

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

A G E N D A

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District will be held **Thursday, March 12, 2015, at 6:00 P.M.**, at the Community Center, 59 Arlington Avenue, Kensington, California.

A Regular Meeting (Open Session) of the Board of Directors of the Kensington Police Protection and Community Services District will be held **Thursday, March 12, 2015, at 7:30 P.M.**, at the Community Center, 59 Arlington Avenue, Kensington, California.

Roll Call
Public Comments
Board Member/ Staff Comments

SPECIAL MEETING; CLOSED SESSION 6:00 P.M.

Pursuant to California Government Code Section 54956.9(a):

- a. Conference with Legal Counsel-Existing Litigation- Leonard Schwartzburd et al v. Kensington Police Protection & Community Services District (Case Number N12-1625).

Pursuant to California Government Code Section 54957(b)(1):

- a. Conference with Legal Counsel- Employee Personnel Matter.

Pursuant to California Government Code Section 54956.9(3)(C) & 54957(b)(1):

- a. Receipt of Claim Against the District in the amount of \$1,024.14 as a result of an Employee Personnel Matter.

The Board President will report out on actions taken in the Closed Session.

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

Roll Call
Public Comments
Board Member/ Staff Comments

APPROVAL OF CONSENT CALENDAR

- a) Minutes of the Special & Regular Meeting February 12, 2015, Page 3
- b) Minutes of the Special Meeting February 16, 2015, 8:00 PM, (Not Available)
- c) Minutes of the Special Meeting February 16, 2015, 9:30 AM, Page 18
- d) Unaudited Profit & Loss Report for February 2015, Page 20
- e) Five Year Budget Projection Report for February, Page 25
- f) Board Member Reports- None This Month
- g) Police Report February 2015, Page 34
- h) Training/ Reimbursement Report for February 2015, Page 44
- i) Correspondence in February, Page 46
- j) Recreational Report, Page 110
- k) Monthly Calendar, Page 111
- l) General Manager's February Report, Page 113

DISTRICT NEW BUSINESS

1. The Board will report out on the votes of individual board members taken at the 16 February Closed Session Board meeting to discontinue the Chief's contract.
2. The Board will receive an update on the formation of a committee to conduct a search for an Interim Chief of Police. Board Action.
3. The Board will receive an update on the formation of a committee to research and report back to the Board on possible alternatives to the current General Manager/ Chief of Police position and other issues related to District structure. Board Action.
4. The Board will consider the appointment of an expert to conduct a security and data policy/procedure review. Board Action. Page 116
5. Craig Fechter will present the Independent Auditor's Report for the Year Ended June 30, 2013. Board Action. Page 119
6. The Board will discuss and consider entering into the process of obtaining a District Transparency Certificate of Excellence from the CSDA Special District Leadership Foundation. Board Action. Page 152

ADJOURNMENT

General Information

Accessible Public Meetings

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

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

POSTED: Public Safety Building-Colusa Food-Library-Arlington Kiosk- and at
www.kensingtoncalifornia.org

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

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

Meeting Minutes for 2/12/15

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday, February 12, 2015, at 6:00 P.M., at the Community Center, 59 Arlington Avenue, Kensington, California. The Regular Meeting of the Board of Directors (BOD) of the Kensington Police Protection and Community Services District (KPPCSD) followed.

ATTENDEES

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Len Welsh, President	Kim Manolius, Hanson Bridgett
Pat Gillette, Vice President	Richard Muller
Chuck Toombs, Director	Mark Wijzen
Vanessa Cordova, Director	Simon Braufman
Rachelle Sherris-Watt, Director	Peter Conrad
	Romey Douglas
	Cath Delaney
	Ava Schuing
<u>Staff Members</u>	Garen Corbett
GM/COP Gregory Harman	Laura Chick
Stg. Kevin Hui	Steve Bates
Lynn Wolter, District Administrator	Leslie Reckler
	Donna Stanton
	David Bergen
	Barbara Steinburg
<u>Press</u>	Rob Furnin
Joel Koosed, Outlook	Jan Behrsin
Alan Wang, Chanel 7 News	John Lipscomb
	Rich Carlson
	Bill Stanton
	Deborah Lane
	A. Stevens Delk
	Ted Blanckenburg
	Bob Treppa
	Kevin Padian
	Deanna Coulis
	Mark Bell
	Sylvia Elsbury
	Mabry Benson
	Brian Echler
	John Stein
	Miki Tal
	Ciara Wood
	Sara Schroeder
	Chris Hall
	Don Morris
	Leonard Schwartzburd
	Gloria Morrison

Board President Welsh called the meeting to order at 6:07 PM and took roll call. President Welsh, Vice President Gillette, Director Toombs, Director Cordova, Director Sherris-Watt, General Manager/Chief of Police Harman, and District Administrator Wolter were present.

President Welsh said that the Board's Policy and Procedures Manual allowed a limit of five minutes per person during public comments and said that, should it prove necessary, he would impose the limit.

PUBLIC COMMENTS

Gloria Morrison asked if GM/COP Harman's performance would be discussed, under Item a, during the Closed Session and whether the discussion would encompass the events of May 2014. President Welsh responded that the Board would be discussing that time period.

Gloria Morrison also asked if, under Item b, there would be a discussion of suspension and the gathering of facts. President Welsh responded that it would mainly be a reporting session.

Gloria Morrison asked about the proposed MOU's language about violation of regulations or orders and asked if the loss of one's service weapon while off duty was a violation of any regulation or order. GM/COP Harman replied that answering this question would be too close to a personnel matter. President Welsh added that, whenever there is a personnel matter, investigations could sometimes take a long time.

Peter Conrad asked if General Manager/Chief of Police meant that the two positions were considered to be a single position for the purpose of the performance evaluation. President Welsh replied that it was a single position with multiple duties and that the performance review would be for single person with a set of duties; the Board would need to look at the whole.

Romey Douglas introduced herself as the former PTA president of Kensington School. She said it had been her pleasure to work with many of the police officers and that they had done honor to their badges; but Keith Barrow had not done honor to his badge, his fellow officers, or the community. She said she found it abhorrent that it had taken so long to find out about it and that nothing had been done. She added that, since officers come to the school and patrol hallways on a daily basis, she was concerned that someone of such low character would be held up as a role model for the children. She recommended that Sergeant Barrow be removed from the police force immediately.

CLOSED SESSION

The Board entered into Closed Session at 6:10 P.M., pursuant to California Government Code Section 54957b.

- a. The Board to discuss the General Manager/Chief of Police performance review.
- b. The General Manager/Chief of Police to discuss personnel appointment, employment, and evaluation of performance of District personnel.
- c. The Board to discuss the possible contract extension and terms of the extension of the General Manager/Chief of Police.

OPEN SESSION

The Board returned to Open Session at 7:45 P.M.

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

President Welsh reported that, during its Closed Session, the Board had discussed the General Manger/Chief of Police's performance and the history of the investigation everyone attending wanted hear about. He reported that no action had been taken on the item.

President Welsh reported that the Board had discussed the possible extension of the General Manger/Chief of Police contract and that the Board had taken no action on it. He said that the Board planned to have a Special Closed Meeting to determine what action to take on the Chief and that the meeting had been set for Monday, February 16, 2015, at 8:00 P.M. He said the public could come to that meeting and give comment prior to the Closed Session.

President Welsh began to read KPPCSD Policy and Procedures Manual Section 5030.43, "No oral presentation shall include charges or complaints against any District employee regardless of whether or not the employee is". Vice President Gillette interrupted him and suggested that he skip reading the rest of the policy.

President Welsh said he understood that many in attendance were upset about recent news and that no one in the room was more upset about it than he was. He said he was going to explain, to the extent the law allowed, how the process worked, what the restrictions were, and what the Board intended to do about the situation.

Vice President Gillette said she understood it was an emotionally charged moment for everyone. She said that the Board's legal counsel was present to help the Board and the community with the situation because, when it comes to dealing with police officers, there are very strict requirements of the law and many constraints about what can and can't be said. She also explained the various roles of everyone involved: the Board's role is to evaluate the Police Chief/General Manager, and the Police Chief/General Manager's role is to manage the police officers. She said that the Board has no say in discipline that's imposed on police officers. She said the Board couldn't change those decisions; rather, all the Board could do was evaluate how the Chief handled a particular situation. She said that, if the Board decided that the Chief did not handle things appropriately, the Board would decide what would be the appropriate action to take.

Vice President Gillette said that, when the initial report had come in, in May 2014, GM/COP Harman reported it to the Board at that time. Vice President Gillette said that, from that point on, the Board could not know about the investigation or about the discipline. She explained that the reason for that was that the Board ultimately could sit as the appellate Board if the officer appealed the discipline imposed by the Chief. Therefore, the Board couldn't hear about the investigation until after the officer involved had decided not to appeal the Chief's decision. She said that only then could the Board learn about the investigation and the discipline imposed. Vice President Gillette said that this was the first time the Board had heard about the discipline that had been imposed and that the Board's job was to evaluate whether it believed the Chief of Police had handled the situation the way he should have. She said that legal counsel was present to clarify things further, if necessary.

PUBLIC COMMENTS

Richard Muller wanted to know why there had been such extraordinary delay, saying that the Board had heard about this situation in May, and he wondered why the Board hadn't asked, in the following months, what was happening. He said nothing seemed to have come out about the situation until after a reporter had uncovered it. He said the Board couldn't hide behind legal reasons.

Mark Wijssen said that Reno had figured out what had gone on and questioned why the Board hadn't.

Simon Braufman said that it saddened him that it took an incident like this to get the community to come to a meeting. He asked the Chief if, because of the nine-month delay, the policeman in question's integrity – should he be called as a witness – could be lost because of this charge and with this incident being public knowledge. He also asked if this put the community in jeopardy because one potential witness had lost his credibility. He concluded by saying that the real issues were management and performance.

Peter Conrad asked the Board to explain why it was skipping the item in the Procedures Manual which would keep everyone from getting sued. He said it seemed to be something that was started on but not continued. He asked why this was.

President Welsh replied that there was a section, 5030.43, in the Policy and Procedures Manual. He then read the section: "No oral presentation shall include charges or complaints against any District employee, regardless of whether or not the employee is identified in the presentation by name or by another reference which tends to identify. All charges or complaints against employees shall be submitted to the Board of Directors under provisions contained in Policy #1030." He added that Policy #1030 was a procedure for submitting written complaint. He said there was a set of significant issues and that the Board wanted people to express themselves because they felt very strongly.

President Welsh also said that the Board went through the procedure that was legally provided for with respect to investigating a situation like the one before the Board. He said that no opportunity existed for the Board to cross-examine the officer about items that appeared in the press.

Cath Delaney, a Lake Drive resident, thanked the Board for its public service. She said she was the daughter of a police officer and therefore understood the tenet of a policeman's weapon. She said she was concerned about the police officer's weapon and that, as a mother, she was concerned that one of the officers had been involved with prostitution. She also said she wanted to address the inherent conflict of interest in the way the community was run. She said this might mean disbanding our police force and joining another police force so there would be more transparency and more accountability.

President Welsh asked those who wanted to speak to raise their hands so he could get a count. He asked people to hold their comments to five minutes.

Ava Schuing said she was concerned about leadership. She said she wanted to connect the police situation to the budget issue. She expressed concern that the police officer who was under investigation had been leading the negotiations for the police with the Board. She asked why the Board had allowed this to happen. She questioned why the Board was considering a four-year contract that guaranteed jobs and increases.

Garen Corbett said he didn't envy the Board's responsibilities and that he didn't appreciate the poor reputation being seen of Kensington in the media. He said that during his three years as a homeowner, he'd been saddened by the level of divisiveness. He said there was a general lack of oversight, the budgets were made up of very optimistic assumptions, there was a lack of long-term planning, and personnel management had been inadequate. He recommended that the role of GM and COP be separated. He said the GM had lost the community's confidence and that his handling of the Reno events had magnified that view. He said the GM/COP's contract should not be renewed. He concluded by saying the MOU should be delayed and that there should be a fresh look at the budget projections.

Laura Chick said she agreed with what the prior three speakers had said. She said she was a former elected official and that she had a reputation of being a fiscal watchdog. She said the events of the week had pulled her in. She said this wasn't about a particular officer; it was about a dysfunctional government. She said the confidence of too many people had been lost. She said the GM and COP functions should be separated.

Steve Bates said his family had been in Kensington since 1925 and that he had moved here in 1985. He said that problems had surfaced over that past ten to fifteen years. He said that in the past, as with GM/COP Bray, the GM/COP had had more of a professor-style; he sat behind a desk and wore a tweed jacket. He said the community did not need a separation of the job – just a different kind of person in the job who worked for the neighbors not for the police themselves. He said that did not mean the community shouldn't be good to its police officers. He reiterated that the GM/COP should be doing his best for the residents, not for contracts for his officers. He said he hoped things could be fixed because going to El Cerrito would not be the answer. He said El Cerrito was not in good financial shape and that El Cerrito's police spend most of their time in the "flats" – dealing with burglaries, stick-ups, etcetera, whereas Kensington's officers patrol

the hills. He said that El Cerrito borders Richmond and, therefore has a lot of issues. He said he doubted Kensington would receive good service from El Cerrito. He concluded by asking the Board to fix things.

Leslie Reckler, of Edwin Drive, thanked the Board for its service. She said she understood the privacy laws that surround employees, especially police; that some questions could only be asked in Closed Session; and that other questions could never be answered. She said that some questions probably could be answered publicly:

- Does the department have a functional internal affairs staff? Please identify that staff and the practices and procedures followed for an internal affairs investigation.
- What is the policy on suspension with pay during an investigation?
- Did the department obtain a public employer defense counsel to advise the investigator? If not, why not?
- Why did the Chief of Police not recuse himself and hire an outside investigator to expedite the process and remove the inherent conflict of interest between Chief investigating the union president during contract negotiations during an election season?
- Was Barrow, or any other officers, on a paid trip to Reno for training or some other event during the date range in question?
- Were public funds involved?
- Why was a Closed Session not called prior to tonight – the investigation was closed on January 12th?
- Please retain an outside investigator to perform an internal audit on the investigation in question to determine if there were delays related to the timing of the election and to determine whether appropriate disciplinary measures exist.
- If you don't engage an independent investigator, please explain your reasons for not doing so.

Ms. Reckler asked that these questions be answered prior to the next Board meeting and that, if questions can't be answered due to privacy reasons, it be so noted. She said that Officer Barrow must be removed from the force because he could not police effectively. She said that, because he was a police officer, he must walk on water. She said he broke the law. She concluded by saying that the Board should not approve any contracts with any officer or the Chief of Police until the events of May were better understood and that she looked forward to responses.

President Welsh responded that the questions were excellent and that the Board would do its best to answer them by the next meeting.

Donna Stanton said she found it appalling that this had not been brought out before the election.

David Bergen said he was a retired engineer who moved to Kensington in 1958. He said that many were aware of his thoughts by way of Next Door. He said that, because of the problems with the police department and the Board and the way they've been set up, the community should look at the El Cerrito option, noting the community had that relationship with the fire department. He also suggested that any actions with the MOU be tabled. He asked that Barrow and Harman be terminated legally. He said he had heard there had been a Board meeting on February 9th but had not been able to get any information about it.

President Welsh asked GM/COP Harman to respond to Mr. Bergen. GM/COP Harman said he had already responded to Mr. Bergen and let him know there had not been a Board meeting on February 9th.

Barbara Steinburg said she'd lived here since the early 1950s. She said one of the most important things for her had been that she'd felt safe and that she'd felt safe because of the police department. She said the service provided by the police department should not be lost in the midst of the incident. She said that, with respect to Officer Barrow, it would be a mistake to rush to judgment. She said the only thing perfect about any of us was hindsight. She said everyone had character flaws and that the situation should be re-evaluated. She concluded by saying she applauded the police department and by saying how safe she'd been because of the department.

Rob Furnin said he'd joined the 200-member Kensington Property Owners' Association three weeks earlier. He said he'd been asked to read the Property Owners' statement, which stated that the budget couldn't support the current MOU, but that the Property Owners' Association could support an MOU that fit within the District's means. He said there was a crisis of confidence due to the lack of professionalism and due to revelations about some members of the police force. He said the Property Owners' Association had commented extensively about the financial risks faced by Kensington because the budget could not support the proposed MOU throughout its entire term. He said the financial projections presented in November and January were flawed and made the MOU seem affordable only on paper. He said the MOU should contain language that would enable the agreement to be re-opened if, at any point, it became necessary for the District to dip into reserves to meet operating expenses. He said the credibility of the negotiations appeared to be undermined, given that a chief negotiator was under investigation during the negotiations. He asked:

- Why did the Board negotiate with someone under investigation?
- Why didn't the Board use a separate professional negotiator?

He said the MOU should not be passed now and that the District needed a professionally produced projection that could convincingly support the MOU, with a reopening clause.

Jan Behrsin said he'd lived in Kensington since 1974. He said that, on the District website under "Latest News", an announcement had been posted that summarized the investigation of the officer involved in the Reno incident and a description of the process.

He asked when each Director had been made aware of this press release.

- Director Cordova said she had learned about the press release from a print reporter who had called her on her cell phone the prior afternoon at approximately 3:30. She said she had been asked to provide comment on the press release and that she had responded, "What press release?"
- Vice President Gillette said she was checking her email because she had been the one who had sent the press release to the Board members as soon as it had been finalized.

Mr. Behrsin asked if all the Directors had been involved in drafting the press release. Vice President Gillette said that two directors and outside counsel had prepared the release. Mr. Behrsin asked why all directors hadn't been involved. President Welsh responded that would have violated the Brown Act. Mr. Behrsin asked how many directors had been involved in preparing the document. President Welsh replied that he, Vice President Gillette and outside counsel had prepared it.

President Welsh said he'd received a draft copy of the press release, which he had thought was in its final form; then had received a call from a San Jose Mercury News reporter who had been interested in the Board's February 12th meeting; and then had sent the press release to the reporter.

- Director Toombs said he had received the email the prior day, at 4:37 PM. He said he had no idea when it had been released to the press.
- Director Sherris-Watt said she had learned about it the prior day, at approximately 5:00 PM, when Thomas Peele had contacted her for comment.

Mr. Behrsin asked if Director Toombs had provided any input for the press release. Director Toombs replied, "No."

John Lipscomb said he had lived in Kensington as a young child and for much of his adult life. He said that the community's demographics hadn't changed much since his parents had moved to the community in the 1970s. He said he'd always considered Kensington to be a very safe place to live, especially considering the close proximity to Richmond, Oakland, and Berkeley. He said the hard work of the Board and the police force, which kept the community safe, contributed to the good quality of life. He said Kensington's low crime rates were a direct result of its police force, especially because of the efforts of Sergeant Keith Barrow and Chief Greg Harman. He said it was reflected in the latest FBI crime statistics that Kensington had very few violent crimes. He stated that criminals knew that, if they committed a crime in Kensington, they likely would be arrested by one of the community's officers. He said the most recent 2013 FBI violent crime statistics showed that Kensington was safer than Piedmont and Sausalito and quite a bit safer than El Cerrito and Berkeley. He said a lot of residents were concerned about the Reno incident that had been in the papers the prior few days. He said he didn't know if the news articles told the true story, or even the

whole story. He said it wasn't unheard of for newspapers to get things wrong or for authors to have corrupt agendas. He noted that Sergeant Barrow had served on the Kensington police force for many years and had served the community well. He said he couldn't think of anyone he'd rather respond to his mother's house, should there be a problem, unless it was Chief Harman. He said that, before the community rushed to judgment – based on a biased newspaper articles – or that people resign or be fired, the community should let the Board do its job the community had elected it to do: Conduct an independent investigation and find out the true facts and then make a decision. He stated that anything less would be a disservice to the community. He said the Board was competent had the best interests of Kensington residents at heart and that it would be a mistake to contract out police services if the community wanted to maintain a high level of safety. He concluded by thanking the Board for its service.

Rich Carlson said he had been a resident for 32 years and that as part of his past employment he had handled police disciplinary matters at the Alameda County Sheriff's Department for 18 years. He said the Board had a very difficult issue and that the Board could not be involved in the day-to-day discipline of officers; that was up to the Chief. He said he didn't know why the Chief had decided upon the discipline he had, but that was the Chief's decision. He said that, going forward, the Board had two big issues:

1. The discipline of officers. Mr. Carlson said that, through the District's law firm, the Board could come up with disciplinary procedures that the Board would expect to be fulfilled by those who worked for them.
2. With respect to the police contract, there was an inherent conflict of interest. He said the Board could have a peace officer as the General Manager negotiating with peace officers. He said a professional negotiator should handle the negotiations.

Mr. Carlson also said there was nothing the Board could do about Officer Barrow. He said he didn't think it would be a good idea to contract out for police service. He said that, for the 32 years he had lived in Kensington, the police department had been wonderful and that he was very please with the services. He cautioned that more situations such as the current one likely would occur again if the Board didn't have an organizational structure that would allow the Board to get timely information and to manage a situation. He said the Board needed to put in place a structure that would allow it to function more effectively.

Bill Stanton said that two separate people should perform the GM and COP functions. He said the Chief had been accused of covering up and inflating crime statistics – big time. He said there was a cover-up right now. He said the Board knew about the incident during the election but said nothing about it. He said the Board could not put through an MOU and said that, if the Board tried to put through an MOU, people were going to stop them. He said he was glad the Board had referred to the Policy and Procedures Manual because people had gone through it with the old Board and were told that the Manual was just a list of suggestions; it wasn't governed by it. He concluded by saying he was really angry.

Vice President Gillette said she wanted to answer Mr. Behrsin's question. She said she had finally found her email and that she had sent the email, which contained the press release, to the Board members at 4:36 PM the prior day.

Deborah Lane said she had lived in the community for about 20 years and that she was an architect. She said she had originally worked on the Community Center in 2010. She said she wasn't an expert in the matters before the Board that evening but that, originally, the meeting was supposed to be a finance committee meeting. Director Toombs replied that this was the Board's monthly regular meeting; the finance meeting had been at the end of January. Ms. Lane said she was concerned about, in addition to the police department, that the community had responsibility for a huge piece of property. She said the Community Center had not been kept up properly and, therefore, it probably would need to be torn down. She said there wasn't enough consideration for money being allocated to the park. She said there had been enough money to do the plan in 2010 and that, in the interim, money and time had been wasted.

A Stevens Delk said that Measure G had been about hiring an extra officer. She said an extra officer had been hired until two years later and that she didn't recall there having been a problem with crime during those two years. She noted that, in his November report, the General Manager said that the police department could save money by holding a position a position open. She said that records showed no

correlation between fewer officers and more overtime. She also noted that, according to Transparent California, a single officer had earned 35% of the District's total overtime and that this had increased his salary by 20%. She added that managing the District's overtime would help mitigate financial problems.

Ted Blanckenburg, of Ardmore Road, said it was heartening to see such a concerned citizenry present. He said he was sad and surprised at some of the rudeness that had been exhibited by the crowd when the Directors had come out of its Closed Session, noting there had been booing and hissing. He said he wanted to talk about his family's direct involvement with the police department. He said that one of his children had gone missing and that Chief Harman and Sergeant Barrow had organized a search party and found her. He said that she had been paralyzed but that, if they hadn't found her promptly, she would not have survived. He said Chief Harman and Sergeant Barrow had his full confidence. He said he had daughters who lived in the community and he had a wife and said he had no problem with them being policed by the officers on the force.

Bob Treppa, a 15-year resident, said he hadn't had any interaction with the police department. He thanked the Kensington Property Owners' Association for its letter. He said this was a pretty "cush" job for policemen because Kensington didn't have crime and wasn't Richmond, Berkeley, or Oakland. He likened the Kensington Police Department to the Oakland A's rookies, saying that kind of staff needed a really good coach.

Kevin Padian, a 25-year resident, said he'd never been involved with civic affairs because everything had seemed to be running fine until last year. He said that at that time he saw conflict he didn't understand. He said he had questions. He addressed President Welsh to confirm that the officer's discipline had been concluded. Mr. Padian asked what had been the disposition. President Welsh replied that the Board was not allowed to talk about it legally – the Board couldn't say what the discipline had been. President Welsh clarified that this was the law. Mr. Padian asked for confirmation that two Board members had been negotiating the MOU. President Welsh replied that was correct. Mr. Padian asked for confirmation that all three continuing Board members were attorneys. President Welsh responded that was correct. He asked whether the two members negotiating the contract had to vote yes on the agreement when it came before the full Board or risk a lawsuit for negotiating in bad faith. Vice President Gillette responded, no. Mr. Padian asked for clarification. Vice President Gillette said that the negotiators acted only on the direction of the full Board. She said the two Board members had no independent authority to make an offer, to accept an offer, or to do anything without coming back to talk to the full Board. She said the full Board had told the two negotiators what to offer, and the two came back to the full Board and reported what the response had been, and so it went, back and forth. She said that, until the Board approved the contract, there would be no agreement. Mr. Padian asked if there would be a risk of bad faith negotiating if the Board didn't approve the proposed agreement. Vice President Gillette replied, no, and said that the Board had confirmed this with legal counsel. Vice President Gillette said she didn't think the Board would approve a contract that the full Board didn't agree on. Director Cordova said she disagreed with that statement.

Deanna Coulis thanked the Kensington Property Owners' Association for sending out financial information and expressed concern about the Reno events and asked that the Board hold the Chief responsible for the actions of his employees.

Mark Bell, a 14-year resident of York Avenue, said he'd been a staunch supporter of the Board, the police force, and Chief Harman. He said he wasn't going to step away, the battle was on, and that what he had faith in was the process. He said he wanted truth, honesty, openness, and clarity. He thanked the Board for its hard work.

Sylvia Elsbury, a resident since 1998, asked for clarification about who wrote the press release. She said Director Sherris-Watt, and perhaps another Director, had learned about the release from the press. She asked if the President sent out press releases without informing other Directors and if the President might engage in other activities without the knowledge or participation of the other Directors.

President Welsh responded that it was frustrating for people to hear that Directors couldn't do or say this and couldn't do or say that because of the law. He said the Board had to operate under the Brown Act and

that this constraint meant, generally speaking, that when some sort of Board activity needed to occur that wouldn't be done in an Open or Closed Session, only two Board members could work on it or it would be a violation of the Brown Act. He said this was why all five Board members couldn't contribute to the press release.

Director Cordova addressed President Welsh and said that Directors at least deserved the courtesy of knowing that he was releasing a press release, even if other Directors didn't review it. She said that she and Director Sherris-Watt should have been informed before a reporter was informed.

President Welsh apologized, and Director Cordova thanked him.

Mabry Benson said that in 2011 the community had sent down to El Cerrito for a bid for services and that part of the bid said 10 officers would be stationed in Kensington all the time. She said this would be the same officers and service we had always had, and that the officers would not be spending their time on San Pablo Avenue.

Director Toombs responded that the Brown Taylor Report had been done in 2009. He said that, in that report, Brown Taylor had called for six officers that would be on patrol and that this would be a decrease from the current structure of nine officers and a Chief. President Welsh asked if there had been a projected savings. Director Toombs said that the only way to make contracting out cost-effective would be to cut back on the number of officers put on the street. He said the community would not have sergeants patrolling the way it currently had. He said there would be only six patrolmen and no Chief. It would be a cut in service from a ten-person force to six. President Welsh said this topic would need to be discussed at a later date.

Brian Echler, a Beloit Avenue resident, asked the Board and the Chief to understand that there had been a loss of trust and confidence. He urged the Board to do the right thing.

John Stein, a 32-year resident, said there had been a breach of the officer's privacy rights, strongly encouraged the Board to get to the bottom of the breach of these rights, and asked that this be done without delay. He said the community should support the investigation process, and that the investigation needed to be fair, objective, and thorough. He reminded everyone, including the press, that this was the United States of America, where there is rule of law. He said everyone should exercise personal restraint before prematurely coming to any conclusions. He said that, in this country – which included Kensington, all were innocent until proven guilty. He said it was unfortunate that a few residents had behaved like a lynch mob. He strongly encouraged the Board to pursue the matter with all due speed.

Miki Tal, a Kerr Avenue resident since 2008, said she was a former prosecutor and was now a criminal defense attorney. She said that defense would be entitled to know if an officer had been involved in moral turpitude and that likely would result in a person not being convicted of a crime. She said that, for its protection, the community had to ensure that officers were clean. She said the community could not have officers performing investigations if they'd been involved in moral turpitude and that Officer Barrow could not stay. She said that the Chief, who decided that the officer could stay and continue to investigate, was outrageous because during that time the community's safety and investigations had been compromised.

Ciara Wood said she had grown up in Kensington. She said this was not a lynch mob: this was the community showing an amazing amount of control. She said not to confuse expressions of outrage with being a mob.

Sarah Schroeder, a Colgate Avenue resident, said had lost complete trust in the officers. She asked the Board to fix the situation to better the community. She said she was shaking and upset.

Peter Conrad said people were not operating on allegations, exactly. He said there was a police report out in Reno that the community could probably get. He wondered if the Officers' Bill of Rights stretched out to Reno that would prevent the community from getting it. He said the officer went with fellow officers to the

police station to report what had happened so he could recover his gun. He said the suggesting that people were acting like a lynch mob without any knowledge of anything was not true.

Chris Hall, a 24-year Kensington resident, said that part of the problem was information – the community was not getting full disclosure. He said he understood there were laws. He asked why there was a group of Kensington officers in Reno. He asked if they'd gone up to aid the officer and if they'd all gone together.

President Welsh asked Chief Harman to respond to Mr. Hall's questions. Chief Harman explained that the police department had two patrol teams during the week: while one team was working the other team was off. He said that the team that went to Reno was not on District business, did not use District vehicles and did not use District gasoline. He said they were up there as a team, socially. He said they were on their days off, and two of the officers were with their wives.

A member of the audience asked why the officers had their guns. Chief Harman responded that officers carried their weapons while off duty because they were police officers all the time. He reiterated that officers were allowed to carry their weapons while off duty and said they were allowed to do so when in Nevada.

Chris Hall asked if the officers had been identified.

Chris Hall said that the Board had learned about the incident in May and that the community had elected two new Directors in November. Mr. Hall asked if newly elected members Cordova and Sherris-Watt had been informed about the incident and investigation in November. President Welsh said the new Directors probably should have been informed sooner but that the first time they had been informed had been this evening.

Simon Braufman referred to Chief Harman's earlier comment that police officers were police officers all the time and asked if they were police officers when they broke the law. He said prostitution was legal in Reno but only in specific places. He said that, if the police report was correct, the incident took place in a motel and that would have made it illegal. He asked if that wasn't dereliction of duty.

President Welsh said the Board couldn't comment on Mr. Braufman's remarks. Mr. Braufman asked why that was. President Welsh asked Kim Manolius, the District's legal counsel from Hanson Bridgett, to explain. Mr. Manoulis said the disciplinary nature of it made off-limits.

Chief Harman said the officer was never convicted of a crime. He was never charged with a crime.

A member of the audience asked how many lawyers were present among the Board and at the staff table and asked what Kim Manolius' hourly rate was. Chief Harman replied that the District's lawyer from Hanson Bridgett was at the staff table. Mr. Manolius said he believed the firm's blended rate was \$305 per hour.

Garen Corbett said he worked for the University of California and that he wished he wished he had such a good contracted rate. He said it could not continue that the new Directors were not receiving the same information as the incumbents.

Bill Stanton said that the microphones not working well fit into a cover-up. He said he'd had to use police and fire services quite a bit. He said the police took very little time to get to his place and that they arrived within minutes. He said he'd had a couple dozen 911 calls and that the fire department arrived before the police arrived. He said this indicated that we might not have such a bad situation if we merged with El Cerrito but he didn't really know about that. He said there appeared to be a cabal on the Board, with some Board members giving the shaft to other Board members. He said the Board and the Chief/General Manager were offering up a lot of lame excuses. He said it was obvious that the Board wasn't doing its best – there was a lot of politicking. He said none of the Board would have been elected if it had had the results of the Reno incident before the election. He corrected himself to say that two of the Directors probably would have been elected.

Director Cordova said good people and even good policy makers made mistakes. She said she had discussed matters with other Board members and felt confident that she and Director Sherri-Watt would be in the loop and that they could move on from that issue. She thanked people for their support.

Don Morris, a 31-year Kensington resident, said he'd seen a substantial change in the atmosphere in the last few years and that he probably wasn't the only one to notice it. He said he didn't think the service had changed or that the competence had changed, but that what he saw was conflict coming in and an assumption of bad faith. He said this was a different atmosphere than the community used to have. He said that, upon reading the newspaper article, he saw things that were contradictory. He asked for clarification about something claimed by the Property Owners' Association that the projected budget increase for one year was actually the projected increase for three years. He said that, if the increase was, in fact, for three years, the Property Owners' Association should have been more accurate.

Mr. Morris said that, in the past, some members of the community and some on the Board had made accusations of criminal misconduct to the County and that these had led to a County investigation, which found there had been no merit in those allegations. He said that being the case, those individuals were totally irresponsible because they ran up a lot of government expenditure with a Grand Jury. He said that, after that, they instigated legal proceedings, which ended up being thrown out. He said the people who took those actions were irresponsible.

Mr. Morris asked, when evaluating things, who among those involved in the public discourse had shown by their actions that they're consistently irresponsible. He said those who had made allegations and instigated a lawsuit then turned it around and said the Board was responsible for wasting money on legal expenses.

President Welsh confirmed that the Board had been sued twice: one was a demand for arbitration by the garbage company and then the Board also was sued by a group of citizens who claimed the Board had gone through a wrong process when approving the last contract for the Chief.

Mr. Morris asked for confirmation that there had been allegations made against the Chief. President Welsh confirmed that allegations had been made but had not been borne out – the Chief had been exonerated.

Mr. Morris said that, in 2012, he had had correspondence with the District's legal counsel, Kurt Franklin, and had asked why the Directors didn't have equal access to the Board's attorney. Mr. Franklin had written back saying that it had been practice, over a period of years, that only the president of the Board and the Chief of Police/General Manger had had access to the attorney. He suggested that the Board reconsider that.

Leonard Schwartzburd said the DA's letter, with regards to the charges that were brought, stated there was no evidence of criminal wrongdoing. *

STAFF COMMENTS

District Administrator Wolter said that, at the Finance Committee meeting, Karl Kruger had raised concerns about the compensated absences that appeared on the balance sheet of the draft audit reviewed at that meeting. She said that Mr. Kruger had compared the compensated absences amount reported in the 2012 audit to the amount reported in the 2013 draft audit, had said there had been a 20% increase, and that he had been concerned about this. District Administrator Wolter said that, based on Mr. Kruger's concern, she had reviewed the balance sheets from the audited financials going back to 2007. She said she had discovered that the compensated absences amount shown on the balance sheets fluctuated throughout that period. She reported that there had actually been a 17% increase in the compensated absences amount between FY 2012 and FY 2013 and that the amounts, in absolute dollars, fluctuated from a high of \$93,000 in 2007 to \$58,000 in 2009. She said that, when adjusted for inflation, the 2007 amount – as of June 30, 2007, which was a couple of months before GM/COP Harman was hired – would have equaled \$108,000 in 2013. She said this would have represented a 16% decline between FY 2007 and FY 2013.

*These are draft minutes. This statement was amended by the Board on 3/12/15, and the approved minutes are posted on the District website, under the dropdown menu "Approved Minutes."

CONSENT CALENDAR

MOTION: Vice President Gillette moved, and President Welsh seconded, to approve the Consent Calendar.

Motion passed 5 to 0.

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

President Welsh noted that the time was 9:43, close to 9:45. He said that, according to Board policy, Board meetings did not go beyond 10:00 unless there was a motion, passed by a 4 – 5 vote, to extend the meeting.

MOTION: Director Toombs moved, and Vice President Gillette seconded, that the meeting be extended until the Board was done with business.

Motion passed 5 to 0.

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

Mabry Benson said she thought the Board should place a time limit on the meeting. Director Toombs responded that the evening's business was so important that he didn't want there to be a time limit.

Director Cordova proposed an amendment to the motion.

MOTION: Director Cordova moved, and Director Sherris-Watt seconded, that the Board revisit extending the meeting at 10:30 PM.

Motion passed 4 to 1.

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

President Welsh said that, if needed, the Board would have another vote at 10:30 PM but that would require a majority vote, not a 4/5th vote. Director Cordova said it would be a 4/5th vote at 10:30. President Welsh responded that the Policy & Procedures Manual had only one provision for 4/5th vote and that was at 9:45 PM for the Board to extend meetings beyond 10:00 PM.

DISTRICT NEW BUSINESS

1. KPPCSD Directors Chuck Toombs and Pat Gillette presented, for approval, the Memorandum of Understanding between the KPPCSD and the Kensington Police Officers Association.

Vice President Gillette said that, in consideration of comments made that evening and in the interest of the community, the Board should delay consideration of the MOU until the next meeting.

Director Sherris-Watt said she was concerned that the negotiation process was irrevocably tainted. She said that the negotiations should begin again. She said she was concerned that the MOU, as proposed, might open Kensington to liabilities. She said she was concerned that the police officers had not been able to comment on the effect of the proposed agreement.

Vice President Gillette responded that the police officers elected who would represent them in negotiations. She said the officers chose Sergeant Barrow and Corporal Stegman to negotiate on their behalf. She said she didn't see where there could be a conflict of interest. Director Sherris-Watt asked if the officers had the right to revoke the vote on who negotiated for them.

GM/COP Harman said that Kensington Police Officers Association had approved the proposed agreement. He said that it was up to the Board whether or not it was going to move forward with it. Director Sherris-

Watt asked if the officers' approval had been unanimous. GM/COP Harman replied that he didn't know what the officers' vote had been.

Director Cordova asked if Director Sherris-Watt's concern was that an officer who had been under investigation had been negotiating a contract in which, directly or indirectly, the Chief of Police would be impacted and that this would cause the bargaining unit not to have confidence in the process. Director Sherris-Watt responded that this was her concern.

Director Cordova said it was unusual for management to sit within a bargaining unit. President Welsh responded that the GM/COP was not a member of the bargaining unit. GM/COP Harman responded that he was a dues paying member of the union for one reason: legal representation. He said he did not vote on the Police Officers Association's matters, and he did not attend their meetings. GM/COP Harman added that he had not negotiated the agreement. He said the Board had its two representatives and the police officers had their two representatives. He said his only input in the process had been to the Board as a staff person – providing financial and other information as negotiations continued.

Director Toombs clarified that five members of the Board had negotiated the contract. He said the Board had authorized every detail of what he and Vice President Gillette had taken to the officers. He said he and Vice President Gillette never decided anything without all five Directors having a full discussion in Closed Session. He said the current proposal had been presented in November, at which time it had been tabled until December. Then, it had been tabled until January and tabled again until that night's meeting.

GM/COP Harman clarified that the Police Officer's Association did not represent him – the proposed MOU had nothing to do with him. He said he had his own separate contract that he negotiated on his own.

**MOTION: Vice President Gillette moved, and Director Toombs seconded, that the Board delay consideration of the MOU until the next meeting.
Motion passed 5 to 0.**

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

Director Toombs said that, because Item 1 had been tabled, Items 2 and 3 were not relevant for discussion that evening.

4. General Manager/Chief of Police Harman presented for approval a contract proposal from IDA Structural Engineers for structural engineering services in connection with a seismic study of the Community Center for a fee of \$7,100.

GM/COP Harman read his memo about a seismic analysis. He reported that Lisa Caronna had recommended that two items be added to the analysis:

- Analysis for an essential facility
- Destructive analysis

Deborah Lane said the approach to the Community Center had been "overkill". She said that if the Community Center had to meet essential facility requirements, it would have to be torn down.

At this time, many attendees began to leave. Vice President Gillette thanked people for attending the meeting and for sharing their heartfelt comments.

Director Sherris-Watt said she was handing to District Administrator Wolter printouts of emails she had received so they could be included in the public record.

President Welsh said the Board was returning to Item 4, and he asked GM/COP Harman to brief the Board.

GM/COP Harman reported that, following Measure L – to remodel the Community Center – not passing, Lisa Caronna, a member of the Park Buildings Committee, had provided an explanation why a seismic study had not been done as part of the preliminary work, leading up to Measure L. In an email, Ms. Caronna had explained that a seismic study would have been premature at that time. She noted that the District had not wanted to spend money in advance of approval of the bond measure because the bond measure might not have passed. In that case, money that might have been spent in advance would have been wasted. For this reason, Rosemary Muller had not performed an in-depth structural analysis.

In her email, Ms. Caronna recommended that, at this juncture, the District should consider having a structural engineer perform an analysis and that she and Rosemary Muller recommended Stephen DeJesse of the structural firm IDA. GM/COP Harman said he had solicited a second bid from Stan Wu, but Mr. Wu had not provided one.

GM/COP Harman reiterated that the proposal from IDA was for \$7,100 but that it should be amended to include an essential facility analysis and destructive testing and that these two items would add \$4,480 to the \$7,100 thereby bringing the total to \$11,580.

Deborah Lane said the approach to the Community Center had been “overkill”. She said it was a small 4,000 square foot project. She said that if the Board wanted the building to become an essential facility it would need to tear down the building and that the \$2.5 million that had been proposed for the building had been too much for a 4,000 square foot building.

Director Toombs responded that \$480 was a reasonable investment to perform an essential facility analysis, whether or not the Board determined it would move forward with that in the future. Director Toombs also said that the Board needed to know what was inside the walls and that spending \$4,000 for destructive analysis was important to determine how much rebar was in the walls and to ascertain the quality of the concrete. He said that Mr. Watt had been pushing the Board for months to obtain a serious structural analysis and that the Community Center was a public building which therefore, needed to be safe.

Director Cordova said she objected to spending \$480 on an essential facility analysis. She asked if the new Park Building Committee had met yet. She recommended tabling the item until after the Park Building Committee had met. Director Toombs responded that this matter was urgent.

President Welsh said the Board needed to know what hazards existed in the Community Center.

Vice President Gillette expressed concern that there was only one bid and that she wasn't prepared to vote to spend more than \$10,000 based on one bid.

Jim Watt, a 46 year resident, said he had been pushing for quite some time and that it was time to make the building safe for the children. He said that, because of that, he had, at his own expense, had a structural engineer, Mr. Wallace, come to the Community Center. Mr. Watt said he had a full set of plans for the building and that they showed what was inside the walls. He said the structural engineer had looked at the set of plans and had said the building was in good shape. He said that the structural engineer had said he was going to provide a proposal prior to the night's meeting but had been unable to get to it. He said that structural engineer would provide the proposal the next day and the cost would be \$5,000 for the same scope of work described in the IDA proposal.

Vice President Gillette said she wanted more bids. She recommended that the Chief compile a longer list of experts and solicit more bids.

Peter Conrad said that, if the plans that Mr. Watt had provided sufficient detail about the walls, then \$4,000 wouldn't need to be spent.

GM/COP Harman said the District did not have a complete set of plans for the building and Rosemary Muller didn't, either. He said that the bid had been high because the District hadn't had the plans and that, with the plans, the cost should be lower.

Sherry Morrison, a new resident and a designer, asked if a needs assessment had been done. Director Toombs responded that a series of town hall meetings had been held, that more than three years had been spent on the process, and that the resulting Muller-Caufield report was posted on the District website. President Welsh added that the District just didn't have a structural analysis.

Director Cordova suggested performing an RFQ. Director Toombs responded that doing so would add \$5,000 to \$10,000 to the process and that this would be a lengthy process. Director Cordova said she worked in parks and open space and special districts, and that an RFQ would take two weeks.

Director Sherris-Watt noted that the Policy & Procedure Manual didn't have guidelines for obtaining bids. Director Toombs responded that the public contracts code was filled with requirements for public bids and that, therefore, this didn't need to be included in the Policy Manual. He said state law covered how the public bidding process occurred.

President Welsh suggested that the Park Buildings Committee take on this effort. Director Sherris-Watt asked if President Welsh had appointed all the Park Buildings Committee members. President Welsh responded that he had asked Peter Conrad, all the prior members of the committee, and welcomed anyone else who might be interested. Director Sherris-Watt said she would head the committee. President Welsh said he would assist.

MOTION: Director Cordova moved and Vice President Gillette seconded, that the Board continue the item until the convening of the Park Buildings Committee.
Motion passed 5 to 0.

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

5. General Manager/Chief of Police Greg Harman asked if any member of the board would like to be nominated to the CSDA Board of Directors, Bay Area Network, Seat A, for the remainder of the 2013-2015 term.

GM/COP Harman summarized the item and asked if any Directors were interested in serving. None were.

MOTION: Vice President Gillette moved, and Director Cordova seconded, that the meeting be adjourned.
Motion passed 5 to 0.

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

The meeting was adjourned at 10:25 P.M.

Len Welsh, President

Lynn Wolter, District Administrator

Meeting Minutes for 2/16/15

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Monday, February 16, 2015, at 9:30 P.M., at the Community Center, 59 Arlington Avenue, Kensington, California.

ATTENDEES

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Len Welsh, President	Kurt Franklin, Hanson Bridgett
Pat Gillette, Vice President	
Chuck Toombs, Director	
Vanessa Cordova, Director	
Rachelle Sherris-Watt, Director	
<u>Staff Members</u>	
GM/COP Gregory Harman	
Sgt. Hui (on duty)	
Lynn Wolter, District Administrator	
<u>Press</u>	
Joel Koosed, Outlook	

President Welsh called the meeting to order at 10:15 PM and took roll call. President Welsh, Vice President Gillette, Director Toombs, Director Cordova, Director Sherris-Watt, General Manager/Chief of Police Harman, and District Administrator Wolter were present.

President Welsh announced that the Board would be going into Closed Session to discuss the matter of David McDonald v. County of Marin et al. He asked if anyone had any public comments.

PUBLIC COMMENTS

None.

BOARD MEMBER COMMENTS

Director Toombs said that the action of the case that would be discussed happened in 2011 and so occurred well before, and was unrelated to, the Reno incident.

The Board entered into closed session at 10:20 to:

Confer with Legal Counsel about existing litigation (Subdivision (a) of Section 54956.9)

Name of Case: David McDonald v. County of Marin, West Contra Costa Narcotics Enforcement Team, Scott Barr, Anthony Souza, Keith Barrow, David Augustus, Jan Wyatt Lucha, David Asaki,

and Does 6 – 10, United States District Court, Northern District of California, Case No. VV 04154 VC.

The Board returned to Open Session at 10:31 PM.

President Welsh reported that the Board had received advice from Counsel and had taken no action.

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

Motion passed: 5 to 0

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

The meeting was adjourned at 10:32 P.M.

Len Welsh
KPPCSD Board President

Lynn Wolter
District Administrator

Memorandum

Kensington Police Department



To: KPPCSD Board of Directors

APPROVED YES NO

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

Date: Friday, March 06, 2015

FORWARDED TO:

Subject: Consent Calendar Item D- February 2015 Unaudited Profit & Loss Report

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

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

Additionally, beginning last month, the Five Year Budget Projections Report will be included in the Monthly Agenda packet, and will follow this report in the packet replacing the Park Revenue & Expense Report.

KPPCSD
Unaudited Profit & Loss Budget Performance
February 2015

	Feb 15	Budget	Jul '14 - Feb 15	YTD Budget	Annual Budget
Ordinary Income/Expense					
Income					
400 · Police Activities Re...					
401 · Levy Tax	0.00		1,449,462.05	1,413,620.00	1,413,620.00
402 · Special Tax-Police	0.00		681,690.00	680,000.00	680,000.00
403 · Misc Tax-Police	0.00		69.00		
404 · Measure G Suppl...	0.00		501,949.76	501,443.00	501,443.00
410 · Police Fees/Servi...	0.00		1,130.05	750.00	1,500.00
414 · POST Reimburse...	0.00		1,231.99		
415 · Grants-Police	11,947.03		57,169.70		
416 · Interest-Police	0.00		302.30	1,250.00	2,500.00
418 · Misc Police Income	2,302.50	1,500.00	16,459.05	12,000.00	18,000.00
419 · Supplemental W/...	2,149.28		10,746.40		
400 · Police Activities ...	0.00		20.00		
Total 400 · Police Activiti...	16,398.81	1,500.00	2,720,230.30	2,609,063.00	2,617,063.00
420 · Park/Rec Activities ...					
424 · Special Tax-L&L	0.00		34,334.92	33,000.00	33,000.00
427 · Community Cent...	100.00	1,000.00	32,550.50	22,000.00	30,000.00
436 · Interest-Park/Rec	0.00		0.00	50.00	100.00
438 · Misc Park/Rec Rev	0.00	50.00	122.00	300.00	500.00
Total 420 · Park/Rec Acti...	100.00	1,050.00	67,007.42	55,350.00	63,600.00
440 · District Activities R...					
448 · Franchise Fees	0.00		25,245.97	14,000.00	21,000.00
456 · Interest-District	0.00		0.00	175.00	350.00
458 · Misc District Rev...	0.00		407.00		
Total 440 · District Activi...	0.00		25,652.97	14,175.00	21,350.00
Total Income	16,498.81	2,550.00	2,812,890.69	2,678,588.00	2,702,013.00
Expense					
500 · Police Sal & Ben					
502 · Salary - Officers	77,944.15	81,748.58	651,712.37	653,988.68	980,983.00

KPPCSD

Unaudited Profit & Loss Budget Performance

February 2015

	Feb 15	Budget	Jul '14 - Feb 15	YTD Budget	Annual Budget
504 · Compensated Ab...	0.00	0.00	2,315.83	5,866.67	8,800.00
506 · Overtime	2,570.05	3,750.00	34,011.73	30,000.00	45,000.00
508 · Salary - Non-Sworn	7,382.71	6,825.00	40,345.27	54,600.00	81,900.00
516 · Uniform Allowance	666.60	666.66	5,332.80	5,333.28	8,000.00
518 · Safety Equipment	0.00		0.00	2,500.00	2,500.00
521-A · Medical/Vision/...	14,949.68	15,858.83	132,809.44	142,729.51	190,306.00
521-R · Medical/Vision/...	11,788.25	11,312.33	106,140.44	101,811.01	135,748.00
521-T · Medical/Vision/...	0.00		58,058.00	58,058.00	58,058.00
522 · Insurance - Police	745.00	436.67	3,631.00	3,493.32	5,240.00
523 · Social Security/M...	1,184.20	1,359.00	7,845.60	10,872.00	16,308.00
524 · Social Security - ...	495.15	423.17	2,779.09	3,385.32	5,078.00
527 · PERS - District P...	30,361.83	31,565.00	254,370.45	252,520.00	378,780.00
528 · PERS - Officers P...	7,074.99	7,417.33	59,134.19	59,338.68	89,008.00
530 · Workers Comp	0.00		28,479.00	30,000.00	50,000.00
Total 500 · Police Sal & B...	155,162.61	161,362.57	1,386,965.21	1,414,496.47	2,055,709.00
550 · Other Police Expen...					
552 · Expendable Polic...	0.00	125.00	4,139.78	1,000.00	1,500.00
553 · Range/Ammunition...	0.00	1,000.00	1,640.85	3,000.00	3,000.00
560 · Crossing Guard	-1,810.96	876.25	2,979.09	7,010.00	10,515.00
562 · Vehicle Operation	2,128.04	5,000.00	36,119.02	40,000.00	60,000.00
564 · Communications ...	25,811.87	13,005.83	69,883.23	104,046.68	156,070.00
566 · Radio Maintenance	181.69	1,812.50	20,740.47	14,500.00	21,750.00
568 · Prisoner/Case Ex...	1,972.89	450.00	7,829.27	3,600.00	5,400.00
570 · Training	1,470.00	833.33	7,805.00	6,666.68	10,000.00
572 · Recruiting	0.00	541.67	0.00	4,333.32	6,500.00
574 · Reserve Officers	0.00	337.50	2,026.19	2,700.00	4,050.00
576 · Misc. Dues, Meal...	150.00	261.67	2,485.00	2,093.32	3,140.00
580 · Utilities - Police	203.38	746.67	7,070.87	5,973.32	8,960.00
581 · Bldg Repairs/Mai...	0.00	83.33	900.95	666.68	1,000.00
582 · Expendable Offic...	129.15	500.00	3,653.28	4,000.00	6,000.00
588 · Telephone(+Rich....	530.59	742.00	5,305.97	5,936.00	8,904.00
590 · Housekeeping	473.12	333.33	2,926.53	2,666.68	4,000.00
592 · Publications	53.20	183.33	2,230.70	1,466.68	2,200.00

KPPCSD
Unaudited Profit & Loss Budget Performance
February 2015

	Feb 15	Budget	Jul '14 - Feb 15	YTD Budget	Annual Budget
594 · Community Polici...	155.90	166.67	8,453.32	1,333.32	2,000.00
596 · WEST-NET/CAL I...	0.00		13,655.00	13,925.00	13,925.00
599 · Police Taxes Ad...	0.00		2,537.11	2,475.00	3,300.00
Total 550 · Other Police ...	31,448.87	26,999.08	202,381.63	227,392.68	332,214.00
600 · Park/Rec Sal & Ben					
601 · Park & Rec Admi...	603.60	650.00	4,478.74	5,200.00	7,800.00
602 · Custodian	1,750.00	1,895.83	14,000.00	15,166.68	22,750.00
623 · Social Security/M...	0.00	49.75	0.00	398.00	597.00
Total 600 · Park/Rec Sal ...	2,353.60	2,595.58	18,478.74	20,764.68	31,147.00
635 · Park/Recreation Ex...					
640 · Community Cent...	439.59	468.00	3,518.80	3,744.00	5,616.00
642 · Utilities-Comm...	0.00	66.67	895.59	533.32	800.00
643 · Janitorial Supp...	0.00		2,725.84	3,000.00	3,000.00
Total 640 · Community ...	439.59	534.67	7,140.23	7,277.32	9,416.00
672 · Kensington Park ...	2,800.00		31,009.26	79,524.00	79,524.00
678 · Misc Park/Rec Ex...	0.00		170.00		
Total 635 · Park/Recreati...	3,239.59	534.67	38,319.49	86,801.32	88,940.00
800 · District Expenses					
810 · Computer Mainte...	0.00	2,024.00	16,118.00	16,192.00	24,288.00
820 · Cannon Copier C...	387.05	475.00	3,788.35	3,800.00	5,700.00
830 · Legal (District/Pe...	4,290.00	12,500.00	74,873.58	100,000.00	150,000.00
835 · Consulting	0.00	625.00	0.00	5,000.00	7,500.00
840 · Accounting	0.00	2,979.17	4,143.75	23,833.32	35,750.00
850 · Insurance	0.00		29,531.20	29,000.00	30,000.00
860 · Election	0.00		8,608.25	10,000.00	10,000.00
865 · Police Bldg. Lease	0.00		0.00	1.00	1.00
870 · County Expendit...	0.00		9,344.11	8,500.00	22,300.00
890 · Waste/Recycle	1,563.07	9,883.33	36,952.07	79,066.68	118,600.00
898 · Misc. Expenses	1,419.36	1,000.00	7,371.79	8,200.00	12,300.00

KPPCSD
Unaudited Profit & Loss Budget Performance
February 2015

	Feb 15	Budget	Jul '14 - Feb 15	YTD Budget	Annual Budget
Total 800 · District Expen...	7,659.48	29,486.50	190,731.10	283,593.00	416,439.00
950 · Capital Outlay					
962 · Patrol Cars	0.00		29,308.28		30,000.00
963 · Patrol Car Acces...	0.00		17,036.13		16,000.00
972 · Park Buildings I...	0.00		0.00		
Total 950 · Capital Outlay	0.00		46,344.41		46,000.00
Total Expense	199,864.15	220,978.40	1,883,220.58	2,033,048.15	2,970,449.00
Net Ordinary Income	-183,365.34	-218,428.40	929,670.11	645,539.85	-268,436.00
Other Income/Expense					
Other Expense					
700 · Bond Issue Expens...					
701 · Bond Proceeds	0.00		-175,583.24		
710 · Bond Admin.	408.72		9,233.31		
715 · Bond Interest Inc...	0.00		-116.82		
720 · Bond Principal	0.00		123,024.10		
730 · Bond Interest	0.00		20,606.66		
Total 700 · Bond Issue E...	408.72		-22,835.99		
Total Other Expense	408.72		-22,835.99		
Net Other Income	-408.72	0.00	22,835.99	0.00	0.00
Net Income	-183,774.06	-218,428.40	952,506.10	645,539.85	-268,436.00

25

Memorandum

Kensington Police Department

To: KPPCSD Board of Directors

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

Date: March 7, 2015

Subject: Consent Calendar Item #E- Five Year Budget Projection Report



APPROVED _____

NO

FORWARDED TO:

Attached to this memo is the Five Year Budget Projection Report as updated following the Finance Committee meeting held on January 29th. The costs associated with police officers' salaries and benefits have been verified accurate by our accountant, Debra Russell, on March 6th.

It is my intention to update this report every month, making adjustments during the year, so that every month you will be able to review the current changes in the budget and track the long term effects on the District's financial position.

Changes to the budget will be tracked in the footnotes of the report.

This report will follow the Unaudited Profit & Loss Report in the agenda packet.

This report also replaces the monthly Park Revenue & Expense Report that use to follow the Unaudited Profit & Loss Report in the agenda packet.

Kensington Police Protection Community Services District
 Five (5) Year Budget Projection with New KPOA MOU March 7, 2015

Revenue	Budg 14/15	YTD 14/15	Proj 14/15	15/16	16/17	17/18	18/19	19/20
Budget Year	1,401,120	1,449,462	1,448,659	1,477,632	1,507,185	1,537,329	1,568,075	1,599,437
401 Property Tax	12,500	0	12,500	13,000	13,000	13,000	13,000	13,000
Homeowner Tax	680,000	681,690	681,690	681,690	681,690	681,690	681,690	681,690
402 Police Tax	501,443	501,950	501,950	514,499	527,361	540,545	554,059	567,910
404 Measure G	1,500	1,130	1,500	1,500	1,500	1,500	1,500	1,500
410 Police Fees/Service	100,000	57,170	100,000	100,000	100,000	100,000	100,000	100,000
415 COPS Grant	2,500	907	1,800	1,800	1,800	1,800	1,800	1,800
416 Police Interest	18,000	16,459	20,000	20,500	21,000	21,500	22,000	22,500
418 Other Police Rev	0	10,746	42,000	0	0	0	0	0
419 Workers Comp Reim	33,000	34,335	34,335	35,193	36,073	36,975	37,899	38,847
424 Park O&M Assessment	30,000	32,550	32,000	32,000	32,000	32,000	32,000	32,000
427 Community Center Rev	500	122	250	250	250	158,000	250	250
438 Other Park & Rec Rev	21,000	25,246	25,250	50,000	51,500	53,000	54,500	56,000
448 Franchise Fess	0	0	25,000	25,000	25,000	0	0	0
458 WCCSD Reimbursement	0	0	36,000	0	0	0	0	0
459 NCCCTF Salary Remiburs								
Total Revenue	2,801,563	2,811,767	2,962,934	2,953,064	2,998,359	3,177,339	3,066,773	3,114,934
Expenses	Budg 14/15	YTD 14/15	Proj 14/15	15/16	16/17	17/18	18/19	19/20
502 Police Salary	980,983	651,712	1,017,142	1,055,936	1,100,813	1,147,598	1,147,598	1,147,598
504 Vacation/ Comp	8,800	2,316	5,000	9,130	9,518	9,923	9,923	9,923
506 Overtime	45,000	34,012	45,000	45,000	45,000	45,000	45,000	45,000
516 Uniform Allowance	8,000	5,333	8,000	8,000	8,000	8,000	8,000	8,000
518 Safety Equipment	2,500	0	2,500	2,500	2,500	2,500	2,500	2,500
521F Medical-Active	190,306	132,809	181,312	199,821	209,812	220,303	231,318	242,884
521F Medical-Retired	135,748	106,140	135,748	142,536	149,663	157,146	165,003	173,253
521F Medical-Trust	58,058	58,058	58,058	50,000	50,000	50,000	50,000	50,000
522 Disability& Life Ins	5,240	3,631	5,240	5,502	5,777	6,066	6,369	6,688
523 Medicare 1.45% District	16,308	7,846	16,832	17,225	17,777	18,352	18,352	18,352
527 PERS District Portion	378,780	254,370	392,851	400,344	445,238	446,019	391,145	397,021
528 PERS Officers Portion	89,008	59,134	83,914	31,741	0	0	0	0
Sub-Total Police Sal&Ber	1,918,731	1,315,361	1,951,597	1,967,735	2,044,098	2,110,907	2,075,208	2,101,219

**Kensington Police Protection Community Services District
Five (5) Year Budget Projection with New KPOA MOU March 7, 2015**

F/N # Footnotes

- 401 Property Tax revenue increased by 2% each year following 9% increase 2014/15
- 402 There is no CPI built in to this tax
- 404 Measure G revenue increased by a CPI of 2.5% each year/ Increases (Up to CPI) are set by Board each year
- 410 Fees charged for reports and vehicle releases
- 415 COPS grant funding cannot be included in yearly budgets
- 416 Interest earned in LAIF
- 418 Revenue received from traffic/ parking enforcement with a CPI increase of 2.5%
- 419 Workers Comp reimbursement occurs only when officer(s) injured on duty
- 424 Revenue increased by CPI of 2.5%
- 427 Revenue will drop during remodel year but increase once rental fees are increase so estimates should balance out
- 438 If \$241,500 is used for Center remodel in 2017, then \$158,000 can be received from EBRPD Measure WW Grant
- 448 Franchise fee increase to 7% but 3% to County/ Contract calls for minimum 3% (to CPI of 5%) increase in BV fees
- 458 West Contra Costa Co Unified School District Grant Contract to 2017/ Unknown if it will continue
- 459 No Ca Comptuer Crimes Task Force reimbursement for 1/2 Sgt. Hui's salary second 1/2 FY

- 502 **If new MOU signed, retro 3.75% increase in salary back to Jan 1/Costs do not include any increases for COP**
- 504 Cash outs lower than expected/ 4% increase per year estimated
- 506 Overtime should be at budget projections/ Can control some OT costs
- 516 As per MOU
- 518 As per MOU
- 521/ Active medical costs 5% lower than budgeted/ 10% increase thereafter
- 521F Adjusted per accountant at Finance meeting
- 521T ARC \$193,906-\$143,728= new 521T of \$50,178
- 522 As per MOU
- 523 Salary x 1.45%
- 527 PERS moves to new costs schedule
- 528 With new MOU, officer's portion 9% still paid by District for 9 months, then officer's pick up 3% in 2015

**Kensington Police Protection Community Services District
Five (5) Year Budget Projection with New KPOA MOU March 7, 2015**

Budget Year	Budg 14/15	YTD 14/15	Proj 14/15	15/16	16/17	17/18	18/19	19/20
508 Salary Non-Sworn	81,900	40,345	70,400	81,900	81,900	81,900	81,900	81,900
524 Soc Sec 6.2% Non-Swo Di	5,078	2,284	4,365	5,078	5,078	5,078	5,078	5,078
601 Salary Park & Rec	7,800	4,479	7,460	7,800	7,800	7,800	7,800	7,800
602 Custodian	22,750	14,000	22,750	22,750	22,750	22,750	22,750	22,750
623 Soc Sec 7.65% District	597	0	597	597	597	597	597	597
Sub-Toatal Non-Sworn	118,125	61,108	105,572	118,125	118,125	118,125	118,125	118,125
530 Workers Comp Ins	50,000	28,479	38,000	41,245	42,482	43,757	45,070	46,422
Total Salary & Benefits	2,086,856	1,404,948	2,095,169	2,127,105	2,204,705	2,272,789	2,238,403	2,265,766
Other District Expenses								
Police Expenses								
552 Expendable Police Sup	1,500	4,140	4,259	1,500	1,500	1,500	1,500	1,500
553 Range/ Ammunition	3,000	1,641	3,000	3,000	3,000	3,000	3,000	3,000
560 Crossing Guard	10,515	2,979	10,515	10,830	11,155	11,490	11,835	12,190
562 Vehicle Operation	60,000	36,119	55,000	60,000	60,000	60,000	60,000	60,000
564 Communications (RPD)	156,070	69,883	156,070	167,356	179,658	193,067	207,683	223,614
566 Radio Maintenance	21,750	20,740	21,750	21,750	21,750	21,750	21,750	21,750
568 Prisoner/Case Exp/Book	5,400	7,829	6,800	5,400	5,400	5,400	5,400	5,400
570 Training	10,000	7,805	10,000	10,000	10,000	10,000	10,000	10,000
572 Recruiting	6,500	0	2,850	6,500	6,500	6,500	6,500	6,500
574 Reserve Officers	4,050	2,026	3,500	4,000	4,000	4,000	4,000	4,000
576 Misc Meals & Travel	3,140	2,485	3,140	3,140	3,140	3,140	3,140	3,140
580 Utilities Police	8,960	7,071	9,800	9,800	9,800	9,800	9,800	9,800
581 Bldg Repairs/Mainten	1,000	901	901	1,000	1,000	1,000	1,000	1,000
582 Expendable Office Sup	6,000	3,653	6,000	6,000	6,000	6,000	6,000	6,000
588 Telephone	8,904	5,306	8,904	9,171	9,446	9,730	10,022	10,322
590 Housekeeping	4,000	2,927	4,000	4,000	4,000	4,000	4,000	4,000
592 Publications	2,200	2,231	2,550	2,500	2,500	2,500	2,500	2,500
594 Community Policing	2,000	8,453	8,745	2,200	2,200	2,200	2,200	2,200
596 WestNet/ CAL ID	13,925	13,655	13,655	13,938	14,235	14,422	14,743	15,080
599 Police Tax Admin	3,300	2,537	3,300	3,300	3,300	3,300	3,300	3,300
Total Police Expenses	332,214	202,381	334,739	340,519	349,032	357,758	366,702	375,870

**Kensington Police Protection Community Services District
Five (5) Year Budget Projection with New KPOA MOU March 7, 2015**

F/N

- 508 Budgeted salary adjustment did not occur until Jan 2015/ With salary adjustment, should be no increases next 5 yrs
- 524 Salary x 7.65%
- 601 Budgeted salary adjustment did not occur until Jan 2015
- 602 As budgeted under contract
- 623 Salary x 7.65% (May be picked up in #524)

- 530 SDRMA est annual discounted fee of \$41,245 less \$3,273 discounts= \$37,972 (Could have year end adjustments)
- 530 Increased at 3% CPI with no discount taken

- 552 Over budget \$830 flashlights & \$500 safety vests (Received \$1,000 grant to reimburse), \$1,800 radar -1 time purchase
- 553 Range fee \$250 x4, ammo \$2,000 a year for qualifying
- 560 Past increases have ranged between 2.5% and 4.5%/ Used 3% for budget/ This expense reimbursed by WCCUSD 3yr
- 562 Budgeted 7,000 gal at \$4.30 before gas prices went down to \$3.50
- 564 Contract with RPD expired 6/2014/ Past contracts called for 10% projected increases but have been at 9% (\$125,400)
- 566 Current lease contract w/Motorola expires 2016, expense could change depending on action taken
- 568 \$3,250 fee for lab work for sexual assault case
- 570 \$5,000 reimbursement per MOU/ \$5,000 for training (Some reimbursements by POST when available)
- 572 Expect to complete process for 1 reserve this fiscal year/ budget for 2 each year
- 574 Expect to complete process for 1 reserve this fiscal year/ budget for 2 each year
- 576 Association dues and CPOA per MOU
- 580 Budgeted for \$747 average/ YTD \$816 average
- 581 \$625 1 time expense for garbage disposal
- 582 Can control costs of this item
- 588 Adjusted 3% CPI each year
- 590 Custodial contract \$2,520/ all other costs controllable
- 592 Lexipol \$1,950 year/ \$600 Co Co Times
- 594 \$7,500 for website re-design
- 596 WestNET contract \$8,000 (WestNET may dissolve July 2015)/ CALID increases 5% each year
- 599 Contract w/NBS

Kensington Police Protection Community Services District

Five (5) Year Budget Projection with New KPOA MOU March 7, 2015

Budget Year	Budg 14/15	YTD 14/15	Proj 14/15	15/16	16/17	17/18	18/19	19/20
Park & Rec								
642 Community Center Utiliti	5,616	3,518	5,616	5,784	5,958	6,137	6,321	6,510
643 Janitorial Supplies	800	896	896	922	951	979	1,008	1,038
646 Com Center Repairs	3,000	2,726	3,000	3,000	3,000	3,000	3,000	3,000
662 Annex Utilities	0	0	0	0	0	0	0	0
668 Annex Repairs	0	0	0	0	0	0	0	0
668 Misc Annex Exp	0	0	0	0	0	0	0	0
670 Gardening Supplies	0	0	0	0	0	0	0	0
672 Kens Park O&M	79,524	31,009	79,524	81,910	84,367	86,898	89,505	92,190
674 Park Construct Exp	0	0	0	0	0	0	0	0
678 Misc Park Exp	0	170	170	170	170	170	170	170
Total Park & Rec Exps	88,940	38,319	89,206	91,786	94,446	97,184	100,004	102,908
District Administration								
810 Computer Maintenance	24,288	16,118	24,288	25,017	25,767	26,540	27,336	28,156
820 Copier Expenses	5,700	3,788	5,700	5,871	6,047	6,229	6,415	6,608
830 Legal District/Personnel	150,000	74,874	150,000	125,000	150,000	125,000	125,000	125,000
835 Consulting	7,500	0	0	3,000	0	3,000	0	3,000
840 Accounting	35,750	4,144	35,750	36,823	37,927	39,065	40,237	41,444
850 Insurance	30,000	29,531	29,531	30,417	31,329	32,269	33,237	34,234
860 Election Expenses	10,000	8,608	8,608	0	9,000	0	10,000	0
865 Public Safety Build Lease	1	1	1	1	1	35,000	36,050	37,132
870 County Expenditures	22,300	9,344	22,300	22,969	23,658	24,368	25,098	25,852
890 Waste/Recycle	118,600	36,952	36,889	25,000	1,000	1,000	1,000	1,000
898 Misc District Expenses	12,300	7,372	9,370	11,500	11,500	11,500	11,500	11,500
Total District Expenses	416,439	190,732	322,437	285,598	296,229	303,971	315,873	313,926
Sub-Total	2,924,449	1,836,380	2,841,551	2,845,008	2,944,412	3,031,702	3,020,982	3,058,470
Capital Exp	0							
Patrol Vehicle	46,000	46,344	46,344	46,000	46,000	399,500	46,000	
Community Center Remo	0	0	7,100					
Total Exp	2,970,449	1,882,724	2,894,995	2,845,008	2,990,412	3,431,202	3,066,982	3,058,470

Kensington Police Protection Community Services District
Five (5) Year Budget Projection with New KPOA MOU March 7, 2015

F/N

- 642 Increase CPI of 3%
- 643 Increase CPI of 3%
- 646 With remodel in 2017, costs of repairs should decrease
- 662 Note: Annez utilities may be currently expensed to 672
- 668
- 668
- 670
- 672 Increase CPI of 3%
- 674
- 678 Membership CA Park & Rec Soc

- 810 Increase CPI of 3%
- 820
- 830 Legal costs should decrease when Writ litigation is completed/ Increase in 16/17 for Center remodel prep
- 835 Note: Website design was expensed to 594/ CERBT Actuarial Report due every 2 years
- 840 Increase CPI of 3%
- 850 Increase CPI of 3%
- 860 KPPCSD Board elections every 2 years
- 865 3 Yr agreement for no rent w/KFPD/ Future cost est with CPI increase of 3%
- 870 Increase CPI of 3%
- 890 Below budget due to new contract w/No chg public cans/ No RFP/ Est \$25,000 legal fees for new contract w/County
- 898 LAFCO \$1,200/Sem Directors \$2,000/CSDA-CCSDA Mem \$5,300/CSDA Confer \$3,000/ Gov Days \$500 cancelled

- Patrol vehicle \$29,308 with \$500 discount plus \$17,036 equipment
- Engineer's Structural Analysis was not budgeted for in 14/15 Budget/ Could be expensed to Building Reserve Acct
- \$399,500 could be expensed for Community Center Remodel as Capital Improvement and removed from Operational Bl

Kensington Police Protection Community Services District
Five (5) Year Budget Projection with New KPOA MOU March 7, 2015

F/N

No increases in COP salary in calculations
FY14/15 \$81,000 saved as result of no RFP for garbage service/\$11,500 saved in 508/ \$36,000 saved in 502 (NCCCTF)/
\$42,000 Workers Comp reimbursement not budgeted/expected
FY15/16 Franchise fees double from 2% to 4%/
No vehicle purchases FY15/16, 17/18, 19/20 saving \$46,000 each year
FY17/18 shortfall due to Center remodel at \$241,500+\$158,000 WW Grant= \$399,500/ 527 PERS contribution at peak

Kensington Police Protection Community Services District
 Five (5) Year Budget Projection with New KPOA MOU March 7, 2015

Budget Year	Budg 14/15	YTD 14/15	Proj 14/15	15/16	16/17	17/18	18/19	19/20
Total Projected Rev	2,801,563	2,811,767	2,962,934	2,953,064	2,998,359	3,177,339	3,066,773	3,114,934
Total Exp	-2,970,449	-1,882,724	-2,894,995	-2,845,008	-2,990,412	-3,431,202	-3,066,982	-3,058,470
Proj Surplus-Shortfall	-168,886	929,043	67,939	108,056	7,947	-253,863	-209	56,464
Beg Cash Reserves	1,383,764		1,383,764	1,451,703	1,559,759	1,567,706	1,313,843	1,313,634
Proj Surplus-Shortfall	-168,886		67,939	108,056	7,947	-253,863	-209	56,464
Ending Cash Reserves	1,214,878		1,451,703	1,559,759	1,567,706	1,313,843	1,313,634	1,370,098

February 2015 Police Department Report

March 6, 2015

- Department Personnel
 - We are fully staffed at 10 sworn positions with three reserve officers, however, we now have an officer off on a work related injury.
 - We are continuing the background process for a fourth reserve officer candidate.
- Commendations and Correspondence
 - On February 9th, Officer Wilson received a thank you e-mail from Barbara Long for his assistance in investigating her case.
- Investigation of Alleged Misconduct
 - Citizen's Complaint CI #2014-03 was initiated on May 12th on an allegation that an officer failed to perform his duty and that another allowed this failure to occur and had used a despairing remark in describing the community. This investigation is being conducted by Sergeant Hui.
 - Department Investigation DI #2014-04 was initiated on May 23rd on an allegation that an officer engaged in conduct unbecoming an officer while off duty. This investigation has been sustained by Chief Harman and disciplinary action implemented
 - Citizen's Complaint CI #2014-06 was initiated on October 31st on an allegation that a police officer was rude during a traffic stop. This investigation is being conducted by Sergeant Hui.
- 9-1-1 / Richmond Communication Center Information.
 - The Ring Time Report for February identified 50 total 911 calls with 2 having ring times over 20 seconds. The average ring time for February was 7 seconds.

- Community Networking
 - On Tuesday, February 2nd, Chief Harman attended the Regional Police Chief's meeting in Berkeley.
 - On Wednesday, February 4th, Chief Harman attended the West County Police Chief's Association meeting in Hercules.
- Community Criminal Activity
 - This section of the Watch Commanders Reports are prepared by Corporal Stegman for Team One, Sergeant Hui for Team Two, and Sergeant Barrow for Investigations.
- Watch Commander Reports
 - **Corporal Stegman Team 1**

**February 2015:
Team 1 Statistics**

Officer:	Ramos K41 (0600 - 1800)	(Vacant)	Wilson (1800- 0600)
Days Worked	14	-	15
Traffic Stops	8	-	1
Moving Citations	3	-	0
Parking Citations	1	-	2
Vacation			
Security Checks	10	-	14
Field Interviews	0	-	0
Traffic Collision			
Reports	4	-	0
Cases	6	-	3
Arrests	1	-	0
Calls for Service	67	-	36

BRIEFING/TRAINING:

- Reviewed updated firearm violations cheat sheet
- Mopeds or motorized bicycles rules to operate

SIGNIFICANT EVENTS:

- 2015-0526— On 2/3/15, Officer Ramos responded to a report of criminal threats on the 200 blk of Arlington Ave. The suspect was arrested.
- 2015-0528— On 2/4/15, Officer Ramos responded to a hit and run on the 200 blk of Amherst Ave.
- 2015-0529— On 2/4/15, Officer Ramos responded to a theft on the 200 blk of Yale Ave.
- 2015-0532— On 2/4/15, Officer Ramos responded to vehicle tampering on the 200 blk of Amherst Ave.
- 2015-0533— On 2/4/15, Corporal Stegman responded to a theft on the 00 blk of Highgate Rd.
- 2015-0591— On 2/9/15, Officer Ramos responded to a vandalism on the 600 blk of Wellesley Ave.
- 2015-0593— On 2/9/15, Officer Ramos responded to a theft on the 00 blk of Franciscan Way.
- 2015-0594— On 2/9/15, Officer Ramos responded to a traffic collision on the 300 blk of Berkeley Park Blvd.
- 2015-0597— On 2/9/15, Officer Wilson responded to a report of vehicle tampering on the 300 blk of Berkeley Park Blvd.
- 2015-0715— On 2/17/15, Officer Wilson responded a report of a theft on the 00 blk of Arlington Ave.
- 2015-0718— On 2/17/15, Officer Ramos responded to a report of a theft on the 200 blk of Arlington Ave.
- 2015-0721— On 2/17/15, Officer Wilson responded to a burglary on the 400 blk of Santa Fe Ave.
- 2015-0796— On 2/22/15, Corporal Stegman responded to an identity theft on the 200 blk of Lexington Ave.
- 2015-0803— On 2/23/15, Officer Ramos responded to a traffic collision at Colusa Ave/ Lynn Ave.
- 2015-0814— On 2/24/15, Officer Ramos responded to a traffic collision on the 00 blk of Arlington Ave.
- 2015-0815— On 2/24/15, Corporal Stegman responded to a traffic collision on the 200 blk of Purdue Ave.
- 2015-0821— On 2/25/15, Corporal Stegman responded to a report of a theft on the 700 blk of Coventry Rd.

TRAFFIC STATISTICS:

Team #1 took 5 traffic collision reports during the month of January.

3 Moving citations were issued on Arlington Ave.

•• **Master Sergeant Hull- Team 2**

TEAM #2 STATISTICS

Sergeant Hull (K17) – (1200-2400)

Sergeant Hui has been assigned to the Northern California Computer Crimes Task Force (NC3F) 2 days per week.

Master Sergeant Hull (K17) – issued 0 traffic citations and 0 parking citations

Officer:	Turner (K46) (0600-1800)	Wilkins (K50) (1800-0600)
Days Worked	10	11
Traffic Stops	10	04
Moving Citations	05	01
Parking Citations	02	00
Vacation/Security Checks	01	50
Cases	02	04
Arrests	00	00
Traffic Accident Reports	01	00
Calls for Service	96	98

- Officer Wilkins took 1 day of vacation
- Officer Turner spent 4 days in Lidar radar training

BRIEFING/TRAINING:

- Updated firearm violations cheat sheet
- Mopeds or motorized bicycles rules to operate

SERGEANT'S SUMMARY:

Several residents have made reference that they felt threatened or were intimidated by members of the Kensington Police Department. I want to assure all that any untoward behavior directed at any person is neither tolerated nor condoned by the KPD. I would like to remind everyone that all KPD personnel are approachable and should anyone have any concerns to this end, I want to encourage you to approach officers when you see them and speak to them. I'm sure all KPD officer wouldn't mind taking a few minutes out of their day to speak with you about any fears you may perceived by their presence or actions. If you are not comfortable with that, then I ask that you contact a supervisor should you have any concern about an officer's real or perceived behavior.

All members of the Kensington Police Department are professionals that understand that law enforcement is a joint effort between the police department

and this community. I want to assure all that there is no need to be fearful of the Kensington Police Department.

SIGNIFICANT EVENTS:

- 2015-0571 – On 2-6-2015, Sgt. Hull responded the unit block of Highgate Rd. to a rental agreement civil dispute.
- 2015-0627 – On 2-11-2015, Sgt. Hui responded to the unit blk of Kenyon Ave. to a report of identity theft.
- 2015-0661 – On 2-13-2015, Officer Turner responded to the 200 block of Lake Dr. to a report of a stolen vehicle.
- 2015-0662 – On 2-13-2015, Officer Turner and Reserve Armanino recovered a stolen vehicle out of Oakland in the 200 block of Lake Drive.
- 2015-0681 – On 2-14-2015, Sgt. Hull took a hit and run collision in the unit block of Kerr Avenue.
- 2015-0682 – On 2-14-2015 Sgt. Hull responded to the 200 block of Arlington Ave. to a report of residential burglary. This case was closed and subject identified on 2-26-2015.
- 2015-0759 – On 2-20-2015, Officer Turner responded to the 200 block of Arlington Ave. to a report of a Hit & Run collision.
- 2015-0771 – On 2-20-2015, Officer Wilkens responded to the 200 block of Arlington Ave. to a report of residential burglary.
- 2015-0754 – On 2-20-2015, Officer Turner responded to the 200 block of Willamette to a report of Identity Theft.
- 2015-0786 – On 2-21-2015, Officer Turner responded to the unit block of Ardmore Rd. to a report of auto burglary.
- 2015-0825 – On 2-25-2015, Sgt. Hull responded to the unit block of Yale Cr. to a report of vehicle tampering.
- 2015-0831 – On 2-26-2015, Sgt. Hull and Officer Wilkens responded to the 200 block of Arlington Ave. at different time of the day. It was discovered that an attempted residential burglary had occurred earlier in the morning. The suspect was identified and located. The suspected was identified as responsible for case 2015-0682.
- 2015-0840 – On 2-26-2015, Officer Wilkens responded to the 200 block of Kenyon Ave. to a report of vehicle theft.
- 2015-0843 – On 2-26-2015, Officer Wilkens responded to the 200 block of Trinity Ave. where she recovered a stolen vehicle out of Hayward.
- 2015-0845 – On 2-26-2015, Officer Wilkens responded to the unit block of Norwood Ave. to a report of a death.
- 2015-0853 – On 2-27-2015, Sgt. Hull responded to the Kensington Park to a report of graffiti vandalism.

- **Sergeant Hui- NCCCTF/ Team 2 Relief**
(No report submitted this month)

•• **Detective Sergeant Barrow**

SIGNIFICANT EVENTS:

2015-0831, 0682 Residential burglary/ Vandalism.

On Thursday, February 26, 2015, Master Sergeant Hull was conducting a follow up investigation to a reported suspicious person in the 200 block of Arlington Avenue. The victim heard a loud pounding or knocking at a rear door of the home. The suspect who was using an approximately 3 foot axe to gain entry into the home, thought someone was in need of help. The home owner did not wish to press charges at this time. After further investigation another home was located in the area with similar axe marks on a rear door. The suspect admitted to at least three other axe attacks to homes in the area that may have first been reported as residential burglaries. **These cases are under investigation.**

2015-0821, 0786, 0749, 0715, 0713, 0593, 0533 and 0529 Thefts and thefts from unlocked vehicles.

Throughout the month of February we had several thefts from unlocked vehicles and thefts of license plates. We also took three reports of vehicles being rifled through with nothing stolen. Please lock your vehicles and telephone the 911 if you see anything suspicious. **These cases are under investigation.**

2015-0840 Vehicle theft and Recovered.

On Thursday, February 26, 2015, Officer Wilkens took a reported vehicle theft in the 200 block of Kenyon Avenue. A construction worker reported the vehicle stolen shortly after he started loading his tools up for the day. The vehicle was recovered by Hayward Police Department with two female suspects in custody and charged with vehicle theft, resisting arrest, and an outstanding felony warrant. The suspects have prior convictions for stolen vehicles, fleeing from officers, possession of stolen property, burglary, and are currently on probation. Later that night approximately one block away Officer Wilkens recovered a stolen vehicle out of Hayward. These two cases appear to be linked and we are awaiting Hayward PD's report to further investigate.

KPD INVESTIGATIONS INFORMATION:

13-3288 Assault (Possible Homicide/ Manslaughter)

On 7/14/13, Officer Wilson and KFD responded to a medical call on the 00 block of Cowper Avenue. The subject in need of medical aid was cared for and transported to the hospital. Through further investigation Officer Wilson learned there had been a struggle between the elderly victim who was transported to the hospital, and her adult daughter. After interviewing all parties who were on scene during the incident he determined it was feasible the struggle may have exacerbated the victim's already frail state. Detective Corporal Stegman and I began investigating as a possible homicide/ manslaughter. The suspect was identified and cooperated with several interviews. The victim remained in poor

health in the Intensive Care Unit at Doctor's Hospital and then was placed in a care facility. The victim passed away on Sunday, May 4, 2014. The Contra Costa County Office of the Sheriff – Coroner, Coroner's Report classified this case as a, "Homicide/Other." I presented this case to the Contra costa County District Attorney's office for review. The CCC District Attorney who reviewed this case advised that no charges be filed, citing, family history, the health of the victim, the part the victim played during the incident, and lack of physical evidence to the victim's body and location of the incident.

KPD Monthly Crime Statistics

February 2015

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	1	0	2	0
Larceny Theft	8	8	0	0	0
Vehicle Theft	2	1	0	1	0
Arson	0	0	0	0	0
Part 1 Totals	<u>13</u>	<u>10</u>	<u>0</u>	<u>3</u>	<u>0</u>

Other Crimes

Other misdemeanor	3	0	3	0	0
Identity Theft	3	2	0	1	0
Fraud	0	0	0	0	0
Forgeries	0	0	0	0	0
Restraining Order Violations/ Stalking/ Criminal Threats	1	0	0	1	0
Sex Crimes (other)	0	0	0	0	0
Assault/ Battery (other)	0	0	0	0	0
Vandalism	4	2	0	2	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	3	0	2	1	0
Other Misdemeanor Traffic	0	0	0	0	0
Other Crime Totals	<u>14</u>	<u>4</u>	<u>5</u>	<u>5</u>	<u>0</u>

All Crime Totals

All Crime Totals	<u>27</u>	<u>14</u>	<u>5</u>	<u>8</u>	<u>0</u>
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Traffic Accidents (Non Injury)

6

Traffic Accidents (Injury)

0

KPD Crime Statistics

YTD 2015

Part 1 Crimes	Reported	Open/ Pending	Suspended	Closed	Arrest
Homicide	0	0	0	0	0
Rape	0	0	0	0	0
Robbery	0	0	0	0	0
Assault	1	0	0	1	1
Residential Burglary	5	3	0	2	0
Larceny Theft	12	12	0	0	0
Vehicle Theft	4	2	0	2	0
Arson	0	0	0	0	0
Part 1 Totals	<u>22</u>	<u>17</u>	<u>0</u>	<u>5</u>	<u>1</u>
Other Crimes					
Other misdemeanor	3	0	3	0	0
Identity Theft	9	8	0	1	0
Fraud	0	0	0	0	0
Forgeries	0	0	0	0	0
Restraining Order Violations/ Stalking/ Criminal Threats	2	0	0	2	0
Sex Crimes (other)	0	0	0	0	0
Assault/ Battery (other)	0	0	0	0	0
Vandalism	4	2	0	2	0
Drugs	1	0	0	1	1
Warrant	1	0	0	1	1
Hit and Run Felony	0	0	0	0	0
Hit and Run Misdemeanor	6	3	2	1	0
Other Misdemeanor Traffic	0	0	0	0	0
Other Crime Totals	<u>26</u>	<u>13</u>	<u>5</u>	<u>8</u>	<u>2</u>
All Crime Totals	<u>48</u>	<u>30</u>	<u>5</u>	<u>13</u>	<u>3</u>
Traffic Accidents (Non Injury)	11				
Traffic Accidents (Injury)	0				

* 2011 case

✓

•• **Chief Harman**

At a Special Meeting of the KPPCSD Board of Directors on Monday, February 16th, the Board announced that my contract with the District would not be renewed, and that my last day with the District would be May 31st.

It has been an honor and a privilege to serve as your General Manager/ Chief of Police since September 2007, and I will miss having the opportunity to continue to serve you. Most of all, I will miss the friendships that I have developed over the years.

Thank you for your support over the years, and for the opportunity to serve you.

My best wishes to all.

Memorandum

Kensington Police Department



To: KPPCSD Board of Directors

APPROVED YES NO

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

FORWARDED TO:

Date: Friday, March 06, 2015

Subject: Consent Calendar Item # H- Training & Reimbursement Reports

For the month of February, the following attached Training and Reimbursement Reports pursuant to KPPCSD Board Policy # 4030 were submitted for approval.

Handwritten initials, possibly "GH", in the bottom right corner.

APPENDIX A - EXPENSE PREPAYMENT/REIMBURSEMENT FORM

Name: CHRIS TURNER

Event/Activity: RODAR & LIDAR

Location of Event/Activity: ALAMEDA COUNTY SHERIFF'S OFFICE

Approved by Board of Directors on: 022315- 022615

	Prepay	Reimburse
1. Event/Activity Registration Fee	\$ _____	\$ _____
2. Transportation		
• Airfare	\$ _____	\$ _____
• Car Rental (\$ _____ per day for _____ days)	\$ _____	\$ _____
• Car Mileage (\$ <u>50</u> per mile for <u>151</u> miles)	\$ _____	\$ <u>84.50</u>
• Taxi	\$ _____	\$ _____
• Parking	\$ _____	\$ _____
3. Lodging (\$ _____ per night for _____ nights)	\$ _____	\$ _____
4. Meals (Complete information requested on next page of form)		
a. Breakfast	\$ _____	\$ _____
b. Lunch	\$ _____	\$ <u>32.00</u>
c. Dinner	\$ _____	\$ _____
5. Other (Explain details of request)	\$ _____	\$ _____
<u>POST COMMUTER LUNCH</u> <u>\$8 a day</u>		
Total Requested	\$ _____	\$ <u>116.50</u>

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

Signed: TURNER WUP

Approved by: [Signature]

Date: 3-5-15

Signed: [Signature]

Print Name: _____

Date: 030615

Memorandum

Kensington Police Department



To: KPPCSD Board of Directors

APPROVED YES NO

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

FORWARDED TO:

Date: Friday, March 06, 2015

Subject: Consent Calendar Item I- February Correspondence

The District Correspondence received during the month of February received by the KPPCSD Board of Directors.

A. Jan Behrsin
Attorney at Law
89 Edgemoor Road
Kensington, California 94707

Tel: 510-499-4545
e-mail: jbehrsins@gmail.com

February 10, 2015

Via E-mail
To the Board of Directors, KPPSD:

President Len Welsh lwelsh@kensingtoncalifornia.org
Vice President Pat Gillette pgillette@kensingtoncalifornia.org
Director Chuck Toombs ctoombs@kensingtoncalifornia.org
Director Vanessa Cordova vcordova@kensingtoncalifornia.org
Director Rachelle Sherris-Watt rswatt@kensingtoncalifornia.org

Re: Request for Independent Investigation and Suspension of Consideration of (1) Board
Approval of New Police Contract and (2) Board Consideration of New Contract for COP

Dear Board:

I have been a Kensington resident for 41 years. I have raised a family here and have wonderful neighbors in a community of which I have been proud to be a member. The acrimony on the Board of the past few years was "distasteful;" the bullying displayed by the Board majority of citizens hoping their voices could be heard, has been repugnant. Kensington citizens deserve respectful representation. The Board is not an oligarchy. The Board has been elected by the residents of Kensington and entrusted by them to represent them.

The February 7, 2015 disclosures in the Contra Costa Times of a criminal act or acts committed 9 months earlier by the Kensington's highest ranking police officer, and the delay by the Board in taking any action until the Contra Costa Times disclosure, is perhaps the final straw in the community's building distrust and now loss of remaining trust of you, our elected leaders.

With the recent revelations that, on your watch, the highest ranking police officer of Kensington has been for 9 months investigated for having committed an obvious crime in May 2014, all the while continuing to be entrusted with our community's safety and continuing to be paid by the community with their tax dollars, it seems to us, your constituents, that you have lost your collective moral compass and no longer deserve any trust and confidence in anything you collectively do or say to the community.

I know that 3 of you are attorneys. I know that two of the 3 of you are partners in high powered professional positions and that the third of you has had a high level position in California government and now consults. You all are very busy people. We know that you have entrusted the responsibility that we have as a community reposed in *you* to govern our community, to the person hired by you to assume the dual position of Chief of Police and General Manager.

That COP/GM has been reported in the news to have been "investigating" the criminal conduct

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of the disgraced police officer, the COP's highest paid officer, for 9 months, all the while employing that officer as his right hand man.

In the past few days, the press has reported

"In 2012, Barrow wrote a letter supporting Harman's contract renewal."

The press has also reported

"A Reno Police spokesman said Monday there is no mention of a possible drugging in a report on the gun theft taken when Barrow showed up at the Nevada department's headquarters on May 23. He was in the company of "fellow officers," the spokesman, Officer Tim Broadway said. They were not identified, and their identity is unclear."

The community wants to know why their elected representatives did nothing for 9 months to protect the community's welfare in the matter of Officer Barrow. The community wants to know if there are other Kensington police officers involved in this scandal. The community wants to know if there has been a cover-up.

The community believes that you, the people we elected to represent and protect our collective interests, know the answers to these questions. If you do not, then we wonder who is in charge of the governance of our community. The community is now speculating that you collectively may be engaged in a cover up of the truth. Your failure has proven to be more than an embarrassment to our community as news reports of your failure to manage our community and calling your governance "lawless" circulate as far as the east coast press. You have lost the community's trust and therefore the basis for remaining in office.

I know that despite your demonstrated lack of transparent responsible leadership, it is unlikely that you will resign. There are actions that you can take to begin the attempt to restore the community's trust in you and in clean government. The first action you can take is to request the Attorney General to commence an independent investigation of the actions of the COP/GM and yourselves.

I hope you will ask for that assistance. It is the only possible way for you to begin the process of restoring the community's trust in your leadership. Without an independent investigation, Kensington residents will not only continue to be embarrassed by your actions/inactions, but will never believe that you collectively are representing our community interests honestly and transparently.

It goes without saying that under the current circumstances, it would be the height of the Board's arrogance and impudence for it to continue to push forward at the February 12th meeting of the Board the police contract that has been negotiated by the now disgraced officer, representing his fellow officers, and the community, represented by the COP (?), or to consider the new contract for the COP.

Respectfully submitted,

A. Jan Behrsin,

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CC x

Subject

Dear Kensington Board Members

First of all, I want to acknowledge, with appreciation, your public service to all of us who live or work in Kensington. I know such service requires hard work, dedication and often courage.

I know this very well because I have also served the public as a Los Angeles City Councilwoman, Los Angeles City Controller, and California Inspector General for federal stimulus funds.

I have now lived in Kensington for the past four years, and I have become more and more appalled and upset about how our local community government is managed.

The lack of transparency is something that must be addressed seriously and quickly. Accurate, factual information should be available in a very clear and accessible way for all residents and interested parties. We should not have to be sleuths and we should not be branded trouble makers when we ask questions...even probing ones. Every taxpayer in this community should be able to easily understand how and where our dollars are being spent.

The idea that the Chief of Police is also the General Manager is NOT a good governance approach! I cannot imagine how there are not frequent conflicts of interest or how the skill set of police chief transfers to good fiscal management for all the government functions here.

In terms of a reserve policy, I strongly urge you to vote to make 50% minimum reserve mandatory. With fiscal fluctuations and crises beyond our control, this is simply a solid, safe control to put into place...as many other cities and communities have!

Rich text editor toolbar with icons for undo, font color, bold, italic, background color, bulleted list, numbered list, indent, link, smiley, text color, and redo.

Saved at 4:55 PM

CC x

Subject

Lastly, I am strongly urging you to postpone voting on the Police MOU at this meeting. The size and cost of the department needs to be examined...its efficiency, effectiveness, AND its management...especially with the recent exposure of months of inaction in disciplining an officer who was allowed to continue his duties including negotiating the Police MOU!!!

When was the last time a professional, objective, and thoughtful review was done to determine the police protection needs of today's Kensington.

We now have a department of 10 full-time officers, 5 of them are the Chief, Chief Sergeant, 2 sergeants and a corporal!

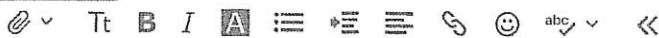
I was very much looking forward to a lasting retirement from local government as I have put in 20 years of full battle duty; but 4 years of being a quietly voting, tax-paying resident have not played out well. I worry that I am not living in a well-run, well-governed community...one that knows how to maintain a balanced budget and use its resources wisely and well.

I thank you for listening to my concerns and I look forward to seeing you and addressing you during the public comment period at Thursday's Board meeting.

Laura Chick

P.S.

With so much of the agenda in closed session AND on consent calendar, it is very difficult for anyone not on the Board to know what is going on or to participate/comment.



Subject: Sgt Barrow Disciplinary Proceedings
From: Tom Dean (thosdean@gmail.com)
To: lwelsh@kensingtoncalifornia.org;
Cc: pgillette@kensingtoncalifornia.org; ctoombs@kensingtoncalifornia.org; vcordova@kensingtoncalifornia.org; rsherriswatt@kensingtoncalifornia.org;
Date: Thursday, February 12, 2015 4:23 PM

Dear Board Members

I have been following this situation with great interest since the story broke on Sunday. I noticed in today's news that you are considering hiring a consultant to review how this situation was handled by the Chief. From my 33 years experience as a Probation Officer, with experience in reviewing a variety of employee misconduct, I don't think you can learn more than you have already from expert and community reaction to this situation.

Five factors stand out—1) The bad judgment displayed by the officer, even if he hadn't lost his gun, ammunition, badge, and handcuffs to the prostitute. 2) The danger to the public due to his gun winding up in the hands of her pimp, who only shot himself. It could have been worse. 3) The fact he was engaging in criminal conduct, even though he wasn't charged. 4) The determination by the Chief that he wasn't a danger to the public and allowing him to remain on duty during the investigation. On the circumstances alleged, his judgment and conduct clearly represented a danger to the public. 5) The length of time to investigate a fairly straightforward set of circumstances is alarming.

This advice is free from an unbiased source. Please don't waste money on a consultant. It is your job to provide oversight to the police and evaluate the Chief's performance. If you aren't up to that job description, perhaps you shouldn't have run for the Board.

I am not able to attend tonight's meeting, but felt this was a better way to share my thoughts with you.

Regards, Tom Dean

Subject: trust

From: Bill Benson (whbenson@mac.com)

To: lwelsh@kensingtoncalifornia.org; pgillette@kensingtoncalifornia.org; ctoombs@kensingtoncalifornia.org; vcordova@kensingtoncalifornia.org; rsherriswatt@kensingtoncalifornia.org;

Date: Wednesday, February 11, 2015 10:04 AM

To the Board:

Like many others I am writing concerning the (publicly available) information in a recent article about one of our officers.

Far more disturbing than the behavior itself is that the Board and/or the Chief withholding this public information from the voters may reasonably have affected the outcome of the last election.

If the Board wants to regain the trust of the community, stonewalling under the pretext of personnel privacy won't do it.

-Bill Benson

Subject: On Matters Pertaining to Sgt. Barrow

From: Leslie Reckler (lesmac@sbcglobal.net)

To: lwelsh@kensingtoncalifornia.org; ctoombs@kensingtoncalifornia.org; pgillette@kensingtoncalifornia.org; vcordova@kensingtoncalifornia.org; rsherriswatt@kensingtoncalifornia.org;

Date: Wednesday, February 11, 2015 9:45 AM

Dear Directors,

My name is Leslie Reckler. I live at 33 Edwin Drive in Kensington. I am hoping to attend Thursday's meeting, but I am in New York and my arrival back may very much be subject to weather.

I understand the privacy laws that surround employee, and especially police employment. I know that many questions can only be asked and answered in closed session. I also understand that some questions we'll never get the answers to.

With that said, there are many unanswered questions that seem fair game to answer publicly. I want to know:

- *Does the department have a functional internal affairs staff? Please identify that staff and the practices and procedures followed for an internal affairs investigation.
- *Does the department have qualified outside public employer defense counsel to advise the investigator?
- *What is the policy on suspension with pay during an investigation? I realize, sadly, that suspension without pay is not likely.
- *Was Barrow (and any other Kensington officers) on a paid trip to Reno for training or some other event during the date range in question? Were public funds involved?
- *With offenses this egregious, and showing such poor judgement, why was the officer kept on active duty during the investigation?
- *Furthermore, why was the officer put on leave only as the story broke in the media?
- *Why not hire an outside investigator to expedite the process and remove the inherent conflict of the Chief investigating the Union President during contract negotiations?
- *Please retain an independent outside investigator to perform an internal audit regarding the process used in this investigation. The investigator should answer whether there were any delays relating to the timing of the election, whether the department has adequate general orders and procedures for the handling of disciplinary investigations. If you do not hire an independent outside investigator, please explain your reasoning as to why not.

I think it is fair that these questions be answered on or before next month's board meeting.

Officer Barrow must be removed from the force. He cannot police effectively. His actions were so egregious, and he showed such poor judgement, that he has lost the respect of the entire community. I cannot have him around my children. I can't have him near the school. I can't have him at my home. He does not represent the policing values we want on our force, or any force for that matter. How will I explain to my 13 year old son why he is still working?

Finally, DO NOT APPROVE any contracts or memorandums of understanding with any officer or the chief of police until we further understand the events surrounding the incident of May 23, 2014.

I am looking forward to your responses. Thank you for your service.

Most Sincerely,

Leslie Reckler

Subject: Performance review of police chief/general manager Harman

From: John Martinez (jmartinez9@me.com)

To: rsherriswatt@kensingtoncalifornia.org; lwelsh@kensingtoncalifornia.org; pgillette@kensingtoncalifornia.org; ctoombs@kensingtoncalifornia.org; vcordova@kensingtoncalifornia.org;

Date: Wednesday, February 11, 2015 7:38 AM

KPPCSD directors,

I'm writing to share my views on the upcoming performance review of officer Harman. In contrast to much of the sentiment expressed on ND Kensington, I believe that the KPPCSD directors and our community would be ill-served by firing Harman immediately, without having done any independent due diligence, because without good diligence he may sue and win at even greater expense to the community. The right outcome of Harmon's review would be to defer the review, immediately suspend him without pay, and create an independent and credible review of the Barrow's affair, Harman's oversight, and the Board's role, with a deadline. The process should be very well defined and clearly articulated to the community.

I think it's time that this Board move responsibly and responsively to its constituents, who are sending a clear message of distrust and dissatisfaction.

John Martinez

Resident since 1996

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Subject: Contracts

From: Carrie Schulze (cafabfam@gmail.com)

To: rsherriswatt@kensingtoncalifornia.org;

Date: Tuesday, February 10, 2015 10:50 PM

Please do not renew any police contracts at the upcoming meeting. There is too much going on to make a confident commitment to any officers at this time

Carrie Schulze
Kensington property owner
Hilltop parent

Subject: Chief Harman & Kensington Police
From: Catherine Mercurio (Catherine@mercuriodentalarts.com)
To: rsherriswatt@kensingtoncalifornia.org; lwelsh@kensingtoncalifornia.org; ctoombs@kensingtoncalifornia.org; pgillette@kensingtoncalifornia.org; vcordova@kensingtoncalifornia.org;
Date: Tuesday, February 10, 2015 8:12 PM

Directors,

I am a Kensington homeowner and taxpayer for 27 years and a resident for over 30 years. My husband has been in business in Kensington for close to 40 years. While our daughter attended Kensington Hilltop, I was extremely active within the PTA and KEF (the last two of six years as President) and chaired or co-chaired the Garden Party for four years. I am dialed into our community and care deeply about our community. I appreciate that Kensington has its own police force and am more than willing to financially support this police force within reason. Several Kensington police officers have been supportive of me and my family over the years.

However, I am very concerned about recent publicity surrounding Sargent Keith Barrow and Chief Greg Harman. Based upon media reports, it appears that Barrow used poor judgment when visiting Reno last year, and, at bare minimum, should have been placed on suspension by Chief Harman months ago. I respectfully request that you consider Chief Harman's poor judgment in delaying Sargent Barrow's suspension when reviewing Chief Harman's performance scheduled at this week's meeting.

Sincerely,

Catherine Mercurio

25 Yale Avenue

Kensington, CA 94708

5

Subject: Police Chief and General Manager review.

From: Jean Durham (durham@sonic.net)

To: ctoombs@kensingtoncalifornia.org; rsherriswatt@kensingtoncalifornia.org; vcordova@kensingtoncalifornia.org; pgillette@kensingtoncalifornia.org; lwelsh@kensingtoncalifornia.org;

Date: Tuesday, February 10, 2015 7:46 PM

Dear Board Members,

Since the public exposure of the misdeeds of a police sargeant in the Kensington Department, and because the salaries of the department are under discussion, I would like to bring to your attention a few things I have noticed.

1) While reviewing my property tax bill for the year, I find that the KPD and the service district will get from me \$633.00 in Special taxes, and assessments, some of which is for the park and such, and the rest for the police. This is still an out of balance budget. By the way KFD gets \$83.00.

2) The pay rates for the police is at or above that for Richmond police.

Is Kensington more dangerous? Is gang violence running through our community? NO.

3) The necessity of hiring lawyers to support the several suits that have been brought by former department members, and ill advised treatment of a civilian, etc. and the necessity for hiring outside (expensive) consultants for projects which I suggest are probably within the expertise and experience of members of this well educated community.

All the above suggests that the management of the KPPCSD needs vital review as the current management seems to think that the well of Kensington taxpayers is a bottomless well that will never be empty.

It seems to me that a change in management is in order.

Sincerely,

Jean Durham (47 year resident of Kensington.)

Subject: Harmon

From: john ferreira (johnfmaryn9@msn.com)

To: rsherriswatt@kensingtoncalifornia.org;

Date: Tuesday, February 10, 2015 2:57 PM

Hello

My name is John Ferrreira and I've lived in Kensington for 25 years.

When he first came to office, Chief Harmon did a remarkable job in fixing a wildly dysfunctional police department. Unfortunately, over the years he's lost sight of his responsibilities to the community. He answers to no one.

Please ask the following: What did you know and when did you know it?

As they said during Watergate hearings, "it's not the crime (gross negligence) it's the cover-up.

Thank you

Subject: Chief Harman & Sgt. Barrow

From: Rob Dunn (rododu@gmail.com)

To: lwelsh@kensingtoncalifornia.org; pgillette@kensingtoncalifornia.org; ctoombs@kensingtoncalifornia.org; vcordova@kensingtoncalifornia.org; rsherriswatt@kensingtoncalifornia.org;

Date: Tuesday, February 10, 2015 4:20 PM

Dear Directors,

I have no idea if the story I'm reading in the various news outlets has been reported correctly - nor do I know if proper procedures were followed in the days/weeks/months after the incident. What I DO know is that my confidence in my police force has taken a MAJOR blow, a sentiment shared by everyone I speak to.

Extending Chief Harman's contract at this time strikes me as an unwise decision, at least until this incident has come to some sort of conclusion, and the arc of public confidence has corrected course.

Sincerely,

Rob Dunn
268 Columbia Avenue
Kensington, CA
94708

Subject: My Concerns.

From: marina Gutierrez (marinapizza@hotmail.com)

To: lwelsh@kensingtoncalifornia.org; pgillette@kensingtoncalifornia.org; ctoombs@kensingtoncalifornia.org; vcordova@kensingtoncalifornia.org; rsherriswatt@kensingtoncalifornia.org;

Date: Tuesday, February 10, 2015 4:34 PM

Dear Board President Len Welsh, Vice President Pat Gillette, Director Chuck Toombs, Director Vanessa Cordova and Director Rachelle Sherris-Watt,

I am a 27 year Kensington homeowner and taxpayer.

In view of the disturbing news (online, TV channels and printed newspaper) about one of our police officers and the lack of oversight, the Kensington police chief should be dismissed immediately.

Sargent Officer Hull should be put in charge in the interim.

Thank you,

Your constituent,

Marina A. Gutierrez
37 Arlington Avenue
Kensington CA 94707

cc x

Subject

Kinch Hoekstra from

I have sent the following message to all members of the board, but addressed to the following three. I am of course very willing to hear the views of other residents on this topic. I am not committed to a recall, but it does seem to me that if the board extends the GM/Chief's contract or approves the MOU, that suggests serious dereliction that requires remedy.

Dear Mr. Welsh, Ms. Gillette, and Mr. Toombs:

I write to express my intention to circulate at tonight's meeting a Notice of Intention, which is the first step in the process of setting up a vote to recall the three of you from office. Such a recall is provided for in the California Constitution, Article II, section 19. The statutory authority is the Elections Code, sec. 11000 et seqq.

I will, of course, listen to what you have to say this evening. But if you adopt the strategy in your recent "Update from the District", which is lamentably inadequate to address the concerns of residents, I can't imagine that I or anyone will be convinced that you are living up to your responsibilities. You should be ensuring that you give your constituents as much information and provide as much accountability as possible within the law, not using the law to allow you to provide as little information as possible and the least amount of accountability.

As of now, my intention is to circulate the Notice of Intention to garner the requisite number of signatures this evening if you extend the contract of the Chief/GM or if you approve the MOU. This is not a threat, it is simply to inform you of what I believe would constitute sufficient indications that you are disregarding the will and the welfare of the residents of Kensington.

Yours sincerely,
Kinch Hoekstra

Subject: Officers Harman and Barrow

From: Su Jin Jez (sujinjez@gmail.com)

To: lwelsh@kensingtoncalifornia.org; pgillette@kensingtoncalifornia.org; ctoombs@kensingtoncalifornia.org; vcordova@kensingtoncalifornia.org; rsherriswatt@kensingtoncalifornia.org;

Date: Tuesday, February 10, 2015 2:09 PM

Dear Board Members,

While I am a professor of public policy and administration, I have not been involved in Kensington's public administrative matters since I moved to Kensington in 2009. However, I have been following the on-going drama between the police force, the community, and the KPPCSD board. What has been clear is that the current situation is dysfunctional, but it was not clear what needed fixing (although there was plenty of finger pointing).

This recent incident in Reno regarding Officer Barrow and the prostitute has clarified the dysfunction to me. Given how this situation has been handled, it is clear that our police chief has NOT been working on behalf of the residents, nor has at least one of his police officers (Harman). This situation is beyond appalling and has put our town at great risk, not to mention those in Reno who could have been harmed by Officer Barrow's incredibly irresponsible actions.

At the very least, Chief Harman should be relieved of his duties as General Manager, but I urge you to consider firing him from both of his responsibilities as GM and Police Chief. It goes without saying that Officer Harman should be fired immediately. His actions were not only stupid but unlawful. I would not feel comfortable (and definitely not confident) in having Chief Harman or Officer Barrow support me as a public safety officer in Kensington.

I wish I could attend Thursday's board meeting, but I cannot. As such, I write this email to express my strong feelings on this matter. I know I am not alone in feeling the shame and anger that this Police Chief and Officer Harman has brought to our little hamlet, and I hope that the board has the strength to make the correct decision to fire both Chief Harman and Officer Barrow.

Sincerely,

Su Jin Jez
(on Amherst Avenue)

Subject: Fwd: Re current situation
From: Marilyn Stollon (mstollon@sonic.net)
To: shwatt@sbcglobal.net; gharman@kensingtoncalifornia.org;
Date: Tuesday, February 10, 2015 2:02 PM

Rachelle,

your kensingtoncalifornia.org email does not work, perhaps you can put this email on the website. I just happened to find it when I searched my inbox from month ago.

Begin forwarded message:

From: Marilyn Stollon <mstollon@sonic.net>
Date: February 9, 2015 5:26:55 PM PST
To: Lwolter@kensingtoncalifornia.org, Vanessa Cordova <vncordova@icloud.com>, lenwelsh@gmail.com, pgillette@kensingtoncalifornia.org
Cc: ctoombs@kensingtoncalifornia.org, rswatt@kensingtoncalifornia.org
Subject: Re current situation

Feb 9,2015

Dear Board Members,

Along with other Kensington residents, I am very concerned and perturbed by the recent events concerning Sgt Barrow and Chief Harmon's handling of the situation. The fact that such a situation existed for 9 months, and is just coming to light is astounding, shocking and disappointing.

With the issues of the current budget and anticipated increasing pension and now new legal costs, in combination with the cautionary advice/recommendations of the KPOA...it seems irresponsible for the board to go forward with a vote on the MOU as proposed for this meeting, and dealing with Chief Harmon's contract.

Kensington needs to live within its means, and there need to be more services and improvements, other than primarily paying for police salaries and benefits. I have reviewed the MOU and find all the extras to be astounding, shouldn't an employee pay for some things, such as their uniforms, contribute substantially for their benefits? Getting raises for 5 burglaries a month, and 3-5 ID theft incidents. And using a squad car to commute...give me a break... I wonder if the time has come to seriously consider combining with EC...it would be less painful than watching this small town charade continue.

Sincerely,

10/1

Marilyn Stollon
Kensington Resident

Subject: Re: revelations about sgt. Barrow and how it was handled

From: B Meckler (meckler@gmail.com)

To: lwelsh@kensingtoncalifornia.org; pgillette@kensingtoncalifornia.org; ctoombs@kensingtoncalifornia.org; vcordova@kensingtoncalifornia.org; rsherriswatt@kensingtoncalifornia.org;

Date: Tuesday, February 10, 2015 1:50 PM

(CC: next door Kensington)

Board members:

For this week's closed meeting I urge my board members to terminate Harman's contract effective immediately. Thank you.

Your constituent,

Brian Meckler

On Mon, Feb 9, 2015 at 1:08 PM, B Meckler <meckler@gmail.com> wrote:

I'll be succinct here: as a resident of Kensington for over 9 years, never have I felt more embarrassed by how we are handling our civic affairs. The back and forth bickering, the budgets..all of it. I no longer care: I want to cut..CUT our losses entirely in regards to maintaining our own police force. We can't afford it plus I don't think they do a good job anyway.

Lower headcount, outsource to el cerrito. I no longer care. Just stop the bleeding and these poor performers that have a bullying, blackbox mentality. I don't want the liabilities, the old-boy protections and political rats nest required for maintaining our own police force.

See you all on thursday!

Your constituent,

Brian Meckler
474 Beloit

Subject: Harman's performance: MOU

From: Sylvia Elsbury (sylviaelsbury@yahoo.com)

To: ctoombs@kensingtoncalifornia.org; rsherriswatt@kensingtoncalifornia.org; pgillette@kensingtoncalifornia.org; lwelsh@kensingtoncalifornia.org; vcordova@kensingtoncalifornia.org;

Date: Tuesday, February 10, 2015 12:51 PM

Directors:

I am a 17-year Kensington homeowner, taxpayer, parent. I understand you have before you the performance review for Greg Harman, and the MOU with the police force.

Greg Harman works for me, and I wish to state for the record that I have no confidence in him. My attendance of a recent Finance Committee meeting gave me zero reassurance that Harman is a competent general manager.

Keith Barrow works for me, and I wish to state for the record that I have no confidence in him. Further, one does not need to know the details of Chief's investigation of Barrow, in re Reno, to immediately recognize Harman's incompetence at best in this matter. You will find that the majority of Kensington residents agree with me on this point.

Given current conditions, it is inconceivable to me that you could proceed with Harman's performance review, and the MOU signing, as scheduled.

Respectfully,

Sylvia Elsbury
266 Trinity Ave.
Kensington, CA
94708

Subject: This week's events and next steps

From: Garen Corbett (glcorbett@gmail.com)

To: lwelsh@kensingtoncalifornia.org; pgillette@kensingtoncalifornia.org; vcordova@kensingtoncalifornia.org; rsherriswatt@kensingtoncalifornia.org; ctoombs@kensingtoncalifornia.org;

Date: Tuesday, February 10, 2015 12:25 PM

February 10, 2014

Dear Directors:

I don't envy your responsibilities this week, and appreciate the time that your public service requires. In the nearly three years I have been a Kensington homeowner, I have been saddened by the level of discord in our community, and the increasing view from a divergent array of residents that general oversight, budgets, long-term planning, and personnel management have been inadequate at best, dysfunctional at worse. Even more worrisome, is the impression that dissent has been discouraged and some folks actually appear afraid to voice their concerns. That is disheartening and does not reflect a community status any of us should feel proud of.

I have tried to take thoughtful and productive stances on various issues, and become as well-informed as possible before drawing conclusions. I have recently joined the KPOA Board to add my voice to policy and fiscal analyses, and steer clear of personal animosities. I offer a few strong recommendations that I believe are essential. I sincerely hope these are heeded as I believe as a group you are perilously close to losing the confidence of our community.

- We simply must, immediately, separate the jobs of chief of police and general manager. It is beyond evident that this is an inherent conflict of interest.
- While perhaps somewhat improved of late, the current GM simply does not have the skills to be GM, and does not have the community confidence to be effective. And, based on the number of legal difficulties (and costs that we seem to have incurred on his behalf), and what appears to be inept handling of the internal investigation of the Reno events, I am inclined to believe he should no longer run our District's police, either. His contract has lapsed, and should not be renewed.
- The MOU should be delayed, or alternatively, should only be signed for a 1 year period, maximum. There are too many remaining questions about the numbers, about the rosy assumptions, about the officer who negotiated, to allow a 4 year deal to proceed at this point. You simply do not have community support to proceed. There is no fiscal benefit to the District to proceed with a 4 year deal, and every reason to step back and look at all our options, bring in outside eyes, and bring on a competent financial manager, first.
- Finally, I also ask our incumbent directors to drop the animosities of the past, stop citing past feuds, and re-commit to reforming our little hamlet into a better place. If you cannot do so, please consider resigning so that we can move forward.

Thank you for your consideration.

Sincerely,
Garen Corbett, 11 Camelot Court, Kensington, 94707

Subject: Harman's Performance Review

From: David Bergen (dpbergen@gmail.com)

To: lwelsh@kensingtoncalifornia.org; pgillette@kensingtoncalifornia.org; ctoombs@kensingtoncalifornia.org; vcordova@kensingtoncalifornia.org; rsherriswatt@kensingtoncalifornia.org;

Date: Tuesday, February 10, 2015 11:45 AM

Board Directors: Welch, Gillette, Toombs, Cordova and Sherris-Watt,

(CC: Next Door Kensington)

Regarding Harman's performance review this Thursday, since it will be held in the closed session without any public input, as it should, I would like to take this opportunity to express my opinion, which I believe is shared by many others in our community.

I understand that all of the directors are members of the Next Door Community, so all of you are aware of the public outcry regarding the "Reno Affair".

I believe that Harmon should be terminated. He shouldn't be rewarded for his complicity in the "Reno Affair". He has displayed wanton disregard for normal police procedures in not disciplining Barrow immediately on being informed of his transgressions. He appears to have accommodated and shielded Barrow, only putting Barrow on suspension after the "Reno Affair" became public knowledge.

His current pay and benefits package is already outrageous. I understand that he earns more than Governor Brown for running a small town police department, a few community facilities and the garbage contract.

It appears to me that he runs the police department as his personal fiefdom. For example, he only rewards his favorites ... just study overtime details.

For these reasons I suggest to the Board that he not be rewarded with an increase in pay and benefits, but that he be terminated.

- David Bergen

Subject: Performance review-Chief of Police and General Manager Harmon

From: Pam Riley (pam_riley@sbcglobal.net)

To: rsherriswatt@kensingtoncalifornia.org;

Date: Tuesday, February 10, 2015 11:38 AM

I urge you to take whatever steps available to the board to terminate Chief Harmon's contract, the first step being to give him the lowest possible marks in his upcoming performance review. I have tried to keep an open mind over the last two years about the controversies surrounding the KPPCSD board and Chief Harmon, seeing that there can often be two sides to any issue, even one as stark as the financial condition of Kensington. But there is only one option left to the board given the circumstances surrounding how gross misconduct of a Kensington police officer has been handled over the last six months. I have to assume that the board not only knew about this issue but also consented to keeping the officer on duty. If this is the case I would hope that those involved resign their positions as well. For the sake of our community, we need a fresh slate!

Pamela Riley

Ever since happiness heard your name, it's been running through the streets trying to find you.
Rumi

Subject: Questions

From: ashane@jps.net (ashane@jps.net)

To: LWelsh@kensingtoncalifornia.org; pkgillette@gmail.com; cet@mcinerney-dillon.com; shwatt@sbcglobal.net; vncordova@icloud.com;

Cc: tpeelee@bayareanewsgroup.com; ironradin@comcast.net; dborenstein@bayareanewsgroup.com;

Date: Tuesday, February 10, 2015 10:23 AM

Dear President Welsh et al,

Please tell me the procedures our police officers must follow in securing their weapons. Is there a locked closet at the safety building? Are they given permission to take their arms home with them at the end of their shifts, and are they allowed to carry concealed weapons when traveling in their own cars, or when doing their own business while off duty?

Please tell me the procedure for signing out Kensington police vehicles for officers use after work. What is the extra insurance for this perk. Is it in writing, or is it an understanding.

Please tell me if there was a training conference in Reno on the 22nd, 23rd, 24th or 25th that had been approved by directors and, if there was one, which officers were approved to attend it. Was Officer Barrow given permission to drive to Reno in a Kensington squad car? What is the official procedure for securing weapons while staying in hotel rooms and while staying at home. Does the officer need to have a locked cabinet that is as secure as the one in the safety building in his home, or do we rely only on the officer's judgment? How are the squad car keys supposed to be secured? If one of the officer's children were to take the car and use it in a crime or crash it, who is liable?

Are we now facing any liability over the man who had possession of a Kensington owned weapon firing it in a public place?

Which, if any, of our officers were with Officer Barrow when he reported the loss of his equipment?

Thank you for explaining what role the district had and what liability the district faces in Officer Barrow's Reno incident.

Anna Shane

• Jan Behrsin
Attorney at Law
89 Edgemoor Road
Kensington, California 94707

Tel: 510-499-4545
e-mail: jbehrsins@gmail.com

February 10, 2015

Via E-mail
To the Board of Directors, KPPSD:

President Len Welsh lwelsh@kensingtonca.gov
Vice President Pat Gillette patgillette@kensingtonca.gov
Director Chuck Toombs ctoombs@kensingtonca.gov
Director Vanessa Cordova vcordova@kensingtonca.gov
Director Rachelle Sherris-Watt rs watt@kensingtonca.gov

Re: Request for Independent Investigation and Suspension of Consideration of (1) Board Approval of New Police Contract and (2) Board Consideration of New Contract for COP

Dear Board:

I have been a Kensington resident for 41 years. I have raised a family here and have wonderful neighbors in a community of which I have been proud to be a member. The acrimony on the Board of the past few years was "distasteful;" the bullying displayed by the Board majority of citizens hoping their voices could be heard, has been repugnant. Kensington citizens deserve respectful representation. The Board is not an oligarchy. The Board has been elected by the residents of Kensington and entrusted by them to represent them.

The February 7, 2015 disclosures in the Contra Costa Times of a criminal act or acts committed 9 months earlier by the Kensington's highest ranking police officer, and the delay by the Board in taking any action until the Contra Costa Times disclosure, is perhaps the final straw in the community's building distrust and now loss of remaining trust of you, our elected leaders.

With the recent revelations that, on your watch, the highest ranking police officer of Kensington has been for 9 months investigated for having committed an obvious crime in May 2014, all the while continuing to be entrusted with our community's safety and continuing to be paid by the community with their tax dollars, it seems to us, your constituents, that you have lost your collective moral compass and no longer deserve any

trust and confidence in anything you collectively do or say to the community.

I know that 3 of you are attorneys. I know that two of the 3 of you are partners in high powered professional positions and that the third of you has had a high level position in California government and now consults. You all are very busy people. We know that you have entrusted the responsibility that we have as a community reposed in *you* to govern our community, to the person hired by you to assume the dual position of Chief of Police and General Manager.

That COP/GM has been reported in the news to have been "investigating" the criminal conduct of the disgraced police officer, the COP's highest paid officer, for 9 months, all the while employing that officer as his right hand man.

In the past few days, the press has reported

"In 2012, Barrow wrote a letter supporting Harman's contract renewal."

The press has also reported

"A Reno Police spokesman said Monday there is no mention of a possible drugging in a report on the gun theft taken when Barrow showed up at the Nevada department's headquarters on May 23. He was in the company of "fellow officers," the spokesman, Officer Tim Broadway said. They were not identified, and their identity is unclear."

The community wants to know why their elected representatives did nothing for 9 months to protect the community's welfare in the matter of Officer Barrow. The community wants to know if there are other Kensington police officers involved in this scandal. The community wants to know if there has been a cover-up.

The community believes that you, the people we elected to represent and protect our collective interests, know the answers to these questions. If you do not, then we wonder who is in charge of the governance of our community. The community is now speculating that you collectively may be engaged in a cover up of the truth. Your failure has proven to be more than an embarrassment to our community as news reports of your failure to manage our community and calling your governance "lawless" circulate as far as the east coast press. You have lost the community's trust and therefore the basis for remaining in office.

I know that despite your demonstrated lack of transparent responsible leadership, the community believes that you will resign. There are actions that you can take to begin the attempt to restore the community's trust in you and in clean government. The first action you can take is to request the Attorney General to commence an independent investigation of the actions of the COP/GM and yourselves.

I hope you will ask for that assistance. It is the only possible way for you to begin the process of restoring the community's trust in your leadership. Without an independent investigation, Kensington residents will not only continue to be embarrassed by your actions/inactions, but will never believe that you collectively are representing our community interests honestly and transparently.

It goes without saying that under the current circumstances, it would be the height of the Board's arrogance and impudence for it to continue to push forward at the February 12th meeting of the Board the police contract that has been negotiated by the now disgraced officer, representing his fellow officers, and the community, represented by the COP (?), or to consider the new contract for the COP.

Respectfully
submitted,

- Jan Behrsin,

Subject: I would like the KPPCSD board not to vote on the Police Contract.

From: Steven Bates (sbates6464@aol.com)

To: vcordova@kensingtoncalifornia.org; pgillete@kensingtoncalifornia.org; ctoombs@kensingtoncalifornia.org; lwelsh@kensingtoncalifornia.org; gharman@kensingtoncalifornia.org; rswatt@kensingtoncalifornia.org; shwatt@sbcglobal.net;

Date: Monday, February 9, 2015 11:37 PM

Dear Board Member,

I would like the KPPCSD board not to vote on the Police Contract at this time. I support a motion to table or postpone the vote. It would be in poor judgment given all the issues going on at this time.

I, like many of my neighbors, was shocked by recent newspapers articles and TV reports involving Kensington. In the last several years there has been a lot of focus and criticism (in the news) regarding the management of our community. I don't believe I'm alone in not appreciating all this negative attention.

The story regarding one of our "trusted" police officers losing his weapon, badge, and handcuffs, ending up in the hands of a Nevada Prostitute is bizarre. It is also disturbing (as mention in the Contra Costa Times and New York Times articles) that there were other "police officers" with that officer at the time (unidentified as to whether they also were KPD). What might be chalked up to poor judgment if it were your average person, becomes serious when is a police officers, and one of our police officers in particular. Police officers are, and should be, held to a higher standard. I believe this brings up an even deeper issue, the management of our officers.

Our community is very unique. We as homeowners are the employer (Boss), we pay the bills. We elect a Board of Directors to make decisions for the community and even more importantly, for the good of the community. The Board gets to hire and manage a General Manager/Police Chief that should be acting as an agent for our community with the good of the community in mind. To be honest, with all the things that have happened in the last several years, I don't think the good of the community has been the primary focus.

The issue (current crisis) at hand is the police contract. For those that support it, I wish you would reconsider. To the average Kensington neighbor there is something not right with it. Given the fact that there were budget numbers provided originally that indicated the contract was not sustainable, but then "new" numbers were provided that put it narrowly in the black. In my accounting classes we learned how easy it is to borrow (take) from one place and give to another (a regular strategy for state government). Another issue is that the numbers provided are by someone who has something to gain by the contract being adopted (possible conflict of interest). Playing with numbers is risky as you can't always control increase in costs. I believe the community deserves a careful and conservative approach, as our homes are the only collateral

Another management issue that seems to always come up is substantial "overtime". Funny, it can always be justified when it is someone else's money. Most bosses try to reduce overtime, yet in Kensington it is always justified. This is also a management issue. The neighbors are very aware of what happens in the community and it is difficult to see why we have monthly overtime. It would be interesting if not all officers have the "overtime " problem and if it is the same officers every month. Things that make you go Hummm! (credit Arsenio Hall).

I am opposed to merging with any other police agency, and opposed to having another agency manage our department. I keep hearing that there are only a few options. I disagree that when something is broken, mismanaged, and or goofed up that a wholesale change is necessary. But things do need to be fixed. I would encourage the Board to not point fingers, hold onto any past grudges, entrench behind a position that has become so volatile, and or let egos rule the decision. We just need to fix our town.

Again, I would be poor judgment to go though and pass the Police Contract at this point. I would hope that all of you would use caution when locking the community into a 4 year comitment.

If you've read all the way to the end, Thanks.

Steven Bates
2 Lenox Road,
4 Lenox Road,
6 Lenox Road, and
301 Berkeley Park Blvd.
Kensington, CA. 94707
(510) 376-6533
sbates6464@aol.com

Subject: Harman's performance evaluation
From: Mabry Benson (benson@acm.org)
To: rsherriswatt@kensingtoncalifornia.org;
Date: Monday, February 9, 2015 11:35 PM

I tried sending this sunday, but it bounced twice -

in light of today's article in the west county times, it is totally outrageous that Harman should be given a satisfactory evaluation, or have his contract renewed. why does it take so long to do investigation? was nothing done until the newspaper article? why does Barrow receive a large amount of the overtime hours & others given hardly any? was he given any overtime hours after the incident? why can't Harman get the budget figures correct? the district needs something better.

mabry benson

Subject: February 12 meeting

From: EYLEEN (eyleenn@comcast.net)

To: rsherriswatt@kensingtoncalifornia.org; vcordova@kensingtoncalifornia.org; ctoombs@kensingtoncalifornia.org; pgillette@kensingtoncalifornia.org; lwelsh@kensingtoncalifornia.org;

Date: Wednesday, February 11, 2015 12:03 PM

Dear Board Members:

I urge you to postpone consideration of any performance evaluation/contract/pay increase for Chief Harman at your meeting tomorrow evening. Before any such action, there must be a complete and thorough investigation of his handling of the Barrow matter and the extent of the chief's own involvement. Likewise, this is NOT the time to approve a new MOU for the KPD officers. The department needs a top-to-bottom review before any commitments of taxpayer dollars are made.

Thank you.

Eyleen Nadolny
35-year Kensington resident

cc: Nextdoor Kensington

Subject: Financial Impact of proposed Memorandum of Understanding (MOU)
From: Marsha Maslan (mmaslan9@gmail.com)
To: lwelsh@kensingtoncalifornia.org; ctoombs@kensingtoncalifornia.org; pgillete@kensingtoncalifornia.org; vncordova@alum.berkeley.edu; rsherriswatt@kensingtoncalifornia.org; gharman@kensingtoncalifornia.org;
Date: Saturday, February 7, 2015 3:52 PM

February 7, 2015

TO: Len Welsh, Chuck Toombs, Pat Gillette, Vanessa Cordova, Rachelle Sherris Watt, Greg Harman

FROM: Marsha Maslan

RE: Financial Impact of proposed Memorandum of Understanding (MOU)

I am writing as a concerned property owner in Kensington. I urge the board to develop a plan to address the deficit spending and impact to reserves before approving the new MOU. Given the projected annual operating deficit by FY 2017/18 I urge the KPPCSD to adopt a resolution to improve the financial transparency and accountability and make timely and accurate financial information available for public review. I am in full support of recommendations from the KPOA Board.

Sincerely,

Marsha Maslan
Beloit Ave.
Kensington, CA 94708

Subject: Fwd: Responsibility of KPPCSD to do the right thing
From: Donna Breger Stanton (bregerstanton@gmail.com)
To: rsherriswatt@kensingtoncalifornia.org;
Date: Monday, February 9, 2015 8:26 PM

please see below:

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

From: Donna Breger Stanton <bregerstanton@gmail.com>
Date: Mon, Feb 9, 2015 at 8:07 PM
Subject: Responsibility of KPPCSD to do the right thing
To: lwelsh@kensingtoncalifornia.org, pgitlette@kensingtoncalifornia.org, ctoombs@kensingtoncalifornia.org, veordova@kensingtoncalifornia.org, rswatt@kensingtoncalifornia.org

To KPPCSD

First, I think the newest board members need to be given immunity during this embarrassment to Kensington.

The issue of concern is caused not only by one high level officer, but made worse by the fact that KPPCSD BOD allowed the Chief and yourselves to let the problem go on since May 23, 2014 with no resolution brought before the town. Even though it has been cited that in closed doors the Chief and KPPCSD board of directors have been discussing this situation it is not acceptable when no action was actually taken, that is so obvious to all that hear the story. Why was there no instant suspension at the very minimum at that time? It is clear that Keith Barrows should have been suspended immediately, at the very least, but really should now be fired along with Chief Harman for allowing this situation to continue as if nothing had happened, and without sharing with the township before it was brought to our attention by the news media. And then you want to extend a contract plus pay more money? And Barrows is in charge of the MOU despite his unprofessional and unacceptable behaviors? Losing a gun, ammo, cuffs, etc is not acceptable under the circumstances described for any officer of the law. It is stupid. Frankly, it makes us think the three remaining directors from 2014 should also resign and allow our township to heal from this situation. This is a disgrace. When we meet on Thursday if the three members of the board from 2014 attempt to avoid the conversation that is needed, it is only going to show townspeople of the mistake we all made in looking to you for adequate leadership.

Without Respect

Donna and Bill Stanton

--

Dr. Donna Breger Stanton, OTD (Doctorate of Occupational Therapy)

--

Dr. Donna Breger Stanton, OTD (Doctorate of Occupational Therapy)

pn

Subject: accountability

From: Linnea Due (lin@willitsonline.com)

To: pgillette@kensingtoncalifornia.org;

Cc: lwelsh@kensingtoncalifornia.org; ctoombs@kensingtoncalifornia.org; vcordova@kensingtoncalifornia.org; rsherriswatt@kensingtoncalifornia.org;

Date: Monday, February 9, 2015 4:28 PM

February 9, 2015

Dear Directors:

The police and protection board's mandate is to provide oversight and to represent the community as a whole in dealing with Kensington's employees and service contracts. While this must be a thankless task, there is little doubt, with the revelations of the past few days and the conflicts over the past couple years, that the board is not succeeding at that job, with thanks or without. It might even be argued that a do-nothing board would better serve this community than a board that seems to actively discourage dissent (and even stifle residents' opinions during the public comment period, as I observed at a meeting I attended).

I have long believed that combining the jobs of chief of police and general manager is a conflict of interest. I imagine such a setup could work with the right board and the right personality for COP/GM. Neither exists with this board and with Chief Harman. The board has not watched our backs, and Chief Harman, who must have known about this incident, is equally culpable by attempting to sweep this situation under the carpet. To the extent that the 2014 board members knew, they too are implicated.

I believe that the officer in question should be terminated, that Chief Harman should resign his twin positions, and that the board should issue a public apology to the community. Whether members choose to resign is up to them and their consciences. Let's move forward to hire a chief of police who makes us proud and a part-time financial manager who works for the community. And let's drop the animosities of the past in the interest of rediscovering ourselves as one of the most unique and celebrated neighborhoods in the Bay Area rather than as objects of ridicule and scandal.

Sincerely,

Linnea Due, 2 Kenilworth Court, Kensington, 94707

Subject: KPD problem

From: J Folger-Brown (jfolgerbrown@comcast.net)

To: Lwolter@kensingtoncalifornia.org; vncordova@alum.berkeley.edu; rsherriswatt@kensingtoncalifornia.org; cet@mcinerney-dillon.com; pkgillette@gmail.com; lenwelsh@gmail.com;

Cc: gharman@Kensingtoncalifornia.org;

Date: Monday, February 9, 2015 4:21 PM

All,

I have lived in Kensington since 1942, when only CCC Sheriff deputies served as Kensington's police force. Then they worked out of what is now the Weinstein Realty bldg., and tried to resolve issues and provided bicycle lic.

Clearly things have changed. I understand the financial constants for future contracts that include various benefits, i.e., health care and retirement, and also suspect that Kensington tax payers are not likely (particularly given this situation) to agree to increase property tax assessments for KPD services.

Given what I have heard including the apparent fact that Christina Mae Taylor, apparent prostitute hired by Sgt. Barrow, pleaded guilty to reduced charges on Sept. 11, 2014. She is currently on probation, but failed to check in with her officer and there is currently a warrant for her arrest. See Contra Costa Times art. by Thomas Peel, dtd. 2-8-15, 3:26 PM.

http://www.contracostatimes.com/News/ci_27483758/East-Bay-cop-whose-gun-was-stolen-by-a-prostitute-still-working

So, Sgt. Barrow, apparently hired an illegal prostitute (rather than going to a legal brothel), for \$70, and ultimately had his police revolver, badge, and wallet stolen, in May of 2014. Nine months later in Feb. 2015, just before the CCTimes article was published, Sgt. Barrow's was suspended. The fact that he may have been drugged, or had any other problems connected with this event isn't relevant to the fact that he committed an illegal act when he chose to hire an illegal prostitute, particularly since he was a police officer albeit off duty.

Whether one believes the CCTimes, or any of the other media reports, regarding this issue in my view the real problem is that it took 9 mos. to determine that Sgt. Barrow acted inappropriately and used bad judgement, and (sadly) Chief Harmon avoided taking action.

I believe that Sgt. Barrow should not be reinstated! -toni

J Folger-Brown
Coventry Rd.

Subject: from Anna Porter
From: Anna Watkins Porter (annawatkinsporter@gmail.com)
To: shwatt@sbcglobal.net;
Date: Monday, February 9, 2015 2:47 PM

My emails to your address on the About Kensington site are bouncing back?

Hi Rachelle.

An exciting week in Kensington!

This is Anna Porter from over on Los Altos.

I am sure you are being bombarded with emails about the article in the CC times (and now many other papers including the NY Times).

We are stunned and just plain incredulous at the actions of Office Barrow - and even more so - how long this sordid information has take this long to come to light. Its like something out of Reno 911! How does this even happen?

This brings everything to a point that so many people in our town including myself feel - that our police department is vastly overpaid and has gotten away with this kind of behavior for years. I agree with the reporter and others who have pointed out how in our small town ...

There are often problems with these tiny little departments," said Walker, where "high rates of unprofessionalism," especially in matters of internal investigations and discipline, are common. In situations like Kensington's, he said, "you have to ask if the Police Department is essentially lawless"

This is a cover up and if Harman and Barrow are not both terminated I fear the residents will lose whatever respect and trust they have left in the KPPCSD.

I hope the board sees fit to ask existing board members if they also knew about what happened in Reno...if anyone did they should be terminated.

I am hoping to attend Thursday but thought I would send my opinion along to you if it matters. There is no way the board should approve the existing contract under these circumstances. I think a complete overhaul and review of the force needs to occur.

What a mess. This is an exciting start to your term and we are hoping to see some accountability from the board to really ask hard questions and do the right thing.

Anna

Subject: Comments on recent financial analysis of MOU

From: Derrell Chambers (221lorraine@gmail.com)

To: lwelsh@kensingtoncalifornia.org; pgillete@kensingtoncalifornia.org; rsherriswatt@kensingtoncalifornia.org; gharman@kensingtoncalifornia.org; ctoombs@kensingtoncalifornia.org; vncordova@alum.berkeley.edu;

Date: Friday, January 23, 2015 3:04 PM

Hello All

Having read the report, I am not really clear on all the trade-offs described, but I want to share my bottom-line opinion. Of all the public services Kensington provides to us, the police and fire departments are the most important to my husband and to me. Every time anyone on Lake Dr. has had a problem, the police have been there immediately to help. They have been polite, caring and competent. For any medical emergency the fire truck is there in a hart beat to provide excellent service. It is important to us to have a well-paid and sufficiently-staffed local police and fire department to protect our lives, health and property. Nothing matters more than that.

We don't want the budget cut for either the police or fire departments. They are essential and are the core of maintaining the high quality of safety we enjoy in Kensington. Increase local parcel taxes as much as is necessary to maintain the high quality of service we now enjoy.

Reducing the level of service, either from reducing the number of people or relying on outside man-power will essentially mean the the health and safety of our neighborhood will be seriously affected. The cost of one unnecessary death because of slow response time, or one violent event caused because we don't have enough police will far outweigh any budgetary savings.

We are living in a time where people for some reason don't want to pay taxes or pay for public services. Taxes are the rent we pay for a civilized and safe society. I would like to hear more discussion about how to raise the revenue to maintain our excellent quality of life and about the responsibility of everyone in Kensington to step up the plate an take responsibility for recognizing that services cost money.

Cordially,

Drs. Hilary Lorraine and Derrell Chambers
221 Lake Dr.

PK

Emily Nozick
60 Norwood Avenue
Kensington, California 94707
(510) 525-8603
enozick@earthlink.net

February 11, 2015

VIA EMAIL

Chief Gregory Harman
Kensington Police
217 Arlington Ave.
Kensington, CA 94707

Re: Identity Theft Case – Case number 14-6396

Dear Chief Harman:

I recently read that Sgt. Keith Barrow has been suspended from the Kensington Police Department. I write because he was the officer assigned to my identity theft case at the beginning of December and, to my knowledge, no progress has been made on my case. I am hoping that my case has been reassigned and that it can move forward.

I reported my identity theft to the Kensington Police on December 9. I was told that Sgt. Barrow was going to be working on my case, and that he would, either that week or the following week, obtain security camera footage from the Best Buy and the two Wells Fargo branches where the theft occurred, attempt to identify the woman who stole my money (as well as my identity), interview the witnesses, etc. I heard nothing. I have, in the last 2 months, attempted to contact Sgt. Barrow several times, by phone (leaving voice messages) and email. I received no response. My brother (a federal prosecutor in Indiana) connected me with a Secret Service agent in San Francisco who deals with identity theft to assist with the investigation and *he* has similarly tried to contact Sgt. Barrow on several occasions, with no success. I have been very disappointed with the way my case has (not) been handled by the Kensington Police.

AS

I frankly expected more from the Kensington Police Department. I realize that an identity theft case would not necessarily be the department's top priority. But I, at least, expected the courtesy of a response and an update. I expected some investigation to be done, preferably while memories were still fresh. Incidentally, I recently received a follow up call from the Union City Police Department (who originally alerted me to the identity theft when they were called by a perceptive Best Buy clerk in Union City). They wanted to know whether the Kensington police had made any progress in solving the case. I gave them Sgt. Barrow's name and the case number. I was impressed that the Union City Police followed up with me – it was no longer their case. I am not sure if they had any better luck getting a response from Sgt. Barrow.

I would appreciate it if you could notify me when my case has been reassigned to another detective, provide that detective's contact information, and give me some update on any progress in the case.

Sincerely,

Emily Nozick

cc: Len Welsh, President, KPPCSD
Pat Gillette, Vice President, KPPCSD
Rachelle Sherris-Watt, Director, KPPCSD

A small, handwritten mark or signature in the bottom right corner of the page, possibly initials or a stylized signature.

Subject: Police chief
From: Renee Rubin Ross (reneer52@gmail.com)
To: rsherriswatt@kensingtoncalifornia.org;
Date: Thursday, February 12, 2015 3:55 PM

Dear Rochelle,

I am a resident of Kensington. The news this week has left me embarrassed to live here. I am shocked that no disciplinary action would be taken for an officer who visited a prostitute and then had his gun stolen.

The police chief has shown extremely poor judgement in burying this story, putting Kensington at risk. I believe that his contract should be terminated immediately. Kensington residents deserve a government that operates on the principles of professionalism and transparency.

I've sent this note to all Board members. Thank you for any effort you're able to make in improving Kensington government.

--Renee Rubin Ross

Renee Rubin Ross, Ph.D.
510-685-4081
Follow me on twitter @reneerubinross

Renee Rubin Ross, Ph.D.
510-685-4081
Follow me on twitter @reneerubinross

Subject: RE the Police Chief/General Manager's Performance Review

From: Ciara Wood (ciara_woodhaven@sonic.net)

To: ctoombs@kensingtoncalifornia.org; rsherriswatt@kensingtoncalifornia.org; pgillette@kensingtoncalifornia.org; lwelsh@kensingtoncalifornia.org; vcordova@kensingtoncalifornia.org;

Date: Wednesday, February 11, 2015 3:44 PM

Dear Directors,

It is time for you to stop "spinning" the Police Chief/General Manager's performance and castigating your constituents who point up the flaws in his financial plans or question, even suggest, that his management of the police department is questionable.

Recent news coverage has opened that wide up for community review, and your performance is now as much at issue as that of the Police Chief/General Manager, as it looks like you are trying to protect yourselves by protecting him, and herein lie huge conflict of interest questions, for the Chief as well as the Board Majority.

In a community with a "zero tolerance" policy, I am discomfited that here would be no tolerance for a rolling stop, but so much tolerance for an officer taking his firearm across state lines, and subsequently having his firearm, ammunition, badge, and handcuffs taken from him.

Though press coverage has been focused on the less-than-professional behavior of the Sergeant, I find it much more compelling that the Chief of Police took virtually no disciplinary action in this matter until forced to by the investigative news service breaking this story to the citizens of Kensington.

This is egregious.

See this as a huge betrayal of the public trust and a grave dereliction of duty on the part of the Chief of Police. I ask that you not renew his contract.

Most Respectfully, ~Ciara Wood
Former Director of the Kensington Police Protection and Community Services District

To paraphrase the immortal Howard Baker, during the Senate Watergate hearings: "What did he tell you about this matter and when?"

PP

Did his account mollify your inclination to ask questions? obstruct oversight?

As Rahm Emanuel famously said, "It's a shame to waste a good crisis."

The Board meeting Thursday night, was a watershed. The community came out in force, aroused about the nonfeasance, misfeasance and malfeasance by those whose official duty is to serve the people of Kensington. We are emerging from a culture of special interest and cover-up that has burdened us significantly.

It was in large measure the climate of intimidation, bullying and insult to the intelligence of our people that initially caused alarm. But there is more to it and there has been from the beginning. A small group of community people joined together to exercise our First Amendment Rights to have our voices heard and petitioned the government by filing what has become the notorious writ of mandate.

The climate of arrogance, intimidation and disregard for First Amendment rights underlies what happened in Reno. It was that climate that seduced Keith Barrow into believing that he was above the law. We all bear some moral responsibility for the climate that contributed to his impaired judgment and conduct, because we were asleep. How to deal with Barrow is a complex matter that calls for a dispassionate and professional analysis.

Harman must go. He is the person most directly responsible for running our police department down into the governance swamp where we find ourselves. He is a toxin, and though there is a good deal more that constitutes cause for dismissal, he has become the focal point of a bitterly divided community and that alone is reason enough for him to go. His contract is expired, and even under his now past contract he is an "at will employee" who can be let go without cause. Though he showed no compassion for the career-ending firing of some of our better officers, it would seem best to negotiate his leaving with a severance agreement that does not add to the taint he has already brought upon himself and that helps the community recover fiscally.

As to the KPPCSD Board, there is much they can do to set matters right, and until their will to do that is tested, talk of a recall is premature. Recall would

be a source of further divisiveness and delay the process of healing that is so important to the life of our community.

At the recent Finance committee meeting a member of the board made a statement that augers for hope.. He said, that we need a town hall meeting to hear from the community what it wants in the context of what it's willing to pay for. The goal is agreeable except that the process cannot begin with a town hall meeting. There are methods for achieving that goal and going beyond.

If the board as presently established truly undertakes to use our community's rich human resources in good faith they can facilitate our fixing ourselves and much more. There is no doubt in my mind that there are many who would step forward to help.

We have the opportunity to model a special way small communities of good will and its intelligent application can govern themselves.

February 16, 2015

Dear Members of the KPPCSD Board of Directors:

As a Kensington resident of 24 years, I am writing with regard to the position of General Manager/Chief of Police (GM/COP). But first, I would like to thank you for the tremendous opportunity that you extended to the Kensington community on February 12, 2015 at the monthly general meeting. The community heartily and freely expressed its strong opinions and sentiments about the recent revelations of the events in Reno, and the Board provided to the community useful information about roles and responsibilities in the handling of that matter. I learned much more than I had expected to during the meeting last Thursday, for which I am grateful, and I also understand better now the kind of information that can never be made public.

On the topic of the General Manager/Chief of Police (GM/COP), many Kensington residents spoke eloquently to demand a separation of the roles of GM and COP. Taking all of that to heart, and after my own consideration of the limitations inherent to combining the roles, I am writing to request that the Board make a decision at its meeting tonight to:

- (a) Give no further consideration to extending the contract of the General Manager/Chief of Police (GM/COP);
- (b) Move immediately, in the interest of improved governance of the District, to reorganize and separate the roles of General Manager and Chief of Police; and
- (c) Commence recruitment of a qualified individual into each role.

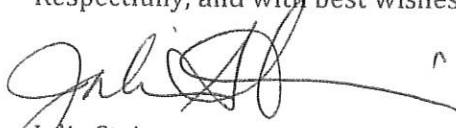
As the combined GM/COP job description is currently written, the skill sets and experience required for each position do not overlap. In addition to playing the role of Chief Executive Officer of the Police Department, the GM/COP also serves the District as the de facto Chief Executive Officer, Chief Financial Officer, Chief Information Officer, and Chief Facilities Officer, overseeing budget, human resources, contracts and procurement, parks and recreation, solid waste, elections, and public records.

The qualifications for the role of CEO of the Police Department appear to be appropriately articulated in the job description with supervisory and command experience and a California POST Supervisory Certificate; yet, for the District's combined "C-suite" roles, the job qualification cited are: "demonstrated managerial and community involvement experience."

Only the Board itself will learn whether the combined duties of GM/COP contributed to why the investigation of the Reno incident took more than nine months. Regardless of the outcome of that discussion between the Board and the GM/COP, I strongly urge you to take action tonight to launch a new forward-looking governance structure for Kensington that separates the role of General Manager and Chief of Police.

Thank you very much, to all of you, for your countless hours and tireless volunteer efforts spent on behalf of Kensington.

Respectfully, and with best wishes,


Julie Stein
Ardmore Road

Subject: FW: Letter to KPPCSD Board of Directors re: separation of GM/COP roles

From: Rachele Sherris-Watt (sherwatt@outlook.com)

To: shwatt@sbcglobal.net;

Date: Monday, February 16, 2015 7:04 PM

Date: Mon, 16 Feb 2015 21:57:38 -0500

From: juliemstein@aol.com

To: lwelsh@kensingtoncalifornia.org; sherwatt@outlook.com; vcordova@kensingtoncalifornia.org; ctoombs@kensingtoncalifornia.org; pgillette@kensingtoncalifornia.org; rsherriswatt@kensingtoncalifornia.org

CC: lwolter@kensingtoncalifornia.org

Subject: Letter to KPPCSD Board of Directors re: separation of GM/COP roles

February 16, 2015

Dear Members of the KPPCSD Board of Directors:

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Thank you very much for your countless hours and tireless volunteer efforts spent on behalf of Kensington.

Respectfully, and with best wishes,

Julie Stein
Ardmore Road

98

Subject: FW: Contracts with Harmon and
From: Rachelle Sherris-Watt (sherwatt@outlook.com)
To: shwatt@sbcglobal.net;
Date: Monday, February 16, 2015 6:39 PM

Date: Mon, 16 Feb 2015 17:43:01 -0800
From: ftlossy322@comcast.net
To: lwelsh@kensingtoncalifornia.org; sherwatt@outlook.com; vcordova@kensingtoncalifornia.org;
ctoombs@kensingtoncalifornia.org; pgillette@kensingtoncalifornia.org
Subject: Contracts with Harmon and

Dear Board Members,

I have been of the opinion long before the current "scandal", that there is an intrinsic conflict of interest between Mr. Harmon as City Mgr and Mr. Harmon as COP. The current upheaval around Sgt Barrow and his difficulties has clearly corroborated that opinion. Consequently I urge that you allow both Mr. Harmon's and Sgt. Barrow's contracts to lapse at the end of their current period.

Then I urge that you hire a new CM and a new COP for the up-coming period, who could be either full-time or part-time, depending on an assessment of need. After all ours is a small community with limited needs from each of those professionals.

Sincerely,

Frank T. Lossy, M.D.

9/1

Kath Delaney & Erik Johnson
275 Lake Drive
Kensington, CA 94708

February 16th, 2015

KPPCSD Board of Directors
Kensington, CA 94708

Dear KPPCSD Board of Directors:

It is with great concern that I write to the entire board of KPPCSD in regards to the current turmoil in Kensington's town government and operations. It is not easy to serve the public and give it your time, passion and experience but when a public servant has become the center of controversy, misjudgment and ethical concerns, it is time for that public servant to step aside.

It is with a heavy heart that I encourage the KPPCSD to not renew Chief Greg Harman's contract. I encourage the board to ask Chief Harman to resign and put an interim general manager and police chief in place. I also highly recommend that this position should be split into two different roles. As I believe the role is fraught with conflict of interest and the district government should be restructured to avoid any further conflict.

The current situation at hand must be thoroughly investigated by a neutral third party, which does not cost the district any financial burden.

As Kensington residents we have an enormous responsibility to not squander the privilege we have by living in a community rich with human capital and natural resources.

Thank you for your hard work and dedication to resolving these issues as quickly as possible.

All our best,

Kath Delaney & Erik Johnson

Subject: COP/ Kensington issues issues
From: Mark Wijsen (wijsen@me.com)
To: shwatt@sbcglobal.net;
Date: Monday, February 16, 2015 5:49 PM

Hello Ms Sheriss-Watt and fellow board representatives,

I want to point out that there have been no monthly police reports posted since 09/14. I assume the staff has been paid on time, why have these reports not been made public? That is 4 months of essentially no information of what our force has been up to except through local news sources. Additionally police officer salaries in surrounding areas, do not make the wages even our most recent hires take home. I feel to move forward we will need new faces to forge new trust. I think we could use a part time city manager to advocate for the town fiscally. On a final note, the tenor of the town must be changed, I urge a new editorial oversight of our Outlook reporting and commentary.

Respectively submitted, Mark Wijsen

Subject: tonight's meeting

From: Linnea Due (lin@willitsonline.com)

To: lwelsh@kensingtoncalifornia.org;

Cc: rsherriswatt@kensingtoncalifornia.org; pgillette@kensingtoncalifornia.org; ctoombs@kensingtoncalifornia.org; vcordova@kensingtoncalifornia.org;

Date: Monday, February 16, 2015 6:04 PM

Dear Directors,

I understand that tonight's closed session is to determine whether the COP/GM's contract should be renewed. After this brouhaha, Harman's contract should not be renewed for a number of reasons: the two jobs should be divided, as they embrace a conflict of interest; Harman has not performed his job adequately; the community needs desperately to heal from this awful experience, and trust must be regained with the very people who are supposed to keep us safe. I'm sure you've read the Next Door posts on intimidation by the police. The person who began the thread, a professor at Boalt, relayed that he had received a number of private emails describing other examples of police intimidation. I want our community to value our police force, not be frightened by them or fear retaliation for speaking out. I witnessed the police entering a house when the resident was not at home and was told to mind my own business when I asked what was happening. That resident was extremely upset when she learned that the police had entered in her absence and without her permission. The police should not be in an adversarial position with the community they are paid to protect. The climate of fear starts with Harman—but the buck stops with the five directors who oversee him. His contract should not be renewed, and that decision must be made and announced tonight. It is the only way that Kensington residents will feel that the tide is beginning to turn in a positive direction. Thank you, Linnea Due, 2 Kenilworth Court, Kensington 94707.

Subject: FW: Letter to Kensington Board regarding Sgt. Barrow's misconduct

From: Rachele Sherris-Watt (sherwatt@outlook.com)

To: shwatt@sbcglobal.net;

Date: Monday, February 16, 2015 5:13 PM

Date: Mon, 16 Feb 2015 17:06:54 -0800

Subject: Letter to Kensington Board regarding Sgt. Barrow's misconduct

From: mikital@gmail.com

To: lwelsh@kensingtoncalifornia.org; sherwatt@outlook.com; vcordova@kensingtoncalifornia.org; ctoombs@kensingtoncalifornia.org; pgillette@kensingtoncalifornia.org

Dear Board,

I am following up on my earlier statements made at the public meeting on February 12, 2015. I am a former prosecutor and currently a criminal defense attorney. As I stated at the meeting, Sergeant Barrow must be dismissed from the Kensington police department because he would likely be impeached and discredited in any criminal hearing or trial based on his past misconduct and acts of moral turpitude. Any investigation in which he participates on behalf of victims or complainants of crime in Kensington will be discredited and minimized. He can no longer effectively function in enforcing the laws that protect the citizens of our community.

In addition, given the Board's and Chief Harman's knowledge of Barrow's prior misconduct as a literal loose cannon who lacks judgement, any complicitness by the Board and Harman in allowing Barrow to continue to serve on the Kensington force, even assuming a short suspension, would set up the Board and Harmon for potential liability for any future misconduct committed by Barrow.

It is unknown to me whether Chief Harman consulted with his attorneys at Hanson Bridgett when he was initially made aware of Barrow's misconduct in Reno and if so how they advised him. But it was blatantly reckless of Harman to allow Barrow to serve on the force without any discipline while Harman allegedly "investigated" the matter over a period of many months. Chief Harman should be demoted or dismissed for putting the citizens of Kensington at risk, given that any crimes committed against them could not be fully prosecuted and that any investigation he conducted would be compromised.

Since the February 12th meeting, I have been contacted by several members of the community to express their concern and gratitude for my statements. I feel compelled to remain actively involved in addressing this issue on behalf of our community and hope we can work to have an effective and ethical police force which provides security and support for our citizens.

Miki Tal, Esq.

90

Subject: FW: Harman
From: Rachelle Sherris-Watt (sherwatt@outlook.com)
To: shwatt@sbcglobal.net;
Date: Monday, February 16, 2015 4:55 PM

Date: Mon, 16 Feb 2015 16:50:00 -0800
Subject: Harman
From: kanecm@berkeley.edu
To: sherwatt@outlook.com

With regret, I support the non renewal of Chief Harman's contract as either COP or GM.

Best,

Caroline Kane
231 Lake Dr
Kensington CA 94708
510-527-1693

Subject: GM/Chief Performance

From: Garen Corbett (glcorbett@gmail.com)

To: lwelsh@kensingtoncalifornia.org; Pkgillette@gmail.com; ctoombs@kensingtoncalifornia.org; vncordova@icloud.com; shwatt@sbcglobal.net;

Date: Sunday, February 15, 2015 9:17 PM

Dear Directors,

I urge you to let the GM/Chief's contract to lapse on Monday, and that it not be renewed. The Chief has lost the confidence of the community, and I believe cannot be effective in either of his roles going forward. While he may have improved in some ways over the years, his skills and abilities, and questionable decision-making on recent matters have made me question his judgement to such an extent that I am not comfortable in him remaining in either of his two current roles. I am less interested in further investigations or further actions that may be costly or divisive in our community (or detrimental to his future job prospects). But, I am strongly urging you to move forward in making important reforms to in our management of police, fiscal issues, and community relations. This is a vital first step in that direction and would illustrate the Board has heard community sentiment. I trust that given the extraordinary community outcry, that such a course of action is obvious and unanimous among you.

I will try and attend on Monday night, but I may not be able to. So I wanted to share my views beforehand. Thank you for your consideration.

Sincerely,

Garen Corbett

11 Camelot Ct

Subject: Renewal of Harman's contract

From: Christopher Deppe (cdeppe@tseint.com)

To: lwelsh@kensingtoncalifornia.org; pgillette@kensingtoncalifornia.org; ctoombs@kensingtoncalifornia.org; vcordova@kensingtoncalifornia.org; rsherriswatt@kensingtoncalifornia.org;

Date: Sunday, February 15, 2015 6:53 PM

Der KPPCSD board members,

I may not be able to make it to the meeting tomorrow night, at least before the closed session where you will be debating a new contract for the police, so I'd like to send you my thoughts beforehand.

1. Listening to the comments last Thursday I think everyone can agree that there is a lot of anger and mistrust currently in the community, and a lot of that is directed towards the GM/COP. I've always believed it is important to have someone in that position that has the trust and respect of the vast majority of the citizens, and right now that is certainly not the case. Whether he (Harman) has the support of at least 50% is not the right measure of success. He should be working every day towards gaining the trust and respect of all. Of course it's not possible to please everyone, but that should be the goal. If this at all resonates with you, then there is no way a new contract should be extended to Harman. He has not shown (publicly at least) any remorse or accountability in this affair, and I can't imagine renewing his contract will bring anything but more divisiveness, anger, and discord.

2. If I understand the current state of affairs, Harman doesn't need to be fired, but you can simply choose not to renew his contract. This is an opportunity to both sever the relationship, and to examine the possibility of splitting the GM and COP positions. There may not be such a situation again for a long time.

3. When a vote is held about Harman's contract, I sincerely believe that anything less than a unanimous decision would only perpetuate, and most likely increase the level of distrust currently in the community. I personally don't think that anything short of releasing Harman will make things better, but I wanted to offer this observation in the case you are considering renewing his contract.

I realize my previous email to you all might have been viewed as inflammatory, as I along with many others was really upset that I had to find out about the scandal from a local newspaper, and not from either the board or the GM/COP. But please don't dismiss my email as just more complaints from a malcontent. There really is a problem here, and something needs to be done about it.

Sincerely,

Chris Deppe

Subject: Re: Concerning Mr. Harman's job performance review
From: John Maccabee (johnmaccabee@gmail.com)
To: ciara_woodhaven@sonic.net;
Cc: lwelsh@kensingtoncalifornia.org; rsherriswatt@kensingtoncalifornia.org; pgillette@kensingtoncalifornia.org; vcordova@kensingtoncalifornia.org; ctoombs@kensingtoncalifornia.org;
Date: Monday, February 16, 2015 1:13 PM

Well stated, Ciara. Thank you. As a new resident (one year) I am amazed by the amount of difficulty that has found its way to this little, peaceful town. These seem to be management issues, and politics aside, how is it that management of this small town has incurred suits, slurs, turning a blind eye to infractions, process and good sense? While the board may be following the letter of the law it needs to assert its leadership. Obviously, the citizenry is in favor of a change in attitude and management. I also recommend that you not renew Mr. Harmon's contract. Thank you for your service. Sincerely, John Maccabee

On Mon, Feb 16, 2015 at 12:50 PM, Ciara Wood <ciara_woodhaven@sonic.net> wrote:

Monday, February 16, 2015

Dear Directors:

Regarding Mr. Harmon's performance review tonight and the public review of your performance as a Board, I have much to communicate to you.

As a former Director of the KPPCSD, I understand that you cannot comment on personnel matters publicly. But that need not constrain you from counting up all the police officer complaints and internal investigations during Mr. Harman's tenure as Police Chief/General Manager.

You also need to tally up all the legal fees, that we the citizenry of Kensington have paid for those investigations.

You need to tally up the names and numbers of officers and civilian personnel who have left, or been forced out of, their positions with the Kensington Police Department and Community Services District since Mr. Harman's arrival.

In particular, you should look at the turnover in the position of the District Secretary/Administrative Assistant, that turnover beginning with the firing of Helen Horowitz and continuing through the departures of a number of

Administrative Assistants including departure of Anita Gardyne, who brought a sexual harassment claim against the District which was sustained by the Court.

In the matter of Ms Gardyne's suit, it having been upheld by the Court, you should be enquiring as to which officers were involved and what specific disciplinary action, if any, was taken against them for their behaviors, which cost the District a fair amount of money, a fine Administrative Assistant, and credibility that any oversight of police officer behavior is being exercised by the Chief of Police/General Manager.

The massive legal fees of the last several years, not including those associated with the Petitioners Suit or the Garbage Contract, should have been of grave concern to Mr. Harman in his capacity of General Manager, as all those funds spent on legal fees have undermined the financial stability and sustainability of Kensington as Special Police and Community Services District and have certainly contributed to depleting the District's financial reserves.

In the matter of the Petitioners Suit, as General Manager, did Mr. Harman advise you, the Board, just to take another vote on his salary package and be done with the matter?, thus saving the community well over \$100,000, or did he say nothing at all on this matter?, leaving the Board Majority without any caution as to its course of action or the repercussions and ramifications that might follow that course of action?, one of which being the further depletion of District Financial Reserves.

What, if any counsel, did you receive from the General Manager regarding the 6% increase sought by Bay View Refuse which turned into a 21% increase to Kensington ratepayers based on arbitration? Was it by Mr. Harman's inaction in dealing with Bay View Refuse Company or by your own instruction that the 6% increase was not accepted?

You need to be considering all this in the matter of Mr. Harman's job performance review, all this having preceded the matter of Mr. Barrow's misadventures in Reno, Nevada.

As a former Director of the Police Protection and Community Services District, I understand that Directors often develop an unquestioning personal relationship with the GM/CP, such that they do not question anything the GM/PC does or tells them, and such that they respond to any public criticism or questioning of the Police Chief/General Manager by circling the wagons round the Chief, as in a western film, to protect the Chief from the citizens he purportedly serves. We are certainly watching these behaviors play out once again.

That the majority of this Board has a clear conflict of interest in this matter seems to elude you. The conflict seems to set serving the community against protecting Board Backsides, and those would be your backsides.

I am asking that you do the math and think your way through this. You don't have to pay yet another outside consultant to do your thinking for you. You can total up the number of officer complaints, internal investigations, and associated legal fees during Mr. Harman's tenure. You can total up the number of officers and civilian personnel who left the department since Mr. Harman's swearing in. Total all the legal fees that our citizenry has paid out including the legal fees in the matter of the Petitioners Suit and the Garbage Rate Increase debacle. You can do this. It won't cost the community, and it certainly won't be a rush to judgment. It would however, be a departure from the Board's culture of collusion and coverup.

Once again, I recommend to you that you not renew Mr. Harmon's contract.

Most respectfully, Ciara Wood,

Former Director, Kensington Police Protection and Community Services Director

Subject: FW: Do Not Extend Mr. Harman's Contract
From: Rachelle Sherris-Watt (sherwatt@outlook.com)
To: shwatt@sbcglobal.net;
Date: Monday, February 16, 2015 4:56 PM

Date: Mon, 16 Feb 2015 16:31:02 -0800
From: jdragolovich@sbcglobal.net
Subject: Do Not Extend Mr. Harman's Contract
To: lwelsh@kensingtoncalifornia.org; sherwatt@outlook.com; vcordova@kensingtoncalifornia.org;
ctoombs@kensingtoncalifornia.org; pgillette@kensingtoncalifornia.org
CC: lwolter@kensingtoncalifornia.org

Dear Board of Directors,

You must act decisively tonight and vote NO on the extension of Mr. Harman's contract as Chief of Police and General Manger. His record is riddled with unprofessional behavior which has alienated the community and he does not deserve to be associated with the KPD.

Please enter this message in the records of this evening's Special Meeting.

Thank you.

Sincerely,

Julia Dragolovich
#1 Dewey Road
Kensington

Subject: FW: Please do NOT renew Harman's contract
From: Rachelle Sherris-Watt (sherwatt@outlook.com)
To: shwatt@sbcglobal.net;
Date: Monday, February 16, 2015 4:56 PM

From: benson@acm.org
Date: Sun, 15 Feb 2015 22:11:59 -0800
Subject: Please do NOT renew Harman's contract
To: lwelsh@kensingtoncalifornia.org; pgillette@kensingtoncalifornia.org; ctoombs@kensingtoncalifornia.org; rswatt@kensingtoncalifornia.org; vcordova@kensingtoncalifornia.org; sherwatt@outlook.com

I have a previous commitment and will not be able to attend the Monday meeting to make a public comment. So I am sending in writing what I would like to say during public comments.

The contract with Mr Harman as GM/COP should NOT be renewed, nor should he be given a satisfactory rating, for the following reasons:

It should not take more than 7 months to conclude the investigation of Barrow when there was no question (cf police reports to Reno police) that he had illegally visited a prostitute and had his equipment stolen. My conclusion is that he realized that renewal of his contract depended upon retaining majority support on the board, and that this incident would have jeopardized that majority.

It appears that he has shown definite favoritism in managing the patrol officers - particularly apparent in allocating (awarding might be a better word here) overtime. Why was Barrow given so much, even though he was under investigation? You should ask to see how he has allotted overtime over the last few years, and ask for an explanation of why the hours are not evenly given out.

He has difficulty in getting the money figures correct - cf the \$124K (?154) omission he admitted at the last Finance Committee meeting, his inclusion of garbage franchise fees in available funds.

He has cost the district an inordinate amount of money in legal fees.

He is no longer under contract, and there is no obligation to keep such a district liability.

Mabry Benson

Subject: Chief's Contract--Police Contract

From: Tom Dean (thosdean@gmail.com)

To: lwelsh@kensingtoncalifornia.org;

Cc: pgillette@kensingtoncalifornia.org; ctoombs@kensingtoncalifornia.org; vanessa.cordova.kppcsd@gmail.com; rsherriswatt@kensingtoncalifornia.org;

Date: Monday, February 16, 2015 3:18 PM

I would hope you don't make any final decisions tonight. So many flaws in the negotiation process have been revealed in the Sgt Barrows situation, that a temporary extension, if needed, would seem best until things are sorted out.

Subject: GM/COP contract extension
From: KATE DRAGOLOVICH (katedragolovich@sbcglobal.net)
To: rsherriswatt@kensingtoncalifornia.org;
Date: Friday, February 13, 2015 11:45 AM

Do not renew Harman's contract at the upcoming closed session meeting on February 16th. He did not act appropriately in handling the Barrow matter. The time is right for the Board and the community to explore the following two restructuring options for the Kensington Police Department:

1) Merge with the El Cerrito Police Department.

OR

2) Retain a stand alone Kensington Police Department, but replace the current Chief of Police position with one manned by a police captain (the General Manager position would become part-time and separate from the police department).

Thank you,
Kate Dragolovich
1 Dewey Rd
Kensington, CA 94708
510-525-4237
katedragolovich@sbcglobal.net

Subject: In regards to tonight's meeting.

From: Emi Sherman (emi@shermanarch.com)

To: lwelsh@kensingtoncalifornia.org; rsherriswatt@kensingtoncalifornia.org; vcordova@kensingtoncalifornia.org; ctoombs@kensingtoncalifornia.org; pgillette@kensingtoncalifornia.org;

Date: Monday, February 16, 2015 3:46 PM

Dear Board,

It is imperative that COP/GM not be granted the privilege of continuing to "serve" this community. Anyone voting to renew Harman is grievously irresponsible. It will not be tolerated.

Sincerely,

Emi Sherman
510.526.6330

100

Mabry Benson <benson@acm.org>
Reply-To: benson@acm.org

Wed, Feb 25, 2015 at 9:55 AM

To: Len Welsh <lwelsh@kensingtoncalifornia.org>, sherwatt@outlook.com, vcordova@kensingtoncalifornia.org, ctoombs@kensingtoncalifornia.org, pgillette@kensingtoncalifornia.org

I think the community deserves a full explanation with legal justifications of why the Board thinks that Barrow can't be fired. (Note that in the existing MOU the Board is allowed to fire officers for cause.)

As Miki Tal's letter clearly pointed out, Barrow 'would likely be impeached and discredited in any criminal hearing or trial based on his past misconduct and acts of moral turpitude.' This should be cause for dismissal separate from his suspension for presumably actions unbecoming an officer.

Many of us question the quality of the legal advise that Hanson Bridgett gives the Board - I suspect that it is only what the Board or Harman wants to hear. The Board needs an independent opinion from the County or state District Attorney before they can claim that they cannot legally fire him. This small district cannot afford to maintain an officer who cannot testify in cases he is involved in. And you need to do some things to restore community confidence that you are addressing the problems.

Please enter this into the next minutes. Thank you.

Mabry Benson

Office Report prepared by Marty Westby, Administrator
Kensington Community Council Board Meeting
March 2, 2015

KASEP:

KASEP Spring Online Class Registration is scheduled for Tuesday, March 10th, starting at 7:30pm. KCC staff will be onsite at the KCC Office to provide telephone support. Spring session begins Monday March 23rd and continues through to Friday May 29th.

We are offering one new class this session, "Building with Legos", Wednesdays two classes (1:50pm and 3:10pm). This class fills the void of the Circus class which took a break with hopes to return in FALL 2015.

KCC Summer Day Camp:

The KCC Summer Camp Online Registration will start accepting camp enrollments on March 3rd and continues throughout the summer months. Cost for KCC Summer Day Camp 2015 is \$250 per week, per camper with camp beginning at 9:00am and ending at 5:00pm. Early morning and late afternoon extended care is available. Campers entering first grade up through 6th grade in FALL of 2015 are eligible to enroll. For a complete listing of field trips, specialty teachers and themed week events, visit KCC's website at WWW.KensingtonCommunityCouncil.Org.

We are very excited to have Ethan Houser return this year as Camp Director and Emiliano Carrasco-Zanini as Head Counselor. KCC Summer Day Camp runs for 10 weeks, beginning June 8th through August 14th. We are investigating the possibility of extending camp an additional week, August 17 – 21st as WCCUSD first day of the new school year is August 24th.

KCC Events:

The Annual KCC Senior Picture for the Outlook is scheduled for Sunday, May 3rd at 3:30pm at the KCC's Office. This is open to all high school senior students attending any public or private school, and who lives in or lived in Kensington at some point during their early years.

KCC March Madness Fundraiser Dance is scheduled for Saturday March 7th from 7:30pm – 10:00pm, at the community center. Childcare is provided for families attending the dance. Desserts, refreshments, dance lessons and DJ -- all packaged together to make a special Parent's Night Out. Tickets are available at the KCC Office and sold at the door.

KCC's website is updated for each registration. Information on summer camp activities and the KASEP spring class schedule can be viewed and parents can register for all the programs using their one online family account. WWW.KensingtonCommunityCouncil.Org

KASEP FALL Online Registration will be held September 8th with classes starting September 21st.

Welcome Ms. Rowena Cerri, KCC's new Office Coordinator working with Marty Westby in the KCC Office, providing staff support for KASEP and KCC programs.

March 2015

March 2015							April 2015						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7	8	9	10	11	12	13	14
15	16	17	18	19	20	21	22	23	24	25	26	27	28
29	30	31											

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Mar 1	2 7:00pm *Cub-Scouts* (CCM) 7:30pm KCC Board Mtg (CCM)	3 7:30pm *Boy Scouts (CCM)	4 7:00am AA (CCM)	5 7:15pm EBC (CC1)	6 5:00pm March Madness Set Up (CCM)	7 5:00pm KCC Fundraiser Mardi Gras/March Madness Dance (CCM)
8	9 7:00pm *Cub-Scouts* (CCM)	10 7:30pm *Boy Scouts (CCM)	11 7:00am AA (CCM) 7:00pm *KFD Mtg (CC3)	12 6:00pm KPPCSD Mtg (CCM)	13	14 2:00pm *GPFF - Annual Dinner (CCM)
15	16 4:00pm *Girl Scouts* (CCM) 7:00pm *Cub-Scouts* (CCM)	17 7:30pm *Boy Scouts (CCM)	18 7:00am AA (CCM)	19 6:00pm KPSC (CCM) 7:15pm EBC (CC1)	20	21
22	23 7:00pm *Cub-Scouts* (CCM) 7:30pm *KFC (CC3)	24 7:30pm *Boy Scouts (CCM)	25 7:00am AA (CCM)	26	27	28 11:00am CC Rental (CCM)
29	30 7:00pm *Cub-Scouts* (CCM)	31 7:30pm *Boy Scouts (CCM) 7:30pm *KMAC (CC3)	Apr 1	2	3	4

April 2015

April 2015							May 2015						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
5	6	7	8	9	10	11	3	4	5	6	7	8	9
12	13	14	15	16	17	18	10	11	12	13	14	15	16
19	20	21	22	23	24	25	17	18	19	20	21	22	23
26	27	28	29	30			24	25	26	27	28	29	30
							31						

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Mar 29	30	31	Apr 1 7:00am AA (CCM)	2 7:15pm EBC (CC1)	3	4
5	6 7:00pm *Cub-Scouts* (CCM)	7 7:30pm *Boy Scouts (CCM)	8 7:00am AA (CCM) 6:00pm *GPFF (CCM)	9 6:00pm KPPCSD Mtg (CCM)	10	11
12	13 7:00pm *Cub-Scouts* (CCM)	14 7:30pm *Boy Scouts (CCM)	15 7:00am AA (CCM) 7:00pm *KFD Mtg (CC3)	16 6:00pm KPSC (CCM) 7:15pm EBC (CC1)	17	18
19	20 4:00pm *Girl Scouts* (CCM) 7:00pm *Cub-Scouts* (CCM)	21 7:30pm *Boy Scouts (CCM)	22 7:00am AA (CCM)	23	24	25 12:00pm CC Rental (CCM)
26	27 7:00pm *Cub-Scouts* (CCM) 7:30pm *KJC (CC3)	28 7:30pm *Boy Scouts (CCM) 7:30pm *KMAC (CC3)	29 7:00am AA (CCM)	30	May 1	2

General Manager February 2015 Report

Budget

The biggest news for the budget report for this month is that at the Regular February 12th KPPCSD Board meeting, the Board moved to postpone approving the proposed Kensington Police Officers Association contract until the next meeting.

Following the Special February 28th KPPCSD Board meeting, the Board President, Len Welsh, reported out that the Board agreed to seek advice from an outside expert about the affordability of the proposed MOU. President Welsh also appointed an ad-hoc committee, Director Cordova and himself, to examine the sustainability of the proposed MOU with respect to the budget.

Kensington Park

Community Center & Annex

At the February 12th KPPCSD Board meeting, the Board did not approve my request to hire IDA Structural Engineers to provide structural engineering services in connection with a seismic study of the Community Center. The Board moved to continue the item until the convening of the Park Buildings Committee.

Park Repairs

In February, the following repairs were made in the park in addition to our normal maintenance items:

Repair of the upper stairs by Highland Blvd., \$180

Large branch that fell from an eucalyptus tree removed from the back area of the Community Center, \$145

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

Fuel Reduction Project

The Park & Recreation Committee has formed a sub-group and has called on citizen volunteers to begin a wild land fire fuels reduction project in the park. The group's first project area is the area surrounding the Community Center. The next round of cleanup dates will be starting up again on Thursdays, beginning January 8th, from 2 to 5 PM.

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

Emergency Preparedness

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

On February 19th, the KPSC hosted Pam Grossman, who gave a talk on Basic Emergency Preparedness.

The next meeting of the Kensington Public Safety Council will take place Monday, March 9th, at 6:00 PM at the Community Center Room #3.

EBMUD

EBMUD is replacing the 37 Million Gallon Summit Reservoir, built in 1898, and replacing it with a 3.5 Million Gallon partially buried tank. EBMUD is also building a new pumping plant to replace the current outdated plant. EBMUD will landscape the site and add a walking path along Grizzly Peak at the end of the project. This project is scheduled to be completed in early 2017.

EBMUD's contractor will be bring in equipment and temporary office space to the Summit Reservoir site in mid to late December.

In January, EBMUD began excavation and preparing the foundation for the 400,000 gallon temporary tank that will supply water during the main reservoir demolition and reconstruction. This process will take several months.

During the next several months' activity, noise and construction traffic around the site will be noticeable. Standard Work hours are Monday through Friday 7:00 am to 6:00 pm.

For more information about this project go to <http://www.ebmud.com/water-and-wastewater/project-updates/summit-reservoir-replacement>.

If you have questions, or would like to be added to the email list for this project please contact Michelle Blackwell in Community Affairs at (510) 287-2053 or mblackwe@ebmud.com

EBMUD is also in the process of upgrading the San Pablo Water Treatment Plant located between Berkeley Park Blvd, Coventry, and Colusa. Those wishing more information on this project should contact Sharla Sullivan at 510-287-7208 or at ssullivan@ebmud.com.

Website

The new and improved District website is up and running!

We are continuing our efforts to post more documents and fine tune the site.

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

Check it out!

NEW BUSINESS ITEM #4

The Board will consider the appointment of an expert to conduct a security and data policy/procedure review. Board Action.

Security & Data Policy/Procedure Review

Background

The Kensington Police Protection and Community Services District (KPPCSD) maintains its own police department and parks and recreation programs.

KPPCSD stakeholders may wish to review processes and procedures relating to site and data security.

After review of recommendations, the approved improvements will be implemented with the goal of helping KPPCSD to reduce exposure to the following risk areas:

1. Unauthorized physical access to facilities where KPPCSD activities, data or property are located
2. Unauthorized access to KPPCSD computer systems or data;
3. Intentional breach of data exploited by external sources ('hacker' threat);
4. Accidental / unintentional loss or breach of data;
5. Accidental threats introduced from KPPCSD stakeholders (password policies; 'BYOD')

In addition to specific threat reduction, the KPPCSD also hopes to raise the general awareness of all stakeholders on data and security matters - to create ongoing awareness on how to improve site security and data security.

Scope of Effort

Risk Group	Threats / Activities of Concern
1 Unauthorized physical access to facilities where KPPCSD activities, data or property are located	- unauthorized people in sensitive areas - loss of, or tampering with, physical evidence (?) - theft of KPPCSD property - access to park buildings (?)
2 Unauthorized access to KPPCSD computer systems or data	- unauthorized employees with insufficient clearance, accessing sensitive or private info - inadequate processes and policies to guide stakeholders
3 Intentional breach of data exploited by external sources ('hacker' threat)	- computer viruses and tracking malware
4 Accidental / unintentional loss or breach of data	- technical failure resulting in loss of database / data - accidental deletion or formatting of records - accidental posting of sensitive data to public web sites
5 Accidental threats introduced from KPPCSD stakeholders	- insufficient privacy & security training for staff - 'bring your own device' (BYOD) network & storage issues - insufficient password protections (e.g. duplication, static) - insufficient destruction of paper and digital media - failure to secure wireless network (no PW, or not fresh)

Out of Scope

The following items are not within the scope of the review:

- (?) Physical security and access to Police vehicles;
- (?) Privacy and security policies relating to police car computer systems;
- (?) Matters relating to 9-1-1 emergency and system for inbound calls.
- Computer forensics or reviews, of any type, relating to any specific employee or stakeholder
- Reviews of prior incidents or specific events except to the extent they serve as evidence of a security issue that must be addressed.
- Any other activities not explicitly defined as 'in scope'

Process

Stage 1: Scoping, Resourcing and Assessment

Stage 2: Audit and Review

Stage 3: Implement Improvements

Segmenting Project

There are a number of specific focus areas where members of the police force, management, board are likely able to execute with current resources - for example:

1. Providing a list of current security efforts and activities already in place (baseline)
2. Creating a list of the KPPCSD physical facilities 'in scope'
3. Providing early input on areas of greatest need (setting priorities)
4. Researching and making recommendations on basic (free) privacy training (training/awareness)
5. Appointing privacy officer(s) - these need not be KPD officers, and could include other staff
6. Etc..

Segmenting the project into sub-components, and leveraging existing KPD stakeholders, will likely reduce overall cost of effort, and improve the time to completion.

NEW BUSINESS ITEM # 5

Craig Fechter will present the Independent Auditor's Report for the Year Ended June 30, 2013. Board Action.

**KENSINGTON POLICE PROTECTION AND
COMMUNITY SERVICES DISTRICT**

**Basic Financial Statements and
Independent Auditor's Report for the
Year Ended June 30, 2013**

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Basic Financial Statements
and Required Supplementary Information
For the Fiscal Year Ended June 30, 2013

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INDEPENDENT AUDITOR'S REPORT

Board of Directors
Kensington Police Protection and Community Services District
Kensington, California

We have audited the accompanying financial statements of the governmental activities of each major fund, and the aggregate remaining fund information of the Kensington Police Protection and Community Services District as of and for the year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise the District's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. 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.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Board of Directors
Kensington Police Protection and Community Services District

Opinions

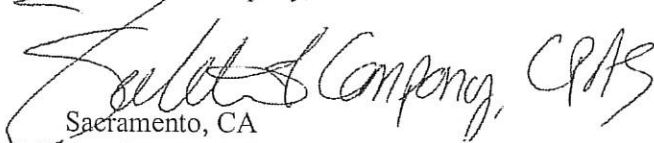
In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of the Kensington Police Protection and Community Services District as of June 30, 2013, and the respective changes in financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis, post-employment benefits and budgetary comparison information on pages 3-6 be presented to supplement the 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. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Fechter & Company, CPAs



Sacramento, CA

October 2, 2014

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Management's Discussion and Analysis For the Fiscal Year Ended June 30, 2013

This discussion and analysis of the Kensington Police Protection and Community Service District's fiscal performance provides an overview of the District's financial activities for the fiscal year ended June 30, 2013. Please review it in conjunction with the transmittal letter and the basic financial statements, which begin on page 7.

FINANCIAL HIGHLIGHTS

From the Statement of Net Position

- Total net position for the years ended June 30, 2013 and 2012 are \$5,522,184 and 5,719,149, respectively. This is a 3.4% decrease.
- Unrestricted net position, the part of net position that can be used to finance day-to-day operations for fiscal years ended June 30, 2013 and 2012 are \$1,649,755 and \$1,764,932, respectively.

From the Governmental Fund Financial Statements

- Our General Fund balance decreased by \$104,922.
- Property tax revenues (including special tax revenue for police services) for fiscal years ended June 30, 2013 and 2012 were \$2,333,542 and \$2,347,230, respectively. This is a .58% decrease.

OVERVIEW OF FINANCIAL STATEMENTS

The District's basic financial statements are comprised of three components: government-wide financial statements, governmental funds financial statements, and notes to the financial statements. Required supplementary information in addition to the basic financial statements is also presented.

Government-wide Financial Statements

The government-wide financial statements are designed to provide readers with a broad overview of the District's finances in a manner similar to a private-sector business. There are two government-wide financial statements – the Statement of Net Position and the Statement of Activities and Changes in Net Position.

The Statement of Net Position presents information on all of the District's assets and liabilities, with the difference between the two reported as net position. Over time, increases and decreases in net position may serve as a useful indicator of whether the financial position of the District is improving or deteriorating.

The Statement of Activities presents information showing how the District's net position changed during the fiscal year. Accrual of revenue and expenses is taken into account regardless of when cash is received or paid.

As in a private-sector business, capital assets are depreciated, debt service is not a source of revenue, and compensated absences are expensed in the period earned.

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Management's Discussion and Analysis
For the Fiscal Year Ended June 30, 2013

Governmental Fund Financial Statements

A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities. The major differences between fund financial statements and government-wide financial statements are in the way debt proceeds, capital outlay, and compensated absences are recorded. Reconciliations between the two types of financial statements are found on page 7 using the adjustment column.

Notes to the Financial Statements

The notes provide additional information that is essential to a full understanding of the data provided in the financial statements.

Supplementary Information

In addition to the basic financial statements and accompanying notes, this report also presents budgetary comparison schedules and a PERS schedule of funding progress.

GOVERNMENT-WIDE FINANCIAL ANALYSIS

Net position serves over time as a useful indicator of the District's financial position. In the case of the District, assets exceeded liabilities by \$5,522,184 as of June 30, 2013 and \$5,719,149 as of June 30, 2012. This number is comprised of two components:

	<u>June 30, 2013</u>	<u>June 30, 2012</u>
Investment in capital assets, net of debt	\$ 3,872,429	\$ 3,954,217
Unrestricted net position	<u>1,649,755</u>	<u>1,764,932</u>
Total net position	<u>\$ 5,522,184</u>	<u>\$ 5,719,149</u>

Investment in capital assets consists of fixed assets less any related debt that is still outstanding.

Unrestricted assets are used to finance day-to-day operations, including debt service.

GOVERNMENTAL FUNDS ANALYSIS

The District's largest source of revenue is derived from property tax allocations. In 1978 the voters passed Proposition 13 and removed the ability of local agencies to set their own property taxes. The 1% maximum property tax rate is fixed by Article XIII A, § 1(a) of the California Constitution. The Legislature adopted statutes ("AB 8") that tell county auditor-controller's how to allocate the resulting revenues. This is unrestricted revenue and can be used for all District business.

The District's collection of Special Tax Revenue, another large source of revenue, is restricted to police activities. The current rate as of June 30, 2013 was established in 1997 after receiving voter approval in 1994.

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Management's Discussion and Analysis For the Fiscal Year Ended June 30, 2013

The District also collects a special assessment called the Kensington Park Landscape and Lighting District Assessment. The funds are restricted for new park maintenance only.

In fiscal year ended June 30, 2013, the District was the beneficiary of the COPS Grant minimum allocation of \$100,000. The funds must be used for law enforcement only and all expenditures have been approved by the District's Board of Directors. In FY 2012/2013, this grant money was used to fund the tenth officer position.

The largest expenditure of the District is salary and benefits, including PERS contributions. These are governed by current Memorandum of Understanding agreements negotiated between the District and represented and non-represented employees.

The other area of expenditures of significance is for services and supplies. That would include items such as communications and vehicle operations. This is the support structure for the police department.

Other reserved funds:

Reserved for compensated absences payable—\$90,049.

COMMENTS ON BUDGET COMPARISONS

Actual revenues and actual expenditures versus budget amounts equals a negative variance of \$28,626.

Actual revenues exceeded budgeted revenues by \$98,423. The largest difference is KPPCSD received \$100,000 more than budgeted in Grant Revenue.

Actual expenditures were more than final budgeted expenditures by \$127,049. By far, the largest category over budget was District Expenses, by just over \$203,000. Two line items, Legal and Waste/Recycle make up \$157,000 of that. In chronological order, two cases had a major impact on those line items going over budget. They are as follows:

On April 18, 2012, the District's solid waste and recycling provider, Bay View Refuse & Recycling Services filed an arbitration demand in a rate dispute with the District over their request to increase garbage rates to be paid by its customers.

As a result of fulfilling its contract obligation under the terms of the franchise agreement, the District incurred an unanticipated legal expense of \$115,000, which pushed us over our legal estimated budget for solid waste by \$87,000.

On October 10, 2012, a Writ of Mandate was filed in Superior Court of Contra Costa County by former KPPCSD Director Mari Metcalf, representing Leonard Schwartzburd and eight others including former KPPCSD Director Cathie Kosel, seeking to set aside the KPPCSD vote of July 12, 2012 to increase General Manager/Chief of Police Greg Harman's salary and pay him a onetime bonus, an alleged violation of the KPPCSD Board Policy Manual.

As a result of successfully defending against the Writ, the District incurred an unanticipated expense of \$70,000 in legal fees which make up a majority of the \$116,000 over budget expensed for legal fees in

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Management's Discussion and Analysis
For the Fiscal Year Ended June 30, 2013

this fiscal year.

The two major categories that came in under budget were Capital Outlay (\$39,000) and Police Expenses (\$48,000). In Capital Outlay, there was no purchase of a new police vehicle and its equipment nor a computer system. In Police Expenses, communications were under budget \$20,000 and recruiting \$11,000.

HISTORY AND ECONOMIC FACTORS

The Kensington Police Protection and Community Services District was formed as a Police Protection District in 1946 for the purpose of providing police services to the community of Kensington. In 1953, the District was changed to a Community Services District, per Government Code 61600, which enabled the District to provide park and recreation services, oversight to the solid waste contract, and the provision of police protection services.

In 1978, Proposition 13 was passed by California voters resulting in the implementation of AB 8 which set the formula used in property tax allocation for local government. This formula was based on prior years' budgets and the Kensington Police Protection and Community Services District had a history of very lean budgets.

In 1980, the Board of Directors for the District approved Resolutions 80-01 and 80-02, setting into motion a proposal for a special tax and a special election for the special tax. The original amount of the tax was \$45 per year for single family residential, \$90 per year for multiple unit residential, \$135 per year for commercial and institutional property and \$45 per year for miscellaneous improved property. These funds are restricted to be used for police-related services only.

In 1984, the Board of Directors for the District approved Resolution 84-01 requesting the electorate approve an increase in the special tax to \$90 per year for single family residential, \$135 per year for multiple unit residential, \$180 per year for commercial and institutional property and \$90 per year for miscellaneous improved property. These funds are restricted to be used for police-related services only.

In 1993, the Board of Directors for the District approved Resolution 93-04 requesting the electorate approve an increase in the special tax to \$210 per year for single family residential, \$315 per year for multiple units residential, \$315 per year for commercial and institutional, \$210 per year for miscellaneous improved property and \$63 per year for unimproved property. These funds are restricted to be used for police-related services only.

In 1994, the Board of Directors for the District approved Resolution 94-13 requesting the electorate approve an increase in the special tax to \$300 per year for single family residential, \$450 per year for multiple units residential, \$450 per year for commercial and institutional, \$300 per year for miscellaneous improved property and \$90 per year for unimproved property. An increase of tax was voted and passed. These funds are restricted to be used for police-related services only.

In 1997, the Board of Directors for the District approved Ordinance 97-01 setting the rates at the maximum allowed based on Resolution 94-13.

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Management's Discussion and Analysis
For the Fiscal Year Ended June 30, 2013

In 2010, the District passed a ballot measure (Measure G) to add a supplemental tax revenue stream to be used effectively July 01, 2010. These funds are a maximum of \$200 per parcel and are restricted to be used for police-related services only.

REQUEST FOR INFORMATION

This financial report is designed to provide a general overview of the District's finances for all those with an interest in the government's finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to General Manager/Chief of Police Greg Harman.

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT
STATEMENT OF NET POSITION AND GOVERNMENTAL FUNDS BALANCE SHEET
FOR THE YEAR ENDED JUNE 30, 2013**

	<u>General Fund</u>	<u>Capital Project</u>	<u>Total</u>	<u>Adjustment Note 9</u>	<u>Statement of Net Position</u>
Assets					
Cash and investments	\$ 1,561,708	\$ 127,275	\$ 1,688,983	\$ -	\$ 1,688,983
Receivables	71,055	60	71,115	-	71,115
Prepaid expenses	59,059	-	59,059	-	59,059
OPEB asset	29,627	-	29,627	-	29,627
Capital assets					
Land	-	-	-	2,808,347	2,808,347
Vehicle and equipment	-	-	-	489,383	489,383
Building and improvements	-	-	-	1,616,820	1,616,820
Furniture & fixtures	-	-	-	32,080	32,080
Accumulated depreciation	-	-	-	(1,074,201)	(1,074,201)
Total Assets	<u>\$ 1,721,449</u>	<u>\$ 127,335</u>	<u>\$ 1,848,784</u>	<u>\$ 3,872,429</u>	<u>\$ 5,721,213</u>
Liabilities					
Accounts payable	\$ 93,975	\$ -	\$ 93,975	\$ -	\$ 93,975
Compensated absences	90,049	-	90,049	-	90,049
Accrued payable	15,005	-	15,005	-	15,005
Total Liabilities	<u>199,029</u>	<u>-</u>	<u>199,029</u>	<u>-</u>	<u>199,029</u>
Fund balances/net position					
Fund balances					
Non-spendable	88,686	-	88,686	(88,686)	
Committed	-	127,335	127,335	(127,335)	
Assigned	300,000	-	300,000	(300,000)	
Restricted	22,610	-	22,610	(22,610)	
Unassigned	1,111,124	-	1,111,124	(1,111,124)	
Total Fund Balances	<u>1,522,420</u>	<u>127,335</u>	<u>1,649,755</u>	<u>(1,649,755)</u>	<u>-</u>
Total Liabilities and Fund Balances	<u>\$ 1,721,449</u>	<u>\$ 127,335</u>	<u>\$ 1,848,784</u>		
Net Position					
Capital assets				-	3,872,429
Restricted				22,610	22,610
Unrestricted				1,627,145	1,627,145
Total Net Position				<u>\$ 1,627,145</u>	<u>\$ 5,522,184</u>

Capital outlay					
Equipment and furniture	2,166	-	2,166	(2,166)	-
Total capital outlay	<u>2,166</u>	<u>-</u>	<u>2,166</u>	<u>(2,166)</u>	<u>-</u>
Total Expenditures/Expenses	<u>2,659,709</u>	<u>-</u>	<u>2,659,709</u>	<u>81,786</u>	<u>2,741,495</u>
GENERAL REVENUES:					
Property taxes	1,246,708	-	1,246,708	-	1,246,708
Special assessments	681,220	-	681,220	-	681,220
Measure G supplemental tax revenue	405,614	-	405,614	-	405,614
Grants	100,000	-	100,000	-	100,000
Charges for services	1,488	-	1,488	-	1,488
Other tax revenue	45,475	-	45,475	-	45,475
POST reimbursement	6,201	-	6,201	-	6,201
Investment income	3,044	299	3,343	-	3,343
Rents and fees	19,003	-	19,003	-	19,003
Franchise fees	20,716	-	20,716	-	20,716
Other income	25,318	-	25,318	-	25,318
Total Revenues	<u>2,554,787</u>	<u>299</u>	<u>2,555,086</u>	<u>-</u>	<u>2,555,086</u>
Excess (Deficiency) of Revenues Over Other (Under) Expenditures	<u>(104,922)</u>	<u>299</u>	<u>(104,623)</u>	<u>(81,786)</u>	<u>(186,409)</u>
Other Financing Sources (Uses)					
Transfers In	-	-	-	-	-
Transfers Out	<u>(10,554)</u>	<u>-</u>	<u>(10,554)</u>	<u>-</u>	<u>(10,554)</u>
Total Other Financing Sources (Uses)	<u>(10,554)</u>	<u>-</u>	<u>(10,554)</u>	<u>-</u>	<u>(10,554)</u>
Change in Net Position	<u>(115,476)</u>	<u>299</u>	<u>(115,177)</u>	<u>(81,786)</u>	<u>(196,963)</u>
Fund Balance/Net Position, Beginning of Year	<u>1,637,896</u>	<u>127,036</u>	<u>1,764,932</u>	<u>3,954,215</u>	<u>5,719,147</u>
Fund Balance/Net Position, End of Year	<u>\$ 1,522,420</u>	<u>\$ 127,335</u>	<u>\$ 1,649,755</u>	<u>\$ 3,872,429</u>	<u>\$ 5,522,184</u>

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT
STATEMENT OF ACTIVITIES AND GOVERNMENTAL FUNDS STATEMENT
OF REVENUES AND EXPENDITURES AND CHANGES IN FUND BALANCE
FOR THE YEAR ENDED JUNE 30, 2013

EXPENDITURES/EXPENSES	General	Capital Project	Total	Adjustment Note 10	Statement of Activities
Current expenditures/expenses					
Police Salary and Benefits					
Salary-officers	\$ 914,198	\$ -	\$ 914,198	\$ -	\$ 914,198
Compensated absence	19,433	-	19,433	-	19,433
Overtime	49,300	-	49,300	-	49,300
Salary-non sworn	28,513	-	28,513	-	28,513
Uniform allowance	7,998	-	7,998	-	7,998
Safety equipment	4,986	-	4,986	-	4,986
Medical insurance-active	154,853	-	154,853	-	154,853
Medical insurance-retired	145,720	-	145,720	-	145,720
Disability & life insurance	4,294	-	4,294	-	4,294
Social security/medicare	16,381	-	16,381	-	16,381
PERS district	303,806	-	303,806	-	303,806
PERS officers	83,101	-	83,101	-	83,101
Workers compensation	61,624	-	61,624	-	61,624
Police Expenses					
Expendable police supplies	1,267	-	1,267	-	1,267
Range/Ammunition supplies	3,996	-	3,996	-	3,996
Crossing guard	9,893	-	9,893	-	9,893
Vehicle operation	57,621	-	57,621	-	57,621
Communications (RPD)	121,737	-	121,737	-	121,737
Radio maintenance	20,415	-	20,415	-	20,415
Prisoner/case exp/booking	13,293	-	13,293	-	13,293
Training	5,322	-	5,322	-	5,322
Recruiting	2,154	-	2,154	-	2,154
Reserve officers	256	-	256	-	256
Misc, dues, meals and Travel	2,670	-	2,670	-	2,670
Utilities	8,933	-	8,933	-	8,933
Building repair	658	-	658	-	658
Office supplies	5,433	-	5,433	-	5,433
Telephone	8,703	-	8,703	-	8,703
Housekeeping	4,371	-	4,371	-	4,371
Publications	2,520	-	2,520	-	2,520
West-Net/Cal	13,130	-	13,130	-	13,130
Community policing	3,036	-	3,036	-	3,036
Police taxes administration	3,244	-	3,244	-	3,244
Recreation Salary and Benefits					
Park and recreation administration	6,247	-	6,247	-	6,247
Custodian	21,000	-	21,000	-	21,000
Social security/medicare	478	-	478	-	478
Recreation Expenses					
Community center utilities	6,432	-	6,432	-	6,432
Janitorial supplies	1,164	-	1,164	-	1,164
Community center repairs	5,428	-	5,428	-	5,428
Annex utilities	392	-	392	-	392
Park O&M	65,612	-	65,612	-	65,612
Misc. park rec expenses	(1,321)	-	(1,321)	-	(1,321)
District Expenses					
Computer maintenance	23,702	-	23,702	-	23,702
Legal	181,137	-	181,137	-	181,137
Consulting	7,885	-	7,885	-	7,885
Accounting	35,404	-	35,404	-	35,404
Equipment rental	5,040	-	5,040	-	5,040
Insurance	28,920	-	28,920	-	28,920
Election	4,137	-	4,137	-	4,137
Police building lease	30,596	-	30,596	-	30,596
County expenses	20,518	-	20,518	-	20,518
Waste/recycle	123,443	-	123,443	-	123,443
Miscellaneous	8,470	-	8,470	-	8,470
Depreciation	-	-	-	83,952	83,952
Total current expenditures/expenses	2,657,543	-	2,657,543	83,952	2,741,495

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT
STATEMENT OF FIDUCIARY NET POSITION
JUNE 30, 2013

	Emergency Preparedness Fund	Kensington Park Reassessment District 2004-1 Fund	Total
Assets			
Cash and investments	\$ 430	\$ 286,524	\$ 286,954
Interest receivable	-	57	57
Special assessment receivable	-	973,431	973,431
Total Assets	\$ 430	\$ 1,260,012	\$ 1,260,442
Liabilities			
Accounts payable	\$ 215	\$ 1	\$ 216
2004 Limited Obligation Improvement Bonds	-	1,089,939	1,089,939
Bond interest payable	-	15,441	15,441
Total Liabilities	215	1,105,381	1,105,596
Net Position			
Reserved for Emergency Preparedness Council			-
Reserved for Reassessment District 2004-1	215	154,631	154,846
Total Net Position	\$ 215	\$ 154,631	\$ 154,846

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT
STATEMENT OF NET POSITION - FIDUCIARY FUNDS
FOR THE YEAR ENDED JUNE 30, 2013**

	Emergency Preparedness Fund	Kensington Park Reassessment District 2004-1 Fund	Total
ADDITIONS:			
Special assessments	\$ -	\$ 179,882	\$ 179,882
Interest income	-	281	281
Total Additions	-	180,163	180,163
DEDUCTIONS:			
Bond administration charges	-	12,313	12,313
Bond interest expense	-	47,117	47,117
Bond principal	-	112,111	112,111
Contract services	51	-	51
Total deductions	51	171,541	171,592
Net increase (decrease) in fiduciary net assets	(51)	8,622	8,571
Transfer in	-	10,554	10,554
Transfer out	-	-	-
Net Position, beginning of year	266	135,455	135,721
Net Position, beginning of year	\$ 215	\$ 154,631	\$ 154,846

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2013**

	General Fund Budget	General Fund Actual	Variance with Final Budget Positive (Negative)
Revenues			
Property taxes	\$ 1,262,000	\$ 1,246,708	\$ (15,292)
Special assessments	680,000	681,220	1,220
Measure G supplemental tax revenue	405,614	405,614	-
Grants	-	100,000	100,000
Charges for services	2,000	1,488	(512)
Other tax revenue	43,000	45,475	2,475
POST reimbursement	-	6,201	6,201
Investment income	3,700	3,044	(656)
Rents and fees	24,000	19,003	(4,997)
Franchise fees	20,000	20,716	716
Other income	16,050	25,318	9,268
Total Revenues	<u>2,456,364</u>	<u>2,554,787</u>	<u>98,423</u>
Expenditures			
Police Salary and Benefits	1,768,118	1,794,207	26,089
Police Expenses	336,651	288,652	(47,999)
Recreation Salary and Benefits	27,997	27,725	(272)
Recreation Expenses	92,854	77,707	(15,147)
District Expenses	266,040	469,252	203,212
Capital outlay	41,000	2,166	(38,834)
Total Expenditures	<u>2,532,660</u>	<u>2,659,709</u>	<u>127,049</u>
Excess of Revenues over (under) Expenditures	<u>\$ (76,296)</u>	<u>\$ (104,922)</u>	<u>\$ (28,626)</u>

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Notes to Basic Financial Statements
June 30, 2013

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

This summary of significant accounting policies of Kensington Police Protection and Community Services District (the "District") is presented to assist in understanding the District's financial statements. These accounting policies conform to generally accepted accounting principles and have been consistently applied in the preparation of the financial statements.

Organization and Description of Funds

The District was formed to provide police protection services and parks and recreation services. The accounts of the District are organized on the basis of funds, each of which is considered to be a separate accounting entity. The operations of each fund are accounted for with a separate set of self-balancing accounts that comprise the fund's assets, liabilities, fund equity, revenues and expenditures or expenses, as appropriate. Governmental resources are allocated to and accounted for in individual funds based upon the purposes for which they are to be spent and the means by which spending activities are controlled. The District also maintains two fiduciary funds: (1) Emergency Preparedness Fund (used for expenses in conjunction with the emergency radio network) and (2) Kensington Park Reassessment District 2004-1 Fund (used to account for special assessment funds, see Note 4).

Government-wide Financial Statements

The District's Government-wide Financial Statements include a Statement of Net Position and a Statement of Activities and Changes in Net Position. These statements present summaries of Governmental Activities for the District accompanied by a total column.

These statements are presented on an economic resources measurement focus and the *accrual basis* of accounting. Accordingly, all of the District's assets and liabilities, including capital assets and long-term liabilities, are included in the accompanying Statement of Net Position. The Statement of Activities presents changes in net position. Under the accrual basis of accounting, revenues are recognized in the period in which they are earned while expenses are recognized in the period in which the liability is incurred.

The Government-wide Statement of Activities presents a comparison between expenses, both direct and indirect, and program revenues for each governmental program. Direct expenses are those that are specifically associated with a service, program or department and are therefore clearly identifiable to a particular function. Program revenues include charges paid by the recipients of the goods or services offered by the program and grants and contributions that are restricted to meeting the operational or capital requirements of a particular program. Revenues not classified as program revenues are presented as general revenues. The comparison of program revenues and expenditures identifies the extent to which each program is self-financing or draws from the general revenues of the District.

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Notes to Basic Financial Statements
June 30, 2013

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - continued

Government-wide Financial Statements - continued

Net position should be reported as restricted when constraints placed on net asset use are either externally imposed by creditors, grantors, contributors, or laws or regulations of other governments or imposed by law through constitutional provisions or enabling legislation. The net position restricted for other purposes result from special revenue funds and the restrictions on their net asset use.

Separate financial statements are provided for governmental funds. Fund financial statements report detailed information about the District. The focus of governmental fund financial statements is on major funds rather than reporting funds by type. Major individual governmental funds are reported as separate columns in the governmental fund financial statements. No major funds are aggregated and presented in a single column. The District had no major funds in the fiscal year ended June 30, 2013.

Governmental Fund Financial Statements

Governmental Fund Financial Statements include a Balance Sheet and a Statement of Revenues, Expenditures and Changes in Fund Balances for all major governmental funds and non-major funds aggregated. Accompanying schedules are presented to reconcile and explain the differences in net position as presented in these statements to the net position presented in the Government-wide Financial Statements.

All governmental funds are accounted for on a spending or current financial resources measurement focus and the *modified accrual basis* of accounting. Accordingly, only current assets and current liabilities are included on the Balance Sheet. The Statement of Revenues, Expenditures and Changes in Fund Balances presents increases (revenues and other financing sources) and decreases (expenditures and other financing uses) in net current assets. Under the modified basis of accounting, revenues are recognized in the accounting period in which they become both measurable and available to finance expenditures of the current period. Accordingly, revenues are recorded when received in cash, except that revenues subject to accrual (generally 60 days after year-end) are recognized when due. The primary revenue sources, which have been treated as susceptible to accrual by the District, are intergovernmental revenues, investment earnings and charges for services. Expenditures are generally recognized when incurred under the modified accrual basis of accounting.

The District has only two funds in fiscal year 2013, the General Fund and Capital Project Fund.

General Fund – the General Fund is the operating fund of the District. It is used to account for all financial resources except those required to be accounted for in another fund.

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Notes to Basic Financial Statements
June 30, 2013

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - continued

Governmental Fund Financial Statements - continued

Debt Service Fund – The Debt Service Fund is used to account for financial resources to be used for the retirement of debt. The Kensington Park Reassessment Bond 2004-1 issued in June 2004 in defeasance of the 1994 special assessment bonds has been determined to be an Agency Fund since the District is not obligated to repay the debt. The balance in the debt service fund has therefore been transferred to the Kensington Park Reassessment District 2004-1 Fund (see Note 4) and is not part of fiscal year 2013 presentation.

Capital Projects Fund – The Capital Projects Fund is used to account for financial resources to be used for the acquisition or construction of major capital facilities.

Budgets and Budgetary Accounting

The District follows these procedures in establishing the budgetary data reflected in the basic financial statements:

1. During the month of May, the General Manager/Chief of Police submits to the Board of Directors a preliminary operating budget. During the month of June the General Manager/Chief of Police submits to the Board of Directors a proposed operating budget for the fiscal year commencing the following July 1. The operating budget includes proposed expenditures and the means of financing them.
2. The budget is enacted through a motion to adopt the Budget.
3. Formal budgetary integration is employed as a management control device during the fiscal year for the General Fund and Capital Projects Fund.
4. Budgets for the General Fund and the Capital Projects Fund are adopted on a basis consistent with accounting principles generally accepted in the United States (US GAAP).

Encumbrances

Encumbrance accounting, under which purchase orders, contracts, and other commitments for the expenditure of monies are recorded in order to reserve that portion of the applicable appropriation, is employed as an extension of formal budgetary integration in the General Fund and the Capital Projects Fund. All appropriations lapse at fiscal year-end.

Cash and Investments

Cash includes amounts in demand deposits as well as short-term investments. Investments are carried at market value. All investment is invested through County of Contra Costa.

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Notes to Basic Financial Statements
June 30, 2013

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - continued

Compensated Absences

District employees are entitled to certain compensated absences based on their length of employment. Payable for compensated absences is \$90,049 at June 30, 2013.

Fund Equity Reservations and Designations

Reservations and designations of the ending fund balance indicate portions of fund balance not appropriate for expenditures or amounts legally segregated for a specific future use.

Statement Calculations and Use of Estimates

Due to rounding, column and row calculations may approximate actual figures. Approximations may result when decimal places are eliminated to present whole numbers.

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the dates of the financial statements and the reported amounts of revenues and expenditures during the reporting periods. Actual results could differ from those estimates.

Implementation of Accounting Pronouncements

The District adopted the provisions of GASB Statement No. 63 (GASB 63), Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources, and Net Position. GASB 63 provides financial reporting guidance for deferred outflows of resources, deferred inflows of resources, and net position in a statement of financial position and related disclosures. It also identifies net position as the residual of all other elements presented in a statement of financial position, or the difference between (a) assets and deferred outflows of resources and (b) liabilities and deferred inflows of resources. As implied above, GASB 63 changes the previous classification of net assets to net position, and consequently, the statement of net assets to the statement of net position. The District had no deferred inflows or outflows of resources as of June 30, 2013.

NOTE 2: CASH AND INVESTMENTS

The District maintains most of its cash in the County of Contra Costa treasury. Balances are stated at cost, which is approximately market value.

The District maintains cash investment accounts that are available for use by all funds. Investments made by the District are summarized below. The investments that are represented by specific identifiable investment securities are classified below according to credit risk:

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Notes to Basic Financial Statements
June 30, 2013

NOTE 2: CASH AND INVESTMENTS – continued

Category 1 – Investments that are insured or registered, or for which securities are held by the District or its agent in the District’s name.

Category 2 – Uninsured and unregistered investments for which the securities are held by the counterparty’s trust department or agent in the District’s name.

Category 3 – Uninsured and unregistered investments for which the securities are held by the counterparty, or by its trust department or agent but not in the District’s name.

A summary of the District’s cash and investments at June 30, 2013 is as follows:

	<u>Carrying Value</u>	<u>Market Value</u>
<u>Governmental Funds (District Fund)</u>		
<u>Category 1:</u>		
Cash in checking accounts	\$ 2,823	\$ 3,253
Petty cash	100	100
	<u>2,923</u>	<u>3,353</u>
 <u>Uncategorized:</u>		
County Treasury	<u>1,686,063</u>	<u>1,686,063</u>
Total Governmental Fund (District Fund)	<u>1,688,986</u>	<u>1,686,063</u>
 <u>Fiduciary Funds</u>		
<u>Category 1:</u>		
Cash in checking accounts	<u>430</u>	<u>-</u>
 <u>Uncategorized:</u>		
County Treasury	<u>286,524</u>	<u>286,524</u>
Total Fiduciary Fund	<u>286,954</u>	<u>286,524</u>
Total Governmental Fund (District Fund)	<u>\$ 1,975,940</u>	<u>\$ 1,975,940</u>

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Notes to Basic Financial Statements
June 30, 2013

NOTE 2: CASH AND INVESTMENTS – continued

The disposition of cash and investments by fund is as follows:

General Fund	\$ 1,561,708
Capital Project Fund	<u>127,275</u>
	<u>\$ 1,688,983</u>
Emergency Preparedness Fund	<u>\$ 430</u>
2004-1 Park Reassessment Bond Fund	<u>\$ 286,524</u>

The District's cash fund in the County Treasury is not categorized by risk category because the District's share is not evidenced by specifically identifiable securities.

Deposits

The California Government Code requires California banks and savings and loan associations to secure a local governmental agency's deposits by pledging government securities as collateral. The market value of pledged securities must equal at least 100% of the agency's deposits. California law also allows financial institutions to secure an agency's deposits by pledging first trust deed mortgage notes having a value of 150% of an agency's total deposits. The agency may waive collateral requirements for deposits, which are fully insured up to \$250,000 by federal deposit insurance.

NOTE 3: CAPITAL ASSETS

The District's capital assets are valued at historical cost or estimated historical cost if actual historical cost is not available. Donated capital assets are valued at their estimated fair market value on the date donated. Capital assets are recorded at cost and depreciated over their estimated useful lives. Depreciation is charged to governmental activities by function.

Depreciation of capital assets is charged as an expense against operations each year and the total amount of depreciation taken over the years, accumulated depreciation, is reported on the Statement of Net Position as a reduction in the book value of capital assets.

Depreciation of capital assets in service is provided using the straight-line method, which means the cost of the asset is divided by its expected useful life in years, and the result is charged to expense each year until the asset is fully depreciated. The District has assigned the useful lives listed below to capital assets:

Vehicles	5 years
Furniture and fixtures	5 years
Building and improvements	20-40 years
Machinery and equipment	5-10 years

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Notes to Basic Financial Statements
June 30, 2013

NOTE 3: CAPITAL ASSETS - continued

A summary of changes in general fixed assets follows:

	Balance 6/30/12	Additions	Retirements	Balance 6/30/13
Non-Depreciable Assets:				
Land	\$ 2,808,347	\$ -	\$ -	\$ 2,808,347
Depreciable Assets:				
Building & improvements	1,616,820	-	-	1,616,820
Vehicles & equipment	489,383	-	-	489,383
Furniture & fixtures	29,914	2,166	-	32,080
Total Assets	<u>4,944,464</u>	<u>2,166</u>	<u>-</u>	<u>4,946,630</u>
Accumulated Depreciation:				
Building & improvements	458,752	43,343	-	502,095
Vehicles & equipment	502,769	40,017	-	542,786
Furniture/fixture/improvements	28,728	592	-	29,320
Total Accumulated Depreciation	<u>990,249</u>	<u>83,952</u>	<u>-</u>	<u>1,074,201</u>
Capital Assets Net of Depreciation	<u>\$ 3,954,215</u>	<u>\$ (81,786)</u>	<u>\$ -</u>	<u>\$ 3,872,429</u>

The current depreciation expense of \$83,952 was charged to Statement of Activities as depreciation expense adjustment.

NOTE 4: SPECIAL ASSESSMENT DEBT

Kensington Park Reassessment District 2004-1 Refunding Bonds

	June 30, 2012	Borrowings	Payments	June 30, 2013
2004 Limited Obligation Improvement Bonds	<u>\$ 1,202,050</u>	<u>\$ -</u>	<u>\$ 112,111</u>	<u>\$ 1,089,939</u>
	<u>\$ 1,202,050</u>	<u>\$ -</u>	<u>\$ 112,111</u>	<u>\$ 1,089,939</u>

The original 1994 Limited Obligation Improvement Bonds were issued pursuant to the provisions of the Improvement Bond Act of 1915 to finance costs of acquisition of land to be used as a park and installation of certain recreational improvements. The bonds are limited obligations of the District and are equally and ratably secured by unpaid assessments on certain parcels of property located within the Kensington Park Assessment District. The Kensington Park Assessment District was created by the District pursuant to the Landscaping and Lighting Act of 1972 specifically to finance the park landscaping and lighting project. The unpaid assessments represent fixed liens on each assessed parcel. Annual installments of the unpaid assessments together with interest thereon, sufficient to meet the scheduled debt service, are included in the tax bills for the assessed properties and the receipts are deposited into a redemption fund used to pay interest and principal on the bonds as they come due. The District is in no way liable for the repayment of the

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Notes to Basic Financial Statements
June 30, 2013

NOTE 4: SPECIAL ASSESSMENT DEBT - continued

Kensington Park Reassessment District 2004-1 Refunding Bonds - continued

improvement bonds. The District is only acting as an agent for the property owners in collecting the assessments, forwarding the collections to bondholders, and initiating foreclosure proceedings.

On June 17, 2004, the District issued \$1,868,600 of 2004 Limited Obligation Improvement Bonds for the purpose of refunding the \$2,050,000 of outstanding 1994 Limited Obligation Improvement Bonds. The refunding took advantage of lower interest rates which were available and resulted in reductions in debt service requirements over the life of the new debt. The net proceeds of \$1,868,600 from these bonds were transferred to a trustee and placed in an irrevocable trust to redeem the 1994 Limited Obligation Improvement Bonds. These funds were invested in U.S. government securities to provide for the redemption price and interest through the call date. The 2004 bond bears annual interest at a fixed rate of 4.25%. The bond was issued as a fully registered note in a single denomination of \$1,868,600. Interest on the bond becomes payable commencing March 2, 2005, and semiannually thereafter on each September 2 and March 2 until maturity. The bond maturity date is September 2, 2020.

The following funds have been created: (1) Reserve Fund established in the initial amount of \$93,430 from the bond proceeds; (2) Redemption Fund, established to collect all payments of principal and interest installments on the assessments; (3) cost of issuance fund, established to pay issuance costs and (4) administrative expense fund, established to reimburse payment of administrative expenses. The District's liability to advance funds to the Redemption Fund in the event of delinquent installments shall not exceed the balance in the Reserve Fund.

As of June 30, 2013, future debt service payments were as follows:

<u>Fiscal Year Ended June 30,</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2014	\$ 120,230	\$ 43,768	\$ 163,998
2015	123,024	38,599	161,623
2016	125,718	33,313	159,031
2017	133,201	27,811	161,012
2018	140,485	21,995	162,480
2019-2021	447,281	28,651	475,932
	<u>\$ 1,089,939</u>	<u>\$ 194,137</u>	<u>\$ 1,284,076</u>

Current Portion of Principal: \$120,230
Current Portion of Interest: \$ 43,768

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KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Notes to Basic Financial Statements
June 30, 2013

NOTE 5: DEFINED BENEFIT PENSION PLAN

PERS Plan Description

The District has a defined benefit pension plan (the "Plan") which provides retirement and disability benefits, annual cost-of-living adjustments, and death benefits to plan members and beneficiaries. The Plan is part of the Public District portion of the California Public Employees Retirement System (CalPERS), an agent multiple-employer plan administered by CalPERS, which acts as a common investment and administrative agent for participating public employers within the state of California. A menu of benefit provisions as well as other requirements is established by State statutes within the Public Employees' Retirement Law. The District selects optional benefit provisions from the benefit menu by contract with CalPERS and adopts those benefits through board action. CalPERS issues a separate comprehensive annual financial report. Copies of the report may be obtained from the CalPERS Executive Office at 400 P Street, Sacramento, CA 95814.

Funding Policy

Active plan members in the Plan are required to contribute 9% of their annual covered salary. The District "picks up" the tax deferred contributions required of District employees on their behalf and for their accounts. The District is required to contribute the actuarially determined amounts necessary to fund the benefits for its members. The actuarial methods and assumptions used are those adopted by the CalPERS' Board of Administration. An employer contribution of 33.72% was required for fiscal 2013. The contribution requirements for the plan members are established by State statute. The employer contribution rate is established and may be amended by CalPERS. The required employer contribution for the following fiscal year was increased to 36.48%.

Annual pension cost

For the fiscal year ended June 30, 2013, the total contributions amounted to \$386,907. Of this amount, \$83,101 was contributed by the District on behalf of the plan members. The District's required contribution for fiscal year ended June 30, 2013 was determined as part of the July 1, 2010 actuarial valuation using the entry age normal actuarial cost method with the contributions determined as a percent of pay. The actuarial assumptions included: a) a 7.75% investment rate of return (net of administrative expenditures); and b) projected salary increases of 3.25% to 14.45%. Both a) and b) include an inflation component of 3% and anticipated payroll growth of 3.25%. The actuarial value of the plan's assets were determined using a technique that smoothes the effect of short-term volatility in the market value of investments over a rolling period, depending on the size of investment gains and/or losses.

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Notes to Basic Financial Statements
June 30, 2013

NOTE 5: DEFINED BENEFIT PENSION PLAN - continued

Annual pension cost - continued

Three-year trend information for the Plan is as follows:

<u>Fiscal Year Ended June 30,</u>	<u>Annual Pension Cost (APC)</u>	<u>% of APC Contributed</u>	<u>Net Pension Obligation (Asset)</u>
2011	\$ 256,021	100%	\$ -
2012	280,065	100%	-
2013	303,806	100%	-

NOTE 6: LEASE COMMITMENT

In December 2009, the District entered into an agreement as a lessee to occupy office space from Kensington Fire Protection District for a five-year period through June 30, 2014. In addition, the District leases equipment through two separate operating leases. Rent increases are run in accordance to the consumer index change from a minimum of 3% to a maximum of 6%. Rent expense including operating leases for fiscal year ended June 30, 2013 was \$51,025.

The minimum future lease commitments are as follows:

<u>Fiscal Year Ended June 30,</u>	<u>Amount</u>
2014	\$ 52,730
2015	18,607
	<u>\$ 71,337</u>

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KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Notes to Basic Financial Statements
June 30, 2013

NOTE 7: INSURANCE POOLS

Special District Risk Management District

The District is a member of the Special District Risk Management Association ("SDRMA"). SDRMA was organized to provide certain levels of liability insurance coverage, property insurance coverage, claims management, risk management services and legal defense to its participating members. The financial results of SDRMA are not included in the accompanying basic financial statements because the District does not have oversight responsibility.

SDRMA provides the District with property and general liability coverage to the limits as set forth in the agreement. The annual member contribution was \$28,920 for fiscal 2013 coverage. Members are subject to dividends and/or assessments in accordance with the provisions of the Joint Powers agreement. At June 30, 2013, SDRMA could not confirm the status of any incurred but not reported ("IBNR") claims.

The Special Districts Workers' Compensation District ("SDWCD") was formed by an agreement between certain public agencies to provide workers' compensation coverage. SDWCD is governed by a Board of Directors, which is comprised of officials appointed by member agencies.

The District currently reports all of its risk management activities in its General Fund. Claim expenditures and liabilities are reported when it is probable that a loss has occurred and the amount of loss can be reasonably estimated.

The District maintains a workers' compensation fund, which is self-insured for the first \$100,000 of loss per accident. Excess coverage is purchased from an outside insurance carrier up to statutory limits.

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Notes to Basic Financial Statements
June 30, 2013

NOTE 8: EXPLANATION OF DIFFERENCES BETWEEN THE GOVERNMENTAL FUND BALANCE SHEET AND THE STATEMENT OF NET POSITION

Total fund balance of the District's governmental funds differs from the net position of governmental activities reported in the statement of net position primarily as a result of the long-term economic focus of the statement of net position versus the current financial resources focus of the governmental fund balance sheet. When capital assets (land, building, and equipment) that are used in governmental activities are purchased or constructed, the costs of those assets are reported as capital outlay expenditures in the governmental fund. However, the statement of net position includes the capital assets, net of accumulated depreciation, among the assets of the District.

<u>Differences</u>	<u>Balance June 30, 2013</u>
Net capital assets	\$ 3,872,429
Net difference	<u>\$ 3,872,429</u>

The net change in fund balance for the governmental funds differs from the "change in net position" as a result of the long-term economic focus of the statement of activities versus the current financial resources focus of the general fund. When capital assets that are to be used in governmental activities are purchased or constructed, the resources expended for those assets are reported as capital outlay expenditures in the general fund. Also, when capital assets are sold, the resources received are reported as proceeds from sale of capital assets in the respective fund. However, in the statement of activities, the cost of those assets purchased or constructed is allocated over their estimated useful lives and reported as depreciation expense. The resources received from the sale of capital assets offset against the net carrying value of the assets sold and reported as a gain or loss in the statement of activities. As a result, the fund balance decreased by the amount of financial resources expended and increased by the amount of financial resources received, whereas

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KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Notes to Basic Financial Statements
June 30, 2013

NOTE 8: EXPLANATION OF DIFFERENCES BETWEEN THE GOVERNMENTAL FUND OPERATING STATEMENT AND THE STATEMENT OF ACTIVITIES - continued

net position decreased by the amount of depreciation expense on equipment items during the year and increased (decreased) by the amount of net gain (loss) on disposal of capital assets.

<u>Differences</u>	<u>Balance June 30, 2013</u>
Capital Outlay	\$ (2,166)
Add: Depreciation expense	<u>83,952</u>
Net difference	<u>\$ 81,786</u>

NOTE 9: POST-RETIREMENT HEALTH BENEFITS

Governmental Accounting Standards Board (GASB) standard 45 directs how local governments account for and report other post-employment benefits (OPEB) that are separate from pension benefits. The District has calculated the medical benefit plan OPEB requirements and described the methodology and amounts from a third party consultant's report. These calculations cover the OPEB of all District eligible employees.

The District provides post-retirement health benefits (medical, dental, and vision) to the all eligible employees who have retired from the District and to their spouses, surviving spouses and dependent children. During fiscal year 2010, the district adopted GASB 45.

Contributions Required and Contributions Made

The plan's funding policy provides guidelines for District contributions at actuarially determined required amounts sufficient to accumulate the necessary assets to pay benefits when due as specified. The retirees and spouses, surviving spouses and dependent children's healthcare benefits plan requires the District to use the Baseline Cost Method. The actuarial projected the plan population to estimate the cost of future benefits. The actuarial accrued total OPEB liability comes to \$1,775,239 on the valuation date of June 30, 2013.

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KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Notes to Basic Financial Statements
June 30, 2013

NOTE 9: POST-RETIREMENT HEALTH BENEFITS - continued

Contributions Required and Contributions Made - continued

Significant assumptions used to compute contribution requirements from the latest unaudited actuarial are as follows:

Valuation date:	June 30, 2011
Actuarial cost method:	Entry Age Normal Cost Method
Discount rate used in valuation:	7.61%
Actuarial assumptions:	The annual medical premium trend rate is 4% increases.

Schedule of Employer Annual Required Contributions

<u>Fiscal Year Ended June 30,</u>	<u>Annual Required Contribution</u>
2012	\$ 141,133
2013	\$ 145,720

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Notes to Basic Financial Statements
June 30, 2013

NOTE 9: POST-RETIREMENT HEALTH BENEFITS - continued

Schedule of Employer Annual Required Contributions - continued

	<u>June 30, 2013</u>
Actuarial accrued liability (AAL)	\$ 1,775,239
Actuarial value of assets	<u>249,031</u>
Unfunded actuarial accrued liability	<u>1,526,208</u>
 Remaining amortization period	 26
 Amortization factor based on 7.61% discount rate and 4% inflation rate of health premiums. Payroll increase of 3.25% per year.	
Initial Annual level amortization of unfunded AAL	164,650
Residual unfunded AAL	(60,263)
Normal Cost	41,333
Annual required contribution (ARC)	<u>\$ 145,720</u>
	<u>2012/2013</u>
Annual required contribution	\$ 145,720
Contributions made	<u>290,487</u>
Increase (decrease) in net OPEB obligations	(144,767)
Net OPEB obligation, beginning of year	<u>115,140</u>
Net OPEB obligation (asset), end of year	<u>\$ (29,627)</u>

NOTE 10: COMPENSATED ABSENCES

Amounts due to employees for compensated absences as of June 30, 2013 were as follows:

Vacation	<u>\$ 90,049</u>
Total compensated absences	<u>\$ 90,049</u>

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KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Notes to Basic Financial Statements
June 30, 2013

NOTE 11: FUND BALANCES

GASB Statement No. 54, "Fund Balance Reporting and Governmental Fund Type Definitions" was issued in February of 2009. This statement changes the presentation of the fund balance section of the balance sheet. The Statement No. 54 presentation will help to clarify the fund balance amounts of the governmental funds and will aid readers of the financial statements to better understand the different levels of constraints placed on fund balance. Fund Balances for all the major and non-major governmental funds as of June 30, 2013 were as follows:

	<u>General Fund</u>	<u>Capital Project Fund</u>	<u>Total</u>
Nonspendable:			
Prepaid expenses	\$ 59,059	\$ -	\$ 59,059
OPEB asset	29,627	-	29,627
Subtotal	<u>\$ 88,686</u>	<u>-</u>	<u>88,686</u>
Restricted:			
Bay View	22,610	-	22,610
Subtotal	<u>22,610</u>	<u>-</u>	<u>22,610</u>
Committed to:			
Capital projects	-	127,335	282,181
Subtotal	<u>-</u>	<u>127,335</u>	<u>282,181</u>
Assigned to:			
Park building	300,000	-	300,000
Subtotal	<u>300,000</u>	<u>-</u>	<u>300,000</u>
Unassigned	<u>1,111,124</u>	<u>-</u>	<u>1,111,124</u>
Totals	<u>\$ 1,522,420</u>	<u>\$ 127,335</u>	<u>\$ 1,804,601</u>

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Notes to Basic Financial Statements
June 30, 2013

NOTE 11: FUND BALANCES

Under GASB 54 fund balances are now broken out in five categories:

- Nonspendable Fund Balance – this fund balance classification includes amounts that cannot be spent because they are either not in spendable form (i.e. – prepaid expenses) or legally or contractually required to be maintained intact.
- Restricted Fund Balance – this fund balance classification should be reported when there are constraints placed on the use of resources externally (by creditors, grant sources, contributors, etc.) or imposed by law or enabling legislation.
- Committed Fund Balance – this fund balance classification can only be used for specific purposes pursuant to constraints imposed by formal action of the government’s highest level of decision making authority (i.e. – fund balance designations passed by board resolution).
- Assigned Fund Balance – this fund balance classification includes amounts that are constrained by the government’s intent to be used for specific purposes, but are neither restricted nor committed.
- Unassigned Fund Balance – this fund balance classification is the residual classification for the general fund.

NOTE 12: SUBSEQUENT EVENTS

At the time of the audit, KPPCSD has evaluated all subsequent events through January 21, 2015, the date the financial statements were available to be issued, and determined that there is no material impact from the subsequent events.

NEW BUSINESS ITEM # 6

The Board will discuss and consider entering into the process of obtaining a District Transparency Certificate of Excellence from the CSDA Special District Leadership Foundation.

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

March 3, 2015

AGENDA ITEM

Consider District Transparency Certificate of Excellence from the Special District Leadership Foundation to promote transparency in the operations and governance of the Kensington Police Protection and Community Services District

RECOMMENDATION

Direct designated staff, committee chairs and board coordinators to steward the completion of associated requirements for the Special District Leadership Foundation's District Transparency Certificate of Excellence Program and submit the District's application by the end of FY2015-16.

SUMMARY

The Special District Leadership Foundation (SDLF) created the District Transparency Certificate of Excellence Program to promote transparency in the operations and governance of special districts and provide an opportunity to institutionalize transparency efforts and increase community engagement and public confidence.

The program is made available to districts that apply and meet the specified requirements, which include the establishment of best practices in the areas of administration, finance, public information and community outreach.

The SDLF application process will require submission of several public documents related to District practices and policies, many of which will need to be published on the District's website prior to consideration. Other requirements, such as the District's financial reserve policy, will need to be developed by the Finance and Policy committees, drafted by the General Manager and approved by the Board.

Ninety-one special districts in California have received certification in transparency, including the following districts in Contra Costa County:

- Central Contra Costa Sanitary District (2013)
- Contra Costa Water District (2013)
- Dublin San Ramon Services District (2014)
- Ironhouse Sanitary District (2014)

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Page 2

- Kensington Fire Protection District (2013)*
- Mt. View Sanitary District (2013)
- Stege Sanitary District (2013)*
- Town of Discovery Bay Community Services District (2014)*

* *Special Districts of Distinction*

FISCAL IMPACT

There is no fiscal impact associated with the application for district transparency certification. However, staff and committee time will be required to draft required policies and update the website to include compulsory information.

NEXT STEPS

Upon Board approval, designated staff, committee chairs and board coordinators will incorporate the application for SDLF district transparency certification in all relevant FY2015-16 work plans.

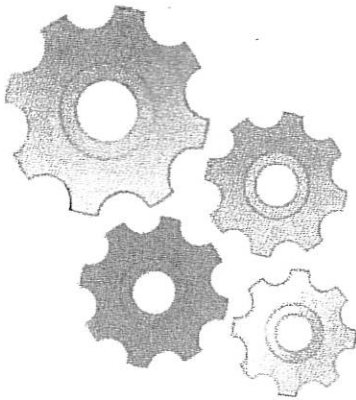
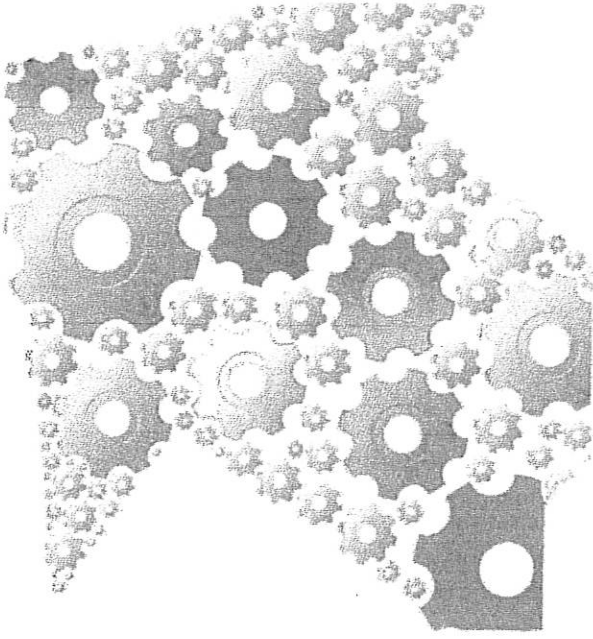
Respectfully submitted by:


Vanessa N. Cordova, Director

Attachments

1. District Transparency Certificate of Excellence brochure
2. District Transparency Certificate of Excellence checklist

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SPECIAL DISTRICT LEADERSHIP FOUNDATION

Which Program
applies to you?

What is SDLF...

The Special District Leadership Foundation (SDLF) is an independent, non-profit organization formed to promote good governance and best practices among California's special districts through certification, accreditation and other recognition programs. The SDLF and its activities are supported through the California Special Districts Association and Special District Risk Management Authority.

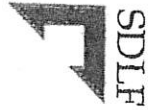
Current SDLF Programs

- Special District Administrator Certification
- District of Distinction Accreditation
- Recognition in Special District Governance
- District Transparency Certificate of Excellence

SDLF is supported by



SDRMA

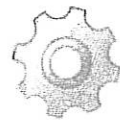


SPECIAL DISTRICT LEADERSHIP FOUNDATION
1112 I Street, Suite 200
Sacramento, CA 95814

**District
Transparency
Certificate of
Excellence**



SPECIAL DISTRICT LEADERSHIP FOUNDATION



SHOWCASE YOUR DISTRICT'S COMMITMENT TO TRANSPARENCY

This program was created by the Special District Leadership Foundation (SDLF) in an effort to promote transparency in the operations and governance of special districts to the public and to provide special districts with an opportunity to showcase their efforts in transparency. There are no fees for this certificate and districts will be recognized for two full years.

Why should your district earn the District Transparency Certificate of Excellence?

1. The certificate covers all general, website, and outreach best practices and requirements regarding transparency for special districts.
2. Earning the certificate is a tangible acknowledgment of your transparency efforts.
3. Demonstrate to your constituents and other stakeholders your district's commitment to being open and accessible to them.
4. Earning the certificate demonstrates a commitment to engaging the public and creating greater awareness of your district's activities.

Three main subject areas

BASIC TRANSPARENCY REQUIREMENTS

Some requirements include: Proof of current ethics training for all board members, timely filing of State Controller's Special Districts Financial Transactions and Compensation Report.

WEBSITE REQUIREMENTS

Some requirements include: display of names of board members and their terms of office, board meeting schedules, the district's mission statement.

OUTREACH REQUIREMENTS

Some requirements include: an example of a regular district newsletter or communication, an example of a community notification through press release to local media outlet announcing upcoming filing deadline for election and process for seeking a position on the district board.

These are only a sampling of all the requirements needed to complete the transparency certificate. While it takes time to compile these requirements, being able to shine a light on all of the efforts your district has taken to be transparent is invaluable to the public.



What the district receives

- Certificate for display (*covering 2 years*)
- Window cling to showcase your achievement
- Press release template
- Recognition on the SDLF website
- Letter to legislators within the district's boundaries announcing the achievement
- Recognition in *California Special District* magazine and the *CSDA e-News*

Questions

Please contact the SDLF office at 916.231.2939.

How do I proceed?

To get the full submission criteria and to download an application, visit www.sdlf.org

Step 1: Complete the requirement checklist

Step 2: Send checklist and all supporting materials or contact the SDLF staff on how to submit all materials electronically:

SDLF
1112 I Street, Suite 200
Sacramento, CA 95814

Step 3: Approval process review performed by SDLF staff

Step 4: Receive your certificate and recognition



District Transparency Certificate of Excellence *checklist*

Showcase your district's commitment to transparency

BASIC REQUIREMENTS

- Current Ethics Training for all Board Members**
(Government Code Section 53235)
 - Provide copies of training certificates along with date completed
- Compliance with the Ralph M. Brown Act**
(Government Code Section 54950 et. al)
 - Provide copy of current policy related to Brown Act compliance
 - Provide copy of a current meeting agenda (including opportunity for public comment)
- Adoption of policy related to handling Public Records Act requests**
 - Provide copy of current policy
- Adoption of Reimbursement Policy, if district provides any reimbursement of actual and necessary expenses**
(Government Code Section 53232.2 (b))
 - Provide copy of current policy
- Annual disclosure of board member or employee reimbursements for individual charges over \$100 for services or products. This information is to be made available for public inspection. "Individual charge" includes, but is not limited to: one meal, lodging for one day, or transportation.** (Government Code Section 53065.5)
 - Provide copy of the most recent document and how it is accessible
- Timely filing of State Controller's Special Districts Financial Transactions Report - includes compensation disclosure.** (Government Code Section 53891)
 - Provide copy of most recent filing
SDLF staff will verify that district is not listed on the State Controller's 'non-compliance list'
- Conduct Annual Audits**
(Government Code Section 26909 and 12410.6)
 - Provide copy of most recent audit and management letter and a description of how/ where documents were made available to the public
- Other Policies – have current policies addressing the following areas** (provide copies of each):
 - Conflict of Interest
 - Code of Ethics/Values/Norms or Board Conduct
 - Financial Reserves Policy

WEBSITE REQUIREMENTS

- Maintain a district website with the following items**
(provide website link; all are required)
 - Names of Board Members and their terms of office
 - Name of general manager and key staff along with contact information
 - Election procedure and deadlines
 - Board meeting schedule (Regular meeting agendas must be posted 72 hours in advance pursuant to Government Code Section 54954.2 (a) (1) and Government Code Section 54956 (a))
 - District's mission statement
 - Description of district's services/functions and service area
 - Authorizing statute/enabling act (Principle Act or Special Act)
 - Current district budget
 - Most recent financial audit
 - Archive of Board meeting minutes for at least the last 6 months
 - List of compensation of Board Members and staff and/or link to State Controller's webpage with the data
- Website also must include at least 4 of the following items:**
 - Post Board Member ethics training certificates
 - Picture, biography and email address of board members
 - Last 3 years of audits
 - Reimbursement and Compensation Policy
 - Financial Reserves Policy
 - Online/downloadable Public Records Act request form
 - Audio or video recordings of board meetings
 - Map of district boundaries/service area
 - Link to California Special Districts Association mapping program
 - Most recent Municipal Service Review (MSR) and Sphere of Influence (SOI) studies (full document or link to document on another site)

Continued on reverse

shine
a light
on all of your
district's efforts



checklist continued

OUTREACH/BEST PRACTICES REQUIREMENTS

Must complete at least 2 of the following items:

- Regular district newsletter or communication (*printed and/or electronic*) that keeps the public, constituents and elected officials up-to-date on district activities (*at least twice annually*)
 - Provide copy of most recent communication and short description on the frequency of the communication, how it's distributed and to whom
- Community notification through press release to local media outlet announcing upcoming filing deadline for election and process for seeking a position on the district board, prior to that election (*or prior to the most recent deadline for consideration of new appointments for those districts with board members appointed to fixed-terms*)
 - Provide copy of the press release (*and the printed article if available*)
- Complete salary comparison/benchmarking for district staff positions using a reputable salary survey (*at least every 5 years*)
 - Provide brief description of the survey and process used as well as the general results
- Special Community Engagement Project
Designed and completed a special project promoting community engagement with the district (potential projects may be broad in nature or focus on specific issues such as rate-setting, recycled water, identifying community needs, etc.)
 - Submit an overview of the community engagement project, reviewing the process undertaken and results achieved
- Hold annual informational public budget hearings that engage the public (*outreach, workshops, etc.*) prior to adopting the budget
 - Provide copy of most recent public budget hearing notice and agenda
- Community Transparency Review
The district would be required to obtain a completed overview checklist from at least 2 of the following individuals* (*the district may choose to conduct the overview with these individuals simultaneously or separately*):
 - Chair of the County Civil Grand Jury
 - Editor of a reputable local print newspaper (only one may count toward requirement)
 - LAFCo Executive Officer
 - County Auditor-Controller
 - Local Legislator (only one may count toward requirement)
 - Executive Director or President of local Chamber of Commerce
 - General Manager of a peer agency (special district, city or county)

* Provide proof of completion signed by individuals completing Community Transparency Review

How do I proceed?

- Step 1: Complete the requirement checklist
- Step 2: Send checklist and all supporting materials or contact the SDLF staff on how to submit all materials electronically:
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Sacramento, CA 95814
- Step 3: Approval process review performed by SDLF staff
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