

Meeting Minutes for 1/26/16

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Tuesday, January 26, 2016, at **10:30 A.M.**, at the Community Center, 59 Arlington Avenue, Kensington, California.

ATTENDEES

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Len Welsh, President	Randy Riddle, Renne Sloan
Rachelle Sherris-Watt, Vice President	John Holtzman, Renne Sloan (by phone)
Patricia Gillette, Director	Celia Concus
Chuck Toombs, Director	Andrew Gutierrez
Vanessa Cordova, Director	John Gaccioni
<u>Staff Members</u>	
IGM/COP Kevin Hart	
Sgt. Hui	
Lynn Wolter, District Administrator	
<u>Press</u>	

President Welsh called the meeting to order at 10:31 A.M. and took roll call. President Welsh, Vice President Sherris-Watt, Director Gillette, Director Toombs, Director Cordova, Interim General Manager and Chief of Police Kevin Hart, and District Administrator Wolter were present.

President Welsh asked that the Board take public comments on the first item only because John Holtzman would be joining the Closed Session by phone and had limited available time. President Welsh said he would take public comments for the other Closed Session items upon completing discussion of the first Closed Session item. Director Cordova responded that she objected to this.

PUBLIC COMMENTS

John Gaccioni questioned why the meeting was special and said the special meeting didn't speak very well for the Board. He said a crisis had been created by an inability to do something. He noted the meeting was being held at 10:30 A.M. and there were more Board members than people. He said he didn't really understand what was going on. He said it didn't seem as though it was being administered in an effective way and things were happening that just shouldn't happen. He said it was the job of the Board to be taking care of things but he just didn't see them doing so. He said some of the meetings

came off as a farce because the Board had the meetings but nothing got done, so then people were forced to come and attend a Special Meeting. He said people had been telling the Board to pay attention to the fact that Mr. Hart's contract was coming up and the Board needed to do something.

Mr. Gaccioni said that he had a long list of things that go on and never get resolved and that one couldn't run a business like this – with meetings being held on such short notice. He said that the Board's view was no longer than two years down the road, and it needed to look longer and to plan ahead.

Mr. Gaccioni said there was discussion about Mr. Hart. He said he didn't understand the whole Berkeley incident. He said he couldn't get the coincidence of the guy negotiating the MOU turning up in Berkeley and he was the guy involved in Reno and now was involved with one of the Directors. He said it fell on the Directors to make sense of that. He said it didn't speak of good management.

Director Cordova asked why, at this meeting, President Welsh wasn't accepting public comment on all items on the Closed Session at the start of the meeting. President Welsh responded that he was proposing that the Board go into Closed Session to discuss the MOU with John Holtzman and then come back into Open Session to take public comment on the remaining Closed Session items.

Andrew Gutierrez said that procedures appeared to be "made on the fly" but that, for the sake of courtesy, he would accept them. He said:

- Having the meeting on such short notice was a disservice to the community.
- He thought it was premature to discuss the MOU and an evaluation without having a process in place.
- Some of the data that had been presented at the Saturday Ad Hoc Committee Forum had been misleading and designed to make the Police Department's financial circumstances be better than they are.
- The morning's evaluation was ill advised.
- He was not being well served by this Police Department.
- To have one person as the GM and COP, would require someone who was a saint. He said Mr. Hart had said he wasn't a saint and, as such, this joint position would always be problematic.
- Kensington Police Department had had high turnover rates, had been fraught with controversy, had had lawsuits, and had all kinds of things unbecoming.

Mr. Gutierrez said the notion of the Fire Department and the Police Department being merged into one was an idiot idea: One didn't put a good organization into a bad one and expect something reasonable to result. He said the Police Department needed to prove it was competent and capable in order for a merge to be considered. He said the meeting had been set on an impromptu basis, was ill advised, and did a disservice to all.

Director Toombs asked if the public comments were to address the labor negotiations only. President Welsh responded that, because there were so few people present, comments on all the Closed Session items would be alright.

Celia Concus said she wanted to address only the performance evaluation. She said there were a number of things she hoped the Board would take into account with respect to IGM/COP Hart.

- It was a failure on his part not to have used the term "interim" from the outset and this demonstrated a lack of professionalism in all fields.
- It was a failure on his part not to get the Watch Commanders' Reports consistently correct.
- It was a mistake on Mr. Hart's part not to be willing to pay for his own medical insurance premiums: It had been understood that Mr. Hart would not need this. This would have been a benefit to the District because it would have saved money.
- He had hired Officer Armanino after Officer Turner had left and the new officer hadn't been needed.
- Officer Armanino's FTO was not an exemplary officer.

- He had spent money on a new vehicle instead of a new sound system.
- He failed to reply in a timely manner to requests for information.
- He had taken an excessive time away from Kensington for meetings and training.
- He failed to acknowledge his officers harass people.
- She asked if Director Cordova had been harassed.

Ms. Concus concluded by saying that the Board had hired primarily a Chief of Police and that, as an ancillary, he was the General Manager and by saying it was time to have a General Manager to whom the Chief of Police reported.

Director Cordova said that there had been too much procedural maneuvering, she was uncomfortable discussing and unwilling to participate in Item (c), and asked President Welsh to consider moving the item to date certain in the future so that more members of the public could participate in discussion.

Vice President Sherris-Watt said she had spoken to Mr. Holtzman that morning and had let him know she would not be able to participate in Items (c) or (d) because it had not been part of her understanding that these would be discussed that morning.

Director Cordova said she had meant Item (d) as well.

Director Toombs asked why the agenda had changed. Randy Riddle responded by explaining what was to be discussed in Closed Session: the evaluation of the IGM/COP; a threshold decision of whether or not to place the IGM/COP's contact extension on the February agenda; and if so, giving direction to Mr. Riddle regarding the appropriate agenda materials. He clarified what would not be on the Closed Session agenda: any discussion of whether or not to extend the contract. He said this was the same approach the Board had used during the initial contract discussions, and he summarized that process. He said the agenda, as prepared, complied with the Brown Act and added that he was very knowledgeable in the Brown Act.

Vice President Sherris-Watt responded that her not participating in Items c and d was not a comment on Mr. Riddle and Mr. Holtzman – she holds them in high esteem.

Director Toombs asked Mr. Riddle to clarify that the Board would not be discussing extending the contract. Mr. Riddle responded in the affirmative; there would be discussion only on whether to place this discussion on the February agenda – the full discussion would occur at the February meeting.

Director Toombs said that the reason the Board was meeting at this time was because it was the only time that all members of the Board were available between the prior and the next Board meetings and that everyone present knew this. He added that Director Cordova had said she would be available by phone. Director Cordova responded that she thought Director Toombs was discussing something that had been discussed in Closed Session, and she said that what had been agreed upon had not included Items (c) and (d). Director Toombs responded that Items (c) and (d) were on the agenda only to determine whether or not they would appear on the February agenda.

Director Gillette said this was an issue of form over substance and that it appeared that Director Cordova and Vice President Sherris-Watt were trying to take some kind of laudable position when, in fact, all Board members knew what was going to be discussed at the meeting.

Director Gillette addressed Mr. Gaccioni and said she understood his concerns about timing. She said that, because the Board was so constrained by time, it had to complete the IGM/COP's evaluation and set an Open Session to discuss extending his contract.

Celia Concus asked how long it would be before the Board would come out of Closed Session and whether it would report out anything. Director Gillette responded that the Board would report whether or not it had performed an evaluation of Mr. Hart and whether or not the possible extension of his contract would appear on the February agenda.

The Board entered into Closed Session at 10:56 A.M.


Closed Session

- a. Conference with Labor Negotiators (Government Code Section 54957.6). Agency designated representative: Jonathan Holtzman, Renne Sloan Holtzman Sakai, Randy Riddle, LLP. Employee organization: Kensington Police Officers Association. The Board was to receive and update on contract negotiations.
- b. Public Employee perform evaluations (Government Code section 54957(b)) Title: Interim General Manager/Chief of Police.
- c. Public Employee Appointment (Government Code section 54957 (b)) Title: Interim General Manager/Chief of Police.
- d. Conference with Labor Negotiators (Government Code Section 54957.6) Agency designated representative: Jonathan Holtzman, Renne Sloan Holtzman Sakai, Randy Riddle, LLP. Unrepresented Employee: Interim General Manager/Chief of Police.

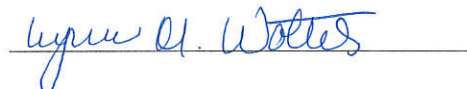
The Board came out of Closed Session and reported the following:

- With respect to item (a), Counsel was given guidance by the Board and negotiations are continuing.
- With respect to item (b), the Board discussed the evaluation of the Interim General Manager/Chief of Police. The Board will continue its discussion of the evaluation during a Closed Session at the Board's next meeting on February 11, 2016.
- With respect to items (c) and (d), there was an apparent misunderstanding of the purpose of the notice of these items. They had been added with wording they had at the request of the District's General Counsel to ensure compliance with the Brown Act. As a point of clarification, these items were on the agenda solely for the purpose of seeking a Board determination as to whether to place the issue of extending the Interim General Manager's contract for three months on the February Regular Board Meeting Open Session agenda.
- However, the Board realized that it did not need to reach Items (c) and (d) in Closed Session, because a request for placement of this issue on the February agenda had been previously made by a Board member. Therefore, because of the previous Board member request, this issue will be placed on the February Board Meeting Open Session.

The meeting was adjourned at 12:40 P.M.



Len Welsh
KPPCSD Board President



Lynn Wolter
District Administrator