

## Meeting Minutes for 8/14/17

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday, August 14, 2017, at 6:30 P.M., at the Community Center, 59 Arlington Ave., Kensington, California. A Special Meeting (Open Session) followed.

### ATTENDEES

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Rachelle Sherris-Watt, President	Jeff Sloan, Renne Sloan Sakai
Eileen Nottoli, Vice President	Ann Danforth
Len Welsh, Director	Simon Brafman
Sylvia Hacaj, Director	Christopher Deppe
	David Spath
	Kim Zvik
<u>Staff Members</u>	Celia Concus
Anthony Constantouros, General Manager	Andrea Kaplan
Rickey Hull, Interim Chief of Police	Dakota McKenzie
Lynn Wolter, District Administrator	Pat Gillette
	Lisa Caronna
<u>Press</u>	David Bergen
Linea Due	Marilyn Stollon
	Catya de Neergaard
	Ciara Wood
	Andrew Gutierrez
	Kevin Padian
	Linda Lipscomb
	Rick Artis
	Frank Lossy

President Sherris-Watt called the meeting to order at 6:05 P.M. President Sherris-Watt, Vice President Nottoli, Director Welsh, Director Hacaj, GM Constantouros, ICOP Hull, and District Administrator Wolter were present. President Sherris-Watt reported there was a Board vacancy, which would be filled this evening.

### CLOSED SESSION PUBLIC COMMENTS

None.

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

### **CLOSED SESSION**

- 2a. Conference with Legal Counsel – Anticipated litigation: Possible initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9. (One potential case)
- b. Conference with Legal Counsel – Anticipated litigation: Significant exposure to litigation pursuant to Government Code Section 54956.9. (Two potential cases)
- c. Conference with Labor Negotiator: Pursuant to Government Code Section 54957.6. Agency designated representatives: General Manager Anthony Constantouros and John Holtzman. Employee organization: Kensington Police Officers Association (KPOA)

The Board returned to Open Session at 7:34 P.M.

President Sherris-Watt took roll call. She, Vice President Nottoli, Director Welsh, and Director Hacaj were present. President Sherris-Watt announced that there was a vacancy for the fifth Director position, which the Board would fill this evening and that there was nothing to report from the Closed Session. She also reported that Item 2c had appeared on the agenda in error and would be addressed at the Board's next meeting.

### **BOARD COMMENTS**

None

### **STAFF COMMENTS**

None

### **NEW BUSINESS**

5. Appointment to Fill Director Vacancy

President Sherris-Watt welcomed and introduced the four candidates:

1. Simon Brafman
2. Christopher Deppe
3. David Spath
4. Kim Zvik

President Sherris-Watt explained the process that would occur and that the voting would be done at the prerogative of the President and would be amongst the Board members: She would conduct a roll call of each of the Directors, and they would state the name of the candidate for whom they would cast their vote.

GM Constantouros noted that he would be the timekeeper and that, to assist the candidates, he would display a notecard to indicate when 15 seconds of their speaking time remained.

### **Opening Statements**

- Simon Brafman: Thanked the Board and attendees, said he supported the direction of the current Board's governance, and thanked the Directors for the improved tone and tenor of the Board meetings. During his family's four-year residency, he'd applied for and served on the

District's Finance, Technology, and Ad Hoc Governance Committees and on the Kensington Community Council (KCC). The bifurcation of the previously combined GM/COP position represented what the community could accomplish, with respect to improving its governance. He'd withdrawn his candidacy from the 2016 election in order to help ensure that the new Board majority would be elected. He had hoped this would reduce the District's legal fees and enable the District to negotiate better terms for services delivered to the community. He was applying for the open seat because he wanted to continue the current Board's openness to the community's ideas and involvement.

- Chris Deppe: Thanked everyone for showing up. Three of the candidates had been on the Ad Hoc Committee together. He thanked the Board for providing the opportunity and said he'd lived in Kensington since 1996, he'd served on the Consolidation Sub-committee, and he'd worked a lot on the traffic control issue since 2000. Many improvements had been made on this front, following discussions with neighbors, the county, and the KPPCSD. His main interests were traffic control and continuing the work of the Ad Hoc Committee. Bifurcation of the GM/COP position was a good move forward, but one thing the Ad Hoc Committee hadn't really finished was investigating contracting out – mainly because other agencies hadn't been able to provide specific detailed answers about what contracting out would look like. He wanted to make a decision, one way or the other, based on the facts discovered.
- David Spath: Welcomed everybody and thanked the Board for considering him for the vacant position. His interest was to be part of a board that was dedicated to providing Kensington residents with high-quality services – whether police, recreation, or solid waste. He thought this Board shared this goal. He'd had considerable experience working in public sector management, which he said was important as a Board member. He'd worked for the State Health Department for more than three decades and had been involved in many aspects of public health, in particular, the delivery of safe drinking water. He'd managed a multi-million dollar and multi-faceted set of programs while simultaneously needing to meet budgets – salaries, pensions, benefits, etc. He understood that Kensington residents expect excellent service at a reasonable cost. He believed he'd demonstrated that he could work with people with diverse opinions and positions: He'd had this experience on a national, state, and local level. He was a 34-year Kensington resident and was dedicated to a sustainable future direction for the community. He would work cooperatively and effectively with others toward consensus decision-making, and this would make him well suited to serve on the Board.
- Kim Zvik said she'd been a candidate for an open seat when Director Welsh had been appointed to the Board. She hoped the voting would be done by first names because, by the time the voting had occurred the last time, there were no votes left for her because her last name began with the letter "Z." She'd also run in several elections; had been a resident since 2000; and had raised four children, all of whom had attended the Hilltop School and one of whom was in El Cerrito High School. She'd stood in front of the El Cerrito City Council asking for it to allow an existing school to also have a high school – something that had ultimately been approved. She'd raised her family here because she wanted diversity. As for the contracting out, she was enthusiastic about looking at this issue. It was important for the officers to know who was in the community, especially the homebound, so the officers could get them out. She'd done the one-way change of signs on Highland and Kenyon by going to the Board of Supervisors and suggesting that this might be a liability. She got things done quietly and behind the scenes.

President Sherris-Watt said the process would proceed to the four questions and would begin with Mr. Brafman. She asked that the candidates keep their responses to no more than two minutes.

Question one: What do you believe are the District's greatest short-term challenges? Long-term challenges?

- Simon Brafman responded that, if the short-term challenges weren't dealt with, they would become long-term ones and place the greatest burden on those who had moved in most

recently. The costs and financing for the police department, the Community Center, and the Police and Fire Building were critical issues that had to be addressed. Maintaining the positive tone created by the current Board would make short-term and long-term issues easier to deal with. Key long-term issues for him were investigating the potential outsourcing of the police department as well as the long-term relationship with the Kensington Fire Department.

- Kim Zvik said that, short-term, she'd like to see the Board adopt some bylaws. She'd served on the Orinda Horseman's Board, which received in-kind payments from EBMUD, and had bylaws. She'd want the District to have better legal protection than it did now. For the long term, she said that police pensions needed to be looked at. There had been trials about whether the District could properly manage its police, and she thought this corner had been turned. She'd worked in information technology for thirty years and, for the long run, would want to see the Board adopt more ways to engage so that people with children and who worked fulltime could be a part of the community.
- David Spath: Short-term goals were mostly infrastructure ones with financial implications. The Community Center upgrade was important, it had to be completed within budget, President Sherris-Watt and Director Hacaj had done an excellent job bringing the project to its current point, and it needed to be completed by the end of 2018. The Public Safety Building was both an infrastructure issue and a long-term financial issue, and it would be important to partner with the Fire Board in figuring out a way to finance this project. It was still unclear whether this would be a retrofit or a new building. This would provide an opportunity to improve the relationship with the Fire District while working on infrastructure issues for the community, going forward. The police MOU was also an issue in the immediate term because it would expire at the end of 2017. He cited governance structure as another short-term issue: The part-time GM would take a lot of work because there were a lot of demands on his time; the Board needed to set appropriate goals and objectives in order to work with the GM more efficiently. Financial stability was an important long-term goal that would need to be dealt with as a part of long-term planning. The Finance Committee, with Rob Firmin, had developed a modeling program to look at planning over the long-term, and the District also needed to look at strategic planning.
- Chris Deppe said that most of the issues seemed to have been raised. With respect to short-term issues, the renovation of the Public Safety Building was a challenge, and the Board was doing a good job of handling it. Traffic was a short-term and a long-term problem, and he'd like to see a comprehensive solution to it – a master plan to solve it holistically and for good. Finishing the Ad Hoc Committee's work was important – really understanding what contracting out would mean: Getting an RFP so the community would really know what this would look like. One couldn't say they were for it or against it until they'd seen the details. There needed to be a decision about what the structure would be – it had been hanging over people's heads for a long time, and he thought this should be a short-term item. With respect to the long-term, he cited financial issues and finding a way to lower discord in the community: It was hard for the Board to operate when there was so much acrimony. It needed to be assumed that everyone had the best of intentions to make the community better.

Question two: Describe an experience where you worked as part of a group on a complex problem. How did your participation improve the results?

- Kim Zvik responded that, when the Annex was being evaluated because of the water and mold intrusion issues, Chuck Toombs had reached out to her and invited her to attend a meeting. At that meeting, those present looked at what it would cost. She'd found a Wall Street Journal article about vertical gardens on the sides of buildings and had suggested that the University of California be tapped to pay for this. Thus, this would be free for Kensington because it could do a sustainable building that would take the watershed from the roof and show children how to do grey water reclamation. She'd contacted an environmental designer engineer at the University and gotten that person in touch with the KPPCSD to follow up on that. She'd sent

this off to President Sherris-Watt. She could reach out from her experience: Her daughter had been a student at Duke University, and such a wall had been done there for free because students had done the work. She'd worked on autonomous vehicles in Berkeley and had met with Supervisor Gioia to let him know how such vehicles could help with air quality. She "thought outside the box" in every thing she does, she was resourceful, and she engaged her community.

- David Spath responded that his experience had to do with working with Portola, a small Placer County community. In the 1990's the state had decided to poison the drinking water of this community in order to kill some predatory, non-native fish. This had bred animosity and mistrust with the community. He had been working with the State Health Department at the time and had been asked to work with the community to find a way to resolve some of the issues. He recommended developing a working group that included the local officials and citizens and state and federal agencies. For two years the group met to build trust, to find a solution to the economic problems the poisoning had created, and to deal with the drinking water issues. In 1999, the fish had to be poisoned again. But, in the end, it had worked out well, and the state came out of it looking good. He felt he'd improved the situation – working with a poor community that had needed a lot of help.
- Chris Deppe responded that his experience had occurred in the corporate world: It was one of the last things he'd worked on at Apple. He'd worked on the performance team, which had been responsible for the whole operating system. He'd figured out a way to solve difficult problems, so he formed a group of four different technology divisions, all of which had their own agendas, to develop a solution into which they all would buy and with which management would agree. He analyzed the problem, prepared solution documents, went to the individual groups, and spent three or four months working to convince everyone this was the right thing to do. In the end, everyone bought into it, and things worked out well. This was one of the last things he'd done at Apple, and he was proud of it: It had taken a lot of soft persuasion.
- Simon Brafman shared two examples, both of which had to do with Vanessa Cordova. He'd been at a private meeting at a Kensington resident's home. Former Chief Hart had been there, too. He and Chief Hart had been invited to describe Kensington to new residents. One of the residents asked about the incident involving Ms. Cordova and her car, and Chief Hart made some inappropriate comments. He felt it was important that these comments be shared with the public, so he set up an interview with the Contra Costa Times. The second example had to do with the Outlook. There had been a long interview with Ms. Cordova, and the Kensington Community Council (KCC) board, of which he was a member, had received many emails about the interview – many in support of and many opposed to the format. Mr. Brafman suggested to the KCC board that, from that point forward, the Outlook should no longer do interviews. Instead such things should come in the form of letters to the editor. Everyone on that board had agreed.

Question three: Do you support investigating costs to provide police services through contracting with a nearby agency?

- David Spath responded that he did support investigating the option of contracting out. He recognized there were strong opinions on both sides of this issue. The Ad Hoc Committee had looked into this in detail, had done a good job of listing the pros and cons and some of the things that need to be considered, and this had provided a good starting point for investigating what the community would want from contracting. The Board would need to reach out to the community to get input about what police services it wanted – there were different models of police servicing: The Sheriff had a model and neighboring agencies had models. The District would need to obtain hard data about what the costs and long-term commitments would be. Then, the District would need to develop requests for proposal and a way in which to evaluate those proposals, which would involve the community. This would not be a quick project: It would need a lot of background work.



- Chris Deppe responded that he supported exploring contracting out. The Ad Hoc Committee's subcommittee looked into this, and the big take-away was that this subcommittee could only go so far without an official request from the Board to any given official agency. The subcommittee examined information from other communities that had contracted out, but to determine this for Kensington would require creating an RFP. The District needed to understand what the community wanted, but not everyone agreed on this. There had been an informal survey done by the Ad Hoc Committee, Simon Brafman had been in charge of it, and it had made clear what kind of services the community did and didn't value. There could be an open RFP process that would allow everyone to provide input. The District needed to create an RFP to get concrete bids from agencies. He wasn't necessarily for contracting because he didn't know what that would mean, with respect to terms and cost.
- Simon Brafman agreed with everything that had been said. The District should look at this. The Board should ask the Ad Hoc Committee to continue its investigation and come up with more hard facts so that the community could better understand the costs involved. Contracting out for fire service had gone well, and that department had won numerous awards for the quality of its work. It wasn't inexpensive, but Fire District was doing a great job. The KPPCSD needed to look at the cost of contracting out, and he recommended that the Ad Hoc Committee investigate what this would be.
- Kim Zvik responded that, in her experience serving on the board of a pre-school, that board had run focus groups to establish objective criteria for what people considered to be quality. Cost was obvious and clear, but quality wasn't. It had been a difficult thing for her teenaged daughter to call the police when her friend had been unresponsive in the park, and the police had done a really good job. This was an important quality: Her daughter had felt safe about calling the police; thus, she hadn't left her friend to die in the park from having consumed too much alcohol. She'd done a multi-factored comparative vendor selection process for large corporations – a model with over sixty criteria to establish a fair and objective way in which to make a decision so that it wasn't based solely on cost. She'd seen the officers perform well, although there had been slip-ups, and the District lacked some needed legal protection. The District needed to be very careful: She'd seen her grandmother have a heart attack in the driveway of her own home, but Ms. Zvik had known there was a policeman patrolling the area. This officer had known things like who was homebound – these were priceless qualities. Don't take the corporate route and then see crime go up in this community.

Question four: How do you think the District could improve how it communicates with and engages residents?

- Chris Deppe responded that the District did a pretty good job of communicating – the meetings were open. It had been a good thing not to move public comments to the end of the meetings because it would have cut down on participation. The District could have a better website that was easier to read and from which to get information. It would be nice if there could be some way to get more one-on-one communication with the Directors. This would enable residents to get to know the Directors better. He also suggested more open meetings that would allow for dialogue with the Board members.
- Simon Brafman said that the most important thing was to continue the open and positive tone that this Board had set for meetings. He agreed that something should be done about the website and the agendas. He suggested putting together an ad hoc committee to look at ways of improving the website to make it more searchable. Fortunately, staff had been able to help him find missing documents. He would also like the agendas to be more user friendly – something an ad hoc committee could investigate and make recommendations, based on community feedback.

- Kim Zvik responded that the District was already on the right track. Two Directors had Hilltop School children – something for which she had advocated during her earlier campaign, before there were any Hilltop parents on the Board. Most of the parents were in the City, working eleven hours a day and fighting for their jobs, and she suggested engaging these parents electronically. Agendas should go out as links, and the Directors should hold office hours several times a week at a local café. She noted someone had already reached out to her on Facebook to complain about Officer Hull.
- David Spath said that communication and community involvement had always been a challenge – as was evidenced by attendance at the District’s meetings. He suggested using the Outlook, for an old-style approach – having quarterly pieces written by Board members about community issues. He suggested an annual mailing, similar to the one done by the Fire Board: It provided a lot of information and served that board well. Use online methods to obtain information. There was going to be an upgrade of the District’s website, so the Board should take advantage of that and put more information there, such as committee meeting minutes. He suggested a Facebook page for the District, citing that the police officers already had one. In conclusion, there were things, both old and new, that could be done.

President Sherris-Watt invited the candidates to make closing statements.

- Chris Deppe thanked everyone for attending and thanked the Board for making it possible for him to apply. He stressed that he considered himself a progressive because he liked to look at problems from a number of different angles to discover all possible solutions. Contracting for service was just one possible solution for the police department: It should be looked into, but he wasn’t locked into just one solution. The information should be obtained and analyzed before making a decision. While he supported investigating contracting for service, it was clear from the election results that the community wanted the Board to move forward with this. It was important to respect the will of the voters. He’d spent most of his career looking at clients’ problems and finding solutions. He took ideas seriously, knowing he’d be responsible for them.
- David Spath thanked everyone for coming and thanked the Board for considering his candidacy. He was well qualified for the position – in terms of experience, skills, and his ability to work with others, in group settings, who had other opinions. He didn’t envy the Board in having to make this decision, but it was important to recognize that, once that decision had been made, everyone should coalesce around the Board and work with it cooperatively. There’d been too much loud rhetoric coming from the online space that needed to be toned down. People were going to have different opinions, and they could be presented in a respectful way. Then, people needed to respect the Board’s final decisions.
- Kim Zvik thanked everyone for the opportunity to talk about hopefully being appointed to the Board. She’d enjoyed being part of the community, having served on the Kensington Municipal Advisory Council (KMAC) and having worked with Marty Westby to get KASEP registration online. She was always looking at every opportunity to get the community engaged and for fairness. Her experience on a civic level and with respect to technology and her ability to get things done would put the community in a good place to have that diversity on the Board. It was lovely to have a man out of uniform as the GM, and she was glad the community was more inclusive of everyone.
- Simon Brafman: It was the KPPCSD Board’s responsibility to lead by example, with respect and civility, to work to engage the entire community, and to work within a budget. Part of his business experience, as director of marketing and business development, was to manage customer relationships. His goals had been to resolve issues with unhappy customers and to make a better product. As a result, customers had been happy, and the company had sold

more. He thanked the Board for having this meeting and thank everyone for being interested in the future of Kensington.

President Sherris-Watt thanked the applicants for being willing to serve. The applicants received a round of applause, and they returned to their seats in the audience. She announced that speakers would be called randomly, based on speaker cards submitted.

### **PUBLIC COMMENTS**

Celia Concus spoke on behalf of Chris Deppe to fill the vacancy. The 2016 election had been a mandate for change because Vice President Nottoli and Director Hacaj had received more votes than the other candidates, and she hoped the Board would be responsive to this mandate. The Board needed to look into whether there might be a better way to deliver police services to Kensington. The police department was seriously troubled, and that needed to be fixed. The Board had already taken the first step by separating the GM/COP position, and she thanked the Board for hiring GM Constantouros. The next step was to investigate the practical and financial considerations of contracting police services. It was important for the Board to have an ally, rather than someone who would undermine this investigation, and it was important to have someone willing to take a fresh look at how to deliver better police service to Kensington and how to fix what was wrong with what Kensington had. She'd attended almost every meeting of the Ad Hoc Committee and had witnessed that Mr. Deppe had been an open and independent-minded member of the committee. He was the best choice for the job, and she urged the Board to appoint him.

Andrea Kaplan said that Chris Deppe had been her neighbor for 20 years, that she'd participated in problem solving with him, and that the most notable thing about Mr. Deppe was that he was calm, logical, and intelligent. He had a great way of looking at problems and came up with solutions people could live with. She was happy with what all the candidates had to say, there was a new dynamic on the Board, and Mr. Deppe would make a great contribution to the Board.

Dakota McKenzie urged the Board to appoint David Spath. Exploring contracting out was a crucial issue for the community, and it needed the most professionally qualified candidate. She'd moved to Kensington in the 1970's and had attended the Hilltop School and had moved back to Kensington 10 years ago – fleeing gang warfare in Oakland, where she'd been a building manager for 15 years. She'd witnessed what gangs could do to a nice neighborhood in a short period of time. Because of this, she was not in favor of contracting out police services, but she was in favor of a neutral examination of the issue. What she'd experienced in Oakland was that some police responded, and some didn't: Once, she'd waited a long time for a response to a 9-1-1 call. Police service was a serious issue, and Kensington was a special community. She encouraged people to take a stand, or they would be taking a stand by default.

Pat Gillette said that she was a 38-year resident and that the Board had an opportunity to select someone who was prepared and experienced, and who had the right temperament for the position. He was also supported by a large number of people in the community. The Board had set a goal of eliminating polarization and divisiveness in the community. She asked that the Board put Kensington first and said there was only one candidate who was prepared: David Spath. The reasons she gave were: Dr. Spath had attended every KPPCSD meeting for the past nine years, he'd attended every Finance Committee meeting, he knew the issues before the Board, and he could step in immediately so there would be no learning curve. He had the experience of working in the public sector, of working with large agencies, with budgets and management, and with making sure things got done. After Dr. Spath had not won in the 2016 election, he'd come to the next KPPCSD Board meeting and had contributed in the same way he'd contributed before. Everyone had praised Dr. Spath during his work on the Ad Hoc Committee. He'd also had the support of the community – almost 1,100 people had voted for him in the 2016 election, and he'd come in third. She knew of 35 people who'd written letters in support of Dr. Spath and asked the Board to choose Kensington by choosing Dr. Spath.



Lisa Caronna said that she supported David Spath and that she'd had the opportunity to work with him on the ten-member Ad Hoc Committee, which he'd chaired. She'd noticed Dr. Spath even before they'd worked together on the Ad Hoc Committee: He'd attended KPPCSD meetings, had spoken with an in-depth understanding of how agencies worked, and had given practical suggestions on how to move forward with Board initiatives. She provided a bit of history about the selection of the chair of the Ad Hoc Committee: At the first meeting, the committee had to select a chair, but that, because of a lack of trust among the Committee members, a lengthy discussion had occurred about how to do this. Finally, she said, the Committee had settled on Dr. Spath as a temporary chair for the first three months. After the first three months, the Committee members had a greater understanding of how much time and hard work the chairmanship required and had come to appreciate what a good and thorough job Dr. Spath had been doing as the chair of the Committee and as a member of two of the subcommittees. He'd kept everyone moving forward and had treated all the Committee members and the public fairly during the process. Thus, after three months the unanimous decision had been made to have Dr. Spath continue as the permanent chair for the duration of the project. She said that Dr. Spath was open to listening and learning all he could on an issue before coming to a decision: He knew how to interpret information on complex issues, especially issues related to agencies and rules that govern agencies and their interactions with their communities. Dr. Spath had shown commitment to governance and civic engagement in the community. She concluded by asking the Board to keep an open mind and to appoint Dr. Spath.

David Bergen said he knew David Spath, Simon Brafman, and Chris Deppe; they were all capable people; and he supported Mr. Deppe. Mr. Deppe had an analytical mind and would put his capabilities to use in figuring out how to deal with all the difficult issues facing the District. Mr. Deppe had served on the Ad Hoc Committee and knew the people and issues involved. He respected Mr. Deppe's integrity, and the community needed someone on the Board with his technical knowledge. He concluded by saying he supported Mr. Deppe's appointment to the Board.

Mr. Bergen also said he had comments to share from Jim Watt, who had been unable to attend:  
*All four candidates possessed skills that would benefit the Board and that what was most important at this time was to provide the best professional police services at the lowest cost. Costs for the community's police services had been rising at an "alarming clip," and he cited some of the increases to the District's PERS liabilities (unfunded pension liability had increased by \$800,000 to \$3.8 million, and the medical liability was \$6.9 million). He also said that the department was shorthanded because an officer was out on workers' compensation and another was out as a result of administrative issues. And, that it appeared that there was ongoing "internal strife" in the department. The District needed to explore outsourcing, dispassionately and expeditiously; to evaluate staffing levels and hiring practices and where the police should focus attention; and to look at salaries and benefits. He concluded by writing that how the candidates would handle these issues should be a major factor in the Board's decision.*

Barbara Steinburg said she'd been very impressed by David Spath, and she urged the Board to appoint him. She said he would benefit the entire community. Dr. Spath had had extensive professional experience in the public sector; he had been elected unanimously to be the chairman of the Ad Hoc Committee; and, in this leadership role, he had worked successfully with people who held diverse opinions. She concluded by saying it would be a benefit to all if the Board appointed Dr. Spath.

Marilyn Stollon said that the District had come a long way – effective governance was within reach – and that it had endured 15 years of dysfunction: dysfunctional Boards, police mismanagement, and past abuse of power by law enforcement personnel – as evidenced by intimidation of staff, three former Board members, and residents. She also cited ongoing police misconduct and its related legal costs. This had been the reason for the recent change and for a new majority Board having been elected by well-informed residents. This had sent the message that there was a clear mandate to split the GM/COP position, to explore contracting for police services, and to stabilize the District's finances. The Board had taken the first step of splitting the GM/COP position, and Chris Deppe had supported steps taken by the new Board and was well qualified to serve on the Board. She asked the Board to vote for Mr. Deppe, for positive change, and for putting Kensington on the road to good governance.

Catya de Needgaard said that she was amazed by all the letters on the back table, which all seemed to be in favor of David Spath, and that she was hearing a big cry for him. She wanted to address the issue of building relationships and community, and she wanted there to be kindness and forthrightness. Her experience with Dr. Spath and Mr. Brafman was that they had these qualities and that these qualities were important to building the community and to healing the wounds caused by divisiveness in the past. Dr. Spath and Mr. Brafman were team builders, and they also had the time to serve. She was most impressed by Dr. Spath's resume, but she would be happy if either candidate became the new Director. The Board had the opportunity this evening to go past previous narratives and to affirm Kensington as one community. She concluded by saying that the Board's decision would affect the 2018 election and by urging the Board to select a popular and qualified candidate, Dr. Spath, as the new Board member.

Ciara Wood said that, in the past, she had been an opponent of contracting out police services, but her point of view had shifted: The Board owed it to the community to consider a wide range of potential benefits that might result. It wasn't just about money. It was more about the District's ability to manage the department. Things were more complex than they had been when she'd served on the Board. She asked the Board to select someone who could deal with the complex issues facing the community and the District and recommended Chris Deppe because he was calm, intelligent, thoughtful, fair, well spoken, and interested in the good of the community. She thought Mr. Deppe would investigate the financial benefits and ramifications of contracting out for police services, and this information would enable the Board and the community to weigh the available options. She concluded by recommending Chris Deppe to fill the Board vacancy.

Andrew Gutierrez said it had taken many years and thousands of dollars to come to the conclusion that there was an inherent conflict of interest in the combined GM/COP position. The Board had inherited ongoing police department issues, and the appointment to the Board was critical. The last election had been the voice of Kensington's silent majority with the majority of votes, by a margin of two to one, having been cast for Vice President Nottoli and Director Hacaj. The voters had rejected the platform of their opponents and had made it clear: They want to have exploration of contracting and other potential services of the police department – citing cost, level of service, and fiscal sustainability. For this reason, he urged the Board to select Chris Deppe for the appointment.

Kevin Padian said that there was a disturbing trend in the country that maintained that expertise in government wasn't needed and that anyone with sympathetic views and a promise to serve would do. The current dysfunctional national situation should dispel this notion. Even at the local level, a community needed the best expertise it could get and that anything less would be a disservice to the community. The District was facing issues that required knowledge of regulations and laws: whether to keep the police force; how to deal with the Community Center and the Public Safety Building; and how to deal with a natural disaster. David Spath was the only candidate with the experience and knowledge to help with these problems. Four good people had applied, and three of them had served on at least one District committee. Dr. Spath had chaired the Ad Hoc Committee, which had required coordinating three sub-committees and many people with different ideas and skills. Under Dr. Spath's leadership, the Committee had produced valuable information. Dr. Spath had been a constant presence at Board and committee meetings – far more than the other candidates. The contrast in government experience among the candidates couldn't be plainer: Dr. Spath had 40 years of experience at the local, state, and national level. He'd held a number of leadership positions and supervised up to 300 people and a budget of over \$20 million. Not to choose Dr. Spath would raise serious questions. Mr. Padian concluded by saying that there was no drama associated with Dr. Spath and that Dr. Spath was the best possible choice.

Linda Lipscomb said that David Spath's background and qualifications far exceeded anything she could extol about them. Although she had been solidly against contracting out police services, a good reason for the Board to select Dr. Spath was that he was not committed to a position about contracting out: He would go on the evidence. He would find out if it were the best way to deliver services and would go with what was in the best interests of the citizenry and what was based on what the citizens want. He had the best qualifications.

Rick Artis said he would be comfortable with most of the candidates and would be overjoyed to have David Spath. The Board would be overjoyed with Dr. Spath, too, because doing so would make the Directors' lives better. Mr. Artis had no reservations about saying that, as the person on the Ad Hoc Committee who had worked most closely with Chris Deppe; Mr. Deppe was not suitable for the position. Mr. Artis said he hoped that the rumors that Mr. Deppe's appointment was a *fait accompli* were incorrect. Mr. Artis said that Mr. Deppe had approached the efforts on the Ad Hoc Committee in a biased, closed-minded, and disruptive fashion that had begun with Mr. Deppe's insistence of throwing out the charter the community had vetted and for which the Board had voted. Mr. Artis cited this as the reason why it had taken the Ad Hoc Committee a long time to get started. As the person who had headed up the Consolidation Subcommittee, he'd had to deal with a lot of things from Mr. Deppe. Mr. Deppe had brought out information from LAFCO (Local Agency Formation Commission) without the knowledge of the other members of the Committee, had then taken it to Janice Kosel – a member of the Fire Board, and had created a narrative that the fire services contract was going to be cancelled. This had gone against what LAFCO had come and said to the Committee, and it had gone against what the statute said. Mr. Deppe and Ms. Kosel had persisted in talking about this narrative through to the end, at which point the Fire District's own attorney had come to the Committee's last public meeting and had debunked this line of reasoning. Mr. Artis said that some on the Board had run campaigns about getting this kind of behavior out of Kensington politics, and he encouraged them to do that: Get it out. He concluded by saying that Mr. Deppe had supported contracting out for years and that he didn't think Mr. Deppe was the sort of candidate the District would want – if the community was to come together and have integrity in its government.

Frank Lossy said that during his 60-plus years as a resident there had been controversy that had become unwarrantedly heated. He'd been impressed by David Spath because of his outstanding level of experience and his even-tempered, friendly way of dealing with disagreement. He'd been impressed with Dr. Spath's leadership of the Ad Hoc Committee, which had done a broad assessment of things needed in Kensington, and he'd been impressed that the people who had been working with Dr. Spath on the Ad Committee had unanimously selected him to be the permanent leader for the duration of that Committee's functioning. This had been an incredible endorsement that should be respected and admired. This Committee had compiled an important report. Dr. Lossy concluded by saying he was in favor of the Board selecting Dr. Spath to help the Board in its work on behalf of the community.

President Sherris-Watt closed public comments and announced that Board comments would commence.

Director Welsh said all the candidates appeared to be good, and he was impressed by every one of them. There was one candidate who had the track record of leadership, the type of modeling for which people were asking, the ability to consider disparate opinions, and the ability to bring about consensus. Based on the Ad Hoc Committee's work, there was no one who demonstrated the level of leadership and talent the District needed more than David Spath. Director Welsh noted that there had been references to the election and Dr. Spath's having come in third, but democracy wasn't about mob rule. He didn't think there had been differences between the campaign promises David Spath had made and those made by the two successful candidates, Vice President Nottoli and Director Hacaj. Even if there had been, it would be nice to have full representation of the sentiment of the community. The number of votes garnered by Dr. Spath indicated there was solid support for him, and the Board knew him as someone who got along with others and knew how to deal with controversy and turn it into consensus. Dr. Spath was the best choice, and the Board owed it to Dr. Spath for the amount of time he'd invested over the years as an example to others in the community and owed it to the community. The Board needed to remember the community in every decision it made, and this was what had led him to support Dr. Spath.

President Sherris-Watt said that the community might have thought the Board members began by consideration of the candidates in choosing how to cast their votes, but that she believed the opposite was true. As a group, the Board was looking forward and not back. Historical knowledge was important but wouldn't help the Board achieve its goals. Although the Board hadn't been able to set goals together yet, she would provide her vision and goals for the KPPCSD in the coming months and

year. There was a need for a local government that had the routine and rigor of professionalism, which was something the District still lacked. She cited her desire for the District to be financially viable, meeting its short-term and long-term goals that included improvements to capital assets. There was a need for a District with better and clearer policies and procedures for police officers, staff, the Board, and the community. There was a need to hire and retain exceptional employees and a Board that communicated with all community members – seeking out new ways to reach and bond with residents, even those unable to attend meetings. She concluded by saying that these were the factors she would consider in casting her vote.

Vice President Nottoli said Kensington was fortunate to have several qualified candidates wanting to serve. At this moment, the community faced significant challenges: The capital improvements for the Community Center and the Public Safety Building; improving the professionalism of police services; and addressing the unfunded pension liability and retiree benefits. She'd read the letters and resumes of the candidates and the letters of support, and she thanked those who had spoken and written letters. Problems with the police department were apparent to most Kensington residents. The recent scandals had tarnished Kensington, had been very costly, and would continue to be so in high legal fees. The costs weren't sustainable, and the community had a police union that had been politically active and had contributed to past directors who had been negotiators of the police MOU. During the prior three years, one police chief had been fired, one had left prematurely, and one had left after a few days of looking at the problems. During the past few months, three of the ten officers had been off duty with no backup. When she'd asked police chiefs about the impact of 20% of the force being out, the response had been, morale problems. There was one officer at night, with no supervision. The 2016 election had been the first election since the Reno news had been made public, and the assumption that all was well in Kensington had been shaken. During her campaign, she'd promised she'd work to split the combined GM/COP position, because of the inherent conflict of interest, and to hire a skilled GM. She said she'd also promised to get the necessary facts so the District could explore whether contracting would make sense for Kensington in terms of police services and finances: The Board must look at the options and make decisions. With this in mind, she was voting for Chris Deppe. He was a problem solver and had keen analytical skills that could help with the financial challenges. He'd been an active member of the Ad Hoc Committee and had contributed to the betterment of the community. Mr. Deppe had been clear and consistent about the need to explore whether contracting for police services made sense for Kensington. He was an insightful, dedicated resident, and she appreciated his ability to serve.

Director Hacaj said that, for some in the community, this appointment had taken on a meaning that was important to them and that was wrapped up with a lot of other issues. She believed that the District was in a time of transition and that, over the past few years, residents had become aware of shortcomings in the District's leadership and management and had expressed a desire to change and move Kensington forward. She noted it was the Board's role to set policy and provide oversight to ensure that the community had law enforcement it could trust and the level and quality of service it could expect and deserve at a cost it could afford now and into the future. The qualities she was looking for in making the appointment were: Someone who, while cognizant of the constraints the District faced, had a bias toward action and a willingness to work creatively to overcome them to make progress toward a professional 21<sup>st</sup> century standard in all aspects. Much of the challenge was change-management. It was important to have a Director who understood the importance of setting goals for the District and who would work with District leadership to provide support. She was looking for someone who took action while trying to solve problems. She, too, had read every letter that had come in and said she was sorry she'd not been able to respond to them. In the end, it wasn't the inputs that mattered or how many years someone had lived in Kensington. It wasn't about how many meetings one had attended or how many hours one had devoted to District service. What mattered was the impact the Board's decisions would have. Could residents get a report on identity theft in two weeks instead of two months? Was the Community Center calendar up-to-date? Were traffic controlling measures slowing cars on the Arlington? And, could residents find information on the website easily? In the end there were big and small issues, but it was how the District impacted day-to-day lives that mattered. When something hadn't been working, Chris Deppe had stood up and worked with his neighbors and colleagues, had addressed the Board and police chiefs and had worked hard to make change. This was probably the hardest decision she'd had to make, but it was the decision she'd come to because she thought it was the



best decision for Kensington moving forward. She appreciated what all the candidates had had to say. No matter who was appointed, there would be people who were disappointed – she'd made the best decision she could.

President Sherris-Watt thanked the applicants again and said it gave her great faith in Kensington. She said this was very difficult: All the candidates were well qualified and cited their involvement. She said the Board must move forward and work with the community.

**MOTION: President Sherris-Watt moved, and Vice President Nottoli seconded, that the Board vote to fill the vacancy for Board of Director for the Kensington Police Protection and Community Services District.**

President Sherris-Watt took a roll-call vote.

Director Hacaj voted for Chris Deppe

Director Welsh voted for David Spath. He clarified that he wasn't voting against the other candidates. He was voting for Dr. Spath because he thought he was the right choice and the choice most devoid of political dynamics.

Vice President Nottoli voted for Chris Deppe and echoed what Directors Hacaj and Welsh had said: The Board was lucky in having outstanding candidates.

President Sherris-Watt voted for Chris Deppe for the vacancy of Director.

President Sherris-Watt announced that, by a vote of 3 to 1, the Board appointed Chris Deppe and thanked everyone for attending.

#### CONSENT CALENDAR

President Sherris-Watt asked if anyone wanted an item pulled from the Consent Calendar. No one did.

**MOTION: President Sherris-Watt moved and Director Welsh seconded to approve the Consent Calendar.**

**Motion passed: 4 – 0.**

**AYES: Sherris-Watt, Nottoli, Welsh, Hacaj**

**NOES:**

**ABSENT:**

President Sherris-Watt announced that the next meeting of the Board would be September 14, 2017 and that the August 24, 2017 meeting had been cancelled.

**MOTION: President Sherris-Watt moved, and Director Welsh seconded, to adjourn.**

**Motion passed: 4 – 0.**

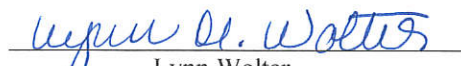
**AYES: Sherris-Watt, Nottoli, Welsh, Hacaj**

**NOES:**

**ABSENT:**

The meeting was adjourned at 9:20 P.M.

  
Rachelle Sherris-Watt  
KPPCSD Board President

  
Lynn Wolter  
District Administrator