

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Dear Fellow Board Members, General Manager, & Public,

Below are some thoughts as they relate to the minutes policy of 4140.3 & 4140.1.5[‡] and the proposed abandonment of the older detailed “deliberative” Summary minute policy.

I should point out that there is limited monetary savings in stripping detail from the minutes, relative to most KPPCSD operations (as demonstrated with some basic accounting estimations – **A-series**).

In response to the argument that the video/audio recordings are sufficient replacements to written detail, I point out several issues that have been glossed over:

- Navigating is neither practical nor trivial without significant indexing – it is relatively time consuming to find a specific agenda topic in a ~3 hour video, even with fast-forwarding.
- Any viewing is dependent on a working internet connection and/or electronic device.
- They are not readily searchable based on keywords or statements.
- Audio clarity has been a known issue

In contrast, detailed written minutes:

- Can be rapidly skimmed – allowing people to scan or read at depth depending on their goal, and providing a significantly lower barrier-to-entry for new people to inform themselves.
- Naturally have events/details indexed based on agenda item.
- Is compatible with direct keyword searching on discussion elements, quotes, names, ect.
- Exist as both hardcopy and digital forms – making access significantly easier.
- Can be directly annotated, marked up, and retained as part of the reading process.

I again should stress, that the written minutes are the only real historical record of Board activities/discussions that is retained by the KPPCSD in perpetuity (**B-series**), per our retention policy. Anything not in the minutes is officially lost with time.

Beyond allowing citizens to track the evolution of the town and see how different Boards approached problems, retaining a detailed record of *how* and *why* issues were addressed in a certain way enhances the District’s long-term decision-making ability by providing historical lessons or context to draw upon.

Finally, from a governance philosophy standpoint, the minute policy is one of the fundamental declarations about the degree of operational transparency and decision-making accountability the District and its Board embraces for the benefit of the citizens (present and future).

(next page has index of additional supporting attachments, **Series C to E**)

[‡] As a clarity point: “*The minutes, presented in action format*” fails to clearly indicate whether the policy is indicating *Action minutes* (as claimed by 4/25/19 Staff Report 7c, item 3 on pg. 5) or *Summary minutes* (when factoring in context from Section 4140.1.5).

Attached are supporting documentation and examples:

A-series: *Cost analysis of Transcription vs. Clerk of the Board vs. District Administrator*

- There are insignificant District savings to be found in the minutes generating process – even when working down from the high-information quality option of the 2017-type minutes.

B-series: *KPPCSD Retention Policy Section*

- Minutes are the only record of board meeting events retained in perpetuity by the KPPCSD.

C-series: *Page from Robert's Rules, Albany manual, & old KPPCSD manual*

- Parliamentary procedure generally indicates that there should be a level of detail in public minutes – staff elements of Robert's Rules are beyond the scope of the KPPCSD.
- Albany's formal policy, even when establishing bare-bone summary minutes, still acknowledges value in recording considerations as needed.
- The old KPPCSD policy is essentially one advocating maximal transparency for the historical record, even being ahead of transparency laws at the time of its adoption.

D-series: *Clippings from recent minutes of the KPPCSD, KFPD, & neighboring cities*

- The immortalizing of debate allows for more nuanced records of political positions and thought process beyond a simple vote tally of Yes/No/Abstain.
- Detailed minutes also provide better transparency, accountability, and context to governance when compared to actions or heavily distilled summaries.

E-series: *Sample minutes from KFPD in 1993 & 1995*

- Example of how significant events in KFPD history are lost in action minutes or limited summary minutes.

SUBMITTED BY: Director Cyrus Modavi

P.S. – As cross-reference to recent minute discussions:

- February 23, 2017
- July 13, 2017

Cost analysis of Transcription vs. Clerk of the Board vs. District Administrator

Assumptions:

- Two 3.5 hour Board Meetings for all 12 months = 84 hrs
- Five 2 hour Finance Committee meetings per Fiscal Year = 10 hrs
 - o Total meeting time = 94 hrs
- Clerk of the Board rate of **~40 \$/hr**, based on estimate accepted by the District (see 2018-08-09)
 - o That pure action minutes have no significant write up time added
 - o That minute formatting/write up is 0.5 hr for every 1 hr meeting for summary minutes.
- District Administrator rate of **49.41 \$/hr** (via PRA)
 - o That minute formatting/write up is 1 hr for every 1 hr meeting for the “deliberative” summary minutes the District produced up until April, 2018

GoTranscription (“ad hoc transcription-minutes”):

<https://gotranscript.com/transcription-cost-estimate>

Text format: Clean verbatim

Timestamping: Not required

Turnaround time: 5 days

Number of speakers: 3 or more

Captions: Not required

Language: English

Low-quality audio: No

Pricing: \$1.15 per audio or video minute.

Recording length (-s):	94h 0min
Subtotal:	\$6486.00
You've got a 20% discount!	
YOU SAVE:	\$1297.20!
Total:	\$5188.80

Clerk of the Board:

Action Minutes: (94 hrs)(40 \$/hrs) ≈ **3760 \$/yr**

Summary Minutes: (94 hrs)(1.5 per formatting)(40 \$/hrs) ≈ **5640 \$/yr**

District Administrator deliberative minutes: (94 hrs)(2 per formatting)(40 \$/hrs) ≈ **7,520 \$/yr**

District Administrator:*

*Minute taking work is in addition to combined role at meeting as general support staff and as present to be updated on District operations and fund authorizations (as related to handling the bills and payroll).

Deliberative minutes: (94 hrs)(2 per formatting)(49.41 \$/hr) ≈ **9,289 \$/yr**

Deliberative minutes_Max: (94 hrs)(2.25 per formatting)(49.41 \$/hr) ≈ **10,450 \$/yr**

Thus, *maximal* savings are around **5,500 – 7,000 \$/yr** for removing deliberative minutes.

Consider the following monetary elements: (from finance committee provided documents)

- *Over-expenditures* on Consultants (Account 835): **approx. 49,000 \$ in FY17-18**
- Negotiated PSB lease (above older 1 \$/yr amount): **approx. 35,000 \$/yr**
- Net *gain* of police grant money brought in by KPD officer efforts: **approx. 151,000 \$ in FY17-18**

That said, quoting the minutes from February 23, 2017:

“Director Welsh said he agreed with what he’d heard from the bulk of the speakers: It’s nice to have a written record that someone spent time ensuring was accurate. He said it was better to err on verbatim than not have enough...he thought this was the wrong place to look [for ways to save the District Money].”

Warrants:

- Felony Warrants: Murder & Escape Permanent
- Felony Warrants: All other CY + 10 yrs.
- Misdemeanor Warrants CY + 5 yrs.
- Served Warrants CY
- Unserved Warrants Until served
- Parking Warrants CY + 1 yr.
- Traffic Warrants CY + 5 yrs.
- Search Warrants CY + 5 yrs.

- Subpoenas CY + 2 yrs.
- Department Statistics CY + 5 yrs.
- Alpha Cards CY + 10 yrs.

Personnel:

- Tort Claims and Complaints Against Officers CY + 6 yrs.
- Background Investigations (failed) CY + 5 yrs.
- Background Investigations (hired) Permanent
- Testing Files CY + 5 yrs.
- Internal Affairs Investigations CY + 5 yrs.
- Personnel Files Permanent⁴

Administration:

- Board Minutes/Packets/Resolutions Permanent
- Correspondence CY + 2 yrs.
- Policies and Procedures CY until replaced
- Audits Permanent
- Insurance policies
 - Liability Permanent
 - Property 1 yr. after expiration
- Payroll Registers CY + 10 yrs.
- Overtime CY + 5 yrs.
- Budget receipts CY + 5 yrs.
- Real Property Permanent
- Park Purchase Permanent
- Park Bond Permanent
- County Monthly Bank Statements CY + 5 yrs.
- Bank Statements/ Bills/ Deposits CY + 5 yrs.
- Contracts CY + 7 yrs.
- Successful Bid Documents CY + 10 yrs.
- Unsuccessful Bid Documents CY + 2 yrs.
- Legal: litigation and opinions CY + 3 yrs.
- Other CY + 2 yrs.

Deferred Comp. Plan
Administration State-
ments CY + 7 yrs

APay ~~900~~ "900"s
 { re: Assets Keep
 Bids imp.
 Capital Imps - Keep
 Keep credit cards
 Normal monthly ^{stipend}
 expense
 no longer than 7 yrs.
 Payroll no longer
 than 7 yrs
 Transmittals 7 yrs

⁴ Including Workers' Compensation, Benefit Plan Claims, and Medical Leave.

Retention Code:

CY + ___ : Current Year plus additional year(s). If for example, an investigation or contract is still active, it remains current year after year. The review period commences after the investigation or contract is ended

Page from Robert's Rules, Albany manual, CSDA manual & old KPPCSD manual
[emphasis added in all cases]

Robert's Rules of Order (4ed, Revised)

(4th edition is provided on-line: <http://www.rulesonline.com/>)

59. Secretary, or Clerk

[...]

The secretary should [...] keep a record of the proceedings, **stating what was done and not what was said, unless it is to be published**, and never making criticisms, favorable or otherwise, on anything said or done. This record, usually called the minutes, is kept as explained in the next section. [...]

60. The Minutes.

[...]

Minutes to be Published. **When the minutes are to be published, in addition to the strict record of what is done, as heretofore described, they should contain a list of the speakers on each side of every question, with an abstract of all addresses, if not the addresses in full, when written copies are furnished.** In this case the secretary should have an assistant. With some annual conventions it is desired to publish the proceedings in full. In such cases it is necessary to employ a stenographer as assistant to the secretary. Reports of committees should be printed exactly as submitted, the minutes showing what action was taken by the assembly in regard to them; or, they may be printed with all additions in italics and parts struck out enclosed in brackets in which case a note to that effect should precede the report or resolutions. In this way the reader can see exactly what the committee reported and also exactly what the assembly adopted or endorsed.

Albany P&P Manual policy on Minutes

(Updated Jan 22nd, 2019 – <https://www.albanyca.org/home/showdocument?id=40344>)

Pg. 23-24

H. MINUTES

H-1. PREPARATION OF MINUTES

The minutes shall consist of a clear concise statement of each and every Council action, including the motions made at the vote thereon. Minutes shall serve as a summary of the meeting, and shall not be verbatim. **Reasons for making a motion, or voting, Council debate, and audience reaction, are generally irrelevant for purposes of the minutes. Such items may be included if considered to be particularly relevant or otherwise necessary by the City Clerk in the first instance and by the Council in the final instance.** The City Clerk shall have exclusive responsibility for preparation of the minutes, and any directions for changes in the minutes shall be made only by action of the City Council.

KPPCSD 1997 P&P Manual

(Transcription of Policy 5060.5.1 to 5060.5.3)

(PDF pg. 179-180 – Adopted/Inserted October 19, 2006)

5060.5.1 The minutes of Board meetings shall record all motions, resolutions, and ordinances as having passed or failed, and individual votes shall be recorded.[‡] All resolutions and ordinances adopted by the Board shall be numbered sequentially starting new at the beginning of each calendar year.

5060.5.2 The minutes of Board meetings shall also include the following information, if relevant:

- Date, place and type of each meeting;
- Directors present and absent, by name;
- Administrative staff present, by name;
- Visitors and delegations appearing before the Board, by name;
- Call to order, including time;
- Time and name of Directors or District staff arriving late;
- Time and name of Directors or District staff departing before adjournment;
- Names of Directors or District staff absent during the deliberation of an agenda item regardless of whether action was taken;
- Summarial record of public comment regarding matters not on the agenda, including names of commentators, if provided;
- Summarial record of staff reports and Board member comments;
- Approval of the minutes or amended minutes of preceding meetings;
- Approval of financial reports;
- Approval of any items included in the consent calendar;
- **Summarial information as to each subject of the Board's deliberation and its disposition;**
- **Resolutions and ordinances described as to their substantive context;**
- Record of all contracts and agreements, and their amendment, approved by the Board;
- **All announcements of employment, resignations, or terminations of employment within the District;**
- **A record of all described bidding procedures and stages in a bidding process, including the authorization of calls for bids, bids received, and acceptance of bids;**
- Adoption of the annual budget;
- Adoption of new or amended policies and procedures;
- Approval of all dispositions of District assets[§];
- Approval of all purchases of District assets[§];
- **Record of the vote of each Director on every item for which there was a vote;[‡] and,**
- Time of meeting adjournment.

5060.5.3 ***The minutes shall include any other information the Board may deem to be of importance.***

[‡] Interesting legal fact: This requirement from 2006 was ahead of its time, as legal requirements for recoding votes by individuals was only mandated from around 2013 after the passing of SB751

[§] Typo is present in original document

Clippings from recent minutes of the KPPCSD, KFPD, & neighboring cities

KPPCSD (July. 14, 2016)

Andrew Gutierrez asked if the County could contribute to the cost of the signs, since the roads belong to the them. He also suggested that the signs be solar. IGM/COP Hart responded that it would be hard to get money out of the County

Director Toombs asked if the District needed to get County permission to install the signs. IGM/COP Hart responded that the County didn't have a problem with this, but he would be working with them.

Vice President Sherris-Watt suggested, and Board consensus was, that the Board direct IGM/COP Hart to purchase the two digital signs and six poles from Lake Traffic Solutions for the amount of \$7,000, as had been approved per the budget.

KPPCSD (June. 22, 2017)

President Sherris-Watt said that she was sympathetic to people on both sides of the argument, that she had voted against Measure G increases in the past, but that she was aware that the District had pressing issues. She said the Board had just hired a GM who had not yet had the chance to identify possible cost savings.

Director Welsh said that he was in agreement and that a good way to go about fiscal prudence was to keep pace with ongoing price increases, due to inflation. He also noted that it was less painful to pay tax increases incrementally each year than to hold back that then have to ask for a larger increase because of having fallen behind.

MOTION: Director Welsh moved, and Director Hacaj seconded, to adopt Resolution 2017-12 the annually permitted CPI increase in the Measure G Special Supplemental Tax for inclusion in the Fiscal Year 2017-18 Budget and that the increase be approved at the maximum CPI addition. Motion passed: 4 – 1.

AYES: Sherris-Watt, Nottoli, Welsh, Hacaj NOES: Cordova ABSENT:

KFPD (February. 13, 2019)

APPROVAL OF THE JANUARY 9, 2019 MINUTES:

President Stein said she thought it beneficial when Board members explain their votes. On Page 4 under Old Business "Request from KPPCSD to Fund Fire Alarm for Community Center Remodel" she said that she and Director Dommer both voted "no" because they favored a larger program. She requested that language be included in the minutes. Director Nagel made a motion to adopt the January 9, 2019 minutes as amended. Director Dommer seconded the motion.

AYES: Dommer, Kosel, Nagel, Padian, Stein
NOES: None
ABSTAIN: None

KFPD (March 13, 2019)

Request from Building Committee to ask KPPCSD to Authorize a Geological Hazard Evaluation and Geotechnical Study of a proposed site within Kensington Park next to the Library: Director Dommer said KFPD needs to find out if the Kensington park site is clean in terms of seismic issues and KFPD also needs to buy a site. Dommer and Nagel will send a letter to KPPCSD and ask for an agenda item to come and update that Board on the project. Nagel said they would be making a presentation. Dommer said it is a challenge on whether to do the

seismic study first to see if the site is good or get the site and then do the study. Nagel said he was astonished at the fee for the geological/geotech report (\$65,000) that was received and there is no commitment from KPPCSD. Dommer said he is up to proceeding either way. He has not had a chance to review the proposal yet but it appears they are proposing to trench up to 200 feet which is expensive.

Director Kosel said she has three concerns about the agenda item so she intends to vote no. KFPD does not have a legal opinion from KPPCSD's attorney on whether a public safety building can be built in the park. Spending money on the geotech seems in appropriate at this stage. Second, she asked Dommer before last month's meeting to provide a written report of what is possible at the existing site which has not been provided. Thirdly, the

El Cerrito City Council (Dec. 18, 2018)**Council Discussion:**

Members of the Council questioned staff about various aspects of each of the proposed ordinances including: 1) penalties and enforcement; 2) data collection; 3) a rent registry; 4) protections for mom and pop landlords with limited incomes; 5) workshops for landlords and tenants; 6) relocation expenses; 7) just cause for eviction; and 8) non-binding mediation.

Actions: Moved, seconded (Lyman/Fadelli) and carried unanimously to waive first reading and introduce an Ordinance adding Chapter 10.200 - Minimum Lease Terms to the Municipal Code.

Albany City Council (February 19, 2019)

The following persons spoke: Preston Jordan, Keith Knudsen, Bob Outis.

A summary of the comments is as follows: support for a retrofit program and utilizing different timelines for retrofit projects based on number of units or size of buildings; the need for a soft-story retrofit program; support for including commercial buildings in a retrofit program.

A summary of Council comments is as follows: support for developing a soft-story retrofit program, including commercial buildings, condominiums, and residential duplexes, and prioritizing buildings based on size and age; a suggestion to seek grant funding for a preliminary survey; amortizing the cost of a retrofit project over a period of time could benefit landlords and tenants; staff and consulting engineers should determine the appropriate retrofit standards; perhaps the program could include other hazards mentioned in the Hazard Mitigation Plan; perhaps the City can offer tax credits to landlords; parking, height, and setback requirements could be waived or reduced for retrofit projects; Oakland's ordinance may be a good model ordinance; tenants alone should not bear the cost of retrofit projects; a suggestion for the Council to consider partnering with another city to utilize economies of scale; the immediate goal of a program should be life safety; requiring the conversion from natural gas to all electric could reduce the fire risk for older buildings; data from a preliminary survey may assist the Council with establishing priorities.

Berkeley City Council (Dec. 5, 2019) – “annotated agenda”**Mayor's Recommendations for Allocation of Unassigned General Fund Excess Equity** *(Continued from November 28, 2017)***From: Mayor Arreguin**

Recommendation: 1. Approve the proposed allocations in Attachment A of \$3,500,000 in Fiscal Year 2017 Unassigned Excess Equity, \$1,000,000 in Measure U1 revenues for the Small Sites Program, and \$173,531 in funding re-appropriated from the new 1011 University Avenue Council Chambers project. 2. Adopt a resolution authorizing the City Manager to execute an amendment to Contract No. 010577 with Dorothy Day House to add \$110,000 to expand the existing Berkeley Emergency Storm Shelter (BESS) and operate a nightly winter shelter for up to 140 nights through April 15, 2018 for a total contract amount not to exceed \$181,324. 3. Direct the City Manager to bring back to Council a proposal to establish an Irrevocable Supplemental Pension Trust and other options as proposed by staff.

Financial Implications: See report

Contact: Jesse Arreguin, Mayor, 981-7100

Action: 16 speakers. M/S/C (Arreguin/Wengraf) to adopt recommendations #1 and #3 in Item B2 with the following amendments:

- \$150,000 allocation to the reserves reduced to \$71,000
- \$30,000 allocation approved for the UC Theater
- \$49,000 allocation approved for Berkeley Youth Alternatives
- \$1,900,000 for Pathways Project
- \$60,000 for portable toilets and hand-washing stations
- Allocation for illegal dumping to include measures to discourage illegal dumping
- \$200,000 for undergrounding process referred to June 2018 budget process
- Ombudsman for Planning Department referred to June 2018 budget process

Vote: All Ayes.

KENSINGTON FIRE**PROTECTION DISTRICT**

FIRE CHIEF
Samuel L. Treese
215 Arlington Avenue
Kensington, CA 94707

TEL: (510) 527-8855
FAX: (510) 526-1028

BOARD OF DIRECTORS
Paul Wilson
Ben Young
Martin Knight

**SPECIAL MEETING OF THE BOARD OF DIRECTORS OF
THE KENSINGTON FIRE PROTECTION DISTRICT**

Date: March 25, 1993

Time: 7pm.

The purpose of this special meeting was to interview two (2) candidates for one (1) vacant position of Board Director.

The meeting was called to order at 7:08 pm by Director Knight.

Present: Director Young, Director Knight, Janice Kosel, Ron Egberman, Gene Naccarini, Diane Gossard, Tom Lochner, Chet Murray, Robert McLendon, Wayne Zimmerman and Rick Stratton and James Gozzano

Absent: Board Secretary Sylvia Taberner-Jones and Fire Chief Samuel Treese.

Director Knight introduced the candidates, Janice Kosel and Ron Egberman.

Director Knight invited each candidate to make a statement regarding their desire to serve as a Board Member. Each candidate made a statement.

Each candidates answered questions from Director Young and Director Knight regarding their prospective regarding the problems that face the Fire District and possible solutions.

Director Knight opened a question and answer period where those present had an opportunity to ask questions of the candidates.

Candidate Kosel and Candidate Egberman left the meeting at 7:38 pm.

MINUTES OF THE JUNE 21, 1995 SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE KENSINGTON FIRE PROTECTION DISTRICT

PRESENT:

Ron Egherman, Janice Kosel, Natalie Salsig, Chuck Grant, Fire Service Consultant Vic Porter, Robert Stern, Howard Stern, Diane Gossard and James Gozzano. Fire Chief Steve Cutright was on vacation. Jim Walker arrived at 6:55 pm.

ACTION MINUTES

CALL TO ORDER:

The meeting was called to order by Board President Ron Egherman at 6:10 pm.

PUBLIC COMMENTS:

There were no public comments.

APPROVAL OF THE EXTENSION TO THE INTERIM AGREEMENT WITH THE CITY OF EL CERRITO:

A motion was made by Natalie Salsig with the support of a second from Janice Kosel to select option #1 of the agenda bill for Resolution 95-4 which authorizes the president of the board of directors to develop an agreement with the city manager of the City of El Cerrito to extent the current interim agreement.

VOTE: AYES: Egherman, Grant, Kosel and Salsig
NOES: None
ABSENT: Walker

STUDY SESSION-FIRE SERVICE CONTRACT DISCUSSION:

A discussion, moderated by Fire Service Consultant Vic Porter, took place concerning twenty nine points of concern in the proposed contract.

El Cerrito City Attorney Howard Stern stated is the intent of the City to produce and distribute a final draft copy of the proposed contract by the week of July 10, 1995. The Board targeted the August 2, 1995 meeting as the time for adoption of the contract.

Adjournment:

A motion was made by Janice Kosel with the support of a second from Natalie Salsig to adjourn the meeting at 7:05 pm.

MINUTES PREPARED BY: James Gozzano Date 6/23/95

MINUTES APPROVED BY: [Signature]
Ron Egherman

[Signature] Janice Kosel
[Signature] Chuck Grant

[Signature]
Natalie Salsig

[Signature]
Jim Walker