

# KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

## AGENDA

A Regular Meeting of the Board of Directors of the Kensington Police Protection and Community Services District will be held Thursday, July 14, 2011, at 7:00 P.M., at the Community Center, 59 Arlington Avenue, Kensington, California.

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

Roll Call  
Public Comments  
Board Member/ Staff Comments

### APPROVAL OF CONSENT CALENDAR

- a) Minutes of the Regular Meeting June 9, 2011, Page 3
- b) Profit & Loss Budget Performance for June 2011, Page 24
- c) Board Member Reports-None
- d) Correspondence- None
- e) Police Department Update, Page 34
- f) Monthly Calendar- To be provided at the meeting
- g) Recreation Report – To be provided by KCC at the meeting
- h) General Manager Update, Page 43

### DISTRICT -- OLD BUSINESS

1. General Manager Greg Harman will present to the Board Kensington Police Protection & Community Services District Resolution 2011-011, establishing the annual supplemental special tax for police protection (Measure G) for Fiscal Year 2011/2012 for review and possible adoption. This item was held over from the June 9<sup>th</sup> meeting. Board Action. Page 46
2. General Manager Greg Harman will present to the Board a request to enter into a Memorandum of Understanding to continue our participation in the West County Costa County Narcotic Enforcement Team (WestNet) through January 1, 2014. This item was held over from the June 9<sup>th</sup> meeting. Board Action. Page 56
3. General Manager Greg Harman will present to the Board Grand Jury Report # 1105, "Ethics and Transparency Issues in Contra Costa County" for review and response under Section 933.5(a) of the California Government Code that requires that the District report an action to the findings no later than August 24, 2011. This item was held over from the June 9<sup>th</sup> meeting. Board Action. Page 68
4. Director Cathie Kosel will present to the Board a proposal that the District enroll in "Crimereports.com". This item was placed on the May 13, 2010 agenda and did not receive a second motion to approve. This item was held over from the June 9<sup>th</sup> meeting. Possible Board Action. Page 80
5. Director Cathie Kosel will present to the Board for a first reading suggested changes to the current Board Policy Manual regarding the nature and form of the employment evaluation for Chief Harman. This item was held over from the June 9<sup>th</sup> meeting. Possible Board Action. Page 118
6. General Manager Greg Harman will present to the Board the SDRMA Election Resolution (Kensington Police Protection & Community Services District Resolution 2011-012) and Ballot for discussion and possible Board action. This item was held over from the June 9<sup>th</sup> meeting. Page 122

### DISTRICT - NEW BUSINESS

1. General Manager Greg Harman will present to the Board Kensington Police Protection & Community Services District Resolution 2011-13, accepting the District's section of the Contra Costa County Hazard Mitigation Plan for review and possible adoption. Board Action. Page 140
2. General Manager Greg Harman will present to the Board the proposed CSDA Bylaw Amendments for review and possible approval. Board Action. Page 155
3. General Manager Greg Harman will present to the Board the CSDA ballot for the representative for the CSDA Board of Directors Region 3 Seat C for review and action. Board Action. Page 159

4. General Manager Greg Harman will present to the Board for a first reading, KPPCSD Board Meeting Conduct, Policy # 5030.55, "Board members shall not utilize personal electronic devices used in the transmission or collection of information, data, or communication while the Board is in session." First Reading. Page 163

## ADJOURNMENT

### General Information

### Accessible Public Meetings

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

District Secretary Anita Gardyne, Kensington Police Protection & Community Services District, 217 Arlington Ave, Kensington, CA 94707

POSTED: Public Safety Building-Colusa Food-Library-Arlington Kiosk- and at [www.kensingtoncalifornia.org](http://www.kensingtoncalifornia.org)

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

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

**Meeting Minutes for 06/09/2011**

**AGENDA**

<p>A regular meeting of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday, June 9, 2011, 7:00 PM, at the Community Center, 59 Arlington Avenue, Kensington, California.</p>
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**ATTENDEES**

<u>Elected Members</u>	<u>Guests/Presenters</u>
Charles Toombs, President	Nicki Kaiser
Linda Lipscomb, Vice President	Bryce Nesbitt
Tony Lloyd, Director	Len Welsh
Mari Metcalf, Director	Joan Gallegos
Cathie Kosel, Director	Lynn Wolter
	John Stein
	Anthony Terrace
	Jack Griffith
<u>Staff Members</u>	Joel Koosed
Gregory E. Harman, General Manager/Chief of Police	Cathy Stein
Anita Darden Gardyne, District Secretary	Barbara Dilts
Detective Keith Barrow	Catherine DeNeergard
Acting Sergeant Kevin Hui	Anthony Terrace
	Tim Snyder
	Jim Hoskin
	Melissa Holmes Snyder
	Anthony Knight
	Diane Lowell
	Tim Nuveen
	Andrew Reed
	Ann Delk
	Gayle Feldman
	Lewis Figone, Bay View
	Jess Schupert, Bay View
	Greg Christie, Bay View
	Henry Shift
	Rick Simonson, VP HF&H Consultants, LLC
	Allison Schutte, Partner Hanson Bridgett
	Patrick McGwire

ANNOUNCEMENTS: Board President Charles Toombs called the meeting to order at approximately 7:02 PM.

**PUBLIC COMMENTS**

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

Catherine DeNeergard spoke about the low (approximately 30 voters) voter turnout at the polling place she staffed for a recent special election and questioned the value of the special election given its costs. She suggested that alternatives like vote by mail be considered. She also talked about the “sexist police” and shared that she felt that she was provided unequal protection from the Kensington Police Department (KPD) because she is female. As an example, she stated that when she recently phoned KPD about a loud party at a neighbor’s home, she overheard an officer tell the “other resident” that the officer liked the “other resident” more than Ms. DeNeergard. She also said she was still awaiting a response from General Manager/Chief of Police (GM/COP) Harman regarding a previous complaint.

Ann Delk staffed the 3<sup>rd</sup> Precinct during the special election, said she collected 53 ballots, and questioned if there was another mechanism to have had the vote. She suggested that Mandatory Voting By Mail be considered.

Bryce Nesbitt challenged the Board of Directors (BOD) to not do another single issue election. He also displayed a Public Path #6 sign as an example of signs that will be going up on local County owned paths soon.

Joan Gallegos suggested that the BOD add to its Policy and Procedures to specify the attendance policy for Directors in attending committee meetings.

Anthony Terrace shared that he lives on the “Arlington Freeway” and that he has about 4 seconds to decide if he can safely back out of his driveway. He said he believed more tickets needed to be issued to speeders and inquired about the timing of the radar sign being installed on Arlington. In response President Toombs shared that Kensington has a Zero Tolerance Policy and that the Kensington Police Department (KPD) had issued over 100 tickets in the last month, many on Arlington. Anthony said that issuing the tickets had made a positive impact but had not eliminated the speeding problem on the Arlington. GM/COP Harman further explained that KPPCSD had acquired the radar sign and gone to County for them to install it. About the same time, a Kensington resident went to the County and protested the sign installation. As a result of the resident’s complaint, the County halted work. GM/COP Harman went on to say that Jerry Fahy, a County Traffic Engineer, said that County Council is evaluating the pros and cons of installing the sign. We are awaiting County’s response.

Patrick McGwire also spoke about the radar sign he too hopes will be installed on the Arlington. He had also spoken to the County’s Public Work’s Department and confirmed that the sign’s installation was on hold in response to a complaint from a neighbor. He said he was told it was Public Works’ first complaint ever. He said that he believed the issue would come before the County Board of Supervisors in about 2 weeks. Director Kosel asked if it was appropriate for the Kensington Police Protection and Community Services District (KPPCSD) BOD to consult with its attorneys so they can alert the Nili’s that they may be liable for any accidents that may occur there during the time they prevent the sign’s installation. President Toombs said hers was a point well noted and agreed to follow up with KPPCSD counsel.

### **BOARD COMMENTS**

Director Lloyd provided a Kensington Path Adhoc Committee update. He said that the committee had held their fourth meeting on June 3<sup>rd</sup> and that they have received comments from legal and insurance providers regarding the risks and liabilities relative to the paths. He also said that path surveys continue and that the committee welcomed Gretchen Gillfillan to their ranks. He also announced that their next committee meeting is Thursday, June 23<sup>rd</sup> in the Community Center in the small room and invited all interested parties to attend. He said the committee is making the prescribed progress.

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

Director Lipscomb requested that a discussion of the use of electronic devices by Directors during BOD meetings be placed on the agenda for the next BOD meeting. She said that she had received complaints from some constituents that they were concerned about one or more Directors texting and/or playing with electronic devices during the meeting. She also expressed concern that using electronic devices during a public meeting could be a Brown Act violation depending on the how a particular device was being used. President Toombs then asked all meeting attendees to turn off their cell phones during the public meetings and agreed to place this topic on the agenda at the next BOD meeting.

Director Metcalf said she had read the Brown Act on the matter mentioned above and that accessing an electronic device is not mentioned in the Brown Act at all and accessing an electronic device during a meeting is not a violation of the Brown Act. She also said that the BOD should adopt a policy requiring cell phones and texting devices be turned off during BOD meetings. President Toombs fully agreed with her recommendation.

President Toombs announced that he had spoken with the Director of the Fire District regarding the construction and renovation that is about to get underway at the Public Safety Building located at 217 Arlington. He said they chose Swinerton Builders to do the building repair. He explained that the project is necessary to repair known structural problems associated with the building as part of it is slipping towards the Bay. He believes that this project will begin within the next couple of weeks.

Director Kosel said that it would be good for GM/COP Harman to respond to Catherine DeNeergard regarding the questions she raised. She also said that this BOD had made a commitment at one time to look at a Police Review Board and maybe that should be reconsidered. President Toombs responded by saying that the BOD could make this topic an agenda item for a future BOD meeting. He also said that the BOD had discussed this topic in the past but had agreed that there was already a process in place, documented in the policy manual, through the BOD for responding to these issues. He said the BOD had not made a commitment to a Police Review Board. He also agreed that this topic would be placed on a future agenda. Director Kosel asked that this item be announced plainly to the community and specifically requested that it be communicated on the KPPCSD website with sufficient advanced notice so that the community would be aware of the discussion.

Director Kosel also expressed concern about the timing of the last election and the costs associated with it. She asked GM/COP Harman to look at moving the revenue issue to the general election as it could save an undefined amount of money going forward. GM/COP Harman reminded all that the original idea in scheduling this past election was to piggy back on the Gov. Jerry Brown's statewide vote on extending certain tax increases. Regrettably Gov. Brown failed to have this measures approved for the special election resulting in Kensington have a single issue special election. He also noted that we did share this special election with another community which did result in some cost savings. President Toombs reminded all that this election was necessary to meet fiduciary timelines.

Director Kosel also reminded all that her work schedule does not allow her to attend meetings scheduled before 3:00PM in the afternoon. She requested that GM/COP Harman and others schedule BOD and related committee meetings to begin at or after 3:00PM.

Director Kosel said that she uses her cell phone to access the world wide web and for other business needs during meetings.

### **STAFF COMMENTS**

## KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS

KPPCSD District Secretary Anita Gardyne introduced Kensington resident Jack Griffith and asked him to provide the BOD with a committee update on a review of the cracks in the Kensington tennis courts. Jack's detailed summary, including committee member names and details of the committee's recommendation as presented to the BOD, are attached as Attachment A. In summary, the committee recommended that the BOD authorize: 1) a patch job as opposed to a complete resurfacing of the courts, 2) that this work be completed quickly as the cracks are widening largely due to all the recent rain, 3) that either First Serve be assigned the work or one of the 3 vendors (which includes First Serve) who recently submitted bids for the Kensington court resurfacing be allowed to re-bid on the patch job, and 4) since the patch job is estimated at \$4000 - \$5000 per Bill Driscoll that GM/COP Harman be allowed to move forward with vendor selection and work completion without returning to the BOD for additional approvals. The BOD approved Jack's recommendation and instructed GM/COP Harman to move forward.

GM/COP Harman announced that KPPCSD contacted the County Public Works Dept (PWD) after seeing a number of No Parking signs appear through the community. PWD informed KPPCSD that they are doing crack sealing on the streets and confirmed their understanding that the streets here are narrow and that parking is limited at best. PWD also said that they are committed to completing the work as quickly as they safely can and request that Kensington residents comply with posted signs.

### CONSENT CALENDAR

Item b: Director Kosel said that on page 4 of the May 2011 BOD minute she was quoted as saying she would like the position of GM/COP divided into two distinct functions so that the GM could investigate the COP. She clarified that though she could not recall specifically what she had said, her intent was to say that if the function were separated, then that they would provide checks and balances, supervision and accountability. She asked that the record be changed to reflect her intent and not her words.

Item d: Director Kosel confirmed that the correct name for the automotive repair shop she recommended KPD consider using for its vehicles is Rob's. It was incorrectly listed as Ross.

Director Kosel then referenced the profit and loss performance on page 21 and asked what the District's financial performance is year to date (YTD) compared to its budget. President Tombs explained that the District is performing under-budget year to date (YTD) and went on to explain that the Annual Budget column on the end refers to last fiscal year's budget. This column forecast a budget deficit of approximately \$96,000 but the district is actually \$193,000 to the favorable. Director Kosel recommended that the column be renamed Prior Year Annual budget to avoid confusion going forward.

Director Lipscomb referenced page 12 of the package in which it was stated that Director Kosel reviewed foreclosure data for 94704. The correct zip code is 94707. Director Lipscomb looked at RealtyTrac and confirmed there were over 20 homes in foreclosure but most were in Berkeley.

**MOTION: President Toombs motioned to approve the consent calendar with amendments as discussed above. Director Lipscomb seconded the motion.**

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

# KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS

**OLD BUSINESS #1** – The District will hold a Proposition 218 Public Hearing in response to Bay View’s request for a 6% increase to rates to begin in 2011. This public hearing was set at the April 14<sup>th</sup> KPPCSD Board meeting. Possible Board Action. Page 37.

## STAFF COMMENTS

GM/COP Harman reminded all that at the April 14<sup>th</sup> BOD meeting he was directed to initiate the 218 hearing. With the help of members of staff and the Finance Committee, he successfully mailed letters dated April 29, 2011 to all Bay View Customers and Recorded Property Owners. At the start of the meeting, GM/COP Harman stated that he had received 75 letters of protest to the rate increase and 2 in support. Additional protest letters were submitted to GM/COP Harman during the meeting. President Toombs reminded all that a written letter of protest or support was required to be counted in this 218 process. GM/COP Harman introduced the District’s consultant Rick Simonson, VP HF&H Consultants, LLC and the District’s attorney Allison Schutte, of Hanson Bridgett. President Toombs reminded all that written letters were required to vote and that renters could vote as all bill payers were allowed to vote. After conferring with counsel, GM/COP Harman confirmed that a letter would be counted if it excluded a parcel number.

## BOARD COMMENTS – PRE PUBLIC COMMENTS

Director Lipscomb reviewed Attachment C and asked Rick Simonsen what the asterisk meant on this chart. Rick explained that the asterisks mean that those services are provided by Bay View’s affiliate or sister companies, which are also owned by Mr. Figone.

Director Kosel confirmed that Bay View pays much lower tipping fees than surrounding communities. Greg Christie of Bay View said that Bay View pays approximately \$48.50/ton whereas El Cerrito pays in excess of \$150/ton in tipping fees.

President Toombs reiterated that the district’s consultants provided Attachments B and C and that Bay View prepared Attachment D. Questions about each attachment should be directed to the party who prepared it. He went on to say that he was prepared to hear public comment as opposed to more questioning of the experts. Director Metcalf asked where it was written that participants cannot question experts when other experts have been questioned by the public.

Director Metcalf stated that she believed President Toombs had made an arbitrary rule and she encouraged the public to ask all their questions.

## PUBLIC COMMENTS

Rick Simonson provided two handouts which are attached as Attachment B and Attachment C. He walked through the normal 4 year rate cycle that Bay View enters into with the District and summarized past rate increases. He also talked about the fact that the current rate structure is designed to incent increased recycling by Kensington residents therefore there was an expectation that many customers would migrate to the mini can. More than anticipated have migrated to the mini can resulting in less revenue for Bay View than anticipated. He also reminded all that about Bay View is eligible to earn 12 % pretax profits on eligible operating costs. Using the eligible costs data only, he determined that Bay View has earned a 13.9% average profit from 1998 – 2010. His “Bay View Profit Analysis” is reflected in Attachment C.

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Bay View representatives Jeff Schopert, lawyer for Bay View Refuse and Recycling, introduced himself and Charles Crowden, Bay View's Certified Public Accountant. Jeff went on to say that Bay View faces a revenue issue not expense issue. Jeff explained that the 2010 revenues fell off the cliff as a result of customers switching to the lower priced services and debris box revenue declines due to construction declines. He said that those two factors are motivating Bay View to request a rate adjustment at this time. Charles pointed out that 2010 revenues were lower than prior years and provided "Bay View Refuse & Recycling Services, Inc Revenue Comparison," attached as Attachment D. Based on its actual revenue for the first four months of 2011, he said that Bay View expects its 2011 revenue to be less than its 2010 actual revenue as well as below its average 2006 to 2008 revenue. On the cost side, Charles said that labor costs increases reflected in Attachment C are consistent with guidelines in their union contract and the 3% year over year increase to Mr. Figone's salary (listed as a management fee) which is allowed by the contract. Greg Christie said that the average Bay View worker earns about \$26/hour plus benefits.

Public comments were made by Len Welsh, John Stein, Ann Delk, Bryce Nesbitt, Gayle Feldman, Barbara Dilts, Catherine DeNeergard, Tim Snyder, Cathy Stein, Jim Hoskin, Diane Lowell, Tim Nuveen, Joan Gallegos, Andrew Reed, Henry Shift, Nicki Kaiser, Melissa Holmes Snyder, Lynn Wolter. Names appear in the order in which they spoke.

Note that after Henry Shift spoke, Mr. Figone handed President Toombs an envelopd letter and then the entire Bay View team exited the meeting.

### BOARD COMMENTS- POST PUBLIC COMMENTS

President Toombs read the contents of a letter that Mr. Figone handed to him approximately 2 hours into the meeting and just before Mr. Figone and his team walked out of the meeting. This letter is dated June 9, 2011, is addressed to GM/COP Harman, and is attached on Attachment E. He went to say that he did not do business with a gun to his head with anybody and that he believed the request is for a mid cycle correction is not warranted. He noted that the District acted in good faith by entertaining Mr. Figone's request and in using District resources to evaluate Mr. Figone's request. President Toombs said he will vote to honor the contract as written. President Toombs said he hoped that Bay View would attend the Solid Waste Committee meetings as way of working through their issues over time. He closed by saying that he expected the topic of Bay View's assignment of their contract to Republic to appear on the next BOD agenda.

Director Kosel said that Mr. Figone has provided a quality service to Kensington for years and that we have treated him like dirt and been hostile to him over time. She said that his rates are in line with others in the area. She said she believes the BOD is caught up in details and she shared that she would not work for the \$24,000 a year Mr. Figone earns from this contract because that's peanuts and she can earn that much in one commission from a deal. She expressed great concern that we could lose Bay View as a service provider and thinks the BOD will be sorry over time if it votes no on the proposed contract amendment. She believes that without Bay View, we should expect our waste prices to increase and our service quality to decrease when the Figone contract expires in three years. She believes the BOD is stepping back from its agreement of a 12% profit for Bay View by denying its requested rate increase. She said she plans to vote yes for the rate increase because it is going to be cheaper to residents over time and is the right long term decision for Kensington. She went on to say that she did not believe any other firm would want the Kensington contract because we are a small community and have backyard pickups.

Director Lipscomb said that the proposed rate increase is not allowable under the contract and referenced Sections 9.4 and 9.6 of the Bay View contract to substantiate her view. She did a rough calculation for Bay View's 2010 profits and determined that Bay View earned in excess of \$312,000 in 2010 when soft



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costs like affiliate or related entity income and Mr. Figone's management fees are taken into consideration. She remains a no vote on an out of normal rate increase at this time.

Director Lloyd stated that he has a background in regulatory and thanked the staff and members of the community for their contributions. He also said no extraordinary events or anomalies have occurred to suggest an out of contract, mid course correction is warranted. Therefore he found no reason to support a rate increase at this time.

Director Metcalf said she is dumbstruck by the inaccuracies she is hearing and she is concerned that over time Kensington residents will have to pay more for their garbage services over time. This could be a choice between a smaller rate increase now and a larger increase later when the Bay View contract expires. She plans to vote yes on the rate increase because she believes people want the smallest possible increase over time.

**MOTION: President Toombs motioned to approve the proposed Bay View rate increase. The call for a second motion did not occur.**

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

**OLD BUSINESS #2** General Manager Greg Harman will present to the Board for a second reading, review, discussion, and possible BOD adoption of the Kensington Police Protection and Community Services District Fiscal Year 2011/2012 Operational Budget. Board Action. Page 39.

### STAFF COMMENTS

GM/COP Harman provided a summary of creation of the budget as it moved between the BOD and the Finance Committee. In this second reading, he highlighted all the notable changes that he and Debbie Russell, the District CPA, made and which he believed the BOD needed to be aware of. This included minor adjustments to salary, park restrooms, and the COPS Grant that is being carried over. These changes, reflected on page 40 of the package, resulted in total revenue to \$2,589,950 and total expenses of \$2,647,214.. This results in a \$57,264 shortfall. However, when you carry over previously carried over previously allocated funds like WW money and the COPS carryover, we now have an excess funding over expenses of \$64,736. He reminded all that the finance committee cut in excess of \$61,000 of the budget at its first budget reading and that the committee assumed an increase in the measure G tax from \$179 to \$200 per parcel and it assumed hiring a 10<sup>th</sup> officer for ¾ of the fiscal year. Given current financial projections, GM/COP Harman recommends that we: 1) do not raise measure G tax, keeping it flat at its current \$179 per parcel, and 2) hire the 10<sup>th</sup> officer later in the fiscal year but still for only 3/4 of the year. He stated that approving the budget as submitted, would result in a projected surplus of \$17,257 for the 2011/2012 fiscal year. He recommended the BOD adopt the budget as submitted. GM/COP Harman stated that he believed that a positive vote by 4/5 of the BOD was necessary to approve the budget.

GM/COP Harman also explained that it was imperative that the BOD take immediate action on New Business Item #1, which states that GM/COP Harman will present to the BOD KPPCSD's Resolution 2011-011, establishing the annual supplemental special tax for police protection (Measure G) for Fiscal Year 2011/2012 for review and possible adoption. GM/COP Harman explained that Measure G tax rates are an integral part of the submitted budget and therefore the measure G tax rate had to be resolved as a

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part of the budget process. He also explained that he needed to contact NBS and to meet County timelines necessary to enable Measure G collections.

GM/COP responded to questions about possible expense reductions not included in the budget. In responses to questions about reductions in his travel budget, he explained his travel budget is largely to enable him to participate in meetings in Sacramento and Martinez where he represents the District in official meetings. He offered to remove \$2,000 from the training budget as those funds would allow him and a Board Director to attend the annual CSDA conference. Both GM/COP Harman and President Toombs confirmed that it is highly beneficial to KPPCSD to participate in the meetings. He explained that most of his and all officer's Police Officer Standard Training (POST) training is reimbursed by POST.

### **BOARD COMMENTS**

Director Lloyd likes the recommendation to hire the 10<sup>th</sup> officer later in the year but still for only ¾ of the fiscal year and he likes keeping Measure G tax flat. He believes the community mandate for its use of Measure G money has been met and he values the District's work in making this recommendation.

Director Lipscomb probed as to whether or not the projected surplus funds should be used to restore recruitment expenses since a 10<sup>th</sup> officer will be hired. She considered a motion to restore those funds to the budget but withdrew it prior the motion prior to its being voted on. She also noted that the BOD could increase the Measure G tax to \$205 but supports the plan to keep it flat at \$179 and believes that doing so is in the community's best interest.

President Toombs said he preferred that GM/COP Harman return to the BOD for approval to spend recruitment dollars should they occur. President Toombs likes the austerity budget as presented and finds the budget acceptable. Both he and Director Lipscomb said that they liked that the Measure G tax will not be increased.

Director Kosel confirmed that the Measure G tax could be decreased given that the budget as submitted projects a surplus. She indicated that there were two expense areas she would like to see reduced and these are: 1) West-NET, citing the 36 hours of overtime Detective Barrow worked in the month of April 2011, and 2) GM/COP's travel budget stating that if GM/COP Harman traveled less to meetings, a 10<sup>th</sup> officer would not be necessary. She also reiterated her support of West-NET but within the confines of our obligation. Secretary Gardyne explained that Detective Barrow's overtime for April reflected a unique occurrence and reflects the culmination of a multi year operation.

Director Metcalf questioned why KPD has two Sergeants. GM/COP Harman explained that Sergeants are supervisors and that they have more responsibilities with different duties, including administrative work like approving officer's reports, performing Internal Affairs investigations, sitting on committees like Acting Sergeant Hui's participation in a committee regarding a new radio system that is coming into the department. Director Metcalf inquired if step upgrades occur without BOD approval. GM/COP Harman explained that step upgrades are included in the budget in expense category 502 and that the timing of these increases are reflected there. He confirmed that no rank upgrades had occurred without BOD approval.

Director Metcalf also inquired as to the nature of recruiting costs and sought to distinguish recruitment costs from hiring costs. GM/COP Harman explained that if an officer is hired that officer undergoes polygraph, background, medical, and psychological testing, all of which incur costs to the department. Should an officer fall out of the process at any point along the way, those costs incurred to date are sunk.

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He explained soft costs, like the cost of sending a Sergeant to an academy to recruit, is charged to the Sergeants salary or overtime and would not appear in the recruitment expense category. He also confirmed that adding to the reserve pool results in costs o the district.

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

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

**PUBLIC COMMENTS**

Anthony Knight inquired as to the police officer salary assumptions embedded in the proposed 2011/2012 budget and asked for a brief summary of officer salary treatment in recent years. GM/COP Harman explained that the officer's contract expired June 30, 2010 and that officer's salaries have been held flat since then. Officers last received an increase of 4% in 2009. The proposed budget assumes flat salaries for the upcoming fiscal year. Anthony expressed concern that it did not include a salary increase for officers.

Nicki Kaiser expressed concern that the budget did not truly reflect known and expected expense. She cited adoption of a \$0 capital budget as an example to support her view. She should like to see funds factored back in for truly known expenses.

Detective Barrow spoke about West-NET as he was concerned that the expenses to support the program could be removed from the budget. Detective Barrow shared that West-NET is a West County narcotics task force run by the State and that all agencies, including federal agencies are involved. He stated that as a result of Kensington's relationship through West-NET, other State and federal participating agencies make their resources and cooperative support available to KPD when needed. This includes providing resources to serve search warrants, conduct investigations, etc. He shared his strong believe that the benefits Kensington receives from its participation in the West-NET program far exceeds the \$8,000 cost reflected in the budget.

**MOTION: Director Lipscomb motions to extend the meeting time from 10:15 PM to 10:30PM. President Toombs seconded this motion.**

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

**MOTION: President Toombs motions to approve the budget as submitted. Director Lipscomb seconded the motion.**

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

There was a perception that a 4/5 majority was required to approve the budget. As a result, President Toombs said that he would schedule a special noticed Board meeting prior to the scheduled July BOD in order for the BOD to review and approve its Fiscal 2011/2012 budget. President Toombs explained that the district's attorneys had confirmed that the district could pass its budget post July 1. Kosel asked if Debbie would be invited to the Special BOD meeting in which the 2011 2012 would be discussed. In response, President Toombs said, "I have no idea." There was discussion of Debbie attending a Finance

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Committee meeting but when it became clear that a full BOD meeting was required to approve the budget, and not a Finance Committee meeting, Debbie's potential participation was eliminated.

**NEW BUSINESS #1** GM/COP Harman will present to the BOD Kensington Police Protection Community Services District's Resolution 2011-011, establishing the annual supplemental special tax for police protection (Measure G) for Fiscal Year 2011/2012 for review and possible adoption. Board Action. Page 53.

### **STAFF COMMENTS**

GM/COP Harman said Measure G calls for us to hold a public meeting in which the Measure G tax rate is determined for the next fiscal year. The resolution states that the maximum tax allowed for a single residential parcel is \$205.64. This rate, if approved, would reflect a CPI increase of \$5.64 over last year's allowable tax. GM/COP Harman stated that he believed that a 4/5 majority vote was required to approve this resolution and that the Measure G tax rate must be approved by the BOD each year.

### **PUBLIC COMMENTS**

Nicki Kaiser said that she found it appalling that 2 Directors who are casting dissenting votes could not provide specific budget reductions. She said she felt that the Directors had the data and ample time to come the meeting prepared to act. She said she wanted the meeting to continue as long as necessary for the BOD to meet its fiduciary obligations in resolving the Fiscal Year 2011/2012 budget and Measure G tax rate. She reiterated her concern that specific items were zeroed out even though those funds will be spent. She added that the residents voted in Measure G because they support use of those funds for Police Services and they want those funds spent.

### **BOARD COMMENTS**

President Toombs said that this item (Measure G) had to be acted on tonight in order to get it included in the tax roles. He also said that he believed that raising this tax was not necessary given the submitted budget projects an approximately \$17000 overage as a result of carry forwards from past years. He also said that he believes that any potential changes to the proposed budget would be expense reductions and therefore no Measure G tax increase should be contemplated.

Director Kosel said she wanted to explore reducing the Measure G tax rate as a way of returning the projected \$17,000 overage to residents and therefore achieving a balanced budget. President Toombs explained that the notion of decreasing the Measure G tax rate could not be explored until the budget was approved. Director Kosel suggested that Measure G be set at \$173 per parcel as a means of returning the projected overage to residents.. GM/COP Harman explained that Measure G funds are allocated for specific police functions and that it is inappropriate to use the Measure G tax rate as the exclusive vehicle to lower overall district expense. Director Kosel said she would look at the budget in greater detail and would come to the Special BOD meeting with specific expense cuts in hand.

Director Kosel asked GM/COP Harman to explain to the public that he had blocked her ability to have a 20 minute conversation access to the District's CPS Debbie Russell a month ago. In response, President Toombs interjected that it was he who had blocked Director Kosel's access to Debbie Russell. He said he did so because the Policy Manual requires that only GM/COP Harman has contact with Debbie. He reminded Director Kosel that she could have attended two Finance Committee meetings that Debbie attends.

# KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS

Director Lipscomb asked the implications of salary and benefit changes for our officers. President Toombs explained that those increases, should they occur, would be paid from reserved. GM/COP Harman confirmed that the Measure G tax rate must be passed every year by the BOD.

Director Metcalf confirmed that the Measure G tax rate could be reduced but President Toombs responded that the BOD considers alternative vehicles to reduce the district operating expenses.

**MOTION: Director Metcalf motions to end the meeting at 10:30 PM. An unknown Director seconded this motion.**

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

## ADJOURNMENT

General Information

Accessible Public Meetings

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

District Secretary Anita Gardyne, Kensington Police Protection & Community Services District, 217 Arlington Ave, Kensington, CA 94707

POSTED: Public Safety Building-Colusa Food-Library-Arlington Kiosk- and at [www.kensingtoncalifornia.org](http://www.kensingtoncalifornia.org)

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

June 9, 2011

## Report on Tennis Court Committee's Review of the Cracks in the Court Surfacing at Kensington Community Park

### Committee Members:

CR Wood – Kensington

Jean Durham – Kensington Resident and Geologist

Jack Griffith – Kensington Resident

### Kensington Service District Representative

Anita Gardyne

### Volunteer El Cerrito Consultants

Susan Brand – President of the El Cerrito Tennis Club

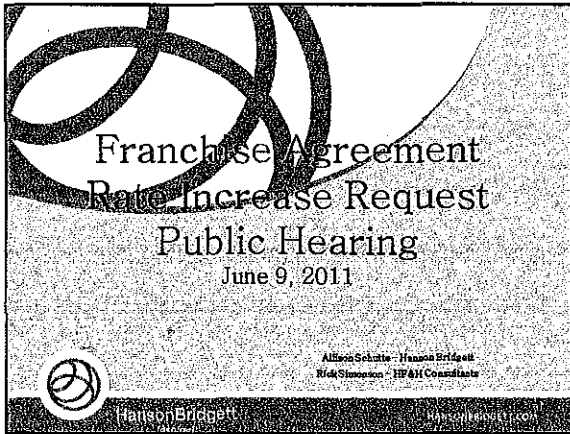
Bill Driscoll – El Cerrito Parks and Recreation

### Meeting Notes:

- Committee, District Representative and El Cerrito Consultants met at the Kensington tennis courts on June 6, 2011 to observe the cracks in the tennis court surface.
- Cracks have expanded since the last observation by Chuck and myself.
- The attendees agreed that the cracking is most likely a result of moisture penetrating the surfacing material, asphalt paving and base rock material which in turn caused the underlying clay soil to expand. Initially, small cracks may have resulted from shrinkage of the underlining soil, which, during recent rains, could have allowed the moisture to penetrate into the soil.
- El Cerrito has similar problems with some of their tennis courts which were generally in good condition. Thus the City chose only to repair the cracks and not resurface the entire court. The crack repair work on those courts as well as others within the City was

done by First Serve Productions, Inc. (one of the contractors who submitted a bid for the crack repair and resurfacing of the entire Kensington courts). Bill Driscoll thought that the cost for the Arlington Park repair work was somewhere around \$4000.00 to \$5000.00 but said that he needs to check on the actual amount and will get back to Kensington with that number.

- We then moved the meeting to the Arlington Park Tennis Courts to observe the results of the crack repair work, which was completed approximately four months ago.
- The finished patchwork was not that noticeable. There was a slight difference in color between new and old surfacing material but not to a point of distraction.
- No new cracks were observed in the patched area and the surface was smooth and even.
- After some discussion was agreed that the finished results of the crack repair work at the Arlington Courts would be an acceptable solution for the crack repair at the Kensington Courts.
- The committee suggests having a meeting at the Kensington courts with either (1) all three of the contractors who had previously submitted bids and then asking each for a bid to do the crack repair only or (2) meet with First Serve Productions Inc. who made the repairs for El Cerrito and ask them to submit a price to do the work.



Franchise Agreement  
Rate Increase Request  
Public Hearing  
June 9, 2011

Allen Schultz - Hanson Bridgett  
Mark Simpson - HF&H Consultants

HansonBridgett  
HF&H

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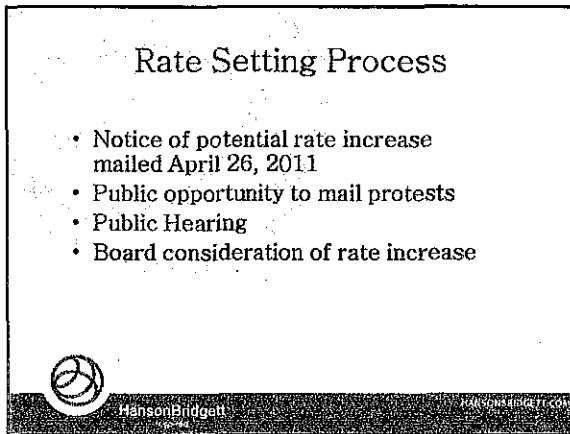
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Rate Setting Process

- Notice of potential rate increase mailed April 26, 2011
- Public opportunity to mail protests
- Public Hearing
- Board consideration of rate increase

HansonBridgett  
HF&H

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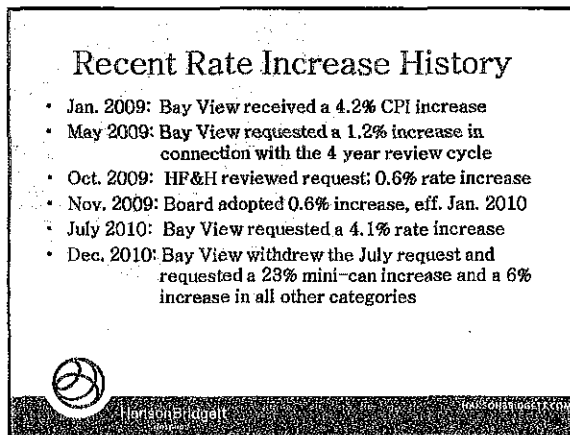
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Recent Rate Increase History

- Jan. 2009: Bay View received a 4.2% CPI increase
- May 2009: Bay View requested a 1.2% increase in connection with the 4 year review cycle
- Oct. 2009: HF&H reviewed request: 0.6% rate increase
- Nov. 2009: Board adopted 0.6% increase, eff. Jan. 2010
- July 2010: Bay View requested a 4.1% rate increase
- Dec. 2010: Bay View withdrew the July request and requested a 23% mini-can increase and a 6% increase in all other categories

HansonBridgett  
HF&H

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## Bay View's Reasons for Current Rate Increase Request

- Customer migration to mini-can has resulted in less than anticipated revenue
- Bay View's 2010 pre-tax profit less than 12.0%
  - 2.48% according to Bay View (Financial Stmt method)
  - 2.64% according to Franchise Agreement (FA) method
  - 13.6% average profit from 1998-2010 (FA method)



Hanson Budget

hansonbudget.com

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## Franchise Agreement's Rate Increase Provisions

Agreement allows for rate increases as follows:

- Every 4 years: Detailed review of actual revenues and expenses (rates set to achieve a 12% pre-tax profit)
- All other years: change in CPI
- At any time: In the event of extraordinary costs, events or changes in scope



Hanson Budget

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## Board Options

1. Approve Bay View's rate increase request
2. Approve CPI increase pursuant to terms of Agreement
  - Sept 2009 to Sept 2010 CPI Change = 1.0%
3. Suggest other rate adjustments, such as a limited change to mini-can rate
  - Determine whether new rate review needs to be conducted
  - Comply with Proposition 218 requirements



Hanson Budget

hansonbudget.com

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Attachment B

**KENSINGTON DISTRICT  
BAY VIEW**

**REVENUE PROJECTION**

**REVENUE PROJECTION USING 2010 ACCOUNT DATA & PROPOSED % RATE INCREASE**

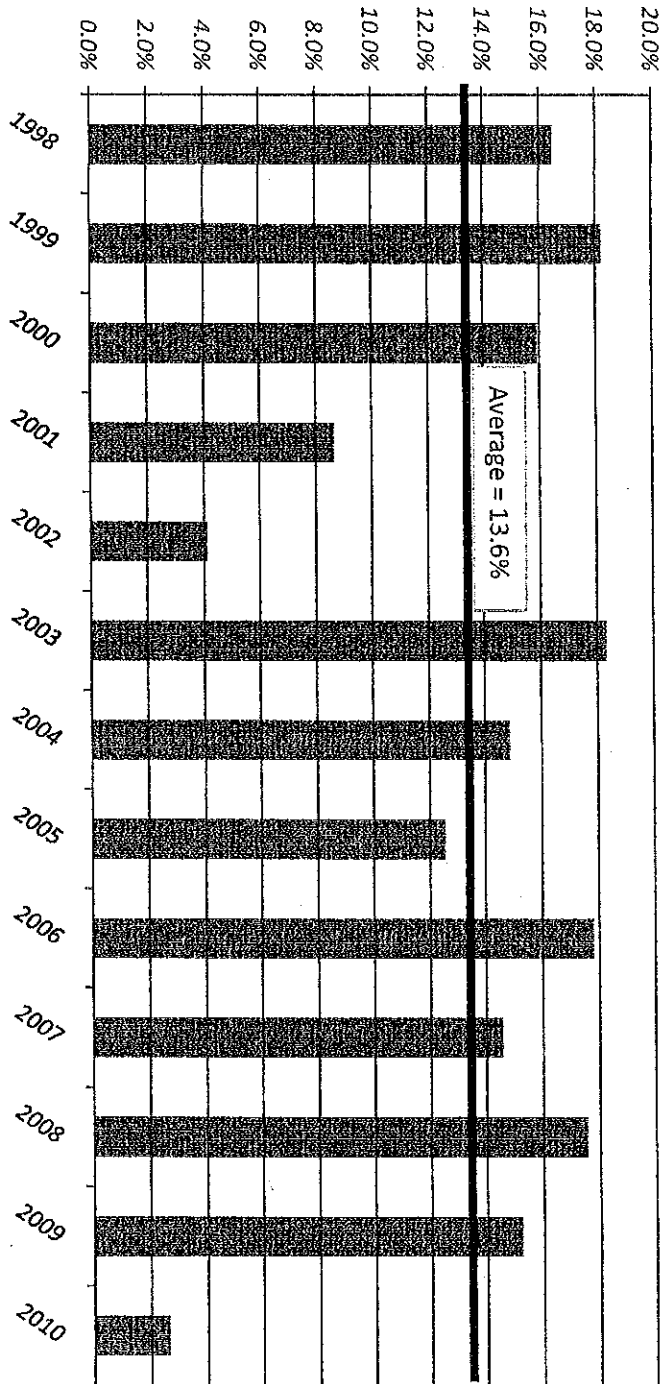
Service Type	2011*	Current Monthly Rate	Est. 2011 Revenue @ Current Rates	Bay View Request		Bay View Request		CPI Increase (current rate structure)		CPI Increase (modified rate structure)	
				1/1/11	Annual Est 2011 Rate Revenue	7/1/11	Annual Est 2011 Rate Revenue	1.0% eff. 7/1/11	Annual Est 2011 Rate Revenue	1.0% eff. 7/1/11	Annual Est 2011 Rate Revenue
<b>Residential</b>											
1-20 Gallon Can	367	\$ 23.59	\$ 103,890	\$ 29.03	\$ 127,848	\$ 29.03	\$ 115,869	\$ 23.83	\$ 104,410	\$ 25.54	\$ 108,177
1-32 Gallon Can	1,480	32.10	570,096	34.03	604,373	34.03	587,234	32.42	572,946	32.10	570,096
2-32 Gallon Cans	187	63.99	143,594	67.83	152,211	67.83	147,902	64.63	144,312	63.99	143,594
3-32 Gallon Cans	19	96.08	21,906	101.84	23,220	101.84	22,563	97.04	22,016	96.08	21,906
1-40 Gallon	1	72.23	867	76.56	919	76.56	893	72.95	871	72.23	867
4-32 Gallon Cans	1	128.07	1,537	135.75	1,629	135.75	1,583	129.35	1,545	128.07	1,537
1-45 Gallon	11	78.82	10,404	83.55	11,029	83.55	10,716	79.61	10,456	78.82	10,404
Miscellaneous	7	59.27	4,979	62.83	5,278	62.83	5,128	59.86	5,004	59.27	4,979
<b>Total # of Accounts</b>	<b>2,073</b>		<b>\$ 857,273</b>		<b>\$ 926,505</b>		<b>\$ 891,889</b>		<b>\$ 861,559</b>		<b>\$ 861,560</b>
<b>Other Revenue</b>		<b>\$ 11,452</b>	<b>\$ 137,427</b>	<b>6.0%</b>	<b>145,673</b>	<b>6.0%</b>	<b>141,550</b>	<b>1.0%</b>	<b>138,114</b>	<b>1.0%</b>	<b>138,114</b>
<b>Total Projected 2011 Rate Revenue</b>			<b>\$ 994,700</b>		<b>\$ 1,072,178</b>		<b>\$ 1,033,439</b>		<b>\$ 999,674</b>		<b>\$ 999,674</b>
Estimated Profit level			-0.2%		7.5%		3.6%		0.3%		0.3%

\* The number of customers anticipated for the 2011 revenue forecast is based on the actual customers billed by level of service during the four month period from September to December 2010

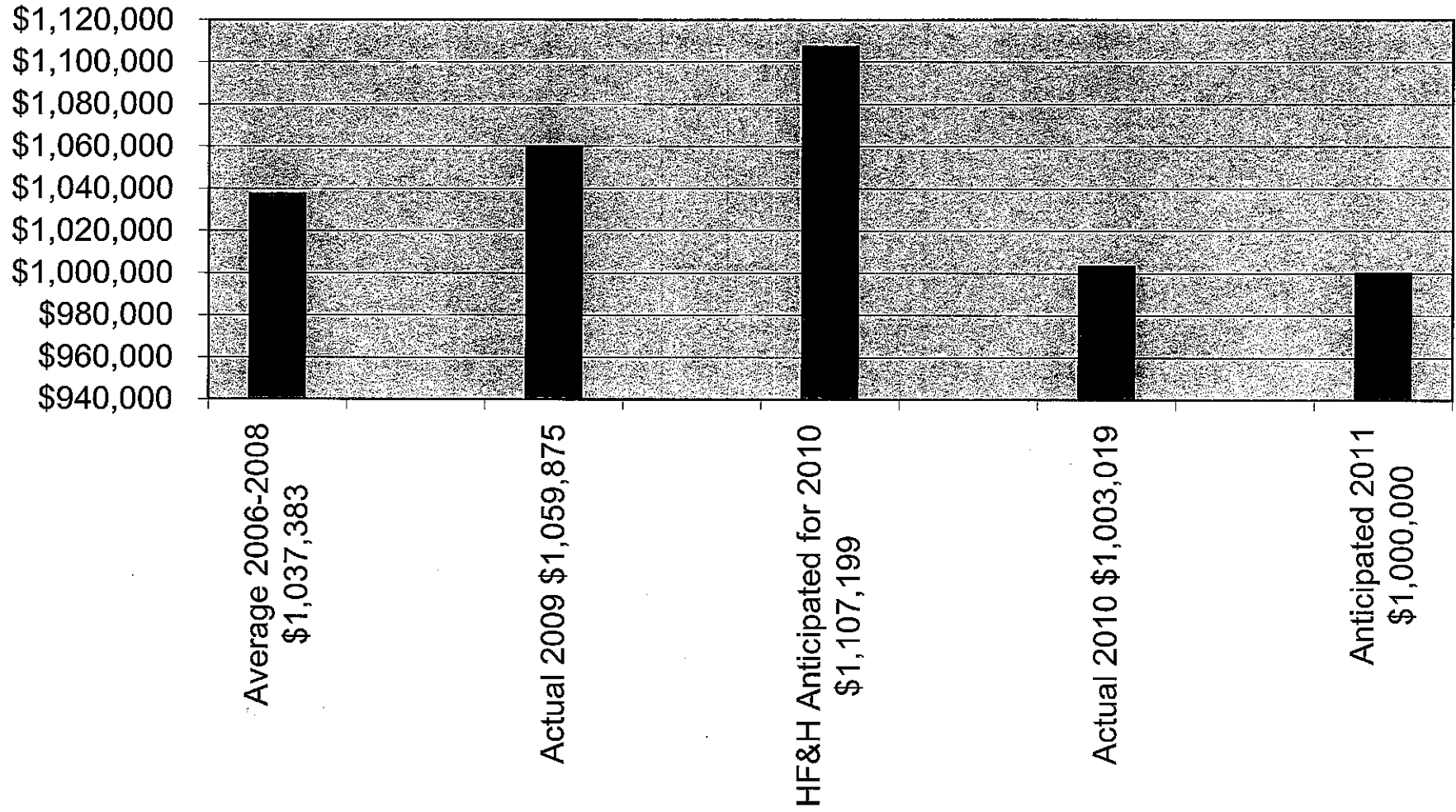
Bay View Profit Analysis															
Source: Audited Financial Statements															
	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010		
<b>Revenues</b>															
1	Refuse collection and disposal	\$ 681,931	\$ 704,288	\$ 751,597	\$ 776,865	\$ 785,713	\$ 914,965	\$ 902,660	\$ 916,514	\$ 936,613	\$ 962,276	\$ 982,737	\$ 1,000,183	\$ 968,430	
2	Debris box collection	19,273	21,668	50,628	52,004	60,070	47,647	47,478	56,420	53,808	45,883	39,067	34,050	32,044	
3	Recycling fees	32,599	33,829	54,704	52,294	30,863	37,757	36,104	24,658	24,350	36,753	20,642	23,003	24,315	
4	Container rental fees	2,020	3,412	3,329	2,847	2,825	2,140	2,620	3,100	2,922	2,865	3,162	2,655	1,990	
5	Other income	3,650	12,317	-	-	3,256	422	4,243	3,498	3,629	858	627	314	2,468	
6	Less refunds to customers	(1,131)	(805)	(645)	(901)	(443)	(704)	(949)	(852)	(1,272)	(1,087)	(1,683)	(330)	(1,843)	
7	<b>Total Revenues</b>	<b>A</b>	<b>\$ 738,341</b>	<b>\$ 774,709</b>	<b>\$ 859,615</b>	<b>\$ 883,109</b>	<b>\$ 882,284</b>	<b>\$ 1,002,227</b>	<b>\$ 992,156</b>	<b>\$ 1,003,358</b>	<b>\$ 1,020,050</b>	<b>\$ 1,047,548</b>	<b>\$ 1,044,552</b>	<b>\$ 1,059,875</b>	<b>\$ 1,027,344</b>
<b>Operating Expenses:</b>															
8	Salaries and benefits	\$ 225,432	\$ 233,680	\$ 277,424	\$ 312,342	\$ 441,818	\$ 369,845	\$ 370,426	\$ 348,240	\$ 326,635	\$ 358,107	\$ 332,296	\$ 345,098	\$ 391,149	
9	Dump fees	84,981	88,811	100,017	103,996	103,138	98,641	99,049	110,582	103,248	100,142	95,993	99,485	100,178	
10	Franchise fees	B	37,018	38,608	45,009	44,012	44,150	50,101	49,348	50,152	51,272	52,328	52,232	52,413	50,032
11	Professional fees	28,058	28,830	29,267	28,428	28,710	25,539	27,213	26,250	31,915	28,915	29,700	41,717	49,013	
12	Debris boxes*	9,710	12,500	26,055	23,814	31,490	23,631	23,201	26,813	29,437	22,984	17,861	17,352	16,830	
13	Depreciation	39,209	39,331	42,823	46,903	41,345	27,972	8,739	36,771	40,766	40,548	40,421	40,421	42,283	
14	Fuel	8,481	11,767	16,162	14,531	14,462	16,467	22,488	19,034	21,104	18,307	36,916	20,674	25,278	
15	Green waste truck rental*	20,275	19,464	35,700	44,500	44,880	53,560	58,916	61,880	66,560	72,800	75,712	79,495	84,460	
16	Hazardous waste fee	C	10,550	9,008	4,000	25,900	13,337	(3,564)	10,802	13,892	9,543	13,467	10,461	13,681	10,846
17	Insurance	24,802	35,191	22,091	23,035	31,065	32,994	32,516	32,360	25,954	31,979	22,872	23,960	24,522	
18	Truck licenses	7,379	6,330	5,411	3,969	4,021	3,501	4,661	3,079	4,788	4,135	3,964	3,753	3,801	
19	Management fees (executive comp)	82,400	84,872	87,418	90,041	incl. above	95,121	97,891	100,834	103,859	106,975	110,184	113,651	117,483	
20	General and administrative	11,690	14,645	16,466	20,711	10,678	13,595	16,718	14,202	16,789	17,390	12,211	14,444	13,366	
21	Parts and tires	20,246	11,082	13,539	6,930	5,442	9,960	6,081	11,655	3,755	6,107	8,146	3,336	12,086	
22	Rent*	22,230	24,570	26,400	27,720	28,080	30,600	33,660	34,920	33,000	44,400	45,600	50,400	51,408	
23	Repairs and maintenance	8,117	3,919	2,249	1,441	2,168	6,162	9,718	7,905	6,337	4,060	3,296	8,624	9,740	
24	<b>Total Operating Expenses</b>	<b>D</b>	<b>\$ 640,576</b>	<b>\$ 662,607</b>	<b>\$ 748,031</b>	<b>\$ 818,271</b>	<b>\$ 849,783</b>	<b>\$ 854,125</b>	<b>\$ 871,427</b>	<b>\$ 898,569</b>	<b>\$ 874,982</b>	<b>\$ 922,644</b>	<b>\$ 897,865</b>	<b>\$ 928,484</b>	<b>\$ 1,002,475</b>
25	<b>Income from Operations</b>	<b>E</b>	<b>\$ 97,766</b>	<b>\$ 112,101</b>	<b>\$ 111,584</b>	<b>\$ 64,838</b>	<b>\$ 32,501</b>	<b>\$ 148,102</b>	<b>\$ 120,729</b>	<b>\$ 104,789</b>	<b>\$ 145,068</b>	<b>\$ 124,904</b>	<b>\$ 146,687</b>	<b>\$ 131,391</b>	<b>\$ 24,869</b>
<b>Other Income (expense)</b>															
26	Interest income			373	-	1,000	3,300	4,700	4,500	4,500	-	-	-	-	
27	Gain (loss) on sale of equipment	34,750	2,200		(88)	2,533	-	-	12,000	-	(14,809)	-	-	-	
28	Interest expense	(4,196)	(3,799)	(3,858)	(1,375)	-	-	-	(11,449)	(9,131)	(3,884)	(567)	-	-	
29	<b>Income before taxes</b>	<b>F</b>	<b>\$ 128,319</b>	<b>\$ 110,502</b>	<b>\$ 108,097</b>	<b>\$ 63,375</b>	<b>\$ 36,033</b>	<b>\$ 151,402</b>	<b>\$ 125,429</b>	<b>\$ 109,840</b>	<b>\$ 140,437</b>	<b>\$ 106,211</b>	<b>\$ 146,120</b>	<b>\$ 131,391</b>	<b>\$ 24,869</b>
30	Provision for California tax	2,200	1,658	1,622	952	800	1,907	1,823	1,329	1,394	1,480	2,528	2,020	800	
31	<b>Net Income</b>	<b>\$ 126,119</b>	<b>\$ 108,844</b>	<b>\$ 106,475</b>	<b>\$ 62,423</b>	<b>\$ 35,233</b>	<b>\$ 149,495</b>	<b>\$ 123,606</b>	<b>\$ 108,511</b>	<b>\$ 139,053</b>	<b>\$ 104,731</b>	<b>\$ 143,792</b>	<b>\$ 129,371</b>	<b>\$ 24,069</b>	
32	Retained Earning, beginning of year	32,635	7,618	36,462	17,937	360	5,594	30,089	98,695	147,206	108,260	112,991	146,783	186,154	
33	Dividends	(151,137)	(80,000)	(125,000)	(80,000)	(30,000)	(125,000)	(55,000)	(60,000)	(178,000)	(100,000)	(110,000)	(90,000)	(120,000)	
34	<b>Retained Earnings, end of year</b>	<b>\$ 7,618</b>	<b>\$ 36,462</b>	<b>\$ 17,937</b>	<b>\$ 360</b>	<b>\$ 5,594</b>	<b>\$ 30,089</b>	<b>\$ 98,695</b>	<b>\$ 147,206</b>	<b>\$ 108,259</b>	<b>\$ 112,991</b>	<b>\$ 146,783</b>	<b>\$ 186,154</b>	<b>\$ 90,223</b>	
35	<b>Financial Statement Profit Level (F + A)</b>	<b>17.4%</b>	<b>14.3%</b>	<b>12.6%</b>	<b>7.2%</b>	<b>4.1%</b>	<b>15.1%</b>	<b>12.6%</b>	<b>10.9%</b>	<b>13.8%</b>	<b>10.1%</b>	<b>14.0%</b>	<b>12.4%</b>	<b>2.42%</b>	<b>Avg 11.3%</b>
<b>Calculation of Franchise Agreement Profit</b>															
36	Operating Expenses (A)	\$ 640,576	\$ 662,607	\$ 748,031	\$ 818,271	\$ 849,783	\$ 854,125	\$ 871,427	\$ 898,569	\$ 874,982	\$ 922,644	\$ 897,865	\$ 928,484	\$ 1,002,475	
37	Less: Franchise Fees (C)	(37,018)	(38,608)	(45,009)	(44,012)	(44,150)	(50,101)	(49,348)	(50,152)	(51,272)	(52,328)	(52,232)	(52,413)	(50,032)	
38	Less: Hazardous Waste Fees (D)	(10,550)	(9,008)	(4,000)	(25,900)	(13,337)	(3,564)	(10,802)	(13,892)	(9,543)	(13,467)	(10,461)	(13,681)	(10,846)	
39	<b>Operating Expenses eligible for Profit (G)</b>	<b>593,007</b>	<b>614,991</b>	<b>701,022</b>	<b>748,359</b>	<b>787,296</b>	<b>807,588</b>	<b>811,277</b>	<b>834,525</b>	<b>814,167</b>	<b>856,849</b>	<b>835,172</b>	<b>862,390</b>	<b>941,597</b>	<b>Avg</b>
40	<b>Profit Level (FA method) (E + G)</b>	<b>16.5%</b>	<b>18.2%</b>	<b>15.9%</b>	<b>8.7%</b>	<b>4.1%</b>	<b>18.3%</b>	<b>14.9%</b>	<b>12.6%</b>	<b>17.8%</b>	<b>14.6%</b>	<b>17.6%</b>	<b>15.2%</b>	<b>2.64%</b>	<b>13.6%</b>
41	<b>% Point Variance from 12% Target Profit</b>	<b>4.5%</b>	<b>6.2%</b>	<b>3.9%</b>	<b>-3.3%</b>	<b>-7.9%</b>	<b>6.3%</b>	<b>2.9%</b>	<b>0.6%</b>	<b>5.8%</b>	<b>2.6%</b>	<b>5.6%</b>	<b>3.2%</b>	<b>-9.4%</b>	<b>Total</b>
42		\$ 26,605	\$ 38,303	\$ 27,459	\$ (24,965)	\$ (61,975)	\$ 51,191	\$ 23,376	\$ 4,646	\$ 47,368	\$ 22,082	\$ 46,466	\$ 27,904	\$ (88,125)	\$ 140,338

\* Sister company affiliate  
 S:\Clients\K\Kensington\2011\Financial Statement Comparison\_1998-2010.xls

Bay View Profit Levels (1998 - 2010)



### Bay View Refuse & Recycling Services, Inc. Revenue Comparison



Attachment E



**BAY VIEW REFUSE  
& RECYCLING  
SERVICE,  
INC.**

CITY - COUNTY - CONTRACTORS  
P.O. BOX 277 - EL CERRITO, CALIFORNIA 94530 - PHONE (510) 237-4814  
LEWIS FIGONE, PRESIDENT

June 9, 2011

VIA HAND DELIVERY

Mr. Gregory E. Harman  
General Manager / Chief of Police  
Kensington Police Protection  
and Community Services District  
217 Arlington Avenue  
Kensington, California 94707

Re: REQUEST FOR APPROVAL OF ASSIGNMENT OF FRANCHISE AGREEMENT

Dear Mr. Harman:

Pursuant to Section 30 of the Franchise Agreement between Kensington Police Protection and Community Services District (the "District") and Bay View Refuse and Recycling Services, Inc. ("Contractor"), dated as of September 1, 1997 (the "Agreement"), Contractor requests immediate approval by the District of an assignment of the Agreement and delegation of Contractor's obligations thereunder to Republic Services, Inc. ("Republic"). Republic is one of the largest providers of solid waste collection, transfer and disposal services in the world. Republic includes among its subsidiaries Richmond Sanitary Service, which provides solid waste, recycling, processing and disposal services to Richmond, other Contra Costa County communities, as well as Piedmont in Alameda County.

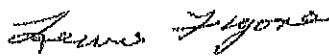
Contractor is prepared to execute all documents reasonably required to effect the assignment to Republic as soon as possible, but in no event later than an effective date of January 1, 2012. Contractor will notify its customers in the billing for the September through December 2011 period of the anticipated Agreement assignment and change in service provider.

Section 30 of the Agreement requires the District to (i) consider promptly the proposed assignment, (ii) diligently investigate the capabilities of Republic, and (iii) not unreasonably withhold or delay consent to the assignment. Consistent

Mr. Gregory E. Harman  
June 9, 2011  
Page 2

with those provisions, Contractor hereby provides notice that any delay by the District in discharging its obligations under Section 30 shall be deemed a material breach of the Agreement that excuses return performance by Contractor.

Very truly yours,



Lewis Figone  
President

cc: Ms. Allison C. Schutte [Via Hand Delivery]  
Ms. Deidra Dingman [Via Email & U.S. Mail]  
Contra Costa County Dept. of Conservation & Development  
Mr. Jeffrey S. Schoppert [Via Email]

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

	<u>Jun 11</u>	<u>Budget</u>	<u>Jul '10 - Jun 11</u>	<u>YTD Budget</u>
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
<b>400 · Police Activities Revenue</b>				
401 · Levy Tax	9,782.20		1,269,830.89	1,234,000.00
402 · Special Tax-Police	0.00		679,980.00	680,130.00
404 · Measure G Supplemental Tax Rev	0.00		405,721.40	405,720.00
410 · Police Fees/Service Charges	155.00	166.67	1,500.00	2,000.00
414 · POST Reimbursement	0.00		4,212.86	
415 · Grants-Police	0.00		88,684.43	
416 · Interest-Police	0.00	1,500.00	3,378.45	6,000.00
418 · Misc Police Income	1,615.20	1,000.00	14,898.91	12,000.00
419 · Supplemental W/C Reimb (4850)	0.00		41,440.98	
<b>Total 400 · Police Activities Revenue</b>	<u>11,552.40</u>	<u>2,666.67</u>	<u>2,509,647.92</u>	<u>2,339,850.00</u>
<b>420 · Park/Rec Activities Revenue</b>				
421 · Levy Tax-Park/Rec	0.00		31,127.64	
424 · Special Tax-L&L	0.00		0.00	30,000.00
426 · Park Donations	0.00	41.63	0.00	500.00
427 · Community Center Revenue	775.00	1,666.67	14,722.50	20,000.00
435 · Grants-Park/Rec	0.00	8,500.00	0.00	102,000.00
436 · Interest-Park/Rec	0.00	75.00	189.87	300.00
438 · Misc Park/Rec Rev	0.00	83.33	2,177.00	1,000.00
<b>Total 420 · Park/Rec Activities Revenue</b>	<u>775.00</u>	<u>10,366.63</u>	<u>48,217.01</u>	<u>153,800.00</u>
<b>440 · District Activities Revenue</b>				
448 · Franchise Fees	0.00		20,010.96	21,000.00
456 · Interest-District	0.00	200.00	648.65	800.00
458 · Misc District Revenue	0.00		3,201.02	
<b>Total 440 · District Activities Revenue</b>	<u>0.00</u>	<u>200.00</u>	<u>23,860.63</u>	<u>21,800.00</u>

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

	<u>Jun 11</u>	<u>Budget</u>	<u>Jul '10 - Jun 11</u>	<u>YTD Budget</u>
<b>Total Income</b>	12,327.40	13,233.30	2,581,725.56	2,515,450.00
<b>Expense</b>				
<b>500 · Police Sal &amp; Ben</b>				
502 · Salary - Officers	68,014.38	75,581.50	908,914.79	906,978.00
504 · Compensated Absences	10,005.57	0.00	10,005.57	10,000.00
506 · Overtime	3,132.66	3,333.34	47,979.36	40,000.00
508 · Salary - Non-Sworn	4,277.91	4,333.34	36,118.66	52,000.00
516 · Uniform Allowance	599.94	666.66	8,040.53	8,000.00
518 · Safety Equipment	0.00	208.34	721.20	2,500.00
521-A · Medical/Vision/Dental-Active	11,506.92	32,677.75	151,720.30	392,133.00
521-R · Medical/Vision/Dental-Retired	12,284.65	0.00	144,191.39	0.00
521-T · Medical/Vision/Dental-Trust	0.00		243,373.00	
522 · Insurance - Police	200.00	1,016.66	7,641.01	12,200.00
523 · Social Security/Medicare	1,255.21	1,228.84	13,290.89	14,746.00
524 · Social Security - District	298.41	268.66	2,335.91	3,224.00
527 · PERS - District Portion	19,159.88	21,349.50	256,020.87	256,194.00
528 · PERS - Officers Portion	6,175.26	6,862.34	82,516.02	82,348.00
530 · Workers Comp	0.00	11,670.50	31,873.41	46,682.00
540 · Advanced Industrial Disability	0.00		1,229.64	
<b>Total 500 · Police Sal &amp; Ben</b>	<u>136,910.79</u>	<u>159,197.43</u>	<u>1,945,972.55</u>	<u>1,827,005.00</u>
<b>550 · Other Police Expenses</b>				
552 · Expendable Police Supplies	0.00	166.63	360.59	2,000.00
553 · Range/Ammunition Supplies	0.00	333.37	3,394.95	4,000.00
560 · Crossing Guard	1,230.04	802.13	9,527.08	9,626.00
562 · Vehicle Operation	1,889.79	3,125.00	43,730.39	37,500.00
564 · Communications (RPD)	19,133.69	11,386.63	82,089.08	136,640.00

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

	<u>Jun 11</u>	<u>Budget</u>	<u>Jul '10 - Jun 11</u>	<u>YTD Budget</u>
566 · Radio Maintenance	0.00	366.63	0.00	4,400.00
568 · Prisoner/Case Exp./Booking	229.00	416.63	7,049.39	5,000.00
570 · Training	-265.00	1,000.00	13,764.68	12,000.00
572 · Recruiting	300.00	637.50	7,656.00	7,650.00
574 · Reserve Officers	40.00	666.63	3,265.36	8,000.00
576 · Misc. Dues, Meals & Travel	0.00	275.00	2,542.08	3,300.00
580 · Utilities - Police	688.95	666.67	8,372.20	8,000.00
581 · Bldg Repairs/Maint.	0.00	83.33	571.16	1,000.00
582 · Expendable Office Supplies	834.47	500.00	5,756.08	6,000.00
588 · Telephone(+Rich. Line)	245.53	920.67	7,408.78	11,048.00
590 · Housekeeping	505.43	416.67	4,070.41	5,000.00
592 · Publications	0.00	250.00	2,356.92	3,000.00
594 · Community Policing	211.67	416.63	1,294.63	5,000.00
596 · WEST-NET/CAL I.D.	0.00		12,656.00	12,472.00
598 · COPS Special Fund	0.00		0.00	
599 · Measure G Administration	0.00		1,553.50	
<b>Total 550 · Other Police Expenses</b>	<u>25,043.57</u>	<u>22,430.12</u>	<u>217,419.28</u>	<u>281,636.00</u>
<b>600 · Park/Rec Sal &amp; Ben</b>				
601 · Park & Rec Administrator	535.08	541.63	5,017.94	6,500.00
602 · Custodian	1,750.00	2,000.00	21,000.00	24,000.00
606 · Casual Labor	0.00		2,050.00	
623 · Social Security/Medicare - Dist	0.00	41.38	264.74	497.00
<b>Total 600 · Park/Rec Sal &amp; Ben</b>	<u>2,285.08</u>	<u>2,583.01</u>	<u>28,332.68</u>	<u>30,997.00</u>
<b>635 · Park/Recreation Expenses</b>				
640 · Community Center Expenses				
642 · Utilities-Community Center	488.29	396.37	4,463.25	4,756.00
643 · Janitorial Supplies	0.00		52.02	1,500.00

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

	<u>Jun 11</u>	<u>Budget</u>	<u>Jul '10 - Jun 11</u>	<u>YTD Budget</u>
646 · Community Center Repairs	0.00	83.37	9,931.42	1,000.00
<b>Total 640 · Community Center Expenses</b>	<u>488.29</u>	<u>479.74</u>	<u>14,446.69</u>	<u>7,256.00</u>
<b>660 · Annex Expenses</b>				
662 · Utilities - Annex	27.29	41.67	1,097.24	500.00
668 · Misc Annex Expenses	0.00	41.63	0.00	500.00
<b>Total 660 · Annex Expenses</b>	<u>27.29</u>	<u>83.30</u>	<u>1,097.24</u>	<u>1,000.00</u>
<b>670 · Gardening Supplies</b>	0.00	166.67	0.00	2,000.00
672 · Kensington Park O&M	4,185.00	5,133.33	45,337.64	61,600.00
678 · Misc Park/Rec Expense	0.00	166.67	3,328.82	2,000.00
<b>Total 635 · Park/Recreation Expenses</b>	<u>4,700.58</u>	<u>6,029.71</u>	<u>64,210.39</u>	<u>73,856.00</u>
<b>800 · District Expenses</b>				
810 · Computer Maintenance	1,357.00	2,502.83	32,435.62	30,034.00
820 · Cannon Copier Contract	596.75	430.00	5,819.15	5,160.00
830 · Legal (District/Personnel)	0.00	4,166.67	36,626.90	50,000.00
835 · Consulting	2,500.00	200.00	6,880.00	4,000.00
840 · Accounting	14,720.00	2,150.00	49,545.00	25,800.00
850 · Insurance	0.00		28,956.41	30,000.00
860 · Election	0.00	1,000.00	10,443.24	12,000.00
865 · Police Bldg. Lease	0.00	14,420.00	28,840.00	28,840.00
870 · County Expenditures	0.00	1,658.33	22,148.92	19,900.00
890 · Waste/Recycle	247.50	208.33	30,360.19	2,500.00
898 · Misc. Expenses	7.50	787.50	7,346.46	9,450.00
<b>Total 800 · District Expenses</b>	<u>19,428.75</u>	<u>27,523.66</u>	<u>259,401.89</u>	<u>217,684.00</u>
<b>950 · Capital Outlay</b>				
962 · Patrol Cars	0.00		23,563.05	30,000.00

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

	<u>Jun 11</u>	<u>Budget</u>	<u>Jul '10 - Jun 11</u>	<u>YTD Budget</u>
963 · Patrol Car Accessories	0.00		3,382.38	
969 · Computer Equipment	0.00		1,263.77	
972 · Park Buildings Improvement	0.00	17,500.00	12,982.53	150,000.00
978 · Pk/Rec Furn/Eq	0.00		1,517.71	
<b>Total 950 · Capital Outlay</b>	<u>0.00</u>	<u>17,500.00</u>	<u>42,709.44</u>	<u>180,000.00</u>
<b>Total Expense</b>	<u>188,368.77</u>	<u>235,263.93</u>	<u>2,558,046.23</u>	<u>2,611,178.00</u>
<b>Net Ordinary Income</b>	-176,041.37	-222,030.63	23,679.33	-95,728.00
<b>Other Income/Expense</b>				
<b>Other Expense</b>				
700 · Bond Issue Expenses				
701 · Bond Proceeds	0.00		-177,900.66	
710 · Bond Admin.	0.00		11,200.21	
715 · Bond Interest Income	0.00		-344.94	
720 · Bond Principal	0.00		105,422.05	
730 · Bond Interest	0.00		57,982.62	
<b>Total 700 · Bond Issue Expenses</b>	<u>0.00</u>		<u>-3,640.72</u>	
<b>Total Other Expense</b>	<u>0.00</u>		<u>-3,640.72</u>	
<b>Net Other Income</b>	<u>0.00</u>	<u>0.00</u>	<u>3,640.72</u>	<u>0.00</u>
	<u><u>-176,041.37</u></u>	<u><u>-222,030.63</u></u>	<u><u>27,320.05</u></u>	<u><u>-95,728.00</u></u>

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KPPCSD  
Unaudited Profit & Loss Budget Performance  
June 2011

	<u>Annual Budget</u>
<b>Ordinary Income/Expense</b>	
<b>Income</b>	
<b>400 · Police Activities Revenue</b>	
401 · Levy Tax	1,234,000.00
402 · Special Tax-Police	680,130.00
404 · Measure G Supplemental Tax Rev	405,720.00
410 · Police Fees/Service Charges	2,000.00
414 · POST Reimbursement	
415 · Grants-Police	
416 · Interest-Police	6,000.00
418 · Misc Police Income	12,000.00
419 · Supplemental W/C Reimb (4850)	
<b>Total 400 · Police Activities Revenue</b>	<u>2,339,850.00</u>
<b>420 · Park/Rec Activities Revenue</b>	
421 · Levy Tax-Park/Rec	
424 · Special Tax-L&L	30,000.00
426 · Park Donations	500.00
427 · Community Center Revenue	20,000.00
435 · Grants-Park/Rec	102,000.00
436 · Interest-Park/Rec	300.00
438 · Misc Park/Rec Rev	1,000.00
<b>Total 420 · Park/Rec Activities Revenue</b>	<u>153,800.00</u>
<b>440 · District Activities Revenue</b>	
448 · Franchise Fees	21,000.00
456 · Interest-District	800.00
458 · Misc District Revenue	
<b>Total 440 · District Activities Revenue</b>	<u>21,800.00</u>

KPPCSD  
Unaudited Profit & Loss Budget Performance  
June 2011

	<u>Annual Budget</u>
<b>Total Income</b>	2,515,450.00
<b>Expense</b>	
<b>500 · Police Sal &amp; Ben</b>	
502 · Salary - Officers	906,978.00
504 · Compensated Absences	10,000.00
506 · Overtime	40,000.00
508 · Salary - Non-Sworn	52,000.00
516 · Uniform Allowance	8,000.00
518 · Safety Equipment	2,500.00
521-A · Medical/Vision/Dental-Active	392,133.00
521-R · Medical/Vision/Dental-Retired	0.00
521-T · Medical/Vision/Dental-Trust	
522 · Insurance - Police	12,200.00
523 · Social Security/Medicare	14,746.00
524 · Social Security - District	3,224.00
527 · PERS - District Portion	256,194.00
528 · PERS - Officers Portion	82,348.00
530 · Workers Comp	46,682.00
540 · Advanced Industrial Disability	
<b>Total 500 · Police Sal &amp; Ben</b>	<u>1,827,005.00</u>
<b>550 · Other Police Expenses</b>	
552 · Expendable Police Supplies	2,000.00
553 · Range/Ammunition Supplies	4,000.00
560 · Crossing Guard	9,626.00
562 · Vehicle Operation	37,500.00
564 · Communications (RPD)	136,640.00

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KPPCSD  
Unaudited Profit & Loss Budget Performance  
June 2011

	<u>Annual Budget</u>
566 · Radio Maintenance	4,400.00
568 · Prisoner/Case Exp./Booking	5,000.00
570 · Training	12,000.00
572 · Recruiting	7,650.00
574 · Reserve Officers	8,000.00
576 · Misc. Dues, Meals & Travel	3,300.00
580 · Utilities - Police	8,000.00
581 · Bldg Repairs/Maint.	1,000.00
582 · Expendable Office Supplies	6,000.00
588 · Telephone(+Rich. Line)	11,048.00
590 · Housekeeping	5,000.00
592 · Publications	3,000.00
594 · Community Policing	5,000.00
596 · WEST-NET/CAL I.D.	12,472.00
598 · COPS Special Fund	
599 · Measure G Administration	
<b>Total 550 · Other Police Expenses</b>	<u>281,636.00</u>
600 · Park/Rec Sal & Ben	
601 · Park & Rec Administrator	6,500.00
602 · Custodian	24,000.00
606 · Casual Labor	
623 · Social Security/Medicare - Dist	497.00
<b>Total 600 · Park/Rec Sal &amp; Ben</b>	<u>30,997.00</u>
635 · Park/Recreation Expenses	
640 · Community Center Expenses	
642 · Utilities-Community Center	4,756.00
643 · Janitorial Supplies	1,500.00

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KPPCSD  
Unaudited Profit & Loss Budget Performance  
June 2011

	<u>Annual Budget</u>
646 · Community Center Repairs	1,000.00
<b>Total 640 · Community Center Expenses</b>	<u>7,256.00</u>
660 · Annex Expenses	
662 · Utilities - Annex	500.00
668 · Misc Annex Expenses	500.00
<b>Total 660 · Annex Expenses</b>	<u>1,000.00</u>
670 · Gardening Supplies	2,000.00
672 · Kensington Park O&M	61,600.00
678 · Misc Park/Rec Expense	2,000.00
<b>Total 635 · Park/Recreation Expenses</b>	<u>73,856.00</u>
800 · District Expenses	
810 · Computer Maintenance	30,034.00
820 · Cannon Copier Contract	5,160.00
830 · Legal (District/Personnel)	50,000.00
835 · Consulting	4,000.00
840 · Accounting	25,800.00
850 · Insurance	30,000.00
860 · Election	12,000.00
865 · Police Bldg. Lease	28,840.00
870 · County Expenditures	19,900.00
890 · Waste/Recycle	2,500.00
898 · Misc. Expenses	9,450.00
<b>Total 800 · District Expenses</b>	<u>217,684.00</u>
950 · Capital Outlay	
962 · Patrol Cars	30,000.00

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KPPCSD  
Unaudited Profit & Loss Budget Performance  
June 2011

	<u>Annual Budget</u>
963 - Patrol Car Accessories	
969 - Computer Equipment	
972 - Park Buildings Improvement	150,000.00
978 - Pk/Rec Furn/Eq	
Total 950 - Capital Outlay	<u>180,000.00</u>
Total Expense	<u>2,611,178.00</u>
Net Ordinary Income	-95,728.00
Other Income/Expense	
Other Expense	
700 - Bond Issue Expenses	
701 - Bond Proceeds	
710 - Bond Admin.	
715 - Bond Interest Income	
720 - Bond Principal	
730 - Bond Interest	
Total 700 - Bond Issue Expenses	
Total Other Expense	<u>                    </u>
Net Other Income	<u>0.00</u>
	<u><u>-95,728.00</u></u>

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# June 2011 Police Department Report

July 7, 2011

- Department Personnel

We are currently in the final stages of the background process with a female bi-lingual Reserve Officer candidate who recently graduated from the Evergreen Valley Police Academy. If all goes as planned, she should be sworn in at our August meeting.

- Commendations and Correspondence

- Chief Harman received a thank you note from the Gilfillan's for cleaning up the Gore Lot on the corner of Arlington & Coventry.

- Investigation of Alleged Misconduct

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

At the August 11<sup>th</sup> Board meeting, a proposal will be presented to bring in an outside investigator to investigate this complaint.

- Department Investigation 2011-002 was initiated on June 5, 2011, on an allegation that an officer falsified an official police document. This investigation is being conducted by Sergeant Hull.
- Department Investigation 2011-003 was initiated on June 10, 2011, on allegations that an officer caused a hostile work environment, insubordination, conduct violations, and discrimination. The internal investigation is being conducted by Sergeant Hull and the subject officer is currently on paid administrative leave pending the

conclusion of the investigative process.

- Department Investigation 2011-004 was initiated on July 5, 2011 on allegations that an officer violated department reporting procedures. This investigation is being conducted by Sergeant Hull.

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

- The Ring Time Report for May

Total 911 Calls	58
Total Calls with a Ring Time Under 10 Seconds	52
Total Calls with a Ring Time Between 10-20 Seconds	4
Total Calls with a Ring Time Over 20 Seconds	2
Average Ring Time	5.7 s

- The Ring Time Report for June

Total 911 Calls	51
Total Calls with a Ring Time Under 10 Seconds	42
Total Calls with a Ring Time Between 10-20 Seconds	2
Total Calls with a Ring Time Over 20 Seconds	7
Average Ring Time	12 s

- Communication Center Service Complaints

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

- Community Networking

- On 06-01-11, Chief Harman attended the West County Chief's meeting in Hercules.

Later that evening, TAS Hui, Officer Wilson, and Officer Ramos attended the Officer of the Year Awards Dinner honoring Officer Rodney Martinez at the Exchange Club.

- On 06-02-11, Chief Harman participated as a class project

evaluator for the Cal State University East Bay Police Management course.

- On 06-03-11, Chief Harman and TAS Hui attended the Troop 100 Court of Honor ceremony.
- On 06-06-11, Chief Harman attended the Kensington Community Council meeting.
- On 06-13-11, Chief Harman and Officer Wilson attended the Kensington Public Safety Council meeting.
- On 06-17-11, Chief Harman, Officer Ramos, KPPCSD Board President Chuck Toombs, and Director Cathie Kosel attended the Franciscan Way Traffic Mitigation meeting.
- On 06-24-11, Chief Harman attended John Gioia's West County Public Safety Realignment meeting held in Richmond.
- On 06-27-11, Chief Harman attended the KIC meeting.
- On 06-28-11, Chief Harman attended the funeral services for Martinez Police Sergeant Brian Carter held in Martinez.
- Community Criminal Activity
  - This section of the Watch Commander's Reports are prepared by Sergeant Hull for Team One, Acting Sergeant Hui for Team 2, and Detective Barrow.
- Watch Commander Reports
  - **Sergeant Hull**

TEAM #1 STATISTICS

Sergeant Hull (K17)  
(1400-0200)

Officer:	Stegman (K32) (0600-1800)	Wilson (K38) (1800-0600)
Days Worked	12	15
Traffic Stops	14	28
Moving Citations	13	20
Parking Citations	1	20
Vacation/Security	45	78

Checks		
FI-Field Interview	0	0
Cases	3	3
Self Initiated Cases	0	0
Arrests	0	0
Calls for Service	55	13

Officer Stegman took 36 hours of vacation.  
Sergeant Hull attended a 3 hour Deaf Hope class.

#### BRIEFING/TRAINING:

- o Good Faith Exception
- o KPD Policy 322 – Search & Seizure
- o Camereta Vs. Green; Interviewing suspected child abuse victims
- o KPD Policy 330 - Child Abuse Reporting
- o KPD Policy 332 – Missing Person
- o DMV Memo – Registration Renewals
- o KPD Policy 324 – Temporary Custody of Juveniles
- o KPD Policy 364 – Private Persons Arrest
- o Search & Seizure - Consensual Encounters
- o Search & Seizure – Detention Stops
- o Search & Seizure – Specific Factors
- o KPD Policy 334 – Amber Alert
- o KPD Policy 336 – Victim Witness Assistance Program

#### SERGEANT'S SUMMARY:

The District of Kensington continues to remain one of the safest cities to live and raise a family in the immediate Bay Area. It appears that property crime is down in the District this month and I would like to continue this trend. I would like to urge residents to contact the Kensington Police Department whenever and wherever suspicious persons or activity is found.

#### SIGNIFICANT EVENTS:

- o 2011-3888 – On 6/14/2011, Officer Stegman and Reserve Armanino responded to the unit blk of Ardmore Rd on a report of an identity theft.
- o 2011-3904 – On 6/15/2011, Officer Stegman responded to the 100 blk of Highland Blvd on a report of a petty theft.
- o 2011-4005 – On 6/19/2011, Officer Wilson responded to the 100 blk of Highland Blvd on a report of a residential burglary.
- o 2011-4018 – On 6/19/2011, Officer Wilson and Reserve Turner responded to the unit blk of Kingston Rd on a report of vandalism to a vehicle.
- o 2011-4025 – On 6/20/2011, Officer Wilson responded to the 200 blk of Los Altos Dr on a report of a grand theft.

- 2011-4028 – On 6/21/2011, Officer Stegman responded to the 600 blk of Coventry Rd on a report of brandishing a weapon.

•• **Acting Sergeant Hui**

TEAM #2 STATISTICS

A.S. Hui (K42) wrote 8 moving citations.  
(1400-0200)

Officer:	Martinez (K31) (0600-1800)	Medina (K35) (1800-0600)	Ramos (K41) (0730-1730)
Days Worked	15	7	15
Traffic Stops	50	37	25
Moving Citations	39	30	19
Parking Citations	34	1	0
Vacation/Security Checks	29	45	100
FI-Field Interview	0	0	0
Cases	6	0	5
Self Initiated Cases	0	0	0
Arrests	0	1	0
Calls for Service	55	13	29

Officer Ramos took 10 hours of vacation.

Officer Martinez took 12 hours of sick leave.

Acting Sergeant Hui attended ICS 300 and ICS 400 training.

Acting Sergeant Hui attended a 3 hour Deaf Hope class.

BRIEFING/TRAINING:

- Reviewed KPD Policy 362 – Identity Theft
- Reviewed KPD Policy 500 – Traffic Function and Responsibility
- Reviewed KPD Policy 516 – Traffic Citations
- Reviewed KPD Policy 520 – Disabled Vehicles
- Reviewed updates pertaining to traffic enforcement

SERGEANT'S SUMMARY:

During the month of June, Berkeley residents along Arlington Ave have experienced a significant increase in vehicle burglaries. According to Berkeley PD, they have had approximately 58 vehicle burglaries in this area. Although we have not experienced a significant increase in this type of crime in Kensington, I would like to take this opportunity to remind residents to remove any valuables from their vehicles and to lock their vehicles. These two simple steps can often greatly reduce the chances of becoming the victim

of an auto burglary.

#### SIGNIFICANT EVENTS:

- 2011-3633 – On 6/3/2011, Officer Martínez responded to the unit blk of Arlington Ave on a report of a non-injury hit and run traffic collision.
- 2011-3643 – On 6/3/2011, Officer Medina responded to the 200 blk of Lake Dr on a report of a residential burglary.
- 2011-3661 – On 6/4/2011, Officer Martínez and Reserve Colon responded to the unit blk of Highgate Rd on a report of vandalism to a vehicle.
- 2011-3662 – On 6/4/2011, Officer Martínez and Reserve Colon responded to the unit blk of Highgate Rd on a report of vandalism to a vehicle.
- 2011-3683 – On 6/4/2011, Officer Ramos responded to the 500 blk of Beloit Ave on a report of a petty theft.
- 2011-3694 – On 6/6/2011, Officer Ramos responded to the 700 blk of Wellesley Ave on a report of an identity theft.
- 2011-3716 – On 6/7/2011, Officer Ramos responded to the 200 blk of Cambridge Ave on a report of a vehicle burglary.
- 2011-3740 – On 6/8/2011, Officer Martínez and Reserve Armanino responded to the 100 blk of Ardmore Dr on a report of a vehicle burglary.
- 2011-3751 – On 6/8/2011, Officer Ramos responded to the 200 blk of Stanford Ave on a report of a vehicle burglary.
- 2011-3804 – On 6/10/2011, Officer Martínez responded to the 200 blk of Arlington Ave on a report of an identity theft.
- 2011-3835 – On 6/11/2011, Officer Medina and Acting Sergeant Hui responded to the unit blk of Lam Ct and arrested a subject for an outstanding warrant.
- 2011-3908 – On 6/15/2011, Officer Martínez responded to the 200 blk of Trinity Ave on a report of stalking.
- 2011-3922 – On 6/16/2011, Officer Martínez responded to the 200 blk of Willamette Ave on a report of an identity theft.
- 2011-4085 – On 6/23/2011, Officer Ramos responded to the 100 blk of Highland Blvd on a report of a petty theft.

#### TRAFFIC ENFORCEMENT: 129 Total Moving Citations Issued

- 58 moving citations were issued on Arlington Ave.
- 42 moving citations were issued on Colusa Ave.
- 22 moving citations were issued on Franciscan Way.
- 3 moving citations were issued on Kenyon Ave.
- 1 moving citation was issued on Cowper Ave.
- 1 moving citation was issued on Coventry Rd.
- 1 moving citation was issued on Grizzly Peak Blvd.
- 1 moving citation was issued on Stanford Ave.

•• **Detective Keith Barrow**

**SIGNIFICANT EVENTS:**

2011-3643 Residential Burglary

On 06-03-11, between the hours of 1300 to 1800, a resident of Lake Drive was the victim of a residential burglary. The suspect(s) gained entry through a front door by forcing it open. Several items were taken. This case is under investigation.

2011-4005 Residential Burglary

On 06-10-11 through 06-19-11 a resident of Highland Blvd was the victim of a residential burglary. It was undetermined how the suspect(s) gained entry to the home. Several items were taken. This case is under investigation.

2011-2778 Commercial Burglary

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

**KPD INVESTIGATIONS INFORMATION:**

2011-2194, 2706 Residential Burglary

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

2011-1618 Homicide.

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

2010-6692, 6786 and 6867 Stolen Vehicle

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



## **KPD INVESTIGATIONS**

- Made several court runs for filling cases, and citation drop off's.
- Updated the KPD residential burglary log.
- Updated the KPD stolen vehicle log.
- I'm currently assigned one day per week as a Field Training Officer.

## **WEST-NET ASIGNMENT:**

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

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

## **INVESTIGATORS SUMMARY:**

In the month of June the District of Kensington sustained 4 identity thefts, 1 non-injury vehicle accident and 2 Hit and Run Vehicle Accident, 0 Injury Hit and Run Accident, 0 Injury Accidents, 2 Residential Burglaries, 0 Attempted Residential Burglaries, 0 Commercial Burglary, 2 Auto Burglary, 1 Thefts from unlocked vehicles, 0 Stolen Vehicle, 4 Petty Theft, 3 Vandalisms, 0 Embezzlement, 0 Elder Abuse, 0 Frauds, 0 Forgery, 0 Attempted Grand Thefts and 1 Grand Theft.

### **.. Chief Harman**

The biggest community concern continues to be that of traffic safety and traffic safety has generated the most communication in the public, on the Board, and within the police department. At every KPPCSD meeting there is either an update on traffic enforcement efforts by the department from me or a group of citizens speak about traffic concerns they have in their neighborhoods.

At the May KPPCSD Board meeting, after hearing concerns from a group of citizen's, the Board approved the use of paying overtime at my discretion to address traffic enforcement in the community.

Between June 24<sup>th</sup> and July 4<sup>th</sup>, KPD officers signed up to conduct 18 hours of additional (overtime) traffic enforcement and issued 29 citations for moving violations. Of these 29 citations issued, 21 were issued for speed violations.

The chart below provides detailed information as to the assignments.

OVERTIME TRAFFIC ENFORCEMENT ASSIGNMENTS

DAY	DATE	TIME	OFFICER	AREA	CITES	22350
FRI	6/24/2011	1700-1800	RAMOS	FRANCISCAN	6	1
FRI	6/24/2011	1800-2000	MARTINEZ	ARLINGTON	2	1
		2000-2130		FRANCISCAN	2	2
		2130-2200		COLUSA	1	1
THU	6/30/2011	1800-2000	MARTINEZ	FRANCISCAN	4	4
		2000-2100		ARLINGTON	2	2
		2100-2200		COLUSA	0	0
FRI	7/1/2011	1700-1800	RAMOS	FRANCISCAN	4	4
FRI	7/1/2011	1800-1930	MARTINEZ	FRANCISCAN	2	2
		1930-2030		ARLINGTON	2	1
		2030-2200		COLUSA	1	1
MON	7/4/2011	1800-1930	STEGMAN	ARLINGTON	1	0
		1930-2200		COLUSA	2	2
TOTALS		18			29	21

The cost of paying 18 hours of overtime is approximately \$1,000. If all 29 violators pay their fines, Kensington can expect to receive approximately \$406 in fine revenue for the 29 citations issued. For every officer that is subpoenaed to court to testify in support of the citation issued will generate \$240 in overtime.

Clearly, we do not issue traffic citations to generate revenue. The only reason we issue traffic citations for traffic violations is to change driver's behavior and to improve traffic and pedestrian safety in our community.

# General Manager June 2011 Report

## Budget

In June we were notified by the County that we would receive \$9,782.20 from our Levy Tax, which is the property tax. This makes our year to date funding received from property taxes \$1,269,830.89, which is \$35,830 more than we had estimated we would receive when we prepared our 2010/2011 budget. We will not know our final revenue totals until September, but this additional income is encouraging.

## **Copier**

In June, our Police Services Aide Andrea DiNapoli and our District Secretary Anita Gardyne contacted our copier service provider and our insurance carrier, and negotiated a change in our contract that eliminated our "double" payment of insurance protection on the copier. As a result we are now saving \$40.40 per month on our copier contract.

## Kensington Park

### **Park Restroom**

We are now waiting for the final plans for the restroom to be delivered so we can begin the process of applying for the building permits for the project. The "First Flush" is scheduled for October.

### **Community Center & Annex**

The Park Building Sub-Committee is currently negotiating with the recommended contractor and should be presenting their recommendation and a contract to the KPPCSD Board in August for review.

### **Park Repairs**

The Tennis Court Committee has determined that the courts only require patching and have identified Saviano as the lowest cost provider for the repair. Their estimate for the repair was \$2,000. At this point in time, we are waiting for Saviano to schedule a date to begin the repair.

## Emergency Preparedness

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

The next meeting of the Kensington Public Safety Council will take place Monday, July 11<sup>th</sup>, at 6:30 PM at the Community Center Room #3.

## **Other District Items of Interest**

### **Solid Waste**

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

On April 14<sup>th</sup>, the KPPCSD Board instructed me to begin the Proposition 218 Hearing process, which we have done with the mailing of the public hearing notices being mailed April 26<sup>th</sup>. The public hearing on the matter to raise the garbage rates as requested by Bay View was held on Thursday, June 9<sup>th</sup>, at the regular KPPCSD meeting. During public discussion on the rate increase, Bay View's owner, Lewis Figone, presented me with a letter indicating that it was his intention to assign the contract to Republic Services, beginning in January 2012, and running through the end of the contract in 2015. The KPPCSD Board, agreeing with staff that under the terms of our agreement with Bay View, no increase was warranted at this time, voted 3 to 2 not to grant the rate increase.

Since that meeting, Bay View has informed residents that live on small courts that they will no longer pick up cans at their residences. They have also notified the District that they no longer will service the 7 public cans without being paid a fee. Bay View also failed to notify customers of the change of pick up days due to the July 4<sup>th</sup> holiday.

These issues, as well as the assignment request, are currently being negotiated with Bay View.

### **Traffic**

Following the March 10<sup>th</sup> KPPCSD Board meeting, in which the Board directed Jerry Fahy of the County's Public Works Department to install the solar powered radar sign at 34 Arlington, Samane Nili contacted the Contra Costa County Public Works Director in protest, halting the installation.

In June, Jerry Fahy indicated that the County will proceed with the installation of the sign, and that the installation will be scheduled for Monday, July 11<sup>th</sup>.

On June 17<sup>th</sup>, KPPCSD Board President Chuck Toombs, Director Cathie Kosel, and I met with residents from Franciscan Way to discuss their concerns regarding traffic safety. There will be another scheduled meeting with John Gioia on Monday, July 25<sup>th</sup>, at the Community Center.

As you can see from the Sergeant's reports in the June Police Monthly Report, we are continuing with our traffic enforcement efforts with 129 traffic citations issued during the month.

Finally, at the May KPPCSD Board meeting, after hearing concerns from a group of citizen's, the Board approved the use of paying overtime at my discretion to address traffic enforcement in the community.

Between June 24<sup>th</sup> and July 4<sup>th</sup>, KPD officers signed up to conduct 18 hours of additional (overtime) traffic enforcement and issued 29 citations for moving violations. Of these 29 citations issued, 21 were issued for speed violations.

The cost of paying 18 hours of overtime is approximately \$1,000. If all 29 violators pay their fines, Kensington can expect to receive approximately \$406 in fine revenue for the 29 citations issued. For every officer that is subpoenaed to court to testify in support of the citation issued will generate \$240 in overtime.

Clearly, we do not issue traffic citations to generate revenue. The only reason we issue traffic citations for traffic violations is to change driver's behavior and to improve traffic and pedestrian safety in our community.

### **Website**

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

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

### **ATT**

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

## DISTRICT – OLD BUSINESS

1. General Manager Greg Harman will present to the Board Kensington Police Protection & Community Services District Resolution 2011-011, establishing the annual supplemental special tax for police protection (Measure G) for Fiscal Year 2011/2012 for review and possible adoption. This item was held over from the June 9<sup>th</sup> meeting. Board Action.

# Memorandum

Kensington Police Department



**To:** KPPCSD Board of Directors

APPROVED YES NO

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

\_\_\_\_\_

**Date:** Thursday, July 07, 2011

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

**Subject:** Old Business #1 Resolution 2011-011 Establishing Measure G for Fiscal Year 2011-2012

---

At the June 9<sup>th</sup>, 2011 KPPCSD Board meeting, Old Business # 2 was the second reading of the proposed KPPCSD Fiscal Year 2011/2012 Operational Budget. Part of Board, staff, and public comments included the recommendation from me that Measure G remain at the \$179 per parcel for Fiscal Year 2011/2012 as it was for Fiscal Year 2010/2011.

Following discussions, a motion was made by President Toombs to approve the 2011/2012 budget as submitted. This motion was seconded by Vice President Lipscomb.

The vote was taken, with President Toombs, VP Lipscomb, and Director Lloyd all voting in favor of passing the proposed 2011/2012 budget and Directors Kosel and Metcalf voting against the proposed budget. President Toombs then announced that the 2011/2012 budget passed.

It was at this point that I stated that I believed that a 4/5 vote of the board was needed to pass the budget. This was based on my recollection of a change of policy issue that occurred in 2009 which was incorrect. My mistake was brought to my attention by Paul Dorroh the next day in an e-mail, which also included my memo that I wrote to the Board on July 13, 2009.

That memo in summary indicates that the Board in 2009 did considered adding a super majority vote on deficit budgets, and that then Board President Cindy Kimball even had prepared sample revised language to the policy reflecting this, but the Board never passed the revision and the existing policy manual was left unchanged.

A copy of the July 13, 2009 memo is attached to this memo for review.

Since this memo was presented to the Board, there has been no change in Board policy, and the referenced 4/5 vote needed to pass a "deficit or shortfall budget" has never been approved.

I have also spoken with our attorney, Kurt Franklin, as well as our NBS representatives, Sara Mares and Jason Roth, all who have indicated that the Board only needs a majority vote to pass the District's budget and to set the Measure G amounts each fiscal year.

In reviewing meeting minutes of past votes of the KPPCSD Board for proposed budgets, I found;

June 12, 2003: MOTION by President McLaughlin and seconded by President McLaughlin to adopt the budget as presented.

AYES – Gallegos, Haxo, McLaughlin, Morrow, Wood; NOES - 0; ABSENT – 0.

June 10, 2004: MOTION by Director McLaughlin and seconded by Vice President Haxo to adopt the Budget as submitted by the General Manager.

AYES – Gallegos, Haxo, McLaughlin, Morrow, Wood; NOES – 0; ABSENT – 0.

June 23, 2005: MOTION by Director Wood and seconded by Director Gallegos to adopt the Budget as submitted by the General Manager.

AYES – Gallegos, Haxo, McLaughlin, Wood; NOES – 0; ABSENT – Morrow.

June 7, 2006: MOTION by Director Gallegos and seconded by Director Wood to adopt the ten officer preliminary 2006/2007 budget with the amendment to delete the allocation to CALEA.

AYES – Gallegos, Haxo, McLaughlin, Morrow, Wood; NOES – 0; ABSENT – 0.

June 14, 2007: MOTION by Director Haxo and seconded by Director Gallegos to adopt the 2007/ 2008 District Financial Plan with Board modifications.

AYES – Gallegos, Haxo, Kimball, McLaughlin; NOES – Wright

June 12, 2008: MOTION by Director McLaughlin and seconded by Director Haxo to approve the 2008/2009 District Financial Plan.

AYES – Gallegos, Haxo, Kimball, McLaughlin, Wright; NOES – 0; ABSENT – 0.

June 25, 2009: President Wright moves to pass the budget as presented by General Manager Greg Harman.

Ayes- Wright, Toombs, McLaughlin; Noes- Kimball, Kosel

July 26, 2010: Motion- Director McLaughlin moves to approve the budget with a \$179.00 per parcel increase for Measure G.

AYES- Toombs, Wright, McLaughlin, Stein, NOES- Kosel



Historically, the only 3 to 2 vote passing the budget occurred in 2009, at which time my July 13, 2009 memo was generated. There has been no change in the District policy in regards to a super majority vote needed to pass the budget.

***With the Board's vote of June 9, 2011 on the 2011/2012 Budget, with Toombs, Lipscomb, and Lloyd voting for passage and Kosel and Metcalf voting against, the 2011/2012 KPPCSD Operating Budget has been approved 3 to 2.***

***The 2011/2012 Budget that was approved used the \$179.00 amount to be set for Measure G. I am requesting the Board approve Resolution 2011-011, setting the maximum supplemental tax (Measure G) at \$205.64 as allowed and the actual tax at its current rate of \$179.00 per parcel.***

Date: July 13, 2009  
To: KPPCSD Board of Directors  
From: General Manager Greg Harman  
Subject: 3020 Policy Revision

On July 9, 2009, at the Regular Meeting of the KPPCSD Board, during discussions regarding the Board directing the General Manager to provide a copy of the approved 2009/2010 Budget for the directors and making it available on line, Joan Gallegos had informed Director McLaughlin that per Board Policy 3020.5, a vote of at least four Board members was required to pass a deficit budget. Since the 2009/2010 Budget has an anticipated shortfall, and it passed by a vote of three to two at the June 25<sup>th</sup> Board meeting, it did not meet the "at least four votes" as asserted by Joan Gallegos.

I was then directed by the Board to check with legal counsel and determine what our next course of action should be.

Before doing so, I first pulled my copy of the KPPCSD Board Policy manual and looked up Policy Section 3020, "Budget Preparation". I noted that the manual contained only Sections numbered 3020.1 through 3020.4 and that there is no Policy number 3020.5. See Exhibit A.

I then reviewed the KPPCSD Policy Document Version Table in my Policy Manual and noted that there was no notation of Policy 3020 having been revised following its adoption in 1998. See Exhibit B

I then reviewed the KPPCSD Draft Policy & Procedures Manual, dated February 29, 2008, that Director Kimball prepared and passed out for director review and possible implementation in 2008. In this draft version of the Policy Manual, under Section 3020, the following policy is listed;

"3020.5 Beginning with the 2009/2010 budget year and continuing thereafter, a budget that projects the use of unallocated reserves may only be adopted with the approval of at least four Board Directors". See Exhibit C

Recalling discussions regarding this policy revision, I reviewed the agendas and minutes for the years 2008 and 2009.

The Agenda of February 14, 2008, New Business Item # 2, states, "Discussion of Board Director Bill Wright's proposal for resolution that would provide for a balanced budget beginning with the 2009/2010 fiscal year's budget." See Exhibit D

The minutes of the February 14, 2008 meeting indicate that following a discussion, Director Wright amended his motion and that Director McLaughlin said that, "The motion should be sent to the Policy Committee (Director Kimball) to work out the details and brought back to the Board at the next meeting". See Exhibit E

At the March 13, 2008 KPPCSD meeting, New Business Item # 2 was, “Discussion for possible action the modification of District Policy Manual 3020, Budget Preparation to include a proposed annual budget that projects the use of unallocated reserves may only be adopted with the approval of at least four Board Directors, (First Reading). See Exhibit F

The minutes of the March 13, 2008 meeting indicate that neither New Business Item #2, the modification of Policy 3020 or New Business Item # 3, was discussed at the March 13<sup>th</sup> meeting.

In the Agenda for April 10, 2008, under Old Business Item # 1, “Discussion for possible action the modification of District Policy Manual 3020, Budget Preparation to include a proposed annual budget that projects the use of unallocated reserves may only be adopted with the approval of at least four Board Directors, (First Reading)”. See Exhibit G

Reviewing the minutes from the April 10<sup>th</sup> meeting, Pages 4- 6, *there was a long discussion between the directors of the proposed policy change, with Directors McLaughlin, Haxo, and Gallegos, all indicating that they did not support the revision to the policy.* Exhibits H, I, and J

On Page 6 of the minutes, Exhibit J, *there was a motion made by Director Kimball and seconded by Director McLaughlin to take Old Business Item #1 and postpone the first reading of the modification to Policy 3020 in the interest of informing the public. The motion passed 3 to 2.*

On Page 9 of the minutes of the April 10<sup>th</sup> meeting, there was a discussion of New Business Agenda Item #4, which was to “Discuss for possible adoption the modification of District Policy manual format and structure to enhance readability”. See Exhibit K

On Page 10 of the minutes of the April 10<sup>th</sup> meeting, there was a discussion between the directors regarding the modification of the Policy Manual in which the following was noted:

*“President Kimball said when she received the updated District Policy Manual from Director Haxo on 01/18/08 it was not the same as the manual she had. **President Kimball made copies of the current District Policy Manual for the Board to compare the old format with the new format**”*

*“Vice President Gallegos said she spent time comparing the old version new format and if it was only on format then why was the budget revision included before it had been voted on.”*

*“President Kimball said that was a mistake and would be corrected”.* See Exhibit L

A review of the agendas from May 2008 to June 2009 indicates that the proposal to change Policy 3020 never was presented to the Board again.

It is clear from the review of the agendas and minutes that there was no board approval for a change to Policy 3020 to require four directors vote to pass a deficit budget. Therefore, the 2009/2010 Budget that was passed by a vote of 3 to 2 on June 25<sup>th</sup> stands as approved.

The secondary issue now facing us is that there are at least three versions of the District Policy Manual that have been identified and distributed to the Board and possibly in the community. I recommend that the District Secretary re-distribute copies of the official KPPCSD Policy Manual with a notation of the current date and that all other copies be destroyed.

**RESOLUTION NO. 2011-011**  
**A RESOLUTION OF THE BOARD OF DIRECTORS**  
**OF THE KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**  
**ESTABLISHING THE ANNUAL SUPPLEMENTAL SPECIAL TAX FOR POLICE PROTECTION**

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

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

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

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

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

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

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

Class of Improvement or Use*	2011/12 Supplemental Tax
Single Family Residential	\$179.00 per parcel
Multiple Unit Residential	268.50 per parcel
Commercial and Institutional	268.50 per parcel
Miscellaneous Improved Property	179.00 per parcel
Unimproved Property	53.70 per parcel

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

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

AYES:

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

NOES:

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

ABSENT:

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

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

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

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

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

## DISTRICT – OLD BUSINESS

2. General Manager Greg Harman will present to the Board a request to enter into a Memorandum of Understanding to continue our participation in the West County Costa County Narcotic Enforcement Team (WestNet) through January 1, 2014. This item was held over from the June 9<sup>th</sup> meeting. Board Action.



# **MEMORANDUM OF UNDERSTANDING**

# Memorandum of Understanding

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**MEMORANDUM OF UNDERSTANDING**

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

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

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

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

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

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

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

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

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

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

## I. PURPOSE

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

## II. MISSION

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

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

## III. TASK FORCE COUNCIL

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

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

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

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

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

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

#### **IV. MANAGEMENT**

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

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

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

#### **VI. COMPENSATION**

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

#### **VII. BUDGET**

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

#### **VIII. TRAINING**

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

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

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

## **X. RESOURCES**

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

California Department of Justice  
Bureau of Narcotic Enforcement

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

Contra Costa County District Attorney's Office

- Miscellaneous legal support

Contra Costa County Sheriff's Department

- One officer
- One vehicle
- Safety Equipment

El Cerrito Police Department

- One officer
- One vehicle
- Safety Equipment

Hercules Police Department

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

Kensington Police Department

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

Pinole Police Department

- Clerical and operational fund support only as indicated

- support only as indicated below

Richmond Police Department

- ~~Two officers~~ ONE OFFICER WITH OPTION TO ADD A SECOND HABIL STAFFING ALLOHS
- ~~Two vehicles~~ (ONE OR TWO DEPENDING ON OFFICERS DEPLOYED)
- Safety Equipment

OW  
5/31/14

San Pablo Police Department

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

\*One San Pablo Police Officer 1/2 funded by the CCCSO

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

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

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

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

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

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

#### SECRETARIAL SUPPORT

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

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

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

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

CAF



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

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

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

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

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

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

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

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

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

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

## **XII. ASSET FORFEITURE**

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

## **XIII. ADMINISTRATION AND AUDIT**

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

## **XIV. INSPECTION PROCESS**

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

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

## **XV. NONDISCRIMINATION CLAUSE**

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

## **XV. RESPECTIVE RESPONSIBILITIES**

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

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

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

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

#### **XVIII. TERM OF AGREEMENT**

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

## DISTRICT – OLD BUSINESS

3. General Manager Greg Harman will present to the Board Grand Jury Report # 1105, “Ethics and Transparency Issues in Contra Costa County” for review and response under Section 933.5(a) of the California Government Code that requires that the District report an action to the findings no later than August 24, 2011. This item was held over from the June 9<sup>th</sup> meeting. Board Action.



May 26, 2011

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

Dear Gregory Harman, General Manager/Chief of Police:

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

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

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

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

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

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

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

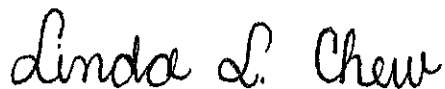
Kensington Police Protection & Community Services District  
May 26, 2011  
Page 2

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

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

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

Sincerely,



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

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

725 Court Street  
Martinez, California 94553

REPORT 1105

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

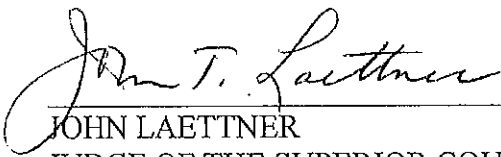
APPROVED BY THE GRAND JURY:

Date: MAY 4, 2011

  
\_\_\_\_\_  
LINDA L. CHEW  
GRAND JURY FOREPERSON

ACCEPTED FOR FILING:

Date: 5/16/11

  
\_\_\_\_\_  
JOHN LAETTNER  
JUDGE OF THE SUPERIOR COURT

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

## Contra Costa County Grand Jury Report 1105

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

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

#### **SUMMARY**

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

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

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

#### **BACKGROUND**

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

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

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



- (A) Laws prohibiting bribery (Pen. Code, § 68)
  - (B) Conflicts of Interest under the Political Reform Act (Gov. Code, §§ 87100, 87103).
  - (C) Contractual Conflicts of Interest (Gov. Code, § 1090 et seq.).
  - (D) Conflicts of Interest and Campaign Contributions (Gov. Code, § 84308).
  - (E) Conflicts of Interest When Leaving Office (Gov. Code, §§ 87406.3, 87407).
- (2) Laws relating to claiming perquisites of office
  - (3) Government transparency laws
  - (4) Laws relating to fair processes

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

## **LAFCO: SOME MEMBERS OVERSTEPPING THEIR BOUNDARIES**

### **BACKGROUND**

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

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

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

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

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

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

## **FINDINGS**

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

## **RECOMMENDATIONS**

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

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

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

## NEPOTISM ALIVE IN CEMETERY DISTRICT

### BACKGROUND

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

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

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

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

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

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

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

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

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

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

### FINDINGS

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

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

## **RECOMMENDATIONS**

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

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

### **BACKGROUND**

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

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

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

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

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

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

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

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

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

## **FINDINGS**

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

## RECOMMENDATIONS

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

## OVERALL FINDING

The Grand Jury finds that:

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

## OVERALL RECOMMENDATION

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

## REQUIRED RESPONSES

### LAFCO section

#### Findings and Recommendations

Local Agency Formation Commission

1, 2

**NEPOTISM section**

**Findings**

Contra Costa County Board of Supervisors 1-5

**Recommendations**

Contra Costa County Board of Supervisors 1

**KELLER CANYON section**

**Findings**

Contra Costa County Board of Supervisors 1-6

**Recommendations**

Contra Costa County Board of Supervisors 1-5

**Overall Finding and Recommendation**

**Finding and Recommendation**

Contra Costa County Board of Supervisors 1

**REQUESTED RESPONSES**

**Overall Finding and Recommendation**

**Finding and Recommendation**

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

**Independent Special Districts:**

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

## DISTRICT – OLD BUSINESS

4. Director Cathie Kosel will present to the Board a proposal that the District enroll in “Crimereports.com”. This item was placed on the May 13, 2010 agenda and did not receive a second motion to approve. This item was held over from the June 9<sup>th</sup> meeting. Possible Board Action.



**Greg Harman**

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**From:** ckosel [ckosel@sbcglobal.net]  
**Sent:** Thursday, June 30, 2011 12:54 PM  
**To:** Charles Toombs; Mari Metcalf, lindalipscomb@hotmail.com; tlloyd@kensingtoncalifornia.org  
**Subject:** FW: CrimeReports

fyi

**From:** Brandon Hess [mailto:Brandon.Hess@crimereports.com]  
**Sent:** Thursday, June 30, 2011 12:49 PM  
**To:** Cathie Kosel  
**Subject:** RE: CrimeReports

Hi Cathie,

I wanted to let you know of deal we are offering before the end of this month. For any department that decides to sign up before the end of the month, gets 3 free months after the first year. Also since you guys are still deciding, I would let you do a 30 day trial, so the board can see what it looks like before it goes live to the public. And if you decide not to move forward after the 30 days, then there is no obligation to the yearly fee. Let me know if that is something you are interested in.

Thanks,

**BJ Hess**  
Regional Sales Director  
Office: 801.828.2728  
Mobile: 801.995.2779  
[bj@CrimeReports.com](mailto:bj@CrimeReports.com)



Now you can get CrimeReports on your iPhone! [Click here.](#)

**From:** Cathie Kosel [mailto:ckosel@sbcglobal.net]  
**Sent:** Friday, June 17, 2011 3:19 PM  
**To:** Brandon Hess  
**Subject:** RE: CrimeReports

Just also remembered ....when I said so what if we don't own it, she said well then we cannot change it. Why would we want to change it? Lie to the public?

**From:** Brandon Hess [mailto:Brandon.Hess@crimereports.com]  
**Sent:** Friday, June 17, 2011 1:49 PM

6/30/2011

**To:** Cathie Kosel  
**Subject:** RE: CrimeReports

Hi Cathie,

I understand exactly how you feel about that concern. But that is a concern some people do have. The way we respond to that, and it usually resolves their concern, is to let them know there are 2 types of data. The first is the data that you send to us which is the customer data. We do not own that data. You still maintain control over that data. The other type of data is the data put on the map which is the identified data. And with that data we have to scrub, geo code and do other things to get it on the map. So we do not own the data that a department sends us. But we do own the data after all the work is done to get it on the map.

I hope that makes sense and helps. Please let me know if I can do anything else to help out.

BJ

**BJ Hess**  
Regional Sales Director  
Office: 801.828.2728  
Mobile: 801.995.2779  
[bj@CrimeReports.com](mailto:bj@CrimeReports.com)



Now you can get CrimeReports on your iPhone! [Click here.](#)

**From:** Cathie Kosel [<mailto:ckosel@sbcglobal.net>]  
**Sent:** Friday, June 17, 2011 2:29 PM  
**To:** Brandon Hess  
**Cc:** [marimetcal@gmail.com](mailto:marimetcal@gmail.com)  
**Subject:** RE: CrimeReports

Hi Brandon. Thanks for checking in. We have a board member who is arguing that we do not own the data once it goes on Crimereports. My feeling about that is so what? Do you have response to her concern?

**From:** Brandon Hess [<mailto:Brandon.Hess@crimereports.com>]  
**Sent:** Friday, June 17, 2011 1:11 PM  
**To:** Cathie Kosel  
**Subject:** RE: CrimeReports

Hi Cathie,

I wanted to touch base with and see where you were at in regards to CrimeReports. I'd love to help out anyway I can, so please feel free to contact me. Thanks and have a great weekend!

6/30/2011

BJ

BJ

**BJ Hess**  
Regional Sales Director  
Office: 801.828.2728  
Mobile: 801.995.2779  
[bj@CrimeReports.com](mailto:bj@CrimeReports.com)



Now you can get CrimeReports on your iPhone! [Click here.](#)

**From:** Cathie Kosel [<mailto:ckosel@sbcglobal.net>]  
**Sent:** Friday, May 27, 2011 3:42 PM  
**To:** Brandon Hess  
**Subject:** Re: CrimeReports

Thanks!  
Back to you soon

Sent from my iPhone

On May 27, 2011, at 11:55 AM, Brandon Hess <[Brandon.Hess@crimereports.com](mailto:Brandon.Hess@crimereports.com)> wrote:

Hi Cathie,

It was a pleasure speaking to you today. As I mentioned, I have attached some information in regards to the crime map. The website is [www.crimereports.com](http://www.crimereports.com).

**A couple of key points**

- Integration is free and usually takes less than 3 hours
- The system is automated and requires little to no internal resources to maintain
- The department maintains control of the data. You decide what to post or not post
- Most of our departments pay less than \$2400 a year for [CrimeReports.com](http://CrimeReports.com) which includes the public facing crime map, email alerts, and an iPhone application. Yours would pay **\$588/year**.

You can see in the CrimeReports Map PDF, there is a picture of one of the open bubbles on the map. You will notice there is no exact address or name. We do not put exact addresses or names to protect identities.

6/30/2011

83

Here are some agencies that surround you, who are live on CrimeReports. Most of these agencies are in your county.

- Contra Costa County Sheriff's Department, San Ramon, Danville, Martinez, San Pablo, Pleasant Hill, Oakley, El Cerrito, Lafayette, Hercules, Pinole, Orinda, Oakland, etc..

I hope this information helps. Please let me know if there is anything else I can do for you.

Thanks,

**BJ Hess**  
Regional Sales Director  
Office: 801.828.2728  
Mobile: 801.995.2779  
[bhess@CrimeReports.com](mailto:bhess@CrimeReports.com)

<image001.jpg>

Now you can get CrimeReports on your iPhone! [Click here.](#)

<CrimeReports Map.pdf>

<CrimeReports Info.pdf>

**Greg Harman**

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

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

Propose that KPPCSD enroll in crimereports.com

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

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

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

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

The cost is approximately \$588 per year.

***Cathie Elaine Kosel***

Real Estate Sales Since 1979  
DRE #R00712617

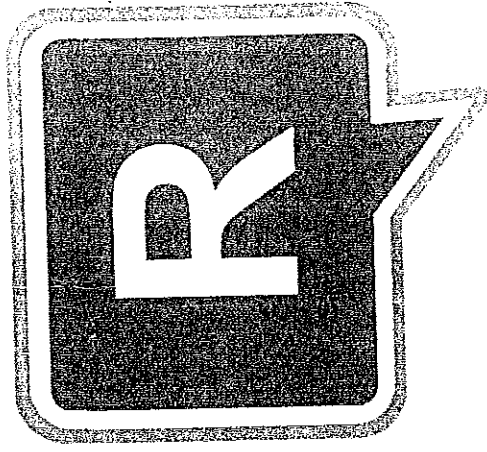
**Coming together is a beginning; keeping together is progress; working together is success.**

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

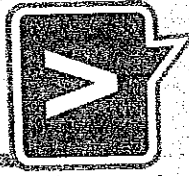
This e-mail message and all attachments transmitted with it may contain legally privileged and confidential information intended solely for the use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any reading, dissemination, distribution, copying, or other use of this message or its attachments is strictly prohibited. If you have received this message in error, please notify the sender immediately and delete this message from your system. Thank you.

6/2/2011

PUT CRIME ON THE MAP  
AND WATCH IT

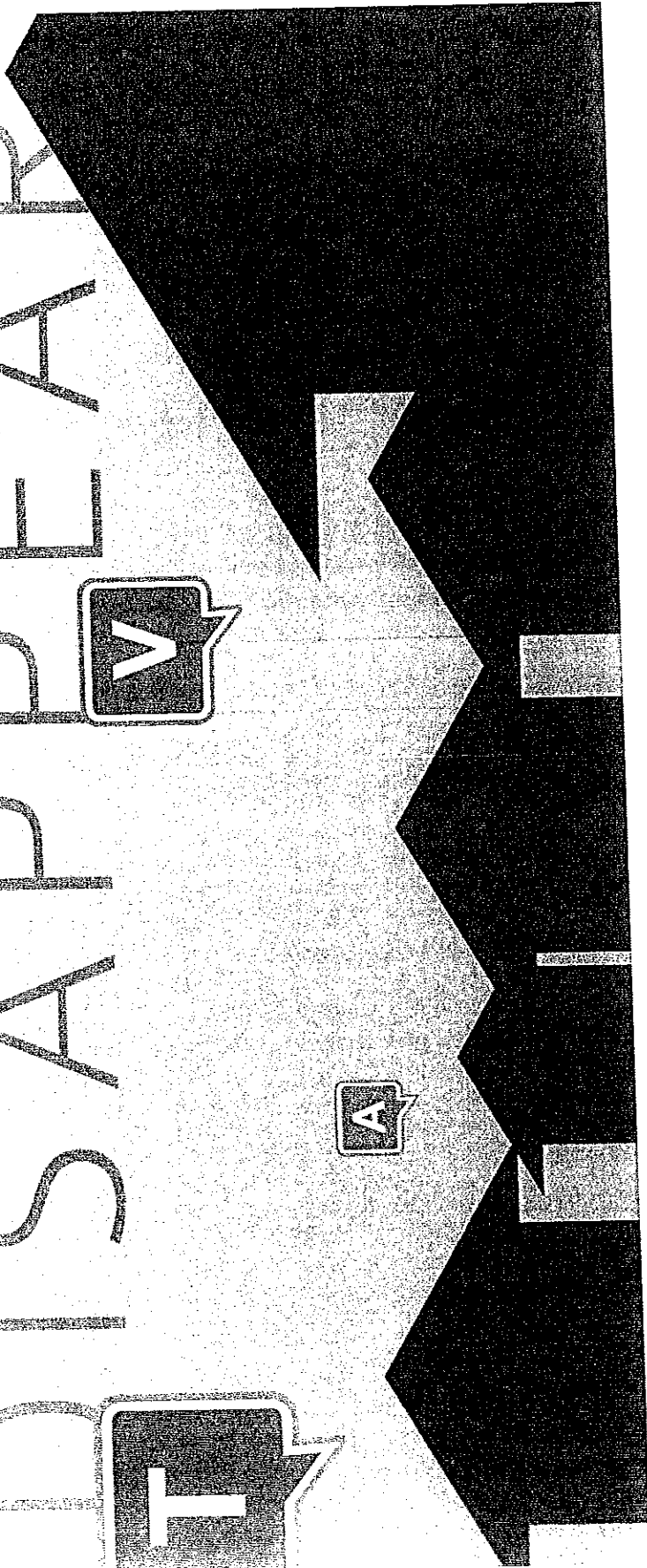
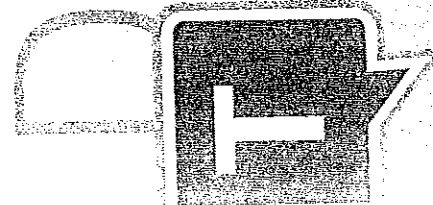


REAP



REAP

REAP

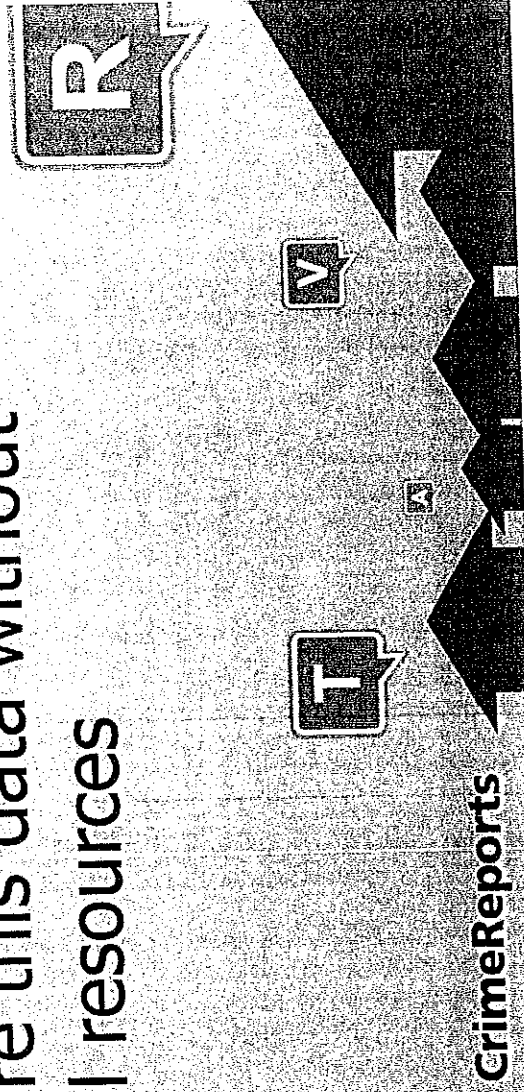




With the increasing pressure for law enforcement to share data...

...it all comes down to 2 questions:

- How do we share data to the public without losing control
- How do we share this data without wasting internal resources

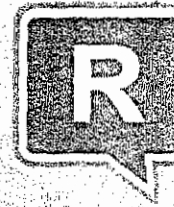




CrimeReports makes it simple and easy for your department to share timely and important local crime data with citizens, activists and other community organizations.

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

**CrimeReports**





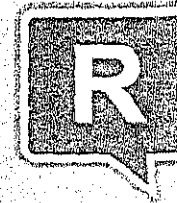


## Highlights for Community:

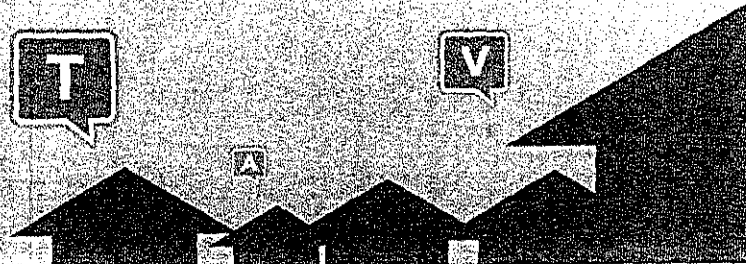
- Built for transparency and community outreach
- User-friendly, Google Maps navigation
- Access data from any computer with an internet connection
- Free access and email alerts for citizens (no ads or spam)
- Free iPhone app
- Simple analytics for community groups

## Highlights for Law Enforcement Agency:

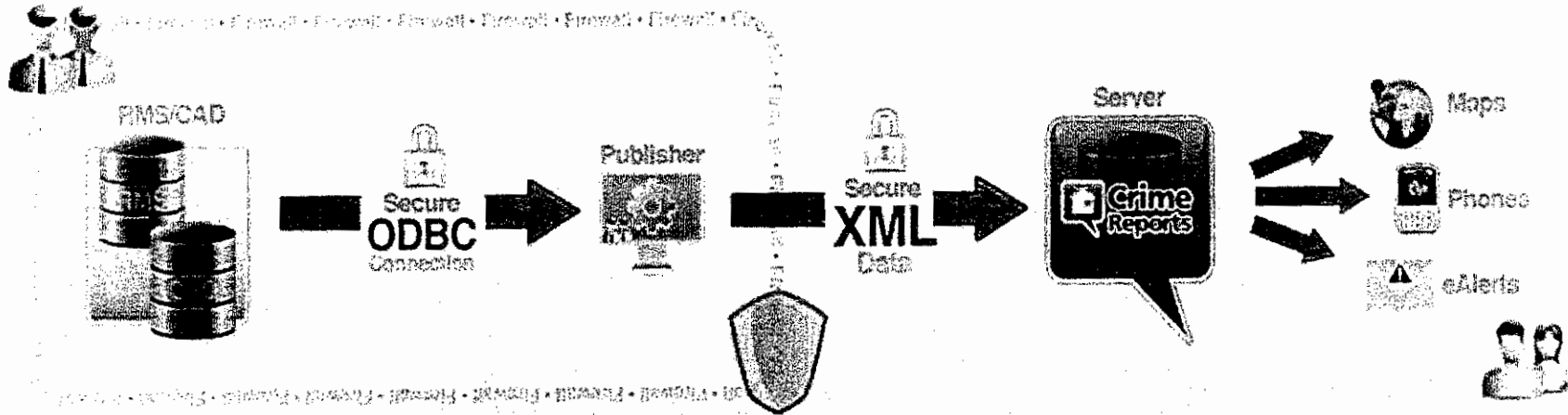
- No new software, no new infrastructure
- Integrates with any CAD/RMS system
- No set up fees, no maintenance costs, no expensive updates
- All data comes directly from your law enforcement agency
- Up-to-date, accurate, and agency controlled
- Free map widget for your agency website



**CrimeReports**

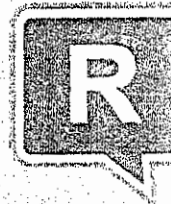


# How Does It Work:



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

**CrimeReports**



# Safer communities. One neighborhood at a time.

Submit a tip about a crime

SEARCH

Days:  3  7  14  30

Crimes:  Hide Sex Offenders  Show Neighborhoods

Map Satellite Hybrid Terrain

10/27/2010

ARCH ST & MILK ST

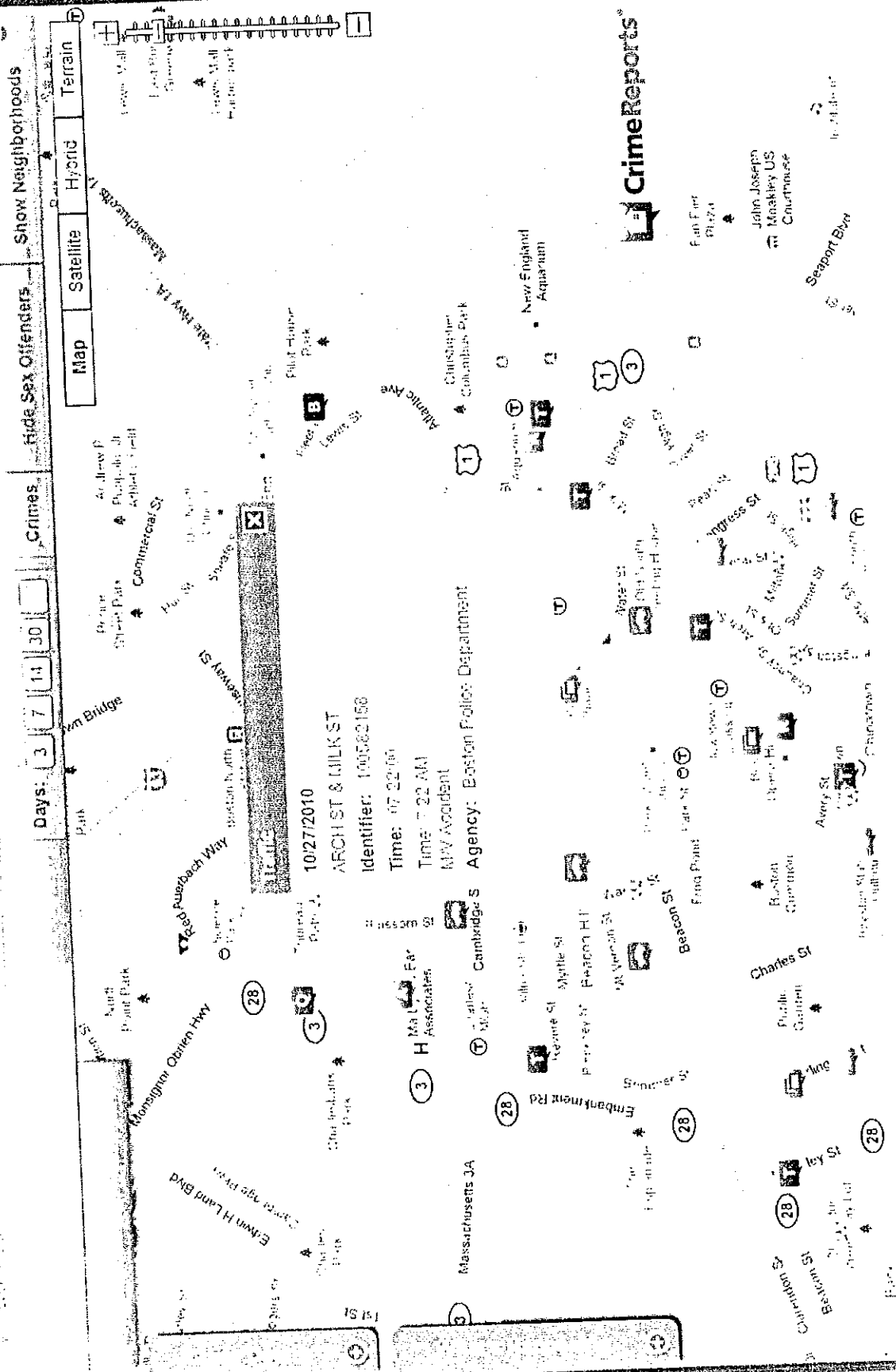
Identifier: 100502150

Time: 07:22:00

Time: 7:22 AM

MV Accident

Agency: Boston Police Department



CrimeReports

Safer communities. One neighborhood at a time.

Submit a tip about a crime.

Days: 3 | 7 | 14 | 30

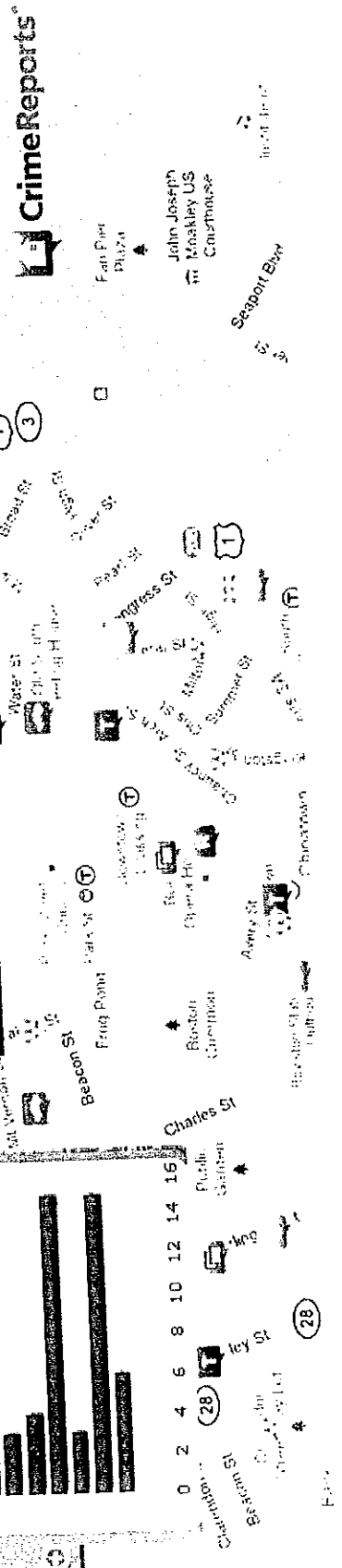
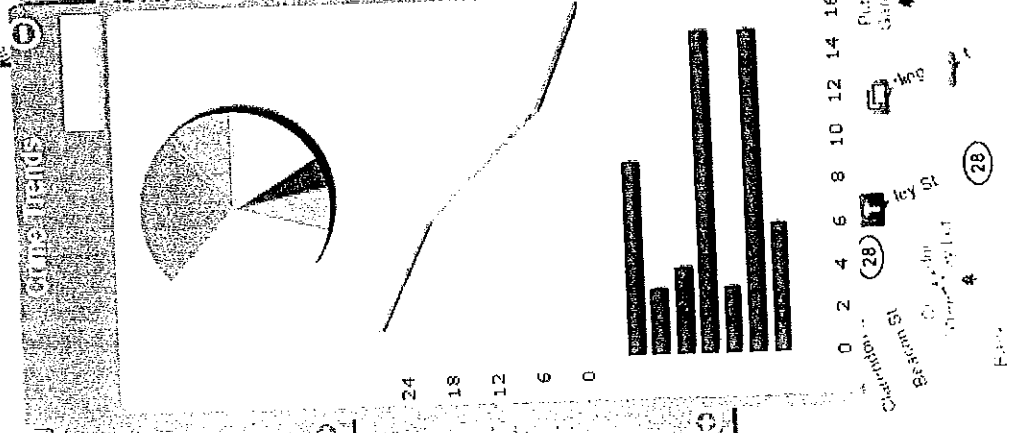
Crimes: Hide Sex Offenders Show Neighborhoods

Map Satellite Hybrid Terrain

Search

Simple analytics give meaning to raw data presented in the map. Each chart is printable and customizable by crime type and date range.

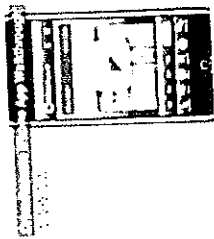
These visualizations are an effective tool for Neighborhood Watch and City Council meetings to allocate resources, set goals, and measure progress.





Download it for FREE at the iTunes App Store!

Download



FREE on iTunes

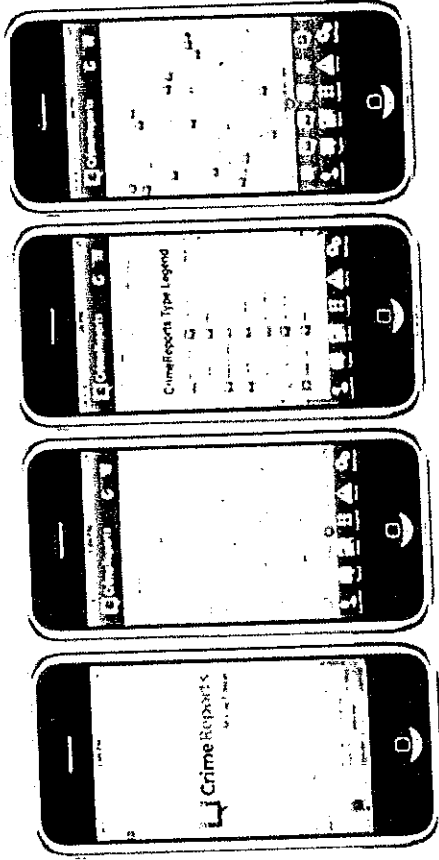
## CrimeReports mobile version!

CrimeReports is the only near real-time source for both official crime data and sex offender information, giving you access to information from over 700 participating law enforcement agencies across North America and sex offender data for all 50 States.

- The CrimeReports iPhone app allows you to filter crimes by location or address, crime type, and customizable date range
- view data on the crime map or in a list view
- view national sex offender data alongside crime in your neighborhood
- Sign-up for free, automated, email crime alerts
- Request the participation of your local law enforcement agency if they're not already on-board

Download it for FREE at the iTunes app store and get mobile access to nationwide crime and sex offender information.

Download iPhone App

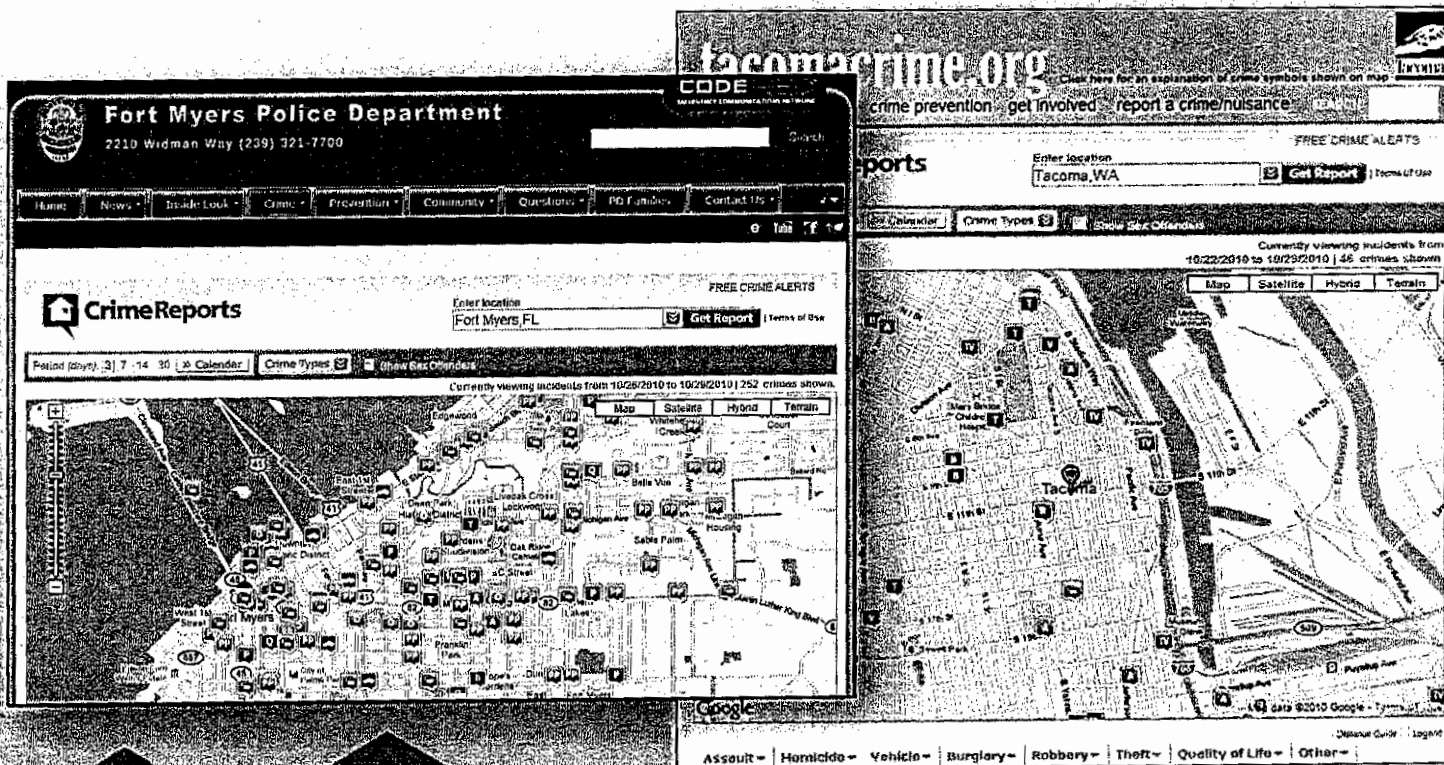


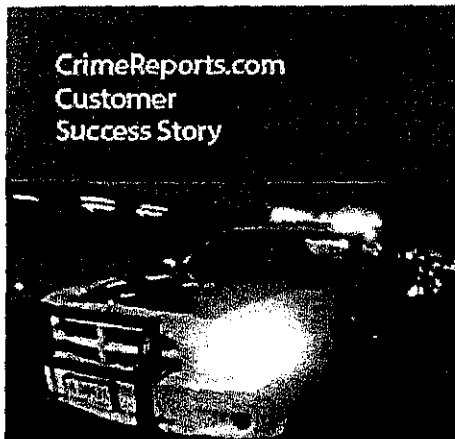
Set up email alerts right from iPhone

# Add CrimeReports 'Widget' to Department's Web Site



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





**Location:**

Chelmsford, Mass.  
Police Department

**Population:**

38,000 Citizens

**Challenge:**

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

**Solution:**

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



# Crime Reports

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

– Deputy Chief Michael Callaway

## Under Tight Budgets, the Chelmsford Police Foundation Provides Funding for CrimeReports

### Chelmsford, Mass.

At a time of tight budgets and cutbacks, The Chelmsford, Massachusetts, Police Department is finding creative ways to improve their service through technology offered by CrimeReports. But instead of paying for the service out of the general police fund, potentially impacting other important programs, a local community group agreed to fund the service so that the Chelmsford PD can stay on the cutting edge of citizen communication without breaking the bank.

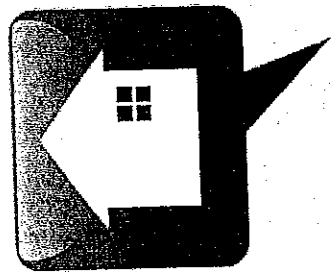
### Publishing Information on a Tight Budget

Chief James Murphy first saw CrimeReports at a law enforcement conference and decided that it would be good for the community of Chelmsford to have online access to crime information through the site. "The public was very interested in crime and where crime was occurring in town," said Lt. Colin Spence. "Many community residents have contacted the police department and asked about their individual neighborhoods and where crime is occurring in these neighborhoods. So we felt that, to make it easier for the public to get crime information, CrimeReports was a good solution."

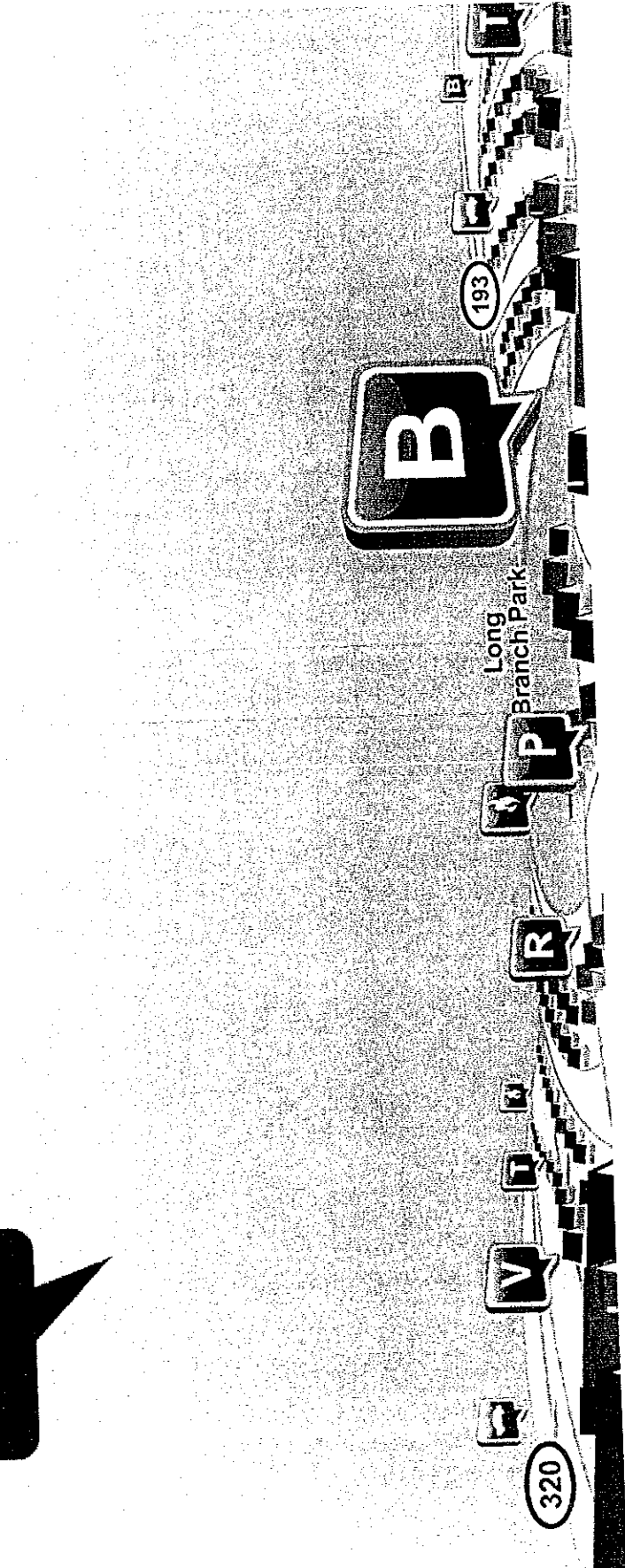
Unfortunately the police department was looking at a constricted budget for the year and didn't know how they were going to provide this service to their citizens. That's when Chief Murphy took the matter to the Chelmsford Police Foundation, who considered the opportunity and decided to pay for the first year of service.

25

How to get started with...



# Crime Reports





### CrimeReports

CrimeReports.com is the largest and most comprehensive online crime reporting service. It's free to use and it's easy to use. You can report a crime in just a few minutes. You can also track the progress of your report and get updates on the status of your case.

### CommandCentral

CrimeReports

CommandCentral is a free online crime reporting service. It's easy to use and it's free to use. You can report a crime in just a few minutes. You can also track the progress of your report and get updates on the status of your case.

### NeighborhoodCentral

CrimeReports

NeighborhoodCentral is a free online crime reporting service. It's easy to use and it's free to use. You can report a crime in just a few minutes. You can also track the progress of your report and get updates on the status of your case.

### TipSoft

CrimeReports

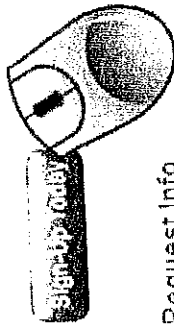
TipSoft is a free online crime reporting service. It's easy to use and it's free to use. You can report a crime in just a few minutes. You can also track the progress of your report and get updates on the status of your case.

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

## Get on the Map.

Join the largest crime-mapping network in the world! You can report a crime in just a few minutes. You can also track the progress of your report and get updates on the status of your case. You can also view crime maps and get alerts for crimes in your area. It's free to use and it's easy to use. You can report a crime in just a few minutes. You can also track the progress of your report and get updates on the status of your case.

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



Request Info

Name

Phone



# Account Registration

Complete the form below to create your Agency Account with CrimeReports and order your selected services. Once complete, you will be contacted by a CrimeReports.com representative to complete setup and integration.

NOTE: While we all aspired to be police officers or super heroes in our youth, this form is to create an official account for law enforcement related agencies. If you are not affiliated with a crime prevention organization but wish to create a citizen account click [here](#)

### Product Selection

Which product(s) do you wish to use?

Choose your Product(s)

- CrimeReports
- Command Central
- Neighborhood Central
- TipSoft

Check the CrimeReports Box



Continue to fill out down the page

Your Information - Required

First Name

Keyword 2

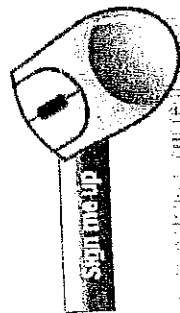
Keyword 3

... your site keywords will route the tip to your site...  
Examples include: SLOTTIPS, NYPO, TOP222 & CASHATIPS

Enter any comments  
or special instructions

Notes

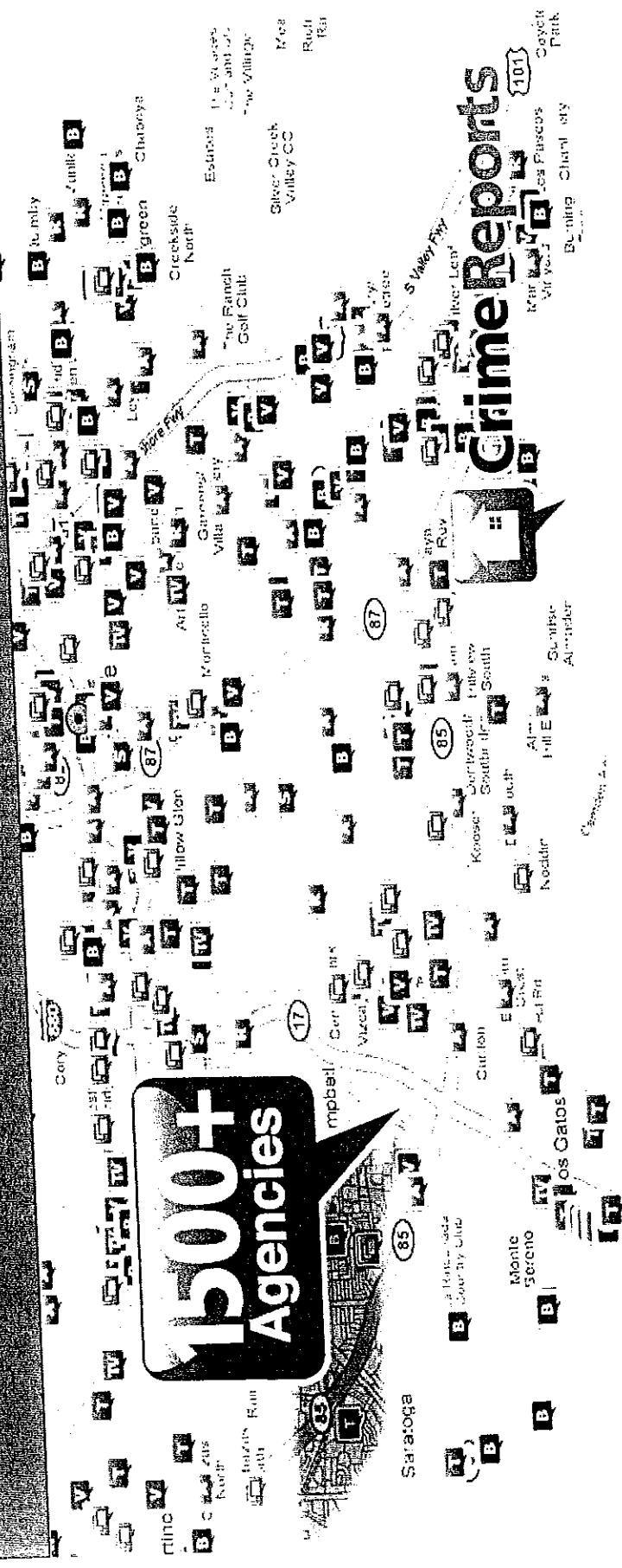
... information on Thursday to get us  
at 311-1111



... you agree that you have read and agree to the Terms of Service

# CrimeReports

CLICK HERE TO GO ONLINE AND GET STARTED





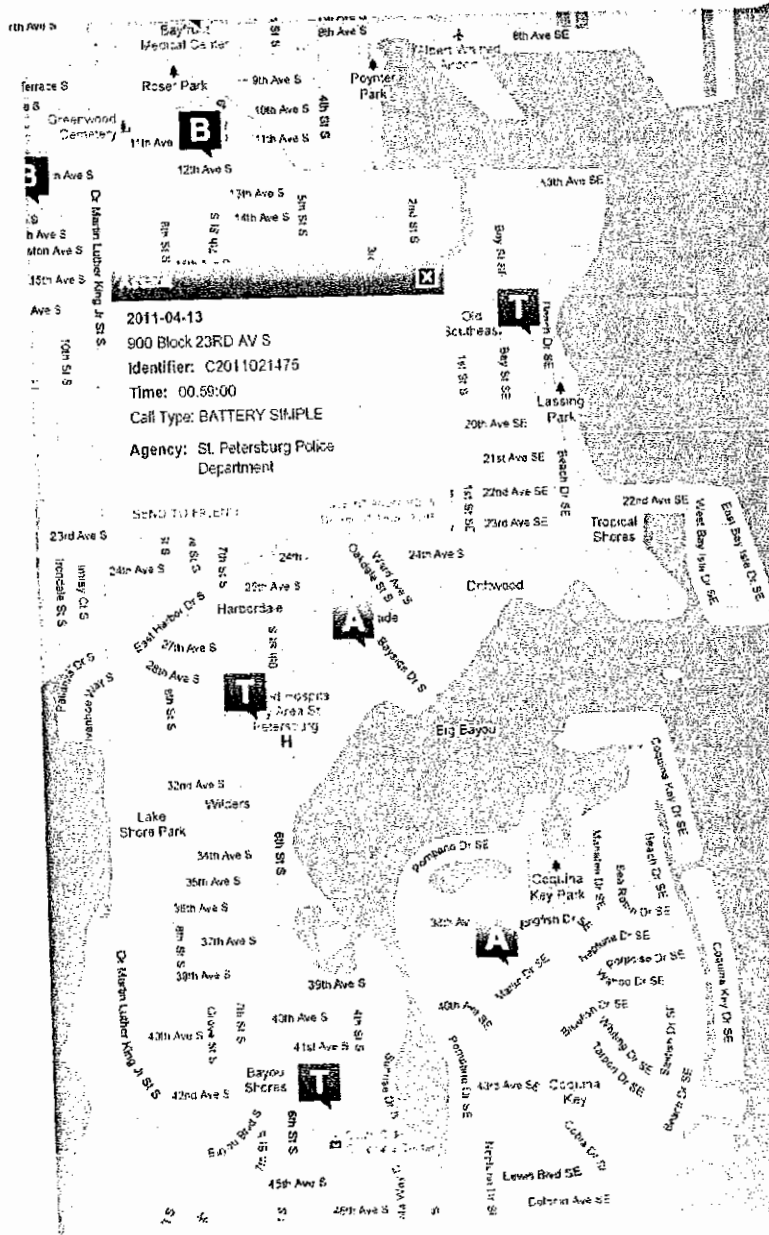
# CrimeReports®

## PUT CRIME ON THE MAP AND **WATCH IT DISAPPEAR.**

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

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

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



FOR MORE INFORMATION CALL

CRIMEREPORTS.COM

# CrimeReports® AT A GLANCE

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

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

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

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

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



Current new data provided by: St. Petersburg Police Department

**PRINT**  
Print the crime detail list

Crime Information

Sort by: Crime, Date, Distance

Assault	2011-02-21	474 Ave N & 5TH ST N
Assault	2011-02-21	1300 Block OR MARTIN L.L.
Breaking &...	2011-02-21	1200 Block 2ND AV S
Theft from V...	2011-02-21	400 Block 23RD ST N
Theft	2011-02-21	270 Block DR MARTIN LU
Theft from V...	2011-02-21	1200 Block 10TH ST N
Theft	2011-02-21	2200 Block 24TH ST N
Theft of Veh...	2011-02-21	2300 Block 17TH AV N
Theft of Veh...	2011-02-21	1200 Block 2ND AV N
Assault	2011-02-21	

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

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

**Thief**  
2011-03-02  
800 Block CENTRAL AV  
Modifier: CR011012391  
Time: 13:02:00  
Agency: St. Petersburg Police Department

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

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

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

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

**PRINT**  
Print the current map view.

**MESSAGE CENTER**

Mesa Police Department

Messages (3)

- Arden Bazzani
- Caplan Filkins
- Valencia Morgan
- Arden Bazzani
- Alyn Lubow

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

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

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

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

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

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

**AGENCY PAGE**

Mesa Police Department

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

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

FOR MORE INFORMATION CALL

888-888-CRIME  
CRIMEREPORTS.COM

10/8



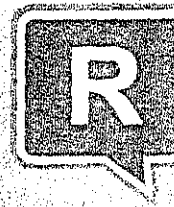
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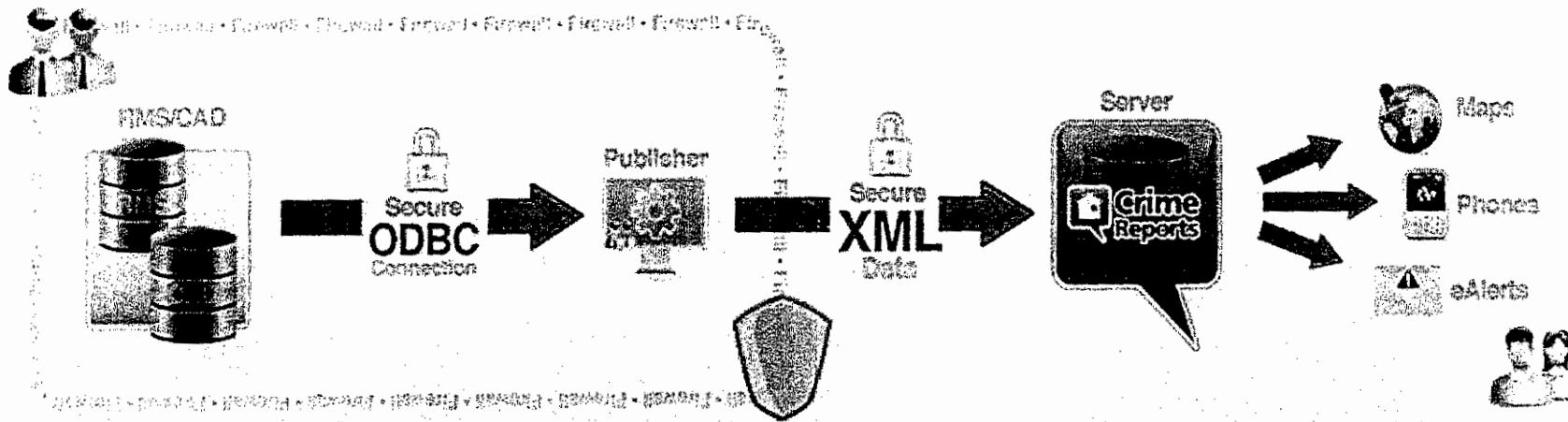
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- Up-to-date, accurate, and agency controlled
- Free map widget for your agency website

**CrimeReports**



# How Does It Work:



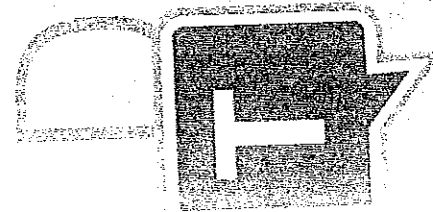
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CrimeReports

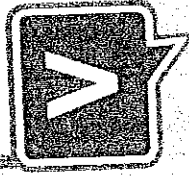




PUT CRIME ON THE MAP  
AND WATCH IT

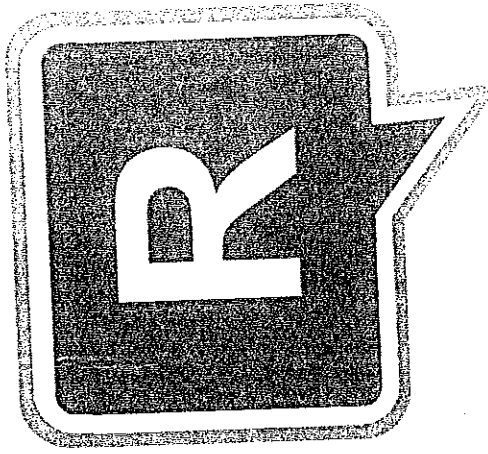


I S A P



P E A R

R



E R I C



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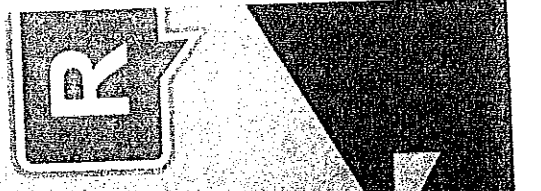
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- Last year we mapped over 10,000,000 crimes across North America
- Seamless, secure CAD/RMS interface
- Up and running in 24 hours



# Safer Communities. One neighborhood at a time.

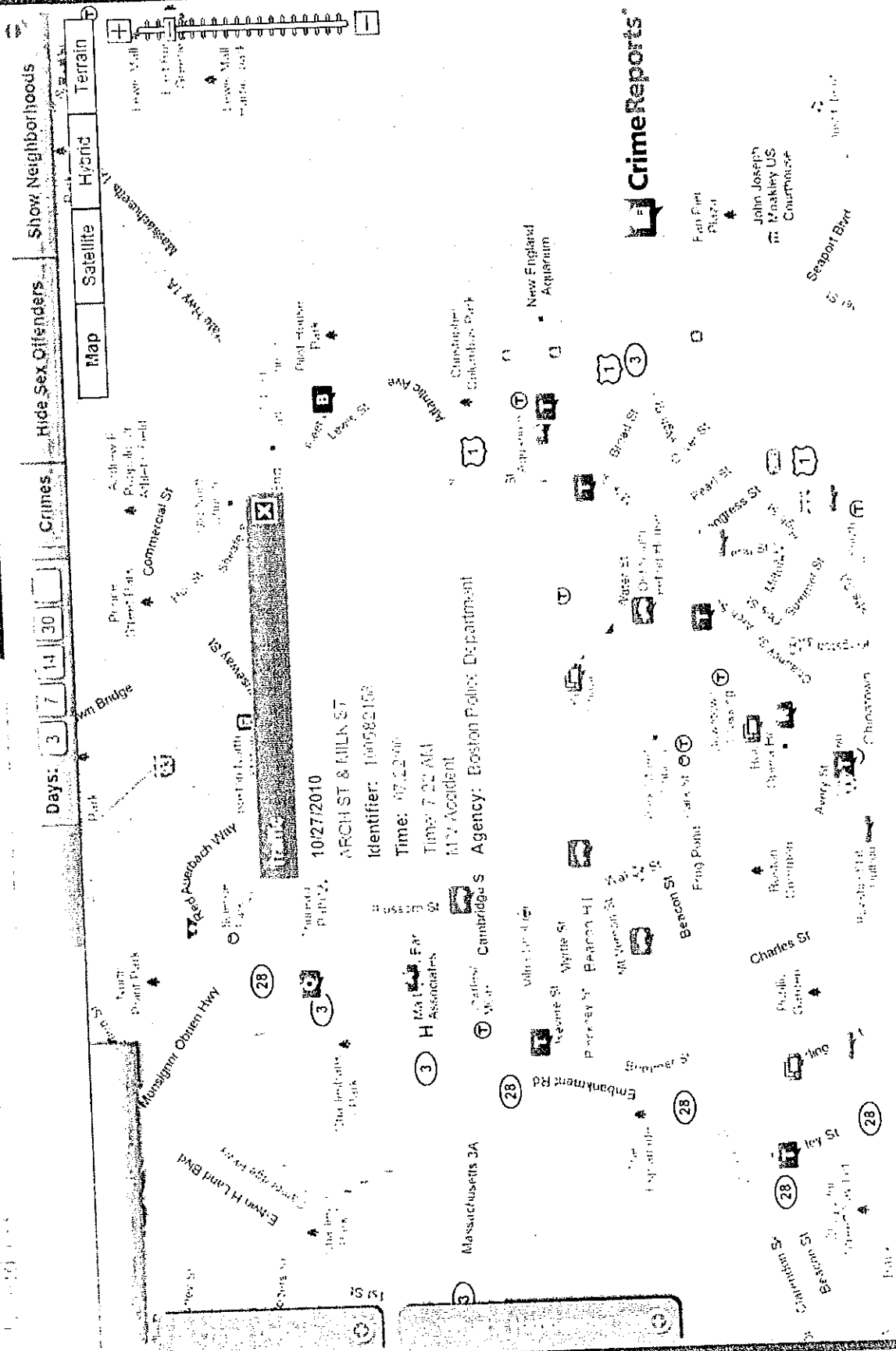
Submit a tip about a crime. ▶

Search

Days: 3 7 14 30

Crimes Hide Sex Offenders Show Neighborhoods

Map Satellite Hybrid Terrain



CrimeReports®

**Safer communities. One neighborhood at a time.**

Submit a tip about a crime.

Section

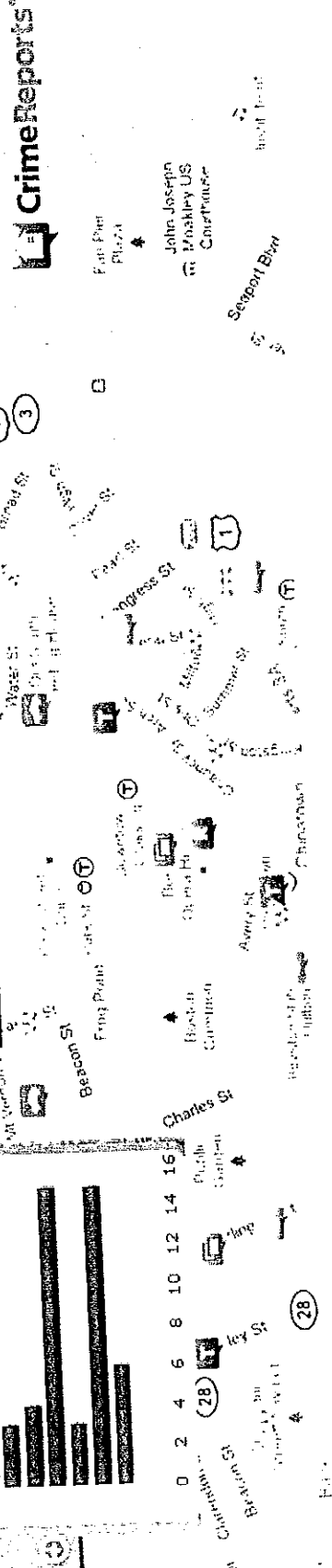
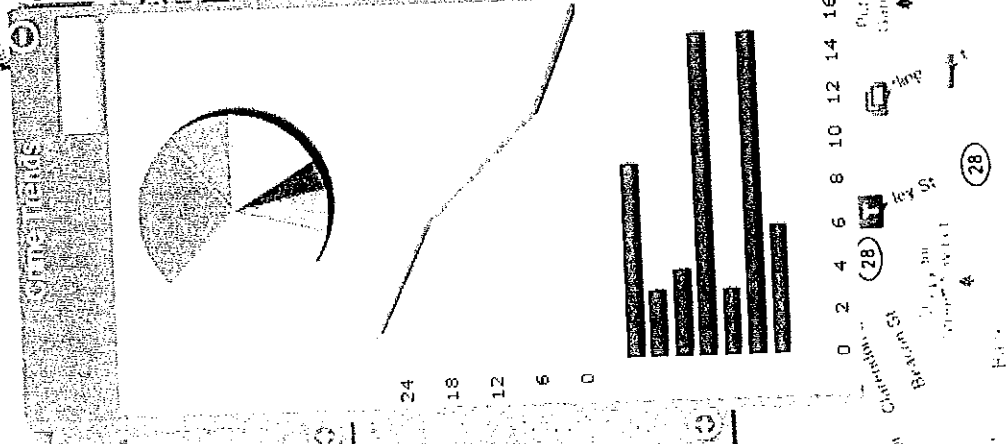
Days: 3 | 7 | 14 | 30

Crimes: Hide Sex Offenders Show Neighborhoods

Map Satellite Hybrid Terrain

Simple analytics give meaning to raw data presented in the map. Each chart is printable and customizable by crime type and date range.

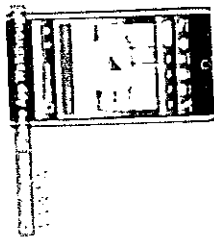
These visualizations are an effective tool for Neighborhood Watch and City Council meetings to allocate resources, set goals, and measure progress.





Download it for FREE at the iTunes App Store!

Download



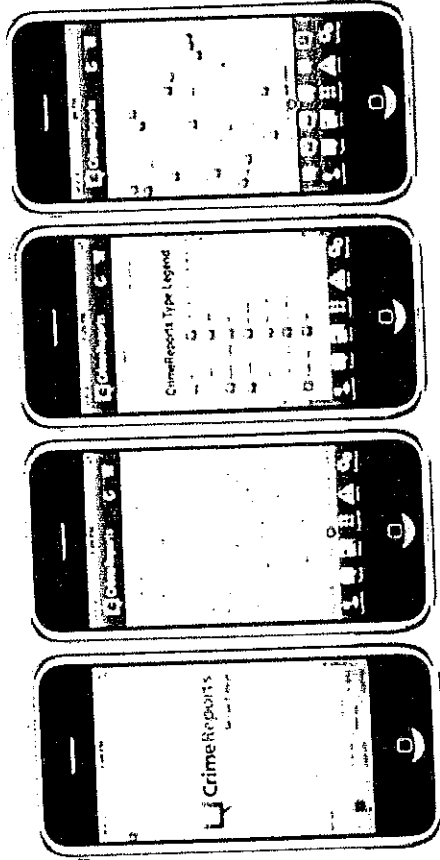
FREE on iTunes

## CrimeReports mobile version!

CrimeReports is the only near real-time source for both official crime data and sex offender information, giving you access to information from over 700 participating law enforcement agencies across North America and sex offender data for all 50 States.

- The CrimeReports iPhone app allows you to filter crimes by location or address, crime type, and customizable date range
- View data on the crime map or in a list view
- View national sex offender data alongside crime in your neighborhood
- Sign-up for free, automated, email crime alerts
- Request the participation of your local law enforcement agency if they're not already on-board

Download it for FREE at the iTunes app store and get mobile access to nationwide crime and sex offender information.

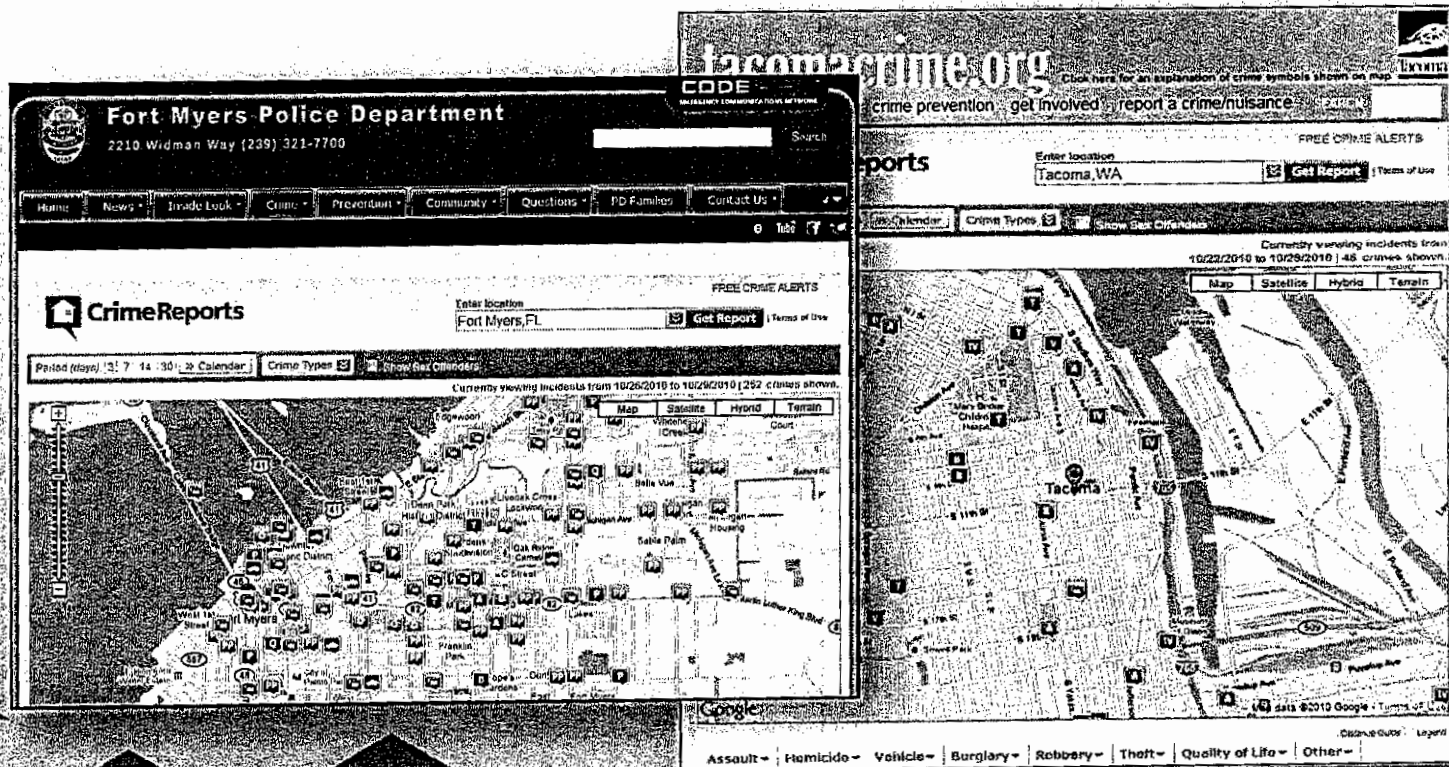


Set up email alerts right from iPhone

# Add CrimeReports 'Widget' to Department's Web Site



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





CrimeReports.com  
Customer  
Success Story

**Location:**

Chelmsford, Mass.  
Police Department

**Population:**

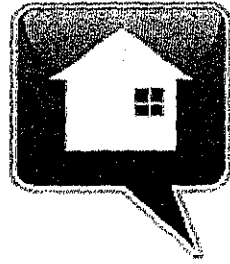
38,000 Citizens

**Challenge:**

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

**Solution:**

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



# Crime Reports

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

– Deputy Chief Michael Callaway

## Under Tight Budgets, the Chelmsford Police Foundation Provides Funding for CrimeReports

### Chelmsford, Mass.

At a time of tight budgets and cutbacks, The Chelmsford, Massachusetts, Police Department is finding creative ways to improve their service through technology offered by CrimeReports. But instead of paying for the service out of the general police fund, potentially impacting other important programs, a local community group agreed to fund the service so that the Chelmsford PD can stay on the cutting edge of citizen communication without breaking the bank.

### Publishing Information on a Tight Budget

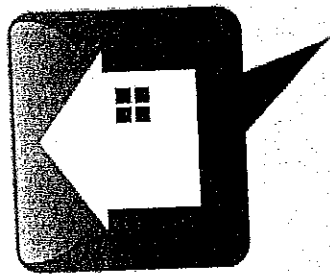
Chief James Murphy first saw CrimeReports at a law enforcement conference and decided that it would be good for the community of Chelmsford to have online access to crime information through the site. "The public was very interested in crime and where crime was occurring in town," said Lt. Colin Spence. "Many community residents have contacted the police department and asked about their individual neighborhoods and where crime is occurring in these neighborhoods. So we felt that, to make it easier for the public to get crime information, CrimeReports was a good solution."

Unfortunately the police department was looking at a constricted budget for the year and didn't know how they were going to provide this service to their citizens. That's when Chief Murphy took the matter to the Chelmsford Police Foundation, who considered the opportunity and decided to pay for the first year of service.

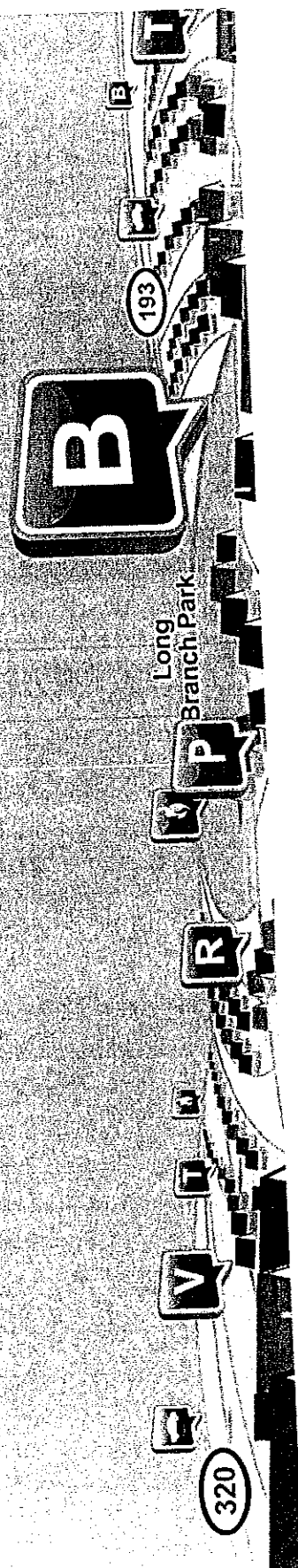
Call



How to get started with...



# Crime Reports



1/31

### CrimeReports

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### CommandCentral

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### NeighborhoodCentral

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### TipSoft

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

## Get on the Map.

Participating with our network of law enforcement agencies, you can help us create a comprehensive, real-time crime mapping network. This network will help you and your community stay on top of crime trends, identify hot spots, and make better use of your resources. We'll help you get started with the program, and we'll provide you with all the tools you need to get started. Sign up today, and you'll be part of the largest crime mapping network in the world.

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



### Request Info

Name:  Email:

Phone:  City:

1/1

## Account Registration

Complete the form below to create your Agency Account with CrimeReports and order your selected services. Once complete you will be contacted by a CrimeReports.com representative to complete setup and integration.

NOTE: While we all aspired to be police officers or super heroes in our youth, this form is to create an official account for law enforcement related agencies. If you are not affiliated with a crime prevention organization but wish to create a citizen account click [here](#)

### Product Selection

Which product(s) do you wish to use?

(Choose your Product(s))

- CrimeReports
- Command Central
- Neighborhood Central
- TipSoft

Check the CrimeReports Box



Continue to fill out down the page

Your Information - Required

First Name

Keyword 2

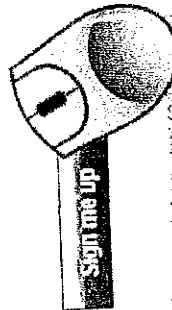
Keyword 3

Your SlotS keywords will be added to your account in our system.  
Examples include: SLOTTIPS NYPO TOR224 & CASH4TIPS

Notes

... on Thursday to get us

Enter any comments or special instructions



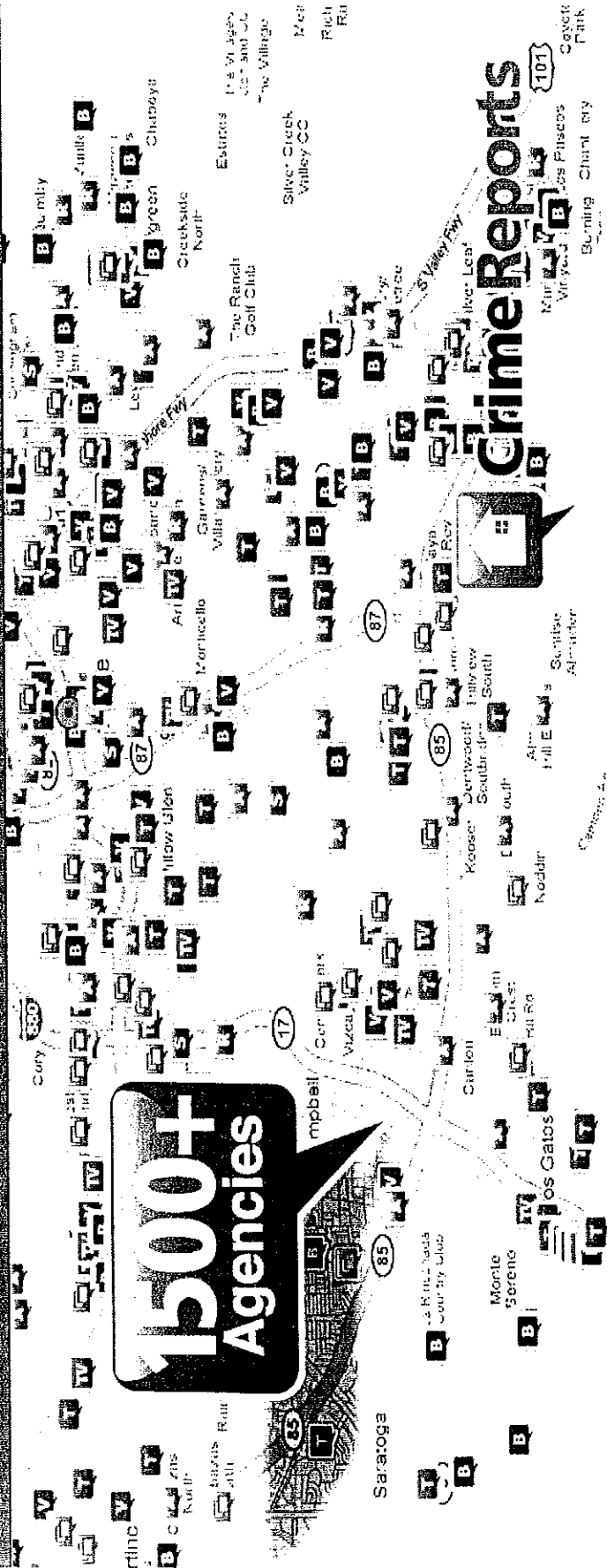
By completing our registration, you agree that you have read and agree to the [Terms of Service](#)

# OPEN

CLICK HERE to go online and get started

**1500+**  
Agencies

**CrimeReports**



## DISTRICT – OLD BUSINESS

5. Director Cathie Kosel will present to the Board for a first reading suggested changes to the current Board Policy Manual regarding the nature and form of the employment evaluation for Chief Harman. This item was held over from the June 9<sup>th</sup> meeting.  
Possible Board Action.

**Greg Harman**

---

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

Regarding agenda item for employee evaluation.

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

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

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

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

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

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

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

Cathie:

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

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

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

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

Thanks,

Chuck Toombs

6/3/2011



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

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

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

Thanks!

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

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

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6/3/2011

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## **DISTRICT- OLD BUSINESS**

- 6. General Manager Greg Harman will present to the Board the SDRMA Election Resolution (Kensington Police Protection & Community Services District Resolution 2011-012) and Ballot for discussion and possible Board action. This item was held over from the June 9<sup>th</sup> meeting.**



## SDRMA'S BOARD OF DIRECTORS ELECTION BALLOT INSTRUCTIONS

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

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

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

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

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

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

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

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



**RESOLUTION NO. 2011-012**

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

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

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

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

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

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

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

(continued)



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

VOTE FOR ONLY THREE (3) CANDIDATES

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

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

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

AYES: \_\_\_\_\_
NOES: \_\_\_\_\_
ABSTAIN: \_\_\_\_\_
ABSENT: \_\_\_\_\_

ATTEST: \_\_\_\_\_

APPROVED: \_\_\_\_\_

123

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

What is your overall vision for SDRMA?

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

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

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

Date: 3/30/11

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

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

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

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

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

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

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

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

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

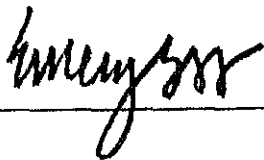
**What is your overall vision for SDRMA?**

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



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

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

Candidate Signature  Date MAY-2-2011

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

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

Nominee/Candidate Mike Scheafer

District/Agency Costa Mesa Sanitary District

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

Work Phone 714-435-0300

Home Phone 714-549-4961

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

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

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

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

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

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

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

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

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

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

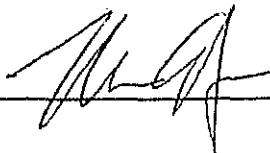
In almost every board that I have associated with I have been asked to take a leadership role, either on the board or as a speaker for that organization. I possess a skill in public speaking and interaction with people. I enjoy public speaking, especially for organizations and causes where I feel I can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

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

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

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

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



Date \_\_\_\_\_

4/11/11

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

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

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

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

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

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

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

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

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

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

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

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

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

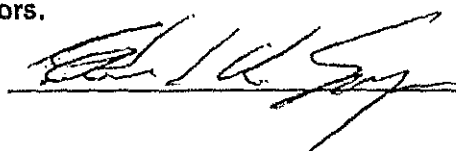
SDRMA is widely respected in the special district community for its commitment to risk management, insurance, safety, and service to its members. Even during my relatively brief tenure on OMWD's Board of Directors, I have witnessed SDRMA constantly striving to improve the services that it offers, and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

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

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

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

Candidate Signature



Date

4/20/11

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

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

Nominee/Candidate Ed Gray  
District/Agency Chino Valley Independent Fire District  
Work Address 14011 City Center Drive Chino Hills, California 91709  
Work Phone (909) 902-5260 Home Phone (909) 627-4821

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

When appointed to the Board of Directors of SDRMA in November of 2010, I made a commitment to be an effective member of the SDRMA team and to work hard to ensure the continued success of the organization. Although I have been on the Board a short time, I believe I have shown that I seek to understand issues and use common sense when making decisions.

I wish to continue my service to SDRMA as I can be a positive member of the SDRMA team and an asset to the members, board and staff.

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

I currently serve on the Board of Directors of the SDRMA.

I have been an elected Director of the Chino Valley Independent Fire District since 2004. During my tenure, I have served multiple terms as President and Vice-President, and as a member of our Finance, Planning and Personnel Committees. I have served as Liaison to the City Councils of Chino and Chino Hills and to the San Bernardino County Board of Supervisors. I am also the District's representative and current Chairman of the Citizens Advisory Committee for the California Institution for Men in Chino.

I serve on the Citizens Oversight Committee to the Chino Valley Unified School District and am a member of the Chino Valley Lions Club.

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

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

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

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

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

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

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

Candidate Signature



Date APRIL 21, 2011

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

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

Nominee/Candidate Bethzabe Yanez

District/Agency East Palo Alto Sanitary District

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

Work Phone 650-325-9021

Home Phone

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

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

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

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



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

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

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

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

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

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

Candidate Signature



Date

4.26.11

Special District Risk Management Authority

Board of Directors

Candidate's Statement of Qualifications

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

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

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

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

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

Instructor for Insurance Educational Association for twelve years.

Completed Special District Leadership Academy

Completed Special District Institute three part course.

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

Various ad hoc committees: Reche Basin Recharge Project

Financial/Budget

Commissioner, Mojave Pipeline Commission

Representative to Mojave Water Agency Technical Advisory

Committee

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

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

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

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

Candidate Signature Henry Burkat Date 4-29-2011

## DISTRICT - NEW BUSINESS

1. General Manager Greg Harman will present to the Board Kensington Police Protection & Community Services District Resolution 2011-13, accepting the District's section of the Contra Costa County Hazard Mitigation Plan for review and possible adoption.  
Board Action.

**DATE:** July 7, 2011

**TO:** Board of Directors

**FROM:** General Manager Greg Harman

**SUBJECT:** Adopt Resolution 2011-13 accepting all of Volume 1 and the District's portion of the Volume 2 within the Contra Costa County Hazard Mitigation Plan.

**STAFF RECOMMENDATION:**

Adopt Resolution 2011-13 accepting the District's section of the Contra Costa County Hazard Mitigation Plan

**BACKGROUND**

**Hazard Mitigation Planning for the Contra Costa County Operational Area:**

In August of 2008, a coalition of Contra Costa County planning partners embarked on a planning process to prepare for and lessen the impacts of specified natural hazards. Responding to federal mandates in the Disaster Mitigation Act of 2000 (Public Law 106-390), the partnership was formed to pool resources and create a uniform hazard mitigation strategy that can be consistently applied to the defined planning area and used to ensure eligibility for specified grant funding sources.

The 39 member planning partnership involved in this program includes the Contra Costa County 12 Cities, and 26 special services districts. The planning area for the hazard mitigation plan encompasses the Contra Costa County Operational Area. The result of the organizational efforts has been to produce a Federal Emergency Management Agency (FEMA) and the California Emergency Management Agency (CalEMA)-approved multi-agency multi-hazard mitigation plan.

Mitigation is defined in this context as any sustained action taken to reduce or eliminate long-term risk to life and property from a hazard event. Mitigation planning is the systematic process of learning about the hazards that can affect the community, setting clear goals, identifying appropriate actions and following through with an effective mitigation strategy. Mitigation encourages long-term reduction of hazard vulnerability and can reduce the enormous cost of disasters to property owners and all levels of government. Mitigation can also protect critical community facilities, reduce exposure to liability, and minimize post-disaster community disruption.

The hazard identification and profiling in the hazard mitigation plan addresses the following hazards considered to be of paramount importance within the Contra Costa County Operational Area:

1. Dam Failure
2. Drought
3. Earthquake
4. Flood
5. Landslide and Other Mass Movements
6. Severe Weather
7. Wildfire

Contra Costa County Department of Public and the Office of Emergency Services have shared the lead role in developing the hazard mitigation plan. All participating local jurisdictions have been responsible for assisting in the development of the hazard and vulnerability assessments and the mitigation action strategies for their respective jurisdictions and organizations. The plan presents the accumulated information in a unified framework to ensure a comprehensive and coordinated plan covering all planning partners within the Contra Costa County Operational Area. Each jurisdiction has been responsible for the review and approval of their individual sections of the plan.

The plan was prepared in accordance with the California Emergency Management Agency Local Hazard Mitigation Plan and Flood Mitigation Plan preparation guidelines. Additionally, the plan has been aligned with the goals, objectives and priorities of the State's multi-hazard mitigation plan and flood mitigation plan.

A 14 member Hazard Mitigation Steering Committee (HMSC) composed of representative stakeholders was formed early in the planning process to guide the development of the Plan. In addition, citizens were asked to contribute by sharing local knowledge of their individual area's vulnerability to natural hazards based on past occurrences. Public involvement has been solicited via a multi-media campaign that included public meetings, web-based information, questionnaires and progress updates via the news media.

### **Why adopt this Plan?**

Once the hazard mitigation plan is adopted by all of the jurisdictional partners and approved by FEMA, the partnership will collectively and individually become eligible to apply for hazard mitigation project funding from both the Pre-Disaster Mitigation Grant Program (PDM) and the Hazard Mitigation Grant Program (HMGP).

### **What is the Pre-Disaster Mitigation competitive grant program?**

The PDM competitive grant program provides funds to State, Tribal, and local governments for pre-disaster mitigation planning and projects primarily addressing natural hazards. Cost-Effective pre-disaster mitigation activities reduce risk to life and property from natural hazard events before a natural disaster strikes, thus reducing overall risks to the population and structures,

while also reducing reliance on funding from actual disaster declarations. Funds will be awarded on a competitive basis for mitigation planning and project applications intended to make local governments more resistant to the impacts of future natural disasters (*For more details on this program see Attachment 1*).

### **What is the Hazard Mitigation Grant Program?**

Authorized under Section 404 of the Stafford Act, the HMGP administered by FEMA provides grants to States and local governments to implement long-term hazard mitigation measures after a major disaster declaration. The purpose of the program is to reduce the loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a disaster (*For more details on this program see Attachment 1*).

### **Where do we go from here?**

Upon adoption of Volume I and our jurisdictional Annex of Volume II of the Contra Costa County Hazard Mitigation Plan and subsequent approval of said plan by CalEMA and FEMA, the Kensington Police Protection & Community Services District will be eligible to apply for specified grants. The grant funds are made available to states and local governments and can be used to implement the long-term hazard mitigation measures specified within the Kensington Police Protection & Community Services District annex of the CCCHMP before and after a major disaster declaration. The CCDNCHMP is considered a living document such that, as awareness of additional hazards develops and new strategies and projects are conceived to offset or prevent losses due to natural disasters, the CCCHMP will be evaluated and revised on a continual 5 year time frame.

### **RECOMMENDED BOARD ACTION:**

Motion to adopt Resolution No. 2011-13 and to read it by title only.

### **ATTACHMENTS:**

1. Hazard Mitigation Grant Program (HMGP) and Pre-Disaster Mitigation Grant Program (PDM) Fact Sheet
2. Kensington Police Protection & Community Services District Annex of the Contra Costa County Hazard Mitigation Plan
3. Draft Resolution 2011-13

**Attachment 1**  
**Hazard Mitigation Grant Program (HMGP)**  
**Pre-Disaster Mitigation Grant Program (PDM)**  
**FACT SHEET**

**I. HAZARD MITIGATION GRANT PROGRAM (HMGP)**

**What is the Hazard Mitigation Grant Program?**

Authorized under Section 404 of the Stafford Act, the Hazard Mitigation Grant Program (HMGP) administered by the Federal Emergency Management Agency (FEMA) provides grants to States and local governments to implement long-term hazard mitigation measures after a major disaster declaration. The purpose of the program is to reduce the loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a disaster.

**Who is eligible to apply?**

Hazard Mitigation Grant Program funding is only available to applicants that reside within a Presidentially declared disaster area. Eligible applicants are

- State and local governments
- Indian tribes or other tribal organizations
- Certain non-profit organizations

**What types of projects can be funded by the HMGP?**

HMGP funds may be used to fund projects that will reduce or eliminate the losses from future disasters. Projects must provide a long-term solution to a problem, for example, elevation of a home to reduce the risk of flood damages as opposed to buying sandbags and pumps to fight the flood. In addition, a project's potential savings must be more than the cost of implementing the project. Funds may be used to protect either public or private property or to purchase property that has been subjected to, or is in danger of, repetitive damage. Examples of projects include, but are not limited to:

- Acquisition of real property for willing sellers and demolition or relocation of buildings to convert the property to open space use
- Retrofitting structures and facilities to minimize damages from high winds, earthquake, flood, wildfire, or other natural hazards
- Elevation of flood prone structures
- Development and initial implementation of vegetative management programs
- Minor flood control projects that do not duplicate the flood prevention activities of other Federal agencies
- Localized flood control projects, such as certain ring levees and floodwall systems, that are designed specifically to protect critical facilities
- Post-disaster building code related activities that support building code officials during the reconstruction process

**What are the minimum project criteria?**



There are five issues you must consider when determining the eligibility of a proposed project.

- Does your project conform to your State's Hazard Mitigation Plan?
- Does your project provide a beneficial impact on the disaster area i.e. the State?
- Does your application meet the environmental requirements?
- Does your project solve a problem independently?
- Is your project cost-effective?

## II. **PRE-DISASTER MITIGATION GRANT PROGRAM (PDM)**

### **What is the Pre-Disaster Mitigation competitive grant program?**

The Pre-Disaster Mitigation (PDM) competitive grant program provides funds to State, Tribal, and local governments for pre-disaster mitigation planning and projects primarily addressing natural hazards. Cost Effective pre-disaster mitigation activities reduce risk to life and property from natural hazard events before a natural disaster strikes, thus reducing overall risks to the population and structures, while also reducing reliance on funding from actual disaster declarations. Funds will be awarded on a competitive basis to successful Applicants for mitigation planning and project applications intended to make local governments more resistant to the pacts of future natural disasters.

### **Who can apply for a PDM competitive grant?**

Eligible PDM competitive grant Applicants include State and Territorial emergency management agencies, or a similar office of the State, District of Columbia, U.S. Virgin Islands, Commonwealth of Puerto Rico, Guam, American Samoa, Commonwealth of the Northern Mariana Islands, and Federally-recognized Indian Tribal governments.

- ✓ Eligible Sub-applicants include State agencies; Federally-recognized Indian Tribal governments; and local governments (including State recognized Indian Tribal governments and Alaska native villages).
- ✓ Applicants can apply for PDM competitive grant funds directly to FEMA, while Sub-applicants must apply for funds through an eligible Applicant.
- ✓ Private non-profit organizations are not eligible to apply for PDM but may ask the appropriate local government to submit an application for the proposed activity on their behalf.

### **What are eligible PDM projects?**

Multi-hazard mitigation projects must primarily focus on natural hazards but also may address hazards caused by non-natural forces. **Funding is restricted to a maximum of \$3M Federal share per project.** The following are eligible mitigation projects:

- ✓ Acquisition or relocation of hazard-prone property for conversion to open space in perpetuity;
- ✓ Structural and non-structural retrofitting of existing buildings and facilities (including designs and feasibility studies when included as part of the construction project) for wildfire, seismic, wind or flood hazards (e.g., elevation, flood proofing, storm shutters, hurricane clips);
- ✓ Minor structural hazard control or protection projects that may include vegetation management, Stormwater management (e.g., culverts, floodgates, retention basins), or shoreline/landslide stabilization; and,
- ✓ Localized flood control projects, such as certain ring levees and floodwall systems, that are designed specifically to protect critical facilities and that do not constitute a section of a larger flood control system.

## Mitigation Project Requirements

Projects should be technically feasible (see Section XII. Engineering Feasibility) and ready to implement. Engineering designs for projects must be included in the application to allow FEMA to assess the effectiveness and feasibility of the proposed project. The project cost estimate should complement the engineering design, including all anticipated costs. FEMA has several formats that it uses in cost estimating for projects. Additionally, other Federal agencies' approaches to project cost estimating can be used as long as the method provides for a complete and accurate estimate. FEMA can provide technical assistance on engineering documentation and cost estimation (see Section XIII.D. Engineering Feasibility).

Mitigation projects also must meet the following criteria:

1. Be cost-effective and substantially reduce the risk of future damage, hardship, loss, or suffering resulting from a major disaster, consistent with 44 CFR 206.434(c)(5) and related guidance, and have a Benefit-Cost Analysis that results in a benefit-cost ratio of 1.0 or greater (see Section X. Benefit-Cost Analysis). **Mitigation projects with a benefit-cost ratio less than 1.0 will not be considered for the PDM competitive grant program;**
2. Be in conformance with the current FEMA-approved State hazard mitigation plan;
3. Solve a problem independently or constitute a functional portion of a solution where there is assurance that the project as a whole will be completed, consistent with 44 CFR 206.434(b)(4);
4. Be in conformance with 44 CFR Part 9, Floodplain Management and Protection of Wetlands, and 44 CFR Part 10, consistent with 44 CFR 206.434(c)(3);
5. Not duplicate benefits available from another source for the same purpose, including assistance that another Federal agency or program has the primary authority to provide (see Section VII.C. Duplication of Benefits and Programs);
6. Be located in a community that is participating in the NFIP if they have been identified through the NFIP as having a Special Flood Hazard Area (a FHBM or FIRM has been issued). In addition, the community must not be on probation, suspended or withdrawn from the NFIP; and,
7. Meet the requirements of Federal, State, and local laws.

### What are examples of Ineligible PDM Projects?

The following mitigation projects are not eligible for the PDM program:

- ✓ Major flood control projects such as dikes, levees, floodwalls, seawalls, groins, jetties, dams, waterway channelization, beach nourishment or renourishment;
- ✓ Warning systems;
- ✓ Engineering designs that are not integral to a proposed project;
- ✓ Feasibility studies that are not integral to a proposed project;
- ✓ Drainage studies that are not integral to a proposed project;
- ✓ Generators that are not integral to a proposed project;
- ✓ Phased or partial projects;
- ✓ Flood studies or flood mapping; and,
- ✓ Response and communication equipment.

**Attachment 4**

**Kensington Police Protection & Community Services District Annex of the Contra Costa  
County Hazard Mitigation Plan**

# CHAPTER 36. KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICE DISTRICT ANNEX

## 36.1 HAZARD MITIGATION PLAN POINT OF CONTACT

### Primary Point of Contact

Gregory E. Harman, General Manager/Chief of Police  
217 Arlington Avenue  
Kensington, CA 94707  
Telephone: 510-526-4141  
e-mail Address: gharman@kensingtoncalifornia.org

## 36.2 JURISDICTION PROFILE

The Kensington Police Protection and Community Services District (KPPCSD) provides police protection, waste collection, and park services to the unincorporated community of Kensington. KPPCSD was formed in 1946 as the Kensington Police District under the Health and Safety Code. The District expanded its services to include park and recreation services in 1955. In 1981, voters approved adding trash collection and disposal. In 1933, voters approved changing the name of the District to Kensington Police Protection and Community Services District.

The following is a summary of key information about the jurisdiction:

- **Population Served**—The District serves a population of just over 5,000, with a projected population growth rate from 2008 to 2030 of 2 percent.
- **Land Area Served**—Kensington is a special district that consists of approximately one square mile in west Contra Costa County, bordered by the cities of Berkeley, Albany, El Cerrito, and Tilden Park.
- **Value of Area Served**—The estimated value of the area served by the jurisdiction is \$1,200,000,000 based on 2008 property tax values.
- **Land Area Owned**—The District owns a 10-acre park, which contains three buildings used for public use, tennis courts, basketball courts, picnic areas, and a children's playground.
- **List of Critical Facilities Owned by the Jurisdiction:**
  - The Community Center- This building is also designated as an evacuation shelter
  - The Annex Building- This building has been used as an Emergency Operations Center in the past
  - Building E- Currently leased to the Kensington Community Council for recreational programs
- **Total Value of Critical Facilities**—The total value of critical facilities owned by the jurisdiction is \$952,500 per insurance coverage to replace listed buildings.

- **Current and Anticipated Service Trends**—The District will continue to provide law enforcement protection to the community as well as provide park and recreational services and solid waste collection.

The jurisdiction's boundaries are shown on Figure 1-1.

### **36.3 JURISDICTION-SPECIFIC NATURAL HAZARD EVENT HISTORY**

Table 36-1 lists all past occurrences of natural hazards within the jurisdiction.

### **36.4 HAZARD RISK RANKING**

Table 36-2 presents the ranking of the hazards of concern.

### **36.5 APPLICABLE REGULATIONS AND PLANS**

The following existing codes, ordinances, policies or plans are applicable to this hazard mitigation plan:

- California Department of Public Health
- California and US Environmental Protection Agencies
- California Code of Regulations
- Federal Endangered Species Act
- California Environmental Quality Act (CEQA)
- Contra Costa County Operational Area Hazard Mitigation Plan
- City of El Cerrito Emergency Operations Plan; Kensington Annex dated February 2007

### **36.6 CLASSIFICATION IN HAZARD MITIGATION PROGRAMS**

The jurisdiction's classifications under various hazard mitigation programs are presented in Table 36-3.

### **36.7 HAZARD MITIGATION ACTION PLAN AND EVALUATION OF RECOMMENDED INITIATIVES**

Table 36-4 lists the initiatives that make up the jurisdiction's hazard mitigation plan. Table 36-5 identifies the priority for each initiative. Table 36-6 summarizes the mitigation initiatives by hazard of concern and the six mitigation types.

**TABLE 36-1.  
NATURAL HAZARD EVENTS**

Type of Event	FEMA Disaster #	Date	Preliminary Damage Assessment
Earthquake	NA	10/30/2007	No estimates available
Wildfire	NA	10/20/1991	No damage in Kensington/Fire stopped at Berkeley border
Earthquake	FEMA-845	10/17/1989	\$1,000,000

**TABLE 36-2.  
HAZARD RISK RANKING**

Rank	Hazard Type	Risk Rating Score (Probability x Impact)
1	Earthquake	54
2	Wildfire	54
3	Dam Failure	54
4	Landslide	54
5	Flood	6
6	Severe Weather	6
7	Drought	6

**TABLE 36-3.  
COMMUNITY CLASSIFICATIONS**

	Participating?	Classification	Date Classified
Public Protection	No	N/A	N/A
Storm Ready	No	N/A	N/A
Firewise	No	N/A	N/A
Tsunami Ready	No	N/A	N/A

**TABLE 36-4.  
HAZARD MITIGATION ACTION PLAN MATRIX**

Applies to new or existing assets	Hazards Mitigated	Objectives Met	Lead Agency	Estimated Cost	Sources of Funding	Timeline
<b>Initiative 1—Structural Engineers Analysis of Community Center</b>						
Existing	Earthquake	1, 2, 3, 7	KPPCSD	\$10,000	KPPCSD, PDM, Private, HMGP	Short-term
<b>Initiative 2—Structural Retrofit of Community Center</b>						
Existing	Earthquake	1, 2, 3, 7	KPPCSD	\$100,000	KPPCSD, PDM, Private, HMGP	Short-term
<b>Initiative 3—Structural Engineers Analysis of Annex Building</b>						
Existing	Earthquake	1, 2, 3, 7	KPPCSD	\$2,500	KPPCSD, EBRPD, PDM, HMGP	Short-term
<b>Initiative 4—Structural Retrofit of Annex Building</b>						
Existing	Earthquake	1, 2, 3, 7	KPPCSD	\$25,000	KPPCSD, EBRPD, PDM, HMGP	Short-term
<b>Initiative 5—Fuel Reduction along EBRPD border</b>						
Existing	Wildfire	1, 2, 3, 7	KPPCSD	\$100,000	PDM	Short-term
<b>Initiative 6—Utility undergrounding</b>						
Existing	Earthquake/ Wildfire	1, 2, 3, 7	KPPCSD	\$39 Million	PDM, District Bond	Long-term
<b>Initiative 7—Support County-wide initiatives identified in Volume 1.</b>						
New & Existing	All Hazards	All	County	Low	District Funds	Short Term, ongoing
<b>Initiative 8—Continue to support the implementation, monitoring, maintenance, and updating of this Plan, as defined in Volume 1.</b>						
New & Existing	All Hazards	All	County	Low	District Funds, FEMA Mitigation Grant Funding for 5-year update	Short Term, ongoing
<b>Initiative 9—Integrate Local Hazard Mitigation Plan into the Safety Element of the General Plan</b>						
New & Existing	All Hazards	4, 5, 14	County	Low	District Funds	Short Term, ongoing

TABLE 36-5.  
MITIGATION STRATEGY PRIORITY SCHEDULE

Initiative #	# of Objectives Met	Benefits	Costs	Do Benefits Equal or Exceed Costs?	Is Project Grant-Eligible?	Can Project Be Funded Under Existing Programs/Budgets?	Priority <sup>a</sup>
1	4	High	Low	Yes	Yes	Yes	High
2	4	High	Low	Yes	Yes	Yes	High
3	4	High	Low	Yes	Yes	Yes	Medium
4	4	High	Low	Yes	Yes	Yes	Medium
5	4	High	High	Yes	Yes	No	Low
6	4	High	High	Yes	Yes	No	Low
7	16	Medium	Low	Yes	No	No	High
8	16	Medium	Low	Yes	Yes	Yes	High
9	3	Low	Low	Yes	No	Yes	High

a. Explanation of priorities

- High Priority: Project meets multiple plan objectives, benefits exceed cost, funding is secured under existing programs, or is grant eligible, and project can be completed in 1 to 5 years (i.e., short term project) once funded.
- Medium Priority: Project meets at least 1 plan objective, benefits exceed costs, requires special funding authorization under existing programs, grant eligibility is questionable, and project can be completed in 1 to 5 years once funded.
- Low Priority: Project will mitigate the risk of a hazard, benefits exceed costs, funding has not been secured, project is not grant eligible, and time line for completion is long term (5 to 10 years).



**TABLE 36-6.  
ANALYSIS OF MITIGATION INITIATIVES**

Hazard Type	Initiative Addressing Hazard, by Mitigation Type					
	1. Prevention	2. Property Protection	3. Public Education and Awareness	4. Natural Resource Protection	5. Emergency Services	6. Structural Projects
Drought	8, 9		7, 8			
Earthquake	1, 2, 3, 4, 6, 8, 9	1, 2, 3, 4, 6	7, 8			1, 2, 3, 4, 6
Flood	8, 9		7, 8			
Landslide	8, 9		7, 8			
Severe Weather	8, 9		7, 8			
Dam Failure	8, 9		7, 8			
Wild Fire	5, 6, 8, 9		7, 8	5		6

Notes:

1. Prevention: Government, administrative or regulatory actions that influence the way land and buildings are developed to reduce hazard losses. Includes planning and zoning, floodplain laws, capital improvement programs, open space preservation, and stormwater management regulations.
2. Property Protection: Modification of buildings or structures to protect them from a hazard or removal of structures from a hazard area. Includes acquisition, elevation, relocation, structural retrofit, storm shutters, and shatter-resistant glass.
3. Public Education and Awareness: Actions to inform citizens and elected officials about hazards and ways to mitigate them. Includes outreach projects, real estate disclosure, hazard information centers, and school-age and adult education.
4. Natural Resource Protection: Actions that minimize hazard loss and preserve or restore the functions of natural systems. Includes sediment and erosion control, stream corridor restoration, watershed management, forest and vegetation management, and wetland restoration and preservation.
5. Emergency Services: Actions that protect people and property during and immediately after a hazard event. Includes warning systems, emergency response services, and the protection of essential facilities.
6. Structural Projects: Actions that involve the construction of structures to reduce the impact of a hazard. Includes dams, setback levees, floodwalls, retaining walls, and safe rooms.

**RESOLUTION NO. 2011-13**  
**A RESOLUTION OF KENSINGTON POLICE PROTECTION & COMMUNITY SERVICES**  
**DISTRICT**  
**AUTHORIZING THE ADOPTION OF THE**  
**CONTRA COSTA COUNTY HAZARD MITIGATION PLAN**

**WHEREAS**, all of Contra Costa County has exposure to natural hazards that increase the risk to life, property, environment and the County's economy; and

**WHEREAS**; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

**WHEREAS**, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

**WHEREAS**; a coalition of Contra Costa County stakeholders with like planning objectives has been formed to pool resources and create consistent mitigation strategies to be implemented within each partners identified capabilities, within the Contra Costa County Operational Area; and

**WHEREAS**, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

**NOW, THEREFORE, BE IT RESOLVED** that the Kensington Police Protection & Community Services District:

- 1.) Adopts in its entirety, Volume I and parts 1, the Kensington Police Protection & Community Services District jurisdictional annex of part 2, part 3 and the appendices of Volume II of the Contra Costa County Hazard Mitigation Plan (CCCHMP).
- 2.) Will use the adopted and approved portions of the CCCHMP to guide pre and post disaster mitigation of the hazards identified.
- 3.) Will coordinate the strategies identified in the CCCHMP with other planning programs and mechanisms under its jurisdictional authority.
- 4.) Will continue its support of the Steering Committee and continue to participate in the Planning Partnership as described by the CCCHMP.
- 5.) Will help to promote and support the mitigation successes of all CCCHMP Planning Partners.

PASSED AND ADOPTED on this 14TH day of July, 2011, by the following vote:

AYES:            NOES:            ABSENT:            ABSTAIN:

\_\_\_\_\_  
KPPCSD Board President

ATTEST: \_\_\_\_\_  
District Secretary

## DISTRICT - NEW BUSINESS

2. General Manager Greg Harman will present to the Board the proposed CSDA Bylaw Amendments for review and possible approval. Board Action.

## MEMORANDUM

**DATE:** June 1, 2011

**TO:** California Special Districts Association (CSDA) Voting Members

**FROM:** Jo MacKenzie, CSDA Board President  
Neil McCormick, CSDA Executive Director

**SUBJECT:** Proposed CSDA Bylaws Amendments

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The CSDA Board of Directors has approved that attached recommended changes to the CSDA Bylaws to bring forward to CSDA voting members for consideration.

These recommended changes only affect one section of the bylaws (Article VIII – Local Chapters) as indicated in the attached document. The main reason for the proposed change to the bylaws is to require all newly formed chapters to have 100% of their members as dues paying members of the state association (CSDA) as well.

**Approving this bylaws change will not affect any existing CSDA chapter or its members. This is for newly formed chapters only.**

CSDA strongly encourages all chapters to promote membership in CSDA at the statewide level as it significantly helps in supporting the wide variety of efforts by the association throughout California and delivered on behalf of all districts. Ultimately, CSDA is trying to build and strengthen the relationship and connection between the statewide organization and chapters so we can better work together, communicate and have consistency in membership which makes us stronger.

The proposed changes are indicated in mark-up form on the attached excerpt from the Bylaws. A full version of the current CSDA bylaws can be found online at [www.csda.net/bylaws](http://www.csda.net/bylaws).

Once your district has reviewed the proposed CSDA bylaws updates, please use the enclosed official ballot with the prepaid postage to cast your vote by mail in favor or not in favor of the changes. **Completed ballots must be received by Friday, July 29, 2011 at 5:00 pm to be counted.** Only official and fully completed ballots returned via regular mail will be counted. The results of the Bylaws ballot will be announced in the CSDA e-News and on the CSDA website -- [www.csda.net](http://www.csda.net). If approved, the updated bylaws will take effect on August 1, 2011.

If you have any questions or require hard copies of any of any of these documents, you may contact Charlotte Lowe, Executive Assistant at [charlottel@csda.net](mailto:charlottel@csda.net) or (916) 442-7887.

**Thank you for your participation and continued support of CSDA!**

## **ARTICLE VIII – LOCAL CHAPTERS**

### **Section 1. Purpose:**

The purpose of local chapters is to provide a local forum of members for the discussion, consideration and interchange of ideas concerning matters relating to the purposes and powers of special districts and the CSDA.

The local chapters may meet to discuss issues bearing upon special districts and the CSDA: The chapters may make recommendations to the CSDA's Board of Directors.

### **Section 2. Organization:**

The regular voting members of the CSDA are encouraged to create and establish local chapters. Each of the following existing chapters must have at least one (1) CSDA member in their membership at all times: Alameda, Butte, Contra Costa, Kern, Marin, Monterey, Orange (ISDOC), Placer, Sacramento, San Bernardino, San Diego, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara and Ventura. These existing chapters are strongly encouraged to have all district members as CSDA members, however - If the existing local chapter may include members of local organizations, districts and professionals who are not members of the CSDA.

New chapters formed after {DATE OF BYLAWS UPDATE} are required to have 100 percent of their district members as CSDA members in order to be a chapter affiliate of CSDA. The existing local chapter may include members of local organizations and professionals who are not members of CSDA.

Local chapters shall be determined to be affiliates of the CSDA upon approval and ratification by the Board of Directors of the CSDA. The chapters shall be required to provide updated membership lists to the CSDA at least annually.

CSDA and its local chapters shall not become or deem to be partners or joint ventures with each other by reason of the provisions of these Bylaws.

### **Section 3. Rules, Regulations and Meetings:**

Each local chapter shall adopt such rules and regulations, meeting place and times as the membership of such local chapter may decide by majority vote. Rules and regulations of the local chapter shall not be inconsistent with the Articles of Incorporation or Bylaws of the CSDA.

### **Section 4. Financing of Local Chapters:**

No part of the CSDA's funds shall be used for the operation of the local chapter affiliates. The CSDA is not responsible for the debts, obligations, acts or omissions of its local chapters.

### **Section 5. Legislative Program Participation:**

Local chapters may function as a forum in regard to federal, state and local legislative issues. The chapters may assist the CSDA in the distribution of information to their members.



California Special  
Districts Association  
*Districts Stronger Together*

MAIL BALLOT FOR PROPOSED  
BYLAWS AMENDMENT

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## Shall the 2011 Proposed CSDA Bylaws Amendments be Adopted?

- Yes
- No

CSDA Member District Name: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_  
*(GM or Board President)*

View current 2010 CSDA Bylaws at [csda.net/bylaws](http://csda.net/bylaws)  
View proposed new bylaws also at [csda.net/bylaws](http://csda.net/bylaws)

(If you require a hard copy of either of the above listed bylaws or have questions, please call Charlotte Lowe,  
CSDA Executive Assistant at (877) 924-CSDA.) If approved, bylaws will become effective August 1, 2011.

## DISTRICT - NEW BUSINESS

3. General Manager Greg Harman will present to the Board the CSDA ballot for the representative for the CSDA Board of Directors Region 3 Seat C for review and action. Board Action.



# CALIFORNIA SPECIAL DISTRICTS ASSOCIATION

## 2011 BOARD ELECTIONS

### MAIL BALLOT INFORMATION

Dear Member:

A mail ballot has been enclosed for your district's use in voting to elect a representative to the CSDA Board of Directors in your Region for Seat C. Each of CSDA's six (6) regional divisions has three seats on the Board. Each of the candidates is either a board member or management-level employee of a member district located in your geographic region. Each Regular Member (district) in good standing shall be entitled to vote for one (1) director to represent its region.

We have enclosed the candidate statements for each candidate who submitted one. Please vote for **only one** candidate to represent your region in Seat C and be sure to sign, date and fill in your member district information (*in some regions, there may only be one candidate*). If any part of the ballot is not complete, the ballot will not be valid and will not be counted.

Please utilize the enclosed return envelope to return the completed ballot. Ballots must be received at the CSDA office at 1112 I Street, Suite 200, Sacramento, CA 95814 by **5:00pm on Friday, August 5, 2011**.

If you do not use the enclosed envelope, please mail in your ballot to:  
**California Special Districts Association**  
**Attn: 2011 Board Elections**  
**1112 I Street, Suite 200**  
**Sacramento, CA 95814**

Please contact Charlotte Lowe toll-free at 877.924.CSDA or [charlottel@csgda.net](mailto:charlottel@csgda.net) with any questions.



Stanley R. Caldwell  
75 Cecilia Lane  
Martinez, California 94553-1455  
925-228-8922 (home)  
Stan\_Caldwell@comcast.net

California Special Districts Association  
1112 I Street, Suite 200  
Sacramento, CA 95814

RE: Election Region 3, Seat C

Dear Region 3 Special District,

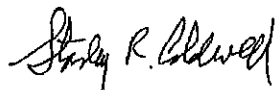
It has been an honor and a pleasure to serve the California Special Districts Association (CSDA) Membership as Region 3 Director these past 3 years. I look forward to the opportunity to continue to be of service. I have been active and involved in CSDA activities. I have served on the Membership and Recruitment Committee & Fiscal Committee. I am currently chair of the Fiscal Committee and CSDA Treasurer. I am semi-retired and I have the time, and the commitment required to continue to serve as a director.

I have served on the board of directors for the Mt. View Sanitary District (MVSD) in Region 3 since November of 1993. I have faithfully and diligently served within my local community. I am a dedicated active board member of MVSD and have served several times as the board president. By being an active participant at the California Association of Sanitation Agencies (CASA) and the California Special District Association, I enhance my ability to serve in a director position. I am the current MVSD representative to the Local Agency Formation Commission (LAFCO) in Contra Costa County. Contra Costa County has a local CSDA chapter, the Contra Costa Special Districts Association (CCSDA) of which I have been active participant and contributor. For CCSDA I provide Legislative updates at each meeting and I am the current Newsletter Editor.

If re-elected I would continue to provide the leadership that makes CSDA a success. I will apply my experience, commitment and leadership to be effective, efficient, and responsive to special district needs. Together, through continued advocacy, education, and the value-added services that CSDA provides, we can positively affect all special districts, their operations and service to constituents.

Please consider me for the upcoming election for Director of Region 3 where I will continue to bring my experience and dedication to CSDA.

Thank you for your consideration,



Stanley R. Caldwell  
Incumbent CSDA Region 3 Director  
Mt. View Sanitary District Board Member



**CSDA BOARD OF DIRECTORS  
ELECTION 2011**

*All Fields Must Be Completed for ballot to be counted.  
(Please vote for only one.)*

**REGION THREE**

●  
*Seat C - term  
ends 2014*

**Stanley Caldwell\***  
*Mt. View Sanitary District*

**Kathryn Slater-Carter**  
*Montara Water & Sanitary District*

*\* incumbent*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Member District: \_\_\_\_\_

**Must be received by 5pm, August 5, 2011. CSDA, 1112 I Street, Suite 200, Sacramento, CA 95814**

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## DISTRICT - NEW BUSINESS

4. General Manager Greg Harman will present to the Board for a first reading, KPPCSD Board Meeting Conduct, Policy # 5030.55, "Board members shall not utilize personal electronic devices used in the transmission or collection of information, data, or communication while the Board is in session." First Reading.