

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

AGENDA

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District will be held **Saturday, December 17, 2016, at 8:00 A.M.** at the Public Safety Building, in the fire truck bay, 217 Arlington Avenue, Kensington, California. The Board will commence a Special Open Session Meeting **Saturday, December 17, 2016, at 9:00 A.M.**, at the Public Safety Building, in the fire truck bay, 217 Arlington Avenue, Kensington, California. If further Closed Session is required, the Board will return to Closed Session following the end of the Special Meeting.

Note: All proceedings of the Open Session will be audiotaped.

1. **Call to Order/Roll Call**
2. **Closed Session – Public Comments**
 - a. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: The Board will be briefed on matters involving significant exposure to litigation pursuant to CA Government Code Section 54956.9(d)(2).
 - b. PUBLIC EMPLOYEE EMPLOYMENT, DISCIPLINE OR DISMISSAL: The Board will be briefed on personnel matters pursuant to Government Code Section 54957(b)(1).

Director Cordova will participate in both the Closed and Open Sessions, by phone, from Via dell'Oriuolo 26 Terraza, Florence, Italy

Director Nottoli will participate in both the Closed and Open Sessions, by phone, from the location of 3211 Toni Court, College Station, TX.

3. **Open Session – Call to Order/Roll Call 9:00 A.M.**
4. **Public Comments:** Members of the public may address the Board on any matter listed on the agenda at the time the Board is considering the agenda item. Each speaker is allowed a maximum of five (5) minutes, pursuant to section 5030.41 of the District Policy and Procedures Manual.
5. **Correspondence** Pg. 3
6. The Board will review and consider approving Resolution 2016-19 "Approving Interim Appointment of Kevin Hart to Interim General Manager/Chief of Police Pursuant to Government Code Section 2122(h). Compensation for such appointment, if made, will be discussed at the January 12, 2017 regular open session of the Board. Action Item. Pg. 29
7. The Board will consider adopting Resolution 2016-21 "Approval of the Appointment of Master Sergeant Rickey Hull as Interim General Manager/Chief of Police." Compensation for such appointment, if made, will be discussed at the January 12, 2017 regular open session of the Board. Action Item. Pg. 35
8. The Board may specify a date, or may specify dates, by which the appointment of a new interim or permanent Chief of Police and/or new interim or permanent General Manager will be made. Action Item.
9. The Board may consider the process by which a job description for interim GM/COP will be considered and may consider utilizing an ad hoc committee to manage bringing candidates to the Board for interviews. Action Item.

ADJOURNMENT

General Information
Accessible Public Meetings

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

District Administrator Lynn Wolter, 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.

Lynn Wolter

From: David Spath <dpspath@yahoo.com>
Sent: Thursday, December 15, 2016 3:46 PM
To: Rachelle Sherris-Watt; Vanessa Cordova; Len Welsh; Eileen Nottoli; Sylvia Hacaj
Cc: Lynn Wolter
Subject: December 17th Board Meeting
Attachments: Reponse to Jim Watt's Comments 1282016.pdf

December 15, 2016

Dear Members of the KPPCSD Board of Directors,

At the December 8, 2016 meeting of the KPPCSD Board of Directors, the board declined to accept the motion by President Len Welsh to contract with Kevin Hart to serve as Interim General Manager(GM)/Chief of Police(COP) while the board undertook a process of determining the most appropriate long term governance structure for the district. Subsequently newly elected President Rachael Sherris-Watt proposed that Master Sergeant Ricky Hull be made Interim GM and COP. Although the motions were adopted they had to be rescinded because they were not agenda items.

At the upcoming December 17, 2016 meeting it is my understanding that consideration will be given to appointing Master Sergeant Hull to the Interim GM/COP position. I do not believe that this is the most appropriate solution to the district's interim governance dilemma. Although a very competent police officer, Master Sergeant Hull does not have the requisite background to serve as GM. It is quite possible that he would have to serve as the Interim GM/COP for several months particularly during the budget development period for which he has virtually no experience. As GM he would also be responsible for dealing with the outstanding disciplinary actions involving his fellow officers. Since he is a member of the Kensington Police Officers Association as are the officers in question, that relationship certainly creates a potential conflict of interest. In addition, as Interim GM/COP Master Sergeant Hull will have little or no time to carry out his patrol and other police officer duties, which included 18 days of 10 hour shifts in the month of November. The district can ill afford to have only five active duty officers, which would effectively be the case if Master Sergeant Hull were to be appointed Interim GM/COP.

The better solution would be to contract with Kevin Hart who has the experience with the district on budgetary matters and other issues such as the Community Center remodel. Since he is now retired, he could be employed as a retired annuitant with no benefits or pension obligations on the part of the district. I respectfully request that the board include on the agenda for consideration contracting with Mr. Hart for a limited period until the board makes a decision about the district's permanent governance structure.

I also urge the board to begin the process of assessing the appropriateness of bifurcating the GM/COP position. The Ad Hoc Committee report provides very useful information on the potential options and the November 29, 2016 letter to the board from the Kensington Property Owners Association presents a thoughtful approach to carrying out that assessment.

I would appreciate it if you would include in the agenda package of the December 17, 2016 meeting the attach response to comments made by Jim Watt at the December 8th meeting.

Finally, I would like to congratulate Eileen Nottoli and Sylvia Hacaj on their election to the board.

Sincerely,

David Spath
287 Purdue Avenue

Response to Jim Watt's Position on hiring of Kevin Hart as Interim GM/COP

I disagree with Jim Watt's position that the district should not consider bringing back Mr. Hart as Interim General Manager as presented to the KPPCSD Board of Directors at the December 8, 2016 regular meeting. I believe that Mr. Hart is the best option for the period of time that it will take for the board to address bifurcating the General Manager/Chief of Police position. I have the following response to Jim's reasons for not hiring Mr. Hart.

1. With 30 days notice, Mr. Hart chose to terminate his employment contract with the District four months early. While his stated reasons were personal, the very fact that he will now come back means there were other reasons, and speculation suggests he was trying to protect the retiree medical benefits he will get from Dublin. Regardless of the reason, he left us in a bind and bringing in Mr. Kyle added additional costs to our budget. The District should have major concerns with re-employing someone who created the very problem you are now trying to repair.

Mr. Hart's reasons for leaving may have been justified particularly if he needed to formally retire from Dublin to obtain retiree medical benefits. It did require that the Board quickly hire a new interim GM/COP and with Hart willing to step in for a limited period during the transition that was accomplished. It hardly created a serious problem. Bringing in Mr. Kyle did not add additional costs other than possible legal review of his contract, which would have been easily offset by the savings in not having to pay his benefits and retirement contribution. Mr. Kyle's, not Mr. Hart's, leaving has created the situation in which the Board finds itself.

2. Mr. Hart has been here for 18 months and in his 100-day plan he promised to deliver high expectations and accountability and to eliminate internal strife. But today the department has more problems than when Hart arrived. He also promised to foster close relationships with residents, but the experience of many of us is that that promise only applies to those residents that support his programs and do not criticize his actions.

Jim implies that Mr. Hart's is responsible for issues facing the department. The department is indeed short staffed. However, one cannot hold Mr. Hart responsible for the injuries incurred by two officers who are now on disability. And there have been discipline issues with which Mr. Hart has very forcefully addressed in contrast to the previous GM/COP. The criticism that he only fostered close relationships with those residents who supported his programs and not those who criticized his actions is typical of those who believe that their positions are always the right ones. Jim was opposed to the purchase of the new vehicle, the higher level protective police vests, the standardization of weapons to name a few. However, it was the board that voted to go forward with these and other items that Jim opposed. Therefore, it should be the board with whom Jim should take issue.

3. In comments he gave to the Outlook, Mr. Hart made a number of disparaging remarks about the role of the GM, stating that "right now, today, what would that person do". Yet we are told by the KPOA that he is needed to complete the District's audit, to prepare the 2017-18 budget,

work on the Community Center remodel, and I could list a number of other GM related issues that need attention. The fact is that Mr. Hart has failed to stay on top of these issues and, as evidenced by the Outlook article, he does not see financial issues as deserving of his ongoing attention. Given his attitude toward GM work, why would you want to bring him back to fill that role?

Mr. Hart did say in the Outlook article that with regard to the role of the GM, "right now, today, what would that person do". I don't find that disparaging but an honest reflection on his experience that the role of Chief of Police required the vast majority of his time. In his interview with the Ad Hoc Committee he reflected much the same sentiment, indicating that he felt only 10% to 15% of his time was spent strictly on GM activities and that a part time GM was more appropriate to meet the district's needs. Jim claims that Mr. Hart failed to stay on top of the budget preparation, the Community Center remodel and other items, which he claims that he could list but does not. There is no evidence that he was negligent in the preparation of past budgets nor on his work on the Community Center remodel. On the latter issue Hart was instrumental in working with the East Bay Regional Park District on the use of the remaining grant funds for the Community Center remodel.

For a different take on Mr. Hart's tenure here is Director Sherris-Watt's comments about Hart from the October Board meeting minutes:

"Vice President Sherris-Watt said she had not be able to slow IGM/COP Hart down. She said she had tried to pull back projects and to get IGM/COP Hart to do less; but he had refused at every turn. She noted that the community had a new sound system and many other things because of GM/COP Hart. She said he had come to every meeting she had had, which she appreciated. She thanked him for the information he had provided to her as a new Board member. IGM/COP Hart received another round of applause."

This testimonial to Mr. Hart's work effort by the newly elected board President is certainly at odds with Jim's opinion of Mr. Hart.

4. As a member of the finance committee, I have become increasingly frustrated with Mr. Hart's total lack of response to my questions and his failure to address important financial issues. Any information I require from the department or outside agencies requires a PRA request, and even PRA's are routinely ignored. Others have experienced the same treatment. Is this the way tax-paying citizens should be treated?

Having attended the finance committee meetings, I believe that one would get a different view from the majority of finance committee members with regard to Mr. Hart's responsiveness. I can't speak to the PRA request issue but Jim seems to expect immediate response to these requests. Having had considerable experience dealing with PRA requests, it is not that simple. There can be considerable staff time required in putting together the material to meet the request. And given the district's limited staffing, that can become a challenge. Depending on the nature of the request, a legal review may even be required to determine what information

can be provided. It would be useful if the Board would publish all PRA requests so that the public could see what information is being asked of the district. Other jurisdictions such as the City of Oakland do that. The requester's identity can be redacted, which is what Oakland does.

5. I believe the reason the recently appointed Mr. Kyle left after only 2 weeks on the job has a great deal to do with the current state of affairs in the department, a condition that can only be laid at the doorstep of Mr. Hart's tenure. So bringing Mr. Hart back to fill the position he so poorly managed would be a dereliction of the Board's fiduciary responsibilities.

Jim's opinion is mere speculation and has no basis in fact. If one takes Mr. Kyle at his word (from his resignation letter), he concluded that the GM/COP position required the commitment of at least a full time leader to address current issues and complex projects on the horizon. By current projects I would assume that Mr. Kyle meant issues such as the resolution of the disciplinary actions that Mr. Hart appropriately took and the Community Center remodel whose cost was greatly underestimated. (The Parks Committee, on which Jim sits, projected a cost of about \$600,000 for architectural services and construction for seismic and ADA compliance. Glass Associates, the architectural firm being considered for designing the remodel, has estimated the cost to be about \$1M.)

6. Lastly, the District has been involved in an audit by CalPERS going back for almost one year. The existence of this audit only came to light in October when a resident found it posted on the internet by CalPERS. This audit, which involves the pensions due Hart and former GM/COP Harman, was not disclosed to the Board and the public until 10 months after it was released, bringing into serious question Mr. Hart's willingness to keep the Board and the public informed about matters affecting the District's finances. I suspect that Kensington residents will not be pleased to hear that Hart has put his interest above that of the taxpayer and did so in a manner that suggest he is not qualified to represent the people of Kensington.

Mr. Hart should have advised the board of the CalPERS review. The issue could affect Hart's pension but CalPERS' review only covered Harman's tenure from July 1, 2011 to December 31, 2014. The following is Julie Stein's ND post, which addresses the issue.

"I read the CalPERS Final Audit report and Mr. Hart's response. Every item in the audit report pertained specifically to Mr. Harman's tenure: "The review was limited to the examination of sampled employees, records, and pay periods from July 1, 2011 through December 31, 2014." There were four findings, for which CalPERS made specific recommendations, and an observation that contained the following statement: "The Agency should work with EAMD to determine the appropriate enrollment and reporting of this position."

Mr. Hart, in his response, asked CalPERS to advise what next steps the District should take."

Although reporting the position as full time public safety would provide Mr. Hart with a larger pension, I view his response as reflecting how the district has historically viewed the position for CalPERS reporting purposes. His response also reflects from his experience the difficulty in allocating time spent on activities associated with each position. I would also note that previous

board President Len Welsh opined that the COP was on 24 hour call and, therefore, the position could be considered a full time public safety for purposes of CalPERS.

It is time for us to seek an individual who will come in and start to heal the many problems that beset this department and do so in a manner that is above reproach. Mr. Hart had 18 months, or 540 days to turn things around, or 5 times what he told us would require to set things right. He failed, and it's time to look for another candidate. The fact that we have gone through two GM/COPs in the last month has given Kensington's police department a toxic reputation. It's time to change that reputation. Let's bring in a qualified COP and find a separately qualified GM. The current structure and actors are just not cutting it.

Mr. Hart has done significantly more to set things right than the previous GM/COP. The allegation that the fact that we have gone through two GM/COPs in the last month has given Kensington's police department a toxic reputation merely reflects Jim's opinion, to which he is entitled. And to suggest that the board should quickly hire a separate COP and GM makes no sense from a fiscal perspective as it would certainly cost more to hire both a full time COP and full time GM. Rather the board needs to thoughtfully determine how it would bifurcate the positions. Certainly a full time COP is required. All the police chiefs and city managers that the Ad Hoc Committee interviewed were of that opinion. The question becomes how to address the GM position. Is a full time GM necessary or is a part time GM more appropriate? If the latter, what are the expectations of a part time GM? What options are available if a part time GM is the best solution? Can the district contract with a retired GM with PERS benefits without violating state retiree employment law? If so, the cost savings could be significant. The Kensington Property Owners Association letter to the board provides some thoughtful ideas about how to go about carrying out the bifurcation assessment. Hiring Mr. Hart for the period necessary for the board to complete the assessment process is the most prudent and logical approach going forward.

Lynn Wolter

From: Julie Stein <juliemstein@aol.com>
Sent: Thursday, December 15, 2016 1:51 PM
To: Rachelle Sherris-Watt; Eileen Nottoli; Len Welsh; Sylvia Hacaj; Vanessa Cordova
Cc: Lynn Wolter
Subject: Letter to the KPPCSD Board, please include in Board's correspondence
Attachments: KPOA Letter KPPCSD- RE COP.pdf

Please immediately include this letter and its attachment, transmitted by email, in the public correspondence with the Board.

December 15, 2016

Dear Members of the KPPCSD Board of Directors,

At your meeting on Thursday December 8, 2016, the Board declined to second a motion made by Director Len Welsh to reappoint Mr. Kevin Hart to serve as a retired annuitant in the role of KPPCSD interim combined General Manager and Chief of Police. The purpose of Director Welsh's motion was to fill the immediate need for the District to employ a General Manager and Chief of Police because Kensington is functioning without an Executive Officer at the present time. Therefore, the Board took no action and little, if any, discussion took place to explain this lack of action to the Kensington community.

Director Sherris-Watt subsequently proposed to appoint, using two separate motions, Master Sergeant Ricky Hull to the joint position of Interim General Manager and Interim Chief of Police. The Board was unable to proceed with voting on these motions because these items had not been agendaized properly. **During her presentation, Director Sherris-Watt did not state whether Master Sergeant Hull had been consulted prior to this attempted Board action.**

On November 29, 2016 the Kensington Police Officer's Association (KPOA) issued the attached letter asserting that it voted **unanimously** to urge the KPPCSD Board to take immediate and decisive action to ensure a swift replacement of command at the Chief of Police/ General Manager position. The KPOA requested that the Board take immediate action to appoint Mr. Kevin Hart as Chief of Police and General Manager, citing their support for his leadership and believe in his abilities, experience, and knowledge of the District. **It appears that Master Sergeant Hull, himself, voted in favor of the KPOA's request to appoint Mr. Hart immediately.**

Impending challenges cited by the KPOA, as of November 29, 2016 include:

- - Finding a suitable replacement for the current use of the Richmond Dispatch center,
- - Multiple unfinished disciplinary actions, and
- - Completion of the standardized firearm transition.

In the days following the December 8, 2016 Board meeting, with regard to the notion of appointing a KPOA member to the role of interim General Manager and Chief of Police, real **institutional conflicts of interest with this proposed action** have become apparent along with the real concerns about how such an appointment could penalize any KPOA member who would assume this role, both financially and with respect to the consequences that KPOA member may face when returning to the rank and file with fellow KPOA officers after the interim appointment has ended.

The institutional conflicts of interest arise because the General Manager is charged with administering the KPOA's contract, referred to as the "MOU", with the District, which is a living document that is subject to enforcement at any time. A case in point, from this recent past, is Mr. Hart's role as interim General Manager in managing several internal investigations involving KPOA members and implementing disciplinary action against a KPOA detective. In fact, the KPOA letter cites the existence of multiple unfinished disciplinary actions that a newly appointed interim General Manager will need to adjudicate. The official job description of the Kensington General Manager and Chief of Police (GM/COP) sets forth that GM/COP:

- - Controls personnel files,
- - Investigates and properly disposes of citizens' complaints regarding the actions of police officers,
- - Performs annual performance evaluations of sergeants, and
- - Provides direction to the police department.

It is obvious that a member of the KPOA would have a clear conflict in performing the first three, if not all four, of the duties above in relation to his or her fellow KPOA members. The GM/COP also participates and supports the Board in negotiating the MOU with the KPOA. With the current MOU set to expire on December 31, 2017, experience tells us that negotiations for the new MOU must begin by March 2017 and it would be a real conflict of interest for a beneficiary of the MOU to participate and support the Board in negotiating it.

Many, including myself, in posts on Nextdoor, initially urged the Board to consider splitting the interim position immediately by hiring into the General Manager position a candidate solicited from the Public Management Group. It appears, however, that any such approach would require an amendment to the current policy manual, which describes the GM/COP job as one unified position rather than two separate positions, in order to provide for two separate positions, each with their own job description; it will be necessary to amend the policy manual with at least two readings at two successive regular Board meetings and this proposed remedy to the immediate problem would be delayed by two months or more.

Therefore, in light of the many challenges associated with appointing a KPOA member as the interim General Manager / Chief of Police, and protracted delays associated with immediately splitting the position, **I strongly urge you to take swift action to appoint Mr. Kevin Hart as a retired annuitant to the interim combined position.** Mr. Hart is currently the most qualified individual for this position, due to his lengthy prior service, his deep understanding of the needs and challenges facing Kensington and of the role itself, and the respect he has commanded from the Kensington Police Department as its leader for the past 18 months, as evidenced in the November 29 letter from the KPOA to the KPPCSD Board of Directors. Mr. Hart has implemented sensible change, e.g., the standardization of firearms in the police department. In fact, Director Sherris-Watt, the new KPPCSD President, has frequently, including as recently as October 2016, complimented generously Mr. Hart's service to Kensington. I understand that the appropriate paperwork is already in place because Mr. Hart has already served in this role temporarily in November 2016.

At the same time, I urge you to immediately embark upon the process of proposing a permanent solution, taking into deep consideration the report of the Ad Hoc Committee on Governance and the recommendations of the Kensington Property Owners Association regarding "bifurcation of the General Manager / Chief of Police role". Having read the letter from the Kensington Property Owners Association, I understand its recommendations include urging the Board to evaluate the need for and viability of separating the GM/COP position, and, if separation is the recommended path, to present to the community a plan for funding both positions in the short and long term. In moving forward, the Board's deliberations must articulate clearly and specifically what Kensington would gain by creating two positions. The General Manager's responsibilities should be clearly laid out and prioritized, in the context of a recommended time commitments for separate General Manager and Chief of Police roles.

Thank you, in advance, for considering the points that I have raised in this letter. I deeply appreciate your service to Kensington and the value of the time you dedicate to the community. In particular, I welcome and look forward to the service of Director Nottoli and Director Hacaj, the two newest members of the Board. Thank you, Directors Nottoli and Hacaj, for posting your impressive biographies on the KPPCSD website! It is wonderful to learn more about you.

Respectfully yours,

Julie Stein
133 Ardmore Road

Attachment: KPOA letter dated November 29, 2016

Dear Counsel and Board Members:

As you consider how to fill the vacancy of the Interim GM/COP position, I hope you will ensure that the following legal and logistical issues are answered if you still intend on putting Ricky Hull into the position:

- Hull is currently a member of the bargaining unit of police officers. Will he have to remove himself from that unit? If so, what are the consequences to him and the District, if any ?
 - And if this is only a position he will hold for a short term, what happens when that interim term ends? Will he go back to the bargaining unit? What happens with all of the confidential information he may have obtained while working in the Interim Position?
 - Isn't he in a conflict of interest position if he goes back and forth between being a bargaining unit employee and a supervisor?
- The police contract expires in December 2017 and new negotiations should start around February or March at the latest. As an existing bargaining unit employee and someone who might return to that position, it seems he is conflicted out of participating in the negotiations. So will we prohibit him from assisting with the contract negotiations, even though this would be part of his job as GM?
- As a police officer, he has certain rights regarding discipline and termination that prevent him from being an "at will" employee. If he becomes Interim GM/COP will he lose his rights under the union contract? What will his status be?
 - If he does not perform his duties as Interim GM in a satisfactory manner, and the board fires him, does he remain as COP?
 - If he doesn't perform well as the COP, would he be fired or would he return to the force? Does he have a right to return to the force if he accepts this interim position?
- If he is Interim GM/COP he will have access to all personnel records of his colleagues, which contain private and legally protected information about these men and women. Should that be allowed if he is only the Interim GM/COP and may eventually return to the rank and file when a new person(s) is hired? If not, how will you protect that information?
- Will he be paid separately for his COP v. his GM duties – as COP he is paid a wage based on a union contract and is entitled to overtime; as GM he would be salaried exempt employee, not entitled to overtime.

- Will he be required to record his time for GM duties vs. COP duties?
- Will he be paid overtime if, for example, the only reason he is working overtime is because he is spending two hours working as a GM and then performing his COP duties?
- What portion of his compensation will be “PERSable”?
- Does he meet the job requirements for the GM as set forth in the policy manual and posted job description (written by Rachelle)?
 - Does he have a degree of some sort?
 - Does he have any experience with budgets?
 - Does he know how to draft agendas?
 - What is his familiarity in dealing with issues relating to contracts, attorneys, etc.
 - Has he ever had to discipline an employee or initiate/conduct an investigation?
 - What is his experience dealing with citizen complaints? Does he has the right temperament to do so?
 - The community was informed by the Board and by Sky and Catya that Ricky is the subject of complaints for failure to perform his duties. He has previously been accused by Cathie Kosel of trying to kill her with his car. He has displayed volatile behavior in negotiations and in conversations with citizens. Is this the right person to put into this Interim position during this time of transition and disruption?

These are real issues that must be considered and resolved before this Board puts Ricky into this interim position, particularly since we have no idea how long this “interim” position will be necessary – it could be two months, it could be six months. It is not fair to the citizens of Kensington – or to Ricky – to move forward with this until these issues are fully resolved.

I just don't think it has to be this hard. I think the solution is obvious. Bring Hart back for a defined period of time, during which time you all can confirm that you want to separate the position, you can define the duties and post them properly, you can do an ordered search for the right person and hire him/her with Hart helping transition the person.. Despite the remarks made about Mr. Hart (many of which are not true or are exaggerated), his contract was extended by a vote of 4-1 (with only Vanessa dissenting) earlier this year to at least February 2017. There was no indication that anyone intended to shorten that term. It was only because he resigned prematurely that his term wasn't finished. So why not maintain that status quo, give him the feedback we have received from the community regarding his performance, and maintain some semblance of order in our community and with our personnel until the new board has its feet on

the ground and has determined how to proceed in an orderly manner? We know that is what the majority of the police officers want, as set forth in their letter.

This board needs some stability right now, with an experienced and steady hand taking care of the administrative tasks that arise at the beginning of the year. To jeopardize that by appointing someone who is clearly not qualified to be the GM and may not have the temperament or the support of the officers to effectively serve as COP, is troubling and puts the board and the community in a precarious position.

I urge the Board to reconsider its decision regarding Hart. If you don't do that, then I ask that you be prepared to answer the questions set forth above before you go forward with any vote on any promotion of Ricky Hull to the interim GM/COP position.

Thank you for your consideration of these points.

Pat Gillette

Lynn Wolter

From: Paul Dorroh <pedorroh@aol.com>
Sent: Wednesday, December 14, 2016 5:20 PM
To: Len Welsh; Rachelle Sherris-Watt; Sylvia Hacaj; Eileen Nottoli
Cc: Lynn Wolter
Subject: GM/COP position

I understand that at last Thursday's regular KPPCSD meeting a motion to bring back Kevin Hart as interim GM/COP was considered and defeated. I respectfully request that the board agendaize a reconsideration of this motion for its special meeting this coming Saturday, and urge you to vote in favor of bringing Mr. Hart back.

As a member of the District's finance committee for two years, I had the opportunity to become familiar with Mr. Hart's management of the District's financial affairs. I found him to be very capable of fulfilling those duties, and responsive to the committee's requests and directions. Further, his extensive experience as an elected official himself provided very helpful support and understanding of the board's and committee's needs, and knowledgeable assistance in dealing with the requirements of the Brown Act and other statutory responsibilities of the District.

Bringing back Mr. Hart is a sensible and responsible step toward addressing pressing short term issues facing the Board and the District. Additionally, it would be a cost-effective short term solution since as a retired annuitant Mr. Hart would not require pension or medical benefits. The fact that Mr. Hart also has the support of the Kensington Police Officers Association should also be carefully considered.

I appreciate your consideration of these suggestions, and ask Ms. Wolter to include them in the agenda package for the special meeting.

Paul Dorroh

Lynn Wolter

From: Gayle Tapscott <gayletaps@yahoo.com>
Sent: Tuesday, December 13, 2016 11:24 PM
To: Len Welsh; Rachelle Sherris-Watt; Sylvia Hacaj; Eileen Nottoli
Cc: Lynn Wolter
Subject: Consider Hart for interim GM/CEO

Dear Kensington Board Members,

I am asking that you please consider bringing back Chief Hart while you determine the best decisions regarding our police force. While I believe that Master Sargent Hull is a terrific police officer, I believe Hart will provide the smoother transition. With the urgency of needing 911 services, Hart has already began that process. In addition, the rest of the police force supports Chief Hart.

Sincerely,

Gayle Tapscott

To the universe belongs the dancer. He who does not dance does not know what happens.

Lynn Wolter

From: Kathy Stein <reuser1@sbcglobal.net>
Sent: Tuesday, December 13, 2016 9:14 PM
To: Lynn Wolter
Subject: Fw: GM/COP position

On Monday, December 12, 2016 8:23 AM, Kathy Stein <reuser1@sbcglobal.net> wrote:

Hi Sylvia,

Kevin Hart is hands-down the most competent GM/COP this community has ever had. Sowhy, when HART is available for temporary hire, is the KPPCSD opting for Ricky Hull, whose administrative, management and leadership skills cannot hold a candle to Hart's?

I find this puzzling and, well, disturbing.

As the KPPCSD Board's responsibility is to see that residents receive high quality police service, why not go with someone genuinely, demonstrably competent? A volley of complaints about Hart appear to be coming from one small but very busy corner of this community. Please consider the source of those complaints before you base an important decision on them. This decision is too important to be based on cheap shots and fake news.

Thank you for listening.
Kathy Stein

Lynn Wolter

From: Lynn Wolter
Sent: Wednesday, December 14, 2016 12:33 PM
To: Len Welsh GMail; Rachelle Sherris-Watt; Vanessa Cordova; Eileen Nottoli; Sylvia Hacaj
Subject: FW: Kevin Hart

FYI.

From: Kathy Stein [mailto:reuser1@sbcglobal.net]
Sent: Tuesday, December 13, 2016 9:13 PM
To: Lynn Wolter <lwolter@Kensingtoncalifornia.org>
Subject: Fw: Kevin Hart

On Monday, December 12, 2016 8:02 PM, Kathy Stein <reuser1@sbcglobal.net> wrote:

Hi Eileen,

Kevin Hart is hands-down the most competent GM/COP this community has ever had. Sowhy, when HART is available for temporary hire, is the KPPCSD opting for Ricky Hull, whose administrative, management and leadership skills cannot hold a candle to Hart's?

I find this puzzling and, well, disturbing.

As the KPPCSD Board's responsibility is to see that residents receive high quality police service, why not go with someone genuinely, demonstrably competent? Especially now when the District is faced with finding another 911 provider, and many other issues requiring a highly capable GM.

A predictable volley of complaints about Hart is coming from one small but very busy corner of this community. Please consider the source of those complaints before you base an important decision on them. This decision is far too important to be based on fake news and cheap shots.

Thank you for listening.
Kathy Stein

Lynn Wolter

From: Kathy Stein <reuser1@sbcglobal.net>
Sent: Tuesday, December 13, 2016 9:11 PM
To: Sylvia Hacaj
Cc: Lynn Wolter
Subject: Bring back GM/COP Hart

Hart is the best GM/COP this community has ever had. This community deserves the best.
Thank you,
Kathy Stein

Lynn Wolter

From: Kathy Stein <reuser1@sbcglobal.net>
Sent: Tuesday, December 13, 2016 9:09 PM
To: Vanessa Cordova
Cc: Lynn Wolter
Subject: Bring back GM/COP Hart

Bring back GM/COP Hart.

Lynn Wolter

From: Kathy Stein <reuser1@sbcglobal.net>
Sent: Tuesday, December 13, 2016 9:08 PM
To: Len Welsh
Cc: Lynn Wolter
Subject: Bring back GM/COP Hart

Bring back GM/COP Hart

Lynn Wolter

From: Kathy Stein <reuser1@sbcglobal.net>
Sent: Tuesday, December 13, 2016 9:05 PM
To: Rachelle Sherris-Watt
Cc: Lynn Wolter
Subject: Bring back GM/COP Hart

Bring back GM/COP Hart.

Lynn Wolter

From: Lisa Caronna <lisacaronna@comcast.net>
Sent: Tuesday, December 13, 2016 3:21 PM
To: Lynn Wolter
Subject: Fwd: Agenda item for this Saturday

Lynn, Copy of my communication the Board.

Begin forwarded message:

From: Lisa Caronna <lisacaronna@comcast.net>
Subject: Agenda item for this Saturday
Date: December 13, 2016 at 1:37:19 PM PST
To: Rachele Sherris-Watt <rsherriswatt@kensingtoncalifornia.org>, Len Welsh <lwelsh@kensingtoncalifornia.org>, Eileen Nottoli <eileen.nottoli@kensingtoncalifornia.org>, Vanessa Cordova <vanessa.cordova.kppcsd@gmail.com>, Sylvia Hacaj <sylvia.hacaj@kensingtoncalifornia.org>
Cc:

Dear KPPCSD Board,

I hope you will allow for a full discussion on the appointment of the interim GM/COP and or separate GM and COP positions this Saturday at the special meeting including the possibility of hiring Kevin Hart back on a temporary basis. That will allow for multiple options to be considered for this necessary bridge at this critical period until you decide on how you might handle the position(s) on a long term basis.

At the last meeting, I thought the comments by the KPOA about endorsing him as a temporary GM/Chief were very convincing and a positive step toward maintaining morale in the force during these difficult times. From my perspective, Hart took strong steps to organize the police department and to set and enforce standards for the force which is what we all want to see. Some steps he took even resulted in discipline which in my opinion is about holding the staff accountable and ultimately leading toward positive change.

Sincerely,

Lisa Caronna

Lynn Wolter

From: Len Welsh <lenwelsh@gmail.com>
Sent: Tuesday, December 13, 2016 11:32 AM
To: Lynn Wolter; Amara L. Morrison
Subject: Fwd: Saturday's agenda

Fyi.
----- Forwarded message -----
From: **Karl H. Kruger** <khkatgolf@aol.com>
Date: Tue, Dec 13, 2016 at 11:30 AM
Subject: Saturday's agenda
To: Len Welsh <lenwelsh@gmail.com>, rsherriswatt@kensingtoncalifornia.org,
vcordova@kensingtoncalifornia.org, shacaj@kensingtoncalifrnia.org, enottoli@kensingtoncalifornia.org
Cc: "Karl H. Kruger" <khkATGOLF@aol.com>

Dear KPPCSD Board Members,
It is my understanding that there will be a board meeting this Saturday. I also understand that we will have a motion to appoint M/Sgt. R. Hull as interim GM/Chief of Police. I am requesting that the appointment of Kevin Hart to be our GM/Chief of Police also be on Saturday's agenda.
Thank you,
Karl Kruger

Lynn Wolter

From: LINDA LIPSCOMB <lindalipscomb@hotmail.com>
Sent: Tuesday, December 13, 2016 9:21 AM
To: Rachelle Sherris-Watt; Vanessa Cordova; Sylvia Hacaj; enottoli@comcast.net; Rachelle Sherris-Watt
Cc: Lynn Wolter
Subject: Re: request for agenda item

Honorable Directors:

I have received notice that you have scheduled a meeting of the Board for this coming Saturday, December 17, 2016. I request that you place on the agenda consideration of the appointment of Kevin Hart as the KPPCSD interim General Manager. As you all know, the District is without a manager, and is therefore in breach of the requirements of law, and of policy. Kevin Hart has the support of the police officers and of the citizens in Kensington. Most importantly, Kevin Hart has the formal education and experience qualifying him to serve in that capacity. He knows Kensington, District functions, and has served ably in the past as GM for the District. He can "hit the ground running" to assist with the several urgent matters facing our District. Mr. Hart can smooth the way on an interim basis while the process of locating a permanent manager is pursued.

Please put this item on the agenda for the meeting of December 16, 2017. You have a fiduciary duty to the citizens of Kensington to do so. Thank you, Linda Lipscomb

Lynn Wolter

From: Pat Gillette <pkgillette@gmail.com>
Sent: Monday, December 12, 2016 10:00 PM
To: Len Welsh GMail; Rachelle Sherris-Watt; Vanessa Cordova; Sylvia Hacaj; Lynn Wolter; pkgillette
Subject: request for agenda item

Given the need to come up with a solution for the Interim GM/COP position as soon as possible, I would like to ensure that the agendized items for saturday's special meeting include the possibility of rehiring Mr. Hart into the combined position. I realize you already voted on this issue,, but I believe from the comments we are seeing on ND and hearing in the community, that there are people who would like to see Mr. Hart considered as someone who could play a part in making a smooth transition.

Please include this on the agenda so it may be discussed by the board and members of the public.

I apologize for not including Eileen. I don't have her email address.

Thanks.

Pat Gillette

Lynn Wolter

From: Marilyn Stollon <mstollon@sonic.net>
Sent: Friday, December 09, 2016 11:00 AM
To: Rachelle Sherris-Watt; Eileen Nottoli; Sylvia Hacaj; Vanessa Cordova; Lynn Wolter; Len Welsh; Rickey L. Hull
Cc: David Bergen; Janice Kosel; Nicole Lepoutre-Baldocchi; Heather Conrad; Frances McCosker; Jenny Schaffell; Sandy Schaffell; Todd Grosvenor; Cathie Kosel; Mari Metcalf; John G office; marilyn stollon
Subject: Letter from Residents regarding Hart, pls include in the record
Attachments: LetterReHartDecember 6.docx

Please include this in the record, we understand that the resolution was not seconded and acted upon at the board meeting, nevertheless, there was public comment; therefore, we would like these objections included in the next agenda packet under correspondence.

December 6, 2016

Directors of the KPPCSD,

Our understanding is that there is a resolution to discuss and vote on whether to rehire Mr. Hart. These are the reasons why **we believe that** Mr. Hart should not be hired...

Although Mr. Hart has knowledge of Kensington and its issues, we believe he is not the best one suited for the new direction the town seeks at this point.

1. He has shown that he is not consistently transparent and honest about disclosing his actions to the board, which is counter to what the new board members campaigned on.
2. He abused his training benefit hours, used paid time off instead of training hours, or vacation time, did not follow procedures to document his professional time off until he was confronted by residents.
3. He attended a large city conference as an elected official of Dublin (a delegate) doing so on Kensington time and money.
4. He included a \$100k+ item in the budget i.e. ALPRS (license plate reader) without following policy, or standard good governing procedures with public hearings etc.
5. He also created an ALPRS policy and posted it on the website, without going through the board, the public, demonstrating his lack of understanding of representative governance.
6. He misrepresented his position, stating to CALPERS following an audit (which is under review,) that his job is mostly COP when in fact it is documented at 60:40.
7. He withheld the CALPERS audit from the board members, and neglected to discuss it with them, which would have alerted them that they in fact never received the letter from CALPERS.

8. He has demonstrated a lack of objectivity when dealing with the IA and recent investigations into CLETS abuses, defending the actions of officers who have abused CLETS.
9. He reversed the finding of the Richmond police investigator and exonerated a KPD officer without justifying his action.
10. He does not have an in depth understanding of budget and finance and relied on Adam Benson which cost the district over \$80k for his services when a trained GM would be able to formulate and manage a budget.
11. He does not understand the short and long-term budget needs of the district, regarding pension liabilities, costs etc., and purchased expensive items such as guns, accessories, vests etc. that would have been more cost effective.
12. Mr. Hart has also demonstrated that he can not separate his job as GM from COP and showed a clear conflict of interest for example in choosing to include a \$33k car for himself in the budget, rather than an audio system for the residents which ultimately arrived 1.5 yrs. after he started employment.
13. Mr. Hart does not care for the concerns of Kensington residents and is most interested in promoting his own self-interests. This was clear when he cost the district additional funds to provide a medical plan for him alone, when most if not all interims do NOT have benefits, perks, cars etc. Mr. Hart appeared overly interested in his own enrichment.
14. Mr. Hart in a meeting with some residents said that he would not be interested in a separate GM COP job and implied that he could not work under another supervisor. This may prove to be problematic as the board moves along to separate the positions and Mr. Hart would not be willing and able to take direction from another.
15. Mr. Hart quit before his contract was up. What would stop him from quitting again? An agency would provide better coverage and a process if the interim decided to leave.

In our view Mr. Hart is part of the problem of Kensington, not part of the solution.

Sincerely,

MarilynStollon

John Gaccione

David Bergen

Janice Kosel

Nicole Lepoutre-Baldocchi

Heather Conrad

Frances McCosker

Scott McCosker

Jenny Schaffell

Sandy Schaffell

Todd Grosvenor

Cathie Kosel

Mari Metcalf

Eyleen Nadolny

Mark Wegner

Mary Korn

Barbara Haux

Dennis Baldocchi

**Kensington Police Protection and Community Services District
Resolution No. 2016-19 Approving Interim Appointment of Mr. Kevin Hart to Interim
General Manager/Chief of Police Pursuant to Government Code Section 21221(h)**

The Governing Authority of the Kensington Police Protection and Community Services District
RESOLVES as follows:

SECTION 1. Findings and Declarations

- (a) In compliance with Government Code section 7522.66 and 21221(h) the Board of Directors must approve the appointment of a retired annuitant to fill a vacant position on an interim basis during a recruitment to permanently fill the vacant position.
- (b) The District's General Manager/Chief of Police position became vacant starting November 25, 2016. The District is actively recruiting to fill the General Manager/Chief of Police position. The General Manager/Chief of Police will have full responsibility for the District's police department, parks and recreation programs, and waste management/recycling services. The General Manager/Chief of Police will serve as the chief executive of a nearly \$3 million annual operating budget and will have full supervisory responsibility for approximately 12 employees, including 10 sworn law enforcement staff and 2 part-time civilians, among other part-time contract employees.
- (c) The District formed an Ad Hoc Committee for Governance and Operations Structure on August 11, 2015. Subsequently, the Ad Hoc Committee convened a subcommittee to explore bifurcating the General Manager/Chief of Police position. The Board of Directors is currently exploring whether it is operationally efficient and cost effective to separate the General Manager/Chief of Police position into two distinct functions. Historically, these positions have been consolidated into a single position. The District is required by Government Code section 61050 to have a General Manager, but there is no such requirement for a Chief of Police.
- (d) Kevin Hart previously held the position of the District's Interim General Manager/Chief of Police from June 8, 2015 to October 31, 2016. The District subsequently hired an Interim General Manager/Chief of Police who provided notice of his resignation on November 25, 2016. Mr. Hart is able to serve in the position of General Manager/Chief of Police on an interim basis until the District is able to find and hire a qualified candidate to permanently fill the vacancy or vacancies, depending on whether the Board of Directors decides to bifurcate the position.

**Kensington Police Protection and Community Services District
Resolution No. 2016-19 Approving Interim Appointment of Mr. Kevin Hart to Interim
General Manager/Chief of Police Pursuant to Government Code Section 21221(h)**

- (e) Mr. Hart has the special skills necessary to perform the duties of the General Manger/Chief of Police. He began working in law enforcement in 1981. He started with Santa Rita Jail and then the Coroner's Bureau, and later he for the Alameda County Sheriff's Department, POST, and the Department of State Hospitals. Most recently, Mr. Hart has served as the District's Interim General Manager/Chief of Police.
- (f) Government Code section 7522.56 and the 180-day waiting period are not applicable where, as here, the retired annuitant filling the General Manager/Chief of Police position on an interim basis is a public safety officer as defined by Government Code section 3301.
- (g) The District anticipates permanently filling the position of General Manager/Chief of Police as soon as possible, if the Board approves the proposed contract referenced in Section 2 below.
- (h) CalPERS rules provide that the compensation paid to retired annuitants cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate.

SECTION 2. The entire employment document between Mr. Hart and the Kensington Police Protection and Community Services District has been reviewed by this body and is attached to this Resolution as Exhibit A. Mr. Hart's employment shall be limited to 960 hours per fiscal year. The hourly rate paid to Mr. Hart shall be established at the next regularly scheduled Board meeting, anticipated to be January 12, 2017.

SECTION 3. THEREFORE, BE IT RESOLVED THAT the Board of Directors for the Kensington Police Protection and Community Services District hereby certifies the nature of the appointment and finds that this single interim appointment of Kevin Hart is necessary to fill the critically needed position of General Manager/Chief of Police because the law requires the District to have a General Manager and the District requires leadership to prioritize work, respond to community incidents, implement board policies, appoint, supervise, discipline and dismiss employees, and supervise the District's facilities, services, and finances. As a small employer with only 12 employees (sworn and non-sworn part-time

**Kensington Police Protection and Community Services District
Resolution No. 2016-19 Approving Interim Appointment of Mr. Kevin Hart to Interim
General Manager/Chief of Police Pursuant to Government Code Section 21221(h)**

staff), the District has neither available nor qualified existing staff to fill this role on anything other than an extremely short-term basis.

PASSED AND ADOPTED by the Board of Directors of the Kensington Police Protection and Community Services District on _____, the _____ of _____, 2016,
By the following vote to wit:

AYES: ____

Len Welsh, President

NOES: ____

Rachelle Sherris-Watt, Vice President

ABSENT: ____

Vanessa Cordova, Director

Sylvia Hacaj, Director

Eileen Nottoli, Director

December ___, 2016

Dear Mr. Hart:

As you are aware, Kevin Kyle provided notice of his resignation as the Kensington Police Protection and Community Services District's Interim General Manager/Chief of Police on November 25, 2016. The District has an immediate and temporary need for an individual to serve as the Interim General Manager/Chief of Police during the open recruitment process to permanently fill the vacancy. We appreciate the service you provided to the District as the former General Manager/Interim Police Chief, which position you held from June 8, 2015 to October 31, 2016.

The District is required by law to have a General Manager appointed at all times. Based on your extensive skills and experience, the District believes that you continue to be uniquely qualified to fill this role on an interim basis. The responsibilities of the Interim General Manager/Chief of Police include, but are not limited to, implementing board policies, appointing, supervising, disciplining and dismissing employees, and supervising the District's facilities, services, and finances. You will be responsible for managing an approximately \$3 million annual operating budget, and overseeing a staff of approximately 12 employees, including both sworn law enforcement officers and part-time civilian staff. For additional description of the job duties of the General Manager/Chief of Police, please see the attached job description and the posted job listing on the District's website.

The District would like to appoint you to work 960 hours per fiscal year, beginning December ___, 2016. The appointment will be subject to the condition that you will maintain POST certification throughout the term of your appointment.

As you are aware, the District's Ad Hoc Committee for Governance and Operations Structure has convened a subcommittee to determine whether the General Manager/Chief of Police position should be bifurcated into two separate positions. Historically, these positions were consolidated and held by a single individual. Unless terminated earlier by you or the District your interim assignment will continue for the duration of the recruitment, but end no later than December 31, 2017, or upon the Board taking action to bifurcate the position and finding a permanent replacement.

This position is at-will. This means that you or the District have the right to terminate your appointment at any time, with or without advance notice and with or without cause.

Your rate of pay will be determined at the January 12, 2017 Regular Meeting of the Board of Directors. You will not be eligible for any other benefits, paid time off, incentives, compensation in lieu of benefits or other forms of compensation. The District will provide you with two sets of uniforms, which are required to be worn.

CalPERS enforces strict rules and guidelines related to working after retirement. Because this is an interim appointment to a vacant position for the duration of the recruitment, the District will be approving this appointment at a public meeting.

As a retired annuitant it is important that you be aware of potential consequences to you in the event that your assignment is determined to not meet the criteria under the Public Employees Retirement Law (PERL),

as amended. It is the dual responsibility of both the employer and the retired annuitant to ensure that the type of work performed falls within the new criteria. If CalPERS receives information that a retired annuitant may be performing work that is outside the restrictions of the Government Code Section, the following consequences may apply to the retired annuitant at CalPERS' discretion:

1. Reimbursing CalPERS for the retirement income received during the unlawful employment;
2. Reinstatement to employment;
3. Paying the employee share of retirement contribution, with interest, that would have otherwise been paid during the period of unlawful employment; and,
4. Paying CalPERS for administrative expenses incurred to investigate the situation if the retiree is determined to be at fault.

If you choose to work for other CalPERS agencies during this time, you agree that your work for the District will be your priority and that you will keep the District informed of the number of hours you work for other PERS agencies.

Please note that the CalPERS employer may also be penalized by being required to pay the employer share of retirement contributions, with interest, that should otherwise have been paid, plus administrative expenses if the employer is determined to be at fault. However, the consequences of doing work outside the statutory limitations are more severe for the retired annuitant than for a public employer. For discussion of other CalPERS rules related by retired annuitants, you may want to review the CalPERS publication "A Guide to CalPERS Employment After Retirement" available online at <https://www.calpers.ca.gov/docs/forms-publications/employment-after-retirement.pdf>. Please contact CalPERS or the District immediately if you have any questions or concerns to discuss related to your interim appointment.

Therefore, the retiree bears significant risk if he or she works as a retired annuitant under circumstances that do not comply with the new restrictions, as opposed to reinstating to regular employment in order to continue working for the agency.

By accepting this appointment, you warrant that you have reported your permanent separation date in the MyCalPERS system. Additionally, you warrant that you have not received unemployment insurance payments in the past twelve months for previous retired annuitant work with any other CalPERS employer. Failure to properly report the above may subject you to a finding that this appointment is improper.

If the terms of this letter agreement are satisfactory to you, please sign below indicating your agreement.

Thank you again for agreeing to assist the District. We look forward to working with you.

Sincerely,

Len Welsh, President
Kensington Police Protection and Community Services
District

Agreed:

Kevin Hart

Date

Attachments: General Manager/Chief of Police Job Description and District Website's Job
Posting

**Kensington Police Protection and Community Services District
Resolution No. 2016-21 Approving Interim Appointment of Master Sergeant
Rickey Hull to Interim General Manager/Chief of Police**

The Governing Authority of the Kensington Police Protection and Community Services District RESOLVES as follows:

SECTION 1. Findings and Declarations

- (a) The District's General Manager/Chief of Police position became vacant starting November 25, 2016. The District is actively recruiting to fill the General Manager/Chief of Police position. The General Manager/Chief of Police will have full responsibility for the District's police department, parks and recreation programs, and waste management/recycling services. The General Manager/Chief of Police will serve as the chief executive of a nearly \$3 million annual operating budget and will have full supervisory responsibility for approximately 12 employees, including 10 sworn law enforcement staff and 2 part-time civilians, among other part-time contract employees.
- (b) The District formed an Ad Hoc Committee for Governance and Operations Structure on August 11, 2015. Subsequently, the Ad Hoc Committee convened a subcommittee to explore bifurcating the General Manager/Chief of Police position. The Board of Directors is currently exploring whether it is operationally efficient and cost effective to separate the General Manager/Chief of Police position into two distinct functions. Historically, these positions have been consolidated into a single position. The District is required by Government Code section 61050 to have a General Manager, but there is no such requirement for a Chief of Police.
- (c) Master Sergeant Rickey Hull has been employed by the District since 1997. Master Sergeant Hull has periodically performed the duties of the General Manager/Chief of Police in an "acting" capacity during his employment with the District. Master Sergeant Hull is able to serve in the position of General Manager/Chief of Police on an immediate and interim basis until the District is able to find and hire a qualified candidate to permanently fill the vacancy or vacancies, depending on whether the Board of Directors decides to bifurcate the position.
- (d) Master Sergeant Hull has the skills necessary to perform the duties of the General Manger/Chief of Police. He began working in law enforcement in 1988 as a jailer for the Concord Police Department and then became an officer with that department. Subsequently, he was hired as an officer by the Kensington Police Department in 1997. Since then, he has risen through the ranks to the position of Master Sergeant.
- (e) The District anticipates permanently filling the position of General Manager/Chief of Police as soon as possible, if the Board approves the proposed contract referenced in Section 2 below.
- (f) Because Master Sergeant Rickey Hull's appointment is being made at a special meeting of the District, the compensation and terms of this appointment shall be determined at the next regularly scheduled meeting of the District. Until such time

**Kensington Police Protection and Community Services District
Resolution No. 2016-21 Approving Interim Appointment of Master Sergeant
Rickey Hull to Interim General Manager/Chief of Police**

as the terms and compensation of this appointment can be set, Master Sergeant Rickey Hull has agreed to perform the duties of the Interim General Manager/Chief of Police at his current salary and benefits schedule pursuant to the Memorandum of Understanding between the Kensington Police Protection and Community Services District and the Kensington Police Officer's Association, July 1, 2014 until December 31, 2017.

SECTION 2. THEREFORE, BE IT RESOLVED THAT the Board of Directors for the Kensington Police Protection and Community Services District hereby certifies the nature of the appointment and finds that this single interim appointment of Master Sergeant Rickey Hull is necessary to fill the critically needed position of Interim General Manager/Chief of Police because the law requires the District to have a General Manager and the District requires leadership to prioritize work, respond to community incidents, implement board policies, appoint, supervise, discipline and dismiss employees, and supervise the District's facilities, services, and finances. As a small employer with only 12 employees (sworn and non-sworn part-time staff), the District has neither available nor qualified existing staff to fill this role on anything other than an extremely short-term basis.

PASSED AND ADOPTED by the Board of Directors of the Kensington Police Protection and Community Services District on _____, the _____ of _____, 2016,

By the following vote to wit:

AYES: _____

Len Welsh, President

NOES: _____

Rachelle Sherris-Watt, Vice President

ABSENT: _____

Vanessa Cordova, Director

Sylvia Hacaj

Eileen Nottoli, Director