Sherris-Watt announced that the Park Buildings Committee would meet again in a few weeks.

President Welsh reported that, when he had spoken with Mr. Dommer, the Fire Board's intention had been to have a town hall meeting at which issues related to the Public Safety Building would be discussed and that this meeting would likely happen at the end of May or early June.

President Welsh said the Board would discuss the MOU, Item 7b.
IGM/COP Hart left the dais.

- 7b. The Board received a report regarding a proposed contract with the Kensington Police Officers' Association and the Kensington Police Protection and Community Services District. The Board reviewed the terms and condition of the contract and considered taking action to approve the contract. This was the second reading of the MOU.

Adam Benson provided a summary of the proposed MOU. He referred to a one-page summary that had been handed out as a supplemental document and that provided the high-level parameters of the tentative MOU. IGM/COP Hart distributed copies of this document, and it is included in the May Board Packet, under correspondence. Mr. Benson provided highlights of the proposed MOU:

- The agreement would run from July 1, 2014 through December 31, 2017.
- There would be no wage increase for the period 7/1/14 through 2/29/16
- There would be a 3% across-the-board increase plus a \$1,000 non-recurring lump sum payment on 3/1/16.
- There would be a 3% across-the-board-increase on 3/1/17

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- Employees would contribute 2% and the District would contribute 7% of EPMC beginning 3/1/16.
- Employees would contribute 4% and the District would contribute 5% of EPMC effective 3/1/17.
- Employees would contribute \$85 per month toward the cost of healthcare effective 1/1/17 and would contribute \$125 toward this cost effective 6/30/17.
- Retirees would make the same contributions toward healthcare costs.

Mr. Benson noted that, beginning on page 116, the Board Packet contained a compensation analysis, which compared Kensington to Berkeley, Albany, Broadmoor Police Protection District, Central Marine Police Authority, East Bay Regional Park District Police, El Cerrito, Moraga, Piedmont, and Richmond. He said that, from a total compensation perspective, KPPCSD officers were about 4.2% behind the market median and 5.9% behind the market average. He noted that this comparison included healthcare and retiree medical. He said that, on page 117, there was a compensation analysis that compared Kensington officers' total compensation to Broadmoor, Central Marin Police Authority, and the East Bay Regional Park District (only Special Districts) and that this analysis showed that Kensington Officer's position improved in this isolated analysis such that the officers' total compensation was about 3.7% above the market median. He said that this analysis contained a small number of employers and that such analyses usually included ten agencies. He said that, on page 118, there was an analysis comparing Kensington officers' total compensation to that of an El Cerrito Firefighter, which showed that Kensington officers were about 1.5% behind.

Mr. Benson said that, in response to information received from a community member about compensation for officers in Moraga, Ross, Tiburon, Belvedere, and Clayton, he had prepared an analysis that appeared on page 119 of the Board Packet. He said that this analysis showed information about MOUs recently enter into, with respect to wages, EPMC give-backs, and the net changes over the life of each agency's MOU. He said that Kensington's proposed MOU would result in about a 1% net increase. He said, using the same methodology for each of the other jurisdictions over the life of each agency's most recent MOU, Moraga would see a 3.25% increase, Tiburon a 3% increase, Belvedere a 1% increase, Clayton a 1% increase, and Ross a 2% increase. He noted there would be similar increases in medical care costs among all the agencies.

Mr. Benson said that, on page 120 of the Agenda Packet, there was a cost analysis. He reported that the analysis showed information contained in the 2015-16 budget, an estimated impact on the 2015-16 budget if the proposed MOU were to be adopted, and forecasts for the fiscal years 2016-17, 2017-18 and 2018-19. He reported that most of the increase, during the years covered, would be driven by increases in PERS rates. He noted however that, because of the significant decrease in the amount needing to be paid for the UAAL Side Fund (where the District pays for unfunded liabilities) in Fiscal Year 2018-19, there would be a resulting 2.83% decrease in the total wages and benefits with the adoption of the proposed MOU. He said this analysis showed that the net increase would be relatively low. President Welsh asked Mr. Benson to explain what the impact would be if the District were to make no changes – not to adopt the proposed MOU. Mr. Benson responded that personnel costs would still increase, citing CalPERS and Kaiser healthcare costs in particular. Mr. Benson said that, as compared to the existing MOU, the proposed MOU would be net neutral. In response to a question posed by a member of the audience, Mr. Benson said the proposed MOU would not result in any greater cost increases than what would result from maintaining the status quo.

John Holtzman said that, if the Board took a position and the Police Officers' Association didn't agree, the Board would have the legal right to impose a contract on the union, over its objection, after the Board had completed all the required impasse procedures. President Welsh asked how long that would take. Mr. Holtzman responded this would take about six months and money. He added that the difficulty of imposing a contract was that it could be imposed for only one year and so it didn't fix much because everyone would need to be back at the bargaining table almost right away.

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Mr. Benson said that page 121 of the Board Packet contained an analysis comparing the previously proposed MOU and the currently proposed MOU. He said this comparison showed that, over the same duration, the previously proposed MOU would result in a 5% increase in costs and the currently proposed MOU would result in a 0.32% increase.

Director Cordova asked why Mr. Benson had compared a Kensington officer's compensation to that of an El Cerrito Firefighter. Mr. Holtzman responded that he may have been the one to have asked for this. Director Cordova responded that this had not been a great comparison. President Welsh noted that he, too, had been curious about this comparison. Director Cordova noted that El Cerrito Firefighters do not receive retiree medical benefits; instead, the retirees receive a medical allowance. Mr. Holtzman noted that the comparison may have arisen because of the retiree medical benefits issue. Mr. Holtzman clarified that the El Cerrito Firefighters had a defined medical benefit plan and that the difference between what Kensington provided to its retired officers and what El Cerrito provided to its retired firefighters was about \$150 per month. He noted that it was more beneficial for an employer to have a defined benefit program. Mr. Benson noted that El Cerrito officers' total compensation ranked fourth out of the ten agencies included in the comparative analysis and that their total compensation was \$11,341 per month. He said Kensington officers' total compensation for the same rank and step was \$10,575. Mr. Holtzman also noted that the Fire District's retiree medical trust was almost fully funded because it no longer had a defined benefit plan, it no longer had its own new firefighters, its plan was closed, and it had had money to fully fund its OPEB.

Director Cordova said she wanted to discuss the safety equipment clause. She said it looked like redundant funding. She said the Board had recently approved the purchase of new safety equipment and then the proposed MOU contained a \$250 safety equipment allowance per officer. She asked whether the District would own the equipment that officers would purchase with this allowance. Mr. Holtzman responded that, generally speaking, an allowance meant that the employee owned what was purchased with it. IGM/COP Hart reiterated that the employee, not the District, would own items purchased with a safety allowance. Director Cordova asked if the allowance was a "use it or lose it" and if it was a "reimbursable." IGM/COP Hart responded that an employee would have to submit a receipt in order to be reimbursed for safety equipment purchased under the safety equipment allowance clause. He clarified that the District did not give each employee a check for \$250 each year.

Director Gillette said she supported the agreement, and she thanked those who worked on getting the agreement before the Board. She said that the fact that the officers would not have had a wage increase from July 1, 2014 through February 29, 2016 was significant and was a big bonus for the District. She said the duration of the contract would provide stability for the time it would take if the District were to decide to make changes, such as contracting out or consolidation. She said she didn't think the probability was very high that the District would make a decision to make changes prior to November 2016. She said the contract would extend one year beyond that and so would allow for a smooth transition, if one were to occur. She noted that this had been the first time in Kensington's history that the District had used professional negotiators and that this had made a real difference. She said that the cost of the contract was minimal to the District, and that it was important to be able to attract new officers and maintain existing officers.

Director Toombs said he had participated in the negotiations with Mr. Holtzman and Mr. Benson. He said that he had concluded that this would be a revenue neutral agreement and that the District would incur costs, whether the Board passed the proposed MOU or not. He noted that, with the proposed contract, officers would begin to contribute to their healthcare costs for the first time, and there would be cost savings because retirees would begin contributing to healthcare costs the first time. And, he noted that the officers would begin contributing to their pension costs. He said that it was a fair contract for both sides and that neither side had gotten what it had hoped for. He said the agreement would last just long enough for the community to decide what it wanted the future to look like. He said that, if changes in service were elected, then the District would need to meet and confer with the bargaining unit over aspects of any transition. He clarified that the agreement would come to an end at about the time that any transition would become effective. He said that delaying the MOU would only delay costs. He concluded by saying he supported the MOU.

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President Welsh asked Vice President Sherris-Watt if she had comments. She responded that she wanted to wait until after the public had commented.

Linda Lipscomb said she strongly urged the Board to vote to approve the MOU. She said it was a revenue neutral proposal that would provide stability to Kensington. She said everyone deserved to be congratulated for the expense-neutral contract. She said she wanted to thank the officers for their patience in having the contract re-negotiated so long after the initial negotiations had begun in 2013. She said that, when compared to the salaries of Kensington's four surrounding communities, Kensington's officers' salaries were 24% lower. She said Kensington would not be contracting out with Clayton, Moraga, or the falling-apart Contra Costa Sheriff's Department. She said the salaries in the proposed MOU were 20% lower than those of El Cerrito officers. She said that, for the period 2014 through 2016, El Cerrito officers' salaries had been and would be raised by 16.5% so that the employees could give back part of that for pension and medical contributions. She said Kensington's agreement underscored why it would not be wise to contract out with El Cerrito. She said that Kensington's contract with the El Cerrito Fire Department showed that Kensington was bearing almost 30% of the entire El Cerrito Fire Department budget. She said Kensington did not want to repeat that mistake with a police contract. She noted that the structure of the proposed MOU included employee participation in medical and pension contributions. She said this worked toward the implementation of the PEPRA laws, which would be in effect in 2018. She urged the Board not to risk violations of various government code sections by failing to give the agreement an up or down vote, and she urged the Board to vote yes on the agreement.

Jim Watt provided a handout, which is included in the May Board Packet under correspondence, and said he wanted to present the other side of the story. He said information had been presented showing that salaries were below those of other jurisdictions, that the District should not be concerned about expenses exceeding revenue, and that there could be difficulties in attracting new officers. He said he had done a study in December that had been posted on the Ad Hoc Committee's website. He said he had compared Kensington's officers' compensation to that of Moraga, Clayton, Tiburon, Belvedere, and Ross primarily because they had similar demographics, had a low incidence of violent crime, were small, and had small police departments. He said that, when the costs of salaries, overtime, PERS, medical and medical costs for retirees, dispatch, fuel, and vehicle maintenance were allocated among Kensington's ten officers; it equaled just over \$200,000. He said these costs averaged \$167,000 per officer for the other jurisdictions he had examined. He said his numbers differed from those of Mr. Benson because of different methodology. He said that the process of examining a step against a step didn't address the fact that Kensington had a lot of senior officers: 50% of the police force held the rank of Corporal or above, and they were well paid. He said that the average salary for each officer, excluding the IGM/COP, was \$95,000. He said that, with the new MOU this average would increase by 6.09% to \$101,600. He said that, for the period 2006 through 2016, revenue had increased by a compounded rate of 2%, while expenditures had increased by 6.5%. He said that expenses were outstripping the revenue stream. He said that, during the past two years, the community had enjoyed a significant increase in its tax revenue because property values had risen but that, during some prior years, the tax revenues had declined. He said that salary increases would equal about \$60,000 with the new MOU, that this amount would be pensionable, and that the resulting pension obligation for Kensington would be about \$38,000 per year for the officers' retired lifespan. He said the net annual gain to the nine officers would be \$24,000 over the term of the contract. He concluded that the officers were not being penalized, that, as he had pointed out earlier in the evening, the community was facing some significant expenses between the Community Center and the Public Safety Building. He said that these costs were unknown and that, until the community knew what these costs were going to be, there would be no way to understand the impact of the MOU.

Celia Concus said to Mr. Benson that, when comparing the El Cerrito firefighters and their benefits with those of Kensington's officers, there were no dependents receiving benefits; only the retiree received a lump sum each month. She said that, every time some residents ask for some type of change or the ability to try something new, they are told there is an Ad Hoc Committee, and there are findings

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expected. She said that, with respect to the MOU, that should also follow. She said the MOU would freeze any kind of change in the District and that, therefore, it should not be voted upon.

Mr. Holtzman responded that, under Government Code 3505.1, the Board was legally required to vote, either up or down, on the MOU that night.

Karl Kruger said he was a member of the Finance Committee and had been for a number of years. He said he was asking the Board to support the MOU. He said District had been without a contract with its officers since July 2014. He said the contract would be revenue neutral and was probably the best that could be negotiated. He said one of the things he hoped would be addressed in future negotiations was the number of holidays (14), which he said was excessive. He said that, if people wanted to talk about fairness, he wanted to know how it was fair to have gone this long without a contract. He said that, if anyone in the audience were the employee and were being treated this poorly, they'd probably look for another employer. He said he was happy the agreement was revenue neutral. He noted there had been objections to a previous proposed MOU because of who had negotiated on behalf of the officers. He said that it wasn't up to the community who negotiated on behalf of the officers: The officers selected their own negotiators. He said that, in the interest of fairness, the Board should vote to accept the contract.

Gayle Tapscott said she wanted to read something she had received by email from a retired Alameda County attorney and Kensington resident. She read:

- The police officers' union had agreed to renegotiate a previous tentative agreement rather than filing an unfair labor practice charge with the Public Employees' Retirement Board (PERB).
- Kensington then hired one of the best law firms in the State to negotiate on its behalf and came up with an essentially revenue neutral agreement.
- While there have been complaints that there should be fewer benefits and lower wages, that is not the reality.
- To refuse this revenue neutral agreement would invite an unfair labor practice by PERB, which would have a dim view of Kensington, given all its politics of the past few years.
- Kensington got the best it could get, remembering there are two sides to agreement. A settlement means that neither side got what it wanted.

Ms. Tapscott said she had attended the earlier Finance Committee meeting at which it had discussed the proposed MOU, and it had appeared that some on the Committee wanted to contract out for police services. She said that, knowing the history of the negotiations, she feared the community would face another lawsuit, based on the law requiring the District to negotiate in good faith. She said that, if the Board didn't pass the MOU, it would be because they were faced with an onslaught of negative comments from citizens who don't want the agreement because they don't want the Kensington police doing Kensington jobs anymore: They want to outsource police services. She said the County and El Cerrito, and likely UC Berkeley, paid higher wages than Kensington; thus, it would be difficult to get the same services for less. She said that, more importantly, case law established that you cannot simply replace Kensington officers to do the same work by an outside agency – there would be requirements to meet and confer with the existing officers on the terms and conditions. She said a reasonable demand would be that the officers be hired by a new entity. She said this likely would take a minimum of six months, assuming no unfair practice charges were filed. She said there also would need to be negotiations between a new entity and Kensington about the cost of services provided as well as the level of service. She said this would take about another six months and probably longer, as it would involve the entire community. She said, assuming a new entity would be assigning its officers to Kensington, this would take another six months for a meet and confer. She noted that it would take at least three months for the Committee to present its findings to the Board and more time for the Board to make a decision. She concluded by saying the Board should approve the contract.

Gail Feldman introduced herself as the president of the Kensington Property Owners' Association and said she was speaking on behalf of that organization's board. She said her board applauded the Board returning to the negotiating table after it had received input from the community on the previous tentative agreement in 2015 and applauded the police officers for renegotiating the terms of their

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contract. She said that the MOU represented first steps toward the officers picking up medical and pension costs and that she hoped there was an understanding that the community couldn't afford to continue to pay the lion's share the employees' benefits, along with the large liability risks. She said there would need to be a higher level of cost sharing in order to contain costs within the community's limited tax resources. She said that, according to the analysis done by Mr. Benson, the cost of a police officer would be almost \$9,000 more per officer by December 31, 2017. She said the total cost between July 1, 2014 and December 31, 2017, should the proposed MOU be adopted, was estimated to be \$129,000. She noted that this cost would include the costs associated with retirees and the District's unfunded liability. She said the KPOA was evaluating the MOU to determine its affordability into the future. She said she wanted to know if property tax revenue would keep up with police salaries and benefits. She said that, if the District had sufficient revenues for police salaries and benefits, would it have money available for things such as reserves and Community Center improvements. She asked if the Board would consider the MOU to be affordable if every new tax dollar would be needed to cover police salaries and benefits. She concluded by saying that she looked forward to future collaboration between the Property Owners' Association and the Board.

Paul Dorroh said that the Finance Committee had met about 10 days earlier and had reviewed the financial implications of the MOU. He reported that Mr. Benson had been present and had provided detailed information. He said that the Committee had voted, 8 to 5, to recommend to the Board that it adopt the MOU and that he had been one of the eight who had voted in favor. He explained that he had vote in the affirmative because:

- This had been a negotiation. The Committee didn't get to provide input about an ideal in the abstract. The District had been represented by experienced professional negotiators. He added that neither side had been happy with what had been negotiated and that this was usually a sign of a good result. Thus, he said, there was no reason to think the District could have done better in the negotiations.
- Important advances had been made with respect to active and retiree contributions toward medical costs and with respect to contributions to pension costs. He noted that new (PEPRA) employees would enjoy a less-rich pension benefit; retirement would be 2.7% at age 57 instead of 3% at age 50. He said this would create a significant difference over time.
- Of the issue of fairness, he said the officers had served the community well and negotiations had gone on for over two years. There was a result that would serve both sides well.

He concluded by saying that he hoped the Board would approve the MOU.

Mabry Benson said she couldn't find anything in the contract that would allow the District to consider any other mode of providing police services. Director Toombs responded that this was addressed in the contract, under management rights – paragraph 2a. She noted that this was a tentative contract until the Board approved it and that the Board had the right to reject it. She said she understood that the District had an obligation to its past retirees and asked if the agreement would obligate the District to future retirees. Mr. Holtzman responded that the District did retain the right to contract out. With respect to retirement, Mr. Holtzman said that the District had an obligation to provide the same benefits to active employees and retirees; if benefits for actives were to change in the future, the same change would apply to the retirees. Ms. Benson asked if the District had an obligation to future retirees. Mr. Holtzman responded that new retirees would receive the same benefit as active employees but that there would be nothing that would prohibit the Board from changing that in the future. She said that Directors Toombs and Gillette had been negotiating and had received a \$900 campaign donation from the Police Officers' Association. She added that, even though PLG had taken the lead in the most recent negotiations, Director Toombs had continued to be involved. She said that campaign contributions were made for the purpose of influencing decisions, that accepting the contribution was inappropriate, and that this should cause these Directors to recuse themselves from voting on the MOU.

John Gaccione said the past GM/COP and the current IGM/COP had both complained, when they had taken office, that the department had been "a mess" – the office had lacked security, the evidence room had been disorganized, computer files had not been secured, records had not been kept current, and budgets had not been completed. He said that, during this time, the officers had received top-level pay and generous benefits. He wondered what the community had been paying for and said he had a tough

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time reconciling this. He asked where the oversight had been to ensure that the community was getting what it had been paying for. He said some members of the Board were in a hurry to approve the MOU, and he asked why there was a rush. He said the terms of the proposed MOU varied little from the current MOU. He said he didn't believe that this was the best deal and said the Board should negotiate tougher, instead of "giving away the store, again."

Marilyn Stollon said the proposed MOU was costly because it was starting from highly benefitted positions. She said it didn't do enough to contain costs. She said that the MOU had been negotiated by Director Toombs and that he had accepted an endorsement from the Police Officers' Association. She asked how it could be construed to be impartial when a Board member voted on what had been negotiated. She said that, in other towns, where there was a town manager, that individual could negotiate contracts but did not vote. She said it would be a conflict of interest for a Board member to vote on a contract that he/she helped to negotiate. She noted that, in Kensington, people made it up as they went along. She said the contract did not have specific language on contracting out, as was the case in Fairfax, Moraga, and Atherton. She said that the five Finance Committee members who had voted not to support the MOU had voted in the negative for various financial reasons. She said she agreed with those individuals and said the MOU needed to be "tightened up" so that it would be more fiscally conservative. She said compensation should not be driven by what other communities were paying. She said the officers should live within the community's means and should not have any pay increases. She said costs would continue to grow exponentially as the District had more retirees and increased benefits costs. She said that the proposed MOU couldn't be undone easily because the previous MOU had "given away the store" and that employees didn't give back benefits. She said that, with respect to attracting new staff and keeping existing staff, pay was not the only factor for providing stability. She said one of her former clients had worked for the Kensington Police Department for a short time. She said that this individual was a retired police officer from a large city and that this individual had been bored in Kensington and had not liked management. She added that, at the time, she hadn't known what the officer had meant; management had been GM/COP Harman. She said the MOU didn't help Kensington fiscally. She said the department was not of the type or quality she wanted to have serve and protect her. She said she needed protecting from the police department.

Rick Artis said that he agreed with things that had been said by Ms. Tapscott and Ms. Feldman and that he felt very strongly that the agreement should be supported. He said he hoped the Board would vote soon and vote in the affirmative.

Barbara Steinberg said that the community paid the police to protect it and that she thought the officers were doing a very good job. She said the officers protected in every sense of the word, including community service. She asked the Board to support the MOU.

Vice President Sherris-Watt thanked Mr. Holtzman and Mr. Benson for their work on the contract and said she admired their work. She said there were many positives about the contract for Kensington taxpayers. She noted there had been progress made on healthcare and the PERS percentage rate. She said she wanted to address some concerns. She said she found comparisons of neighboring agencies difficult because, until the Community Center was turned into a mini-mall, the community didn't have a tax base; the community relied on property taxes. She said people had mentioned to her the worry of living without a contract. She said that she believed she was the only Board member who knew what it was like to live, as a family, without a contract and that she was currently doing so because her husband's contract had expired on April 1st. She said this was the third time in eighteen years that she and her family had had to do so. She said that it was difficult but manageable for a family to live without a contract. She said that financial projections had been dismissed. She said she believed there were systemic problems with the District's financial oversight. She said she agreed with the writer Byron Whitmore, that a budget is essentially a moral document. She added that the MOU was a budget – the largest part of the District's budget. She said that she had attended the Finance Committee meeting of the prior week and that she had found more of the same; when a detailed five year projection had been sought to support the sustainability of the MOU, it had been dismissed. She said it was immoral to her to approve a contract for which she didn't have adequate documentation that the community could sustain the contract for its duration. She said that was why she would vote no.

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MOTION: Director Gillette moved, and President Welsh seconded, that the Board approve the MOU as presented.

Motion passed 3 – 2.

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

Director Gillette thanked everyone for being respectful of her time; she needed to be in Chicago the following day and would be taking the "red-eye" there later in the evening.

President Welsh announced that there would be a five-minute break. Director Gillette left the meeting. The meeting resumed with the remaining four Directors at 9:40 P.M. President Welsh said he was not feeling well and that, if the meeting went past 10:00 P.M., he would ask Vice President Sherris-Watt to take over running the meeting.

- 8d. The Board received a report from Director Cordova regarding the possible reappointment of Mr. Mike McGill to a regular Special District LAFCO seat April 18, 2016.

Director Cordova provided the Board with information for its consideration. She said the item was about the reappointment of Mike McGill. She reported that Mike McGill was one of two special district representatives on the Local Agency Formation Commission (LAFCO) for Contra Costa County. She said Mr. McGill was a board member of the Central Contra Costa Sanitation District, had been elected in 2006, was up for reappointment unopposed, had been nominated by 17 other districts, and served with CSDA. She said she was not advocating for Mr. McGill. President Welsh asked if it would create a problem for LAFCO if the Board didn't vote on Mr. McGill that evening. Director Cordova responded that the LAFCO vote would take place on Monday. She said LAFCO consisted of two city representatives, two special district representatives, two members of the Board of Supervisors, and a member of the public. She said that the commission needed a quorum of 23 delegates and that KPPCSD was a delegate. She said that, if the Board members didn't give her a vote, she would render one for them. She said that, when she had been running for the Board, she had contacted Mike McGill to ask him what some of the pressing matters were. She added that she had crossed his path at LAFCO and at the CSDA conference. Vice-President Sherris-Watt said that she had met Mr. McGill and that she supported his reappointment to LAFCO.

MOTION: Director Cordova moved, and Director Toombs seconded, that the Board reappoint Michael McGill to the Local Agency Formation Commission of Contra Costa County and that the Board authorize Director Cordova, as the LAFCO delegate, to tender that vote on the coming Monday at the convening of LAFCO delegates at the Central Contra Costa County Sanitation District meeting.

Motion passed 5 – 0.

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

Director Cordova noted it was 9:45 P.M. President Welsh asked if there was a motion to extend the meeting past 10:00 P.M.

MOTION: Director Toombs moved, and President Welsh seconded that the meeting be extended past 10:00 P.M., until the Board was done with the agenda.

Motion failed 2 – 2.

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

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7a. Update from Ad Hoc Committee on Governance

David Spath reported that the Ad Hoc Committee would be conducting an online survey about what the community wants in the way of police services. He said that, as part of that survey, the Committee wanted to know about the kinds of experiences the community had had with officers. He said that he wanted to alert the community about the survey by sending out a postcard to all residents and that the estimated cost for this was \$1,250. He said the work would be done by Mailstream, the same company that had done work on Measure L. He said Mailstream would print and mail the postcards. Dr. Spath said the survey would be done through Survey Monkey, which would compile the survey results. He said that the questions had already been prepared and vetted by the Committee and that the Committee had taken public comment on the survey questions. He said that, for people who didn't have access to a computer, the survey could be completed by using a computer at the library. He said the goal was to determine what services residents felt were most important so that the Committee could inform the Board about what residents thought police services should look like going into the future. He said the Committee would make arrangements for residents who would like to complete the survey as a printed version.

Vice President Sherris-Watt asked if there would be a control that would limit one survey per person. Dr. Spath said the Committee had not taken the step to ensure that there would be one survey per person. He added that the Committee would be trusting the honesty and integrity of the residents.

Lisa Coronna said the survey was not a scientific one; it was meant to get a sense of where people were coming from: The Committee was looking for information from each person in a home. She said it was meant to be user-friendly and to take about five minutes to complete.

Director Cordova asked if, when the Committee used the data to shape its presentation, the Committee would say the information was statistically unreliable.

Garen Corbett said the survey was meant to be an attempt to reach the broader community and to get a broader sense.

Rob Firmin said that, as a professionally trained statistician, he thought it was a great idea to conduct the survey but that it should be clearly and publically stated that the survey was meant to glean impressions, was not statistically representative, and could be biased.

The Board indicated that it wanted the Committee to proceed with sending out the postcard and wanted the Committee to work with IGM/COP Hart to ensure that the funds needed would be allocated for the printing and mailing of the postcards.

MOTION: Vice President Sherris-Watt moved, and President Welsh seconded, that the Board adjourn the April 14, 2016 meeting of the KPPCSD.

Motion Passed 4 – 0.

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

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

Len Welsh
KPPCSD Board President

Lynn Wolter
District Administrator

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Meeting Minutes for 4/27/16

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

ATTENDEES

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Len Welsh, President	Randy Riddle, Renne Sloan
Rachelle Sherris-Watt, Vice President	Linda Lipscomb
Patricia Gillette, Director	Barbara Steinberg
Chuck Toombs, Director	Andrew Gutierrez
Vanessa Cordova, Director	Mabry Benson
	John Gaccione
<u>Staff Members</u>	
Lynn Wolter, District Administrator	
<u>Press</u>	

President Welsh called the meeting to order at 6:01 P.M. and took roll call. President Welsh, Vice President Sherris-Watt, Director Gillette, Director Toombs, Director Cordova, and District Administrator Wolter were present.

PUBLIC COMMENTS

Linda Lipscomb said she urged the Directors to enter into at least a two-year agreement with IGM/COP Hart. She said that neither IGM/COP Hart nor the community deserved the instability that they'd had since they'd had serial interim agreements with IGM/COP Hart. She said IGM/COP Hart was a gentleman and a consummate professional – both in his attire and in his manner. She said that she had never heard him raise his voice, that he always came in and took control of the situation, and that he always presented the image that Kensingtonians like to see. She said he projects the kind of image that most Kensingtonians believe should be reposed in their GM/COP. She noted that he attends most K-group functions in order to do community outreach. She said that he contributes to the stability of the police force, which, she said, is the backbone of Kensington's government and contributes far more service than police service. She noted that the police department delivers many social services. She said that IGM/COP Hart understands the issues the community has right now, including litigation and investigations. She said there would be a huge waste of public resources – in time, money, and community energy – if the District had to start all over with a new GM/COP. She noted that the position of GM/COP should not be like a carousel that would project a sense of instability, which the community

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had not had, except in the last few years. She said that this was very disturbing to most of her neighbors and that she read this in some of the letters she'd seen. She said people want stability. She asked the Board to ask IGM/COP Hart to sign a new genuine GM/COP two-year agreement. She said it should not be a renewal of an interim agreement. She concluded by thanking the Board for its service.

Barbara Steinberg said she wanted to add to what Ms. Lipscomb had said. She said her impressions of IGM/COP Hart were that he was always available and that she could drop in to see him. She said she agreed that a two-year agreement would be excellent. She said she also wanted to speak to items 4 and 5. She said she really believed that the charges regarding the October 7th traffic stop were of such a nature that the community needed to hear a report of it. She said that, if the report were not to be released, it would undermine the trust of the police department, which, she said, would be terrible. She said she pleaded with the Board that the results of the investigation be made public.

Andrew Gutierrez said he wasn't there to criticize IGM/COP Hart. He said it should be recognized that having the combined position had caused conflict, pain, and confusion in the past. He said it meant that the person occupying the position had to be a saint and be able to separate out the two conflicting positions when something arises. He said the IGM/COP could hide under the policeman's bill of rights or he could be the GM. He said the District had a committee that was looking at, among other things, whether the community should outsource its police. He said that, even to consider having an extended agreement with IGM/COP Hart, would not be wise until the District had received the recommendations of that committee. He said IGM/COP Hart should continue on "temporary," if he wished. He said that, if not, somebody else could be appointed GM/COP and handle the business of the village. He said that, since he had been here – nearly 30 years – the police force has not been the backbone of the community; it has been the source of conflict, scandal, and dissension in the community. He said that the community paid top dollar, that it should expect to have a high quality police force, and that it did not have that now. He concluded by saying the District should decide in which direction it was going to go and then decide whether or not to retain IGM/COP Hart.

Mabry Benson said there were several reasons why IGM/COP Hart's contract should not be renewed. She said that, as GM, there had been several instances where the agendas had not been posted in a timely manner. She said the latest Finance Committee agendas were one example. President Welsh said that had been his own mistake. Ms. Benson responded that IGM/COP Hart should have caught it. President Welsh responded that IGM/COP Hart hadn't wanted to do it and that he, President Welsh, had pressed him, IGM/COP Hart, to do it. She said the Finance Committee posting had not been listed under "Latest News." She said the GM should be on top of it. She said that, shortly after the last Board meeting, at which license plate readers had been postponed, IGM/COP Hart had posted a policy on the matter, even though public discussion had been required, and he had given no reason or explanation for the posting – until there had been an outcry. She said that, as a COP, IGM/COP Hart had not been able to solve the problem of officers who behave in a totally inappropriate manner. She said IGM/COP Hart had allowed Officer Ramos to continue as a Field Training Officer after he was under an internal investigation, which she said was not appropriate in the police world. She said that, alone, showed poor leadership. She said there were conflicts between IGM/COP Hart acting as both Police Chief and General Manager, which pointed to the need to separate the two positions. She said a GM would oversee a budget that would ask the police to live within the community's means; instead, there was a COP who asked for more toys – new cars, new license plate readers, and new body cameras. She said he had asked for a budget for new guns and then used the money he had already allotted. She said Jim Watt had already alerted the Board to the fact that the District may need to spend significant funds for the public safety building. She said that this was not the time to spend more money and that a GM would point that out. She said that this was the first time she had heard that there was a two-year contract in the works and that this was not on the agenda. Director Gillette responded that a two-year contract was not on the agenda – that idea had been a public comment. Ms. Benson said that, on lots of issues, the Board has said to wait for the Ad Hoc Committee's reports and that the Board should be waiting before making a permanent position. She said that, because she didn't think the current person was working, the Board had a chance to try a separate GM, whether the Board hired a separate COP or let Sergeant Turner manage that. She said Public Law Group could get temporary candidates.

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John Gaccione said that what is needed is a rebuilding of trust, with regard to the police force, and greater transparency in governance. He asked why the IGM/COP was engaging in actions that undermined both. He said one could only conclude that he was tone-deaf to Kensington's important issues. He said that an example was the "weasily" way the ALPR boilerplate language had been slipped into the policy manual and then inserted into the budget, under the heading "Police Traffic Equipment." He said he suggested that the IGM/COP get a dictionary to look up the word "transparency." He noted that this might be the way things were done in Dublin but that it didn't pass muster in Kensington. He said he was sure he was going to hear that this had been some sort of misunderstanding with scheduling and legal requirements. He said there was a failure to understand how deep the level of mistrust was. He said this also failed to understand the financial implications of the traffic equipment item. He said that, if Kensington were to have a separate GM and COP, the GM would be instructing the COP to manage the department's budget and stop letting the KPOA run the department; the GM would be handling the personnel issues, thus avoiding the very expensive legal costs Kensington has experienced; and there would be a checks and balances helping to prevent the continuing series of fiascos seen now. He said the Board needed to face up to its responsibilities and provide management. He said, based on the issues to be discussed during the Closed Session, it seemed the Board had much room for improvement. He said he opposed the approval of a contract with IGM/COP Hart for the position of IGM/COP because, during his time in Kensington, he had shown he was not qualified for either position – never mind the combined position and the over-rich benefits packaged.

BOARD MEMBER COMMENTS

Director Cordova said she wanted to speak because she would be recusing herself from items 4 and 5. She said she was going to read a statement. She reiterated that she would be recusing herself from items 4 and 5 and said she wanted to take the opportunity to make public comment for the Board's consideration. She said that, recently, a longtime resident had dropped her a note in which the resident had generously compared Director Cordova to the god Sisyphus; rolling the boulder uphill, sometimes high enough to see the horizon, only to have it roll back down again. Director Cordova said that, like herself, Sisyphus had grown up devoutly Catholic and had been educated in the Ignatius spirituality of the Jesuits. She said he had proposed a Jesuit notion that captured her sentiments about this unfortunate situation succinctly: He wrote, "The purpose of an elected official is to conquer the weaknesses in oneself and to regulate one's work in such a way that no decision is made under the influence of any inordinate attachment to the spoils of hubris." She said that she was sharing this because many had asked what victory looked like to her and that she didn't quite know how to answer because, for some on both sides of the aisle, discipline was beginning to smell like vengeance, not justice. She said that, while she understood the feelings that informed that sentiment, vengeance was an investment with little spiritual return for her. She said she had better ways to spend her emotional bandwidth – taking care of a dying parent being one of them. She said she had always believed the traffic stop was just another symptom of a longstanding unregulated dysfunction within the District. She said it was one of the reasons she had never commented on the level of discipline that was administered and asked how would she know when the professional standards institutionalized within the department were as woefully low as the community's expectations that the Board would finally feel compelled to address them. She said that it wasn't until she had been pulled over that she fully understood the frustration of the more vocal critics within the community – the ones who bravely expose the penchant for political kabuki; the ones whom the Board is beholden to promise that bad cops are still better than contracting with out of town cops. She said that her Board colleagues are fundamentally good people, so she wondered why she was routinely dismissed as an interloper, a "crazy," a crony, a troublemaker, and sometimes worse and often by members of the Board and their political supporters. She said that, as she was slowly learning, it seems like every few weeks Kensington loved to have a new villain. She said that when she sat on the dais and looked out on both sides of the aisle it reminded her of her wedding day – her people here and his there – and she gets a sinking feeling that this is never going to work. But, she said, the fear of that was not enough for her to give up her position or to cower in the face of criticism. So, she said, she was rolling the boulder uphill – not because she believed she had the power to make any meaningful change but because she believed the Board, as a whole, did. She said that it might not happen that night or during her term but that she did believe that the police department could be reformed by leaders who recognized the opportunity to do so.

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Director Cordova said this brought her to the issue of the IA. She said that, even if she weren't standing before the Board as the complainant, her opinion would be the same: When it comes to addressing the allegations of police misconduct, there was no halfway. She said it had to be an all or nothing proposition. She said few, including herself, would accept a document that had been cherry-picked and published in part and with an irrefutable bias that unfairly implicated the Board in politicking from the dais. She said that, if the Board was truly committed to releasing the IA, she implored them to consider releasing the entire package: that would mean un-redacted witness testimony; audio recordings; transcripts; and all related documents from every witness interviewed. She said this would allow residents to learn who was interviewed and what investigators asked. She added that this would allow her, the complainant, to request more witnesses be interviewed, like the Ensenada residents – an opportunity afforded to her by Chief Hart in writing. She said that, if every witness had told the truth under oath, there should be little concern about whether their statements could withstand legal scrutiny by herself or any other interested parties. She said releasing the information from only a few witnesses or from only a few police officers or from those the District deems relevant would not only raise more claims of prejudice, it would further damage public confidence, which would be a grave disservice to everyone. She thanked the Board for its consideration and for its service.

Director Gillette asked Director Cordova if, to the extent she had any privacy right in the internal investigation report, she was releasing any right to privacy and if she had no objection to the release of the report. Director Cordova responded that she was not stating that and that, as she had told Randy and John, they could speak to Director Cordova's attorney about that. Director Cordova added that privacy was something that was only afforded to police officers under the police officers' bill of rights. Director Gillette responded that what Director Cordova had said wasn't clear and asked if Director Cordova wanted the report released and wanted to release her rights. Director Cordova responded that she had no rights. President Welsh asked if he could pose the question in a different way because he wanted to be clear. Director Cordova responded that she was represented by counsel. The District's legal counsel said this was fine. President Welsh responded, "fair enough."

Barbara Steinberg asked the Board to repeat what had just happened, as Director Gillette had just asked if the report would be released. Ms. Steinberg asked what Director Cordova's response had been. Director Toombs asked that the conversation come to an end because it was a confidential matter for all concerned.

Linda Lispcomb said that Director Cordova had said to talk to her lawyer. Director Cordova responded that she had not said that and added that she had no rights afforded by POBAR. Director Cordova said she had no rights to waive.

President Welsh announced that the Board was going into Closed Session.

The Board entered into Closed Session at 6:22 P.M.

Closed Session Agenda

3. Public employee appointment (Government Code section 54957(b)) Title: Interim General Manager/Police Chief.
4. Conference with legal counsel – anticipated litigation: Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) Section 54956.9: (12 potential cases).
5. Public employee discipline/dismissal/release

The Board entered into Open Session at 7:47 P.M.

President Welsh reported that all items had been discussed and that no action had been taken.

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MOTION: Director Gillette moved, and President Welsh seconded, that the meeting be adjourned.

Motion passed: 5 – 0.

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

The meeting was adjourned at 7:48 P.M.

After the meeting had concluded, District legal counsel, Randy Riddle, asked that the record reflect that Director Cordova had recused herself from Closed Session items 4 and 5.

Len Welsh
KPPCSD Board President

Lynn Wolter
District Administrator

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Meeting Minutes for 5/12/16

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday, May 12, 2016, at 6:00 P.M., at the Community Center, 59 Arlington Ave., Kensington, California. The Regular meeting of the Board of Directors followed.

ATTENDEES

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Len Welsh, President	Teresa Stricker, Renne Sloan Holtzman Sakai LLP
Rachelle Sherris-Watt, Vice President	John Holtzman, Renne Sloan Holtzman Sakai LLP
Chuck Toombs, Director	Craig Fechter, CPA
Patricia Gillette, Director	Jason Chin, CCC Public Works
Vanessa Cordova, Director	Jeff Pollard, PG&E
	Jim Watt
	Leonard Schwartzburd
<u>Staff Members</u>	John Gaccione
Interim GM/COP Kevin Hart	Mabry Benson
Sgt. Hui (on duty)	A. Stevens Delk
Lynn Wolter, District Administrator	David Spath
	Rich Karlssen
<u>Press</u>	Linda Lipscomb
Linnea Due	Ryan Anderson
	Karl Kruger

President Welsh called the meeting to order at 6:05 P.M. President Welsh, Vice President Sherris-Watt, Director Toombs, Interim GM/COP Hart, and District Administrator Wolter were present.

President Welsh announced that Director Gillette was on her way and would phone in for the Closed Session and that Director Cordova would not participate in the first part of the Closed Session because those items pertained to her.

PUBLIC COMMENTS

None.

CLOSED SESSION

The Board entered into Closed Session at 6:06 P.M.

- a. Conference with Labor Negotiators (Government Code Section 54957.6) Agency

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Designated Representatives: Jonathan Holtzman/Randy Riddle, Renne Sloan Holtzman Sakai LLP. Unrepresented Employee: General Manager/Chief of Police.

- b. Public Employee Appointment – Title: Interim General Manager/Chief of Police
- c. Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (12 potential cases); Public Employee Discipline/Dismissal/Release.
- d. Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (1 potential case); Public Employee Discipline/Dismissal/Release.

Closed session item (c) related to the Board's consideration of whether to disclose publicly some or all of the investigation report regarding the October 7, 2015 traffic stop of Vanessa Cordova by Kensington Police Officers.

1. Director Gillette participated by telephone in the Closed Session while she drove from the San Francisco International Airport to Kensington.
2. A copy of the extension of employment contract for Kevin Hart was attached to the Board Packet.

At 7:39 President Welsh announced that the Closed Session would continue until about 8:15 P.M.

The Board returned to Open Session at 8:17 P.M.

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

President Welsh apologized for the length of the Closed Session and reported that, during the Closed Session, the Board had

- Discussed items a and b but had taken no action.
- Given direction to legal counsel on item c.
- Taken no action on item d.

PUBLIC COMMENTS

Linda Lipscomb said she had questions for Director Cordova, based on the document that appeared beginning on page 41 of the evening's Board Packet, and said she hoped that Director Cordova would answer them in the interest of transparency and to ensure that the public would be informed. Ms. Lipscomb said Kensington's residents deserved straight answers to the serious questions that had been raised by the document. She said the Contra Costa Times had reported that Director Cordova had said the Kensington police had come to her home. Ms. Lipscomb said the newspaper also had reported that Director Cordova had said that the officers had told her they had come in response to a 9-1-1 call and that she had said that she had denied having made such a call. Ms. Lipscomb said that, on page 55 of the Board Packet, there was a transcript of a conversation that had taken place during a visit by a Kensington police officer, in response to a 9-1-1 call, to Director Cordova's home. Ms. Lipscomb asked if this had been one of the incidents that had been reported as an unsolicited 9-1-1 call in the Contra Costa Times.

Director Cordova responded that she wasn't obliged to answer Ms. Lipscomb, to which Ms. Lipscomb responded that she understood. Director Cordova continued by saying that she would answer. Director

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Cordova said she had had two 9-1-1 calls: One had involved Officer Ramos and another had involved Officer Hull. Director Cordova said she had discussed one of the calls with former GM/COP Greg Harman, who had looked into it, and another, which she said she believed she had discussed directly with Sergeant Hull. She said Sergeant Hull had explained to her that, even when one doesn't have a landline, everyone does have a landline. Director Cordova said she hadn't filed a complaint at the time the call had been made. She said she had just been surprised to have seen someone because she had had a courtyard with a gate and she had been folding clothes in the living room, so she hadn't made a complaint. Director Cordova said the issue had only been raised when other residents had raised it and said investigators had asked if she had had this happen to her. She said that she had responded to them in the affirmative but that she hadn't filed a complaint at the time. She said that IGM/COP Hart had approached her and that, in emails that she'd be happy to provide, it had startled her. She said she hadn't found Officer Ramos or Sergeant Hull to have been rude. She reiterated that it had been a startling thing because she hadn't had a landline and still didn't. She said that how it had been reported had been out of her control but that she had never made a complaint about the calls. She said former GM/COP Greg Harman had been quite nice about it and had explained that sometimes one had a landline, and one didn't know this. She said this was the only explanation she could or would offer.

Ms. Lipscomb began to proceed with her public comment. Vice President Sherris-Watt said that public comments were not meant to be a question and answer. Director Cordova said that Ms. Lipscomb could interrogate her. President Welsh responded that Ms. Lipscomb could proceed with her public comment. Ms. Lipscomb noted that Director Cordova had volunteered her response.

Ms. Lipscomb said that, if she read the transcript correctly, it appeared that Director Cordova believed she had accidentally set off the alarm and that this had been what had caused the police to have come. Ms. Lipscomb added that, per the transcript, Director Cordova had invited Officer Ramos into her home to look around: He had not forced his way in. She said that, if those facts were true, the report in the Contra Costa Times was incorrect.

Teresa Stricker said she wanted to intervene for a moment. She said it was not appropriate to do a question and answer, and these items had not been placed on the agenda. She said Ms. Lipscomb could make her public comment, but it was not appropriate to get into a full-blown discussion. President Welsh asked Ms. Lipscomb to continue her comments and let Director Cordova know she could respond at the end, if she wanted to do so.

Ms. Lipscomb continued by saying that it was incumbent upon someone to comment about where the reporter, Mr. Peele, might have gotten the information he had used to make an incorrect report. She said that other questions were raised by the document that began on page 41 that included statements about the registration of the car Director Cordova had been driving at the time of the infamous traffic stop. Ms. Lipscomb said it would be appropriate for Director Cordova to tell the public for how long the car's registration had been delinquent prior to that stop. Ms. Lipscomb said there also were statements about the lapse of Director Cordova's driver's license and said it would be appropriate for Director Cordova to tell the public for how long her driver's license had lapsed in the previous year. Ms. Lipscomb also said she was wondering why the community still didn't have a copy of the report. She said she hoped Director Cordova would comment and state that she would consent to the release of the report, as she understood not even the Board had seen it. She said it was time to put an end to the controversy and bring the matter into the sunlight.

Director Cordova said she agreed and that that was why the Attorney General was continuing actively to investigate this case. She said there was a lot that was unknown about this case. She said that the report should be published so people could see what the investigators would find out, in terms of criminal offenses, if any, such as unlawful access to her personal records and such as information from personnel that things might not be copasetic in the department. Ms. Cordova said she had not been stopped for a suspended license nor had she been stopped for absent registration. She said that she had been stopped for an expired tag and that she had produced the relevant DMV document. She said that was the end of the story and was all she was going to state at that time. She said Ms. Lipscomb could malign her all she wanted – suggest malfeasance or misfeasance – she didn't care. She said she knew what had happened,

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and she knew there was a criminal investigation for a component of the case. She said she was patient and hopeful.

IGM/COP Hart said members of Contra Costa Public Works and PG&E were in attendance to make public comments.

A. Stevens Delk said that Kensington's zero tolerance policy had never been properly defined. She noted it had never been close to zero. She noted that, during the first four years, only 50% of traffic stops had resulted in citations and that, in the last three months, the rate had dropped to 20%. She said that, in addition, the average number of stops made each month had steadily declined, from 170 the first year, to 90 in 2014, to 30 in the last half of 2015, to 15 in the last three months. She noted that there had been 46 accidents since last June, which had been the per year average before the UC Study, and the projection for a full year was over 50% more than the average for the early years of the policy. She said that, in November, IGM/COP Hart had introduced his proposal to rescind zero tolerance, having said that he thought it was important to enforce traffic laws but the policy was not being enforced, pursuant to Board direction. She said the Board had directed IGM/COP Hart not to change the policy before he had presented his plan for consideration and approval. She said that, since November, there had been decreases in the number of stops and the percentage of stops resulting in citations. She said 50% tolerance had become 80% tolerance. President Welsh asked that IGM/COP Hart address this in his upcoming month's General Manager's Report.

IGM/COP Hart introduced Jason Chen from the Contra Costa Public Works Department, who, along with a representative from PG&E, was going to discuss changing out the lighting in Kensington. Mr. Chen said that, in the unincorporated parts of Contra Costa County, the County paid PG&E to provide lighting service, noting that PG&E owned and operated these streetlights. He reported that PG&E had a program for upgrading the streetlights and that PG&E would begin replacing existing high-pressure sodium vapor light bulbs with LED lights. He said the poles and the height of the light fixtures would not be changed. He introduced PG&E's Jeff Pollard, who reported that there was a website noted in the Board Packet to which people could go for more information on the program. Mr. Pollard showed a light fixture to demonstrate what part would be changed in 250 to 300 fixtures in Kensington. He noted that the existing light fixtures were at the end of their useful life, that the light bulbs needed to be replaced every four to five years, and that, with the new LED lenses, light would shine straight down on the streets and sidewalks – not out too far out to the sides or upward. He reported that the new lights would have a life expectancy of 20 years, would come with a ten year warranty, wouldn't dim over time, and would be similar to the lights that had been installed on Arlington Avenue. He noted that the new lights would also drive down maintenance costs. Director Gillette said she had been fond of the old lights on Arlington Avenue and said their charming appearance had been better suited to the community. She said she didn't care for the new light fixtures and asked if there were anything more aesthetic that could be installed. She noted that Berkeley had really attractive lights and asked if there could be any aesthetic control over the lights to be installed. Mr. Pollard responded that the only control the community could have would be over wattage. Rich Karlssen asked for the website. Mr. Pollard responded it was pge.com/streetlightupgrade. Jim Watt said Berkeley had installed attractive lights on Spruce Street. Mr. Pollard responded that he was unfamiliar with those lights and said that Kensington's project was restricted to changing the bulb part of the fixture. President Welsh asked that District staff make this information available on the District website.

BOARD COMMENTS

Director Cordova reported that, a few weeks earlier, the Contra Costa Special Districts Association had convened to elect a new delegate to LAFCO. She further reported that, after waiting for four hours, the group could not get the requisite number of members to achieve quorum to vote on whether to elect incumbent Mike McGill. She said, therefore, that the election would be conducted by certified mail. She said that, in the meantime, Mr. McGill would continue to serve on LAFCO.

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Vice President Sherris-Watt reported that the Park Buildings Committee could meet on May 31st, at 7:00 P.M., and on June 22nd.

President Welsh reported that a tentative meeting of the Park Grounds Committee was set for May 19th.

STAFF COMMENTS

IGM/COP Hart reported:

- 184.4 pounds of prescription drugs had been collected at the April drug take-back day and would be destroyed.
- Text 9-1-1 was operational.

IGM/COP Hart said he wanted to discuss the sound system, which he said had been discussed on Kensington Next Door. He reported that the lowest responsible bid for the needed system had been \$21,000 and that the Board had approved \$6,000 for only a sound system for fiscal year 2015-16. He said that, after he had looked into it further, he had learned that the District would need more than an audio system. He said he wanted to eliminate the need for an officer to operate the system and to upgrade the system to comply with ADA audio requirements for the hearing disabled. He also reported that he was trying to develop a partnership with the K-groups and that KIC had committed up to \$5,000; KCC had committed up to \$3,000; and KPOA still had some questions. He said that he hoped to purchase and install the new system by June 30th and that he might need to ask the Board for additional funds to make up the difference. He described the system, which would have four speakers on one side and four on another and would have the Directors sitting in front of the fireplace, with a domed video camera on the opposite wall. He explained that the camera would be placed in the dome to protect it from games like Frisbee and that it would pick up staff. He reported that, with respect to proposed construction, the system would not be impacted. He said that, if the Board would not be interested in the proposed audio-video system and would only be interested in an audio system, he might need to go back to the K-groups to ask if they would be agreeable to only a sound system. Director Cordova asked why the District couldn't have a "Toyota" version of a sound system, instead of a "Cadillac" version. She also asked for a real assessment instead of a system she wasn't convinced the District needed. Director Toombs responded that the District was "driving the Toyota right now" and asked how it felt. Director Cordova responded that, when reviewing tapes of meetings, she could hear herself, but she couldn't hear Director Toombs. President Welsh asked IGM/COP Hart how he had come to the conclusion that the District needed the system he was recommending. IGM/COP Hart responded that he had made inquiries of six contractors, who had come out to look at the Community Center. He added that the bids from them had ranged from \$20,000 to \$30,000 for an audio-video system that would accommodate the hearing impaired. President Welsh asked if there had been a specifications sheet. IGM/COP Hart responded that there hadn't been; each contractor had come to the Community Center to do a walk-through in order to evaluate what was needed. He added that the "Cadillac" version was the \$30,000 proposal and that the District didn't need that. He said that what was proposed was a "Chevy" system: It would include microphones that would pick up sound, without people needing to speak so closely, a plug and play formatted system that would be locked in a secure place, and a stationary protected camera. He noted that an officer would not be needed to operate the system. President Welsh asked that this item appear on the next agenda and that, in advance, there be a written report on what the system would need to do.

Director Toombs said he wanted to comment on the earlier exchange between Linda Lipscomb and Director Cordova. He said he was embarrassed because there was an investigation going on and to have a member of the public "lay into" a Director, with any kind of allegation or vice versa, was unseemly. He said he thought the best thing the community could do was let the investigation run its course and conclude and then, if and when the report were to be released, people could make their own judgments. He said it was difficult to sit on the Board and to be "sandbagged," which he found to be unfair.

Director Gillette said she wanted to respond to comments that had been made on Kensington Next Door about Mr. Buffington's document. Specifically, she said she wanted to address the issue of Mr.

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Buffington having received a copy of the report. She said that Directors had asked legal counsel about this, and they were told that Mr. Buffington had received a copy of the report because he was Sergeant Barrow's attorney. It was required and allowed for him to have a copy.

President Welsh said he hoped the District could get out the report soon because there had been some very disturbing allegations had been made in Mr. Buffington's press release. He added that the charges that had been made prior to Mr. Buffington's document that had been equally disturbing. He said the truth would make the public feel better; they would know what was going on. Director Cordova responded that IGM/COP Hart had said on numerous occasions – at least two times that she could find on video – that there were two components to the stop: an administrative investigation that had been concluded, with police having reviewed police procedures; and a criminal investigation, which was continuing. She said she thought both should be concluded before accusations were made. Director Gillette said there were many questions in the community, and the District was seeing a lot of frustration in the community because people wanted to know what was happening. She said she thought a member of the community making comments and berating a member of the Board was just as valid as members of the community berating members of the Board about other issues. She said this was just part of being a Director, as the role is currently defined in Kensington. President Welsh said the Board was working to release as much of the report as it could lawfully. He added that, if there was any way the District Attorney or FBI – both of whom he thought were interested – were going to weigh in on this, he thought they would do so sooner rather than later. Teresa Stricker said the attorney for the officers had the report because it was required. President Welsh clarified that the person against whom a complaint is made is entitled to the report and that this person's attorney could get a copy on his behalf.

OLD BUSINESS

7a. Update from Ad Hoc Committee on Governance

David Spath, Chair of the Ad Hoc Committee, reported that Kensington residents should have received postcards containing the web address so they could take the survey. He said he also placed a stack of postcards at the back of the room. He reported that the direct link was also on the District's website. He said that people could also email him, and he would provide them with the link. He said he hoped everyone would take the survey, which would take about five minutes to complete. Dr. Spath reported there would be a public forum on June 4th at the Community Center. He reported it would be the first opportunity for the three subcommittees – bifurcation of the GM/COP position, consolidating the fire and services districts, and contracting out – to present preliminary findings. He said the Committee wanted to get input from the community as a result of the presentations. He said the subcommittees would have future meetings to which the public would be invited to ask additional questions. He said the Committee had planned for each presentation to last about 20 minutes, and these would be followed by questions and interaction. He reported that Committee members would remain after the forum to answer individual questions. Director Gillette asked what the Committee's estimate was for presenting final findings. Dr. Spath responded that the Committee was targeting the end of August. He noted that the survey would prove helpful to the Committee and the Board. He also said the Committee would be asking the Board or IGM/COP Hart for an editor to assist with putting together the final document; there would be three subcommittees trying to meld their work. He said the Committee didn't think this would be an expensive endeavor. He said the Committee would put together a scope of work; it wanted someone to edit the reports, not to write them, so the document would look presentable. Director Gillette asked if the information presented on June 4th would be available to people who couldn't attend. Dr. Spath responded that the meeting would be videotaped, and the recording would be posted on the website. He said he would also have all the materials posted on the website. He added that he was available through his email address. He said he would prefer not to put anything on Next Door because it would likely migrate into something else, beyond a reasonable discussion. President Welsh thanked Dr. Spath for his report.

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President Welsh said that he had skipped over the Consent Calendar and that he wanted to get to other items on the agenda because he didn't know if the Board would meet beyond 10:00 P.M., noting that some of the items had to be done that night.

NEW BUSINESS

- 8a. The Board received a presentation from Auditor Craig Fechter, regarding the Fiscal Year Ended June 30, 2015 Financial Report for the District. The Board considered voting whether to accept the report.

Craig Fechter said this was the report for the Fiscal Year Ended June 30, 2015. He reported that there had been major changes to the report due to the fact there had been a new accounting standard that had been passed about three years earlier: Government Accounting Standards Board (GASB) 68, which pertains to reporting pension liabilities. He offered to meet with the Finance Committee or to return to the Board to discuss GASB 68 in greater depth. He reported that his firm is not part of the District: It is an independent accounting firm retained by the District. He cited the government code section that requires the District to have an independent review of its numbers to ensure that the public has access to figures reviewed by someone who is not part of the District. He said that report contained some distinct sections:

- The audit report, which stated the financials were free of any material misstatement. He explained that the firm had performed a number of procedures to verify accuracy, such as confirmations with third parties.
- Management Discussion and Analysis, which was a District-prepared document. He explained that this is a document about which an auditor does not express an opinion and that it describes things that may have occurred during the year that are not financial in nature.
- Statement of Net Position (balance sheet).
- Income Statement.

Director Toombs asked about a deferred outflow of resources for \$381,774 and a deferred inflow of resources. He asked for confirmation that the deferred outflow was for a payment to CalPERS for the pension plan. Mr. Fechter responded in the affirmative and explained that the pension numbers reported, for both inflow and outflow, were based on a CalPERS report for the period ending June 2014, in accordance with GASB reporting requirements. He explained that GASB required that current year contributions be capitalized as a deferred outflow of resources and that this was like a prepaid expense. He explained that the deferred inflow of resources, which capitalized the gain, was meant to smooth out gains and losses over a period of time. He said that deferred outflows would likely be pretty consistent over time but that the deferred inflows could be a deferred outflow if the market didn't do well and prior gains were wiped out. He said the intent was to smooth out the contributions rates in the event of market volatility. Mr. Fechter explained that, with a defined benefit plan, employees are promised a specified benefit and that, no matter what happens, the employees would receive a specific amount of money once retired. He explained that assumptions are used to determine the employer's contribution amount and that, if any of the assumptions aren't met, then an employer will either have an over-funded plan or an under-funded plan. He further explained that CalPERS had, in recent years, assumed a 7.5% performance rate but that this had not been met; rather, the rate had been 3%. He said this performance delta was why the pension liability existed. He said the District had not missed any contributions to PERS, as determined by the auditor's independent verification. He offered to attend a Finance Committee meeting, if the District wanted more information about GASB 68.

President Welsh asked for a "bottom line" conclusion. Mr. Fechter responded that the financial statements were free of material misstatements. He reported that the District had had positive income for the year, for the first time in a few years. He said his firm had no specific findings to report to management or to the Board. He noted that an auditor could not look at every transaction – it's not part of what an auditor does.

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Mr. Watt asked about unfunded medical liabilities. Mr. Fechter reported that GASB 45 would require agencies to report specific information, with respect to OPEB (Other Post Employment Benefits), in two or three more years.

Linda Lipscomb asked what the offsetting pension asset was. Mr. Fechter responded that the total liability was \$11 million, the unfunded portion was about \$2 million, and the asset – the amount the District had already contributed – was about \$7 million.

President Welsh thanked Mr. Fechter for his presentation.

**MOTION: Director Toombs moved, and President Welsh seconded, to accept the audit report.
Motion passed: 5 – 0.**

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

- 8c. The Board considered approving a contract extension for Interim General Manager/Chief of Police Kevin Hart, with no proposed change in monthly compensation, benefits, or other terms and conditions of employment, other than the term of the contract, which was to be determined by the Board in its consideration of this item.

IGM/COP Hart left the dais.

President Welsh said he thought that the Board should extend IGM/COP Hart's contract and that it should choose a term of nine months, which would take the Board through February. He said that, by then, the Ad Hoc Committee would have presented its report on possibilities for change. He noted that, if a new model with respect to the combined position were to be recommended, this would allow a new Board time to work on that change. He added that, if the Board wanted to, it could initiate a new search for the best possible candidate. He said that the Board should move forward and that he thought it would be a huge mistake to "change horses in mid-stream."

Director Gillette said that she and Vice President Sherris-Watt had been appointed as the subcommittee to look at what IGM/COP Hart wanted in terms of a contract and also at what other options the Board might have. She said they had had a nice experience working together and that they had considered some other options. She said that she, too, supported the extension of IGM/COP Hart's contract through February for the same reasons President Welsh had articulated. She said that there needed to be stability in the Department, that IGM/COP Hart had done a good job and that he had gotten things back on track with a good level of professionalism. She noted that there could be some criticisms that may or may not be valid but that, overall, he had done a good job. She said that, following the Ad Hoc Committee's findings, the Board might choose to make changes. She said that, by extending the contract through February, the new Board, which would be seated in December, would have adequate time to make changes, if it were to choose to do so. She also noted that, if the Board chose not to make changes to the structure, it could decide whether or not to continue with IGM/COP Hart. She reiterated that the District needed stability and that she would vote in favor of extending IGM/COP Hart's contract through February. She noted that IGM/COP Hart is an at-will employee and that, if at any point in time the Board thought he wasn't doing his job well, he could be terminated. She also noted that the Board could choose to extend the contract past February. Director Gillette said it was important that IGM/COP Hart had accepted the contract without any additional compensation or other changes. She said she thought this had demonstrated good faith on IGM/COP Hart's part.

Vice President Sherris-Watt confirmed that she and Director Gillette had had a good time working together, as they had done previously. She said she would not be voting for the extension of IGM/COP Hart's contract. She said the Board was asking anyone to do a very difficult job but that the Board had not had the cultural change and emphasis on community policing that she had hoped for. She said the

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Board had not achieved the balance she had hoped for between the needs of the police department and the community services.

Teresa Stricker said it was fine for the Directors to make their comments about their initial take, but they needed to keep an open mind until public comments had been completed – minds shouldn't be made up until the public had had a chance to weigh in.

Director Toombs said he was in favor of extending the contract but that he would want to extend it for a year.

Director Cordova said she had no comment at the time.

Karl Kruger said the District had put together a preliminary budget and had a contract for the officers; but if the District didn't have a contract for the manager, the District really didn't have anything. He said he was in favor of extending the contract for many of the reasons Director Gillette had given. He said the District had had better management for the last year than it had had for a number of years. He said IGM/COP Hart understood looking into the future as well as a number of management issues – things the District may not have had in the past. He said he endorsed giving IGM/COP Hart an extension, but he thought 14 holidays was too many. He suggested that IGM/COP Hart give back four of his holidays.

Leonard Schwartzburd said he had filed a complaint about the performance of IGM/COP Hart and two of the officers. He said the complaint form he had been directed to use was inadequate and needed to be redone. He said there had been an incident, which had been the latest in a long chain of incidents, of illegal entries into his home. He said nothing had ever been taken, but clear messages had been left that there had been intrusions. He said this had been an attempt to intimidate him because he was very outspoken. He said there had been an incident in December, and sabotage had been done at night to a light timer at his home. He said he had called IGM/COP Hart to say that this was a clear message that someone could get into his garage. He said people used to get into his house, too, but he had taken measures. He said he called IGM/COP Hart and asked for an officer to come out and look at this. He said he hadn't reported this earlier because he hadn't wanted to be labeled as "paranoid" because there was a tendency in the community to engage in character assassination of critics. He said he had reported it, in the past, to the FBI, but this had been the first time he had reported it to the Kensington Police Department. He said that IGM/COP Hart had told him that the only two officers he could send were Sergeant Barrow or Officer Ramos. He said that, based on Sergeant Barrow having glared at him on a number of occasions – very much like Director Cordova had described, on his adventures in Reno, and on what had happened with Director Cordova, he didn't trust Sergeant Barrow's judgment and was fearful of him. Therefore, he said, he had asked IGM/COP Hart to keep Sergeant Barrow away. He said the IGM/COP Hart told him that he could either send Sergeant Barrow and Officer Ramos at that time or he could send someone else a few days hence. Dr. Schwartzburd said that Officer Ramos had come out to his house and had then dismantled evidence of a crime and that he had this on videotape. He said it could not have happened otherwise. He said that he had filed a complaint, that IGM/COP Hart had responded in a manner that distorted the facts, and that the resulting report was extremely inaccurate. He said IGM/COP Hart was enabling the ongoing mentality and culture; that certain officers feel they're above the law. He said the interim person was supposed to come in and clean things up. He said that it was inappropriate for the interim person to have as his goal getting the job permanently and that this limited the person's ability to get things done.

John Gaccione said it was interesting that no one had mentioned the General Manager; it's always a reference to the Chief. He asked what price the Board was willing to pay for stability. He said that, when IGM/COP Hart had been hired a year earlier, it had been hoped that the community would move forward, leaving the department's past transgressions behind. He said the Board had vetted IGM/COP Hart and had assured the community that IGM/COP Hart had been the best candidate, despite the fact that he had no prior experience as a general manager or chief of police. He said IGM/COP Hart continued to hold his position as a Dublin City Councilmember. He said that, with respect to the dual position of GM and COP, IGM/COP Hart was, essentially, supervising himself and this wasn't working

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out. He also said that IGM/COP Hart didn't understand the concept of transparency. He said that IGM/COP Hart had received more benefits than he had indicated when agreeing to his original contract and had requested and obtained a new police car. He said that IGM/COP Hart was in the process of shopping for a license plate reader system and for body cameras and that he had decided to do this without community input or Board approval. He said that taxpayers were left to worry about the impact these expenditures would have on the budget because the GM appeared to be missing in action. He said that IGM/COP Hart's mismanagement of the Cordova traffic stop had been problematic, indicating that he had initially been dismissive of the incident and then had allowed himself to become part of the problem. He said IGM/COP Hart had engaged in unprofessional behavior and had ceded control to the Police Officers Association by not disavowing Mr. Buffington's press release. He noted that, because of some of the officers and IGM/COP Hart, the District could face expensive legal consequences and that, because of IGM/COP Hart's actions, public trust in the department had not been restored. He asked Director Gillette how she would advise a client in a similar circumstance of mismanagement. He said he did not support an extension of IGM/COP Hart's contract and said the Board should begin looking for a more qualified candidate to fill the interim position.

Ryan Anderson said he had a couple of questions and said he had concerns that the interim position might be drifting into a permanent one. He said he hoped the Board would commit to an open recruitment process in February 2017, when the proposed contract would come to an end. President Welsh responded that some Directors might not be on the Board at that time, but said he would not commit to this: he would evaluate the situation and then make a decision he thought would be in the community's best interest, in terms of the skillset the community needed and had available to it. Director Cordova and Vice President Sherris-Watt responded that they would commit to this. Director Cordova responded by saying that the way in which the initial recruitment process had been presented to the community was that there had been a contract with a three-month buffer, in the form of an extension. She added that her recollection was that the Board would have another recruitment. She said that it appeared that this was drifting toward a de facto permanent position that she hoped this wouldn't be the case because she thought an open and robust public recruitment process, particularly for a job that had a novel combination of top-down skills and more consensus building skills required that the Board cast a very wide net to find the best candidate. Mr. Anderson added that the community would be a wiser one, following the Ad Hoc Committee's report. Director Gillette responded that this assumed that the District would keep the same structure and that this explained why this was a difficult question for Directors to answer.

Mr. Anderson asked whether the six months that would pass between August, when the Ad Hoc Committee would report, and February, the proposed end of the contract, would limit flexibility. Director Toombs responded that the agreement was an at-will one that could be terminated at any time – the Board could terminate IGM/COP Hart for any reason or for no reason.

Mabry Benson asked if it the District would be legally required to advertise the position in a public manner, rather than renewing the contract, for permanent a position or positions. She said that, with respect to renewing the current contract, she was disappointed that the Board had not been exercising more oversight of IGM/COP Hart. She said IGM/COP Hart and the Board had been emphasizing the COP part of the job and neglecting the GM part. She said the Board should have been demanding more GM-type product, such as a fiscal interest over a COP who would like to have many high-tech items. She also asked when the Board had last asked for an update to his 100-Day Plan, noting that this appeared to have fallen by the wayside. She asked why IGM/COP Hart had gone to a conference, attendance for which he was to have sought Board approval. She said she was happy to know that the position was at-will and noted that IGM/COP Hart was under investigation for issues related to the traffic stop.

President Welsh interjected that it was 9:45 P.M. and that the Board was required to vote on whether to extend the meeting past 10:00 P.M.

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MOTION: Director Gillette moved, and President Welsh seconded, that the meeting be extended until the Board was finished with the agenda.

Motion failed: 3 – 2*.

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

President Welsh noted that the Board would not be taking care of the District's business by not passing the motion to continue past 10:00 P.M. Vice President Sherris-Watt said she would be happy to attend another meeting, perhaps the next evening. President Welsh and Director Gillette responded that they were not available.

Ms. Benson continued her comments by asking the Board why IGM/COP Hart had allowed an officer, who was under an internal investigation, to serve as the Field Training Officer for the newest officer. She said this was inappropriate action for a Chief of Police.

MOTION: President Welsh moved, and Director Gillette seconded, to extend the Chief's contract through February, on its current terms as noticed in the agenda.

Motion passed: 3 – 2.

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

8e . The Board reviewed Resolutions 2016-05, 2016-06, and 2016-07, prepared by NBS, that would initiate the process of collecting the annual Park Assessment Tax. The Board considered taking action to approve the resolutions.

Director Toombs explained that approval of the three resolutions was needed in order to levy the park tax for Fiscal Year 2016-17, and he described what each of the resolutions was meant to accomplish. President Welsh asked for confirmation that the Board needed to pass the resolutions that night in order to have the legal authority to collect the park tax. Director Toombs responded in the affirmative.

IGM/COP Hart returned to the dais and noted that the increase from the current year's amount and the amount proposed for the upcoming fiscal year was \$0.47 and explained that this tax revenue paid for the maintenance of the park. Director Toombs noted that the Board's approval was required for compliance with Proposition 218. IGM/COP Hart added that the total amount per parcel would be \$16.09.

Vice President Sherris-Watt noted that the tax roll information read \$16.08 and the resolution showed \$16.09. Director Toombs responded that NBS's report explained this: it was rounding issue. Thus, he said, the resolution was fine.

There were no public comments.

MOTION: President Welsh moved, and Director Gillette seconded, that the Board adopt Resolutions 2016-05, 2016-06, and 2016-07 as prepared by NBS to initiate the process of collecting the annual park assessment tax, as listed under New Business, Item 8e.

Motion passed: 5 – 0.

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

** Note: A four-fifths vote is required, per the Board's Policy and Procedures manual, for the Board to continue its meetings past 10:00 P.M.*

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- 8f. The Interim General Manager/Chief of Police presented, for Board approval, Kensington Police Protection and Community Services District Resolution 2016-08, ordering the even year Board of Directors election, the consolidation of elections, and the specifications of the election order.

Director Cordova asked if this was pro-forma every time there was an election. IGM/COP Hart responded in the affirmative. He explained that the District needed to call for an election and needed to notify the County elections office. He reported that two seats were up.

**MOTION: Vice President Sherris-Watt moved, and Director Gillette seconded, that the Board adopt Resolution 2016-08.
Motion passed: 5 – 0.**

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

President Welsh said he would like to propose, as a discussion item for the next Board meeting, limiting public discussion to three minutes per person in the initial public comments portion of the meeting – on matters not on the agenda – and limiting this portion to twenty minutes overall. He suggested that any remaining public comments could come at the end of the meeting. He said that, perhaps, there should be speaker cards that would be randomly selected. Director Gillette noted that, at the Board's prior meeting, Rich Karlssen had made a great recommendation about this issue.

Leonard Schwartzburd asked about reviewing the minutes. President Welsh responded they wouldn't be addressed because two of the Directors had voted not to extend the meeting past 10:00 P.M.

IGM/COP Hart asked the Directors to sign the resolutions that had been passed and to set a meeting to review the budget.

Director Toombs asked IGM/COP Hart to discuss the impact of the Board not reviewing the budget, which had been on the evening's agenda. IGM/COP Hart responded that it was going to cause the District to hold a special meeting and that the budget would then have to be heard at a regular meeting. Director Toombs asked for confirmation that the budget needed to be done by the end of June. Vice President Sherris-Watt and Director Cordova responded that it would be just like the previous year.

Director Gillette said she was opposed to adjourning.

**MOTION: Director Cordova moved, and Vice President Sherris-Watt seconded, to adjourn the meeting.
Motion failed: 2 – 3*.**

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

The meeting was adjourned at 10:03 P.M.

Len Welsh
KPPCSD Board President

Lynn Wolter
District Administrator

**Note: Because continuing the meeting required a four-fifths vote at 9:45 P.M. the meeting was adjourned, even though three of the Directors voted not to adjourn.*

KPPCSD
Unaudited Profit & Loss Budget Performance
 May 2016

	May 16	Budget	Jul '15 - May 16	YTD Budget	Annual Budget
Ordinary Income/Expense					
Income					
400 · Police Activities Revenue					
401 · Levy Tax	27,255.65	0.00	1,561,673.68	1,527,750.00	1,527,750.00
402 · Special Tax-Police	0.00		681,690.00	680,000.00	680,000.00
403 · Misc Tax-Police	0.00	0.00	0.00	0.00	0.00
404 · Measure G Supplemental Tax Rev	0.00		514,175.88	514,177.50	514,177.50
409 · Asset seizure forfeit/WEST NET	0.00		18,525.71		
410 · Police Fees/Service Charges	380.00	125.00	2,555.00	1,375.00	1,500.00
411 · Kensington Hilltop Srvcs Reimb	0.00	4,725.00	23,625.00	18,900.00	18,900.00
412 · Special Assignment Revenue	0.00	0.00	11,912.79	0.00	0.00
413 · West County Crossing Guard Reim	0.00	3,610.00	7,010.00	10,830.00	10,830.00
414 · POST Reimbursement	1,747.10	0.00	4,846.60	0.00	0.00
415 · Grants-Police	12,583.19	0.00	83,371.89	0.00	0.00
416 · Interest-Police	0.00	0.00	2,651.50	1,200.00	1,600.00
418 · Misc Police Income	0.00	1,666.66	9,794.43	18,333.34	20,000.00
419 · Supplemental W/C Reimb (4850)	0.00	0.00	29,354.06	17,194.24	17,194.24
Total 400 · Police Activities Revenue	41,965.94	10,126.66	2,951,186.54	2,789,760.08	2,791,951.74
420 · Park/Rec Activities Revenue					
424 · Special Tax-L&L	0.00		35,190.86	33,000.00	33,000.00
427 · Community Center Revenue	750.00	100.00	27,650.50	25,000.00	33,000.00
435 · Grants-Park/Rec	0.00		0.00	5,000.00	5,000.00
438 · Misc Park/Rec Rev	0.00	0.00	200.00	450.00	500.00
Total 420 · Park/Rec Activities Revenue	750.00	100.00	63,041.36	63,450.00	71,500.00
440 · District Activities Revenue					
448 · Franchise Fees	2,783.63	16,266.66	71,146.75	48,800.00	48,800.00
456 · Interest-District	0.00	0.00	-32.44	0.00	0.00
458 · Misc District Revenue	0.00	0.00	1,976.00	0.00	0.00
Total 440 · District Activities Revenue	2,783.63	16,266.66	73,090.31	48,800.00	48,800.00
Total Income	45,499.57	26,493.32	3,087,318.21	2,902,010.08	2,912,251.74

YTD Total Income is \$185,300 greater than the amount budgeted YTD

This difference is comprised primarily by the District having received \$83,400 in COPS Grants; \$33,925 more in Levy Taxes; \$22,350 more in Franchise Fees; \$18,525 in Asset Forfeiture Funds; \$12,160 more in Supplemental Workers' Comp; and \$11,900 in Special Assignment Revenue.

KPPCSD
Unaudited Profit & Loss Budget Performance
 May 2016

Expense	May 16	Budget	Jul '15 - May 16	YTD Budget	Annual Budget
500 · Police Sal & Ben					
502 · Salary - Officers	83,140.64	81,702.84	863,624.71	898,731.16	980,434.00
504 · Compensated Absences	-224.73	0.00	26,722.53	17,100.00	20,000.00
506 · Overtime	13,804.49	5,000.00	87,494.71	55,000.00	60,000.00
508 · Salary - Non-Sworn	8,716.28	6,825.00	92,973.64	75,075.00	81,900.00
516 · Uniform Allowance	599.94	850.00	7,077.70	9,350.00	10,200.00
518 · Safety Equipment	0.00	1,000.00	445.96	1,250.00	3,250.00
521-A · Medical/Vision/Dental-Active	14,495.01	12,496.34	162,681.70	137,459.66	149,956.00
521-R · Medical/Vision/Dental-Retired	13,736.44	13,957.84	162,081.59	153,536.16	167,494.00
521-T · Medical/Vision/Dental-Trust	0.00		0.00	31,642.00	31,642.00
522 · Insurance - Police	245.00	245.00	3,994.50	4,700.00	5,240.00
523 · Social Security/Medicare	1,549.73	1,389.00	15,012.90	15,279.00	16,668.00
524 · Social Security - District	578.59	423.16	5,876.96	4,654.84	5,078.00
527 · PERS - District Portion	15,047.64	32,285.09	353,841.12	355,135.91	387,421.00
528 · PERS - Officers Portion	5,427.84	7,032.25	66,259.79	77,354.75	84,387.00
530 · Workers Comp	0.00	0.00	43,966.71	50,000.00	50,000.00
Total 500 · Police Sal & Ben	157,116.87	163,206.52	1,892,054.52	1,886,268.48	2,053,670.00

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

YTD, Accounts 502, 504 and 506, combined, are \$7,000 more than the total amount budgeted YTD for these three accounts. This reflects changes, including those that were retro-active, made per the MOU adopted by the Board at its April meeting.

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

For April and for the past few months, non-sworn staff has been assigned more tasks, in part, because one officer was out and two officers have been on light duty. Thus, hourly wages, YTD, for these two accounts are approx. \$18,100 more than the amount budgeted YTD for these two accounts.

Account 521 A&R Medical/Vision/Dental

CalPERS medical premiums for the following month are due on the 10th of the month. Thus, in part, the YTD amount is \$33,800 greater than the YTD budgeted amount.

Account 527 & 528 – PERS District Portion

The District prepaid the \$197,471 annual Unfunded Accrued Liability amount due to CalPERS, which saved the District \$7,300. This lump sum payment is reflected in the YTD amount, which is greater than the YTD budgeted amount for A/C 527. IGM/COP Hart, the PD's new PEPR employee, and (with the adoption of the MOU at the Board's April meeting) the officers contribute to their own pensions. Therefore, the monthly reduction of \$20,600 in these two accounts combined, should result in a reduction for the year of about \$41,200 for the year.

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KPPCSD
Unaudited Profit & Loss Budget Performance
 May 2016

	May 16	Budget	Jul '15 - May 16	YTD Budget	Annual Budget
550 · Other Police Expenses					
552 · Expendable Police Supplies	99.44	141.66	1,711.44	1,558.34	1,700.00
553 · Range/Ammunition Supplies	110.61	0.00	2,560.91	3,000.00	5,000.00
560 · Crossing Guard	1,203.30	1,200.00	9,566.27	9,600.00	10,830.00
562 · Vehicle Operation	865.49	1,600.00	17,056.72	46,800.00	50,000.00
564 · Communications (RPD)	6,863.36	39,017.50	95,425.02	156,070.00	156,070.00
566 · Radio Maintenance	181.69	180.00	1,816.93	21,620.00	21,750.00
568 · Prisoner/Case Exp./Booking	548.74	400.00	13,122.77	5,900.00	6,400.00
570 · Training	-1,000.22	800.00	6,674.39	9,100.00	10,000.00
572 · Recruiting	0.00	541.66	4,290.53	5,958.34	6,500.00
574 · Reserve Officers	0.00	337.50	221.50	3,712.50	4,050.00
576 · Misc. Dues, Meals & Travel	0.00	40.00	2,710.00	3,140.00	3,140.00
580 · Utilities - Police	210.78	100.00	9,343.30	8,500.00	10,000.00
581 · Bldg Repairs/Maint.	0.00	416.66	4,676.24	4,583.34	5,000.00
582 · Expendable Office Supplies	772.16	500.00	5,979.85	5,500.00	6,000.00
588 · Telephone(+Rich. Line)	408.41	700.00	5,495.13	7,900.00	8,904.00
590 · Housekeeping	440.51	333.34	4,305.11	3,666.66	4,000.00
592 · Publications	0.00	50.00	2,579.91	2,450.00	2,500.00
594 · Community Policing	227.63	100.00	5,446.57	3,450.00	4,000.00
596 · WEST-NET/CAL I.D.	0.00		5,508.00	5,925.00	5,925.00
599 · Police Taxes Administration	0.00	0.00	3,488.68	3,500.00	3,500.00
Total 550 · Other Police Expenses	10,931.90	46,458.32	201,979.27	311,934.18	325,269.00

Account 562 – Vehicle Operation

YTD expenses are about \$30,000 less than the YTD budgeted amount. This is due, in part, to relatively low gas prices.

Account 566 Radio Maintenance

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

Account 594 Community Policing

The YTD amount is about \$2,000 greater than the amount budgeted for the year. This is due, in part, to additional work done on the website.

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KPPCSD
Unaudited Profit & Loss Budget Performance
 May 2016

	May 16	Budget	Jul '15 - May 16	YTD Budget	Annual Budget
600 · Park/Rec Sal & Ben					
601 · Park & Rec Administrator	615.90	650.00	7,312.20	7,150.00	7,800.00
602 · Custodian	1,750.00	1,900.00	19,250.00	20,900.00	22,750.00
623 · Social Security/Medicare - Dist	0.00	49.75	420.47	547.25	597.00
Total 600 · Park/Rec Sal & Ben	2,365.90	2,599.75	26,982.67	28,597.25	31,147.00
635 · Park/Recreation Expenses					
640 · Community Center Expenses					
642 · Utilities-Community Center	337.63	300.00	4,727.71	4,710.00	5,616.00
643 · Janitorial Supplies	0.00	0.00	1,241.17	800.00	800.00
646 · Community Center Repairs	1,657.40	250.00	5,027.85	2,750.00	3,000.00
Total 640 · Community Center Expenses	1,995.03	550.00	10,996.73	8,260.00	9,416.00
660 · Annex Expenses					
666 · Annex Repairs	0.00	83.34	0.00	916.66	1,000.00
668 · Misc Annex Expenses	0.00	83.34	0.00	916.66	1,000.00
Total 660 · Annex Expenses	0.00	166.68	0.00	1,833.32	2,000.00
670 · Gardening Supplies	0.00	83.34	0.00	916.66	1,000.00
672 · Kensington Park O&M	2,288.46	6,525.00	45,709.61	71,775.00	78,300.00
674 · Park Construction Exp	0.00		0.00	5,000.00	5,000.00
678 · Misc Park/Rec Expense	4,122.98	83.34	4,292.98	916.66	1,000.00
Total 635 · Park/Recreation Expenses	8,406.47	7,408.36	60,999.32	88,701.64	96,716.00

Account 672 Kensington Park O&M

The YTD amount is approx. \$26,000 less than the amount budgeted YTD.

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KPPCSD
Unaudited Profit & Loss Budget Performance
 May 2016

	May 16	Budget	Jul '15 - May 16	YTD Budget	Annual Budget
800 · District Expenses					
810 · Computer Maintenance	2,506.49	1,600.00	21,601.26	21,188.00	24,288.00
820 · Cannon Copier Contract	387.38	500.00	4,305.63	5,200.00	5,700.00
830 · Legal (District/Personnel)	42,694.46	8,300.00	136,202.60	91,300.00	99,530.00
835 · Consulting	3,444.00	5,000.00	29,344.04	15,000.00	15,000.00
840 · Accounting	4,322.50	5,000.00	40,378.84	28,000.00	34,000.00
850 · Insurance	0.00	0.00	27,357.99	30,000.00	30,000.00
860 · Election	0.00	0.00	0.00	0.00	0.00
865 · Police Bldg. Lease	0.00	0.00	1.00	1.00	1.00
870 · County Expenditures	0.00	0.00	21,604.54	22,250.00	22,300.00
890 · Waste/Recycle	0.00	500.00	259.74	24,500.00	25,000.00
898 · Misc. Expenses	1,585.93	1,275.00	16,495.71	14,025.00	15,300.00
899 · Depreciation Expense	0.00	0.00	0.00	0.00	0.00
Total 800 · District Expenses	54,940.76	22,175.00	297,551.35	251,464.00	271,119.00

Account 830 – Legal

The YTD amount is \$136,200. This amount is approx.\$45,000 more than YTD budgeted amount. The amount budgeted for the year is \$99,530. The April invoices were paid in May, and are reflected in this month's reports. We have not yet received the May or June invoices.

Account 835 Consulting

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

Account 840 Accounting

The YTD amount exceeds the YTD budgeted amount by \$12,400. Review of the detail for this account revealed that approx. \$29,600 has been paid to CPA Deborah Russell YTD. This amount exceeds was budgeted for her work for the full fiscal year. This is due, in large part, to the additional financial analyses Ms. Russell has been asked to do for the Board, the Ad Hoc Committee, and for the Finance Committee.

Account 890 Waste/Recycling

The YTD amount is \$24,200 less than the amount budgeted YTD. This is because there have been no legal fees associated with this account this year.

Account 898 Miscellaneous Expenses

The YTD amount exceeds the YTD budgeted amount by about \$2,500. This reflects that three District members attended the CSDA conference in Monterey, at a cost of approximately \$4,000.

KPPCSD
Unaudited Profit & Loss Budget Performance
 May 2016

	May 16	Budget	Jul '15 - May 16	YTD Budget	Annual Budget
950 · Capital Outlay					
962 · Patrol Cars	0.00	0.00	27,533.48	30,000.00	30,000.00
963 · Patrol Car Accessories	3,571.94	0.00	3,571.94	3,000.00	3,000.00
965 · Personal Police Equipment-Asset	0.00		0.00	10,000.00	10,000.00
967 · Station Equipment	467.60		8,484.89	7,000.00	7,000.00
968 · Office Furn/Eq	0.00		0.00	6,000.00	6,000.00
972 · Park Buildings Improvement	0.00	2,100.00	13,931.04	22,900.00	25,000.00
978 · Pk/Rec Furn/Eq	603.24		603.24		
Total 950 · Capital Outlay	<u>4,642.78</u>	<u>2,100.00</u>	<u>54,124.59</u>	<u>78,900.00</u>	<u>81,000.00</u>
Total Expense	<u>238,404.68</u>	<u>243,947.95</u>	<u>2,533,691.72</u>	<u>2,645,865.55</u>	<u>2,858,921.00</u>
Net Ordinary Income	-192,905.11	-217,454.63	553,626.49	256,144.53	53,330.74
Other Income/Expense					
Other Expense					
700 · Bond Issue Expenses					
701 · Bond Proceeds	0.00		-177,746.56	0.00	0.00
710 · Bond Admin.	764.31	0.00	12,200.72	0.00	0.00
715 · Bond Interest Income	0.00	0.00	-269.59	0.00	0.00
720 · Bond Principal	0.00	0.00	125,718.06	0.00	0.00
730 · Bond Interest	0.00	0.00	33,313.29	0.00	0.00
Total 700 · Bond Issue Expenses	<u>764.31</u>	<u>0.00</u>	<u>-6,784.08</u>	<u>0.00</u>	<u>0.00</u>
995 · Loss/(Gain) - Asset Disposition	0.00	0.00	0.00	0.00	0.00
Total Other Expense	<u>764.31</u>	<u>0.00</u>	<u>-6,784.08</u>	<u>0.00</u>	<u>0.00</u>
Net Other Income	-764.31	0.00	6,784.08	0.00	0.00
Net Income	<u><u>-193,669.42</u></u>	<u><u>-217,454.63</u></u>	<u><u>560,410.57</u></u>	<u><u>256,144.53</u></u>	<u><u>53,330.74</u></u>

Accounts 962 & 963 Patrol Cars and Accessories

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

Account 965 Personal Police Equipment

At last month's meeting the Board approved increasing this line item from \$10,000 to \$28,000 (see Asset Forfeiture Funds A/C 409 for offsetting revenue) and approved the purchase of bullet proof vest. New vests have been ordered. The weapons have been budgeted at \$10,000, but they have not been ordered yet.

Account 967 – Station Equipment

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

Account 968 – Office Furn/Equip

A new microphone system has been budgeted but not yet purchased.

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KPPCSD
Transaction Detail By Account
 July 2015 through May 2016

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

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KPPCSD
Transaction Detail By Account
 July 2015 through May 2016

Date	Num	Name	Memo	Split	Amount
02/04/2016	1722		CC Rental 2-...	112 · General ...	550.00
02/04/2016	2139		CC Rental 2-...	112 · General ...	550.00
02/04/2016	2082		CC Rental 3-...	112 · General ...	375.00
02/04/2016	0014		Alanon Mtg R...	112 · General ...	90.00
03/15/2016	16991	Catherine Henderson	Community C...	112 · General ...	-375.00
03/21/2016	1085		CC Rental Fe...	112 · General ...	400.00
03/21/2016	3249		CC Rental Fe...	112 · General ...	300.00
03/21/2016	2008		CC Rental Fe...	112 · General ...	700.00
03/21/2016	2772		CC Rental Fe...	112 · General ...	200.00
03/21/2016	716		CC Rental Fe...	112 · General ...	700.00
03/21/2016	1201		Wake Up To ...	112 · General ...	90.00
04/15/2016	17072	Auction King	Refund for 4/...	112 · General ...	-100.00
04/27/2016	1011		CC Rental 4-...	112 · General ...	900.00
04/27/2016	1277		CC Rental 4-...	112 · General ...	500.00
04/27/2016	767		CC Rental 7-...	112 · General ...	500.00
04/27/2016	674		CC Rental 4-...	112 · General ...	337.50
04/27/2016	1203		Alanon April ...	112 · General ...	90.00
05/20/2016	5035		Rental Fee 4-...	112 · General ...	450.00
05/20/2016	1976		Rental Fee E...	112 · General ...	300.00
Total 427 · Community Center Revenue					27,650.50
438 · Misc Park/Rec Rev					
08/04/2015	4445		Tennis Court ...	112 · General ...	40.00
11/16/2015	4645		Tennis Court ...	112 · General ...	40.00
01/07/2016	4691		Tennis Court ...	112 · General ...	40.00
03/21/2016	4776		Tennis Court ...	112 · General ...	40.00
04/27/2016	4825		Tennis Court ...	112 · General ...	40.00
Total 438 · Misc Park/Rec Rev					200.00
Total 420 · Park/Rec Activities Revenue					63,041.36
TOTAL					63,041.36

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KPPCSD
Transaction Detail By Account
July 2015 through May 2016

Date	Num	Name	Memo	Split	Amount
600 · Park/Rec Sal & Ben					
601 · Park & Rec Administrator					
07/15/2015		Di Napoli, Andrea		112 · General ...	395.10
07/30/2015		Di Napoli, Andrea		112 · General ...	388.20
08/14/2015		Di Napoli, Andrea		112 · General ...	314.10
08/28/2015		Di Napoli, Andrea		112 · General ...	385.80
09/15/2015		Di Napoli, Andrea		112 · General ...	330.90
09/30/2015		Di Napoli, Andrea		112 · General ...	402.60
10/15/2015		Di Napoli, Andrea		112 · General ...	211.50
10/30/2015		Di Napoli, Andrea		112 · General ...	344.70
11/13/2015		Di Napoli, Andrea		112 · General ...	354.30
11/30/2015		Di Napoli, Andrea		112 · General ...	357.60
12/15/2015		Di Napoli, Andrea		112 · General ...	424.50
12/29/2015		Di Napoli, Andrea		112 · General ...	236.70
01/15/2016		Di Napoli, Andrea		112 · General ...	330.00
01/29/2016		Di Napoli, Andrea		112 · General ...	336.90
02/12/2016		Di Napoli, Andrea		112 · General ...	347.10
02/29/2016		Di Napoli, Andrea		112 · General ...	336.30
03/15/2016		Di Napoli, Andrea		112 · General ...	227.40
03/30/2016		Di Napoli, Andrea		112 · General ...	396.30
04/15/2016		Di Napoli, Andrea		112 · General ...	311.70
04/28/2016		Di Napoli, Andrea		112 · General ...	264.60
05/12/2016		Di Napoli, Andrea		112 · General ...	277.20
05/26/2016		Di Napoli, Andrea		112 · General ...	338.70
Total 601 · Park & Rec Administrator					7,312.20

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KPPCSD
Transaction Detail By Account
 July 2015 through May 2016

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Split</u>	<u>Amount</u>
602 · Custodian					
07/15/2015	16466	William Driscoll	7/1 - 7/15/15 ...	112 · General ...	875.00
07/30/2015	16503	William Driscoll	7/16 - 7/31/1...	112 · General ...	875.00
08/14/2015	16539	William Driscoll	8/1 - 8/15/15 ...	112 · General ...	875.00
08/28/2015	16576	William Driscoll	8/16 - 8/31/1...	112 · General ...	875.00
09/15/2015	16601	William Driscoll	9/1 - 9/15/15 ...	112 · General ...	875.00
09/30/2015	16642	William Driscoll	9/15 - 9/30/1...	112 · General ...	875.00
10/15/2015	16665	William Driscoll	10/1 - 10/15/...	112 · General ...	875.00
10/30/2015	16697	William Driscoll	10/16 - 10/31...	112 · General ...	875.00
11/13/2015	16761	William Driscoll	11/1 - 11/15/...	112 · General ...	875.00
11/30/2015	16777	William Driscoll	11/16 - 11/30...	112 · General ...	875.00
12/15/2015	16806	William Driscoll	12/1 - 12/15/...	112 · General ...	875.00
12/30/2015	16838	William Driscoll	12/16 - 12/31...	112 · General ...	875.00
01/15/2016	16872	William Driscoll	1/01 - 1/15/1...	112 · General ...	875.00
01/29/2016	16907	William Driscoll	1/16 - 1/31/1...	112 · General ...	875.00
02/12/2016	16938	William Driscoll	2/1 - 2/15/16 ...	112 · General ...	875.00
02/29/2016	16965	William Driscoll	2/16 - 2/29/1...	112 · General ...	875.00
03/15/2016	16988	William Driscoll	3/01 - 3/15/1...	112 · General ...	875.00
03/30/2016	17026	William Driscoll	3/016 - 3/31/...	112 · General ...	875.00
04/15/2016	17052	William Driscoll	4/01/16 - 4/3...	112 · General ...	875.00
04/29/2016	17084	William Driscoll	4/16/16 - 4/3...	112 · General ...	875.00
05/13/2016	17117	William Driscoll	5/1 - 5/15/16 ...	112 · General ...	875.00
05/27/2016	17196	William Driscoll	5/15 - 5/31/1...	112 · General ...	875.00
Total 602 · Custodian					19,250.00
623 · Social Security/Medicare - Dist					
02/29/2016	SS A...			-SPLIT-	420.47
Total 623 · Social Security/Medicare - Dist					420.47
Total 600 · Park/Rec Sal & Ben					26,982.67
TOTAL					26,982.67

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MAY 2016 WATCH COMMANDER MONTHLY REPORT

Sergeant Hull

TEAM #2 STATISTICS

Sergeant Hull (K17) – (1800-0600)

Officer:	Hui (K42) (0600-1800)	Hull (K17) (1800-0600)
Days Worked	12	15
Traffic Stops	01	01
Moving Citations	00	00
Parking Citations	00	00
Vacation/Security Checks	00	01
Cases	00	03
Arrests	00	01
Traffic Accident Reports	00	00
Calls for Service	23	29

BRIEFING/TRAINING:

- PC 594 - Vandalism
- PC 602 – Trespassing
- PC 459 – Burglary
- PC451 – Arson
- PC 273.5 – Domestic Violence
- PC 242 - Battery
- PC 591 – Damaging telephone or electrical line
- CPOA Training Bulletin – If a loaded gun is in a backpack, is it being carried on a person?
- CHP Info. Bulletin – Electrically motorized boards and bicycles

SERGEANT'S SUMMARY:

I would like to welcome back Officer Martinez who had been off due to an on-duty injury. His presence was missed.

I would like to remind everyone to be mindful of other driver's as the Bay Area sports scene is experiencing major successes is several different professional sports teams, expect large segments of the local population to be in a more celebratory mood. Given this environment, if you are planning on taking walks for leisure or exercise please attempt to stay on routes that provide sidewalks if possible.

SIGNIFICANT EVENTS:

- 2016-1148 – On 5-12-2016, Sgt. Hui responded to the 400 block of Berkeley Park Blvd to a request for a welfare check. The resident was found deceased.
- 2016-1158 – On 5-13-2016, Sgt. Hull responded to the 200 block of Arlington Ave. and took a voluntary mental committal as subject was “feeling homicidal.”
- 2016-1194 – On 5-20-2016, Sgt. Barrow responded to the 00 block of Arlmont Dr. to a report of theft from a garage.
- 2016-1195 – On 5-20-2016, Sgt. Barrow responded to the 00 block of Anson Way to a report of theft from a vehicle.
- 2016-1199 – On 5-21-2016, Sgt. Barrow responded to the 00 block of Garden Dr. to a report of theft from a vehicle.
- 2016-1203 – On 5-21-2016, Sgt. Barrow responded to the 00 block of Franciscan Wy. for medical assistance but the resident passed.
- 2016-1204 – On 5-21-2016, Sgt. Hull responded to the 00 block of Avon Dr. to a report of theft from a vehicle.
- 2016-1210 – On 5-21-2016, Sgt. Hull responded to the 200 block of Arlington Ave. to a report of vandalism.
- 2016-1212 – On 5-21-2016, Sgt. Hull responded to the 1600 block of Oak View Ave. to a civil issue between neighbors.
- 2016-1213 – On 5-21-2016, Sgt. Hull responded to the 00 block of Rincon Dr. to a report of a disturbance. Two publicly intoxicated young adults were contacted. One party was taken to Kaiser Hospital for observation while the second was taken to County Jail to sober.
- 2016-1258 – On 5-26-2016, Sgt. Hull assisted ECPD with several subjects found in Arlington Park digging a large hole.

MAY 2016 WATCH COMMANDER MONTHLY REPORT

Sergeant Hui

TEAM #1 STATISTICS

Officer:	Martinez (K31)	Wilson (K38)	Ramos (K41)
Shift:	<u>(0600-1800)</u>	<u>(1800-0600)</u>	<u>(0000-0000)</u>
Days Worked	18	15	0
Traffic Stops	25	1	0
Moving Citations	13	0	0
Parking Citations	31	3	0
Vacation/Security Checks	22	20	0
FI – Field Interview			0
Traffic Accident Reports	1	0	0
Cases	6	0	0
Arrests	1	0	0
Calls for Service	91	22	0

BRIEFING/TRAINING:

- Officer Wilson attended a FTO Update class
- Officer Martinez was the field training officer for Officer Foley this month.

SERGEANT'S REVIEW:

SERGEANT'S SUMMARY:

Summer is just around the corner. Along with summer comes the calling of door to door solicitors. As part of Contra Costa County, persons soliciting within the District of Kensington are governed by the county's peddler ordinance. This ordinance requires solicitors and the companies they work for to register with Contra Costa County for a solicitor's permit. Solicitors are required to display their permit while conducting business within the county. Some entities are not required to obtain a permit. Details regarding these permits can be found at the following website:

https://www2.municode.com/library/ca/contra_costa_county/codes/ordinance_code?nodeId=TIT5GEWEBURE_DIV56TRBU_CH56-4SOPE#!

Every year, I encourage our residents to call if they have a solicitor knock on their door. I ask this of our residents because it assists the department in locating these solicitors. If they are conducting business legally, the responding officer will say hello and then be on their way once they determine the solicitor is conducting lawful business in town. If they are soliciting without a permit, or posing as solicitors in order to commit a crime, then the officer will deal with the situation accordingly. I am always frustrated when we finally get a call of a solicitor and I find out that they have been knocking on doors for hours.

Just as some would-be burglars have posed as construction workers in the past, they have been known to pose as solicitors. It allows them to walk door to door and determine who is home and who is not. Other solicitors represent companies that are of questionable origin. It seems every summer, young adults are out selling magazines for their "scholarship program" and every summer, there are always a few people that never got the magazine subscription they pay for.

I realize that many of you are worried about calling the police on a hard working solicitor just trying to make a living. If you decide not to call, and do decide that you wish to support the solicitor's company, I would encourage the following litmus test:

Ask for their website and see if you can make your payment/donation online. Any legitimate company should have a website capable of online payments. Any legitimate company will also realize there are customers who wish to use their web portal and will have a method of tracking the solicitors. So if the solicitor tells you that they don't have a website or that they will lose the "credit" or commission if you purchase online, it's a good sign that they may not be working for a legitimate company.

SIGNIFICANT EVENTS:

- 2016-1132 – On 5-10-2016, Officer Martinez and Officer Foley responded to the 200 block of Arlington Ave and arrested a subject for possession of paraphernalia and a controlled substance.
- 2016-1163 – On 5-15-2016, Officer Martinez and Officer Foley responded to the 200 block of Arlington Ave for a burglary from a store.
- 2016-1180 – On 5-17-2016, Officer Martinez and Officer Foley responded to the unit block of Cowper Ave on the report of a non-injury hit and run collision.
- 2016-1294 – On 5-29-2016, Officer Martinez and Officer Foley responded to the 200 block of Columbia Ave for a reported theft from a vehicle.

- 2016-1304 – On 5-30-2016, Officer Martinez and Officer Foley responded to the 100 block of Highland Blvd for a reported burglary of a vehicle.
- 2016-1305– On 5-30-2016, Officer Martinez and Officer Foley responded to the unit block of Kenyon Ave for a reported residential burglary.

TRAFFIC STATISTICS:

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

May 2016 Investigations and Statistics

Sergeant Barrow

SIGNIFICANT EVENTS:

Due to staffing levels I was assigned to patrol for several days during the month of May.

During the month of May I presented several cases to the Contra Costa County District Attorney's Office and am awaiting final review. **I obtained an arrest warrant for \$85,000.00 for one of our identity theft cases and will attempt to serve it in the upcoming days. This case maybe linked to others in the district.**

I gathered five cases we have had with the same suspect and presented them to the Contra Costa County District Attorney. A complaint was filed by the District Attorney for three counts of Unauthorized Entry of a Dwelling and one count of Trespass by Entering and Occupying. The female subject had repeatedly violated a court order barring her from a residence.

A \$40,000.00 arrest warrant was issued by the Contra Costa County District Attorney Office for a suspect that was arrested by KPD in connection with a stolen vehicle out of San Francisco.

2016-1145 Sex crime with child.

After interview with subject and possible victim it was determined to be unfounded.

2016-1148 Coroner's Case

On 5-12-2016, officers responded to the 400 block of Berkeley Park Blvd. for a welfare check. A deceased resident was found and this incident was investigated as a suspicious death.

2016-1185 Interrupted Residential Burglary.

On 05-18-2016 at approximately 1039 hours, in the 00 block of Kingston Road, a resident returned home and found two black male adults in his home. The suspects were in their early twenties, wearing dark blue or black hooded sweatshirts and dark jeans.

The resident confronted the suspects, and they fled out of a rear door of the home. The suspects fled to an awaiting vehicle on Lenox Road. The vehicle was later described by a witness as a dark grey Volkswagen Passat with tinted windows.

At this time, it is believed that the suspects entered through an unlocked sliding glass door to the rear of the house. It is believed that the vehicle was driving on Kingston Road and Lenox Road before and after the crime. This case is being investigated as a residential burglary. This case is under investigation.

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2016-1199 Identity Theft/ Theft from vehicle

On 5-20-2016, a person who had been working in the 00 block of Garden Drive reported their wallet had been stolen out of their unlocked vehicle. The unknown suspect used the victim's credit cards several times in the area. This case is under investigation.

2016-1068, 1163, 1195, 1204, 1294, and 1304 Thefts

During the month of May, Officers responded to seven thefts from locked and unlocked vehicles. These cases are being reviewed to see if they are linked to other residential burglary cases.

2016-1210 and 1265 Vandalisms

On 5-27-2016, Officers responded to two separate instances of vandalisms. The first was in the 300 block of Colusa Avenue. An officer responded to an unknown race, unknown face description, wearing a black hoodie and a black back pack, 5'9", 220lbs. last seen running north bound Colusa Avenue. The male spray painted or graffiti a garage door. The second was in the 200 block of Arlington Avenue where a subject tried to pry open a newspaper dispenser.

KPD Monthly Crime Statistics

May 2016

Part 1 Crimes	Reported	Open/ Pending	Suspended	Closed	Arrest
Homicide	0	0	0	0	0
Rape	0	0	0	0	0
Robbery	0	0	0	0	0
Assault	0	0	0	0	0
Residential Burglary	3	3	0	0	0
Larceny Theft	7	7	0	0	0
Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
Part 1 Totals	<u>10</u>	<u>10</u>	<u>0</u>	<u>0</u>	<u>0</u>

Other Crimes					
Other misdemeanor	2	0	0	2	2
Identity Theft	0	0	0	0	0
Fraud	0	0	0	0	0
Forgeries	0	0	0	0	0
Restraining Order Violations/	0	0	0	0	0
Sex Crimes (other)	0	0	0	0	0
Assault/ Battery (other)	0	0	0	0	0
Vandalism	2	2	0	0	0
Drugs	0	0	0	0	0
Warrant	0	0	0	0	0
Hit and Run Felony	0	0	0	0	0
Hit and Run Misdemeanor	0	0	0	0	0
Other Misdemeanor Traffic	0	0	0	0	0
Other Crime Totals	<u>4</u>	<u>2</u>	<u>0</u>	<u>2</u>	<u>2</u>

All Crime Totals	<u>14</u>	<u>12</u>	<u>0</u>	<u>2</u>	<u>2</u>
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Traffic Accidents (Non Injury)	1
Traffic Accidents (Injury)	0

KPD Crime Statistics

YTD 2016

Part 1 Crimes	Reported	Open/ Pending	Suspended	Closed	Arrest
Homicide	0	0	0	0	0
Rape	0	0	0	0	0
Robbery	0	0	0	0	0
Assault	4	0	0	4	2
Residential Burglary	8	8	0	0	0
Larceny Theft	20	17	2	1	1
Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
Part 1 Totals	<u>32</u>	<u>25</u>	<u>2</u>	<u>5</u>	<u>3</u>

Other Crimes					
Other misdemeanor	4	0	0	4	4
Identity Theft	12	9	3	0	0
Fraud	3	3	0	0	0
Forgeries	0	0	0	0	0
Restraining Order Violations/ Stalking/ Criminal Threats	3	2	0	1	0
Sex Crimes (other)	0	0	0	0	0
Assault/ Battery (other)	0	0	0	0	0
Vandalism	19	17	2	0	0
Drugs	0	0	0	0	0
Warrant	1	0	0	1	1
Hit and Run Felony	0	0	0	0	0
Hit and Run Misdemeanor	7	3	4	0	0
Other Misdemeanor Traffic	1	0	0	1	1
Other Crime Totals	<u>50</u>	<u>34</u>	<u>9</u>	<u>7</u>	<u>6</u>

All Crime Totals	<u>82</u>	<u>59</u>	<u>11</u>	<u>12</u>	<u>9</u>
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Traffic Accidents (Non Injury)	13
Traffic Accidents (Injury)	0

* 2011 case

REMITTANCE ADVICE

STATE OF CALIFORNIA/DOF

STD. 404C (REV. 4-95)

THE ENCLOSED WARRANT IS IN PAYMENT OF THE INVOICES SHOWN BELOW

DEPARTMENT NAME COMMISSION ON POST		ORG. CODE	INVOICE DATE	INVOICE NUMBER	RPI
DEPARTMENT ADDRESS 8000 STILLWATER # 100, W SAC 95605		CLAIM SCHED. NO. 0005520	INVOICE AMOUNT REIMBURSEMENT FOR 03/2016		
VENDOR CITY OF KENSINGTON C/O CHIEF OF POLICE 217 ARLINGTON AVENUE KENSINGTON CA 94707-		** TOTAL		\$1,747.10	
FEDERAL TAX ID NO. OR SSAN		RP TYPE	TAX YR	TOTAL REPORTED TO IRS	TOTAL PAYMENT
					FISCAL YEAR 2015-2016

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THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK - VIEW AT AN ANGLE



STATE OF CALIFORNIA

WARRANT NUMBER

06-770865

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

FUND NO. 0268 FUND NAME PEACE OFFICERS TRAINING

MO. | DAY | YR. 8120 | 05 | 09 | 2016

90-1342/1211 06770865

TO 770865 CITY OF KENSINGTON

DOLLARS CENTS \$****1747.10

Betty T. Yee BETTY T. YEE CALIFORNIA STATE CONTROLLER

121113423 067708656

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Lynn Wolter

From: Charles Toombs <cet@mcinerney-dillon.com>
Sent: Thursday, May 12, 2016 11:02 AM
To: Kevin Hart
Cc: Lynn Wolter
Subject: FW: Limiting public comment does a disservice to the Kensington community.

This should go in the public correspondence files. Thanks.

--

Charles E. Toombs
McInerney & Dillon, P.C.
1999 Harrison Street, Suite 1700
Oakland, CA 94612-4700
Telephone (510) 465-7100, Extension 238
FAX (510) 465-8556

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From: mabrybenenson@gmail.com [mailto:mabrybenenson@gmail.com] **On Behalf Of** Mabry Benson
Sent: Thursday, May 12, 2016 10:46 AM
To: Len Welsh; pgillette@kensingtoncalifornia.org; ctoombs@kensingtoncalifornia.org; vcordova@kensingtoncalifornia.org; Rachelle Sherris-Watt
Subject: Limiting public comment does a disservice to the Kensington community.

Limiting public comment does a disservice to the Kensington community.

The Board, the community, and particularly the public record need to hear/record what the public has to say. Speaking freely is a basic tenant of democracy. To squelch that is denying citizens a voice in their government. For the Board to squelch comment further gives the impression that that their minds are made up & don't want citizens to bother them with their opinions.

Postponing comment to the end, or even the middle, of the meeting effectively buries & hence limits it. Few people stay to the end.

Yes, meetings can run late. There are solutions:

1. Start the meetings earlier. Letting meetings run much past 10 (I could tolerate until 11, though many can't) effectively hides public business from the public. This is why I think it is totally wrong to extend meetings until the agenda is finished. A definite ending time should be set. Note how almost no one was there when that recent meeting lasted until 1 am.

2. Have more meetings, particularly when there are multiple important issues. It is totally unreasonable to

expect to govern even our small district with one 3 hour meeting a month. No wonder people think decisions are made out of public view. These could be one-topic Special Meetings.

3. Hold public hearings on issues, particularly hot button ones. This would help keep the regular meetings to a reasonable length, and allow for extensive public comment.

Mabry Benson

To: KPPCSD Board of Directors

From: A. Stevens Delk, Ph.D.

Re: Traffic Safety

Date: June 1, 2016

I have been interested in traffic **safety** issues in our community for some time. I believe my May 9 letter to the Board will appear in the June 9 Agenda Packet. For your convenience, I have attached it to my email of this date (see KPPCSD BOD Zero Letter May 2016).

In November 2015, iGM Kevin Hart presented to the Board his proposal to rescind the "Zero Tolerance" traffic law enforcement policy that was put in place by the Board, per former GM/COP Greg Harman's request, following the 2010 UC Traffic Safety Evaluation. Mr. Hart said that he "believes that its bad public policy." The Board asked him to discuss his alternative plan for assuring traffic safety before it considers whether to rescind the existing policy. That was 6 months ago and still no "Hart plan."

Mr. Hart said that "an analysis of traffic stops vs citations issued from 2010-2015" has shown a dramatic decrease in citations issued in recent years" and "at a minimum...the policy is not being enforced pursuant to board direction." His analysis, "TRAFFIC STOPS INITIATED VS CITATIONS ISSUED ANALYSIS 2010-2015," can be found in the November Agenda Packet.

Using his data, I found that from 2011 (the first year of "zero tolerance") through the end of 2014, the number of traffic stops resulting in citations remained about the same (57% yearly average, 52-64% range). However, the number of stops decreased by about 50% (from approximately 2,000 in 2011 to approximately 1,000 in 2014). In the last 5 months of Harman's employment, stops decreased from approximately 90/month to 50/month; under Mr. Hart's leadership there have been 33/month, with only 21/month since the Board directed Mr. Hart not to change the existing traffic safety policy, which I found alarming

On May 17, I asked Mr. Hart to provide me with the number of moving citations issued in 2008-2009, before "Zero Tolerance," and for information on the revenue generated by citations. He provided me with some information on May 27. Unfortunately (due to an inadvertent, I'm sure, error), his email only contained information on parking citations as well as moving citations from 2010 through April 2016, with no revenue data. His attachments "Revenue Acct #410.xlsx" and "Revenue Acct 418.xlsx" just contained the table "KPD Citations by Month and Year," like the 3rd attachment that contained that information, as he stated. (See emails that I am forwarding to you following this communication.)

But, what an interesting revelation his new information provided!

In comparing the moving citations issued each month in the table Mr. Hart had compiled for his November agenda item presentation on rescinding "Zero Tolerance" and the table he just provided to me on May 27, I discovered that **the moving citation numbers in the 2 tables differ by more than 20% for over a third of the months listed, and even the year totals vary significantly – by as much as 30%.** In particular, the table Mr. Hart used to support his finding that "Zero Tolerance is not being enforced," **underreported** yearly citations by an

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average of 21% from 2011 through 2014. (See my table "KPD Moving Citation Statistics by Fiscal Year: Data Set 1 (Nov 2015) vs. Data Set 2 (May 2016)," which is in an attachment to my cover page as "Citations Nov vs May.")

How can it be that citation rates have fallen precipitously since November after the Board directed Mr. Hart not to change the policy? Is he defying the Board?

Well, it occurred to me that the reduction in citations (and stops!) since the end of last year might be because Kensington residents are driving more cautiously. This could be a good thing, but not so much so if it's because they are terrified that they will be pulled over for a minor traffic issue or vehicle equipment problem.

Perhaps the Board and the community should praise Director Cordova, not admonish her, for the high price she has personally paid to make Kensington residents' safer on our streets!

Sincerely,

A. Stevens Delk, Ph.D.

Documents referenced:

May 9 letter to Board from ASD (attachment: KPPCSD BOD Zero Letter May 2016)

Traffic Stops Initiated Vs Citations Issued Analysis 2010-2015 (in November Agenda Packet)

KDP Moving Citation Statistics by Calendar Year: Data Set 1 (Nov 2015) vs. Data Set 2 (May 2016) and KPD Moving Citation Statistics by Fiscal Year: Data Set 1 (Nov 2015) vs. Data Set 2 (May 2016) (Citations Nov vs. May)

May 17 email to Admin. Asst. Lynn Wolter from A. Stevens Delk, Ph.D.; May 27 email to Ms. Delk from iGM Hart; May 28 email to iGM Hart from A. Stevens Delk, Ph.D. (as separate email(s))

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Lynn Wolter

From: A Stevens Delk <astevensdelk@gmail.com>
Sent: Wednesday, June 01, 2016 1:17 PM
To: Len Welsh; Rachelle Sherris-Watt; Chuck Toombs; Pat Gillette; Vanessa Cordova; Kevin Hart; Lynn Wolter
Subject: Fwd: FW: this is the one

----- Forwarded message -----

From: A Stevens Delk <astevensdelk@gmail.com>
Date: Sat, May 28, 2016 at 8:15 PM
Subject: Re: FW: this is the one
To: Kevin Hart <khart@kensingtoncalifornia.org>
Cc: Chuck Toombs <ctoombs@kensingtoncalifornia.org>, Lynn Wolter <lwolter@kensingtoncalifornia.org>

Mr. Hart:

Thank you for your response to my inquiry of May 17 regarding KPD traffic citations and the revenue generated by them. It appears that it has taken you and your staff some time and effort to obtain and tabulate this data, and I appreciate that and your apparent intent to keep records "for better accountability and the ability to search the data for effectively."

Unfortunately, all three documents that you attached are identical, except for the file names (and a page #1 of two of them). That is, all three show a table for "Moving Citations by Month / Year" and "Parking Citations by Month / Year," but no "revenue into accounts 410 and 418" that you said were the subjects of two of the attachments and as the file names imply.

I'm sure it was just a "slip" and look forward to receiving the documents you had intended to attach.

Thank you.

Dr. A. Stevens Delk

On Fri, May 27, 2016 at 12:29 PM, Kevin Hart <khart@kensingtoncalifornia.org> wrote:

Ms. Delk,

I have attached three documents for your review. These should answer most of your questions. Two of them represent revenue into accounts 410 and 418. We reviewed both accounts to ensure we did not miscode any of the revenue. As we discussed before, all ticket revenue goes into account 418, both for moving citations and parking. We get our revenue for moving citations from the Contra Costa County Auditor. Parking citation revenue comes from a private processing center.

The county uses the title of “fix it tix”, but it’s for all citations not just ones issued for mechanical violations. There is never a break down from the county to represent or explain what the amount comes from, a break down, which ticket, etc. Just the revenue. I have a request into the county auditor with questions, but thus far I do not have a response yet.

The document for account 410 reflects revenue from all other sources such as report fees, vehicle releases, fingerprinting, etc.

The third document reflects the number of citations issued since 2010. This new document was developed from an actual hand count of the citations issued by KPD and represents the best accountability of citations issued by KPD. During this review, it was discovered there was difficulty in getting the best accurate records, based on our Records Management System, and two separate teams(individuals) doing their own accounting of citations each month. For the future, we will be moving towards putting each citation into the RMS by the same person for better accountability and the ability to search the data for effectively.

Lastly, in light of no response from the county auditor yet, I will be reaching out to the court and see what information they can give to me. We typically don’t have any contact with the court on the revenue side of the house, only responding to subpoenas to appear in court when necessary.

Let me know what other questions you may have.

Chief Hart

Kevin E. Hart

Interim General Manager/Chief of Police

Kensington Police Protection and Community Services District

217 Arlington Avenue

Kensington, CA 94707-1401

khart@kensingtoncalifornia.org

(510) 526-4141 Office

(510) 982-6349 Cell

KPD Citations by Month and Year

Moving Citations by Month / Year								
	2010	2011	2012	2013	2014	2015	2016 (YTD)	2017
January	29	152	110	80	49	33	16	
February	18	130	108	43	33	10	6	
March	42	142	100	29	81	22	0	
April	24	201	57	81	82	36	3	
May	31	227	100	61	76	24		
June	97	109	97	52	55	22		
July	50	61	69	85	64	16		
August	83	78	48	118	60	6		
September	76	78	60	90	156	10		
October	30	128	65	90	67	16		
November	59	135	42	72	48	30		
December	52	55	28	41	25	22		
Total	591	1496	884	842	796	247		

Parking Citations by Month / Year								
	2010	2011	2012	2013	2014	2015	2016 (YTD)	2017
January	12	24	10	8	19	15	6	
February	3	57	20	26	21	7	7	
March	5	32	29	22	31	6	13	
April	7	23	14	20	13	6	22	
May	4	42	5	18	29	4		
June	26	52	14	22	28	8		
July	26	22	5	22	13	16		
August	13	0	1	39	25	18		
September	34	0	2	26	25	6		
October	29	0	3	36	30	12		
November	26	0	2	21	14	13		
December	33	3	1	17	15	9		
Total	218	255	106	277	263	120		

KPPCSD
 Transaction Detail By Account

July 1, 2013 through May 24, 2016

Date	Num	Memo	Split	Amount
400 · Police Activities Revenue				
410 · Police Fees/Service Charges				
07/12/2013	304161897	Report fee 13-1847	112 · General Fund	5.00
07/12/2013	105613901	Report fee 13-1847	112 · General Fund	15.00
07/12/2013	105546779	Reort fee 13-2468	112 · General Fund	15.00
07/12/2013	306150873	Report fee 13-2468	112 · General Fund	5.00
07/12/2013		Fingerprints	112 · General Fund	25.00
07/12/2013		PRA Request (schwartzburd)	112 · General Fund	30.40
08/07/2013	442409881	Lexis Nexis Report Fee #13-357	112 · General Fund	20.00
08/07/2013		Veh Release	112 · General Fund	70.00
08/07/2013		Report Fee #12-238	112 · General Fund	20.00
08/07/2013		Report Fee #13-3152	112 · General Fund	20.00
09/05/2013		Report 13-3081 Fee	112 · General Fund	20.00
09/05/2013	330	Veh. Report 13-3880	112 · General Fund	70.00
09/05/2013		Report Fee	112 · General Fund	20.00
09/05/2013		Veh. Release Fee 13-3847	112 · General Fund	70.00
09/05/2013		Veh Release Fee 133914	112 · General Fund	70.00
09/05/2013	444765871	Lexis Nexis Report Fee	112 · General Fund	20.00
09/05/2013		Veh. Release #13-4222	112 · General Fund	70.00
09/05/2013		Report Fee #13-3877	112 · General Fund	20.00
09/30/2013	1103173	Report Fee 12-3207	112 · General Fund	15.00
09/30/2013	442262213	Report Fee 13-2882	112 · General Fund	20.00
09/30/2013	306153462	Report Fee 13-3729	112 · General Fund	5.00
09/30/2013	105809941	Report Fee 13-3729	112 · General Fund	15.00
09/30/2013	306088536	Report Fee 13-3439	112 · General Fund	5.00
09/30/2013	105803286	Report Fee 13-3439	112 · General Fund	15.00
09/30/2013		Charge for copies of 13-4001	112 · General Fund	0.30
09/30/2013		Report Fee 12-7589	112 · General Fund	20.00
09/30/2013		Records Release Schwartzburg	112 · General Fund	24.75
09/30/2013		Copy fee 13-3477	112 · General Fund	3.00
09/30/2013		Fingerpring Fee	112 · General Fund	25.00
10/22/2013		Veh Release #13-4883	112 · General Fund	70.00
10/22/2013	306155754	Report Fee #13-4405	112 · General Fund	5.00

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KPPCSD
 Transaction Detail By Account

July 1, 2013 through May 24, 2016

Date	Num	Memo	Split	Amount
10/22/2013	105714435	Report Fee #13-4405	112 · General Fund	15.00
10/22/2013	450748522	Report Fee #13-4653	112 · General Fund	20.00
12/05/2013	453922581	Report Fee #13-4321	112 · General Fund	20.00
12/05/2013	453665261	Report Fee #13-5042	112 · General Fund	20.00
12/05/2013	306391824	Report Fee #13-5469	112 · General Fund	5.00
12/05/2013	105920115	Report Fee #13-5469	112 · General Fund	15.00
12/05/2013	105920295	Report Fee #13-5478	112 · General Fund	15.00
12/05/2013	306391875	Report Fee#13-5478	112 · General Fund	5.00
12/05/2013		Fingerprint Fee	112 · General Fund	25.00
12/05/2013		PRA by Schwartzburg	112 · General Fund	6.35
01/10/2014		PRA Request Schwartzburg	112 · General Fund	13.65
01/10/2014		Fingerprinting Fee	112 · General Fund	25.00
01/10/2014	461748262	Report Fee 13-5915	112 · General Fund	20.00
01/10/2014	461206041	Report Fee 13-5971	112 · General Fund	20.00
01/10/2014	461862541	Report Fee 13-6155	112 · General Fund	20.00
01/10/2014	460440991	Report Fee 13-5873	112 · General Fund	20.00
01/10/2014	452615371	Report Fee 13-4927	112 · General Fund	20.00
01/10/2014	105958158	Report Fee 13-5589	112 · General Fund	15.00
01/10/2014	306392439	Report Fee 13-5589	112 · General Fund	5.00
01/10/2014	306392781	Report Fee 13-5760	112 · General Fund	5.00
01/10/2014	105959816	Reoprt Fee 13-5760	112 · General Fund	15.00
01/10/2014	33952	Amercian Civil Liberties Union PRA Reque	112 · General Fund	7.20
03/10/2014	106050686	Report #14-208	112 · General Fund	15.00
03/10/2014	306394674	Report #14-208	112 · General Fund	5.00
03/10/2014	463640751	Report #14-172	112 · General Fund	20.00
03/10/2014	306394695	Report #14-239	112 · General Fund	5.00
03/10/2014	106050927	Report #14-239	112 · General Fund	15.00
03/10/2014	458472931	Report #13-5759	112 · General Fund	20.00
03/10/2014	462280871c	Report#14-0052	112 · General Fund	20.00
03/10/2014		Veh. Release #14-0090	112 · General Fund	70.00
03/10/2014		Veh. Release #14-0299	112 · General Fund	70.00
03/10/2014		Copies	112 · General Fund	15.30
04/22/2014		Report Fee #14-272	112 · General Fund	20.00

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KPPCSD
 Transaction Detail By Account

July 1, 2013 through May 24, 2016

Date	Num	Memo	Split	Amount
04/22/2014	467074261	LexisNexis Report Fee 1#4-239	112 · General Fund	20.00
04/22/2014		Report Fee #12-4942	112 · General Fund	10.35
04/22/2014		Veh Release #14-158	112 · General Fund	70.00
04/22/2014		Veh Release #14-951	112 · General Fund	70.00
04/22/2014	306395427	MRB Report Fee #14-272	112 · General Fund	5.00
04/22/2014	106008274	MRB Report Fee #14-272	112 · General Fund	15.00
04/22/2014	306394566	MRB Report Fee #14-172	112 · General Fund	5.00
05/29/2014	106050058	Report Fee #12-172	112 · General Fund	15.00
05/29/2014		Veh. Release	112 · General Fund	70.00
05/29/2014		Background Letter	112 · General Fund	20.00
06/16/2014	106285340	Report Fee #14-2084	112 · General Fund	15.00
06/16/2014	306249492	Report Fee #14-2084	112 · General Fund	5.00
06/16/2014	477456421	Report Fee #14-2052	112 · General Fund	20.00
06/16/2014	11484	Report Fee #14-2510	112 · General Fund	20.00
07/09/2014	460068	Report Fee #13-2187	112 · General Fund	20.00
07/09/2014	480747381	Report Fee #14-2618	112 · General Fund	20.00
07/09/2014		PRA Request	112 · General Fund	7.20
07/09/2014		Report fee #14-2725	112 · General Fund	20.00
08/04/2014		Veh. Release Case#14-3339	112 · General Fund	70.00
08/04/2014		Veh. Release Case#14-3680	112 · General Fund	70.00
08/04/2014		Veh. Release	112 · General Fund	75.00
08/04/2014	106207863	Report fee Case#14-2510	112 · General Fund	15.00
08/04/2014	306253356	Report fee Case#14-2510	112 · General Fund	5.00
08/04/2014	485402071	Report fee Case#14-1859	112 · General Fund	20.00
08/18/2014	306511086	MRB report fee case#14-3680	112 · General Fund	5.00
08/18/2014	107556603	MRB report fee case#14-3680	112 · General Fund	15.00
08/18/2014	306510270	MRB report fee case#14-2793	112 · General Fund	5.00
08/18/2014	106147992	MRB report fee case#14-2793	112 · General Fund	15.00
08/18/2014	487853172	Lexis Nexis report fee case#14-3680	112 · General Fund	20.00
08/18/2014		Veh Release #14-4014	112 · General Fund	70.00
08/18/2014		Fee for copy of case#14-3986	112 · General Fund	0.30
09/09/2014	9248	Report Fee #14-3104	112 · General Fund	20.00
09/09/2014	488762711	LexisNexis Report Fee #14-3767	112 · General Fund	20.00

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KPPCSD
Transaction Detail By Account

July 1, 2013 through May 24, 2016

Date	Num	Memo	Split	Amount
09/09/2014		Veh Release #14-4515	112 · General Fund	70.00
09/30/2014		Veh Release #14-4712	112 · General Fund	70.00
09/30/2014		Report Fee #14-3104	112 · General Fund	20.00
09/30/2014	272	Fee for copies of 2015 Budget	112 · General Fund	6.15
09/30/2014	494242442	LexisNexis Report Fee #14-2510	112 · General Fund	20.00
09/30/2014	491671702	LexisNexis Report Fee #14-4359	112 · General Fund	20.00
10/21/2014	107516551	Metropolitan Reporting Bureau Report Fee	112 · General Fund	15.00
10/21/2014	306514158	Metropolitan Reporting Bureau Report Fee	112 · General Fund	5.00
10/21/2014	482643	PRS Report Fee #14-4887	112 · General Fund	20.00
10/21/2014		Veh Release Alice Jean Ely	112 · General Fund	70.00
10/21/2014		Gawain kejiner copy fee	112 · General Fund	0.30
11/12/2014		Veh Release #14-5920	112 · General Fund	70.00
11/12/2014		PRA Jim Watt	112 · General Fund	6.00
11/12/2014		Report #14-5487 Fee Marilyn Chen	112 · General Fund	20.00
11/12/2014	494723541	LexisNexis Report #14-5487 FEE	112 · General Fund	20.00
11/12/2014	484037549	PCN Report #14-5487 Fee	112 · General Fund	20.00
12/01/2014		Celia Concus PRA request	112 · General Fund	5.10
12/01/2014		Report Fee #14-5487	112 · General Fund	20.00
12/01/2014	499922482	LexisNexis Report Fee #14-5726	112 · General Fund	20.00
12/01/2014	499949512	LexisNexis Report Fee #14-5716	112 · General Fund	20.00
12/01/2014	500025852	LexisNexis Report Fee #14-5534	112 · General Fund	20.00
12/23/2014		Report Fee #14-5534	112 · General Fund	20.00
12/23/2014	306515352	Report Fee #14-5489	112 · General Fund	5.00
12/23/2014	107438312	Report Fee #14-5489	112 · General Fund	15.00
01/29/2015		Background Letter Fee	112 · General Fund	20.00
01/29/2015	508994391	LexisNexis Report #15-0027	112 · General Fund	20.00
01/29/2015	306458502	MRB Report #15-0084	112 · General Fund	5.00
01/29/2015	107645506	MRB Report #15-0084	112 · General Fund	15.00
01/29/2015	107612625	MRB Report #15-0091	112 · General Fund	15.00
01/29/2015	306458763	MRB Report #15-0091	112 · General Fund	5.00
03/11/2015	515474332	Lexis Nexis Report Fee Case #15-661	112 · General Fund	20.00
03/11/2015	511584181	Lexis Nexis Report Fee Case #15-361	112 · General Fund	20.00
03/27/2015		Fingerprint fee	112 · General Fund	25.00

pk

KPPCSD
 Transaction Detail By Account

July 1, 2013 through May 24, 2016

Date	Num	Memo	Split	Amount
03/27/2015		Copier charge for report @.15	112 · General Fund	0.60
04/17/2015		Police Report Fee Case#13-655	112 · General Fund	20.00
04/17/2015	518044361	LexisNexis Report Fee Case#15-594	112 · General Fund	20.00
05/01/2015		Copy fee for Case# 14-6249	112 · General Fund	0.30
05/01/2015	522822391	LexisNexis Report fee Case#15-1374	112 · General Fund	20.00
05/01/2015	522428772	LexisNexis Report Fee Case#15-1418	112 · General Fund	20.00
06/05/2015	306462750	Report #15-1509 Fee Metropolitan Reporti	112 · General Fund	5.00
06/05/2015	107990498	Report #15-1509 Fee Metropolitan Reporti	112 · General Fund	15.00
06/05/2015	107758980	Report #15-803 Fee Metropolitan Reportin	112 · General Fund	15.00
06/05/2015	306462033	Report #15-803 Fee Metropolitan Reportin	112 · General Fund	5.00
06/05/2015	516093931	Report #15-803 Fee Lexis Nexis	112 · General Fund	20.00
06/05/2015	107928071	Report#15-1645 Fee Metropolitan Reportir	112 · General Fund	15.00
06/05/2015	306463026	Report#15-1645 Fee Metropolitan Reportir	112 · General Fund	5.00
06/05/2015	107928518	Report#15-1645 Fee Metropolitan Reportir	112 · General Fund	15.00
06/05/2015	306463080	Report#15-1645 Fee Metropolitan Reportir	112 · General Fund	5.00
06/05/2015	525303771	Report#15-1728 Fee Lexis Nexis	112 · General Fund	20.00
06/05/2015		PRA from Concus	112 · General Fund	27.15
07/16/2015		Veh Release	112 · General Fund	70.00
07/16/2015		Veh Release	112 · General Fund	70.00
07/16/2015		Background Letter	112 · General Fund	20.00
07/16/2015		Backgrond Letter	112 · General Fund	20.00
07/16/2015		ABC Letter	112 · General Fund	20.00
07/16/2015		Report Fee	112 · General Fund	20.00
07/16/2015		Report Fee	112 · General Fund	20.00
08/04/2015	535951331	Lexis Nexis Report Fee Case #15-532	112 · General Fund	20.00
08/04/2015	533141321	Lexis Nexis Report Fee Case #15-2480	112 · General Fund	20.00
08/04/2015	535544451	Lexis Nexis Report Fee Case #15-2489	112 · General Fund	20.00
08/04/2015	524977	PRS INC Report Fee Case #15-1832	112 · General Fund	20.00
08/04/2015	5691	Ensearch Express Report Fee Case #15-2	112 · General Fund	20.00
08/04/2015		Fingerprint Fee Julien Levy	112 · General Fund	25.00
09/01/2015	107908167	MRB Report Fee Case# 15-2884	112 · General Fund	15.00
09/01/2015	307686910	MRB Report Fee Case# 15-2884	112 · General Fund	5.00
09/01/2015	18570	Meisel Law Group Fee for photos case #15	112 · General Fund	10.00

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KPPCSD
 Transaction Detail By Account

July 1, 2013 through May 24, 2016

Date	Num	Memo	Split	Amount
09/01/2015		Veh Release David Thesmar	112 · General Fund	70.00
09/01/2015		Background Letter Olivia Dahrouge	112 · General Fund	20.00
09/01/2015		Veh Release case# 15-2999	112 · General Fund	70.00
09/01/2015		Report Fee Case# 15-2884	112 · General Fund	20.00
10/13/2015	2329	Copy of police report #15-3119	112 · General Fund	20.00
10/13/2015	544969002	LexisNexis Report Fee 15-1783	112 · General Fund	20.00
10/13/2015	544262422	LexisNexis Report Fee 15-3322	112 · General Fund	20.00
10/13/2015	545853961	LexisNexis Report Fee 15-3383	112 · General Fund	20.00
10/13/2015	545998	PRS Inc. Report Fee 15-3194	112 · General Fund	20.00
10/13/2015	107840019	Metropolitan Reporting Bureau 15-3329	112 · General Fund	15.00
10/13/2015	307688965	Metropolitan Reporting Bureau 15-3329	112 · General Fund	5.00
10/13/2015	307686784	Metropolitan Reporting Bureau 15-2836	112 · General Fund	5.00
10/13/2015	107967115	Metropolitan Reporting Bureau 15-2836	112 · General Fund	15.00
10/13/2015		Background Letter - John Lipscomb	112 · General Fund	20.00
10/13/2015	541335392	LexisNexis Report Fee 15-3146	112 · General Fund	20.00
10/13/2015		Fingerprint Fee	112 · General Fund	25.00
10/13/2015		Fingerprint Fee	112 · General Fund	25.00
10/13/2015		Fingerprint Fee	112 · General Fund	25.00
11/16/2015		Report Request #14-5544	112 · General Fund	20.00
11/16/2015		Finger print Cards	112 · General Fund	50.00
11/16/2015		Report Request #15-3557	112 · General Fund	20.00
11/16/2015		Finger print	112 · General Fund	25.00
11/16/2015		Report Request #15-3194	112 · General Fund	20.00
11/16/2015		Veh. Release	112 · General Fund	70.00
11/16/2015	307689448	Metropolitan Reporting Bureau Report Rec	112 · General Fund	5.00
11/16/2015	107866195	Metropolitan Reporting Bureau Report Rec	112 · General Fund	15.00
11/16/2015	543572252	LexisNexis Report Request#15-3179	112 · General Fund	20.00
11/16/2015	549454131	LexisNexis Report Request#15-3557	112 · General Fund	20.00
11/16/2015	550183952	LexisNexis Report Request#15-3567	112 · General Fund	20.00
11/16/2015	4486	Zandonella Reporting Srvc Report Reques	112 · General Fund	20.00
12/03/2015		Report Fee #15-771	112 · General Fund	20.00
12/03/2015		Report Fee #15-3963	112 · General Fund	20.00
12/03/2015		Report Fee #15-3288	112 · General Fund	20.00

ab

KPPCSD
Transaction Detail By Account

July 1, 2013 through May 24, 2016

Date	Num	Memo	Split	Amount
12/03/2015	55823461	LexisNexis Report Fee #15-0027	112 · General Fund	20.00
12/03/2015	544656151	LexisNexis Report Fee #15-3304	112 · General Fund	20.00
12/03/2015	307688449	Metropolitan Reporting Bureau Report Fee	112 · General Fund	5.00
12/03/2015	107868971	Metropolitan Reporting Bureau Report Fee	112 · General Fund	15.00
01/07/2016		Fingerprint fee	112 · General Fund	25.00
01/07/2016		Veh release #16-0001	112 · General Fund	70.00
01/07/2016		Background Letter Michel Fouré	112 · General Fund	20.00
01/07/2016	307695685	Metropolitan Reporting Bureau Report #15	112 · General Fund	5.00
01/07/2016	109087482	Metropolitan Reporting Bureau Report #15	112 · General Fund	15.00
01/07/2016	5052	Law office of Colleen M. Doherty - Report	112 · General Fund	20.00
01/07/2016	3935	Report Fee #15-3597	112 · General Fund	20.00
01/12/2016		Fingerprint Fee	112 · General Fund	25.00
01/12/2016	307695763	Metropolitan Reporting Bureau Report Fee	112 · General Fund	5.00
01/12/2016	109093223	Metropolitan Reporting Bureau Report Fee	112 · General Fund	15.00
01/27/2016		Police Report #15-10232 Fee	112 · General Fund	20.00
02/04/2016	562794001	LexisNexis Report Fee 15-10275	112 · General Fund	20.00
03/21/2016		Ticket Sign Off #7457774	112 · General Fund	20.00
03/21/2016		Ticket Sign Off #5054785	112 · General Fund	20.00
03/21/2016		Veh. Release #16-585	112 · General Fund	150.00
03/21/2016	11102	Police Report Fee #15-10103	112 · General Fund	20.00
03/21/2016	101	Police Report Fee #16-203	112 · General Fund	20.00
03/21/2016		Ticket Sign Off #7458915	112 · General Fund	20.00
03/21/2016	566473232	LexisNexis Report Fee 15-3835	112 · General Fund	20.00
03/21/2016	566946321	LexisNexis Report Fee #16-273	112 · General Fund	20.00
03/21/2016	109304684	MRB Report Fee #16-215	112 · General Fund	15.00
03/21/2016	307601011	MRB Report Fee #16-215	112 · General Fund	5.00
04/27/2016		Police Report Fee - no case number listed	112 · General Fund	20.00
04/27/2016		Vehicle Release	112 · General Fund	70.00
04/27/2016		Veh. Release Case # 16-802	112 · General Fund	150.00
04/27/2016	576685852	Lexis Nexis Report Fee Case# 16-746	112 · General Fund	20.00
04/27/2016	543907851	Lexis Nexis Report Fee Case#15-3293	112 · General Fund	20.00
04/27/2016		Fingerprint Fee	112 · General Fund	50.00
04/27/2016		Citation Sign Off	112 · General Fund	20.00

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KPPCSD
Transaction Detail By Account

July 1, 2013 through May 24, 2016

Date	Num	Memo	Split	Amount
05/20/2016		Report Fee #16-215	112 · General Fund	20.00
05/20/2016		Report Fee #16-562	112 · General Fund	20.00
05/20/2016		Veh Release #16-953	112 · General Fund	150.00
05/20/2016		Veh Release #16-1098	112 · General Fund	150.00
05/20/2016	109502681	MRB Report Fee #16-903	112 · General Fund	15.00
05/20/2016	307824414	MRB Report Fee #16-903	112 · General Fund	5.00

Total 410 · Police Fees/Service Charges
 Total 400 · Police Activities Revenue

5,754.40

5,754.40

2013- Report Fees = \$395.00
 2014- Report Fees = \$1010.25
 2015- Report Fees = \$920.00
 2016 - Report Fees = \$340.00

2013 - Fingerprint Fees = \$75.00
 2014 - Fingerprint Fees = \$25.00
 2015 - Fingerprint Fees = \$200.00
 2016 - Fingerprint Fees = \$100.00

2013 - Vehicle Release = \$420.00
 2014 - Vehicle Release = \$775.00
 2015 - Vehicle Release = \$350.00
 2016 - Vehicle Release = \$740.00

2013 - PRA Request/Copies = \$64.80
 2014 - PRA Request/Copies = \$81.20
 2015 - PRA Request/Copies = \$158.05
 2016 - PRA Request/Copies = - \$20.00

2013 - Citation Sign Off = \$0.00
 2014 - Citation Sign Off = \$0.00
 2015 - Citation Sign Off = \$0.00
 2016 - Citation Sign Off = \$80.00

CP

KPPCSD
Transaction Detail By Account

July 1, 2013 through May 23, 2016

Date	Num	Memo	Split	Amount
400 - Police Activities Revenue				
418 - Misc. Police Income				
07/12/2013	1013	Citation Processing Center May 2013 disbursement	112 · General Fund	495.63
08/07/2013	1016	Citation Processing Center June 2013 Disbursement	112 · General Fund	477.14
08/07/2013	G251857	Contra Costa County Court Fines & Fees for 5-31-13	112 · General Fund	1,021.30
09/05/2013	G259242	Contra Costa County Traffic Sfty, Trfic School, Bail City, Fix it tix	112 · General Fund	762.86
09/05/2013	1018	Citation Processing Center July 2013	112 · General Fund	220.70
09/30/2013	1020	Citation Processing Center August 2013	112 · General Fund	793.58
09/30/2013	G272626	CCC traffic fines, red light fines, fix it tix	112 · General Fund	1,128.61
10/22/2013	G281756	CCCounty Fix it fines, traffic school, traffic sfty, bail city	112 · General Fund	1,322.98
12/05/2013	1024	Citation Processing Center Oct. 2013	112 · General Fund	216.63
12/05/2013	1022	Citation Processing Center Sept. 2013	112 · General Fund	567.02
12/05/2013	G290480	CCC Traffic School, Fix It Tix	112 · General Fund	1,135.58
01/10/2014	1026	Data Ticket Processing Nov 2013	112 · General Fund	512.98
01/10/2014	G301551	CCC Fix It Tix, Traffic School, Traffic Sfty Month Ending 10-31-13	112 · General Fund	1,746.82
03/10/2014	04569848	DOJ Reimbursement for TRO	112 · General Fund	2.18
03/10/2014	G320221	Fix it fines, red light fines	112 · General Fund	1,306.84
03/10/2014	G311328	Fix it fines, red light fines	112 · General Fund	948.02
03/10/2014	1028	Data Ticket December 2013	112 · General Fund	485.43
04/22/2014	G339515	CCC Fix It Tix. Month ending 2-28-14	112 · General Fund	1,152.23
04/22/2014	G323438	CCC Fix It Tix. Month ending 1-31-14	112 · General Fund	1,663.56
04/22/2014	1033	Citation Processing Center Feb 2014 Fix It Tix	112 · General Fund	366.10
04/22/2014	1030	Citation Processing Center Jan 2014	112 · General Fund	340.55
05/29/2014	1035	Citation Processing Center March 2014 Disbursment	112 · General Fund	466.24
05/29/2014	G350019	CCC Fix It Fines	112 · General Fund	1,980.05
06/16/2014	G359816	CCC Fix it Fines	112 · General Fund	1,855.06
06/16/2014	1037	Citation Processing Center April 2014	112 · General Fund	758.88
07/09/2014	1039	Citation Processing Center May 2014	112 · General Fund	432.26
08/04/2014	1041	Citation Processing Center June 2014	112 · General Fund	798.70
08/04/2014	G370065	CCCounty Fix It Tix..month ending May 2014	112 · General Fund	1,412.21
08/18/2014	G375852	CCC Fix it tickets	112 · General Fund	1,516.38
09/09/2014	1043	Citation Processing Center July 2014	112 · General Fund	415.87
09/30/2014	15877	Lynn - Change for Veh Release	112 · General Fund	-5.00

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KPPCSD
Transaction Detail By Account

July 1, 2013 through May 23, 2016

Date	Num	Memo	Split	Amount
09/30/2014	08969124	DMV Remittance	112 · General Fund	90.00
09/30/2014	G388558	CCC Fix it fines, Red light fines July 2014	112 · General Fund	1,471.67
10/21/2014	1045	Citation Processing Center Aug2014	112 · General Fund	410.21
11/12/2014	1047	Citation Processing Center September 2014 Disbursement	112 · General Fund	671.34
11/12/2014	G398979	CCC Fix It Fines	112 · General Fund	872.60
12/01/2014	1049	Citation Processing Center October 2014 Disbursement	112 · General Fund	598.84
12/01/2014	G408414	CCC Fix It Fines 9/30/14	112 · General Fund	1,397.94
12/23/2014	G418743	CCC Fix It Tickets	112 · General Fund	1,750.03
01/16/2015	1051	Citation Processing Center Nov 2014 Reimbursement	112 · General Fund	174.48
01/29/2015	G426979	CCC Fix it tickets month ending 11-30-14	112 · General Fund	2,149.02
02/23/2015	G437166	CCC Fix it tickets	112 · General Fund	1,523.50
02/23/2015	1053	Citation Processing Center Dec 2014 reimbursement	112 · General Fund	504.00
02/23/2015	23141	Aboingo Aquisition work#174086 to J. Ramos for court date 2-18-15	112 · General Fund	275.00
03/11/2015	1054	Citation Processing Center Jan 2015 Disbursement	112 · General Fund	217.90
04/17/2015	1057	Citation Processing Center Feb 2015 Disbursement	112 · General Fund	96.62
04/17/2015	G447084	CCC Fix it Tix Month Ending Jan 2015	112 · General Fund	1,647.87
05/01/2015	1059	Citation Processing Center	112 · General Fund	609.00
05/01/2015	G456678	CCC Fix It Tickets March 2015 Disbursement	112 · General Fund	2,045.64
06/05/2015	G466648	CCC Fix It Tickets Month Ending 3-31-15	112 · General Fund	1,658.53
06/05/2015	1061	Citation Processing Center April 2015 Disbursement	112 · General Fund	146.50
07/16/2015	G479103	CCC Fix It Fines	112 · General Fund	867.58
08/04/2015	G490241	CCC Fix it tickets Ending 5-31-15	112 · General Fund	606.24
08/04/2015	1064	Citation Processing Center Fix it tickets	112 · General Fund	88.04
09/01/2015	G495002	CCC Fix it tickets, fix it fines, traffic school, traffic sfty, red light fines 6-	112 · General Fund	673.66
10/13/2015	1070	Citation Processing Center August 2015	112 · General Fund	253.13
10/13/2015	1068	Citation Processing Center July 2015	112 · General Fund	144.62
10/13/2015	G508136	Contra Costa County Fix It Tickets	112 · General Fund	1,278.11
11/16/2015	G516668	CCC Fix It Fines, Red Light Fines	112 · General Fund	620.46
11/16/2015	1073	Citation Processing Center	112 · General Fund	313.98
12/03/2015	1075	Citation Processing Center October 2015	112 · General Fund	268.00
12/03/2015	G527510	CCC Fix It Tickets month ending 9-30-15	112 · General Fund	499.46
01/07/2016	1077	Citation Processing Center Nov. 2015 Disbursement	112 · General Fund	27.00
01/07/2016	G537959	CCC Enhanced Bail City and Traffic Sfty	112 · General Fund	30.44

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KPPCSD
Transaction Detail By Account

July 1, 2013 through May 23, 2016

Date	Num	Memo	Split	Amount
01/07/2016	G537743	CCC Fix it tickets & General Fines	112 · General Fund	274.26
01/27/2016	1079	Data Ticket - December 2015 Disbursement	112 · General Fund	41.54
01/27/2016	G546729	CCC Fix it fines - Month Ending 11-30-15	112 · General Fund	641.12
01/27/2016	G546780	CCC Traffic Safety - Month Ending 11-30-15	112 · General Fund	5.31
02/29/2016	16964	Reimb. for overpayment from County to Kensington for Court Revenue	112 · General Fund	-263.00
03/21/2016	1081	Citation Processing Center - July 2016	112 · General Fund	136.18
03/21/2016	G556962	CCC Fix It Fines - 12/31/2015	112 · General Fund	717.29
03/21/2016	24053	First Capitol Auction 2005 Ford Crown Vic	112 · General Fund	1,001.00
04/27/2016	G567191	CCC General Fines and Fix It Tickets - Month ending 1-31-16	112 · General Fund	711.99
04/27/2016	1083	Citation Processing Center - Feb 2016 Disbursement	112 · General Fund	414.72
04/27/2016	G578417	CCC General Fines and Fix It Tickets - Month ending 2-29-16	112 · General Fund	711.99
04/27/2016	1085	Citation Processing Center - March 2016 Disbursement	112 · General Fund	111.26

54,782.46
54,782.46
54,782.46

Total 400 · Police Activities Revenue

2013 - Citation Processing Center/Data Ticket = \$2,770.70
 2014 - Citation Processing Center/Data Ticket = \$6,257.40
 2015 - Citation Processing Center/Data Ticket = \$2,816.27
 2016 - Citation Processing Center/Data Ticket = \$730.70

2013 CCC General Fines & Fix It Tix = \$5,371.33
 2014 CCC General Fines & Fix It Tix = \$19,073.41
 2015 CCC General Fines & Fix It Tix = \$13,570.07
 2016 CCC General Fines & Fix It Tix = \$3,092.40

2013 - Misc. Fees = \$0.00
 2014 - Misc. Fees = \$87.18
 2015 - Misc. Fees = \$275.00
 2016 - Misc. Fees = \$738.00

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To: KPPCSD Board of Directors

From: A. Stevens Delk, Ph.D.

Re: Traffic Safety

Date: June 1, 2016

I have been interested in traffic **safety** issues in our community for some time. I believe my May 9 letter to the Board will appear in the June 9 Agenda Packet. For your convenience, I have attached it to my email of this date (see KPPCSD BOD Zero Letter May 2016).

In November 2015, iGM Kevin Hart presented to the Board his proposal to rescind the "Zero Tolerance" traffic law enforcement policy that was put in place by the Board, per former GM/COP Greg Harman's request, following the 2010 UC Traffic Safety Evaluation. Mr. Hart said that he "believes that its bad public policy." The Board asked him to discuss his alternative plan for assuring traffic safety before it considers whether to rescind the existing policy. That was 6 months ago and still no "Hart plan."

Mr. Hart said that "an analysis of traffic stops vs citations issued from 2010-2015" has shown a dramatic decrease in citations issued in recent years" and "at a minimum...the policy is not being enforced pursuant to board direction." His analysis, "TRAFFIC STOPS INITIATED VS CITATIONS ISSUED ANALYSIS 2010-2015," can be found in the November Agenda Packet.

Using his data, I found that from 2011 (the first year of "zero tolerance") through the end of 2014, the number of traffic stops resulting in citations remained about the same (57% yearly average, 52-64% range). However, the number of stops decreased by about 50% (from approximately 2,000 in 2011 to approximately 1,000 in 2014). In the last 5 months of Harman's employment, stops decreased from approximately 90/month to 50/month; under Mr. Hart's leadership there have been 33/month, with only 21/month since the Board directed Mr. Hart not to change the existing traffic safety policy, which I found alarming

On May 17, I asked Mr. Hart to provide me with the number of moving citations issued in 2008-2009, before "Zero Tolerance," and for information on the revenue generated by citations. He provided me with some information on May 27. Unfortunately (due to an inadvertent, I'm sure, error), his email only contained information on parking citations as well as moving citations from 2010 through April 2016, with no revenue data. His attachments "Revenue Acct #410.xlsx" and "Revenue Acct 418.xlsx" just contained the table "KPD Citations by Month and Year," like the 3rd attachment that contained that information, as he stated. (See emails that I am forwarding to you following this communication.)

But, what an interesting revelation his new information provided!

In comparing the moving citations issued each month in the table Mr. Hart had compiled for his November agenda item presentation on rescinding "Zero Tolerance" and the table he just provided to me on May 27, I discovered that **the moving citation numbers in the 2 tables differ by more than 20% for over a third of the months listed, and even the year totals vary significantly – by as much as 30%.** In particular, the table Mr. Hart used to support his finding that "Zero Tolerance is not being enforced," **underreported** yearly citations by an

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average of 21% from 2011 through 2014. (See my table "KPD Moving Citation Statistics by Fiscal Year: Data Set 1 (Nov 2015) vs. Data Set 2 (May 2016)," which is in an attachment to my cover page as "Citations Nov vs May.")

How can it be that citation rates have fallen precipitously since November after the Board directed Mr. Hart not to change the policy? Is he defying the Board?

Well, it occurred to me that the reduction in citations (and stops!) since the end of last year might be because Kensington residents are driving more cautiously. This could be a good thing, but not so much so if it's because they are terrified that they will be pulled over for a minor traffic issue or vehicle equipment problem.

Perhaps the Board and the community should praise Director Cordova, not admonish her, for the high price she has personally paid to make Kensington residents' safer on our streets!

Sincerely,

A. Stevens Delk, Ph.D.

Documents referenced:

May 9 letter to Board from ASD (attachment: KPPCSD BOD Zero Letter May 2016)

Traffic Stops Initiated Vs Citations Issued Analysis 2010-2015 (in November Agenda Packet)

KDP Moving Citation Statistics by Calendar Year: Data Set 1 (Nov 2015) vs. Data Set 2 (May 2016) and KPD Moving Citation Statistics by Fiscal Year: Data Set 1 (Nov 2015) vs. Data Set 2 (May 2016) (Citations Nov vs. May)

May 17 email to Admin. Asst. Lynn Wolter from A. Stevens Delk, Ph.D.; May 27 email to Ms. Delk from iGM Hart; May 28 email to iGM Hart from A. Stevens Delk, Ph.D. (as separate email(s))

To: KPPCSD Board of Directors
From: A. Stevens Delk, Ph.D.
Date: May 9, 2016
Re: Traffic Citation Rates for 2010-2016

INTRODUCTION As you know, salient conclusions of the 2010 UC Traffic Safety Evaluation of Kensington were that “a citation is the most effective tool to influence and change a driver’s behavior” while “verbal warnings are ineffective” and that a “Zero Tolerance Policy” for traffic enforcement “is a more positive spin on preventing serious traffic collisions.”

The study was commissioned to look at **only one** intersection in Kensington — the one on Arlington at Kensington Park/Rincon, an intersection that had already been outfitted with the only signal lights in town because there were significant problems there, and especially because of the substantial pedestrian traffic involving school children. The study recommended that the KPD “implement enhanced traffic law enforcement” and it discussed the “zero tolerance policy” concept — a ticket, not a warning.

Unfortunately the study did not clearly define “zero tolerance” — is it that all traffic stops will result in a citation; all observed traffic violations will result in a stop; only serious/specific violations will result in a stop, in a citation; other? And the study did not say if zero tolerance should be enforced only at this location, or at other specific locations as well, or everywhere.

At the November KPPCSD meeting, Interim GM/COP Hart proposed rescinding the existing KPD “zero tolerance policy” because he believes that “it’s bad public policy to have a ‘Zero Tolerance Policy’ for citations,” and because he has “other ways to improve traffic safety.” Hart noted that a more recent “analysis of stops vs citations” had shown that there had been “a dramatic decrease in citations issued in recent years” which could be for “a number of reasons...but at a minimum...the policy is not being enforced.”

However, it was the decision of the Board in November that the zero tolerance policy **not** be rescinded **until** Hart actually presented his plan for traffic safety for the Board’s consideration. Hart responded that he would do so in December, or January. During the March meeting, at the conclusion of a lengthy discussion of traffic stops and citations issued, initiated by a member of the public, “President Welsh asked IGM/COP to provide an analysis of the drop in citations within the next couple of months” and in closing he “reiterated his desire to see an analysis.” Hart has not done so to date (to my knowledge), so I analyzed available data.

I first updated the table “Traffic Stops Initiated vs Citations Issued Analysis 2010-2015” that Hart prepared for his November presentation (see November Agenda Packet for the original and the attachment “Stops vs Citations” for my update). It has a lot of values (150) to try to decipher; so I tallied the data and added some summary values, including “Citation Rate” — the percentage of stops resulting in citations — and created a new table, which follows on page 3.

FINDINGS One thing that will be clear is forecast in the title — Kensington Police Department Traffic Statistics or **“Zero Tolerance” That Never Was**. Even in 2011, the first year of former GM/COP Harman's “zero tolerance policy,” the column “Tolerance Level” shows that the percentage of stops **not** resulting in citations was about 44%; *i.e.*, a warning (or no warning) was given and the driver did not receive a citation nearly half of the time in “Year One.”

Data show that there had been a steady decrease in citations issued since then. However, they also show that there has been a steady decrease in traffic stops.

If you look at my summary table, you will see that the **citation rate** was about the same from 2011 through 2014 (57% average; *i.e.*, drivers that were stopped got tickets 52-64% of the time). The “dramatic decrease in citations issued,” that Hart cited, was more about the “dramatic decrease in stops made”! This was especially true in 2015, when there was a 50% decrease in traffic stops relative to the previous year. During the turbulent last 5 months of Harman's employment, data taken from Hart's table show that traffic stops were down 44% from the previous year's monthly average, and that under the 11 months of Hart's direction, stops decrease further — significantly. Specifically, averages were as follows:

Jan-Dec 2014 (Harman)	89 stops/month
Jan-May 2015 (Harman)	50/month
Jun-Dec 2015 (Hart)	35/month
Jan-Apr 2016 (Hart)	21/month

DISCUSSION Traffic stops could be down significantly because a significant number of drivers are obeying traffic laws (a good thing, but probably not the case) **or** because KPD officers are not stopping violators or not patrolling and observing violations (neither a good thing).

During the last 4 months, the citation rate has fallen from around 55% to 33%; *i.e.*, 2 out of 3 times drivers were stopped for a traffic violation, but not cited because of (presumably) officer discretion! Were they even given warnings or does iChief believe that “verbal warnings are ineffective,” so why bother? And also, does he **not** believe that “a citation is the most effective tool to influence and change a driver's behavior,” as the study by the Institute of Transportation Studies at UC Berkeley reported?

It is concerning that 53 traffic accidents happened last year, even higher than the average of 46 for the 5 years before the UC Traffic Safety Evaluation was performed and the recommendation was to “implement enhanced traffic enforcement” to improve community safety (data and quote from the UC study).

CONCLUSION Perhaps the name should be changed to “Enhanced Enforcement Policy” to avoid the dreaded ZT words. In any case, because the Interim does not personally and/or professionally believe in “a ‘Zero Tolerance Policy’ for citations,” he has let **“zero tolerance”** go from the initial **“43% tolerance”** to **“67% tolerance,”** despite **Board direction**, given in November 2015, to **not rescind** KPD's existing “policy.”

I find this alarming!

KENSINGTON POLICE DEPARTMENT TRAFFIC STATISTICS
or
"ZERO TOLERANCE" THAT NEVER WAS

Year	Traffic Stops ¹	Citations Issued ¹	Citation Rate ²	Tolerance Level ³	Vehicle Accidents ⁴
2010 ⁵	1324	506	38.2%	61.8%	23
2011 ⁶	2030	1144	56.4%	43.6%	21
2012	1518	784	51.6%	48.4%	31
2013	1216	781	64.2%	35.8%	38
2014	1064	593	55.7%	44.3%	38
2015	500	244 ⁷	48.8%	51.2%	53 ⁸
2016, 4 months ⁹ Projection for year	82 246	27 81	32.9%	67.1%	12

1. Data for Traffic Stops and Citations Issued for Jan 2010-Aug 2015 per "Traffic Stops Initiated vs Citations Issued Analysis 2010-2015" table in KPPCSD November 2015 Agenda Packet, prepared by iGM/COP; Sep 2015-Apr 2016 data per KPD Monthly Reports under Team #1 and Team #2 Statistics.

2. Citations issued divided by traffic stops times 100; i.e., percentage of stops resulting in citations.

3. Percentage of traffic stops not resulting in citations (100 minus citation rate value).

4. Data for Vehicle Accidents per KPD Crime Statistics in December KPD Monthly Reports for 2010-2015, using YTD values for injury and non-injury accidents; data for first 4 months of 2016 per individual KPD Monthly Reports.

5. Year immediately preceding UC Traffic Study and initiation of Zero Tolerance.

6. First full year of Zero Tolerance.

7. Number of citations may not be correct. In November there was a computer failure at the Richmond Police Department and KPD's data was temporarily lost. A combined November/December KPD Monthly Report recorded 58 stops and 52 citations, which would be very unusual.

8. The average number of accidents per month in 2004-08, before the UC Traffic Safety Evaluation and the recommended "zero tolerance" policy, was 46, per the study.

9. First 4 months only, per KPD Monthly Reports. For comparison with previous years, a 2016 "projection" is included, based on first 4 months times 3.

Compiled by A. Stevens Delk, Ph.D., file KPPCSD BOD Zero Letter May 2016

KPD Moving Citation Statistics by Fiscal Year: Data Set 1 (Nov 2015) vs. Data Set 2 (May 2016)

Year	Source	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
2010/11	Data Set 1	36	89	46	27	72	28	131	119	49	187	114	108	1006
	Data Set 2	50	83	76	30	59	52	152	130	142	201	227	109	1311
	Difference	+39%					+85%	+21%			+190%	+99%		+30%
2011/12	Data Set 1	42	69	63	102	128	32	65	104	58	46	90	93	892
	Data Set 2	61	78	78	128	135	55	110	108	100	57	100	97	1107
	Difference	+43%			+25%		+72%	+69%			+72%	+24%		+24%
2012/13	Data Set 1	88	47	53	67	42	31	66	44	28	66	58	47	637
	Data Set 2	69	48	60	65	42	28	80	43	29	81	61	52	658
	Difference	-22%							+21%		+23%			+3%
2013/14	Data Set 1	78	105	78	86	39	86	33	17	67	57	64	37	747
	Data Set 2	85	118	90	90	72	41	49	33	81	82	76	55	872
	Difference					+85%	-52%	+48%	+94%	+21%	+44%		+49%	+17%
2014/15	Data Set 1	48	58	89	40	47	36	34	9	15	36	24	26	462
	Data Set 2	64	60	156	67	48	25	33	10	22	36	24	22	567
	Difference	+33%		+75%	+68%		-31%							+23%
2015/16	Data Set 1	16	7	9	16		52	18	2	4	3			127
	Data Set 2	16	6	10	16	30	22	16	6	0	3			125
	Difference													-2%

"Data Set 1 (Nov 2015)" was compiled by KPD as part of iGM Hart's presentation in November 2015 to rescind the existing "Zero Tolerance" traffic law enforcement policy, and presented in "Traffic Stops Initiated vs Citations Issued Analysis 2010-2015" (see kingsingtoncalifornia.org/KPPCSD Board/Board Agendas/2015 Board Packets/2015-11-12 KPPCSD Agenda, p 75, and also in KPPCSD Board/KPPCSD Documents/2010 Traffic Safety Evaluation, p 31). Values in italic were compiled by ASD and are from individual KPD Monthly Reports found in various KPPCSD Agenda Packets, with values for Nov and Dec 2015 combined per December Monthly Report. "Data Set 2 (May 2016)" was compiled by KPD in the table "KPD Citations by Month and Year" as "Moving Citations by Month / Year" provided in May 27, 2016, email from K. Hart to A. Stevens Delk, as attachment "no-reply@kingsingtoncalifornia.com-20160527_111416.pdf." Monthly values that differ by more than 20% from the Nov Date to the May Data are in red, as are the Total values.

Compiled by A. Stevens Delk, Ph.D., June 1, 2016, Excel file: Citations Nov vs. May

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Marilyn Stollon

June 9, 2016

Please include in the record

We hired PLG to keep this board within the boundaries and scope of good standards and governance, to be in effect the moral compass, which we have seen repeatedly abused. While you admittedly protect the interests of the District, ultimately it should be the residents who benefit and not the political interests and personal interests of the majority board. Please stop using taxpayer money to attack those who criticize the police and the board.

In the late 1960s , as an impressionable college student, I had the good fortune to work for Shirley Chisholm , the first black U.S. congresswoman, daughter of a shoemaker. She told me when she was first elected,that her constituents bought her a new wardrobe, but that it was shredded in Washington DC by those who did not want her to serve, that there were taunts, and slurs and lies spread about her. She was "unbought and unbossed", she said, just as Vanessa and Rachelle are. She said, ruining her clothes, did not deter her, that clothes didn't matter, that she would wear a simple cotton dress if she had to, as she did when she was a child in Barbados, and nothing would stop her from speaking out.

She stressed the importance of standing up for your convictions, and taking a stand and to be unafraid. I absorbed her lesson, as you well know.

So, here we are today, taking another stand to move in the direction of what is morally right and to support anyone who speaks out for the truth and who promotes real change.

The Richmond IA is clearly biased, incomplete, and worthless; it should only be publicized if every word of its slanted prose is released so the public can review and compare it : fact to fiction. If everyone does not agree to release it as I have heard, then it needs to be relegated to the garbage heap where it belongs.

Subject: Side Fund

From: Jim Watt <jandiwatt@sbcglobal.net>

Date: 6/6/16, 1:12 PM

To: Len Welsh <lenwelsh@gmail.com>, Kevin Hart <khart@kensingtoncalifornia.org>

Hello Len and Kevin,

This is to request that the District include in their June 9 agenda packet the recommendation that the District pay off their remaining side fund obligation in the amount of ~~\$191,980~~ ^{15,427} by June 20, 2016, thereby saving the District ~~\$14,858~~ in interest costs. In order to accomplish this the District will also need to increase the amount of money designated in the 16/17 budget for PERS-District (code 527) by \$90,215, or from \$423,171 to \$513,732. changed to 191,411

In 2003, CalPERS put small plans with less than 100 active members into large "risk pools" to avoid massive rate swings. Since these small agencies, to include Kensington, had widely varying "unfunded liabilities", CalPERS created side funds to equalize the risk factors of each agency. Since that time, the District has been paying off its side fund obligation, with the final obligation due in fiscal year 17/18. Because CalPERS assumes they will return 7.5% on their invested capital, these side funds carry interest at 7.5%, and since the District has over \$1.0 million in unrestricted funds on deposit with Contra Costa County, and earning virtually no interest, it would behoove the District to use these funds to pay off the side fund.

According to the District's CalPERS representative, Fritzie Archuleta, to receive the full benefit the District will have to make its payment before June 20, 2016 and preferably before June 15, 2016. The District also needs to complete some paperwork, which will be sent to me in about 3 days. The following is the text of the e-mail sent to me explaining the calculation process.

On 5/27/16 4:03 PM, Archuleta, Fritzie wrote:

Hi Jim,

Sorry for the delay.

As of 6/30/2016, your side fund balance is 191,980. You only have 2 years left to pay on this.

The remaining schedule looks like this:

	Balance	Payment
6/30/2016	\$ 191,980	\$ 101,765
6/30/2017	101,223	105,073
6/30/2018	(0)	

A total of 206,838 will be paid if you do nothing. If you pay the balance off on 6/30/2016, you will only pay 191,980 and save yourself just under 15,000.

The additional \$90,215 required for the 16/17 budget is the difference between the \$101,765 we will pay for 16/17 if we do nothing versus the amount of \$191,980 that is required to pay early for both 16/17 and 17/18. By paying off the 17/18 side fund early, CalPERS will recalculate and reduce our 17/18 obligations accordingly.

Jim Watt



California Public Employees' Retirement System
Actuarial Office
 P.O. Box 942709
 Sacramento, CA 94229-2709
 TTY: (916) 795-3240
 (888) 225-7377 phone • (916) 795-2744 fax
 www.calpers.ca.gov

June 7, 2016

CalPERS ID: 7381511111
 Employer Name: KENSINGTON COMMUNITY SERVICES DISTRICT
 Rate Plan: SAFETY PLAN [921]

Re: Lump Sum Payment to reduce the Unfunded Actuarial Liability

Dear Requestor:

As requested, 2016-2017 employer contribution rate information on your lump sum payment follows.

If you are aware of others interested in this information (i.e. payroll staff, county court employees, port districts, etc.), please inform them.

The information is based on the most recent annual valuation and assumes payment by *June 15, 2016* and no further contractual or financing changes taking effect before June 30, 2016. The Unfunded Liability will be reduced or eliminated by a lump sum payment in the amount of **\$191,411**.

Valuation as of June 30, 2014	Pre-Payment	Post Payment
Projected 6/30/16 Total UAL	\$ 2,533,797	
Payment on 6/15/16	\$ 191,411	
Revised 6/30/16 Total Unfunded Liability		\$ 2,341,817
2016-2017 Employer Contributions		
Plan's Net Employer Normal Cost	18.428%	18.428%
Surcharges for Class 1 Benefit		
a) FAC 1	1.108%	1.108%
Phase out of Normal Cost Difference	0.000%	0.000%
Employer Normal Cost Contribution Rate	19.536%	19.536%
Side Fund	\$101,652	\$0
Asset (Gain)/Loss 6/30/13	37,895	37,895
Share of Pre-2013 Pool UAL	90,507	90,507
Non-Asset (Gain)/Loss 6/30/13	(447)	(447)
Asset (Gain)/Loss 6/30/14	(13,267)	(13,267)
Non Asset (Gain)/Loss 6/30/14	170	170
Assumption Change	12,698	12,698
2016-2017 Employer Unfunded Liability Payment	\$ 229,208	\$ 127,556

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Required Employer Contribution for Fiscal Year 2016-17

Employer Normal Cost Rate		19.536%
Plus Monthly Employer Dollar UAL Payment	\$	10,629.67
Annual Lump Sum Prepayment Option	\$	123,026

*For Fiscal Year 2016-17 the total minimum required employer contribution is the **sum** of the Plan's Employer Normal Cost Rate (expressed as a percentage of payroll) **plus** the Employer Unfunded Accrued Liability (UAL) Contribution Amount (in dollars). Whereas in prior years it was possible to prepay total employer contributions for the fiscal year, beginning with Fiscal Year 2015-16 and beyond, only the UAL portion of the employer contribution can be prepaid. Late payments will accrue interest at an annual rate of 10 percent.*

To initiate this change, the enclosed Lump Sum Payment Request must be completed and returned to the Fiscal Services Division with a wire transfer or a check by June 15, 2016. A copy should be sent to us.

If you have questions, please call (888) CalPERS (225-7377).

Fritzie Archuleta

FRITZIE ARCHULETA, ASA, MAAA
Senior Pension Actuary, CalPERS

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LUMP SUM PAYMENT REQUEST

Please complete and return this form to the following address:

CalPERS
Fiscal Services Division
Attn: Retirement Program Accounting
P O Box 942703
Sacramento, CA 94229-2703

Or fax to: 916-795-7622.

If a wire transfer is being used, it should go to the following account:

ABA#0260-0959-3

Bank of America Sacramento Main
555 Capitol Mall, Suite 1555
Sacramento, CA 95814

For credit to State of CA, CalPERS
Account # 01482-80005

Please e-mail FCSD_public_agency_wires@calpers.ca.gov and your actuary on the day of the wire to ensure timely crediting to your account. Any individual wire totaling over \$5,000,000 requires a 72 hour notice.

Employer Name: KENSINGTON COMMUNITY SERVICES DISTRICT

CalPERS ID: 7381511111

Member Group or Plan: SAFETY PLAN

Rate Plan ID: 921

Amount: **\$191,411**

Purpose:	Pay down Unfunded Liability
Base(s) to which payment is applied:	Side Fund

In recognition of our payment please revise our employer contribution rate effective July 1, 2016:

Name and Title: (Please Print): _____

Signature: _____ Date: _____

Mailing Address: _____

City/State/Zip: _____

Telephone Number: _____ Fax Number: _____

E-mail Address: _____

Fiscal Services verification Date Received _____ Amount Received _____

PERS01F0036 DMC (02-2009) Reference # _____ Name and Date: _____

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9 June 2016

Comment for KPPSCD Board:

You are stuck between a rock and three hard places regarding releasing the Internal Investigation.

If you release none of it, you will be accused of hiding something and speculation of all sorts will continue. But you are used to that, and it will likely happen whatever you do.

Releasing all of it, you will likely put people involved at risk of retribution. Those who testified likely told more because they assumed their words would be confidential under the police bill of rights prohibiting release of investigations. Equally important, you undermine any future investigations as witnesses could very well be reluctant to tell all they know if there was the chance that what they said would be released.

If you release part of it, you will be stuck with both problems. People will wonder what WAS hidden, and speculations will abound. And confidentiality will be comprised with the consequences I mentioned above.

I suggest that your best choice as the least damaging would be to release none of it. The fact that aspects of the investigation have been criticized, such as not talking with known witnesses, puts the whole investigation in question, making it pointless to release it.

I know there are lots of folks in town who are intent on defending the Kensington police No Matter What They Have Done! But come on, issuing a registration & license ticket rather than a fix-it, even though the issues were taken care of - in Berkeley no less. Why didn't they let the Berkeley police do that? Why didn't they give her such a ticket when they had stopped her earlier? Why didn't they enforce that for others in Kensington until pictures of no front plates within yards of the police department were shown them? Why do they continue to ignore the red car without a front plate near 155 Arlington? This all smacks of an intimidation stop. And since the tickets were dismissed, and the officers involved punished for improper procedures, why do these folks continue to defend the police No Matter What They Have Done!, and continue to attack Ms Cordova as a dangerous criminal to be hounded at all costs.

Mabry Benson

Celia Concus

Summary of remarks delivered at the 6/9/16 KPPSCD Board meeting. Enter into the record.

Taxi service -

What is an on-duty officer doing running a taxi service so that his buddy who is also a superior officer can buy a drink in another town?

If there isn't enough to keep the on-duty officer busy in Kensington do we really need him on our payroll?

Lt Dickerson of the Richmond Police Dept conducted the Internal Affairs Investigation. He interviewed a relatively small number of people – during the investigation.

Noticeably absent from the list of people who were interviewed:

1. The occupants of the houses on Ensenada who witnessed the patrol car and the two officers who pulled Cordova over?

2. The technician at the Smog Testing place?

3. Director Sherris-Watt?

RSW was present when interim Chief Hart told Cordova that he knew the whereabouts of her car. Hart attributed this information to more than one officer which suggests that Cordova's car was under surveillance.

We have been told that Mr. Hart has a simple explanation for his comment.

Then why weren't we told sooner?

The incident happened in Oct 2015 - 8 months ago.

4. Any of the people who heard Mr. Hart talk about

Cordova's behavior and what she is alleged to have done when she came to his office to report the traffic incident.

Hart's comments have been described as "**inappropriate**" and were made while an Internal Affairs investigation was ongoing.

Is it appropriate for anyone involved with officers who made the traffic stop and the incident to make comments about an open IA?

What questions did Lt Dickerson ask?

Did Dickerson allow the people he interviewed to speak freely during the interview or did he tell them he wasn't interested in hearing anything except answers to his questions? He shut down any other information they had that might have been relevant.

Lt. Dickerson is no longer in charge of the unit that did the IAs. He has been reassigned and IA investigations are now being conducted by a civilian unit, outside of the Police Dept.

Out of jurisdiction ticket –

Why is it that we can't get information about the numbers of out of jurisdiction tickets given out by Kensington officers? The interim COP was unable to provide any estimate of the number of such tickets when the question was put to him at a Board meeting. Formal requests for this information get a stock reason – there are only 2 part time office staff and it would be "unduly burdensome" to put together such a report. But there are now two full time officers who are on light duty, restricted to desk duty. Shouldn't that take pressure off the part time staff so that they could help with department paper work?

We were all favorably impressed when iCOP prepared his Standards of Performance (Cardinal Sins) that each police officers was expected to sign. It noted that severe discipline would be imposed to employees culpable of misconduct listed.

I would like to add to the list -

Not bearing false witness against a neighbor.

Office Report prepared by Marty Westby, Administrator
Kensington Community Council Board Meeting
June 6, 2016

KCC Summer Day Camp

KCC Summer Day Camp on-line registration continues. The online registration system is running smoothly, and families are enrolling as they firm up their summer plans. As of May 27th, 420 spaces are filled; camp is 65% filled. Enrollments are slightly lowered compared to June 2015 but summer is just coming alive with the end of the academic school year quickly approaching, June 8th. Already, this year's camp Week 1 and Week 10 are filled. KCC Camp runs for 10 weeks. Last day of summer camp is Friday August 19th with school starting on Monday, August 22nd.

Camp counselor candidates were interviewed and eleven selected to become the 2016 counselor team! A number of counselors are alumni from Kensington Elementary School and past KCC camp campers. Ethan Houser is returning as Camp Director and Heather Bates returning as Head Counselor. Camp staffing is complete.

Counselor Orientation is Sunday, June 12th and camp starts Monday, June 13th.

KASEP:

KASEP Spring session ended Friday, May 27th. Oversight Committee meeting was held May 18th; we discussed implications for full day Kindergarten, class evaluations and planning for FALL session.

FALL KASEP registration is scheduled for Tuesday, September 6th and the first day of KASEP classes will be Monday September 19th.

It is confirmed Hilltop Elementary School's Kindergarten, starting fall 2016, will be an all-day kinder, starting at 8:15am and ending at 1:30pm. This impacts current KASEP kinder classes. KCC will offer kinder classes in the fall; the timing is under review with a decision and a plan going forward no later than the end of June.

KCC Classes and Events:

Jazzercise class taught by Kevin Knickerbocker, Monday through Friday mornings, 8:15am – 9:15 continues throughout the summer months. Body Sculpting, Tuesday and Thursdays from 9:15 – 10:15am, also taught by Kevin, is an ongoing class and will continue through the summer months. Both classes are taught at the community center.

KCC Administrative:

KCC Summer Solstice Family Event is scheduled for Sunday, June 19^h. KCC Circus Arts instructor, Kristen Parks, will perform her Glow Show with LED hula hoops, juggling all A-glow! Gina Ortiz will offer artful children's face painting. This is a free family event, community center, starts at 6:00pm.

June 2016

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

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

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
May 29	30	31	Jun 1 7:00am AA (CCM) 7:00pm Park Bldg Mtg (Room 3)	2 7:00pm Ad Hoc Mtg (CCM) 7:15pm EBC (CC3)	3 2:00pm Hilltop School (CCM)	4 9:00am Ad Hoc 5:00pm CC Rental (CCM)
5 4:00pm Dad's Club BBQ (CCM)	6 7:00pm **Cub Scouts** (CCM) 7:00pm KCC Mtg (CC3)	7 7:30pm *Boy Scouts (CCM)	8 7:00am AA (CCM) 6:00pm *GPFF (CCM) 7:00pm *KFD Mtg (CC3)	9 6:00pm KPPCSD Mtg (CCM)	10 6:00pm Boy Scouts End of the Year (CCM)	11 9:00am Ad Hoc 3:00pm CC Rental (CCM)
12	13 6:00pm KPSC (CC3) 7:00pm **Cub Scouts** (CCM) 7:00pm Ad Hoc Comm 7:30pm KARO Mtg (cc3)	14 7:30pm *Boy Scouts (CCM)	15 7:00am AA (CCM) 6:00pm Finance Committee (CCM)	16 7:15pm EBC (CC1)	17	18
19 3:00pm KCC Summer Solstice Celebration (CCM)	20	21 7:30pm *Boy Scouts (CCM)	22 7:00am AA (CCM) 7:00pm Park Bldg Mtg (Room 3)	23 6:00pm Special Mtg (CCM)	24	25 8:00am Tentative Hold
26 Tentative Hold	27 7:30pm *KIC (CC3)	28 6:00pm Finance Committee (CC3) 7:30pm *KMAC (CC3)	29 7:00am AA (CCM) 1:00pm Parks Ground Committee Mtg (CC3)	30	Jul 1	2

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July 2016

July 2016							August 2016						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2		1	2	3	4	5	6
3	4	5	6	7	8	9	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	27	28	29	30	Jul 1	2
3 10:30am CC Rental (CCM)	4	5	6 7:00am AA (CCM) 6:00pm Park Bldg Mtg (Room 3)	7	8	9
10	11 6:00pm KPSC (CC3) 7:00pm KCC Mtg (CCM) 7:30pm KARO Mtg (cc3)	12	13 7:00am AA (CCM) 6:00pm *GPFF (CCM) 7:00pm *KFD Mtg (CC3)	14 6:00pm KPPCSD Mtg (CCM)	15	16 10:00am KPSC on Wildfire mitigation (CCM)
17	18	19	20 7:00am AA (CCM)	21	22	23
24	25 7:30pm *KIC (CC3)	26 7:30pm *KMAC (CC3)	27 7:00am AA (CCM) 7:00pm Park Bldg Mtg (Room 3)	28	29	30
31	Aug 1	2	3	4	5	6

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KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

General Manager May 2016 Report

General

Agenda highlights for May 22 KPPCSD Board meeting;

1. Independent Auditor's Contract
2. Consideration of Measure G CPI Increase
3. 2016/17 fiscal year budget
4. Confirming Annual Park Assessment Tax

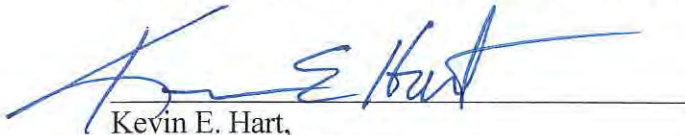
The Finance Committee held a meeting on May 4th where I presented the first draft of the 2016/17 fiscal year budget. The Committee suggested some changes to the budget and recommended approval to the Board of Directors.

I attended the monthly West Contra Costa County Police Chiefs meeting, as well as the full Contra Costa County Police Chiefs meeting. The Major topic of discussion was the I80 Freeway shootings. They appear to be mostly gang related.

A maintenance review of both of our motorcycles revealed the need for significant repairs to ensure proper road safety. A history of the motorcycles revealed they were both used when we obtained them for use in Kensington. Rather than spend good money on their repair and still have aging motorcycles that require constant upkeep, I have decided to remove both motorcycles from street duty and sell them at a public auction. The potential replacement of at least one of the motorcycles could be offset from the proceeds of the auction and will be part of my traffic study report. The replacement would only occur after review and approval from the Board of Directors.

Bullet proof vests are starting to arrive for each Kensington police officer and will be mandatory to wear while on duty.

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


Kevin E. Hart,
Interim General Manager

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Date: June 22, 2016
TO: KPPCSD Board
FROM: Kevin E. Hart, Interim General Manager
Subject: **Item 6n-Approval of new Independent Auditor for KPPCSD**

The Kensington Police Protection and Community Services District has used Fechter & Company as its independent auditor of the District's financial statements and government activities for the past three years. Our contractual agreement has concluded.

The General Manager recommends changing to another firm at this time. Previous to Fechter & Company, the District used the firm Lamorena & Chang for a number of years. The Kensington Fire District has used them for a number of years with good success, and currently uses them to perform their annual required audit.

The General Manager recommends we employ Lamorena & Chang to perform independent auditing services for the District.

The Finance Committee reviewed the proposed contract with Lamorena & Chang at its meeting of June 15, 2016, and voted unanimously to recommend the Board of Directors approve the agreement.

Cost to the District: \$14,000 Annually

General Manager Recommendation: Receive the report, take public comment, deliberate and approve the agreement for Independent Auditing Services with Lamorena & Chang.



Kevin E. Hart
Interim General Manager

April 5, 2016

To Chief Kevin Hart and Board of Directors
Kensington Police Protection and Community Services District
217 Arlington Ave.
Kensington, CA 94707

Dear Chief Hart and Board of Directors,

I am pleased to confirm my understanding of the services I am to provide Kensington Police Protection and Community Services District (KPPCSD) for the year ended June 30, 2016 and the subsequent two years. I will audit the financial statements general Fund, Special Revenue Fund and Capital Project Fund, including the related notes to the financial statements, which collectively comprise the basic financial statements of KPPCSD as of and for the 12 months ended June 30, 2016. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement KPPCSD's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of my engagement, I will apply certain limited procedures to KPPCSD's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to my inquiries, the basic financial statements, and other knowledge I obtained during my audit of the basic financial statements. I will not express an opinion or provide any assurance on the information because the limited procedures do not provide me with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis.
- 2) Statement of revenue, expenditure and changes in fund balance schedule

I have also been engaged to report on supplementary information other than RSI that accompanies KPPCSD's financial statements. I will subject the following supplementary information to the auditing procedures applied in my audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and I will provide an opinion on it in relation to the financial statements as a whole.

Audit Objectives

The objective of my audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. My audit will be conducted in accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of the accounting records of KPPCSD and other procedures I consider necessary to enable me to express such opinions. I will issue a written report upon completion of my audit of KPPCSD's financial statements. My report will be addressed to KPPCSD's manager and commissioner/board member provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for me to modify my opinions or add emphasis-of-matter or other-matter paragraphs.

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If my opinions on the financial statements are other than unmodified, I will discuss the reasons with you in advance. If, for any reason, I am unable to complete the audit or am unable to form or have not formed opinions, I may decline to express opinions or issue reports, or may withdraw from this engagement.

I will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The report on internal control and on compliance and other matters will include a paragraph that states (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The paragraph will also state that the report is not suitable for any other purpose. If during my audit I become aware that KPPCSD is subject to an audit requirement that is not encompassed in the terms of this engagement, I will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

Management Responsibilities

Management is responsible for the financial statements and all accompanying information as far as all representations contained therein. As part of the audit, I will assist with preparation of your financial statements and related notes. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. You agree to assume all management responsibilities relating to the financial statements and related notes and any other nonaudit services I provide. You will be required to acknowledge in the management representation letter my assistance with preparation of the financial statements and related notes and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Management is responsible for establishing and maintaining effective internal controls, including evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; following laws and regulations; and ensuring that management is reliable and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles, for the preparation and fair presentation of the financial statements in conformity with U.S. generally accepted accounting principles, and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to me and for the accuracy and completeness of that information. You are also responsible for providing me with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that I may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom I determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to me in the written representation letter that the effects of any uncorrected misstatements aggregated by me during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing me about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing me of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants and for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts or grant agreements, or abuse that I report.

You are responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include my report on the supplementary information in any document that contains and indicates that I have reported on the supplementary information. Your responsibilities include acknowledging to me in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to me any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for me previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to me corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other studies. You are also responsible for providing management's views on my current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, my audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. I will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because I will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by me, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, I will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to my attention. I will also inform the appropriate level of management of any violations of laws or governmental regulations that come to my attention, unless clearly inconsequential, and of any material abuse that comes to my attention. My responsibility as an auditor is limited to the period covered by my audit and does not extend to later periods for which I am not engaged as an auditor.

My procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. I will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of my audit, I will require certain written representations from you about your responsibilities for the financial statements; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

Audit Procedures—Internal Control

My audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that I consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance

matters that have a direct and material effect on the financial statements. My tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in my report on internal control issued pursuant to *Government Auditing Standards*.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, I will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, I will perform tests of KPPCSD's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of my audit will not be to provide an opinion on overall compliance and I will not express such an opinion in my report on compliance issued pursuant to *Government Auditing Standards*.

Engagement Administration, Fees, and Other

I may from time to time, and depending on the circumstances, use third-party service providers in serving your account. I may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, I maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, I will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and I will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that I am unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, I will remain responsible for the work provided by any such third-party service providers.

I understand that your employees will prepare all cash or other confirmations I request and will locate any documents selected by me for testing.

I will provide copies of my reports to County of Contra Costa and state controller office; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of my reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Lamorena & Chang, CPA and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to County of Contra Costa or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. I will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Lamorena & Chang, CPA personnel. Furthermore, upon request, I may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the County of Contra Costa. If I am aware that a federal awarding agency or auditee is contesting an audit finding, I will contact the party contesting the audit finding for guidance prior to destroying the audit documentation.

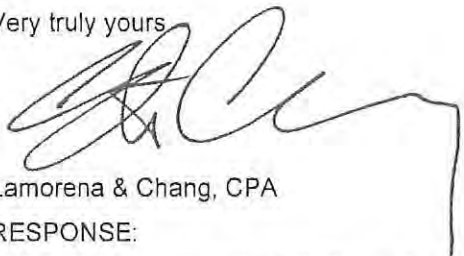
I expect to begin my audit on approximately early September and to issue my reports no later than November 15. Steven Chang is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

My fee for these services will be at my standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that I agree that my estimated flat rate of \$14,000 for each of those three years. My standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. My invoices for these fees will be rendered each month

as work progresses and are payable on presentation. In accordance with my firm policies, work may be suspended if your account becomes 30 days or more overdue and may not be resumed until your account is paid in full. If I elect to terminate my services for nonpayment, my engagement will be deemed to have been completed upon written notification of termination, even if I have not completed my report. You will be obligated to compensate me for all time expended and to reimburse me for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, I will discuss it with you and arrive at a new fee estimate before I incur the additional costs.

I appreciate the opportunity to be of service to KPPCSD and believe this letter accurately summarizes the significant terms of my engagement. If you have any questions, please let me know. If you agree with the terms of my engagement as described in this letter, please sign the enclosed copy and return it to me.

Very truly yours



Lamorena & Chang, CPA

RESPONSE:

This letter correctly sets forth the understanding of KPPCSD

Management signature: _____

Title: _____

Date: _____

Governance signature: _____

Title: _____

Date: _____

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Date: June 22, 2016
TO: KPPCSD Board
FROM: Kevin E. Hart, Interim General Manager
Subject: **Item #7a-Consideration of increasing rate for Measure G Special Tax by CPI**

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.

In consideration for Fiscal Year 2016/17, 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 period April 2015 to April 2016, San Francisco-Oakland-San Jose area (the "Consumer Price Index"). The increase in the Consumer Price Index from Fiscal Year 2015/16 to Fiscal Year 2016/17 is 2.695%. NBS provided this calculation based on their market research used each year of the Consumer Price Index Report.

If approved, this item would generate approximately \$13,000., in addition revenue.

Previous years' rate increases imposed are listed below for your information;

FY 2011/12 Supplemental Tax

Single Family Residential	\$179.00 per parcel
Multiple Family residential	\$268.50 per parcel
Commercial and Institutional	\$268.50 per parcel
Miscellaneous Improved Property	\$179.00 per parcel
Unimproved Property	\$53.70 per parcel

FY 2012/13 Supplemental Tax

Single Family Residential	\$179.00 per parcel
Multiple Family residential	\$268.50 per parcel
Commercial and Institutional	\$268.50 per parcel
Miscellaneous Improved Property	\$179.00 per parcel
Unimproved Property	\$53.70 per parcel

FY 2013/14 Supplemental Tax

Single Family Residential	\$214.91 per parcel
Multiple Family residential	\$322.36 per parcel
Commercial and Institutional	\$322.36 per parcel
Miscellaneous Improved Property	\$214.91 per parcel
Unimproved Property	\$64.47 per parcel

FY 2014/15 Supplemental Tax

Single Family Residential	\$220.09 per parcel
Multiple Family residential	\$331.35 per parcel
Commercial and Institutional	\$331.35 per parcel
Miscellaneous Improved Property	\$220.90 per parcel
Unimproved Property	\$66.27 per parcel

FY 2015/16 Supplemental Tax

Single Family Residential	\$226.28 per parcel
Multiple Family residential	\$339.42 per parcel
Commercial and Institutional	\$339.42 per parcel
Miscellaneous Improved Property	\$226.28 per parcel
Unimproved Property	\$67.88 per parcel

The following table shows the maximum Supplemental Special Tax for Fiscal Year 2015/16 and Fiscal year 2016/17.

Class of Improvement or Use*	2015/16 Maximum Tax	2016/17 Maximum Tax
Single Family Residential	\$226.28 per parcel	\$232.38 per parcel
Multiple Unit Residential	\$339.42 per parcel	\$348.57 per parcel
Commercial and Institutional	\$339.42 per parcel	\$348.57 per parcel
Miscellaneous Improved Property	\$226.28 per parcel	\$232.38 per parcel
Unimproved Property	\$67.88 per parcel	\$69.71 per parcel

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

RECOMMENDATION: The General Manager recommends the Board of Directors take public comment, deliberate and adopt Resolution 2016-09 of the Board of Directors of the Kensington Police Protection and Community Services District, approving an increase in the Supplemental Special Tax (Measure G) for each single family residential parcel by a maximum of 2.695%.

A handwritten signature in blue ink, appearing to read "Kevin E. Hart", written over a horizontal line.

Kevin E. Hart
Interim General Manager

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Date: June 9, 2015
TO: KPPCSD Board
FROM: Kevin E. Hart, Interim General Manager
Subject: Measure G Revenue and Expense Report

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 to be used exclusively for police protection services.

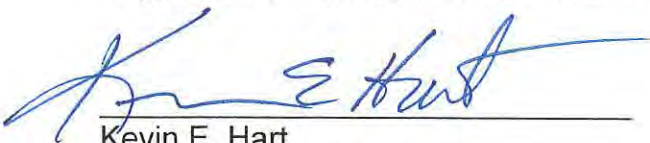
Section 4 of Measure G, adopted by District voters on June 8, 2010, requires the General Manager to file a report with the Board of Directors no later than June 30 of each year. The Report is to contain both of the following: the amount of funds collected and expended under Measure G, and the status of any project required or authorized to be funded to carry out the purposes set forth in the Ordinance.

Pursuant to this requirement, I present the following report.

The total amount of funds collected and expended under Measure G for Fiscal Year 2015/16 is \$514,177.50.

The funds collected and expended under Measure G were expended solely for police protection purposes. As required by Section 3 of Measure G, all of these funds – while not specifically earmarked for particular projects – were expended to pay for obtaining, providing, operating, maintaining and expanding police protection service, facilities and equipment, including paying the salaries and benefits to police personnel, and other necessary police protection services expenses of the District.

I will be prepared to discuss this matter further at the June 9 and/or June 22 meeting at which the Board will consider the annual permitted increase to the Measure G Supplemental Special Tax for Fiscal Year 2016-17.



Kevin E. Hart
Interim General Manager

RESOLUTION NO. 2016-09
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 2016/17, 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 2015/16 and Fiscal year 2016/17. The increase in the Consumer Price Index from Fiscal Year 2015/16 to Fiscal Year 2016/17 is 2.695%.

Class of Improvement or Use*	2015/16 Maximum Tax	2016/17 Maximum Tax
Single Family Residential	\$226.28 per parcel	\$232.38 per parcel
Multiple Unit Residential	339.42 per parcel	348.57 per parcel
Commercial and Institutional	339.42 per parcel	348.57 per parcel
Miscellaneous Improved Property	226.28 per parcel	232.38 per parcel
Unimproved Property	67.88 per parcel	69.71 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, 2016 through June 30, 2017 in the following amounts.

Class of Improvement or Use*	2016/17 Supplemental Tax
Single Family Residential	\$ per parcel
Multiple Unit Residential	\$ per parcel
Commercial and Institutional	\$ per parcel
Miscellaneous Improved Property	\$ per parcel
Unimproved Property	\$ 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 _____, 2016, by the following vote to wit:

AYES:

Len Welsh, President

NOES:

Rachelle Sherris-Watt, Vice President

ABSENT:

Pat Gillette, Director

Chuck Toombs, Director

Vanessa Cordova, 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 _____, 2016.

District General Manager

Resolution NO. 2016-09

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KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Date: June 22, 2016
TO: KPPCSD Board
FROM: Kevin E. Hart, Interim General Manager
Subject: **Item 7b-2016/17 Preliminary Budget presentation**

The Board will receive a presentation from the IGM/COP, regarding the 2016/17 fiscal year budget for the Kensington Police Protection and Community Services District. The Board may adopt the Preliminary Budget after considering and making possible changes to meet the July 1 State deadline. Second reading.

The total district expenses for FY2016/17 is \$3,075.812, an increase from the 2015/16 FY budget, by \$216,891. Total revenues are projected for FY 2016/17 to be \$3,050,419.28. (Note: The calculation for the property taxes is projected to be at 6% increase on \$1,641,000 plus a flat \$30,000 clean up monies at year end.) A deficit of about \$25,392, is forecasted. However, anticipated revenue from the annual COPS Grants, has not been included within the budget, but typically has been about \$100,000.00 each year. This year appears to be no different. As a result, I anticipate a balanced budget with a surplus for FY 16/17.

The Finance Committee voted unanimously to recommend the Board of Directors approve the proposed preliminary budget at its meeting on May 4, 2016.

The Board of Directors reviewed the preliminary budget at its Special Meeting on June 9, 2016. There was significant discussion by board members and members of the public during the meeting. The following are the major changes made to the budget after the Board's first reading.

1. Line item 978. Adjusted by increase of \$21,000 (Audio/visual equipment). There will be a carryover from the 15/16 budgeted \$6,000 that were not spent. The KCC and KIC have both pledged up to \$8000 towards the purchase, as this is reflected in the revenue category 437. The KPOA has the matter under review.
2. Line item 527. Adjusted by increase of \$105,073, less \$10,800 discount to pay off side fund for CalPERS, for a net increase of \$94,237.00.
3. Line item 594. Adjusted by increase of \$12,000. The Board will consider revising our current website to meet ADA requirements and to be more community friendly.
4. Line item 974. Adjusted by increase of \$7,500 to replace tennis court backboard and add more playground equipment.
5. Line item 830 (Legal). Based on 15/16 actual expenditures, this item should be increased by \$100,000. Board needs to provide direction on this item.

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6. Line item 835. Adjusted by increase of \$10,000. This is the estimate to perform a new actuarial report following the approval of the new MOU with the Kensington POA.
7. Line item 966. Adjusted increase by \$6,000 for purchase of two portable speed radar signs. Board of Directors to receive a presentation during traffic study report.
8. Line item 967. Adjusted by increase of \$6,100 to purchase LiveScan device for applicant fingerprinting. Will be partially offset by revenue generated by request for service.

General Manager Recommendation: Receive the presentation, and take public comment, deliberate and approve the 2016/17 preliminary budget.



Kevin E. Hart
Interim General Manager

CODE	CLASSIFICATION	2015/2016		2015/2016	PERCENT	2016/2017	BUDGET
		BUDGET	EXPENDITURES 02/29/16				
POLICE SALARIES AND BENEFITS							
502	Salary - Police	\$980,434	\$609,709	\$370,725	62.19%	\$1,015,274	\$34,840
504	Compensation Cash-Out	\$20,000	\$26,947	(\$6,947)	134.74%	\$9,200	(\$10,800)
506	Overtime	\$60,000	\$57,180	\$2,820	95.30%	\$75,000	\$15,000
508	Salary/Non-Sworn	\$81,900	\$66,460	\$15,440	81.15%	\$100,677	\$18,777
516	Uniform Allowance	\$10,200	\$5,284	\$4,916	51.80%	\$9,000	(\$1,200)
518	Safety Equipment	\$3,250	\$446	\$2,804	13.72%	\$2,250	(\$1,000)
521A	Medical Insurance - Active	\$149,956	\$116,890	\$33,066	77.95%	\$182,094	\$32,138
521R	Medical Insurance - Retired	\$167,494	\$120,872	\$46,622	72.17%	\$160,278	(\$7,216)
521T	Medical Insurance - Trust	\$31,642	\$0	\$31,642	0.00%	\$64,226	\$32,584
522	Disab. & Life Insurance	\$5,240	\$3,309	\$1,932	63.14%	\$6,940	\$1,700
523	Medicare 1.45% (District)	\$16,668	\$10,450	\$6,218	62.70%	\$17,507	\$839
524	Social Security(6.2%) /Non-Sworn	\$5,078	\$4,121	\$957	81.14%	\$6,242	\$1,164
527	P.E.R.S. - District	\$387,421	\$309,995	\$77,426	80.02%	\$509,304	\$121,883
528	P.E.R.S. - Officers Portion	\$84,387	\$50,282	\$34,105	59.59%	\$59,836	(\$24,551)
530	Workers Compensation	\$50,000	\$43,967	\$6,033	87.93%	\$67,000	\$17,000
540	Advanced Industrial	\$0	\$0	\$0	0.00%	\$0	\$0
SUB-TOTAL		\$2,053,670	\$1,425,912	\$627,758	69.43%	\$2,284,828	\$231,158
POLICE EXPENSES:							
552	Expendable Police Supplies	\$1,700	\$1,593	\$107	93.68%	\$1,700	\$0
553	Range/Ammunition	\$5,000	\$2,025	\$2,975	40.51%	\$5,000	\$0
560	Crossing Guard	\$10,830	\$5,956	\$4,874	55.00%	\$11,150	\$320
562	Vehicle Operation	\$50,000	\$10,608	\$39,392	21.22%	\$37,500	(\$12,500)
564	Communications	\$156,070	\$72,609	\$83,461	46.52%	\$156,420	\$350
566	Radio Maintenance	\$21,750	\$1,272	\$20,478	5.85%	\$2,281	(\$19,469)
568	Prisoner/Case Expenses/Bookings	\$6,400	\$5,166	\$1,234	80.71%	\$8,900	\$2,500
570	Training	\$10,000	\$3,823	\$6,177	38.23%	\$10,000	\$0
572	Recruiting	\$6,500	\$4,291	\$2,209	66.01%	\$15,500	\$9,000
574	Reserve Officers	\$4,050	\$175	\$3,876	4.31%	\$4,050	\$0
576	Misc. Dues, Meals, Travel	\$3,140	\$1,935	\$1,205	61.62%	\$3,035	(\$105)
580	Utilities - Police	\$10,000	\$6,553	\$3,447	65.53%	\$10,000	\$0
581	Bldg. Repair/Maint	\$5,000	\$4,603	\$397	92.05%	\$5,000	\$0
582	Office Supplies	\$6,000	\$4,809	\$1,191	80.15%	\$7,500	\$1,500
588	Telephones	\$8,904	\$4,201	\$4,703	47.18%	\$7,476	(\$1,428)
590	Housekeeping	\$4,000	\$3,197	\$803	79.92%	\$4,000	\$0
592	Publications	\$2,500	\$2,580	(\$80)	103.20%	\$3,000	\$500
594	Comm. Policing	\$4,000	\$5,134	(\$1,134)	128.36%	\$14,000	\$10,000
596	CAL-ID	\$5,925	\$5,508	\$417	92.96%	\$6,100	\$175
599	Police Taxes Administration	\$3,500	\$2,608	\$892	74.50%	\$3,500	\$0
SUB-TOTAL		\$325,269	\$148,645	\$176,624	45.70%	\$316,112	(\$9,157)
RECREATION SALARIES AND BENEFITS							
601	Park and Rec. Admin.	\$7,800	\$5,496	\$2,304	70.47%	\$8,042	\$242
602	Custodian	\$22,750	\$14,000	\$8,750	61.54%	\$22,750	\$0
623	Social Security (7.65%) /District	\$597	\$420	\$177	70.43%	\$615	\$18
SUB-TOTAL		\$31,147	\$19,917	\$11,230	63.94%	\$31,407	\$260
RECREATION EXPENSES:							
640	Community Center Expenses						
642	Community Center	\$5,616	\$3,501	\$2,115	62.34%	\$5,616	\$0
643	Janitorial Supplies	\$800	\$825	(\$25)	103.14%	\$1,500	\$700
646	Community Center Repairs	\$3,000	\$1,792	\$1,208	59.75%	\$5,500	\$2,500
650	Building E Expenses						
656	Building E Repairs	\$0	\$0	\$0	0.00%	\$0	\$0
660	Annex Expenses						
662	Annex - Utilities	\$0	\$0	\$0	0.00%	\$0	\$0
666	Annex Repairs	\$1,000	\$0	\$1,000	0.00%	\$1,000	\$0
668	Annex - Misc. Exp	\$1,000	\$0	\$1,000	0.00%	\$1,000	\$0
670	Gardening Supplies	\$1,000	\$0	\$1,000	0.00%	\$1,000	\$0
672	Park O&M	\$78,300	\$33,141	\$45,159	42.33%	\$69,300	(\$9,000)
674	Park Construction Expense	\$5,000	\$0	\$5,000	0.00%	\$5,000	\$0
678	Misc. Park/Rec Expense	\$1,000	\$170	\$830	17.00%	\$1,000	\$0
SUB-TOTAL		\$96,716	\$39,430	\$57,286	40.77%	\$90,916	(\$5,800)

CODE	CLASSIFICATION	2015/2016		2015/2016	PERCENT	2016/2017	BUDGET
		BUDGET	EXPENDITURES 02/29/16				
DISTRICT EXPENSES							
810	Computer	\$24,288	\$18,006	\$6,282	74.13%	\$25,118	\$830
820	Canon Copier Contract	\$5,700	\$3,143	\$2,557	55.15%	\$5,700	\$0
830	Legal	\$99,530	\$93,508	\$6,022	93.95%	\$99,530	\$0
835	Consultant	\$15,000	\$24,900	(\$9,900)	166.00%	\$40,000	\$25,000
840	Accounting	\$34,000	\$30,071	\$3,929	88.45%	\$45,500	\$11,500
850	Insurance	\$30,000	\$27,481	\$2,519	91.60%	\$30,000	\$0
860	Election	\$0	\$0	\$0	0.00%	\$4,500	\$4,500
865	Police Bldg Lease	\$1	\$0	\$1	0.00%	\$1	\$0
870	County Expenditures	\$22,300	\$8,506	\$13,794	38.14%	\$22,300	\$0
890	Waste/Recycle Expenses	\$25,000	\$260	\$24,740	1.04%	\$20,000	(\$5,000)
898	Miscellaneous Expenses - Board	\$15,300	\$14,716	\$584	96.19%	\$17,200	\$1,900
SUB-TOTAL		\$271,119	\$220,591	\$50,528	81.36%	\$309,849	\$38,730
Operating Expense TOTAL		\$2,777,921	\$1,854,494	\$923,427	66.76%	\$3,033,112	\$255,191
CAPITAL OUTLAY							
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	\$3,000	\$0	\$3,000	0.00%	\$0	(\$3,000)
965	Personal Police	\$10,000	\$0	\$10,000	0.00%	\$0	(\$10,000)
966	Police Traffic Equipment	\$0	\$0	\$0	0.00%	\$6,600	\$6,600
967	Station Equipment	\$7,000	\$8,017	(\$1,017)	114.53%	\$6,100	(\$900)
968	Office Furn. & Equip.	\$6,000	\$0	\$6,000	0.00%	\$0	(\$6,000)
969	Computer Equipment	\$0	\$0	\$0	0.00%	\$1,500	\$1,500
971	Park Land	\$0	\$0	\$0	0.00%	\$0	\$0
972	Park Bldgs. Improvements	\$25,000	\$13,658	\$11,342	54.63%	\$0	(\$25,000)
973	Park Construct. Fund	\$0	\$0	\$0	0.00%	\$0	\$0
974	Other Park Improvements	\$0	\$0	\$0	0.00%	\$7,500	\$7,500
978	Park/Rec. Furniture & Equipment	\$0	\$0	\$0	0.00%	\$21,000	\$21,000
Capital Outlay SUB-TOTAL		\$81,000	\$21,676	\$59,324	26.76%	\$42,700	(\$38,300)
BUDGET GRAND TOTAL		\$2,858,921	\$1,876,170	\$982,751	65.63%	\$3,075,812	\$216,891

**KPPCSD
Revenue Projection
2016/2017**

	Estimated Actual 2015/2016	Projected 2016/2017
Ordinary Income/Expense		
Income		
400 · Police Activities Revenue		
401 · Levy Tax	\$1,555,000.00	\$1,641,000.00
HomeOwners' Tax	12,000.00	12,000.00
402 · Special Tax-Police	681,690.00	680,000.00
403 · Misc Tax-Police	0.00	0.00
404 · Measure G Supplemental Tax Rev	514,176.00	529,601.28
409 · Asset seizure forfeit/WEST NET	18,526.00	0.00
410 · Police Fees/Service Charges	2,000.00	1,500.00
411 · Kensington Hilltop Srvcs Reimb	18,900.00	19,467.00
412 · Special Assignment Revenue	11,913.00	0.00
413 · Crossing Guard Reimbursement	10,515.00	11,151.00
414 · POST Reimbursement	2,327.00	0.00
415 · Grants-Police	100,000.00	0.00
416 · Interest-Police	1,500.00	1,500.00
418 · Misc Police Income	13,000.00	13,000.00
419 · Supplemental W/C Reimb (4850)	<u>29,354.00</u>	<u>0.00</u>
Total 400 · Police Activities Revenue	\$2,970,901.00	\$2,909,219.28
420 · Park/Rec Activities Revenue		
424 · Taxes-L&L	\$35,191.00	\$35,000.00
426 · Park Donations	0.00	0.00
427 · Community Center Revenue	33,000.00	33,000.00
435 · Grants-Park/Rec	0.00	0.00
436 · Interest-Park/Rec	0.00	0.00
437 · Contributions for Sound System	0.00	8,000.00
438 · Misc Park/Rec Rev	<u>200.00</u>	<u>200.00</u>
Total 420 · Park/Rec Activities Revenue	\$68,391.00	\$76,200.00
440 · District Activities Revenue		
448 · Franchise Fees	\$63,610.66	\$65,000.00
456 · Interest-District	-60.00	0.00
458 · Misc District Revenue	<u>1,976.00</u>	<u>0.00</u>
Total 440 · District Activities Revenue	<u>\$65,526.66</u>	<u>\$65,000.00</u>
Total Income	\$3,104,818.66	\$3,050,419.28

KPPCSD
Projected Revenue and Expense
2016/2017

Budgeted Revenues 2016/2017

400 · Police Activities Revenue
 Total 400 · Police Activities Revenue \$2,909,219

420 · Park/Rec Activities Revenue
 Total 420 · Park/Rec Activities Revenue 76,200

440 · District Activities Revenue
 448 · Franchise Fees 65,000
 456 · Interest-District 0
 Total 440 · District Activities Revenue 65,000

Total Revenues \$3,050,419

Budgeted Expenditures 2016/2017

500 · Police Sal & Ben
 Total 500 · Police Sal & Ben \$2,284,828

550 · Other Police Expenses
 Total 550 · Other Police Expenses 316,112

Total 600 · Park/Rec Sal & Ben 31,407

Total 635 · Park/Recreation Expenses 90,916

Total 800 · District Expenses 309,849

950 · Capital Outlay

961 · Police Bldg Improvements 0

962 · Patrol Cars 0

963 · Patrol Car Accessories 0

965 · Personal Police Equipment-Asset 0

966 · Police Traffic Equipment 6,600

967 · Station Equipment 6,100

968 · Office Furn. & Equip. 0

969 · Computer Equipment 1,500

971 · Park Land 0

972 · Park Bldgs. Improvements 0

973 · Park Construction Fund 0

974 · Other Park Improvements 7,500

978 · Pk/Rec Furn/Eq 21,000

Total 950 · Capital Outlay 42,700

Total Expenditures \$3,075,812

Excess of Revenue over Expense 2016/2017 -\$25,392

Previously Allocated Funds

Total Allocated Funds Used 0

Excess Funding over Expenses 2016/2017 -25,392

Cash Carryovers 2015/2016 \$2,093,742

Estimated Fund Carryovers into 2016/2017 \$2,068,350

KPPCSD
Projected Revenue and Expense
2016/2017

Fund Balances, in audit terms (see definitions included)

Nonspendable - District Portion of Bond	\$92,830
Resticted - Est'd Vacation/Comp Liab	70,000
Restricted - Bay View Net Balance	88,413
Committed - Capital Projects	101,576
Committed - Community Center Bldg Upgrade	150,000
Committed - Annex Renovation Expenditure in Current Year	0
Assigned - Park Bldgs Replacement less FY 16/17 expenditures	93,045
Assigned - Temporary Police Station Relocation	<u>50,000</u>
Total Identified Fund Balances	\$645,864
Unassigned Fund Balance available for Contingencies	\$1,422,485
Percentage of Total Expenditures	46.25%

KPPCSD
Estimated Available Cash 6/30/16

	<u>02/28/16</u>	Incoming Tx Advance	Incoming Grant/Reimb	Mar Exp	Apr Exp	May Exp	June Exp	Transfer between funds	06/30/16 Est
ASSETS									
Current Assets									
Checking/Savings									
100 · Petty Cash	100.00								100
110 · CCC Cash Accts									
112 · General Fund	130,339.13	1,168,092.18	24,415.00	-145,000.00	-200,000.00	-200,000.00	-200,000.00	78,833.75	656,680
113 · Capital Fund-Cash	26,788.27								26,788
114 · Land & Light-Park O&M	64,776.24	14,057.27						-78,833.75	0
excluded 116 · PB Admin-Cash	140,620.50	72,395.10							213,016 excluded
excluded 117 · PB Resv-Cash	18,769.69								18,770 excluded
Total 110 · CCC Cash Accts	<u>381,293.83</u>								\$683,468
134 · CCC LAIF Accounts									
134a · General LAIF	1,365,741.67		-47,883.85	2,562.06	0.00	0.00	0.00		1,320,420
134b · COPS LAIF	-40,621.79		42,883.85	-2,262.06					0
134c · Park LAIF	0.00								0
134d · Garbage/Bay View LAIF	-16,471.88		5,000.00						-11,472
134e · Capital LAIF	101,225.83								101,226
Total 134 · CCC LAIF Accounts	<u>1,409,873.83</u>								<u>\$1,410,174</u>
Total Checking/Savings	\$1,791,268	\$1,254,545	\$24,415	-\$144,700	-\$200,000	-\$200,000	-\$200,000	\$0	\$2,093,742 KPPCSD 2,325,527 including Bond \$

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KPPCSD Officers' Salaries - Fiscal 2016/2017

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
Hart, K	Chief	06/08/15	06/08/15	06/08/15	12.000	\$12,083.33			\$12,083.33	\$6,041.67	\$ 69.71	\$ 69.71		\$ 145,000.00
Hull, R	MS/Step 2	10/16/97	03/16/13	03/16/13	8.000	\$8,320.07	\$ 448.00	\$624.01	\$9,392.08	\$4,696.04	\$ 48.00	\$ 54.19	\$ 1,900.00	\$ 77,036.60
	MS/Step 2	10/16/97	03/16/13	03/16/13	4.000	\$8,569.67	\$ 461.44	\$642.73	\$9,673.84	\$4,836.92	\$ 49.44	\$ 55.81		\$ 38,695.34
Hui, K	Sgt/Step 4	04/17/10	03/16/13	03/16/15	8.000	\$7,842.47	\$ 422.33	\$392.12	\$8,656.92	\$4,328.46	\$ 45.25	\$ 49.94		\$ 69,255.39
	Sgt/Step 4	04/17/10	03/16/13	03/16/15	4.000	\$8,077.75	\$ 434.93	\$403.89	\$8,916.57	\$4,458.28	\$ 46.60	\$ 51.44		\$ 35,666.27
Stegman, E	Corp/Step 1	06/01/06	09/01/12	09/01/12	8.000	\$6,977.23	\$ 375.67	\$523.29	\$7,876.19	\$3,938.10	\$ 40.25	\$ 45.44	\$ 1,000.00	\$ 64,009.54
	Corp/Step 1	06/01/06	09/01/12	09/01/12	4.000	\$7,186.55	\$ 386.96	\$538.99	\$8,112.50	\$4,056.25	\$ 41.46	\$ 46.80		\$ 32,450.01
Barrow, K.	Step 5	09/16/05	06/01/16	06/01/16	8.000	\$6,840.42	\$ 368.29	\$513.03	\$7,721.74	\$3,860.87	\$ 39.46	\$ 44.55	\$ 1,100.00	\$ 62,873.93
	Step 5	09/16/05	06/01/16	06/01/16	4.000	\$7,045.63	\$ 379.40	\$528.42	\$7,953.45	\$3,976.73	\$ 40.65	\$ 45.89		\$ 31,813.81
Martinez, R	Step 5	01/01/06	01/01/06	01/01/10	8.000	\$6,840.42	\$ 368.29	\$513.03	\$7,721.74	\$3,860.87	\$ 39.46	\$ 44.55		\$ 61,773.93
	Step 5	01/01/06	01/01/06	01/01/10	4.000	\$7,045.63	\$ 379.40	\$528.42	\$7,953.45	\$3,976.73	\$ 40.65	\$ 45.89		\$ 31,813.81
Wilson, D	Step 5	05/19/08	05/19/08	05/19/10	8.000	\$6,840.42	\$ 368.29	\$513.03	\$7,721.74	\$3,860.87	\$ 39.46	\$ 44.55		\$ 61,773.93
	Step 5	05/19/08	05/19/08	05/19/10	4.000	\$7,045.63	\$ 379.40	\$528.42	\$7,953.45	\$3,976.73	\$ 40.65	\$ 45.89		\$ 31,813.81
Ramos, J	Step 5	09/16/09	09/16/09	09/16/11	8.000	\$6,840.42	\$ 368.29	\$342.02	\$7,550.73	\$3,775.37	\$ 39.46	\$ 43.56		\$ 60,405.85
	Step 5	09/16/09	09/16/09	09/16/11	4.000	\$7,045.42	\$ 379.40	\$352.27	\$7,777.09	\$3,888.55	\$ 40.65	\$ 44.87		\$ 31,108.36
Wilkins, S	Step 4	09/17/12	09/17/12	09/17/15	2.500	\$6,478.27	\$ 348.79	\$323.91	\$7,150.97	\$3,575.49	\$ 37.37	\$ 41.26		\$ 17,877.43
	Step 5	09/17/12	09/17/12	09/17/16	5.500	\$6,840.42	\$ 368.29	\$342.02	\$7,550.73	\$3,775.37	\$ 39.46	\$ 43.56		\$ 41,529.02
	Step 5	09/17/12	09/17/12	09/17/16	4.000	\$7,045.42	\$ 379.40	\$352.27	\$7,777.09	\$3,888.55	\$ 40.65	\$ 44.87		\$ 31,108.36
Foley, T	Step 2	03/20/16	03/20/16	03/20/16	8.000	\$5,820.42	\$ 313.41	\$0.00	\$6,133.83	\$3,066.92	\$ 33.58	\$ 35.39		\$ 49,070.64
	Step 2	03/20/16	03/20/16	03/20/16	0.500	\$5,995.03	\$ 322.84	\$0.00	\$6,317.87	\$3,158.94	\$ 34.59	\$ 36.45		\$ 3,158.94
	Step 3	03/20/16	03/20/16	03/20/17	3.500	\$6,324.76	\$ 340.57	\$0.00	\$6,665.33	\$3,332.67	\$ 36.49	\$ 38.45		\$ 23,328.66
							\$ 41,232.87	\$ 45,556.84			\$ 4,000.00	\$ 1,001,563.63		

Total BasePay Minus Holiday, Incentive, & Longevity:

\$ 910,773.92

	Mo. Base	Holiday	Mo. Total	HrlyBase	HrlyTot		Mo. Base	Holiday	Mo. Total	HrlyBase	HrlyTot
Sergeants						Officers					
Step#1	7,039.61	379.03	7,418.64	40.61	42.80	Step#1	5,516.98	\$297.08	5,814.06	31.83	33.54
Step#2	7,321.19	394.24	7,715.43	42.24	44.51	Step#2	5,820.42	\$313.41	6,133.83	33.58	35.39
						Step#3	6,140.54	\$330.68	6,471.22	35.43	37.33
Step#3	7,540.83	406.00	7,946.83	43.50	45.85	Step#4	6,478.27	\$348.79	6,827.06	37.37	39.39
Step#4	7,842.47	422.33	8,264.80	45.25	47.68	Step#5	6,840.42	\$368.29	7,208.71	39.46	41.59
Master Sgts						Corporal					
Step#1	8077.74	434.93	8,512.67	46.60	49.11	Step #1	6977.23	\$375.67	7,352.90	40.25	42.42
Step #2	8320.07	448.00	8,768.07	48.00	50.59						

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FISCAL YEAR 2016/2017		
CODE 502	CLASSIFICATION:	Salary - Police
	2015/2016 Budget	\$980,434
	Cumulative as of	\$609,709
	2/29/2016	
ITEM		AMOUNT
Officers Base pay		\$922,919
Holiday pay		\$41,887
Longevity Pay		\$4,000
Incentive Pay		\$46,468
\$34,840	Total	\$1,015,274

FISCAL YEAR 2016/2017		
CODE 506	CLASSIFICATION:	Overtime
	2015/2016 Budget	\$60,000
	Cumulative as of 2/29/2016	\$57,180
ITEM		AMOUNT
Overtime For:	Cover Training	\$75,000
	Court Time	
	Sick/Vacation Coverage	
	Case Coverage	
	NOTE: Long term injury	
	replacement to minimum staffing	
\$15,000	Total	\$75,000

FISCAL YEAR 2016/2017		
CODE 518	CLASSIFICATION:	Safety Equipment
	2015/2016 Budget	\$3,250
	Cumulative as of	\$446
	2/29/2016	
ITEM		AMOUNT
Safety Equipment/Reimbursement	nt \$250 x 9	\$2,250
Carry Over Reimbursements -		\$0
(\$1,000)	TOTAL	\$2,250

146

FISCAL YEAR 2016/2017			
CODE 521A	CLASSIFICATION:	Medical Insurance - Active	
		Vision, Dental	
	2015/2016 Budget	\$149,956	
10 Officers			
	Cumulative as of	\$116,890	
	2/29/2016		
ITEM		AMOUNT	
Active P.E.R.S. Medical	Officers 3 @ \$1941 x 12	\$69,876	
	Officers 1 @ \$1789 x 12	\$21,468	
	Officers 2 @ \$1492 x 12	\$35,808	
	Officers 4 @ \$746 x 12	\$35,808	
	5% increase 01/17	\$4,074	
Active P.E.R.S Admin. Cost	0.34% of \$167,034	\$568	
Active Vision Care	\$31.52 x 10 employees x 12	\$3,782	
	0% rate increase Oct 2016	\$0	
Active Delta Dental	\$64.41 x 4 employees x 12	\$3,092	
	\$124.48 x 2 employees x 12	\$2,988	
	\$202.72 x 4 employees x 12	\$9,731	
	0% increase Oct 2016	\$0	
Total Active Premiums	\$187,194		\$187,194
	NOTE: Effective 01/01/17, each employee will contribute \$85/month		
Less Employee Contributions	10 x \$85 x 6 months = \$5,100	(\$5,100)	(\$5,100)
	Net Expense to District for Active Health		\$182,094
\$32,138		\$182,094	

FISCAL YEAR 2016/2017		
CODE 521T	CLASSIFICATION:	Medical Insurance - Trust Vision, Dental
	2015/2016 Budget	\$31,642
10 Officers		
9 Retirees/3 Widows	Cumulative as of	\$0
	2/29/2016	
ITEM		AMOUNT
CALPERS OPEB Funding	16/17 ARC \$180,624-\$166,398	\$14,226
Pending Updated Actuarial Report, for MOU	\$180,624	16/17 OPEB Cost
NOTE: Per Actuarial Report by Total Compensation adopted by the Board		
	Per Actuarial Study 1/29/16 for 7/01/15 raised by 4%	
Normal Cost	55,701	
Amortization of Initial UAAL	186,659	
Amort of Residual UAAL	(61,736)	
Current ARC	\$180,624	
	Additional Trust Funding to reflect a more conservative calculation.	\$50,000
\$32,584		\$64,226

FISCAL YEAR 2016/2017		
		P.E.R.S.
CODE 527	CLASSIFICATION:	P.E.R.S. - District
	2015/2016 Budget	\$387,421
Classic: 9 Officers		
PEPRA: 1 Officer	Cumulative as of	\$309,995
	2/29/2016	
ITEM		AMOUNT
Classic Salary: \$939,716 x 19.536%		\$183,583
Classic Uniform: \$6,400 x 19.536%		\$1,250
Flat CalPERS UAL - Classic Plan		\$221,069
	\$229,209 less \$8,140 discount	
PEPRA Salary: \$75,558 x 12.082% rate		\$9,129
Side Fund FY 17/18 Payoff	1 year early	\$94,273
	\$105,073 less \$10,800 discount	
\$121,883	TOTAL	\$509,304

FISCAL YEAR 2016/2017		
CODE 540	CLASSIFICATION: Advanced Industrial Disability	
	2015/2016 Budget	\$0
	Cumulative as of 2/29/2016	\$0
ITEM	AMOUNT	
Advanced Industrial Disability		\$0
\$0	TOTAL	\$0

FISCAL YEAR 2016/2017		
CODE 564	CLASSIFICATION:	Communications (Richmond Police)
	2015/2016 Budget	\$156,070
	Cumulative as of 2/29/2016	\$72,609
ITEM		AMOUNT
Communications-Dispatch Fees	City of Richmond-Outside Agencies	\$125,400
Allocated Share of New Server Purchase		\$15,000
Records Management	City of Richmond-Outside Agencies	\$6,900
EBRCS	\$40/mo x 19 radios x 12 months	\$9,120
\$350	TOTAL	\$156,420

161

FISCAL YEAR 2016/2017		
CODE 572	CLASSIFICATION: Recruiting	
	2015/2016 Budget	\$6,500
	Cumulative as of	\$4,291
	2/29/2016	
ITEM		AMOUNT
Medical	5 @ \$750	\$3,750
Psychological Assessment	5 @ \$550	\$2,750
Polygraph	5 @ \$300	\$1,500
Background Investigation	5 @ 1,500	\$7,500
	NOTE: Reserve Officer recruitment	
	in progress	
	One officer at	
	retirement age	
\$9,000	TOTAL	\$15,500

165

FISCAL YEAR 2016/2017		
CODE 574	CLASSIFICATION:	Reserve Officers
	2015/2016 Budget	\$4,050
	Cumulative as of 2/29/2016	\$175
ITEM		AMOUNT
Reserve Officers:	Training	
	Uniforms	
	Insurance Coverage	
	Safety Equipment	
	Total	\$3,750
Misc. Reserve Costs		\$300
\$0	TOTAL	\$4,050

166

FISCAL YEAR 2016/2017		
CODE 581	CLASSIFICATION: Bldg. Repair/Maint	
	2015/2016 Budget	\$5,000
	Cumulative as of 2/29/2016	\$4,603
ITEM		AMOUNT
Miscellaneous Repairs		\$5,000
	NOTE: Property room shelving and painting	
	Maintenance required by contract	
\$0	Total	\$5,000

FISCAL YEAR 2016/2017		
CODE 592	CLASSIFICATION:	Publications
	2015/2016 Budget	\$2,500
	Cumulative as of	\$2,580
	2/29/2016	
ITEM		AMOUNT
INCLUDES: Deering updates, Penal Codes, magazines, etc.		\$500
Legal Source Book		\$500
Department Policy - Lexipol		\$2,000
\$500	TOTAL	\$3,000

FISCAL YEAR 2016/2017		
CODE 594	CLASSIFICATION:	Comm. Policing
	2015/2016 Budget	\$4,000
	Cumulative as of	\$5,134
ITEM	2/29/2016	AMOUNT
National Night Out		\$500
Crime Prevention		\$500
Children's Interview Center	see G/L Acct #568	
Sand Bags		\$0
Website Maintenance		\$12,000
Community Outreach		\$1,000
\$10,000	Total	\$14,000

174

FISCAL YEAR 2016/2017		
CODE 596	CLASSIFICATION:	CAL-ID
	2015/2016 Budget	\$5,925
	Cumulative as of	\$5,508
	2/29/2016	
ITEM		AMOUNT
CAL-ID expenses		\$6,100
\$175	TOTAL	\$6,100

FISCAL YEAR 2016/2017		
CODE 623	CLASSIFICATION:	Social Security (7.65%) /District
	2015/2016 Budget	\$597
	Cumulative as of 2/29/2016	\$420
ITEM		AMOUNT
P&R Admin. \$8,042 x 7.65%		\$615
\$18	TOTAL	\$615

FISCAL YEAR 2016/2017		
CODE 642	CLASSIFICATION:	Community Center
		Utilities
	2015/2016 Budget	\$5,616
	Cumulative as of	\$3,501
	2/29/2016	
ITEM		AMOUNT
EBMUD Community Center	\$140 x 12	\$1,680
EBMUD Gore Lot	\$15 x 12	\$180
PG&E Community Center	\$235 avg. x 12	\$2,820
Telephone Community Center	\$78 avg. x 12	\$936
\$0	Total	\$5,616

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FISCAL YEAR 2016/2017		
CODE 646	CLASSIFICATION:	Community Center Repairs
	2015/2016 Budget	\$3,000
	Cumulative as of 2/29/2016	\$1,792
ITEM		AMOUNT
Misc Repairs		\$3,000
Fire Extinguishers	Four Extinguishers	\$1,500
Replace Locks Within Community Center		\$1,000
\$2,500	TOTAL	\$5,500

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FISCAL YEAR 2016/2017		
CODE 662	CLASSIFICATION:	Annex - Utilities
	2015/2016 Budget	\$0
	Cumulative as of	\$0
	2/29/2016	
ITEM		AMOUNT
Utilities		\$0
See G/L #642 for PG&E		
See G/L #672 for EBMUD - Water		
\$0	Total	\$0

FISCAL YEAR 2016/2017			
CODE 674	CLASSIFICATION	Park Construction Expense	
	2015/2016 Budget	\$5,000	
	Cumulative as of	\$0	
	2/29/2016		
ITEM			
Misc. Expenses		\$5,000	
	NOTE: Minor repairs of play		
	equipment, tennis courts, etc		
\$0	Total	\$5,000	

FISCAL YEAR 2016/2017		
CODE 678	CLASSIFICATION:	Misc. Park/Rec Expense
	2015/2016 Budget	\$1,000
	Cumulative as of	\$170
	2/29/2016	
ITEM		AMOUNT
Miscellaneous Projects / Eagle Scout		\$1,000
\$0	Total	\$1,000

FISCAL YEAR 2016/2017		
CODE 820	CLASSIFICATION:	Canon Copier Contract
	2015/2016 Budget	\$5,700
	Cumulative as of 2/29/2016	\$3,143
ITEM		AMOUNT
IMAGER NR 330S NQJ45065	Lease \$325 x 12	\$3,900
Overage Charges	\$150 x 12 average	\$1,800
Outside Reproduction		\$0
\$0	TOTAL	\$5,700

FISCAL YEAR 2016/2017		
CODE 830	CLASSIFICATION:	Legal
		(Dist./Personnel)
	2015/2016 Budget	\$99,530
	Cumulative as of	\$93,508
	2/29/2016	
ITEM		AMOUNT
Current legal contract with		
Renne Sloan Holtzman Sakai	Flat rate charge of \$5,000	
	for 20 hours of service per	
	month	\$60,000
Includes meeting prep and attendance, legal analysis, response to inquiries from General Manager (GM) or Board Member (BM), updates on legal developments and managing outside counsel		
	All hours after 20, billed	
	at \$295 per hour	
Labor negotiation costs	\$295 x 50 hours	\$14,750
One hour per month per BM	\$295 x 5 x 12	\$17,700
Two hours per month by GM	\$295 x 2 x 12	\$7,080
	NOTE: Subsequent to negotiations	
	with law firm	
\$0	Total	\$99,530

FISCAL YEAR 2016/2017		
CODE 860	CLASSIFICATION: Election	
	2015/2016 Budget	\$0
	Cumulative as of 2/29/2016	\$0
ITEM		AMOUNT
Directors (2), etc.		\$4,500
\$4,500	TOTAL	\$4,500

FISCAL YEAR 2016/2017		
CODE 865	CLASSIFICATION:	Police Bldg Lease
	2015/2016 Budget	\$1
	Cumulative as of	\$0
	2/29/2016	
ITEM		AMOUNT
Lease		\$1
Per new agreement with KFPD		
\$0	Total	\$1

1900

FISCAL YEAR 2016/2017		
CODE 898	CLASSIFICATION:	Miscellaneous Expenses - Board
	2015/2016 Budget	\$15,300
	Cumulative as of 2/29/2016	\$14,716
ITEM		AMOUNT
LAFCO		\$1,500
Service Pins		\$500
Seminars/Directors		\$4,000
CSDA/CCSDA Membership		\$5,700
Miscellaneous		\$1,000
Annual Conference		\$4,000
Governance Days		\$500
\$1,900	TOTAL	\$17,200

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FISCAL YEAR 2016/2017			
CODE 961	CLASSIFICATION:	Police Bldg. Improvements	
	2015/2016 Budget		\$0
	Cumulative as of		\$0
	2/29/2016		
ITEM		AMOUNT	
Final Year of Renovation Fees was 08/09			\$0
\$0	TOTAL		\$0

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FISCAL YEAR 2016/2017			
CODE 973	CLASSIFICATION	Park Construct.	Fund
	2015/2016 Budget		\$0
	Cumulative as of		\$0
	2/29/2016		
ITEM			
\$0	Total		\$0

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FISCAL YEAR 2016/2017		
CODE 978	CLASSIFICATION:	Park/Rec. Furniture & Equipment
Former 609		
	2015/2016 Budget	\$0
	Cumulative as of	\$0
	2/29/2016	
ITEM		AMOUNT
Audio/Visual Equipment (New Sound System)		\$21,000
\$21,000	TOTAL	\$21,000

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KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Date: June 22, 2016
TO: KPPCSD Board
FROM: Kevin E. Hart, Interim General Manager
Subject: **Item 8a-Resolution 2016-11 confirming levy for park assessment**

Every year, the Board needs to approve the resolutions prepared by NBS that initiate the process of collecting the park tax assessment pursuant to the Landscaping and Lighting Act of 1972 that established the Kensington Park Assessment District.

The first step of the process was the approval of Resolution 2016-05; the initiating of proceedings for the levy and collection of the assessments for the Kensington Park Assessment District for Fiscal Year 2016/2017. The Board approved this Resolution at its May 12, 2016 meeting.

The second step in the process was the approval of Resolution 2016-06; the approval of the Annual Report for the Kensington Park Assessment District for Fiscal Year 2016/2017. The Board approved this Resolution at its May 12, 2016 meeting.

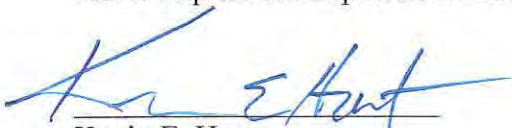
The third step of the process was the approval of Resolution 2016-07; the Board's declaring its intention to levy and collect assessments for the Kensington Park Assessment District for Fiscal Year 2016/2017 and set the public hearing for Thursday, May 14th, at 7:30 PM. Once Resolution 2016-07 was passed, it was published in the local paper at least 10 days prior the June 22nd, 2016 public meeting. Proof of publication is included within this report.

The total assessment to each dwelling unit is \$16.09, which is an increase from \$15.62 last year, with a total of 2,188 parcels to be assessed. The total balance to levy will be \$36,241.89. This revenue can only be used for maintenance of the "New Park."

The final step in the process will be the holding of the public meeting on June 22nd, 2016, and the approval of Resolution 2016-11.

General Manager Recommendation: Discuss the item, take public comment, and approve the Resolutions.

Fiscal Impact: Anticipated revenue received \$36,241.89. Included within preliminary budget.



Kevin E. Hart
Interim General Manager

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RESOLUTION NO. 2016-11

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT,
CONFIRMING THE ASSESSMENT AND ORDERING THE LEVY FOR
THE KENSINGTON PARK ASSESSMENT DISTRICT
FOR FISCAL YEAR 2016/17**

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, the Board of Directors previously completed its proceedings in accordance with and pursuant to the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500) (the "Act") to establish the Kensington Park Assessment District (the "Assessment District"); and

WHEREAS, the Board of Directors has retained NBS for the purpose of assisting with the annual levy of the Assessment District, and the preparation and filing of an Annual Report; and

WHEREAS, the Board of Directors has, by previous resolution, declared its intention to hold a Public Hearing concerning the levy and collection of assessments within the Assessment District; and

WHEREAS, a Public Hearing has been held and concluded and notice thereof was duly given in accordance with Section 22626 of the Act; and

WHEREAS, at the time and place specified in the Resolution of Intention the Board of Directors conducted such hearing and considered all objections to the assessment.

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

1. **Confirmation of Assessment and Diagram:** The Board of Directors hereby confirms the assessment and the diagram as is described in full detail in the Annual Report on file with the Secretary.
2. **Levy of Assessment:** Pursuant to Section 22631 of the Act, the adoption of this resolution shall constitute the levy of an assessment for the fiscal year commencing July 1, 2016 and ending June 30, 2017.
3. **Ordering of the Levy:** The Board of Directors hereby orders NBS to prepare and submit the levy of assessments to Contra Costa County for placement on the Fiscal Year 2016/17 secured property tax roll.

PASSED AND ADOPTED by the Board of Directors of the Kensington Police Protection and Community Services District on _____, the ____ day of _____, 2016, by the following vote to wit:

AYES:

Len Welsh, President

NOES:

Rachelle Sherris-Watt, Vice President

ABSENT:

Pat Gillette, Director

Chuck Toombs, Director

Vanessa Cordova, 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 _____, 2016.

District General Manager

West County Times

1050 Marina Way S
Richmond, CA 94804
(510) 262-2740

2010129

KENSINGTON POLICE DEPT.
217 ARLINGTON AVE
KENSINGTON, CA 94707-1401

PROOF OF PUBLICATION
FILE NO. Resolution 2016-07

In the matter of

West County Times

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter.

I am the Principal Legal Clerk of the West County Times, a newspaper of general circulation, printed and published at 2640 Shadelands Drive in the City of Walnut Creek, County of Contra Costa, 94598

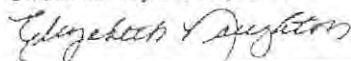
And which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Contra Costa, State of California, under the date of August 29, 1978. Case Number 188884.

The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

06/04/2016

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.
On this 6th day of June, 2016.



Signature

Legal No 0005747809

RESOLUTION NO. 2016-07

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE KENSINGTON PARK ASSESSMENT DISTRICT FOR FISCAL YEAR 2016/17

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, the Board of Directors previously completed its proceedings in accordance with and pursuant to the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500) (the "Act") to establish the Kensington Park Assessment District (the "Assessment District"); and

WHEREAS, the Board of Directors has retained NBS for the purpose of assisting with the annual levy of the Assessment District, and the preparation and filing of an Annual Report.

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

1.Intention: The Board of Directors hereby declares its intention to levy and collect assessments within the Assessment District to pay the costs of the Improvements for the fiscal year commencing July 1, 2016 and ending June 30, 2017. The Board of Directors finds that the public's best interest requires such action.

2.Improvements: The Improvements within the District include, but are not limited to: the operating, maintaining and servicing of all public landscaping improvements, consisting of landscaping and grass. Operating, maintaining and servicing include, but are not limited to: personnel, materials, electrical energy and water. Services provided include all necessary service, operations, administration and maintenance required to keep the Improvements in a healthy, vigorous, and satisfactory condition.

3.Assessment District Boundaries: The boundaries of the Assessment District are as shown by the assessment diagram filed in the offices of the Secretary, which map is made a part hereof by reference.

4.Annual Report: Reference is made to the Annual Report prepared by NBS, on file with the Secretary, for a full and detailed description of the Improvements, the boundaries of the Assessment District and the zones therein, and the proposed assessments upon assessable lots and parcels of land within the Assessment District.

5.Notice of Public Hearing: The Board of Directors hereby declares its intention to conduct a Public Hearing concerning the levy of assessments in accordance with Section 22629 of the Act. All objections to the assessment, if any, will be considered by the Board of Directors. The Public Hearing will be held on **Thursday, June 9, 2016 at 7:00 pm** or as soon thereafter as is feasible in the meeting place of the Board of Directors located at 59 Arlington Avenue, Kensington, CA. The Board of Directors further orders the Secretary to publish notice of this resolution in accordance with Section 22626 of the Act.

6.Increase of Assessment: The maximum assessment is not proposed to increase from the previous year above that previously approved by the property owners (as "increased assessment" is defined in Section 54954.6 of the Government Code).

PASSED AND ADOPTED by the Board of Directors of the Kensington Police Protection and Community Services District on Thursday, the 12th day of May, 2016, by the following vote to wit:

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AYES: 5 /s/Len Welsh, President

NOES: /s/Rachelle Sherris-Watt, Vice President

ABSENT: /s/Pat Gillette, Director
/s/Chuck Toombs, Director
/s/Vanessa Cordova, 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 Thursday, the 12th day of May, 2016.

/s/Kevin E. Hart
District General Manager

WCT 5747809 June 4, 2016