



Kensington Police Protection and Community Services District

A G E N D A

Thursday, March 28, 2019
59 Arlington Avenue, Kensington, California

Special Meeting – Closed Session 6:30 P.M.

Regular Meeting: 7:30 P.M.

1. **Call to Order/Roll Call – 6:30 P.M.**
2. **Special Meeting: Closed Session – Public Comments:** Members of the public may address the Board on items listed on the agenda but that are within the jurisdiction of the District. Please observe our five-minute per person limit and twenty minute total limit, per Board Policy 5030.41.
3. **Adjourn to Closed Session**
 - a. CONFERENCE WITH LEGAL COUNSEL—PENDING LITIGATION
Significant exposure to litigation pursuant to Section 54956.9 (d) (1)
Foley Temporary Restraining Order Against General Manager
4. **Regular Meeting – Call to Order/Roll Call 7:30 P.M.**
5. **Public Comments:** Members of the public may address the Board on items not listed on the agenda but that are within the jurisdiction of the District. Comments on matters that are listed on the agenda and requiring Board action may be made at the time the Board is considering each item. Please observe our five-minute per person limit and twenty-minute total limit, per Board Policy 5030.41.

Note: Items that are informational only and that used to appear as part of the Consent Calendar have been moved to the agenda packet's addendum. Public comments about such items made be made at this time.

To comment on agenda items, please complete speaker cards and submit them to staff.

6. **Board/Staff Comments**
 - a. General Manager Report
 - b. Interim Chief of Police Report
7. **Consent Calendar**
 - a. Minutes of November 15 special meeting
 - b. Minutes of December 13 regular meeting
 - c. Minutes of February 1 special closed session
 - d. Minutes of February 14 regular meeting
 - e. Minutes of February 26 special closed session
 - f. Minutes of March 14 regular meeting
8. **New Business**
 - a. Community Center Renovations
 - i. Intent to award construction contract to lowest qualifying low bidder at April 11, 2019 Board Meeting

- ii. Add \$150,000 to project from reserves
- iii. Adopt Resolution No 2019-01 Resolution Authorizing the Execution and Delivery of a Lease Agreement and Site Lease and Authorizing and Directing Certain Actions in Connection Therewith (for action)

- b. Update on Public Safety Building Update by Kensington Fire Protection District Director Larry Nagel
- c. Arlington Church rental agreement (for approval)

ADJOURNMENT

Our next meeting will be April 11.

Rules of Decorum at Meetings

- Persons wishing to speak shall line up on the left side of the room. If there are several speakers, please try to be brief to give others the opportunity to speak.
- All persons wishing to speak shall do so at the podium and address their comments to the Board.
- Each member of the public attending the meeting has the right to speak during the public comments period. If the allotted time for public comments has been reached, we will begin the meeting and allow for additional public comment on items not on the agenda but within our jurisdiction after the business portion of our meeting.
- Each member of the public attending the meeting has the right to comment on each item on the agenda. However, the Board President may restrict the number of times that an individual may speak on the same agenda item as necessary to ensure that all persons wishing to comment on that item are heard and that the meeting proceeds in an orderly fashion.
- If any meeting is willfully interrupted so as to render the orderly conduct of the meeting unfeasible, the Board President may order the person or group of persons causing the disruption removed.
- If removal of the person or group of persons causing the disruption of the meeting does not restore order, the Board President may order the room cleared of all members of the public except members of the media and proceed to address the remaining items on the agenda.

General Information

- All proceedings of the Open Session will be audio recorded and, if the equipment works, video recorded.
- The Community Center has devices for hearing assistance. Please contact GM Anthony Constantouros for information about the equipment.
- The Community Center is Wi-Fi accessible.
- Upon request, the Kensington Police Protection and Community Services District will provide written agenda materials in appropriate alternative formats or disability-related modification of disabilities to participate in public meeting. Please send 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 two days before the meeting. Requests should be sent to: Kensington Police Protection & Community Services District, 217 Arlington Ave, Kensington, CA 94707

POSTED: Public Safety Building – Colusa Food – Arlington Kiosk and at www.kppcsd.org
Complete agenda packets are available at the Public Safety Building.

All public records that relate to an open session item of a meeting of the Kensington Police Protection & Community Services District that are distributed to a majority of the Board less than 72 hours before the meeting, excluding records that are exempt from disclosure pursuant to the California Public Records Act, will be available for inspection at the **District offices, 217 Arlington Ave, Kensington, CA 94707** at the same time that those records are distributed or made available to a majority of the Board

Items formerly included under the Board Packet Addendum are now posted separately on the District's website, under the title "Monthly Reports."

Communications and information submitted by community members and others will be included in the Correspondence section of this report and available to the public.

General Manager Report

March 25, 2019

This report updates the status of two projects:

Police Study – Community Meetings

Matrix presented their analysis and findings on police services at two community meetings which were held on Thursday, February 28th and Saturday, March 2nd. Attendees had the opportunity to ask questions at the conclusion of the presentations. Videos of both meetings can be viewed on the District website. Two previous community meetings had been held in addition to presentations at Board Meetings. A survey was also utilized to help determine service delivery expectations about police services.

The current plan is to have Matrix present the next steps in this process at the Thursday, April 25 Board Meeting. Matrix will discuss alternatives and answer questions related to the report. They will review the data and discuss possible paths forward for the Police Department. The Board of Directors will review options on how to proceed. This would include recommendations on current operations and whether to distribute a Request for Proposal related to hybrid and contracting options.

California Law Enforcement Telecommunications System

This is the computer system that connects public safety organizations to various data bases. An investigator has been reviewing alleged improper access to this information. This review is now 75% complete and additional documents have been requested from the County. The finalization of the review will depend on how soon these documents are received.

Best regards,

Tony Constantouros

DRAFT

Kensington Police Protection and Community Services District Board of Directors

59 Arlington Avenue, Kensington California

Minutes for Special Meeting

Thursday, November 15, 2018

Call to Order/Roll Call 6:00 pm.

KPPCSD Board: Director Deppe, Director Hacaj, Vice President Nottoli, Board President Sherris-Watt, Director Welsh

Director Hacaj joined the meeting at the beginning of the Closed Session.

Staff: General Manager, Tony Constantouros; Interim Chief of Police, Rickey Hull; Ann Danforth, General Counsel

Consultant: Glass and Associates, Farhat Daud

Transcription: GoTranscript, <https://gotranscript.com/>

Closed Session:

a. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Paragraph (1) of subdivision (d) of Section 54956.9. Name of case: Claimant Lynn Wolter

b. CONFERENCE WITH LABOR NEGOTIATORS Agency representative: General Manager Anthony Constantouros and Jon Holzman Employee organization: Kensington Police Officers Association

c. PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Section 54957(b) Title; General Manager

The Board reported out that they had given direction to their labor negotiators.

Call to Order/Roll Call 7:30 pm.

President Sherris-Watt explained that item 10a was removed from the agenda because that authorization was under the auspices of the General Manager.

iii. Extension of the Contract between the KPPCSD and Glass and Associates, Inc. and authorizing the General Manager to execute said extension.

Public Comments:

Linda Lipscomb: Thanked everyone who ran for office in 2018 and would like to see some transparency in the processing of votes at the county level. Her absentee ballot was received on the 27th of October but she did not know whether it was counted at that time or whether it was still in the pile.

She then thanked our officers. From her home he saw units from other jurisdictions because an incendiary device was found nearby to Hilltop School. She thanked the Chief and our officers and asked to convey those thanks to our officers. This is why she feels so passionately about our local police.

A.Stevens Delk learned one thing that is different about Vote By Mail ballots this year. Previously, they had to be received by election day. Now they have to be received by the Friday afterwards, so that's one delay right there. At 1:00 AM, it would have been Wednesday morning, was the first posting by the County and it listed two sets. It listed one was election day and then it had another number that was vote By Mail Ballots.

They posted another list on Friday. The election day results are the same. The County now starts counting the Vote-By-Mail ballots when they receive them, but they can't post any results until after the election. If the people in the county find that there is some problem with the Vote-By-Mail envelope, that it's maybe missing a signature, or the signature doesn't match the one on file, they actually notify the voter to try to work out the difficulty, so that's going to take a little bit longer than for those ballots.

As you know provisional ballots take time to count because they have to wait for every single other ballot has been counted and verified. Then they go through the provisional ballots, looking at the envelope, checking every name in the precinct to make sure that person did not vote in a local precinct or send in a ballot or something else. If there is one take-home lesson it is don't wait until election day to send in your Vote-By-Mail ballot. It would be helpful to the county and to those who're waiting for results they can be counted before election day.

Board/Staff Comments:

Director Deppe at the bottom of the website on the "meeting tab" is now an agenda link. It has to do with new regulation that goes into force January 1st, which says the homepage must have a link to the current agenda, and specifies that our agendas have to be text in searchable documents. They don't have to specifically have to be PDF but they have to be platformed and can't be a Word document. This was a Streamline update and they track these requirements and keep us in compliance.

The agendas now have to be text searchable. Previously we had text PDFs for our agendas which are not compliant.

Chief Hull made a statement concerning recruitment. Over the past two years we had approximately eight applicants and one has been hired full time. Currently, there is one more applicant. We've advertised on at least three websites. We've been engaged in direct mail into police departments. On November 9th we went to the Contra Costa County Sheriff Academy graduation and we contacted non-affiliated recruits.

The device that was found at Hilltop School, for clarification, was an incendiary device, not a bomb. It was a crudely made device that was missing an ignition system.

We had a lot of assistance from a lot of different agencies. We were focused on the safety of the school and the safety of the children that attend the school.

So far, there have been two meetings with the parents because of their concern. He recognized Officers Nath, Foley and Ramos, and Sergeant Barrow who adjusted their normal shifts to ensure that there was enough manpower in order to do what was needed.

President Sherris-Watt mentioned that these Hilltop meetings and two additional meetings that are schedule dovetail into our complete plan for emergency preparedness. Over a year ago she and Director Hacaj began to pull together emergency plans from different agencies and schools in Kensington so that there is a full picture for all our first responders.

Vice President Nottoli spoke on food composting. It may be agenized in January because we are still trying to sort that out with Bay View what the options are going to be. The next window for this to start would be May 1st, when the next invoice comes out from Bay View.

She has been working with the County on the compact fluorescent bulbs at El Cerrito Recycling Center. John Gioia has responded to an email saying he would look into the issue because it has been over a year of inaction.

General Manager Constantouros noted that Bay View refuse is entitled to an annual rate increase and there was a formula in the contract that identifies the process, which is basically related to the CPI, the consumer price index from August to August for one year and looking at this year, the CPI is 4.3% for the San Francisco Bay Area. Therefore, they're entitled to a 4.3% rate increase effective January 1, 2019. Now they submitted a letter listing these rates and the 4.3% increase and it is posted on our website.

Consent Calendar

a. Approve minutes of August 9, 2018, Board meeting

Paul Dorroh said that there's no indication of authorship as to who transcribed the minutes, whether they are transcribed from the tape or some notes from a note taker. It will be very useful going forward that he knew who's taking the notes, who's writing minutes. Same thing applies to several of the staff reports on today's agenda. He doesn't know who wrote them and they don't include any recommendations.

President Sherris-Watt made a motion to accept the Consent Calendar with the upgrade of the notation of the transcription service that provided the minutes.

Vice President Nottoli seconded the motion.

The motion passed 5-0.

Old Business

The Board will review bids for tree removal in Kensington Park. The Board will consider options and potentially authorize the authority for work.

Vice President Nottoli: met with a number of tree companies and got bids for removal. There are about 10 redwoods that are dying. Apparently, there was some work done that disturbed the roots and as a

consequence the redwood trees are dying. This is down the south end of the park and it's very close to a Monterey pine around that area that also is leaning and should be removed.

The agenda packet has a summary of all the bids. In addition, a number of the tree companies pointed out some other trees that were problematic. The lowest bids were from Ponderosa.

She would also recommend that we retain one of the companies that does not do work on this large scale, and that would be Brendon Lamb or Eaton Tree Service, to do a study of the park on an annual basis to identify what work needs to be done in order to keep the park trees healthy and remove any kind of limbs that are problematic or do any work such as putting cables on some of the Canary Pines around the parking lot where there's a V that forms at the top of the tree and that can create instability in the wind. Her recommendation was to engage Ponderosa at a bid of \$24,576.50.

A lot of these companies are booked and so they won't be able to begin work until next year. Some of them would not be able to begin work until next year. Early next year. Because apparently a lot of work in tree removal.

These bids assume that the company is going to be chipping and throwing the chips onto the hillside for weed suppression.

President Sherris-Watt made a motion to authorize the General Manager to execute a contract with Ponderosa for tree removal.

Director Hacaj seconded the motion.

The motion passed 5-0.

Vice President Nottoli asked about making a motion to hire another firm to examine the Park for potential hazards.

Director Hacaj suggested that we consider that issue in a year's time as the Park had just been evaluated.

Joanna Firmin: wanted clarification on what is in the purview of the Fire District, as they talked about having funds set aside for some of this kind of thing, in terms of removing dead trees, Juniper, et cetera. What is in the purview of the Police District?

Vice President Nottoli informed her that Kensington Park is under our purview. She had asked the president of the Fire District about the funds and there are funds available for Juniper removal. but not tree removal.

The Board will review and consider approving the Hazard mitigation plan. Implementation and areas of Board and staff responsibility will be discussed.

General Manager said that this is an effort by the county that was initiated a few years ago to come up with plans to address various hazards. A number of local agencies were invited to prepare plans and participate in the process. Katie Gluck and Peter Liddell heard about it and volunteered their time to prepare a plan.

The purpose of it not only is to identify hazards that we can keep track of, but allow us to apply for grants, which is really the primary driver for this hazardous mitigation plan. It does not guarantee getting grants, but it does put the agency in the position to either acquire as a group or individually for possible grants.

The District would be the grant recipient and the General Manager would be the grant writer.

Director Welsh thanked Peter and Katie. They came to pretty much similar conclusions to what the Fire District came to when they submitted the report back in May. He was embarrassed because he thought it should have gotten done earlier. He for one, was little bit sleepy at the switch and he apologized for that.

Joanna Firmin was very curious. What is the next step with the hazard mitigation plan in terms of disseminating that and training? She wanted to hear a little bit more about the plan and maybe the outlines of it.

General Manager said this plan basically is for grants. It isn't an all-encompassing agency approach that has litigation. There's a list and there's a questionnaire. Basically, in order to participate you have to indicate what your resources are both with financially and staff and then certainly a willingness to participate in the grant program, and also to identify just in general the capacity of the agency and to deal with hazard mitigation. This is the plan to get the money or at least try to get the money.

Director Hacaj said this is the hazard mitigation plan. It's basically how does Kensington mitigate for certain hazards. The biggest one being wildfire, there's also earthquake. One of the interesting suggestions was, once this plan has passed, a particular canyon on the Albany-Kensington border, we could jointly apply for funds to clear out that canyon.

Director Welsh said there are a lot of different entities involved here not just the two districts and of course, we could definitely benefit by having the two districts marching along step on this. There's also, for example, the East Bay Parks who presented at the last meeting and it was clear in their presentation that they had an approach to fire prevention. It might be a little bit lacking.

Joanna Firmin hoped that while we are turning to regional collaboration which can take for ever that there will be a sense of urgency and movement in Kensington in terms of what people do in the event of wildfire. Very concrete, what do we do? What do people do and how do we get that information to them, and that as a taxpayer, I would like to see something put in place so that we have a time frame. That this is not something that is left open. That we are now in November and that perhaps by the new year we will have something in place.

President Sherris-Watt doesn't want to speak for the fire department, but the fire department does have a plan in place and they are the lead agency and they have sent out a flyer, Ready, Set, Go. [Ms. Firmin was unaware of this flyer or other emergency information].

David Spath said the fire service will give you the information necessary to implement evacuation but police are responsible for evacuations. I will point you to Lafayette. You're probably aware of that. Their plan for wildfire evacuations which is led by the police fund in Lafayette not the fire department. If you look at the penal code, the penal code gives the police agencies the responsibility for evacuation, not the fire department. This goes to a point that was made about preparedness and you mentioned a few within the working environment. Aside from working on emergency preparedness, is that the notification?

[The police are responsible for traffic not emergency evacuation.]

Director Hacaj stated that the emergency preparation process is an ongoing effort.

David Spath wanted to point out, what the district needs is some emergency operations command that also incorporates a wildfire evacuation plan. Lafayette and other jurisdictions are doing this. We don't have an emergency operations plan. The fire district has an emergency operations plan. Which is an annex to the El Cerrito emergency operations plan. That is Fire District centered and we are essentially not even mentioned in much detail. I think it is really time for the district to begin the process of developing their own emergency operations plan.

General Manager corrected that generally, the Fire Department is your lead agency. They have all the training. He has worked in four jurisdictions, and each jurisdiction's fire department was in charge. What was different though was there was one agency. You had everybody in the same organization. Here El Cerrito is responsible, is kind of the lead agency for emergency preparedness but only works with the fire department. So, it seems like there's some room for possible improvement here and coordination with the police department.

David Spath would recommend the wildfire evacuation approach because that is where you can integrate with the Fire District because obviously, the police district is responsible for ensuring evacuation occurs, and for traffic safety during an event, and pooling the mutual aid with regard to other police jurisdictions. Lafayette is a very good example of the police being responsible for evacuation. They have quite a good wildfire evacuation plan.

General Manager said Lafayette Police is a contract with the county, so they're directly related to the county.

David Spath recognized that the county of Lafayette does contract the sheriff's office but they still have got their own police department.

General Manager stated that their police department's contracted.

David Spath understood that, but the sheriff provides them and you have a chief of police who's the Lafayette chief of police.

General Manager said the chief of police there is appointed by the sheriff.

David Spath said right. It's not the sheriff's office.

General Manager clarified again that it was part of the sheriff's office.

Dakota McKenzie asked how seriously people are considering the possibility of a fire break between the park and our community and what it would take to get that. She is getting the sense that it could be a time-consuming process and they want to initiate. Her understanding of how wildfires start and spread does make it the single most important thing we can do to actually try to keep the fire away from our community.

Director Hacaj knows that there's a citizen group on Purdue that has been working on a regional approach to East Bay Regional Park because Berkeley, Kensington, and El Cerrito, and even Richmond Annex all share a border with the park. It would be much stronger together. They recently reported that they're very happy with what's happening. The park is finally start to take this request more seriously and have more fire suppression prevention and clearing. They also passed a measure that should mean more funds are available.

Director Welsh wanted the General Manager to invite the staff to have a little conversation. It might be nice to have a hazard preparedness committee formed and work on motivating the fire board, maybe one fire board member and one police board member meet.

Linda Lipscomb said you're looking at a space that's really important and is front and center right now. We think that some agency, the Regional Parks Board, could help us for our needs. Maybe we need to have that committee attend those meetings and have a board member assigned to this. As Dave pointed out, we have a standing committee for emergencies.

Why don't we push it? She would offer that you resurrect that committee and then start injecting ourselves into those board meetings. Go into the board meetings and say, "Look, we're over here. We're right on the other side of the hill, and we're scared that this is going to happen to us. What are you doing about that?"

President Sherris-Watt made a motion to approve the Hazard mitigation plan.

Director Welsh seconded the motion.

The motion passed 5-0.

c. The Board will discuss and consider appointing a KPPCSD Director to work with the General Manager to conduct a comprehensive update to the Hazard Mitigation Plan and complete the Annual Progress Report in 2019. This Director would seek to clarify discrepancies between the plan when written and current operations.

President Sherris-Watt wanted to consider appointing a Director to work with GM to make sure that we conduct comprehensive updates to the hazard mitigation plan. There are a couple of documents including the agenda, the annual progress report, and the progress report template that should be completed in 2019. There have been some changes that would probably be implemented on the hazard mitigation plan because we're further along the community center delegation and a few other things.

Julie Stein wanted to clarify exactly what you mean by updates to the hazard mitigation plan with respect to the community center.

President Sherris-Watt said that in the agenda, you'll see that the annual progress report is listed here. This is part of the hazard mitigation plan and then there is a progress report template that needs to be filled out in 2019 to keep current. Those items need to be done to be in compliance. Already, we have made some changes. It says in here that we're in discussion of Glass and Associates and that is changed already because we are in contract with Glass and Associates.

Julie Stein is wondering if any of these updates to the plan will be a public process. I have the plan in front of me and I'm really glad, happy that you approved it. The fire board approved their plan several months ago. Table 29.1 Special Purpose District Assets, Critical Facilities, The Community Center, this building was also designated as an evacuation shelter. The current value of the building \$550,000 combined with building E, improvements and other \$618,000. I guess I'd like to know that you made any change to the fact that this building is designated as an evacuation shelter, will that be a public process?

Director Hacaj said the changes are the current plans that were under contract or we're beginning to do more of. It's the update to an annual progress report. It's a very proforma. It's required by the process. It requires an annual progress report. It's in the volume one or volume two. The templates are there. It just requires the district to update the plan once a year.

President Sherris-Watt said the Community Center [in the plan is] "designated as an evacuated shelter" if that is a legal definition, this building is built to life safety. That's what our seismic engineers have as designated. We would hope it would be an evacuation shelter, but we wouldn't know depending on the hazard. If something happened, we want to make sure the document is accurate. We would probably need to discuss why certain lines of the document were now inaccurate.

Julie Stein said there is a formal building code standard for buildings that are used for evacuation shelters and it's called, "essential services building". The Public Safety Building and all of the plans of the fire board looked at between refurbishing, renovation, tearing down the building, rebuilding in place, build a new building. The data sheets all specifically specified that whatever plan is being evaluated all the way to potentially adapted. The calculations were based on the building code of "essential services".

President Sherris-Watt said the Public Safety Building is a fire and police station. It must be up to that code. The Community Center is not capable of being up to that code. We would have to tear it down. Two sets of seismic engineers informed us that's why the decision was made to build to the life and safety standard versus the essential services standards.

Julie Stein said this means that whoever is here in a major earthquake would likely get out alive, but the building will not likely be able to serve an evacuation shelter?

President Sherris-Watt said there is no guarantee but it's designed to make sure it holds in an emergency.

President Sherris-Watt made a motion that Vice President Nottoli works with the General Manager to conduct an update of the [Hazard Mitigation] plan.

Director Welsh seconded the motion.

The motion passed 5-0.

New Business

The Board will review and consider approving several actions to pursue the Community Center renovations.

i. An agreement between the KPPCSD and the Kensington Community Council for the transfer of funds (\$465,000) from the KCC toward the Community Center renovation project and authorizing the General Manager to execute said agreement.

General Counsel: We're now looking at initiating a public bidding process. We need to secure the actual funds required for construction. Before the Board is a funded contribution from the Kensington Community Council. The KCC has offered to provide \$465,000 in funding. A portion of that is

contingent on construction of the improvements that it likes. \$210,000 has been offered contingent on or including bi-fold or operating doors system and heating system upgrade. There are unrestricted funds as well, which is \$255,000 and including \$35,000 that KCC raised from members of the community. The KCC agreement which provides for the KCC to deliver the funds which should go down to bid. However, the District will retain the discretion of modifying the final scope. If the final project does not include the wall and heating improvements that were requested by the KCC, the District would have to return the \$210,000.

President Sherris-Watt made a motion to approve the funding agreement with the Kensington Community Council with the caveat of a change of address of the District to 217 Arlington.

Director Hacaj seconded the motion.

The motion passed 5-0.

ii. Increase of project budget to reflect increased expenses.

Director Hacaj: On July 31st, the Kensington Municipal Advisory Council, which reviews any projects in Kensington heard this, saw these plans and approved this and sent it to the county. Eleven days later it became eligible for the plan check process and this is still undergoing that process before the permit is issued. Once the permit is issued, we're able to go to bid. We must have all the funds encumbered prior to going to bid.

The finance committee met and saw that we needed \$290,000 to proceed. That had always been the plan to look at the 2018/19 budget once we were sure of the amount we need to go to bid. That amount was set when the plans were given to the county as part of that process. The amount set is 1.298 million and the remaining funds needed equal \$290,000. One of the reasons why is that the WW grant funds, which come from Contra Costa County, and have been designated to be used for the project are not in our hands. Those funds remain with the county until we proceed and complete the work and then submit for reimbursement. Those funds we need to set aside for the moment in order to go to bid and then when the work is completed, we will submit for reimbursement and get that back.

Those funds had to be unsegregated and set aside as part of this process. That left remaining \$82,000 for hard construction costs for the bid and then reviewing what was left on the Glass Associates contract - this is nothing additional -just funds of the original contract that have yet to be paid plus minor expenses, it is an additional \$50,000. That is how the \$290,000 came to be.

The Finance Committee unanimously recommended to the Board that \$290,000 be designated for the Community Center renovation project. It will be important that funds are segregated by hard construction, bid cost.

President Sherris-Watt made a motion that the Board increase the project budget to reflect the increased expenses as outlined in the staff report and that we designate that the budget removes those items into the capital project fund.

Director Welsh seconded the motion.

The motion passed 5-0.

iii. Extension of the Contract between the KPPCSD and Glass and Associates, Inc. and authorizing the General Manager to execute said extension.

iv. Bid documents for the renovations and directing staff to proceed with the public bidding process.

General Counsel: The next step would be for the District to submit the project for public bidding. The documents are voluminous. They are available online. They describe the basic parts of the project base report which we can summarize as follows. Symmetric demolition of existing structure including associated finishings of areas affected by development work including grading and paving, landscaping and irrigation and side riveting. Provision and installation of partitions and associated doors and finishes as shown on the drawings.

Anything that all new construction and existing construction within the limits of work unless otherwise noted. New wall, floor and ceiling finishes showed on the drawings, cabinets and counters, new electrical power and mechanical and plumbing systems, restroom fixtures and accessories, kitchen fixtures also shown in the drawing. These drawings are currently being processed in Contra Costa County building department. There is also a set I believe available in the office.

The scope of work does not include the variety of items that are listed in your staff report and also the base scope of work does not include the bid alternates. The process for bidding this is very simple. The district will advertise for bids, would count for the bidding package that includes the drawings and other specifications. The contract itself and a number of documents. People will submit bids at the time the documents instruct the bidders to submit their bids.

There's a hard close. The door shuts at the set date at the set time. Then the bids are all opened. None of the bids are opened early.

Slide Show Presentation

Farhat Daud: Here we have the front of the building as it is right now and this is the proposed project. You can tell that the main part of the project that would be visible that would really impact the citizen of Kensington end-users is really at this elevation. The Southwest elevation, which is the elimination of this concrete block wall right here and the addition of the bi-fold and slide doors. Then the canopy that comes out.

The windows above the clearstory windows would also be replaced to be more energy efficient type. As well as the ones on the opposite wall on the North Wall. We're going to replace those as well. Here we have a site plan. Nothing really is being changed on the exteriors up to this part area right here. The site work is primarily due to the ADA requirements and we're working as this hurricane area right here so we get accessible site parking place here with the loading zone.

The main impetus of the project is the seismic work which not a lot of that is going to be visible. It's the seismic work, the ADA upgrades, the energy upgrades. These are the seismic upgrades that need to occur. A large part of it is the roof connection. That roof is not tied properly. Basically, on all ends, it's going to get the proper hardware for that.

This wall, which is a major concern is going to get a lot of steel and then the proper reinforcement at the foundation level as well. This here is some more detail on the first slice work seismic work. This upper

roof will be better tied to the lower roof. The upper and the lower roof is going to get new sheer and we're going to take the opportunity to put in insulation. Put in upper insulation in this roof and then the entire roof or both roofs will get a new roofing, which is also an energy upgrade. This is a technical drawing, you can't really read it but it basically shows all the improvements that are happening.

There's going to be ADA things, like the automatic door opener and closers of these entrances. The other exit and fire signage, all of the other ADA signage which would mean in our names for each of the rooms, that are written in regular text as well as in braille.

We're going to add a drinking fountain here. A high-low drinking fountain with a bottle filler. The kitchen counter here has been lowered for an ADA access. All the appliances are actually going to stay, and this sink will be an ADA accessible sink.

Here's a graphic of the new opening wall system. It could change. Then, there will be a fixed window here and then three sets of the bifold and slide door system.

This is the view looking from the inside. The cabinetry here is actually going to be part of the bid alternates, and there are two. Again, those are for bid alternates, so it's not part of the base bid. This is another technical drawing. This is an exterior elevation showing the window system that would be installed on the south side and again this would be the main doors, right here after the extended canopy. Here is the other single door here.

Basically, everything else remains the same. There's that canopy that comes out in the south side.

Some of the other alternates that we're including are the replacement of the flooring in here, and in meeting room three, which has a crack in it. We felt that would be necessary to do if there was adequate funding for that. Again, the cabinets are also going to be a bid alternate, there's two versions of that. One, without the fireplace and one with the fireplace.

The one without the fireplace actually does not remove the fireplace, it just builds over it. Then, kind of screen system here, that would be movable and you could fold it and put it in storage, so it could be brought out for selected events.

Director Deppe asked as far as the basic scope of work, do we expect them to give details about the different items or it's just going to be, "This is one number and that's what it is?"

General Counsel: The bid documents require them to put in certain specifics about both material and subcontractors. State law is very strict about the subcontract. Anybody who's getting more than one half of 1%, has to be listed and it's very difficult for the contractor to then go to another subcontractor for the same work.

There is a process for disqualifying a bidder based on the fact that they have shown themselves to be not responsible. It is not an easy process. It requires a public hearing and often will lead to a lawsuit. There is a process if you're really confident of your ground but the person who has the lowest bid is not somebody that you want to work with.

President Sherris-Watt said we must accept the lowest bid, but not based on the bid-alts. This process was specifically broken down so that someone does not come in and lowball us on the price of the renovations needed and then charge us exorbitant amounts for the bid-alts.

President Sherris-Watt made a motion to approve the documents granting our General Manager to make minor project changes as required to obtain a building permits and non-substantive changes in the contract documents.

Director Hacaj seconded the motion.

The motion passed 5-0.

President Sherris-Watt made a motion to approve the bid documents granting our General Manager to make minor project changes, as required to obtain a building permits, and non-substantive changes in the contract documents.

Director Hacaj seconded the motion.

The motion passed 5-0.

President Sherris-Watt made a motion to authorize the General Manager publish the notice inviting bids and begin the public bidding process.

Director Hacaj seconded the motion.

The motion passed 5-0.

The Board will review and consider approving the authority for the General Manager to implement work in Kensington Park for the removal of hemlock and the abatement of blackberries and poison oak.

Vice President Nottoli: there's a large section of poison oak that starts around the Annex Building and it goes up to the road that is by the school. There's also wild hemlock that's around the area too. In addition, there's a separate section of non-native blackberries. We contacted the companies, one is City Grazing which uses goats and the other is Oakland Hills Clearing.

The goats - in order to have the goats munch away the poison oaks we need to remove the hemlock. Because of the poison oak it makes sense to have Oakland Hills Clearing clear both the hemlock and the poison oak.

The problem is that seeds from the wild hemlock and the roots from the poison oak will continue to sprout up again. This means that once this process has started, we're going to have a continual effort until finally the roots give up and there's no more seeds for the wild hemlock. The same is true for the non-native blackberry.

My recommendation is to have Oakland Hills brush clearing clear out both the poison oak and a non-native blackberry. The Oakland Hills estimate for brush clearing is \$6,400 and for the blackberry, it was an additional \$400 - \$600 to clear that as well.

Right now, a \$89,000 surplus is projected in the budget.

Vice President Nottoli made a motion to authorize the General Manager to book, review, and execute the contract with Oakland Hills for brush clearing for both poison oak as well as a non-native blackberry.

President Sherris-Watt seconded the motion.

The motion passed 5-0.

The Board will review and discuss yearly payments to CalPERS. The Board will consider approving the authorization for a larger payment based on a 15-year amortization schedule, rather than the current 30-year schedule.

President Sherris-Watt: This item came from the finance committee. The finance committee reviewed alternatives for payments on our OPEB liability and they made a recommendation. The vote was four to two to request that the Board approve the payment of 354,893 for the fiscal year, 2018, 2019. You can see the schedule here. It is recommended that we consider as a Board changing from a 30-year payment schedule to a 15-year. We are not entering into any sort of contract to do this, but the finance committee did recommend that we make the more aggressive payment in the coming fiscal year.

We're looking at this for June of 2019.

General Manager: This is a good plan put forward by Jim Watt. It could save us as much as \$1.2 million which is significant if it's maintained for the entire 15-year period. Now, the downside it's, just so we're aware is that it takes away some funds currently and we are using funds already for example, for the grazing and the landscaping that we didn't technically budget for, but there are funds available to use that. In addition, we're going out to bid for the Community Center. It takes away some flexibility considering into this. So, there is an immediate downside but on the long-term gain.

Director Welsh likened it to how much do you want to have in your bank account versus how much do you want to pay out in the mortgages. Exactly that kind of thing. There's also the public safety building moving in the not too distant future which will be a heavy lift for both districts.

Part of the reason why I'm feeling a little bit aggressive about making the pay-off is, not wanting to sound like a broken record, but I do think that the two districts should be cooperating more on community expenses like even these community centers seismic retrofit.

Director Hacaj said we found out as part of the plan check process that, the fire marshal is recommending a particular type of fire alarm, a hard-wired fire alarm system for the building that includes smoke and heat sensors and is hardwired to the fire department. I made the request for that funding to them and they will be considering an item up that would be authorizing them for up to \$35,000 to contribute to that.

President Sherris-Watt made motion to approve a CalPERS payment of \$354,893 for fiscal year 19-20.

Director Welsh seconded the motion.

The motion passed 5-0.

The Board will discuss the adoption of a reserve policy.

President Sherris-Watt: The final item of the evening is actually mostly informational. It is a reserve policy. We'll clean up the reserve policy formally when we look at the P&P manual but you'll see the draft reserve policy as put forward by the CSDA.

Speaker 3: Of course, the reserve policy is a critical element of future planning and it also sets aside funds available when you need them. You could get funds to spend and it breaks it down into a couple of different areas, For Kensington, particular review of vehicle fleet reserve. So, you set a percentage of funds, and then you have a policy in terms of how long you keep the vehicles and these are listed and then when you need to replace them, you already have a budget for them you don't have to be scrambling around looking for money. That's probably the largest expenditure, the largest benefit in terms of a reserve for fleet. The other one is technology. There's a lot of technology in town and that the district utilizes and we should plan for the obsolescence and replacements of technology. Computers break, computers actually are getting less expensive, but even the recording system here in the building has had a number of problems. Mr. Bergen has been really unbelievable in coming here and finding wires and coordinating the work.

Then finally, you need a rainy-day fund. These are very good policies, very good ideas for all agencies.

President Sherris-Watt made motion to adjourn the meeting.

Director Deppe seconded the motion.

The motion passed 5-0.

DRAFT

**Kensington Police Protection and Community Services District Board of
Directors**

59 Arlington Avenue, Kensington California

Minutes for Special Meeting

Thursday, December 13, 2018

KPPCSD Board: Director Deppe, Director Hacaj, Director Modavi, Vice President Nottoli,
Board President Sherris-Watt

Director Hacaj joined the meeting at the beginning of the Closed Session.

Staff: General Manager, Tony Constantouros; Interim Chief of Police, Rickey Hull; Ann
Danforth, General Counsel

Transcription: GoTranscript, <https://gotranscript.com/>

Closed Session:

Call to Order/Roll Call 6:00 pm.

a. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Government Code
Section 54956.9(d)(1). Name of case: Unspecified because disclosure would jeopardize existing
settlement negotiations.

b. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Name of Case:
[REDACTED] and [REDACTED] v. KPPCSD et. al.

c. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: The Board will
discuss whether, based on existing facts and circumstances, an additional closed session item is
authorized under Section 54956.9(d)(2).

d. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant
Exposure to litigation under 54956.9(d)(2) and (e)(1): 1 case. The Board will remove this item
from the agenda unless it first finds in the affirmative for item Section 54956.9(d)(2).

e. PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Government Code Section
54957(b). Title: General Manager

f. CONFERENCE WITH LABOR NEGOTIATORS: Agency
representative: General Manager Anthony Constantouros and Jon Holzman Employee
organization: Kensington Police Officers Association

Regular Meeting:

Call to Order/Roll Call 7:40 pm.

President Sherris-Watt reported out from closed session. On Item C, the board decided by a vote that item D was not affirmed and would not be discussed. Item E was tabled. For Item F direction was given to our labor negotiators.

Oath of Office - General Manager Tony Constantouros administered the oath of office to newly elected board members Christopher Deppe, Cyrus Modavi, and Rachelle Sherris-Watt.

Public Comments:

Ann Forrest, President of the Kensington Community Council, presented the KPPCSD with a check for \$465,000 for renovations to the Community Center. Director Hacaj, Chair of the Parks Committee, accepted on behalf of the Board.

Mabry Benson: In past years, there've been many occasions where Board members had been texting while the meeting was in session. I think this activity is totally inappropriate. These are public meetings and the public is entitled to hear all that you have to say, whether it is to another Board member or to a member of the public. If the public needs to communicate to a Board member during the meeting, that should be heard by the public.

I don't know whether the Brown Act open meeting laws allow texting to or from board members during meetings. If it isn't, I suggest that the board adopt a policy where board members agree toward no texting to or from board members during meetings. In the spirit of making all board commentary and board meetings that openly, the board can adopt such a policy or board members can announce that personal behavior should no texting during meetings.

Pat Gillette: It is really nice to see K-groups working together, and we hope too, that as we move forward with the new term of this Board that we'll see more of that kind of cooperation between all the boards including the fire board and the police board. Hopefully, now it is something that you all strive for.

I have a few things that I'd just like to mention. One, I'm unclear of how things get on the agenda under these Board's direction.

Secondly, I understand that there's been a settlement, at least the court records have been processed, with the settlement case under review versus the District, as of November 30th. I requested a copy through the public records dept. That settlement agreement, I was told by your general counsel, doesn't exist yet.

I think when it is completed that it should be posted on website perhaps or at least the public should be informed, which is exactly they have a right to know. What the amount of settlement was and perhaps you could explain the reasons for the settlement. As a mediator now, I

understand the case is settled for a number of different reasons, but it will be helpful for us to know why and what the amount was.

Since that was on November 30, I would expect an agreement to be completed sometime in the next month, it doesn't take very long to get the kind of stuff and agreement done. Third, I'm really curious whether the Board intends to search for a permanent chief of police.

We've lived for two years with an interim chief of police. If in fact, the board feels that Interim Chief Hull is the best person to do the job then perhaps we should post the position, let him apply, of course. At least they'll know either we're going to have a permanent chief of police or not. If you intend not to do that, it will be really helpful to the public for us to know what. Why are we going on our second, third year of not having a permanent chief? Thank you very much.

General Counsel stated there was a mandatory settlement conference and a tentative agreement was reached to certain terms. However, not all terms have been settled and the agreement is not complete.

Carol ---- said my major concern is I really do not understand the structure of Kensington. We seem to have quite a lot of disparate groups with disparate budgets and we're doing a lot of projects. I would really love an overview of what the structure is? What is possible and what is not possible in terms of change?

Specifically in relation to the police department and the Matrix study, I read that study and then I look every month in the Kensington Outlook of what the police do and it seems to me that about 90% of what our police do could be handled by private groups of social service workers and that they aren't really police issues at all. The idea of hiring extra staff and increasing our police force seems like we are moving in the direction that doesn't really fit our community.

I'm also having our own special group to take care of the needs of our citizens, but I'm wondering if it really needs to be the Kensington Police force. I'm just hoping that we'll be able to discuss those issues in a way that we can best use our resources. Thank you.

Linda Lipscomb: I'll just say one thing, there is in fact in the policy and procedures manual of which we do a precious little out of this task support, a methodology for getting things on diligently. I believe it says that any director may propose a topic to be on the agenda that a citizen may propose a topic to a director or to a general manager to be on the agenda. There should be no mystery about this whatsoever.

Board/Staff Comments

Director Modavi: This year Kensington, as far as its turn out for voting, was higher than both the state, the country, and the county level in terms of people who turned out. It's clear everyone really cares and is very engaged in our community in many ways. I just hope that we can continue that even as we move past elections and to our normal day to day operations.

a. General Manager Report

i. Matrix Police Study

ii. Emergency Services

iii. Financial Services Contract

General Manager: my goal would be to present to the board in January a process to move forward to finalize the report and put the board in a position to decide which path to take. In January, we'll discuss it in more detail.

Then I've received some comments about the town of Ross any of comparison agency to Kensington. It's generally not a good idea to compare just one agency because there are areas that are similar and areas that are different.

Ross is, in my opinion, not a very good comparison to Kensington. If you've been to Ross it probably speaks for itself, it's a more rural setting. Kensington is much more diverse in its population residents. Both communities have a little crime rate, but I've spoken to the city manager in Ross and I hope I don't get into trouble there, but they have problems assigning that work for their police officers.

I also did some research on emergency services which has gotten considerably more attention after the fires in wine county, both in terms how they were managed and how the citizens were evacuated. The fire was so rapid that the public safety and the citizens were unprepared. I believe that we're going to learn a lot from what happened there and so it going to change a lot of the ways that the community will act and evacuate.

In Kensington, we have three different government agencies that are involved in emergency planning. We have a police district, we have a fire district and then there's an unincorporated area of the county who are subject to the Emergency Services Department of the county, which is part of the sheriff's office. They're actually in-charge of most emergency services in unincorporated areas when there isn't a fire department or a police department present. I think that it would be important to get the three agencies together to work together and to develop both evacuation plans and communication plans.

I spoke to Meredith Gerhardt who is our emergency planning coordinator for Kensington. She works at Sheriff's Department who handles emergency services for the unincorporated areas in the county.

I think for our next step really should be, together with the fire department and county emergency services and see what can be done here.

Interestingly enough, the City of Berkeley which is a neighbor but is another county has just completed, they have a draft form of their own evacuation plan. The draft Wildfire Evacuation Plan is what they call it. They have their own departments, they're own departments assisted in the plan. They have the public works department and police department also assisted the fire department in coming up with a plan.

Consent Calendar

- a. Approve minutes of October 4, 2018, Board meeting.**
- b. Approve minutes of October 25, 2018, Board meeting.**
- c. Approve minutes of November 28, 2018, Board meeting.**

President Sherris-Watt made a motion to accept the Consent Calendar.

Director Deppe seconded the motion.

The motion passed 5-0.

Old Business

- a. The Board will consider and possibly approve bids for tree removal in Kensington Park.**

Vice President Nottoli presented bids for tree removal.

Vice President Nottoli made a motion to authorize the General Manager to execute a contract with Elite for tree removal.

President Sherris-Watt seconded the motion.

The motion passed 5-0.

- b. The Board will consider and possibly approve amendments to the Glass & Associates contract for the Community Center renovations.**

General Counsel: The April 27th, 2017 contract with Glass Associates to provide architectural and construction management services in connection with the upgrades to this building expired on November 30th, 2018, so this is to extend that agreement through December 2019, which will be more than adequate to accommodate construction.

In addition, to the extension, expenses should be increased because the initial contract did not compensate such hidden costs as Glass Associates going out to bid, which is essential part of the project. Lastly, there is an increase with consultant compensation, and this would be simply to cover the increase in price for the electrical work. It would be a pass-through compensation.

The staff further recommends that the board authorize the General Manager to negotiate non-substantive changes to the amendment subject to the approval as of the form by the General Counsel.

Director Hacaj made a motion to authorize the extension of the contract with Glass and Associates, Inc., through December 2019 and allow increased compensation as

recommended by the General Counsel and allow the General Manager to negotiate changes.

President Sherris-Watt seconded the motion.

The motion passed 5-0.

New Business

a. The Board will consider and possibly approve a Funding agreement with the Kensington Improvement Club

Director Hacaj make a motion to approve and authorize the General Manager to execute the KIC funding agreement.

Director Deppe seconded the motion.

The motion passed 5-0.

The Board thanked KIC for their generosity.

b. The Board will discuss and possibly approve a contract amendment to the employment agreement of the ICOP.

General Manager: The original agreement with the Interim Chief commenced in February of 2017, and the agreement was for a six-month period originally, and was extended. At that time, the Interim Chief of Police was also the Acting General Manager.

I was hired as General Manager and it was decided at that time that we wanted to maintain the current structure of the KPD, with our Interim Chief of Police, while the Matrix study was being completed.

The study has been going, has taken a little longer than the original time frame. We're hopeful, as I indicated earlier, that in 2019, this will be completed and a direction forward will be decided.

We're just recommending continuation of the current situation until we receive Board direction. The Chief of Police position now reports to the General Manager.

The Matrix study has to be wrapped up before the permanent path forward is decided. With that in mind, we're asking for an extension to June 30th of 2019.

Pat Gillette: Tony, do I hear it correctly that you think Rickey Hull is the best possible candidate to being Interim Chief right now? Is that your judgment?

General Manager: I think it's for the immediate future it's important that we have a stable situation as we make a decision on what's new in the future. We're going through a transition phase. When that's completed, then I think we should fill the position permanently. It's painful to

go through transitions. We want to make the best decisions, a key for the future, that's what we will have focused on.

President Sherris-Watt made a motion to agreeing with the General Manager to the amendment to the employment agreement for the Interim Chief of Police.

Director Deppe seconded the motion.

Director Modavi: I don't oppose but I feel I should explain myself out. That this is purely on a process level it has nothing to do with personnel.

I really have been watching as a resident, of this whole two years of extension. that really is not in the best practices. We have been essentially living in this limbo for such a long time. In light of what I have been hearing, reading and everything else that I able to acknowledge of, I cannot remove confidence on a vote, yes on this is, especially in the absence of the full background check. I'm those with no here.

The motion passed 4-1.

Director Modavi voted no.

c. The Board will discuss and possibly approve a contract amendment with General Counsel

General Manager: Mrs. Danforth has served the district for 20 months. She came to the District after retiring from a 19-year tenure with the town of Tiburon. Mrs. Danforth's hourly rate will still be well below the market with this proposed amendment.

Vita Doorah: I noted for the last two meetings that legal counsel has been producing staff reports and I think even tonight making staff recommendations. Then my experience legal counsel to a board of directors generally does not perform staff or operational functions. I was just wondering if you might be able to clarify why the board's legal counsel is also producing staff reports.

General Manager: It's largely that there isn't staff available in some of these areas and the legal counsel is assisting in producing some of the reports especially we review of contracts which would be renewed by the legal counsel. We're working on a new administrative structure to address that.

President Sherris-Watt made motion to approve the amendment to the retainer agreement with General Counsel, Ann Danforth.

Director Deppe seconded the motion.

The motion passed 5-0.

d. The Board will discuss and consider adopting Resolution 2018-11, a Resolution of the Board of Directors of the Kensington Police Protection and Community Service District Authorizing Investment of Monies in Local Agency Investment Fund.

President Sherris-Watt made a motion that the Board adopt Resolution 2018-11, a resolution of the Board of Directors the Kensington Police Protection and Community Services District authorizing investment of moneys in the local agency investment fund (LAIF).

Vice President Nottoli seconded the motion.

The motion passed 5-0.

e. Pursuant to KPPCSD Board Policy 5010.60, the Board will elect a President and Vice President for calendar year 2019.

President Sherris-Watt thanked the Directors, attorneys, Interim Chief of Police, General Manger and community members who had made her tenure as Vice President and President of the Board so worthwhile.

President Sherris-Watt made to nominate Director Hacaj to the role of Vice President of the Board for 2019.

Director Deppe seconded the motion.

The motion passed 5-0.

Len Welsh spoke in favor of Vice President Nottoli becoming Board President based on his time working with her during his tenure as Board President.

Director Hacaj made motion to make Vice President Nottoli, President of the Board for 2019.

President Sherris-Watt seconded the motion.

The motion passed 5-0.

President Sherris-Watt made motion to adjourn the meeting.

Director Deppe seconded the motion.

The motion passed 5-0.

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

DRAFT

BOARD OF DIRECTORS MEETING MINUTES

Special Meeting February 1, 2019

Kensington Community Center, 59 Arlington Avenue, Kensington

Closed Session

Prior to opening the meeting, President Nottoli explained that Director Sherris-Watt was at home because of an unexpected illness. Director Sherris-Watt had posted the agenda outside her home and offered to attend the meeting in person if anyone objected. No one present objected to her participating by phone. President Nottoli opened the meeting at 8:45 and took roll. Directors Deppe, Hacaj and Modavi were present in person and Director Sherris-Watt was present by phone. There were no public comments and the Board adjourned to closed session.

Special Open Meeting

President Nottoli explained that Director Sherris-Watt would be phoning into the meeting due to an unexpected illness. She had posted the agenda outside of her house. Directors Deepe, Hacaj and Modavi were present in person and Director Sherris-Watt was present by phone. No one objected to Director Sherris-Watt participating by phone.

President Nottoli reported that the Board had given direction during closed session to the District's attorneys regarding the MOU negotiations and with respect to the settlement.

Public Comment

- It was suggested that prioritizing district resources is important because the District has limited staff and legal counsel time to assist in the needs of the District.
- A resident objected to being photographed as she spoke.
- A resident asked that the meeting be adjourned and the discussion be during a regular meeting.
- One resident suggested that live oak acorns be planted on the vacant lot at Coventry and Arlington because live oaks are native.
- Ann Harlow donated \$1,000 for the Community Center renovations with no strings.
- Several residents spoke in support on acquiring the paths and noted that the paths are cited as evacuation routes in Berkeley's evacuation plan.
- Others noted that there are significant potential liabilities associated with ownership of the paths and Kensington has a very small commercial base unlike Berkeley and El Cerrito. Some suggested working the Fire District on a joint effort to acquire the paths.
- A resident thought that Bay View rates were the highest in the area and was surprised to learn that some residents had objected to the use of wheeled carts for compost and recycling.

Board/Staff Comments

- Those who want notice of meetings can contact the District Administrator. Agendas are posted on the District's website as well as at the Arlington kiosk and Colusa Foods. Audio and, whenever possible, video recordings of District meetings are on the District's website.
- The District publishes a newsletter twice a year.
- There are limited resources to address the District's four major obligations: general administration, the police, the park, and solid waste.
- The District is working on major renovations to the Community Center for seismic upgrades and ADA compliance. The District has taken steps to understand the likely challenges and costs associated with the planned improvements. Until the bids are returned, the exact costs are uncertain. The seismic improvements are to allow occupants to safely evacuate. Estimates from 2015 were between \$3-5 million dollars rebuild a Community Center that would qualify under the "essential services" designation. The original method of construction can only be renovated to "life safety" standard.
- The District retained a Matrix Consulting to evaluate the police department, recommend any needed improvements, and identify options for full or partial contracting of police services. This has been a year-long process including a survey and several community meetings to obtain input. Two additional meetings are planned for February 28 and March 2, 2019. Matrix has estimates on contracting but actual numbers are needed in order to make an informed decision.
- The District, like many other jurisdictions, has had difficulty in hiring and retaining officers. The District is in the process of negotiating a Memorandum of Understanding with the police.
- The District is re-doing its Policy and Procedure Manual based on the California Special District Association model manual. This is a major effort and has consumed considerable staff time to adapt to the District. The current manual is missing necessary polices. It is unclear that all sections were adopted by the Board. The draft manual will be presented at a Board meeting for public comment.
- There are a number of needs in Kensington Park. The tennis court needs resurfacing and trees that show sign of disease need to be removed.
- The General Counsel must address legal obligations such as preparing resolutions and responding to public record requests, both of which are very time consuming.
- A professional evacuation plan is needed, and the Interim Chief of Police is working to develop a plan.
- The Public Safety Building is an important community asset and the Fire District has not determined if it can re-build in its present location.
- The District must prepare annually a budget and has been working on an improved budget format.
- Bay View garbage rates are not the highest rates in the area and an analysis is available on the District's website at www.kppcsd.org

No action was taken at the meeting. Director Modavi moved, and Director Deppe seconded, to adjourn the meeting. Directors Deppe, Hacaj, Modavi and Nottoli in the room and Director Sherris-Watt on the phone voted in favor of adjourning the meeting at 1:54.

Prepared by: Eileen Nottoli

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

DRAFT

BOARD OF DIRECTORS MEETING MINUTES

February 14, 2019 Regular Meeting

President Nottoli opened the meeting prior to the closed session. Directors Deppe, Hacaj, Modavi, and Sherris-Watt were present. There were no public comment and the Board went into closed session.

President Nottoli began the public session and took roll call. Directors Deppe, Hacaj, Modavi, and Sherris-Watt were present. President Nottoli took public comment.

Public Comments

Jim Watt commented on the current income and expenses to date. He noted that there may be an excess of about \$352,000 by the end of the year. The Board had agreed last year to set aside an additional \$250,000 to address unfunded Other Post-Employment Benefits and he wanted to make sure that would be addressed. He also noted that the Board was to pay additional monies into the unfunded Cal/PERS liability. Cal/PERS is finally recognizing that it is not meeting its projected rate of return which results in increasing our unfunded liabilities and we may need to add more into our unfunded liability.

Dane Gillette addressed the change in how correspondence is addressed and believed that correspondence on past meetings had been removed from the website. He is also concerned that some meetings are not video recorded and asked if transcripts of meetings would be released. Pat Gillette asked why correspondence was not put on the website. Lisa Caronna expressed support for including correspondence in the agenda packet to assist the Board in making decisions and refer the items for future agendas or to others to respond to the public. Tony Constantouros responded that it is not common practice to include correspondence on the website and it is not appropriate to include all correspondence on the website. He had made an administrative decision that correspondence relating to items on the agenda will be included and other correspondence will be directed to the appropriate person.

Mike Rossi wants to participate in meetings.

Pat Gillette the Board detail its plan to fill the position of chief of police.

David Bergen said that we try to video each meeting but there have been problems with the system. He had been working with the vendor to fix the system for some time.

Peter Liddell asked about the status of the Hazard Mitigation Plan and Mr. Constantouros said that that he was working on addressing this.

Andrew Gutierrez noted that past Boards had not been transparent and appreciates the leadership of Mr. Constantouros and the separate positions of Chief of Police and General Manager to reduce the conflict of interest.

General Manager Report

Mr. Constantouros mentioned that there would be two community meetings for Matrix to present their findings on February 28 and again on March 2. Both the Phase I and Phase 2 reports are on our website. He mentioned that the position of permanent Chief of Police until filled after the District completes the study of its police department and determines if it will keep our department or contract in full or part. Johanna Ferman requested that alternates to sworn officers such as community service officers be considered.

He noted that he was also working on the administrative study and the draft Policy and Procedure Manual.

He mentioned that he had met with the chiefs of police of Albany and El Cerrito to see how the District can work better together. One subject was on police recruitment which is a nationwide problem. Albany is down five officers and as a small agency, it has trouble recruiting officers. He noted, though, that San Jose is down 300 officers even though it is a large agency.

He noted continued improvements in the budget process.

Chief of Police Report

Interim Chief of Police Rickey Hull said that Officer Nath has been selected as Officer of the Year by the Kensington Police Officer Association and will be honored at a dinner on February 27, 2019. He also said he has been working with the El Cerrito Chief of Police and Fire Chief to establish evacuation routes in the event of a disaster to assist with egress out of Kensington. He anticipated that there would be a drill sometime in the fall. To participate, one will need to sign up with the County Warning System.

He said that Kensington has received nine applications for police officer and have had one successful hire. We have seven officers for the ten budgeted positions. Two applicants are in background which, if successful, would mean the department would be at 90% staffing. There was no interest in unaffiliated students at the police academies and placement of ads on law enforcement websites has not resulted in viable candidates. San Pablo is the only police department in Contra Costa County that is fully staffed. He explained that we have no reserve officers and the immediate need is to find qualified applicants for full employment.

Paul Dorroh noted that the paths may be of value in the event of an emergency and suggested that the Board work with the Fire District and form a joint powers agreement to solve ownership of the paths and to improve them. President Nottoli suggested that the County be part of any such plan.

Board Comments

Director Modavi raised concerns that the recent newsletter indicated that the District was on a 15-year plan to pay unfunded Cal/PERS liability when in fact it is on a 30-year plan and it did not contain a link to the reports on the website.

Contra Costa County Emergency Planning

Meredith Gerhardt, Office of the Sheriff, Emergency Services Division, is the coordinator for Western Contra Costa County and addressed the emergency planning priorities for 2019. The County is developing emergency evacuating guidelines that should be issued within the next two months and can be used for local evacuation plans. The County is also working with the disabled communities to address their concerns. The County does not keep a registry of disabled people because that implies a contract that they will be rescued, registries can be hacked, and a registry will be inherently incomplete. The best thing is to know your neighbors who may need help. The County, however, is working with civil and community groups which have transport services. She was not aware of a specific group servicing Kensington. The County will open a new Emergency Operations Center in about ten months. She encouraged people to sign up for the County Warning System and suggested that femaready.gov and Red Cross are good sites to prepare for an emergency and have food and water for the days that one may be stuck. She has five days of food and water for each member of her family.

She noted that it is evacuations often need coordination among agencies and that it not uncommon for some confusion. In the event of a fire, fire recommends that law enforcement initiate an evacuation. Law enforcement, not fire, has the authority to order an evacuation. Law enforcement does not have the means and needs the County warning system. Evacuation needs coordination.

Board Committees

President Nottoli addressed the three standing committees of the Board. She said she will continue with Solid Waste and as Board President, she will be on Finance. She appointed Vice President Hacaj to take Emergency Planning. For coordinators, President Nottoli announced she will head Finance and Administration, Director Deppe will head Intergovernmental and External Issues as well as Park Planning and Recreation, Director Hacaj will head Community Outreach, Director Modavi will head Park Funding and Fundraising for the Park, and Director Sherris-Watt will head District Policy and Procedure and the Public Safety Building.

Anthony Knight asked if standing committees are subject to the Brown Act. Ann Danforth clarified that they are subject to the Brown Act as they are listed in the Police and Procedure Manual.

Tree Removal and Replacement

President Nottoli presented a plan prepared by Jack Griffith, a retired landscape contractor, to replace the trees that had been removed from the vacant lot at Coventry and Arlington. A large Blackwood acacia had fallen and damaged a large pittosporum. A third tree, a Blackwood acacia, showed signs of disease and had a split in it that was cabled; the arborist recommended

removing this tree. He also recommended removing a large pittosporum which had multiple branches near the base of the tree with limbs hanging over Arlington and showed sign of rot where the trunks intersected as well as a small pittosporum which was in the way of the tree removal.

Cass Dugan express concern that the that the arborist, Elite, did not have a high star rating on Yelp and that the trees were historic. Director Modavi raised concerns that this work was added to an existing contract. Mr. Constantouros explained that he had called President Nottoli to coordinate with the low bidder on recent work in the park. He mentioned that Jack Griffith and others were recommending planting oaks on the lot.

Andrew Reed thanked the District for the prompt response to addressing the fallen trees to make the area safe. He had watched the trees over the years and noted that they were not native. He said that several neighbors have asked about plans for the lot and were pleased that native oak trees would be planted. He supports the proposal to plant oaks.

Andrew Gutierrez has a background in biology, pathology, and ecology and noted that non-native trees can pose a hazard. He thought replacing the trees with native live oaks was appropriate.

Lisa Caronna applauded the removal of the hazardous trees and rapid planting of new trees.

Ceila Concus noted that acacia and pittosporum are not considered historic trees and supported planning with native live oaks.

Pat Gillette wanted to keep separate process on having work performed versus experts on trees.

Copier Lease

District Administrator Wolter presented her research on lease options for the copier in the District office. She explained that the District could purchase a copier but that would impact the District's cash flow. The 2.2% lease rate is a good rare. She is pleased with the servicing from Smile and the officers find the copier user friendly. She recommended a security kit to remove the memory from the old copier. Ms. Danforth noted that the contract needs clarification on the term for whether Smile would pick up the copier and asked Ms. Wolter to ensure clarity before signing the contract by having both parties initial the change in the contract.

Pat Gillette asked if the copier could be shared with the Fire District and Director Sherris-Watt explained that both Districts have their own copier for confidentiality

Director Sherris-Watt moved that the Board approve the lease for five years for \$21,550.20 as amended to clarify that Smile will pick up the old copier. Vice President Hacaj seconded the motion and all directors voted to approve for a vote of 5-0.

Consent Calendar

Director Modavi objected to minutes prepared by GoTranscript or Board directors. Director Sherris-Watt noted that the draft minutes are available for comment can be amended if one thinks that the draft does not accurately reflect the meeting.

Pat Gillette noted that some Boards have directors prepare minutes and noted that there is a difference between word processing and editing. She suggested that in the interest of good government that the person editing or writing the minutes should be identified.

Celia Concus noted that this has been a historic issue with minutes of the District. Mabry Benson said a full transcription would need to be approved as minutes if that is used.

Director Hacaj moved to adopt the consent calendar, Director Deppe seconded the motion. Directors Deppe, Hacaj, Nottoli, and Sherris-Watt voted to adopt the minutes; Director Modavi voted against the motion.

Adjournment

Director Hacaj moved to adjourn the meeting, Director Sherris-Watt seconded, and all directors voted in favor of adjournment.

Prepared by: Eileen Nottoli

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

DRAFT

BOARD OF DIRECTORS MEETING MINUTES

February 26, 2019

Special Closed Session

President Nottoli opened the session at 3:36 and took roll call. Directors Modavi and Sherris-Watt were present in the room, Directors Deppe and Hacaj were present by telephone.

There were no public comments and the Board went into closed session at 3:37.

The Board resumed in open session at 4:32 and reported that the Board gave direction to its attorneys.

Director Sherris-Watt moved, Vice President Hacaj seconded the motion, and the Board voted unanimously to adjourn the meeting.

Prepared by: Eileen Nottoli

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

DRAFT

BOARD OF DIRECTORS MEETING MINUTES

MARCH 14, 2019

President Nottoli opened the meeting at 7:40. Vice President Hacaj and Directors Deppe, Modavi, and Sherris-Watt were present.

Public Comments on Items Not on the Agenda.

Catya de Neergaard spoke on her concern on treatment of women by a District employee and consultant.

Mabry Benson spoke on the lack of quality police officers.

Celica Concus spoke on her concern for the inappropriate behavior of an off-duty officer at a recent District meeting and his citizens arrest of the District General Manager.

Phil Zimmerman spoke on his concern on contracting for some or all of police services.

Board and Staff Comments.

Interim Chief of Police Hull noted that he was working on an emergency evacuation plan in coordination with the El Cerrito Chief of Police and Fire Chief. He announced that a new officer would start on April 1, two other applicants are in background, and he is evaluating a potential third candidate.

General Manager Constantouros noted the two recent community meetings at which Matrix presented the findings of their Phase 1 (evaluating the current police department) and Phase 2 (options for full or partial contracting of police services) studies. The District will likely have options to discuss in April on recommendations to improve our department and possible contracting options. Mr Constantouros reported that the District has retained an investigator to investigate possible CLETS abuses by police. Mr. Constantouros that poison oak and non-native blackberries have been removed from the park. Former Interim Chief of Police and General Manager Kevin Hart stated that he had conducted a CLETS investigation which found no abuses while he was in office and he provided Mr. Constantouros with copies of public records related to Mr. Hart's investigation

Director Sherris-Watt noted the passing of Julie Moore who had been an active community supporter.

Consent Calendar

President Nottoli explained that the Board had approved the Resolution 2018-09 Authorizing the Adoption of the Updated Contra Costa County Operational Area Hazard Mitigation Plan. She moved, Director Sherris-Watt seconded, and the Board voted unanimously (5-0) to adopt the resolution.

After discussion, the minutes of the February 1 meeting were pulled and will be put on a future agenda.

Old Business

Director Hacaj reported on the three lowest responsive bids for the Community Center renovations and discussed the hazard abatement needed for the base project (asbestos in roof and skin coat) and, if accepted, the alternate to replace the floor in the main room (asbestos in floor mastic). Bill Zenoni of Management Strategies reported on the funds and uses of monies for the Community Center renovations.

President Nottoli introduced the project to plant trees at the vacant lot at the corner of Arlington and Coventry. Five trees had recently been removed. Jack Griffith, a retired landscape architect, prepared plans to plant three 15-gallon live oak trees, install stakes and a protective cage around the trees, and install a temporary irrigation system. President Nottoli said the District received another bid of \$1,8000 to plant trees and no irrigation company would bid on the project because they said the job was too small. President Nottoli moved, Director Modavi seconded, and the Board voted unanimously (5-0) to accept the proposal for \$5,250.

New Business

President Nottoli presented the bid to replace two public garbage containers on Colusa Avenue and three on Arlington Avenue and thanked Lisa Caronna for her diligent research. Ms. Caronna also found new tops for some of the concrete containers in the park which were missing tops. A. Stevens Delk asked for consideration of recycling containers and President Nottoli responded that the experience in some communities is that public recycling containers are often contaminated with garbage which leads to rejecting the entire recycling load for recycling. Director Modavi asked for consideration of micro recycling containers. Ms. Delk also provided information on tops that may fit better on the concrete containers. Director Sherris-Watt moved and Vice President Hacaj seconded a motion to approve the bid to replace the public garbage containers. It passed unanimously (5-0) and Director Modavi asked, if possible, to consider micro-recycling containers. Director Sherris-Watt also suggested that General Manager Constantouros identify and order the most suitable tops for the park containers.

Nicolay Consulting has proposed work needed for the Other Post Employment Benefit actuarial report for FY 2018-19 (\$5,000) and FY 2019-20 (\$2,800). General Manager Constantouros had previously approved the FY 2018-19 proposal and sought Board approval for FY 2019-20 proposal. President Nottoli moved, Director Sherris-Watt seconded, and the Board approved the work for FY2019-20 unanimously (5-0).

Director Modavi was concerned about the new method to prepare minutes using a transcription service and preferred detailed narrative minutes. Director Sherris-Watt noted that the District is trying to strike a balance of efficient use of limited staff and director resources, cost, and meeting obligations. She further noted that this will be addressed in the draft Policy and Procedure Manual. Director Modavi disclosed his correspondence with the California Special District Association and the response which concluded that the current method was not prohibited.

President Nottoli moved and Director Deppe seconded a motion to extend the meeting to 10:15. All directors voted in favor of the extension (5-0).

Director Modavi presented District Administrator's report on possible grants under Proposition 68 for the vacant lot at Coventry and Arlington or the paths. President Nottoli said that

Proposition 68 grants administered by the Department of Fish and Game were limited to restoration of watersheds. Vice President Hacaj said that the grants appeared to be limited to low income areas based on her research and talking to state agency representatives who either administer or are familiar with Proposition 68 grants. Director Modavi responded that the sponsors of a workshop he attended that it was explained that the criteria for loans was either low income or less than three acres of parkland for 1,000 residents. Vice President Hacaj also noted that there appeared to be a preference for multi-use projects and asked that he follow-up with those she had spoken with and also Cal/Trans which may have grants applicable to the paths.

President Nottoli moved and Vice President Hacaj seconded a motion to table the discussion until the draft Police and Procedure Manual would be discussed. Directors Deppe, Hacaj, Nottoli, and Sherris-Watt voted in favor and Director Modavi opposed the motion; the motion passed four to one (4-1).

The 2019 CSDA Annual Meeting will be held in Anaheim. Vice President Hacaj said that the annual meeting provided valuable information and sessions to meet required ethics and harassment training. Vice President Hacaj moved and President Nottoli seconded to approve directors to attend the meeting. Vice President Hacaj noted that the monies for this conference were in the budget. In response to questions by Johanna Ferman and Linda Lipscomp, Director Hacaj noted that the conference was \$625 for early registration, \$180 per night for hotel rooms with additional charges for air fare. Directors Deppe, Hacaj, Nottoli, and Sherris-Watt voted in favor and Director Modavi voted against approving attendance. The motion passed by a four to one vote (4-1).

President Nottoli moved and Director Sherris-Watt seconded a motion to extend the meeting to 10:30. The vote passed unanimously (5-0).

Johanna Ferman asked that the Board engage in dialogue at meetings and have more community input on the Matrix report. She would like a more interactive forum. General Counsel Danforth replied that such a meeting could be occur within the limitations of the Brown Act but action could not be taken at such a meeting because any item that would require action must be on an agenda. John Gaccione noted that if Kensington police had solved all of El Cerrito's crimes that there should be no fear of El Cerrito. Meryl Natchez asked that a discussion on hiring a chief of police. Andy Gutierrez noted that there has been disharmony in Kensington for many years about the police, the current force is dysfunctional, and the ordinance is a poison pill to hinder improvements. He further noted that the General Manager hired a qualified consultant to evaluate policing options.

Director Sherris-Watt moved and Vice President Hacaj seconded a motion to extend the meeting to 10:35; all Directors voted in favor of the extension (5-0). Steve Bates again asked for a community project manager for the Community Center renovations and spoke in support of Interim Chief of Police Hull and the police. Larry Nagel asked that representatives of the Kensington Fire Protection District address the KPPCSD at the March 28 meeting. Celia Concus asked what crimes had Kensington solved for El Cerrito.

Vice President Hacaj moved and President Nottoli seconded a motion to adjourn the meeting. The Board voted unanimously (5-0) to adjourn the meeting.

Prepared by: Eileen Nottoli

From: Barry Garfield
Subject: A eged Domestic Violence Incident 2003
Date: March 25, 2019 at 9:55 AM
To: enotto @kppcsd.org



Dear Ms. Notto ,

I am writing this in response to the recent interest in an alleged domestic violence incident involving Rick Hudson in 2003.

I was Chief of Police/General Manager at the time of the incident. When I was advised of the incident Corpora Hudson was immediately put on administrative leave, as per department protocol, and an internal affairs investigation was initiated.

Corpora Hudson remained on leave until the completion of both our investigation and the decision by the Solano County District Attorney's office.

Our investigation exonerated Corpora Hudson of the alleged domestic violence and the District Attorney's Office did not file charges.

I hope this helps to answer any questions regarding this incident.

Sincerely,

Barry D. Garfield

Sent from my iPhone

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS MEETING

MARCH 28, 2019

ITEM # 8a

UPDATE ON COMMUNITY CENTER INCLUDING RECOMMENDATIONS ON FUNDING ALTERNATIVES

SUMMARY

At the March 14, 2019 meeting of the Board of Directors, a project status report on the Community Center was presented by William Glass of Glass Associates, Inc. Mr. Glass reported that nine contractors attended the bid conferences and that five had submitted bids. The three low bids considered to be responsible have been retained for further consideration prior to selection of the designation of the successful bidder and award of contract:

Low Bid: Eagle Builders, \$1,481,200

Second Low Bid: KCK Builders, \$1,531,400

Third Low Bid: EVRA Construction, \$1,794,000

The District is obligated to award a contract by Saturday, April 20, 2019. It is possible that this award can take place at a the April 11, 2019 regular meeting of the Board of Directors In advanced of this date.

There is also a total of \$221,000 of bid alternates related to specific additional improvements to the facility. The specific alternates are itemized in *the Source and Use of Funds* attachment. At their March 19, 2019, the Finance Committee recommended that the General Manager decide on the Alternatives in consultation with the architect, contractor, representative of the Board, and Anne Forest of the Kensington Community Council. The specific items to be included should be determined prior to the award of the bid.

The General Contractor's scope does not include abatement of hazardous materials. The District plans to coordinate the required abatement work with the selected contractor. Requests for proposals for abatement work, based upon the scope described in the February 2018 Hazardous Materials Inspection Report provided to the District by Sensible Environmental Solutions, Inc., have been forwarded by the District to several abatement contractors. Bids for this work will be due on March 27, 2019. The result of these bids and possible options toward authorizing this work will be discussed at the meeting.

FINANCING

Depending on the selected bidder, there is a projected shortfall of \$300,289 to \$618,089 to fully fund the project in addition to any selected additional improvements. A number of funding sources and additional donations has been explored. The best source of available funding is a loan from California Special Districts Association who offer financing at an interest rate of 3.8%.

At the March 19, 2019 meeting of the Finance Committee, it was recommended that the Board apply for a loan of up to \$500,000 under the terms of the California Special District Association's proposal of 3.8% interest with the ability to pay off the loan after five years and asks that the Board consider options to reduce the loan amount, including the use of reserves, through alternative financing and adjust the loan balance accordingly as long as a decision is made within the time constraints of accepting a bid.

On June 27, 2017, the Board of Directors directed that the amount transferred to the project from reserves be increased by an additional \$200,000 from \$150,000 to \$350,000. Unfortunately, the amount of the increased allocation, \$200,000 was listed as the total allocation. To correct this transaction, it is recommended that the Board of Directors now authorize a transfer of \$150,000 from reserves to bring the total allocation from that time to \$350,000.

The agenda packet includes a resolution authorizing the District to apply for \$475,000 financing at a 3.8% interest rate. The resolution can be changed at the Board Meeting should the Board of Directors select a different amount of financing. Although there are currently adequate reserves to fully fund the project, it is recommended that the Board consider financing a portion of the costs. The primary rationales for this approach include (1) financing with favorable financing terms, (2) maintaining healthy reserves to protect against unforeseen costs, (3) increasing future CalPERS rates and appropriate OPEB financing, and (4) protecting from possible economic downturns.

RECOMMENDATION:

1. Intent to award construction contract to lowest qualifying low bidder at April 11, 2019 Board Meeting
2. Add \$150,000 to project from reserves (for a total of \$350,000 as intended by the Board of Directors on June 22, 2017)
3. Adopt Resolution 2019-01, Resolution Authorizing the Execution and Delivery of a Lease Agreement and Site Lease and Authorizing and Directing Certain Actions in Connection Therewith, authorizing \$475,000 financing from the California Special District Association

FISCAL IMPACT:

This project involves the expenditure of significant District funds and possibly will include debt financing as noted in the attached documents

ATTACHMENTS:

1. Resolution authorizing Financing
2. Community Center Financing
3. Source and Use of Funds
4. Project Construction Cost Estimates
5. Minutes of March 19, 2019 Finance Committee Meeting
6. Minutes of July 22, 2017 Board Meeting

SUBMITTED BY: Anthony Constantouros, General Manager

RESOLUTION NO _____

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY
OF A LEASE AGREEMENT AND SITE LEASE AND AUTHORIZING
AND DIRECTING CERTAIN ACTIONS IN CONNECTION THEREWITH

WHEREAS, the Kensington Community Services District (the "District") is a public agency duly organized and existing under and pursuant to the Constitution and laws of the State of California; and

WHEREAS, the District desires to provide for financing in an amount not to exceed \$475,000.00 for the remodeling of a building (the "Project"); and

WHEREAS, Municipal Finance Corporation (the "Corporation") has proposed a cost-effective ten year lease financing arrangement at a 3.80% interest rate and attached hereto as Exhibit A;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Kensington Community Services District as follows:

SECTION 1. Lease Agreement and Site Lease. The President of the Board, the General Manager or a designee (each, an "Authorized Officer") is hereby authorized to enter into a Lease Agreement and Site Lease with the Corporation or its nominee to finance the Project, subject to approval as to form by the District's legal counsel.

SECTION 2. Project Fund Agreement. An Authorized Officer is hereby authorized to enter into a Project Fund Agreement with the Corporation and Westamerica Bank, as project fund custodian, subject to approval as to form by the District's legal counsel.

SECTION 3. Attestations. The Secretary of the Board or other appropriate District officer is hereby authorized and directed to attest the signature of an Authorized Officer or of such other person or persons as may have been designated by an Authorized Officer, and to affix and attest the seal of the District, as may be required or appropriate in connection with the execution and delivery of the Lease Agreement, the Site Lease and the Project Fund Agreement.

SECTION 4. Other Actions. An Authorized Officer and other officers of the District are each hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all agreements, documents and certificates which they may deem necessary or advisable in order to carry out, give effect to and comply with the terms of this Resolution, the Lease Agreement, the Site Lease and the Project Fund Agreement. Such actions are hereby ratified, confirmed and approved.

SECTION 5. Qualified Tax-Exempt Obligations. The Lease Agreement is hereby designated as "qualified tax exempt obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"). The District, together with all subordinate entities of the District, do not reasonably expect to issue during the calendar year in which the Lease Agreement is issued more than \$10,000,000 of obligations which it could designate as "qualified tax-exempt obligations" under Section 265(b) of the Code.

SECTION 6. Effect. This Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 19th day of March, 2019, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

President of the Board

I hereby certify that the foregoing resolution was duly introduced, passed and adopted by the vote as noted above.

Secretary of the Board

Exhibit A

Payments: Annually in arrears 10 Years 3.80%

PMT #	Due Date	Rent Payment	To Principal	To Interest	Purchase Option
1		\$54,929.92	\$37,829.92	17,100.00	
2		54,929.92	39,267.46	15,662.46	
3		54,929.92	40,759.62	14,170.30	
4		54,929.92	42,308.49	12,621.43	
5		54,929.92	43,916.21	11,013.71	250,836.67
6		54,929.92	45,585.02	9,344.90	204,339.95
7		54,929.92	47,317.26	7,612.66	156,076.34
8		54,929.92	49,115.31	5,814.61	105,978.72
9		54,929.92	50,981.69	3,948.23	53,977.40
10		54,929.92	52,919.02	2,010.90	0.00
TOTALS:		<u>\$549,299.20</u>	<u>\$450,000.00</u>	<u>\$99,299.20</u>	

Kensington Police Protection and Community Services District

Community Center Financing

March 19, 2019

- Financial Institutions Contacted
 - California Special Districts Association (CSDA)
 - Bank of the West
 - Mechanics Bank
 - Banner Bank
 - Umpqua Bank

- CSDA Proposal
 - Lease Purchase
 - Interest Rate = 3.8%
 - Ten Year Term
 - No additional out of pocket costs

- Bank of the West
 - One year Draw, then Five Year Repayment
 - Interest Rate – prime +0.5% (6.0%)

Kensington Police Protection and Community Services District

Community Center Financing

Low Bid	\$1,481,200
District Funds Available	(655,911)
Franchise Fee (debris removal)	(10,000)
Donations	<u>(510,000)</u>
Additional Funding Needed	<u>\$305,289 *</u>

* Excludes Bid Alternates

<i>Unassigned Fund Balance 6/30/17</i>	<i>\$1.3 million</i>
<i>Unassigned Fund Balance 6/30/18</i>	<i>\$1.5 million (preliminary)</i>
<i>Cash Balance 3/15/2019</i>	<i>\$2,527,374</i>
<i>(excl bonds, landscape/lighting, Bayview funds)</i>	

Kensington Police Protection and Community Services District
Community Center Renovation Project
Source and Use of Funds
March 15, 2019 Draft

Source of Funds

District Reserves

FY 2011-12	300,000		
FY 2016-17	150,000		
FY 2017-18	200,000		
FY 2018-19	290,000	*	
Total			\$ 940,000

Solid Waste Franchise Fees - debris removal (estimate) \$ 10,000

Outside Funding

Kensington Community Council (unrestricted)	255,000		
Kensington Community Council (unrestricted)	210,000		
Kensington Improvement Club	10,000		
Kensington Fire District (alarm)	35,000		
Total			\$ 510,000

TOTAL SOURCE OF FUNDS	\$ 1,460,000
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Use of Funds

Expenditures To Date

Architectural	171,985		
Contra Costa County	28,008		
Environmental	3,729		
Other Costs	33,097		
Total Expenditures To Date			\$ 236,819

Additional Pre-Construction Costs **

Architectural	\$ 47,270
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Construction Cost Estimate Low Bid (Eagle Builders) \$ 1,481,200

(Assumes No Bid Alternates)

TOTAL USE OF FUNDS	\$ 1,765,289
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Additional Funding Required	\$ (305,289)
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* \$158,000 to be reimbursed from Measure WW grant funds

** Assumes Hazardous Materials (Testing, Inspection, Abatement) to be funded from Solid Waste Franchise Fees - preliminary estimate of \$51,500

*** Bid estimate includes 15% contingency

Bid Alternates from Low Bidder

#1 - New flooring at Meeting Hall	\$ 13,000	
Abatement associated with new flooring (estimated)	\$ 36,000	
#2 - New flooring at Meeting Room	\$ 13,500	(includes #1)
#3 - Partial-height cabinet work at West Wall of Meeting Hall	\$ 52,000	
#4 - Integrate existing AV system into new cabinet work	\$ 6,500	
#5 - New fireplace insert and mantel	\$ 22,000	
#6 - New fireplace insert and mantel integrated into new cabinet work	\$ 28,000	(includes #5)
#7 - New screen partition at Meeting Hall	\$ 57,000	
#8 - New acoustical ceiling tile at Meeting Hall	\$ 28,000	
Maximum Cost of Bid Alternates (#2,3,4,6,7,8 and flooring abatement)	\$ 221,000	

	Bid Amount	Amount Over Low Bid
Second Lowest Bidder (KCK Builders)	\$ 1,531,400	\$ 50,200
Third Lowest Bidder (EVRA Construction)	\$ 1,794,000	\$ 312,800

Cash Balance - March 15, 2019

Checking	1,687,977
LAIF	839,397
Total	\$ 2,527,374

(Excludes: bond, landscape & lighting and Bayview funds)

KPPCSD Community Center Project

Project Funding Status as of March 12, 2019

Fiscal Year	Vendor	<u>Amount</u>	<u>Project Balance</u>
Initial Project Allocation			300,000.00
2011-12	Muller & Caulfield	(42,770.00)	257,230.00
2012-13	Godbe Research	(23,500.00)	233,730.00
2013-14	Brandes Printing	(1,753.81)	231,976.19
2014-15	No Expenditures	0.00	231,976.19
2015-16	Gregory Paul Wallace Architects	(13,931.04)	218,045.15
2016-17	Budget Appropriation	150,000.00	
	Glass Associates	(10,100.00)	\$ 357,945.15
2017-18	Budget Appropriation	200,000.00	557,945.15
	Glass Associates	(96,873.05)	
	Old Republic Title	(400.00)	
	Contra Costa County	(1,953.30)	
	Renne Holtzman Sakai	(455.00)	
	Sensible Environmental Solutions	(3,729.14)	
	Moran Engineering	(6,988.13)	\$ 447,546.53
2018-19	November 15, 2018 Budget Amendment*	290,000.00	
	Contra Costa County	(6,761.96)	
	Contra Costa County (permits)	(19,292.86)	
	Glass Associates	(8,310.70)	\$ 703,181.01
	<i>Additional Pre-Construction Costs To be Paid</i>		
	Glass Associates - unbilled fees	(43,300.00)	
	Glass Associates - reimb for project notice publication	(3,970.00)	
	Total Additional Pre-Construction Costs To Be Paid	(47,270.00)	\$ 655,911.01

Remaining Funds Available		\$ 655,911
Solid Waste Franchise Fees - debris removal (estimate)		\$ 10,000
Donations:		
Kensington Community Council	<i>(unrestricted)</i>	255,000
Kensington Community Council	<i>(restricted)</i>	210,000
Kensington Improvement Club	<i>pending</i>	10,000
Kensington Fire District District (alarm)	<i>pending</i>	35,000
Total Available Funds		\$ 1,175,911

*Includes advance of \$158,000 Measure WW grant fund plus \$132,000 from reserves

KPPCSD Community Center Project

Project Construction Cost Estimates

Three Lowest Responsible Bids

	<u>Eagle Builders</u>	<u>KCK Builders</u>	<u>EVRA Construction</u>
Bid Amount	\$ 1,481,200	\$ 1,531,400	\$ 1,794,000
Estimated Available Funding*	<u>\$ 1,175,911</u>	<u>\$ 1,175,911</u>	<u>\$ 1,175,911</u>
Funding Shortfall *	<u><u>\$ 305,289</u></u>	<u><u>\$ 355,489</u></u>	<u><u>\$ 618,089</u></u>

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

DRAFT

Finance Committee

March 19, 2019

Committee Members Present: President Eileen Nottoli, Director Rachelle Sherris-Watt, Paula Black, Karl Kruger, Mike Logan, and Jim Watt.

Staff Present: Tony Constantouros, Lynn Wolter, and Bill Zenoni

The meeting started at 3:10.

Public Comments. There were no public comments prior to the meeting.

Minutes. There were no corrections voiced to the draft February 12 meeting minutes.

Draft Financial Audit. The FY2017-18 is still in preparation.

Income and Expense Report. The February 28, 2019 income and expenses to date was reviewed. As Bill Zenoni prepares the draft FY2019-20 budget, he will set up a capital fund which will better identify the reserves that are unrestricted and restricted.

Bill Zenoni will report on a possible pension trust for consideration.

Kensington Community Center Renovations. The notes of the July 22, 2017 Board meeting made clear that the Board had wanted a total of \$350,000 from Reserves set aside for the Community Center renovations. Bill Zenoni will identify the total amount in Reserves that have been set aside for the Community Center renovations and designate a fund solely for those expenses.

There was agreement that Reserves, if needed, would be used for the additional 15% contingency, which would be in addition to the 15% contingency in the base bid.

Karl Kruger moved and Jim Watt seconded that the General Manager decide on the Alternatives in consultation with the architect, contractor, representative of the Board, and Anne Forest of the Kensington Community Council. This motion was approved by a voice vote of seven in favor with no dissenting vote (7-0):

Karl Kruger moved and Paula Black seconded the following recommendation to the Board which was approved by a voice vote of seven in favor with no dissenting vote (7-0):

The Finance Committee recommends that the Board apply for a loan of up to \$500,000 under the terms of the California Special District Association's proposal of 3.8% interest

with the ability to pay off the loan after five years and asks that the Board consider options to reduce the loan amount, including the use of reserves, through alternative financing and adjust the loan balance accordingly as long as a decision is made within the time constraints of accepting a bid.

Next Meeting. The next meeting will be April 16.

Paula Black left the meeting at 4:45. Rachelle Sherris-Watt moved to adjourn the meeting and Rob Firmin seconded. The voice vote was six in favor with no dissenting vote (6-0). The meeting ended at 4:55.

Prepared by: Eileen Nottoli

Rent

These are draft minutes. Once approved by the Board, the minutes will be posted on the District website, under the dropdown menu "Approved Minutes."

ICOP Hull said that the budget showed only ten positions. He also said that the problem with young bright officers was that opportunities were wide open for them: Kensington's recent young officers had left for more opportunity, including higher pay, at other agencies. He cited that one of Kensington's former young officers would be making about \$180,000 because of overtime opportunities.

Director Hacaj asked if the budget could be amended to change the hire date to October 1st. ICOP Hull responded in the affirmative and added that, at the earliest, someone would be hired in January. Board consensus was that the hire date should be changed to January, because this would reflect when an officer would be retiring.

President Sherris-Watt asked that Line 594 Community Policing be decreased from \$6,000 to \$2,400 because there would be a new website. District Administrator Wolter said she'd taken the Streamline Training a few days earlier and had learned that the District would still need Aaron Gobler to upload the video onto the website. Thus, she said there should be some accommodation for this in the budget. President Sherris-Watt responded that the Board would look into how this would be handled in the future. She said she would be comfortable increasing the amount to \$3,000. Director Hacaj asked that there be about \$5,000 for community outreach.

President Sherris-Watt also addressed 646 Community Center Repairs – she asked if the amount should be \$5,500 since the building would be renovated.

Director Hacaj said she wanted to make sure that Fiscal-Year 2016-17 funds that had not been spent would be rolled over to the Fiscal-Year 2017-18. Ms. Russell responded that money not spent in the prior fiscal year would roll over, but the line item for the upcoming fiscal year could be increased. Director Hacaj said she wanted this to be done for Line 972 Park Building Improvements. Ms. Russell said the amount budgeted for the upcoming year was \$250,000 and asked if the request was to increase this amount to \$300,000. Board consensus was that this was correct.

Jim Watt said the Board was missing \$200,000. He said that, at the Finance Committee meeting there had been discussion about adding \$200,000 – based on Director Hacaj's request at that meeting: Thus, the total should be \$350,000: The \$150,000 in reserves needed to be increased to \$350,000. Director Hacaj asked for confirmation that the budget didn't reflect what had happened at the Finance Committee meeting. Ms. Russell noted that she'd not been invited to the Finance Committee meetings; thus, she'd developed the budget based on notes she'd received. Board direction given to Ms. Russell was to increase the amount in reserves from \$150,000 to \$350,000 and to add \$50,000 to Account 972, which Ms. Russell said she'd already done.

Ms. Russell said she had comments of her own:

- Officer Wilkens had returned to active duty, so a reduction needed to be made to the amount of money she'd assumed the District would be receiving from Workers' Comp.
- Account 830 – she'd used the format provided by President Sherris-Watt but, perhaps, some things had not been coded correctly. The \$7,500 should be under 835 Consulting and one of the amounts was related to the Community Center. Director Hacaj confirmed that Ms. Propp had assisted with the Community Center contract. President Sherris-Watt said that Jeff Sloan's fees should be moved to policing because he dealt only with police matters and suggested creating a new category for this. Director Hacaj asked if there would be legal categories for police, District, and park. Ms. Russell responded that, if the legal expense were related to the building, it should be considered part of the cost of the building and that the franchise fee-related legal expenses were recorded separately. President Sherris-Watt suggested adding Judith Propp's fees to the parks and adding Jeff Sloan's expenses to police. She noted that Adam Benson was no longer with PLG and that she would suggest moving the amount for that service (\$5,200) to the amount shown for Jeff Sloan. Ms. Russell responded that this consulting service had been coded to 835 in the past. President Sherris-Watt said this expense should be coded to police for the upcoming fiscal year, suggested putting \$50,000 to police legal, and noted that Judith Propp's amount was probably correct and should go to parks, and said that \$30,000 should go to general counsel. Director Welsh asked if the Board should find

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