

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

AGENDA

A Regular Meeting of the Board of Directors of the Kensington Police Protection and Community Services District will be held Thursday, October 11, 2012, at 7:00 P.M., at the Community Center, 59 Arlington Avenue, Kensington, California.

Note: All proceedings of the open session meeting will be tape recorded and video taped.

Roll Call
Public Comments
Board Member/ Staff Comments

APPROVAL OF CONSENT CALENDAR

- a) Minutes of the Regular Meeting July 12, 2012, Page 2
- b) Minutes of the Regular Meeting August 9, 2012, Page 16
- c) Minutes of the Regular Meeting September 13, 2012, Page 22
- d) Profit & Loss Budget Performance for September 2012, Page 28
- e) Park Revenue & Expenses Report for September 2012, Page 32
- f) Board Member Reports, Page 37
- g) Correspondence-None
- h) Police Department Update, Page 47
- i) Monthly Calendar, Page 62
- j) Recreation Report, Page 64
- k) General Manager Report, Page 65

DISTRICT – OLD BUSINESS

1. General Manager/ Chief of Police Greg Harman will present to the Board for a second reading a revision to KPPCSD Board Policy #1020 Conflict of Interest. This revision is being implemented following recent advice received from the Fair Political Practices Commission. Board Action. Page 70

DISTRICT - NEW BUSINESS

1. General Manager/ Chief of Police Greg Harman will present to the Board KPPCSD Resolution 2012-08, approving the revisions to the policy KPPCSD Board Policy #1020, Conflict of Interest. (Following approval Resolution 2012-08, the Board Policy Committee will re-format the document as part of the update to the complete policy manual revision.) Board Action. Page 76
2. General Manager/ Chief of Police Greg Harman will present to the Board KPPCSD Resolution 2012-09, authorizing investment of monies in the Local Agency Investment Fund (LAIF). Board Action. Page 77
3. Director Cathie Kosel will present a proposal to the Board that KPPCSD adopt specific guidelines for reimbursement for meals and incidental expenses for employees. Board Action. Page 81

ADJOURNMENT

General Information

Accessible Public Meetings

NOTE: UPON REQUEST THE KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT WILL PROVIDE WRITTEN AGENDA MATERIALS IN APPROPRIATE ALTERNATIVE FORMATS, OR DISABILITY-RELATED MODIFICATION OR DISABILITIES TO PARTICIPATE IN PUBLIC MEETINGS. PLEASE SEND A WRITTEN REQUEST, INCLUDING YOUR NAME, MAILING ADDRESS, PHONE NUMBER AND A BRIEF DESCRIPTION OF THE REQUESTED MATERIALS AND PREFERRED ALTERNATIVE FORMAT OR AUXILIARY AID OR SERVICE AT LEAST 2 DAYS BEFORE THE MEETING. REQUESTS SHOULD BE SENT TO:

General Manager/ Chief of Police Greg Harman, Kensington Police Protection & Community Services District, 217 Arlington Ave, Kensington, CA 94707
POSTED: Public Safety Building-Colusa Food-Library-Arlington Kiosk- and at www.kensingtoncalifornia.org
Complete agenda packets are available at the Public Safety Building and the Library.

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 1
BOARD OF DIRECTORS

Meeting Action Minutes for 07/12/2012

AGENDA

A regular meeting of the Board of Directors (BOD) of the Kensington Police Protection and Community Services District (KPPCSD) was held Thursday, July 12, 2012, 7:00 PM, at the Community Center, 59 Arlington Avenue, Kensington, California.

ATTENDEES

<u>Elected Members</u>	<u>Guests/Presenters</u>	
Charles Toombs, President	Joel Koosed, Outlook	Joan Gallegos
Tony Lloyd, Vice President	John Stein	Lynn Wolter
Cathie Kosel, Director	Paul Dorroh	Gail Tapscott
Linda Lipscomb, Director	Celia Concus	Carolyn Flowers
Mari Metcalf, Director	Karl Kruger	Rick Artist
	Gloria Morrison	Anthony Knight
	Gretchen Gillfillan	Barbara Dilts
<u>Staff Members</u>	Allison Schutte, Hanson Bridgett	Leonard Schwartburd
Gregory E. Harman, General Manager/Chief of Police	Chris Hefner	Mayberry Benson
Anita Darden Gardyne, District Administrator	Andrew Gutierrez	Jim Hauskens
Master Sergeant Rickey Hull	Vida Dorroh	Elena Caruthers
Sergeant Keith Barrow	Andrew Reed	
Sergeant Kevin Hui		
Detective Eric Stegman		

ANNOUNCEMENTS: Board President Charles Toombs called the meeting to order at approximately 7:00 PM and announced that the Board would enter into Closed Session pursuant to Government Code Section 54956.9(b) to conference with legal counsel to discuss significant exposure to litigation: Bay View Refuse & Recycling, Inc. demand for arbitration. President Toombs asked for Public Comment specific to the closed session and received none. He said that Board and Staff Comment would continue after the BOD's closed session was completed. He moved the Board to closed session at approximately 7:03 PM.

President Toombs reconvened the public session at approximately 7:43 PM and stated that no final decisions were made.

PUBLIC COMMENTS

An unnamed female resident said she recently became aware of the CA Society of Municipal Financial Officers and noticed that Kensington was not affiliated with the organization though some surrounding communities are. She suggested Kensington consider joining as a part of improving its accounting practices. She also inquired about the department's clearance rate and asked if it would be reviewed during the meeting. GM/COP Harman responded that Detective Stegman would review clearance rates during the Consent calendar portion of the meeting.

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 2
BOARD OF DIRECTORS

Karl Kruger said he is concerned that homeowners were asked to assess themselves \$300 per year to retain an independent police force. He said he thought it seemed like a good thing at the time and that he believed there were people keeping an eye on the money. He said what actually happened is that GM/COP Harman gave officers salary increases by advancing them. He said he thought this was wrong and done in an underhanded way. He said he is concerned about unfunded liabilities and the potential for overspending by government agencies. He cited Stockton, Vallejo, and San Bernardino as examples of financially distressed government agencies that spent more money than they had. He said he had sent an email to Chief several weeks ago regarding Kensington's finances and not received a response. He asked the BOD to direct GM/COP Harman to respond to those questions posed in his email unless proprietary information had been requested. President Toombs responded that GM/COP Harman and the Staff Assistant had been on vacation for the past few weeks so Mr. Kruger's request was not being ignored. Director Kosel asked Mr. Kruger to provide her with a copy of the email he sent to GM/COP Harman.

BOARD COMMENTS

Vice President Lloyd said the Path's Committee is evolving and moving forward with Path migration. He said the team is breaking through with the County on a process for path transfer. He said construction on the Kenyon pipe is on schedule and he and the team look forward to sharing a model for path transition at a future meeting. Vice President Lloyd asked Director Lipscomb to provide a status on the Policy Review and Upgrade Committee team they jointly chair.

Director Lipscomb thanked resident Barbara Dilts for all the word processing work she is doing on behalf of the Policy Review and Upgrade Committee team. Director Lipscomb said the team is continuing to work through the much needed policy manual revision with the input of attorneys. She said the Committee meets on the third Tuesday of each month, that the meeting is noticed, and encouraged the public to attend.

Director Lipscomb said she attended a KIC Board meeting that included a wonderful presentation regarding cell phone towers and the potential for improving cell phone communications in Kensington. She said the presenter at the meeting, Bryce Nesbitt, had a great idea for placing a cell tower in the cemetery. She said she thought that the KPPCSD BOD or the Public Safety Committee should consider this option.

President Toombs said that the Building Committee got a grant from the KCC to fund a financial advisor to assist with public financing options associated with the Park Building. He said a Request For Proposal (RFP) went out to about five terms. He said the financial advisor will be selected at the August 1st Building Committee meeting. He also said the Budget Committee had completed its budget work and the budget was approved at the last KPPCSD BOD meeting.

President Toombs said he did some research regarding the need for KPPCSD Directors to file a Form 700 in response to a question raised by Director Metcalf at the June 2012 KPPCSD BOD meeting. He said his research confirmed KPPCSD Directors need to file a Form 700 and noted that the KPPCSD Policy Manual Section 1020.20 requires Directors to file a Form 700 as well.

Director Metcalf said she had actually asked two questions at the last meeting and they were: 1) which part of the Government Code applies to KPPCSD Directors? and 2) with whom do these forms get filed? GM/COP Harman responded that the KPPCSD Form 700's are filed with the Contra Costa County Clerk. President Toombs said he reviewed the Fair Political Practice Commission (FPPC) Form 700 pamphlet and not the Government Code. He said the FEPC Form 700 Reference pamphlet says if your agency has

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 3
BOARD OF DIRECTORS

adopted a Conflict of Interest Code, which the District has, those bound to it must submit a Form 700. He said he would be happy to go back to the Governmental Code to do additional research if necessary.

Director Metcalf said she found the news reports about Stockton sobering and she finds it is scary to think a place like Stockton is sacrificing essential things we take for granted like police and fire services.

Director Kosel said she believes Form 700's may need to be filed with the State and not Contra Costa County. She recommended the appropriate filing place be confirmed. Next she asked GM/COP Harman on the status of his search for new external auditors. She noted that doing so had been approved unanimously by the KPPCSD BOD in its April, 2012 meeting. GM/COP Harman responded that the FY10/11 audit is being held and until is cleared, the District cannot bring on a new auditor.

STAFF COMMENTS

GM/COP Harman announced that the California Special District Association (CSDA) is hosting a webinar for Required Ethics Compliance Training (AB 1234) on August 7th and that Police Specialist DiNapoli can make arrangements to sign up Directors up who have not met this training requirement. In response to a question from President Toombs, GM/COP Harman directed Secretary Gardyne to email the KPPCSD Directors and let them know if they have completed this training within the past two years as required.

Master Sergeant Hull announced that a Traffic Enforcement form has been placed on the District's website (<http://kensingtoncalifornia.org/trafficrequest.php>) and is available for the public to fill out and submit their traffic concerns to the Kensington Police Department (KPD). He explained how to access and populate this form and said it will allow the department to use its resources more effectively. Next Master Sergeant Hull said KPD had received a complaint from a citizen regarding parking in a handicapped zone. He said he confirmed that the handicapped zone at Amherst and Arlington was constructed in 1995 and need not be in compliance with AB 5031 as it was not adopted until in 2008. He said this confirms the handicapped zone at Amherst and Arlington meets legal standards and citations issued at this location are valid.

Director Kosel asked Master Sergeant Hull if residents can paint their own curbs white or red, for example. Master Sergeant Hull said residents can use the Traffic Enforcement form to alert KPD of these types of markings. He said the County is responsible for the roads and the County's Public Work's Department makes the determination of curb designation, not residents.

Sergeant Hui said the District's website was upgraded so when a resident submits a Vacation Watch Form, an auto response confirming the form was successfully submitted is launched. Next he reminded all that August 7th is National Night Out (NNO). He encouraged the public to host or attend a NNO party on that night and asked residents to contact Officer Doug Wilson to follow up on NNO.

GM/COP Harman announced that the second Citizen's Academy is starting September 11, 2012 and he invited interested participants to sign up via the District website. He also said the public can contact Officer Doug Wilson to inquire about or sign up for this class.

CONSENT CALENDAR

Note all changes appear in bold

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 4
BOARD OF DIRECTORS

Director Kosel requested to pull item g, the Police Department Update.

GM/COP Harman said that the Minutes for the Regular June 2012 KPPCSD BOD meeting were not prepared and he was responsible for preparing those Minutes. He also said the BOD needed to approve the Minutes for Closed BOD sessions held June 6, 2012 and June 26, 2012 respectively as minutes from those sessions were included in the July 2012 KPPCSD BOD package.

Director Kosel asked what category the carjacking on Sunset would fall under. Detective Stegman said it was a robbery. Director Kosel then asked how a case becomes suspended. Detective Stegman said a case is suspended when no more leads exist to follow. He said the amount of time before a case is declared suspended varies but he would wait a reasonable amount of time before declaring a case suspended. He said a case is made current, as in is removed from the suspended category, when new information is made available. Detective Stegman said a case being categorized as suspended does not make it a dead case.

Director Metcalf asked what a Cell Phone Forensics Class was. Detective Stegman responded that it was a class that taught how to download all information contained in a cell phone evaluated by a legal search.

MOTION: Director Kosel moved to approve the Consent Calendar. Director Lipscomb seconded this motion.

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

DISTRICT – OLD BUSINESS – None.

DISTRICT – NEW BUSINESS #1 - General Manager Greg Harman will present to the Board for adoption Resolution 2012-07 of the Kensington Police Protection & Community Services District, the Notice of Determination of the Appropriations Limit for Fiscal Year 2012-2013. Board Action. Page 33

STAFF COMMENTS

GM/COP Harman said every year the BOD needs to adjust its appropriation limit in a public, posted forum. He said this is commonly referred to as the Gann limit and was set in 1979. He said the District had to post raising its rates 15 days prior to tonight’s posted meeting, which was done, and every 4 years the voters have to approve the new Gann number. He said this limit adjusts annually based on population and community personal income changes. He said the Gann limit for FY 12/13 has been established at \$3,464,995. He said setting this limit tells the community the District will not collect more than \$3,464,995 in taxes nor spend more than \$3,464,995. He said if there is too large a difference between what is collected and what is spent, then per the Gann limit, the community would need to be refunded that amount of money. He said the District would not collect \$3,464,995 in revenue and its expenses will not reach \$3,464,995.

BOARD COMMENTS

Director Kosel asked GM/COP Harman to explain where Resolution 2012-07 was posted for public inspection 15 days in advance of tonight’s meeting. He responded that it was posted June 22, 2012 at the Public Safety Building, at the Pharmacy kiosk, and at Colusa Market. He said he could not confirm that Resolution 2012-007 was posted on the District’s website though noted it was included in the July 12, 2012 KPPCSD BOD Agenda package. Allison Schutte of Hanson Bridgett confirmed the posting requirement was met through these actions. Director Kosel asked GM/COP Harman if he had considered

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 5
BOARD OF DIRECTORS

different communications vehicles that would enable more residents to review Resolutions in advance of their discussion at KPPCSD BOD meetings. Director Kosel said she acknowledges the legal posting requirement had been met with Resolution 2012-07 and she was merely seeking a communications plan that allowed more and easier community access to future Resolutions. President Toombs said he researched how other cities handled similar postings and most just include it with their BOD package. President Toombs suggested items such as this Resolution could be run in the Outlook or the Patch but would depend on the Outlook or Patch having space to run it for free or the District paying them to run it. He said it was the first time he heard concern about the public not having access to review this type of this information. GM/COP Harman said he was asking the BOD to approve Resolution 2012-007.

BOARD COMMENTS

Vice President Lloyd asked GM/COP Harman to confirm that if 95% of the income from Kensington comes from taxpayer derived sources and Kensington has an annual operating budget of \$2.3M a year, passage of Resolution 2012-007 is merely a sanity check to ensure that the District sets a budget of income and expenses that is significantly below \$3,464,995. GM/COP Harman responded that pre-Prop 13, communities were using a variety of means to tax its citizens. He said as a result of that, Prop 218 was passed to try and curb that. He said the Gann limit's purpose is to ensure cities only set rates for what its services cost. He said the purpose of this is to ensure that citizens are only assessed to cover costs for services provided. He said the purpose of the Gann limit is to keep the government in check for taxation and government expenditures.

Director Metcalf asked what the source for the change in Kensington per capita personal income was as she suspected an annual increase of 3.77% seemed high. GM/COP Harman responded this source was the Legal Department who prepares this information. He then said their source is the Department of Financial and Population data posted on the State Department of Finances website.

PUBLIC COMMENTS

None.

MOTION: Director Lipscomb moved to approve Resolution 2012-07 establishing the appropriations limit application to the District for the FY 2012/2013. Vice President Lloyd seconded this motion.

AYES: Toombs, Lloyd, Kosel, Lipscomb, Metcalf

NOES:

ABSENT:

DISTRICT – NEW BUSINESS #2 - KPPCSD Board Vice President Tony Lloyd will present for Board discussion and possible action the salary compensation package for General Manager/ Chief of Police Greg Harman for the July 1, 2012- June 30, 2014 contract period. Board Action.

BOARD COMMENTS

Vice President Lloyd said he was providing an oral report from the Sub-Committee and there were no copies to work from. He said the one document that will be discussed will be passed out later in the evening. He said the purpose of this part of the agenda is to conclude the session started in April regarding the performance evaluation of the GM/COP of Kensington. He said the evaluation process has gone through several iterations and the BOD adopted an upgraded evaluation process for the GM/COP. He said this is the first year this evaluation process is being applied to the GM/COP. He said the GM/COP was evaluated against his goals and objectives for 3 years: 2009, 2010, and 2011. He said from that process a BOD Resolution of how well the GM/COP performed was arrived at. Goals and objectives

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 6
BOARD OF DIRECTORS

were also set with the GM/COP's participation. He said the last part of the process is to look at the compensation for the GM/COP. He said in the June 2012 meeting, the BOD confirmed the GM/COP would have his contract extended for two years and his compensation would be decided at a later date. He said the compensation decision here is unique in that it a performance evaluation process is the only vehicle by which compensation can be arrived at and because GM/COP compensation is publicly discussed in an agenda'd meeting. He said he and Director Lipscomb will present their recommendation to their BOD colleagues having been appointed to the Performance Evaluation & Compensation Committee for the BOD. He said he and Director Lipscomb are prepared to present what they believe is a reasonable and meaningful recommendation for the GM/COP for Kensington. He said then the BOD will have an opportunity to discuss and give comment to the recommendation, staff will then be allowed to comment, and next the public will have an opportunity to comment. He said this is not an open hearing, not a debate but a meeting of the legislative body of the Community Services District. He said the comments need to be focused on the GM/COP process consistent with KPPCSD policies. He said the GM/COP's Performance review and evaluation is proprietary and confidential under the Police Officer's Bill of Rights and as a result, the GM/COP's performance evaluation and outcome cannot be discussed publicly. He said he could share that a majority of the BOD assigned the GM/COP a performance rating of Completely Satisfactory/Meets.

Vice President Lloyd said the current employment contract with the GM/COP is from 2008 and that the GM/COP has not received a raise since 2008. He said originally there were 4 or 5 candidates for the GM/COP position. He said that candidate #1 disqualified himself and the current GM, who had been candidate #2, was selected to assume the blended GM/COP position. He said when the job was filled; most of the emphasis appears to have been on the police side of the equation. However, in the past few years, the general manager function has received more emphasis. He said it is appears the police management process is moving along at a greater pace and is pretty much satisfactory. He said the initial compensation analysis in 2007 was based 90- 95% on police management and 5% on general management issues. He said since being hired, the GM/COP's had one salary adjustment and it was in 2008 for a 3.5% increase. He said when the job was filled, there was discussion, though no commitment made, that the GM/COP salary would increase by about 3% per year and/or match CPI increases. He said this was part of the decision criteria considered when the incumbent accepted the position. The incumbent also expected a performance evaluation process that linked to salary increase such that if he performed better against his objectives, it was reasonable and feasible to expect his salary to increase to reflect his level of performance. He said tonight a meritorious process was being introduced.

Vice President Lloyd said there are some common elements with this GM/COP position and its compensation and there are some unique situations. Common attributes include being paid, the harder you work the more money you get, performance and compensation reviews being performed annually, compensation being tied to economic factors like CPI and how the economy is doing, and organization budget and profitability. He said Kensington is a cost center so there is no opportunity to measure profitability but an evaluation of performance against expense budget can be measured. He said these are common factors in figuring out the reward recognition relationship. He said the GM/COP has all the responsibility and authority in most cases and it is not tied to the reward relationship as occurs in other industries.

Vice President Lloyd said unique elements of the GM/COP position include no opportunity for promotion as a means to salary increase, no authority to approve or recommend his own wage package, an administrative body that may lack authority and expertise in administering compensation and a BOD body in which members may change every two years resulting in a reduced opportunity to build a relationship with his bosses as might occur in the private sector. He said the Sub-Committee was looking at a compensation that had not been addressed for three years by the KPPCSD and the BOD is

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 7
BOARD OF DIRECTORS

responsible for that. He said there is a three year latency issue that needs to be resolved right now. He said since he had summarized some of the factors considered in developing their salary recommendation, he would ask Director Lipscomb to review salary comparables.

Director Lipscomb said professionals hired to assist with the Kensington Police Officers Association (KPOA) contract negotiations had looked at 10 comparable cities to review their employee compensation packages. Criteria used to select these cities included similar demographics like income, were in the vicinity, some that shared similar geography, scope of services provided, communities served, etc. Some of those agencies paid high, some paid low but she believes the Kensington philosophy is to pay in the middle. The ten jurisdictions that were looked at were: Broadmoor, Albany, Belmont, Brisbane El Cerrito, Fairfax, Hercules, Piedmont, Benicia, San Anselmo, and Twin Cities. She said she spent many hours collecting data, some from 2010. She said some contracts were not readily available and in some cases a review of City Council meeting minutes was required to extract data. She said we are as low as it gets in paying our CEO. She said total compensation in these other jurisdictions ranged from \$291,000, which includes salary plus benefits plus CalPERS and that the basic salary ranged from \$134,000 in Fairfax to approximately \$180,000 in Belmont. She said there is a wide range of salaries. She said looking past Broadmoor, all other jurisdictions are also paying a General Manager and this cannot be overestimated as our Chief of Police is also our General Manager. The General Manager salary in these jurisdictions is in the neighborhood of \$250,000-\$300,000 and we are not paying that. She said Kensington is paying a salary of \$134,500 and all in with medical, CalPERS etc is at \$205,000 annually. She said that we are at the bottom of that list. She reminded all that the salary data reviewed is not well developed because she had to extrapolate and update data as best she could. She said her opinion is that our GM/COP is significantly underpaid and has performed outstandingly well. She said a few of his accomplishments during her tenure on the BOD include the: Park Restroom completion, drainage repair of the Kenton Path at County expense, enabling Kensington to receive grants and commitments of moneys related to Prop 1A securitization and Measure WW, attending the County's Disaster Mitigation Plan as a steering Committee member, launching the Citizen's Police Academy, attending LAFCO meetings as District representative, acting as CSDA legislative representative for our District, and providing a constant presence at many K group and other meetings like Emergency Preparedness, Policy Review Committee, Solid Waste as well as others. She is said we are well covered with this GM/COP and we should compensate him as well as we can. She said she is very pleased to have her affiliation with our current GM/COP and he has done well. She said our District is in good shape and she said Stockton and Hercules are in trouble because they are over extended by tens of millions of dollars and that Kensington is not in that situation. Then, she said Vice President Lloyd would continue the compensation discussion.

Vice President Lloyd asked Administrator Gardyne to distribute the "Proposed KPPCSD GM/COP Recommendation a/o 07/12/12". A copy is attached to these Minutes as Attachment A. He said that the Sub-Committee is basing their compensation decision on two compensation periods: from 2008 to 2012 and 2012 extending out to 2013 and 2014. He said Attachment A shows that GM/COP Harman's base salary in 2008 was increased by 3.5% to \$134,500 and the position received approximately \$50,000 in benefits. He said the value of benefits is difficult to confirm so \$50,000 is an estimate. He said for 2009 through 2011 there was no salary increase yet had a 3% increase been given each year, the GM/COP's annual base salary would have been those values appearing in Column C of Attachment A. He reminded all that these increase were not given and he is simply showing what the GM/COP's salary would have been had the 3% increase been applied at each point in time. He said they were going to deal with the base salary and the benefits are going to be what they are going to be as what matters is what you take home in your pay check. He said that a 3% year over year increase would have resulted in a total compensation increase of \$12,472 from 2008 through 2011. He said there was a majority BOD approval that the GM/COP was completely satisfactory for each year and thus earned a 1% merit increase each year in addition o the 3% increase. The dollar value of this 1% merit increase is reflected in Column F of

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 8
BOARD OF DIRECTORS

Attachment A. He said that Column H summarizes the salary the Sub Committee recommends be paid to the GM/COP for years 2009 – 2011. He said the Sub-Committee also recommends that the GM/COP's base salary be increased to \$148,441 effective July 1, 2012. He reviewed salary recommendations for 2013 and 2014 as reflected on lines 9, 10 and 11 of Attachment A. He said by approving the recommendation (as reflected in Attachment A) inequities get addressed, a job that needs to be looked at is looked at, the performance evaluation process is fixed, and a reasonable modest compensation model for the GM/COP is in place. He then turned the discussion back to President Toombs.

President Toombs asked Vice President Lloyd to confirm his recommendation is for GM/COP Harman to receive a one time true up of \$16,754 to a new base of \$148,441 effective July 1, 2012. In response, Vice President confirmed they are recommending an increase in base salary from \$134,500 to \$148,441 effective July 1, 2012. Next, President Toombs asked questions related to GM/COP's proposed salary treatment for 2012, 2013 and 2014 as detailed on lines 9, 10, and 11 of Attachment A.

BOARD COMMENTS

Director Kosel asked what Vice President Lloyd what he meant when he said this is not a public hearing, this is not a debate. She asked if he meant there was no public comment and only Tony and Linda are allowed presenting their idea. VP Lloyd responded that there would be public comment and that other board members will be allowed to express their comments.

President Toombs said he had asked his questions.

Director Kosel said she questions the appropriateness of considering this issue at all this evening given the short and incomplete notice given to the public to consider this matter. She said open meeting laws require, and the public expects, full and complete information on agenda items before KPPCSD BOD meetings. She said the public is interested in in-depth information about agenda items. She said there were no supporting documents in the agenda package on this matter. She said tonight's BOD package was available 72 hours in advance of tonight's meeting which does meet the legal requirement but was not consistent with the tradition of providing the Board package the Friday before the KPPCSD meeting. She said the Attorney General's Office has defined what constitutes a brief, general description of an agenda item as, "... [it] should be sufficient to inform an interested member of the public about the subject matter under consideration so that he/she can determine whether to monitor or participate in a meeting of the body."

Director Kosel said in this case, there are no documents for the GM/COP's current compensation package available for the public to review in the agenda package and she could not find a public record of the GM/COP's current compensation package for the public to review such as on the District's website. She said the public was given no comparables to study, no global information about pay cuts being implemented across the state, or the impact to pension and other costs. She said it should be noted that GM/COP Harman's current contract calls for him to get 40 vacations days, 14 holidays, 10 sick days and that he has taken an Administrative leave which she has not found in his contract. She said this amounts to 10 weeks off per year plus personal sick leave, family sick leave and administrative leave. She noted that GM/COP Harman is paid to attend all those meetings previously discussed. Director Kosel said GM/COP Harman's contract calls for him to work a minimum of 40 hours per week and he always reports working just the minimum 40 hours per week. She said GM/COP Harman also gets a car with all fuel costs paid for by the District. President Toombs said Director Kosel could not speak about personnel matters outside the scope of this discussion and that he would ask her to leave the meeting if she continued to do so. Director Kosel suggested: 1) the BOD retain GM/COP Harman on a month to month

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 9
BOARD OF DIRECTORS

basis if the majority of the BOD wishes to continue to employ him and 2) if any changes to his compensation are considered, all the information items she mentioned earlier should be included in the agenda package so this BOD keeps faith with this community and provides full information and complete transparency. She said she believes the total lack of information with the agenda package violates the open meeting laws and she moved to table this item. Director Metcalf said she seconded this motion.

MOTION: Director Kosel moved to table this item. Director Metcalf seconded this motion.

AYES:	NOES:	ABSENT:
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President Toombs asked Director Kosel if this was a motion or just a lecture. President Toombs said he did not hear this as a motion but as a board comment. Director Kosel said she made a motion and she hopes the Minutes would reflect that.

President Toombs said he wanted to speak to the notion of whether the BOD had sufficient meeting materials. He said tonight there was no Brown Act violation. Allison Schutte, the District's attorney, said her interpretation is that the agenda is sufficient.

Director Lipscomb said that nobody received copies of the document presented tonight in advance of the meeting. She said that anybody can go to the web to the Controller's website to find the comparable salary information she presented this evening. Director Kosel asked if GM/COP Harman's contract was on the web. Director Lipscomb said she did not know but that it was clear that tonight's discussion was about giving GM/COP Harman a raise. Director Kosel said tonight's agenda was not to give GM/COP Harman a raise but rather to determine compensation. Director Kosel said 5% decreases in compensation have happened all over the state.

Director Metcalf said she thinks it is insufficient to be given this information just now and with no preparatory materials. She said she is calculating that the recommendation on the table is to increase GM/COP Harman's salary to \$157,422 by 2014 which reflects a 17% increase plus an undefined benefits increase.

PUBLIC COMMENTS

Joan Gallegos said believes the BOD is not in compliance with the Brown Act and she does not think the BOD can make an informed decision having just received this information.

Leonard Schwartburd said that President Toombs' bullying set a tone that he really objects to.

Barbara Dilts thanked Vice President Lloyd and Director Lipscomb for lots of information. She said she would have liked to have had some of this information in advance. She listed a number of projects under consideration or underway within the District such as the Path's acquisition, the Community Center remodel, issuance of an RFP to retain a new auditor, etc. and asked the BOD to put together a long term, say 5 year, plan the community can review to understand future costs and the need for monies for all identified projects as well as salary increases.

Chris Hefner said the community deserves more information and she does not understand the thinking or methodology used to come up with this recommendation. She said she has never seen retroactive salary given absent a prior job change that had not been acknowledged at the appropriate time. She said the recommendation includes salary increases for the future though the performance has not occurred. She said she hoped the BOD consulted reasonable HR professionals. Director Lipscomb said that GM/COP's

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 10
BOARD OF DIRECTORS

contract specifies an annual review and this was not provided to him. Director Lipscomb said it is not uncommon for a contract to provide for salaries in year 1, year 2, etc. Director Lipscomb said she took issue with what Ms. Hefner said. Vice President Lloyd said he was offended by Ms. Heffner's comments directed at his professional self. Ms. Heffner said she thought she had a right to express herself. Director Metcalf said it was not appropriate to interrupt members of the public. Ms. Hefner said she hoped people could come forward with respect to express their opinions. She reiterated that she believed the methodology used was the wrong one. Director Kosel said she believed the evaluation went back 18 months not three years and that the evaluation was held up for reasons President Toombs will not allow her to discuss.

Paul Dorroh thanked the BOD for finally performing the performance evaluation and providing feedback back to 2008. He said he learned tonight that we are at the low end of the market and that GM/COP Harman has done a good job and he supports the BOD's recommendation.

President Toombs said he was sorry to have to interrupt but that it was 9:45 and that the meeting time needed to be extended to 10:15 in order to continue.

MOTION: Director Lipscomb moved to extend the meeting time so that the BOD could continue to meet 10:15. Vice President Lloyd seconded this motion.

AYES: Toombs, Lloyd, Lipscomb

NOES: Kosel, Metcalf

ABSENT:

PUBLIC COMMENTS

President Toombs said the meeting will continue to 10:15.

Gretchen Gillfillan praised Vice President Lloyd and Director Lipscomb and thanked them for their hard work. She was appalled to learn they were at the bottom of the list and thinks GM/COP Harman has done a good job and should be compensated.

Bruce Morrow said after 3 1/2 years anybody deserves an evaluation and salary treatment. He said Vice President Lloyd and Director Lipscomb did good work and supports their recommendation but he wants the public to see the comparatives and evaluation before a decision is made.

Mayberry Benson said she was offended when President Toombs' claimed he did not hear Director Kosel's earlier motion asking that this topic be tabled. She said she agrees this is bullying and that not enough information has been provided to the public to make an informed decision.

John Stein thanked Vice President Lloyd and Director Lipscomb for their thorough work. He also thanked GM/COP Harman for sitting through something like this. He strongly encouraged the BOD to approve the recommendation. He said if GM/COP Harman were to leave, it would cost the community an additional \$50,000 per year in base salary to replace him. He also recommended that whatever increase is ultimately approved for GM/COP Harman, it be retroactive to July 1, 2012.

Vice President Lloyd said he wanted to respond to Mr. Stein's comment about comparatives. Vice President Lloyd said when he reviewed the San Jose Mercury study of December 2011 of top Municipal executives, the combined salaries for the City Manager and Police Chief of the following jurisdictions

**KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 11
BOARD OF DIRECTORS**

are:

City Manager and Police Chief for the Jurisdiction of:	Received Combined Annual Base Salaries of
El Cerrito	\$358,000
Antioch	\$370,000
Clayton	\$298,000
Hercules	\$279,000

He said these were base salaries and did not reflect the total cost of employment for these positions.

At about 9:55p, President Toombs said there would be a five minute break.

President Toombs reconvened the meeting at about 10:00p. Director Kosel said there was a motion on the table. President Toombs said he knew but we have to get the meeting extended.

MOTION: Vice President Lloyd moved to extend the meeting and Director Lipscomb seconded this motion.

AYES: Toombs, Lloyd, Lipscomb, (Kosel, Metcalf) NOES: ABSENT:

Director Kosel said she made a motion to table and there had been a second. President Toombs said you are right and that they could respond to that motion now.

MOTION: Director Kosel moved to table this item. Director Metcalf seconded this motion.

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

PUBLIC COMMENTS

Karl Kruger said the GM role is as or even more important than the police function. He recommended salary increases based on CPI if goals are met. He also a CPI cap be but in place as we all remember a time when CPI was as high as 19.8%. He also recommended that goals for 2013 should be clearly defined and that they include a 5 year capital budget. He said he was concerned about unfunded liabilities for pensions, vacation accruals, comp time accruals, sick leave etc. President Toombs said the BOD has spent a lot of time looking at short and long term pensions and obligations. He said this issue has not been ignored at all and the BOD looked at it as a part of contract negotiations with the KPOA.

Director Kosel said in her opinion, the District could choose to hire a half time GM and a Lieutenant to run the police department. She said this would allow the Lieutenant to run to day to day police operations and the GM to oversee the police force. She said doing this would provide accountability, enable a system of checks and balance, that legal costs would go down and that she believed this could be achieved with no increase in costs.

Andrew Gutierrez said he lived on the Arlington freeway. He likened Kensington to Mayberry and said he was not impressed by the services KPD provides along North Arlington as speeding and disobeying traffic rules is rampant and nothing is done about it. He said he wanted to put the proposed increase for GM/COP Harman into perspective before it became fact. He said he worked at a local University and that it would take a professor potentially 35 years of service, teaching hundreds of students, supervising

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 12
BOARD OF DIRECTORS

PhD students, 50 plus hours per week, grant writing, publishing papers and publishing at least two books to achieve the salary proposed for the GM/COP position He said the current Governor and Lt. Governor earn \$165,000 and \$124,000 per year respectively and neither have job security but do have more job responsibility than the GM/COP. He asked if a financial forecast of revenue/ tax assessments over time to cover future salary and benefits costs had been performed as a part of salary compensation. He asked if Kensington was in a race to the top for giving out high salaries vis a vis the City of Bell and noted the average income in Kensington is \$101,000. He said he did not view the GM/COP's current salary of \$134,500 as hardship.

Jim Hauskins said the City of Bell was an interesting comparison and noted that its city government leaders said their salaries were in line with comparable positions. He said there had not been adequate consideration of the long term cost of salaries and benefits for public employees in general. He urged the BOD to take more time to evaluate and consider the proposed GM/COP salary increase.

Vida Dorroh said she appreciates: 1) seeing legal costs go down and 2) not putting the District in a position where legal costs go up. She thanked Directors Toombs, Lloyd, and Lipscomb for their work and effort on behalf of the community. She said she wanted to reminded al that a previous BOD chased a Chief out of this town and that cost Kensington over \$250,000 so she asked all to not be too hasty in their righteousness. She said she appreciates GM/COP Harman.

MOTION: Director Lipscomb moved to extend the session for 15 more minutes. Vice President Lloyd seconded this motion.

AYES: Toombs, Lloyd, Lipscomb

NOES: Kosel, Metcalf

ABSENT:

Elana Caruthers said she is on the Finance Committee and has watched the Chief in action as GM/COP. She said GM/COP Harman has a tough job and he works hard to manage the District's finances and budget. She says GM/COP Harman sets realistic budgets and then manages expenses carefully.

Gail Tapscott said UC employees had not paid into their pensions for 27 years but this changed last year. She said she wanted to clarify UC pension changes as this was discussed by a previous speaker.

Celia Concus said Kensington is not similar to a private sector organization as it is a public sector entity. She said in the public sector people are compensated differently. She said all have read that CA lawmakers have had 18% salary cuts over the past 3 years. She said in June the CA Citizens Compensation Committee ordered across the board salary cuts of close to 5% for the governor, all legislators and all statewide legislators. She said UC Regents approved a furlough plan in 2009 that resulted in an equivalent salary reduction of 4-9%. She said Kensington should look at comparables but recognize Kensington does not operate in a vacuum. She said salary reductions may warrant consideration at this time.

An unknown female said she did not think the 72 hour notice that this topic was to be discussed before the public was enough time for her to prepare for this discussion. She said she looked at the Contra Costa salary schedule posted on the County's website and it indicated the minimum and maximum pay for a police chief was \$127,875 per year with no step or merit increases. She said she was providing another comparable data point for consideration in response to question from President Toombs and the public. She said it is not uncommon for police chiefs, CFO's and other public executives to go without a salary increase. She said she did not think it was fair to the community for the BOD to vote on this tonight given limited data.

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 13
BOARD OF DIRECTORS

Andrew Reed said he has been a human resources manager and consultant for decades. He reminded all that counsel has said there is no Brown Act violation and that this BOD was elected to make this decision. He said looking around the room indicates there was some advanced notice that this topic was on the agenda. He said he agreed with some prior speakers in that what is competitive today needs to be understood. He said he understood the subcommittee's research using 2010 data indicated that the average, perhaps median, base compensation level for other COPs is very low with other jurisdictions and that at \$150,000 it is average. He said the replacement cost for the GM/COP position needs to be considered and that he would be shocked if a Chief of Police could be replaced for \$150,000 per year. He said there would be costs associated with the search. He said the BOD has already decided to extend GM/COP Harman's contract for two years and tonight's discussion is simply about his compensation. He recommended the BOD approve the recommendation of the sub-committee. He said it is irrational to compare the GM/COP's compensation with a college professor's salary as a college professor would not chase down a potentially armed person. He said the sub-committee has done the necessary research.

Leonard Schwartzburd said he came tonight's meeting without an agenda and to listen. He said after hearing tonight's discussion he still does not know what the right thing to do is with respect to GM/COP's compensation. He said he still does not know what is reasonable and that it is a problem.

BOARD COMMENTS

President Toombs asked if there was a motion on the floor. Allison Schutte recommended that the motion be proposed in such a way that it starts with the base salary and then just say a 5% increase per year.

MOTION: Director Lipscomb moved to extend the session for 15 more minutes. Vice President Lloyd seconded this motion.

AYES: Toombs, Lloyd, Lipscomb

NOES: Kosel, Metcalf

ABSENT:

President Toombs said 3 to 2 we will go to 10:45. Director Lipscomb engaged in a side bar with Allison Schutte, the District's legal counsel to discuss the appropriate language for the proposed motion.

Director Lipscomb motioned that the recommendation of the subcommittee be accepted and that Chief's base salary for the year 2012 be \$148,441 with a 5% increase and a 1% increase possible during that year and that the 2013 base salary, (Allison Schutte advises not to mention the 2013 base salary and Director Lipscomb agrees and states) conditioned upon satisfactory performance as may be determined by the board in its review and further moved that the chief be compensated in a lump sum of \$16,754 that sum to reflect amounts in consideration of the failure to provide evaluations for the period between 2009 and 2011. Vice President Lloyd seconded this motion. President Toombs said he did not see Director Kosel's hand and recognized her at that time.

Director Kosel said that Director Lipscomb had said twice that GM/COP Harman had not been evaluated from 2009 to 2011. GM/Cop Harman confirmed his last evaluation was received in December, 2009. Director Lipscomb said she had made her motion and it had been seconded.

MOTION: Director Lipscomb moved that the recommendation of the subcommittee be accepted and that Chief's base salary for the year 2012 be \$148,441 with a 5% increase and a 1% increase possible during that year conditioned upon satisfactory performance as may be determined by the board in its review and further moved that the chief be compensated in a lump sum of \$16,754 that sum to reflect

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 14
BOARD OF DIRECTORS

amounts in consideration of the failure to provide evaluations for the period between 2009 and 2011. Vice President Lloyd seconded this motion.

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

MOTION: Director Lipscomb moved to end the meeting at about 10:30 P.M. and Vice President seconded this motion. There was no vote taken.

AYES: **NOES:** **ABSENT:**

ADJOURNMENT

15

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 1
BOARD OF DIRECTORS

Meeting Action Minutes for 08/09/2012

AGENDA

A regular meeting of the Board of Directors (BOD) of the Kensington Police Protection and Community Services District (KPPCSD) was held Thursday, August 9, 2012, 7:00 PM, at the Community Center, 59 Arlington Avenue, Kensington, California.

ATTENDEES

<u>Elected Members</u>	<u>Guests/Presenters</u>	
Charles Toombs, President	Maybry Benson	Karl Kruger
Tony Lloyd, Vice President	Dairly Chelette	Bruce Morrow
Cathie Kosel, Director	Frank Cossi	Andrew Reed
Linda Lipscomb, Director	Tim Crawford	John Ream
Mari Metcalf, Director	Catherine Deneergard	Leonard Schwartzburd
	Barbara Dilts	James Shen
	Joan Gallegos	John Stein
<u>Staff Members</u>	Gretchen Gillfillan	Gayle Tapscott
Gregory E. Harman, General Manager/Chief of Police	Andrew Gutierrez	Lynn Wolter
Master Sergeant Rickey Hull	Linda Jorgenson	Afad
Sergeant Keith Barrow	Celia Kallins	Lisa
Sergeant Kevin Hui	Anthony Knight	Steve
Detective Eric Stegman		

Minutes prepared by KPPCSD intern Kristen Noe.

PUBLIC COMMENTS

John Stein thanked the police for National Night Out and commented on their response to the Chevron refinery fire. He talked about the General Manager Search Committee. He said that the top contender dropped out because he wanted the benefits package to include a house. He said another UCPD candidate did not want the position because of the low pay and lack of benefits.

Andrew Gutierrez mentioned that performance reviews of the GM/COP were “satisfactory.” He said no documents were provided before the meeting, which implies public opinions do not count. He said the low crime rate in Kensington is because of the good people in the community. He said the GM and COP should be different people. He asked about projected costs, and where money was going. President Toombs commented that speaking on personal matters is a violation.

Maybry Benson said information on meetings was needed in advance in order to prepare. She said that not doing so contradicts the Brown Act and implies that decisions have already been made. She mentioned there was still no audit for 2011. She mentioned the GM/COP charging airfare for his wife.

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 2 BOARD OF DIRECTORS

Anthony Knight said that Directors Kosel and Metcalf stated they were “completely satisfied” with the GM/COP in their report. He asked about the closed session regarding the police contract. Director Kosel replied that there was no vote taken, only that a consensus was reached. Director Metcalf also said that no vote was taken.

Joan Gallegos commented on the lack of agenda. She said she expected two items: the garbage contract and the COP contract. She also said that the Board should follow its own policy which requires a 4/5 vote to extend meetings. President Toombs said that the Board was comfortable with its procedures. Director Metcalf read the policy on meeting time extensions and said she received no reply to her emails on the subject. President Toombs stated this matter was not on the agenda.

Gretchen Gillfillan thanked the police and fire departments and said she was satisfied with them.

John Ream thanked and said he was satisfied with the police and fire departments. He said it is not just good citizens that make low crime; that is the result of the police department too. He said he is a supporter of the police and COP.

Dairly Chelette commented on Director Kosel calling for an outspoken, open government. She began to comment on a personal incident involving Director Kosel but was stopped by President Toombs. She also said she believed there was a conflict in combining the GM and COP positions.

Leonard Schwartzburd, who claimed authorship of a flyer that was distributed around the community, said that people are afraid of the COP. He said the Board President should be disqualified for his conduct in the previous meeting. He said that the tax payers also hold some responsibility for what happens in their community and government.

Barbara Dilts asked about the trash service litigation and about discussion for the COP pay increase. She commented on the Measure G decision. She asked about a long-term financial plan, and money for the Paths and community center remodel. She recommended having a different firm perform the audits, and mentioned that it was standard business practice to change auditing firms after some time had passed with the same firm.

Catherine Deneergard expressed her appreciation of the police department. She called for government transparency and leadership. She asked for polite, respectful cooperation and communication. She said information was not available until the day before the meeting. She said that being shut out from criticizing the police department and COP was a civil rights violation. Director Lipscomb agreed with being frustrated about not being able to discuss police matters and litigation. Director Lipscomb cited Penal Code 832.7 and California Supreme Court case *Copley Press v. Superior Court*. Ms. Deneergard said she believes the GM and COP needed to be separated.

President Toombs mentioned time limitations on public comments due to time constraint. Director Kosel moved to extend public comments. Director Metcalf seconded. No vote was taken. After some discussion, public comments continued.

Lisa said that the agenda for the night’s meeting was posted on a kiosk a couple of days prior. She commented on no open public input about the COP pay increase. She said that, regarding the Chevron fire and future similar incidents, public announcements directed to El Cerrito also indicate Kensington. She mentioned the city getting an emergency siren, which would cost \$35,000-40,000. She gave two resources for receiving emergency information: adding your phone number to the emergency number system (slower response) or the Internet call system at <http://www.cococws.us/> (fast response).

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 3
BOARD OF DIRECTORS

Afad commented on the unkind communications between people. He said there are contradictions, such as wanting to separate the COP and GM while disapproving of spending more money.

Steve objected to the heavy hand of the chairman in this meeting. He said he understood protecting privacy, but asked President Toombs to stop intimidating people and let them talk.

Celia Kallins read the introduction to the Brown Act. She asked the Board to conduct as if before the intelligent, informed community that Kensington is.

Gayle Tapscott said the community had been easily led by lies and doesn't question information given to them. She said the reason for the low crime and having a community without gates was because of the police department. She said the COP deserves to be compensated. She asked about contracting out services.

Leonard Schwartzburd returned to state he was against President Toombs on what could be commented on.

James Shen said the COP compensation was in mid-range of other researched COPs and GMs, but only two comparable cities were used in the research. He asked what percent of the compensation was for GM duties, and suggested extracting that information would give a better understanding. President Toombs stated this was not on the agenda but comments were allowed. Mr. Shen said the database given was not enough to convince the public a good choice was made. Director Lipscomb said the KOFF survey was used for the comparison, and the best approximations were made given the available data. She said GM salaries were much higher than COP salaries, and there had been a relatively small increase over the past 4 years. She said the evaluation of the COP was supposed to be private, and the Board was only obligated to provide public discussion.

Bruce Morrow said he had corrections for Mr. Schwartzburd: Mr. Morrow stated that everybody gets the same vacation and sick days, which were accruable. He expressed anger at certain Board members for not engaging, their lack of effort, and for leaving meetings in the past.

Lynn Wolter stated she was on the COP search committee where over 100 applications were received. She said 34% of COP compensation is required to pay for the part of the pension not covered by social security. She said the total compensation change over 4 years was 10% not 17%, and the flyer put in her mailbox was in violation of the law. She praised President Toombs, Vice President Lloyd, and Director Lipscomb for their work on the compensation.

Frank Cossi called for optimizing transparency. He said there is too much protection of the police department, and separating the GM and COP would eliminate privacy issues.

Andrew Reed said the flyer that created such a turnout for the meeting was full of unsubstantiated comments. He said there was transparency: there had been discussions and public information was available. He said the allegations against the COP had already been proven false. He claimed the cost of replacing the COP would be higher than the current compensation.

Linda Jorgenson said she attended because of the flyer but had become uncertain. She asked what the compensation of the COP was. Director Kosel read off a memo that the compensation was \$216,000-\$236,000. Ms. Jorgenson asked what percentage of the budget was spent on salaries.

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 4
BOARD OF DIRECTORS

Leonard Schwartzburd returned with the COP original contract and Minutes for the KPPCSD BOD. He said the COP used the credit card for personal use and his information was not unsubstantiated.

Karl Kruger said that how the police are compensated is unfair. He said the GM salary in Hercules is \$187,000 and an inaccurate comparison.

Maybry Benson returned to ask who performed the credit card investigation. President Toombs responded that an undisclosed outside auditor performed the investigation.

Tim Crawford said he didn't feel what other COPs or GMs get paid was necessarily fair. He mentioned the city of Belle as an example. He also called for transparency. President Toombs stopped an interruption and stated people can say what they want. Mr. Crawford said the COP was not putting his life on the line like those from Oakland or Richmond.

At about 9:10p, President Toombs said there would be a five-minute break.

BOARD COMMENTS

Director Kosel noted the meeting had been difficult. She said the letter referred to during the meeting was written 16 years ago. She cited her experience as mayor of El Cerrito for two terms. She stated the current process was flawed. She said she made a Public Records Act request for an itemized report of the compensation package. She said telling people as little as possible with the least notice possible was wrong, and called for openness and transparency. She requested the COP contract be posted on the website.

Director Metcalf noted how much time was spent on determining if a Brown Act violation occurred at the previous meeting. She asked for decency, transparency and reasonability. She asked for the motive behind the secrecy of the agenda at the previous meeting. She asked if President Toombs knew of the policy on meeting times.

President Toombs wondered if this was the Board representation the community wanted. He said this discussion took place a month ago. He stated he didn't like the accusatory tone of the two members.

Director Lipscomb had no comments.

Vice President Lloyd stated he took an oath to abide by the vote of the board, and that he was ashamed to be part of an organization that degraded that oath. He mentioned that the budget had been balanced the last two years with no reduced police services, there had been technological improvements, park restrooms added, low crime, high response rates, and no fault was found in the credit card audit.

STAFF COMMENTS

Master Sergeant Hull announced that a Traffic Hot Sheet (<http://kensingtoncalifornia.org/trafficrequest.php>) had been placed on the District's website, which had been used twice to date.

GM/COP Harman thanked participants of the NNO parties. He commented on the progress of the traffic light replacement. Regarding the Chevron fire, he said he was working with John Gioia's office to improve police response to future similar incidents.

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 5
BOARD OF DIRECTORS

President Toombs read the policy on meeting time extension.

MOTION: President Toombs moved to extend the meeting indefinitely. Vice President Lloyd seconded this motion.
AYES: Toombs, Lloyd, Lipscomb NOES: Kosel, Metcalf ABSENT:

MOTION: Director Kosel moved to extend the meeting to 10:15p. Director Metcalf seconded this motion.
AYES: Kosel, Metcalf NOES: Toombs, Lloyd, Lipscomb ABSENT:

Brief discussion amongst the Board about time extension occurred.

MOTION: Director Lipscomb moved to extend the meeting to 10:30p. Director Kosel seconded this motion.
AYES: Toombs, Lloyd, Kosel, Lipscomb, Metcalf NOES: 0 ABSENT:

Director Lipscomb explained the policy on extending meetings.

CONSENT CALENDAR

President Toombs requested to pull Item B.

Director Kosel requested to pull Items A and I.

Item A: Director Kosel asked about the removal of the July 2010 Minutes from the website. Sergeant Hui explained there was an error with the link which he had corrected, but he said he would check it again.

Item B: President Toombs said the Minutes for the Regular June 2012 KPPCSD BOD should be reviewed for errors in the order of votes taken on pages 21-22 and some misspelled names. Director Kosel requested the surplus funds in the report be put toward the lower levy. GM/COP Harman said that the report had yet to be audited and the numbers could change in September. Director Lipscomb noted that the Vehicle License Fee (VLF) was currently under discussion in Sacramento, and COP grants came from the VLF.

MOTION: Director Lipscomb moved to approve the July Consent Calendar without the July Minutes. Vice President Lloyd seconded this motion.
AYES: Toombs, Lloyd, Kosel, Lipscomb, Metcalf NOES: 0 ABSENT:

DISTRICT – NEW BUSINESS

Item I: GM/COP Harman explained the Chevron tax litigation memo, including the costs to the district, and asked if the Board would like to continue or withdraw from the lawsuit.

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 6
BOARD OF DIRECTORS

PUBLIC COMMENTS

John Stein said the litigation was a waste of time and should not be continued.

Afad said there was no gain in participating in the lawsuit, only loss.

Gayle Tapscott asked about a previous lawsuit they dropped out of but was told by the Board there was no such lawsuit.

MOTION: Director Kosel moved to not go forward with Chevron tax litigation. Director Metcalf seconded this motion.

AYES: Toombs, Lloyd, Kosel, Lipscomb, Metcalf

NOES: 0

ABSENT:

ADJOURNMENT

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 1
BOARD OF DIRECTORS

Meeting Action Minutes for 09/13/2012

AGENDA

A regular meeting of the Board of Directors (BOD) of the Kensington Police Protection and Community Services District (KPPCSD) was held Thursday, September 13, 2012, 7:00 PM, at the Community Center, 59 Arlington Avenue, Kensington, California.

ATTENDEES

<u>Elected Members</u>	<u>Guests/Presenters</u>	
Charles Toombs, President	Mark Bell	Ms. Morrison
Tony Lloyd, Vice President	Maybay Benson	Bryce Nesbitt
Cathie Kosel, Director	Dairly Chelette	Daniel Sanchez
Linda Lipscomb, Director	Diana Collins	Leonard Schwartzburd
Mari Metcalf, Director	Joan Gallegos	
<u>Staff Members</u>		
Gregory E. Harman, General Manager/Chief of Police		
Master Sergeant Rickey Hull		
Sergeant Keith Barrow		
Sergeant Kevin Hui		
Corporal Eric Stegman		
Officer Chris Turner		
KPPCSD intern Kristen Noe		

Minutes prepared by KPPCSD intern Kristen Noe.

Board President Charles Toombs called the meeting to order at approximately 7:00p and took a roll call of the Board members. Director Metcalf was not present at the time, but President Toombs stated she would arrive later due to traffic. Before beginning public comments, President Toombs read the policy on what is and is not allowed to be spoken of during public comments. He said the public may criticize district policy and procedure, but comments can be prohibited if specifically directed, slanderous and accusational without allowing the accused due process of law. He said police and personnel information is to be treated with care, citing Penal Code 832.7. He also cited Article 1 Section 1 of the Constitution, which guarantees every citizen the right to privacy. He said that per Policy #5030.43, no oral presentation can contain charges against a District employee; any charges are to be submitted to the Board privately. He then stated 5 minutes per speaker and 20 minutes per topic would be allowed.

PUBLIC COMMENTS

Daniel Sanchez said that on the 27th (of August) on Garden Drive there was a dog attack, in which two people were injured by two dogs, and a third person was charged at but not injured. He said officers and Animal Control responded, but the dogs are now back with the owners after their quarantine. GM/COP Harman said he was aware of the attacks but did not know the dogs were back, and the investigation is under the jurisdiction of Animal Control. Mr. Sanchez asked about police action and mentioned a previous attack with the same dogs in May. GM/COP Harman said he was aware of park leash laws, and that the police respond to calls about dogs. GM/COP Harman was surprised the dogs were returned and suggested civil litigation. Mr. Sanchez said the he received no response from the owners and commented

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 2 BOARD OF DIRECTORS

on their lack of responsibility. He said he wanted to make residents aware. Director Kosel stated this was a threat to the neighborhood and asked if any nuisance law existed that could be enforced by the police. GM/COP Harman responded that the police department was working with Animal Control, and he would have a Sergeant contact them. Sergeant Hull said for the dogs to be returned is not unusual because of sensitivity in depriving people of their property. He said the police keep documentation of such incidents, and encouraged contacting the police if the dogs are seen off-leash. President Toombs said they would do what they could to help. A man in the audience asked for details again for awareness. Mr. Sanchez said one of the dogs was shaggy and cream-colored, the second was less shaggy and grayish in color, and a third is a Rottweiler mix, and the most recent attack occurred at the park.

Maybay Benson commented on the regular release of police crime reports and the number of unsolved burglaries. She said the good statistics in Kensington are because of the good community and location. She then talked about traffic policing policies. She asked for statistics and information including the police hours available, broken down into categories, as well as hot spots and the times and types of violations. She said this information would allow for better evaluation. She commented on the increasing speeds on Franciscan Way. She said there was a lack of police presence on Eureka Avenue but not at Colusa Circle. In regards to the Zero Tolerance concept, she said she did not think that 1-2 miles per hour over the speed limit should merit a ticket. She said she thought ticketing and warnings for the first offense should be the same for both residents and non-residents.

Dairly Chelette referenced an article from the *San Francisco Chronicle* about questionable credit card transactions of the GM in Hercules found by auditors as well as an article in the *Outlook* written by Maybay Benson. She began to comment on the credit card parallel in Kensington but was stopped by President Toombs. Ms. Chelette went on to list similar dealings between Hercules and Kensington, ending with the result in Hercules being the election and re-election of certain Board members. She suggested Kensington do the same.

Leonard Schwartzburd asked about what can't be talked about. President Toombs repeated in summary his right to stop speakers, and said this was a time for comments, not questions. Mr. Schwartzburd said people are being prohibited from speaking about what they are concerned about, and claimed no authority to do so was cited. President Toombs responded that an authority was cited and copies were on the back table. Mr. Schwartzburd said that he would check the sources, and that he thought it was disgraceful and felt like a cover-up.

Bryce Nesbitt congratulated the Board and GM on solving the drainage problem that had been called "unsolvable" in time for this year's rain. He mentioned that he had helped to start the movement to fix the problem. He then said the gateway to Kensington had a new feel to it with the new light poles. He asked that the light poles be changed to suit the character of the community.

Diana Collins said that the Board President's gavel was not used when it should have been during her past experiences at the podium when the audience was yelling at her. She also said with the GM and COP holding the same position, the COP was able to hide behind POBAR in regards to GM duties.

Joan Gallegos requested the Park Building Committee go solar on the park buildings.

Mark Bell commented on the amount of arguing over what can and cannot be discussed. He said he had faith there was a legal reason things could not be discussed, and that discussing them would subject the community to a lawsuit for violating the right to privacy. He said the Board legally cannot divulge some information, and doing so would subject the community to legal action.

Leonard Schwartzburd returned and stated Government Code §1099 restricts the holding of two offices simultaneous if the duties overlap, and that the first office is forfeited upon ascending to the second. He

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 3
BOARD OF DIRECTORS

said the Attorney General has posted opinions on the subject on the Attorney General's website. Mr. Schwartzburd asked why the Board allowed the combination of GM and COP. President Toombs replied that a lawyer was looking into the matter.

An unknown woman said the district credit card is public record. She said that anyone requesting the information would be appalled at what they see.

Director Metcalf arrived at 7:34p.

BOARD COMMENTS

Vice President Lloyd provided an update on the Policy Committee. He said they are continuing to meet, and hope to provide an in-depth mid-year status report relative to the policies that have been reviewed by the legal department and the committee, and then bring them forward for discussion and make recommendations as to what revisions should be made. He also gave an update on the status of the Paths. He said he has been invited to monitor conversations between Parks and Recreation and the GM, and negotiations with the county were ongoing. He said construction on the Path and drainage pipe were nearing completion but nothing has been signed off on yet. He said once they have further confirmation of completion from the County, then they begin to transition, but he said the COP would bring everyone further up-to-date.

Director Lipscomb provided an update on the *League of California Cities v. John Chiang* case involving Vehicle License Fees which are the basis of COP grants, of which Kensington receives the minimum of \$100,000. She said all briefs for the case were submitted August 20, and the judge is expected to take the full 90 days to rule. She then commented on the new street lights. She said they had a meeting with County Supervisor John Gioia, Public Works, PG&E, GM/COP Harman and KIC President Snider. She said they were aware people were upset about the new lights. She said a joint report would be published from Public Works, who determine specifics of setting up the poles, and PG&E, who own the lights. She apologized for not communicating with the community about the lights. She said they will be open to changing the angle of the lights so they do not shine into people's homes. She also mentioned an Oakland conference on aging that she attended, and reminded everyone of local resources and information on Ashby Village are available.

President Toombs announced that the Public Safety Committee meetings are the second Monday of every month at 6:00p and they are looking for more people to attend. He mentioned his place on the Building Committee and said they narrowed down the five RFP responders to one person. He said once the contract is prepared, analysis will be done on what finances will be needed make building improvements. He congratulated Officer Wilson for running 23 NNO parties, and called him an asset to the community. He also mentioned that the governor signed a major pension law reform impacting police and fire officers, but cautioned that it was still new and therefore not unalterable.

Director Metcalf requested that when members of the Hanson Bridgett law firm are present at meetings, they identify themselves and spell out their names. She said the public deserves to know because they are paying for the service.

Director Kosel proposed an October agenda item be suggesting the KPD set specific guidelines for reimbursement of meals, lodging, etc. according to GSA guidelines. She had examples from Contra Costa and Alameda Counties. She requested the documents she had be scanned, sent to the Board, and posted publicly. She then referenced a memo she wrote to GM/COP Harman on July 13 requesting details of the compensation package that was approved. She said on July 24 she received a reply from GM/COP Harman stating he did not know the details. She said at the August 9 BOD Meeting she received a memo

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 4
BOARD OF DIRECTORS

detailing the compensation package from July 25. She declared the time delay was a violation of Open Meeting Laws and existing Board policies.

STAFF COMMENTS

GM/COP Harman announced the Blessing of the Animals on Saturday, October 6 from 11:00a to 3:00p at the Community Center, sponsored by the Arlington Church. He also provided more information on the closure of Los Altos Road. He said there will be detours September 17 through October 15 while repair work is being done where the road is falling into Wildcat Canyon.

Master Sergeant Hull announced they are continuing to work traffic hot spots, and they have added Kenyon Avenue and the corner of Arlington Avenue and Sunset Drive. He cautioned that as a result there may temporarily be less of a police presence in other areas as they continue to identify problem areas. Director Kosel asked about the use of dummies in empty cars. Master Sergeant Hull responded that there are concerns of vandalism to empty police vehicles, so the decision was made not to use them.

Ms. Morrison approached the podium to inquire when she could ask about the July Minutes. President Toombs asked her to wait until they began to talk about the July Minutes.

CONSENT CALENDAR

President Toombs requested to pull Items A and B, the July and August Board Meeting Minutes.

Director Kosel requested to pull the Items C and G, the Profit & Loss Budget Performance and Police Department Update.

Item A – President Toombs asked for correction to the July Board Minutes, stating his notes indicated different timing to the 9:45 motion to extend. He asked that the recording be reviewed again. Director Kosel asked if the discussion of the July Minutes was to then be tabled until the next meeting, and President Toombs confirmed.

Ms. Morrison said it seemed that Vice President Lloyd's comments in the July Minutes conflicted with the legal sheet handout about access to documents, and asked for clarification. President Toombs responded that the documents were distributed during the meeting. Ms. Morrison asked if the Board voted before having these documents. The Board told her they did not. President Toombs told her they were available during the meeting.

Item B – President Toombs requested the August Board Minutes be reviewed and corrected for spelling and conciseness.

Director Kosel noted in the August Minutes the COP compensation package was recorded as being \$216,000-\$236,000 when it was in fact \$240,000. President Toombs reminded Director Kosel that the Minutes are a record of what was said, not necessarily what is fact, which Director Kosel called unfortunate.

Item C – Director Kosel asked why page 23 of the agenda packet did not contain the YTD and Annual Budgets. GM/COP Harman replied that their accountant had not submitted them yet. Director Kosel then indicated line 596 WEST-NET/CAL I.D. and asked about spending \$13,130 when the budget was \$8,000. GM/COP Harman confirmed the WEST-NET budget was \$8,000 and the \$5,130 was for CAL I.D. He verified that the two items were combined in one line.

Item G – Director Kosel referenced a Citizen's Investigation in the Police Report on page 33 of the

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 5
BOARD OF DIRECTORS

agenda packet, and asked if three officers routinely respond to a traffic stop. GM/COP Harman responded that the number of officers depends on the circumstances of the stop, such as the number of people in the vehicle and the time of the stop. Director Kosel then referenced the August crime statistics on page 43, and asked if 13 reported crimes is average. GM/COP Harman responded that he didn't know, but that this year crime was up. President Toombs asked about creating a graph with the statistics to better determine trends. Corporal Stegman stated they did not have an expert in crime statistics this past year, so comparison was difficult.

MOTION: Director Lipscomb moved to approve the Consent Calendar without the July and August Minutes. President Toombs seconded this motion.

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

DISTRICT – OLD BUSINESS – None.

DISTRICT – NEW BUSINESS #1 – GM/COP Harman explained the new KPPCSD Internship Program in partnership with the Mount Diablo School District for Administrative Assistants, and introduced their first and current intern Kristen Noe. He said duties were to include setting up an e-filing system.

GM/COP Harman mentioned attending the funeral of a fallen CHP officer earlier that day.

GM/COP Harman explained the ranks within the KPD, and the opening for Corporal per the most current MOU of the Police Officers Association approved by the Board. He said it was in the budget, and after six months, Detective Stegman had more than proven himself. GM/COP Harman pinned Detective Stegman as Corporal Stegman.

GM/COP Harman introduced Stephanie Wilkens, who is to enter a temporary officer position upon her expected graduation from the academy on December 8. He said starting Monday, she would be a police officer recruit trainee.

GM/COP Harman presented a commendation for Reserve Officer Ted Foley for his life-saving actions on July 26. GM/COP Harman recited how off-duty Reserve Officer Foley pulled over for a screaming woman to help a man crushed under a truck, flagged down help to lift the vehicle, called dispatch and provided emergency medical aid, in addition to translating for the Spanish victim. GM/COP Harman then presented a unit commendation for the work on homicide case #12-5354 to Master Sergeant Rickey Hull, Sergeant Keith Barrow, Sergeant Kevin Hui, Detective Eric Stegman, Officer Rodney Martinez, Officer Doug Wilson, Officer Juan Ramos, Officer Chris Turner, Reserve Officer Chris Armanino, and Police Services Specialist Andrea Di Napoli. Master Sergeant Hull read from the commendation, which expressed GM/COP Harman's admiration and appreciation of the unit's response, hours given, teamwork and dedication. GM/COP Harman explained the difficulty as well as time and man-power needed to create the air-tight case that the unit did in two weeks, especially in comparison to a larger-staffed department, meanwhile continuing to patrol the community.

At about 8:25p, President Toombs said there would be a five minute break.

President Toombs reconvened the meeting at about 8:30p.

DISTRICT – NEW BUSINESS #2 – President Toombs announced there would be the first reading of a revision to KPPCSD Board Policy #1020 Conflict of Interest, and that the second reading would occur at the October Board meeting, at which time the policy revisions and KPPCSD Resolution 2012-08 would be approved.

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 6
BOARD OF DIRECTORS

GM/COP Harman read a memo from legal counsel Julie Sherman of Hanson Bridgett, which explained the need to update Board Policy #1020 Conflict of Interest and detailed Government Code §87300 and the specified Conflict of Interest Code review and update requirements. According to the memo, while the current Conflict of Interest Board Policy #1020 did not require amendments during the 2010 review, recommended changes made by Fair Political Practice Commission in 2012 had not been met, and the recommendation was made to update the code to the most recent FPPC standards. He read that under Government Code §87302(a), positions specified in Government Code §87200 are exempt from required inclusion. Notification to the County of needed changes was required by September 1, and went out August 28, according to GM/COP Harman, and the amended code must be submitted within the following 90 days, which would be November 26. He said with the currently scheduled readings, they have plenty of time to spare. GM/COP Harman indicated that he provided both a clean and red-line copy of Board Policy #1020 in the agenda packet. He noted that the Board members are technically not covered by the statute.

Director Lipscomb performed the first reading of a revision to KPPCSD Board Policy #1020 Conflict of Interest.

BOARD COMMENTS

President Lloyd asked if there was something the committee had to address. GM/COP Harman explained the procedure and said action was only required after the second reading. President Toombs concluded that they were in compliance with state law.

Director Metcalf asked if the Board is covered by Government Code §87200. President Toombs referenced the lines which identified public officials as those who manage public investments, and concluded that because the Board managed a \$2.6 million budget, they were covered in the revision.

PUBLIC COMMENTS

None.

President Toombs declared they would return to the subject in October.

MOTION: Director Kosel moved to approve the first reading of the revised KPPCSD Board Policy #1020 Conflict of Interest Code. Director Metcalf seconded this motion.

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

DISTRICT – NEW BUSINESS #2 – GM/COP Harman explained the empty seat of the CSDA for the remainder of the 2010-2012 term to end December 31, which could only be filled by a current Board member. President Toombs asked if any Board member wanted to be nominated to fill the empty seat. No one did.

MOTION: Director Metcalf moved to end the meeting at about 8:50 P.M. Director Kosel seconded this motion.

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

ADJOURNMENT

KPPCSD
Unaudited Profit & Loss Budget Performance
 September 2012

	Sep 12	Budget	Jul - Sep 12	YTD Budget	Annual Budget
Ordinary Income/Expense					
Income					
400 · Police Activities Reve...					
401 · Levy Tax	0.00		1,204,024.59	1,275,000.00	1,275,000.00
402 · Special Tax-Police	0.00		0.00	680,000.00	680,000.00
403 · Misc Tax-Police	0.00		0.00		50.00
404 · Measure G Supple...	0.00		0.00		405,614.00
410 · Police Fees/Service...	0.00	500.00	290.00	500.00	2,000.00
414 · POST Reimbursem...	0.00		353.82		
416 · Interest-Police	0.00		0.00		3,000.00
418 · Misc Police Income	0.00	1,250.00	6,464.16	3,750.00	15,000.00
Total 400 · Police Activitie...	0.00	1,750.00	1,211,132.57	1,959,250.00	2,380,664.00
420 · Park/Rec Activities R...					
424 · Special Tax-L&L	0.00		0.00		30,000.00
426 · Park Donations	0.00		0.00		500.00
427 · Community Center ...	0.00	2,000.00	4,105.00	6,000.00	24,000.00
428 · Building E Revenue	0.00		7,500.00		
436 · Interest-Park/Rec	0.00		0.00		200.00
438 · Misc Park/Rec Rev	0.00	125.00	120.00	125.00	500.00
Total 420 · Park/Rec Activit...	0.00	2,125.00	11,725.00	6,125.00	55,200.00
440 · District Activities Rev...					
448 · Franchise Fees	0.00	5,000.00	0.00	5,000.00	20,000.00
456 · Interest-District	0.00		0.00		500.00
Total 440 · District Activitie...	0.00	5,000.00	0.00	5,000.00	20,500.00
Total Income	0.00	8,875.00	1,222,857.57	1,970,375.00	2,456,364.00
Expense					
500 · Police Sal & Ben					
502 · Salary - Officers	72,576.15	74,175.58	228,872.18	222,526.78	890,107.00
504 · Compensated Abse...	0.00	5,000.00	2,395.14	5,000.00	10,000.00
506 · Overtime	11,035.18	3,333.33	24,718.68	9,999.99	40,000.00

28

KPPCSD
Unaudited Profit & Loss Budget Performance
 September 2012

	Sep 12	Budget	Jul - Sep 12	YTD Budget	Annual Budget
508 · Salary - Non-Sworn	1,275.25	4,333.33	6,333.00	13,000.03	52,000.00
516 · Uniform Allowance	599.94	666.66	1,965.16	1,999.98	8,000.00
518 · Safety Equipment	250.00		250.00	1,000.00	6,000.00
521-A · Medical/Vision/D...	9,863.43	12,537.66	43,338.03	37,612.98	150,452.00
521-R · Medical/Vision/D...	10,317.53	14,888.50	46,332.45	44,665.50	178,662.00
521-T · Medical/Vision/D...	0.00		145,720.00		-32,942.00
522 · Insurance - Police	375.50	436.66	1,222.00	1,309.98	5,240.00
523 · Social Security/Me...	1,245.69	1,208.50	3,850.10	3,625.50	14,502.00
524 · Social Security - Di...	105.41	268.67	479.77	806.01	3,224.00
527 · PERS - District Por...	24,671.30	25,446.33	77,771.03	76,338.99	305,356.00
528 · PERS - Officers Po...	6,585.85	6,735.83	20,760.51	20,207.49	80,830.00
530 · Workers Comp	13,237.97	11,337.40	13,237.97	22,674.80	56,687.00
Total 500 · Police Sal & Ben	152,139.20	160,368.45	617,246.02	460,768.03	1,768,118.00
550 · Other Police Expenses					
552 · Expendable Police ...	45.98	150.00	45.98	450.00	1,800.00
553 · Range/Ammunition...	0.00		0.00	2,000.00	4,000.00
560 · Crossing Guard	1,041.39	822.17	1,041.39	2,466.51	9,866.00
562 · Vehicle Operation	2,748.67	4,766.67	14,772.05	14,300.01	57,200.00
564 · Communications (...)	9,190.61	11,830.00	31,836.26	35,490.00	141,960.00
566 · Radio Maintenance	29.65	1,812.50	105.67	5,437.50	21,750.00
568 · Prisoner/Case Exp....	8,502.00	533.33	11,069.77	1,599.99	6,400.00
570 · Training	0.00	1,083.34	3,452.58	3,250.02	13,000.00
572 · Recruiting	822.00	1,083.33	1,132.00	3,249.99	13,000.00
574 · Reserve Officers	36.00	675.00	86.00	2,025.00	8,100.00
576 · Misc. Dues, Meals ...	1,000.00	260.42	2,075.00	781.26	3,125.00
580 · Utilities - Police	663.53		2,038.14	1,333.35	8,000.00
581 · Bldg Repairs/Maint.	0.00	83.33	0.00	249.99	1,000.00
582 · Expendable Office ...	285.04	500.00	1,585.55	1,500.00	6,000.00
588 · Telephone(+Rich. L...	669.86	1,385.00	2,011.97	4,155.00	16,620.00
590 · Housekeeping	421.52	333.34	918.99	1,000.02	4,000.00
592 · Publications	31.20	250.00	62.40	750.00	3,000.00
594 · Community Policing	423.93	125.00	1,073.93	375.00	1,500.00
596 · WEST-NET/CAL I.D.	0.00		13,130.00	13,130.00	13,130.00

KPPCSD
Unaudited Profit & Loss Budget Performance
 September 2012

	<u>Sep 12</u>	<u>Budget</u>	<u>Jul - Sep 12</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
598 · COPS Special Fund	450.00		450.00		
599 · Police Taxes Admi...	0.00	800.00	804.61	1,600.00	3,200.00
Total 550 · Other Police Ex...	26,361.38	26,493.43	87,692.29	95,143.64	336,651.00
600 · Park/Rec Sal & Ben					
601 · Park & Rec Admini...	425.00	541.67	1,405.25	1,625.01	6,500.00
602 · Custodian	1,750.00	1,750.00	5,250.00	5,250.00	21,000.00
623 · Social Security/Me...	0.00	41.42	0.00	124.26	497.00
Total 600 · Park/Rec Sal & ...	2,175.00	2,333.09	6,655.25	6,999.27	27,997.00
635 · Park/Recreation Expe...					
640 · Community Center ...					
642 · Utilities-Commun...	195.63	391.33	1,273.58	1,173.99	4,696.00
643 · Janitorial Supplies	182.76	375.00	742.15	375.00	750.00
646 · Community Cent...	0.00	166.67	0.00	500.01	2,000.00
Total 640 · Community C...	378.39	933.00	2,015.73	2,049.00	7,446.00
660 · Annex Expenses					
662 · Utilities - Annex	1,826.38	125.00	2,028.00	375.00	1,500.00
Total 660 · Annex Expen...	1,826.38	125.00	2,028.00	375.00	1,500.00
670 · Gardening Supplies	0.00	83.33	0.00	249.99	1,000.00
672 · Kensington Park O...	7,515.54	6,825.67	17,269.61	20,477.01	81,908.00
678 · Misc Park/Rec Exp...	-2,022.12	83.34	-2,022.12	250.02	1,000.00
Total 635 · Park/Recreation...	7,698.19	8,050.34	19,291.22	23,401.02	92,854.00
800 · District Expenses					
810 · Computer Mainten...	1,643.23	2,572.42	5,251.49	7,717.26	30,869.00
820 · Cannon Copier Co...	245.55	558.33	1,097.19	1,674.99	6,700.00
830 · Legal (District/Pers...	0.00	5,416.67	20,434.61	16,250.01	65,000.00
835 · Consulting	0.00		200.43		
840 · Accounting	2,453.75	1,825.00	3,461.25	5,475.00	30,075.00
850 · Insurance	0.00		24,387.27	30,000.00	30,000.00
860 · Election	0.00	1,000.00	0.00	1,000.00	6,000.00

KPPCSD
Unaudited Profit & Loss Budget Performance
 September 2012

	Sep 12	Budget	Jul - Sep 12	YTD Budget	Annual Budget
865 · Police Bldg. Lease	0.00		15,298.00	15,298.00	30,596.00
870 · County Expenditures	0.00		0.00		19,900.00
890 · Waste/Recycle	242.56	3,041.67	8,617.68	9,125.01	36,500.00
898 · Misc. Expenses	25.00	866.66	1,140.31	2,599.98	10,400.00
Total 800 · District Expenses	4,610.09	15,280.75	79,888.23	89,140.25	266,040.00
950 · Capital Outlay					
962 · Patrol Cars	0.00		0.00		23,000.00
963 · Patrol Car Accesso...	0.00		0.00		10,000.00
969 · Computer Equipment	0.00		541.53		8,000.00
Total 950 · Capital Outlay	0.00		541.53		41,000.00
Total Expense	192,983.86	212,526.06	811,314.54	675,452.21	2,532,660.00
Net Ordinary Income	-192,983.86	-203,651.06	411,543.03	1,294,922.79	-76,296.00
Other Income/Expense					
Other Expense					
700 · Bond Issue Expenses					
710 · Bond Admin.	0.00		2,256.64		
720 · Bond Principal	0.00		112,110.74		
730 · Bond Interest	0.00		25,543.91		
Total 700 · Bond Issue Exp...	0.00		139,911.29		
Total Other Expense	0.00		139,911.29		
Net Other Income	0.00	0.00	-139,911.29	0.00	0.00
Net Income	-192,983.86	-203,651.06	271,631.74	1,294,922.79	-76,296.00

Memorandum

Kensington Police Department



To: KPPCSD Board of Directors

APPROVED YES NO

From: Gregory E. Harman, General Manager/ Chief of Police

FORWARDED TO:

Date: Monday, October 01, 2012

Subject: Consent Calendar Item E- Park Revenue & Expenses

The KPPCSD Board and the Park Buildings Committee has requested a separate and detailed accounting of park revenues and expenses.

This information is obtained through our QuickBooks software. Revenue and expenses from July 1, 2012 through September 30, 2012 is attached to this memo.

1:20 PM
 10/01/12
 Accrual Basis

KPPCSD
 Account QuickReport
 July 1 through October 1, 2012

Type	Date	Num	Name	Memo	Split	Amount
420 · Park/Rec Activities Revenue						
427 · Community Center Revenue						
Deposit	7/26/2012	316		CC Rental Ju...	112 · General ...	1,000.00
Deposit	7/26/2012	V913...		Rental of roo...	112 · General ...	60.00
Deposit	8/7/2012	1696		CC Rental on...	112 · General ...	700.00
Deposit	8/7/2012	1062		CC Rental on...	112 · General ...	650.00
Deposit	8/21/2012	395		GPFF 50 hou...	112 · General ...	1,650.00
Deposit	8/21/2012	139		Wake up to A...	112 · General ...	45.00
Deposit	10/1/2012	1613		Aug 5 rental ...	112 · General ...	50.00
Deposit	10/1/2012	147		Wake Up to ...	112 · General ...	45.00
Deposit	10/1/2012	1097		East Bay Coll...	112 · General ...	598.00
Total 427 · Community Center Revenue						4,798.00
428 · Building E Revenue						
Deposit	7/26/2012	6266		KCC 2nd half...	112 · General ...	7,500.00
Total 428 · Building E Revenue						7,500.00
438 · Misc Park/Rec Rev						
Deposit	7/26/2012	3283		Tennis Court...	112 · General ...	80.00
Deposit	7/26/2012	3687		Tennis Court...	112 · General ...	40.00
Total 438 · Misc Park/Rec Rev						120.00
Total 420 · Park/Rec Activities Revenue						12,418.00
TOTAL						12,418.00

33

1:20 PM
10/01/12
Accrual Basis

KPPCSD
Account QuickReport
July 1 through October 1, 2012

Type	Date	Num	Name	Memo	Split	Amount
600 · Park/Rec Sal & Ben						
601 · Park & Rec Administrator						
Paycheck	7/13/2012		Di Napoli, Andrea		112 · General ...	101.75
Paycheck	7/30/2012		Di Napoli, Andrea		112 · General ...	275.25
Paycheck	8/15/2012		Di Napoli, Andrea		112 · General ...	312.75
Paycheck	8/30/2012		Di Napoli, Andrea		112 · General ...	290.50
Paycheck	9/13/2012		Di Napoli, Andrea		112 · General ...	199.75
Paycheck	9/27/2012		Di Napoli, Andrea		112 · General ...	225.25
Total 601 · Park & Rec Administrator						1,405.25
602 · Custodian						
Check	7/13/2012	14073	William Driscoll	Invoice #0079	112 · General ...	875.00
Check	7/30/2012	14103	William Driscoll	Invoice #0080	112 · General ...	875.00
Check	8/15/2012	14136	William Driscoll	August 1-15, ...	112 · General ...	875.00
Check	8/30/2012	14180	William Driscoll	August 16-31...	112 · General ...	875.00
Check	9/14/2012	14215	William Driscoll	Sept 1-15, 20...	112 · General ...	875.00
Check	9/28/2012	14252	William Driscoll	Sept 16-30, 2...	112 · General ...	875.00
Total 602 · Custodian						5,250.00
Total 600 · Park/Rec Sal & Ben						6,655.25
TOTAL						6,655.25

3/1

1:21 PM
 10/01/12
 Accrual Basis

KPPCSD
Account QuickReport
 July 1 through October 1, 2012

Type	Date	Num	Name	Memo	Split	Amount
635 · Park/Recreation Expenses						
640 · Community Center Expenses						
642 · Utilities-Community Center						
Check	7/13/2012	14074	Pacific Telemanage...	monthly fee f...	112 · General ...	78.00
Check	7/13/2012	14095	PG&E	Community C...	112 · General ...	159.40
Check	7/30/2012	14109	EBMUD	service provi...	112 · General ...	25.24
Check	8/15/2012	14135	Pacific Telemanage...	monthly fee f...	112 · General ...	78.00
Check	8/15/2012	14143	PG&E	Community C...	112 · General ...	168.78
Check	8/15/2012	14154	EBMUD	2 Arimont 06/...	112 · General ...	378.53
Check	8/30/2012	14177	Olivero Plumbing Co.	Backflow Tes...	112 · General ...	112.00
Check	8/30/2012	14184	Pacific Telemanage...	monthly fee f...	112 · General ...	78.00
Check	9/14/2012	14204	EBMUD	Acct # 11217...	112 · General ...	26.74
Check	9/14/2012	14205	PG&E	Community C...	112 · General ...	168.89
Total 642 · Utilities-Community Center						1,273.58
643 · Janitorial Supplies						
Check	8/30/2012	14178	UBS	Janitorial Sup...	112 · General ...	559.39
Check	9/14/2012	14208	Kensington Home a...	Bill Communi...	112 · General ...	40.32
Check	9/14/2012	14208	Kensington Home a...	Bill Light	112 · General ...	142.44
Total 643 · Janitorial Supplies						742.15
Total 640 · Community Center Expenses						2,015.73
660 · Annex Expenses						
662 · Utilities - Annex						
Check	7/13/2012	14095	PG&E	Annex servic...	112 · General ...	23.82
Check	7/30/2012	14109	EBMUD	service provi...	112 · General ...	177.80
Check	9/14/2012	14204	EBMUD	Acct # 55377...	112 · General ...	1,614.96
Check	9/14/2012	14204	EBMUD	Acct # 55376...	112 · General ...	211.42
Total 662 · Utilities - Annex						2,028.00
Total 660 · Annex Expenses						2,028.00
672 · Kensington Park O&M						
General Journal	7/1/2012	REV ...		NBS	153 · Prepaid ...	1,108.86

35

1:21 PM
 10/01/12
 Accrual Basis

KPPCSD
Account QuickReport
 July 1 through October 1, 2012

Type	Date	Num	Name	Memo	Split	Amount
Check	7/13/2012	14077	Summer Rain Land...	July's monthl...	112 · General ...	2,050.00
Check	7/13/2012	14077	Summer Rain Land...	branch remo...	112 · General ...	835.00
Check	7/13/2012	14078	UBS	park services...	112 · General ...	584.00
Check	7/30/2012	14109	EBMUD	service provi...	112 · General ...	1,363.40
Check	7/30/2012	14115	Fernando Herrera	2" water main...	112 · General ...	345.00
Check	7/30/2012	14115	Fernando Herrera	stump remov...	112 · General ...	125.00
Check	7/30/2012	14115	Fernando Herrera	7/14/12 grind...	112 · General ...	120.00
Check	7/30/2012	14115	Fernando Herrera	drinking fount...	112 · General ...	90.00
Check	7/30/2012	14115	Fernando Herrera	oak tree bran...	112 · General ...	180.00
Check	7/30/2012	14115	Fernando Herrera	bench repair	112 · General ...	135.00
Check	8/15/2012	14138	UBS	park services...	112 · General ...	447.81
Check	8/21/2012	14164	Summer Rain Land...	Monthly Main...	112 · General ...	2,050.00
Check	8/21/2012	14164	Summer Rain Land...	removed bro...	112 · General ...	320.00
Check	9/14/2012	14214	UBS	Park Restroo...	112 · General ...	584.00
Check	9/14/2012	14221	Fernando Herrera	Sept. monthl...	112 · General ...	2,031.54
Check	9/14/2012	14221	Fernando Herrera	removal & ha...	112 · General ...	420.00
Check	9/14/2012	14221	Fernando Herrera	removal, fabri...	112 · General ...	2,200.00
Check	9/14/2012	14221	Fernando Herrera	removal of ol...	112 · General ...	1,600.00
Check	9/14/2012	14221	Fernando Herrera	repair chain li...	112 · General ...	80.00
Check	9/28/2012	14251	Summer Rain Land...	Fix broken sp...	112 · General ...	320.00
Check	9/28/2012	14251	Summer Rain Land...	cut down dea...	112 · General ...	280.00
Total 672 · Kensington Park O&M						17,269.61
678 · Misc Park/Rec Expense						
General Journal	9/18/2012	P/R C...	Guitar Center	Reverse of G...	112 · General ...	-2,022.12
Total 678 · Misc Park/Rec Expense						-2,022.12
Total 635 · Park/Recreation Expenses						19,291.22
TOTAL						19,291.22

34

Memorandum

Kensington Police Department



To: KPPCSD Board of Directors

APPROVED YES NO

From: Gregory E. Harman, General Manager/ Chief of Police

FORWARDED TO:

Date: Thursday, October 4, 2012

Subject: Consent Calendar- Board Member Reports

At the September 13, 2012 KPPCSD Board meeting, Director Cathie Kosel handed a 9-page document to KPPCSD President Chuck Toombs and stated that she wanted this document in the minutes of the meeting tonight.

Unfortunately, there was no Board discussion of the document as to its content, factuality, or purpose by the Board and therefore under Section 5060.5.2 of the KPPCSD Board Policy Manual, it is not included as part of the minutes of the meeting.

I have however placed the 9-page document presented by Director Cathie Kosel in the consent calendar under Board Member Reports, in order for it to be part of the October packet.

*Tony
to review
& respond*

September 13, 2012

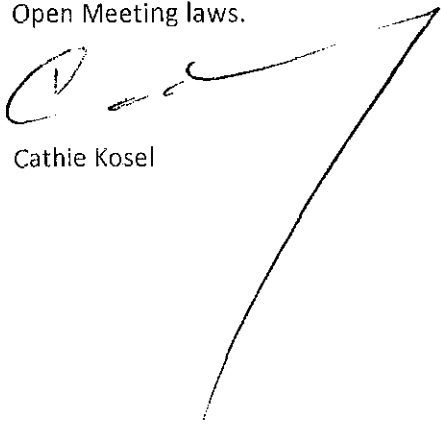
Mr. Harman:

Please include these documents in the minutes of our meeting tonight.

Attached is the compensation package for Mr. Harman. I received this information for the first time at the KPPCSD board meeting last night. You may approve of the amount or you may not. But you should be frightened by way this was done and by the dates on the memos.

- On July 13, 2012, the morning after the meeting at which Chuck Toombs, Linda Lipscomb and Tony Lloyd approved a compensation package which was unintelligible to many in the room, I requested clarification of the compensation as per the memo attached.
- On July 24, 2012, (the memo is incorrectly dated July 23) I received a response to my Public Records Act request from Mr. Harman saying he did not know what the package was.
-
- On August 9, 2012, at the board meeting I received the attached memo detailing what the package was. Note that the memo states that Toombs and Harman executed a contract on July 25, 2012, which is 24 hours after Harman told me he did not know what the board had passed as his compensation package and 20 days before any notice of this was provided to me as a board member or to any member of the public.

This is stunning. This deal was done in violation of existing board policies and in violation of Open Meeting laws.



Cathie Kosel

Memorandum

Kensington Police Department



To: KPPCSD Board of Directors

APPROVED YES NO

From: Gregory E. Harman, General Manager/ Chief of Police

FORWARDED TO

Date: Thursday, August 09, 2012

Subject: Change In Salary

As requested:

Per the contract signed July 25, 2012 between the District and General Manager/ Chief of Police Greg Harman:

The breakdown of the one time merit and cost of living payment of \$16,754 was:

Payment of	\$16,754.00
Taxes Withheld	-\$5,775.93
To GM/COP	\$10,978.07

District paid	
Medicare	\$242.94
PERS District	\$5,648.61
PERS Emp	\$1,507.86

Total District One Time Payout of \$24,153.41

Salary increased from	\$134,500	to	\$148,441
Increase of District PERS from	\$45,730	to	\$50,469
Increase of PERS Employee from	\$12,105	to	\$13,359
Medicare	\$1962	to	\$2,000 (?)
Total	\$194,297	to	\$214,269

Medical	\$19,044	NC
Dental	\$2,432	
Vision	\$220	
Uniform	\$800	
Total	\$22,496	\$22,496

Total Comp	\$216,793	\$236,765
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KPD Memo (04/05) *

Memorandum

Kensington Police Department



To: Cathie Kosel

APPROVED YES NO

From: Gregory E. Harman, General Manager/ Chief of Police

Date: Monday, July 23, 2012

FORWARDED TO:

Subject: Public Records Request- Compensation Package

As of your following Public Records Request made via e-mail on Friday, July 13, 2012;

"Gentlemen:

Under the California Public Records Act, I am requesting that you send me an accounting of the total compensation package that was approved last night for Mr. Harman. Please provide it with all of the components broken out and the amounts individually itemized. Please respond within the time limit prescribed by law.

Thank you.

Cathie Kosel"

As of this date, I have no information available as to the total compensation package that was approved at the July 12, 2012 KPPCSD Board meeting. Once I have that information, I will make it available to you.

I understand that you also requested two copies of the video recording of the meeting and those have been made and are available now at the station for pick up.

----- Forwarded Message

From: Cathie Kosel <ckosel@sbcglobal.net>

Date: Fri, 13 Jul 2012 09:27:35 -0700

To: Greg Harman <gharman@kensingtoncalifornia.org>, Tony Lloyd <lloyd.r@sbcglobal.net>

Conversation: Compensation package

Subject: Compensation package

Gentlemen:

Under the California Public Records Act, I am requesting that you send me an accounting of the total compensation package that was approved last night for Mr. Harman. Please provide it with all of the components broken out and the amounts individually itemized. Please respond within the time limit prescribed by law.

Thank you.

Cathie Kosel

Cathie Kosel, Broker
DRE # R00712617
The Kosel Company
101 Windsor Avenue
Kensington, CA 94708

Cathie@koselco.com
Mobile 510.918.7575
Home Office 510.526.3986
Fax 510.526.4150

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Subject: RE: Compensation package
Date: Tuesday, July 24, 2012 6:52 PM
From: Tony Lloyd <lloyd.r@sbcglobal.net>
To: Cathie Kosel <ckosel@sbcglobal.net>

I have been advised that the CPRA does not cover the submission of my working notes of this activity. Any documents that may be applicable would be distributed by the district.

Tony

Richard (Tony) Lloyd
Vice President - Director
Kensington Police Protection Community Service District
Lloyd.r@sbcglobal.net
510-528-8909 (Office)
510-861-1422 (Cell)

From: Cathie Kosel [mailto:ckosel@sbcglobal.net]
Sent: Tuesday, July 24, 2012 1:35 PM
To: Greg Harman; Tony Lloyd; Kurt A. Franklin
Subject: FW: Compensation package

Gentlemen:

This is overdue.

Cathie

Cathie Kosel, Broker
DRE # R00712617
The Kosel Company
101 Windsor Avenue
Kensington, CA 94708

Cathie@koselco.com
Mobile 510.918.7575
Home Office 510.526.3986

Subject: RE: Compensation package

Date: Tuesday, July 24, 2012 6:17 PM

From: Greg Harman <gharman@kensingtoncalifornia.org>

To: Cathie Kosel <ckosel@sbcglobal.net>

Cc: 'Charles Toombs' <cet@mcinerney-dillon.com>, "'Kurt A. Franklin'" <kfranklin@hansonbridgett.com>, "'Allison C. Schutte'" <aschutte@hansonbridgett.com>

Sorry, thought this was sent to you yesterday.

From: Cathie Kosel [mailto:ckosel@sbcglobal.net]

Sent: Tuesday, July 24, 2012 1:35 PM

To: Greg Harman; Tony Lloyd; Kurt A. Franklin

Subject: FW: Compensation package

Gentlemen:

This is overdue.

Cathie

Cathie Kosel, Broker
DRE # R00712617
The Kosel Company
101 Windsor Avenue
Kensington, CA 94708

Cathie@koselco.com
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Subject: RE: Total compensation
Date: Thursday, April 5, 2012 4:11 PM
From: Greg Harman <gharman@kensingtoncalifornia.org>
To: Cathie Kosel <ckosel@sbcglobal.net>

\$184,500.00.

From: Cathie Kosel [mailto:ckosel@sbcglobal.net]
Sent: Thursday, April 05, 2012 1:46 PM
To: Tony Lloyd
Cc: 'Greg Harman'
Subject: Re: Total compensation

Thank you , Tony.
Greg should be able to pull that figure right away.

On 4/5/12 1:37 PM, "Tony Lloyd" <lloyd.r@sbcglobal.net> wrote:
No problem with that in fact it should be easy to glean from the budget both projected and annual. If not certainly from the line items that make up the budget..Yes. Let me know if I can help you.

Tony
Lloyd.r@sbcglobal.net
510-528-8909
510-861-1422 (Cell)

From: Cathie Kosel [mailto:ckosel@sbcglobal.net]
Sent: Thursday, April 05, 2012 12:58 PM
To: Tony Lloyd; 'Greg Harman'
Subject: Total compensation

BTW, Tony, this total compensation figure that I am requesting should be available without any gathering of information. It is part of any organization's bookkeeping process. It is a figure that any citizen can request, and it probably should appear on our website right away so that people like Paul Dorroh can make an accurate comparative assessment of total compensation

Please provide the following compensation details to directors with the board packet this week.

Your TOTAL COMPENSATION: This should include salary, health plan for self and family, retirement, life insurance, disability insurance, sick leave and vacation leave, professional development leave, auto allowance, cellphone/PDA, uniform allowance, safety equipment reimbursement, professional & civic organization membership, and general expenses (source for this list is the GM/COP contract signed in 2007, so may be different now). Please include any other items that can be considered compensation.

Thanks!
Cathie

Cathie Kosel, Broker
DRE # R00712617
The Kosel Company
101 Windsor Avenue
Kensington, CA 94708

Cathie@koselco.com
Mobile 510.918.7575
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Home Office 510.526.3986
Fax 510.526.4150

between and among agencies.

On 4/5/12 9:16 AM, "Tony Lloyd" <lloyd.r@sbcglobal.net> wrote:
Cathie

This request may be premature. The process that Linda and I are currently engaged in is the compilation of the summary documentation of the GM / COP performance review for the period 12/2010 to 2/2012 this is to be combined with the 2012/2013 performance objectives and discussed with the GM / COP in a collaborative session (which I believe is closed per the guidelines). Once that task has been completed I believe we proceed with a with open session agenda discussion of the GM / COP overall compensation which would include subcomponents (subject to verification) for the board to make a decision on. The timeline for this is to coincide with the current GM / COP employment agreement I believe is by EOM June 2012. GM Harman can validate that date for us. You may recall that these logistics were discussed in some detail towards the end of our closed session meeting on the GM's performance evaluation.

I spoke with Linda last week to inquire of her progress. She informed me that she was working on the process but could give no commitment about completion at the time of that exchange. If you feel we need to expedite this process let me know or if you feel more comfortable fell free to go directly to Linda. I'm sure both us will attempt to comply with your request. If I were to offer an opinion as to when the GM compensation issue could be addressed by the board in open session I would say not before the May meeting and no guarantees even for May at this point.

Tony

Lloyd.r@sbcglobal.net
510-528-8909
510-861-1422 (Cell)

From: Cathie Kosel [mailto:ckosel@sbcglobal.net]
Sent: Thursday, April 05, 2012 8:33 AM
To: Greg Harman
Cc: Tony Lloyd
Subject: Your total compensation

Greg,

September 2012 Police Department Report

October 4, 2012

- Department Personnel
 - We are currently staffed at 9 sworn positions and we currently have two reserve officers. We have hired Stephanie Wilkens as a police officer trainee, and she is currently attending the Napa Police Academy and is expected to graduate December 8th.
- Commendations and Correspondence
 - Officer Wilson received a letter of support from Barbara Steinberg on 09-12-12.
 - Officers Ramos and Wilson, and Sergeant Hui received a thank you note along with a gift basket from the Mindel family on 09-18-12.
 - Detective Stegman, Officer Wilson, and everyone at the police department received a gift basket from "Harry & David" from Jessica Marantz Kurt Yip in response to the solving of her case and the return of property.
- Investigation of Alleged Misconduct
 - Citizen's Investigation 2012-001 was initiated on January 8th, 2012, on an allegation that an officer used racial profiling in issuing a traffic citation. This investigation is being conducted by Sergeant Hull.
 - Department Investigation 2012-002 was initiated on May 14th, 2012, on an allegation that an officer was insubordinate. This investigation is being conducted by Sergeant Hull.
 - Citizen's Investigation 2012-003 was initiated on June 28th, 2012, on an allegation that 3 officers were rude during a traffic stop. This investigation is being conducted by Sergeant Hui.
 - Citizen's Investigation 2012-004 was initiated on June 29th, 2012, on an allegation that an officer used racial profiling in making a traffic stop. This investigation is being conducted by Sergeant Hull.

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

- The Ring Time Report for August documented that of the 51 total 911 calls, 5 had a ring times over 20 seconds.

The first occurred on 09-10-12, at 1559 hours, with a ring time of 34 seconds. After the caller spoke with the dispatcher for 1:46 minutes, no police call for service was generated.

The second occurred on 09-15-12, at 2159 hours, with a ring time of 46 seconds. After the caller spoke to the dispatcher for 2 seconds, no police call for service was generated.

The third occurred on 09-18-12, at 2059 hours, with a ring time of 59 seconds. It was determined that the call was an accidental activation of a personal panic alarm device.

The forth occurred on 09-26-12, at 1420 hours, with a ring time of 40 seconds. The call was for a reported missing child at the Hilltop School. The child was located 23 minutes later.

The fifth occurred on 09-29-12, at 1849 hours, with a ring time of 2:15 minutes. After the caller spoke to the dispatcher for 34 seconds, no police call for service was generated.

- Community Networking

- On 09-05-12, Chief Harman attended the West County Police Chief's Association meeting in Hercules.
- On 09-08-12, Officer Ramos participated in Tri-City Day at the El Cerrito Plaza.
- On 09-10-12, Sergeant Hui attended the KCC meeting.

Officer Wilson attended the KPSC meeting.

- On 09-13-12, Chief Harman, Sergeant Barrow, and Corporal Stegman attended the funeral services for CHP Officer Youngstrom held in Vacaville.
- On 09-15-12, Chief Harman, Yolla Harman, and Officer Turner attended the KCC Movie Night.
- On 09-22-12, Chief Harman participated in the KIC Town Hall meeting.

- On 09-24-12, Chief Harman attended the KIC meeting.
- On 09-26-12, Chief Harman attended the Contra Costa County Police Chief's Association meeting in Martinez.
- On 09-29-12, Detective Stegman participated in the Nation Drug Take Back Day.
- Community Criminal Activity
 - This section of the Watch Commander's Reports are prepared by Sergeant Hui for Team One, Sergeant Barrow for Team Two, and Detective Stegman.
- Watch Commander Reports
 - **Sergeant Hui**

TEAM #1 STATISTICS

Sergeant Hui (K42)
(1600-0400)

Officer:	Ramos (K41) (0600-1800)	Wilson (K38) (1800-0600)
Days Worked	15	15
Traffic Stops	13	20
Moving Citations	8	14
Parking Citations	2	6
Vacation/Security Checks	70	60
FI-Field Interview	0	0
Cases	7	4
Arrests	0	0
Calls for Service	56	32

Officer Ramos took 2.5 hours of vacation time.
Officer Wilson recovered 12 hours of comp time.
Officer Wilson took 24 hours of vacation time.
Sergeant Hui took 44 hours of vacation time.

BRIEFING/TRAINING:

- Reviewed Supplemental Traffic Enforcement Hot Sheet
- Reviewed KPD Policy #205 – Command Protocol
- Reviewed KPD Policy #302 – Use of Force Review

- Reviewed KPD Policy #352 – Outside Agency Assist
- Reviewed KPD Policy #354 – Handcuff Policy
- Reviewed KPD Policy #386 – Off-Duty Law Enforcement Action
- Reviewed KPD Policy #400 – Patrol Function
- Reviewed KPD Policy #402 – Racial/Bias Based Profiling
- Reviewed KPD Policy #403 – Racial/Bias Based Policing/Profiling
- Reviewed KPD Policy #404 – Briefing Training
- Reviewed KPD Policy #410 – Ride Along Policy
- Reviewed KPD Policy #1058 – Employee Speech, Expression, and Social Networking
- Reviewed Government Code 27491 – Coroner’s Duty at Death Scene
- Reviewed Legislative Alert for Pension Reform – AB340 Overview
- Reviewed Graffiti book
- Reviewed CHP Bulletin #219 – On Duty Emergency Vehicle Collisions
- Reviewed PC 3056 – Parole Violations
- Reviewed PC 1203.2 – Probation Violations

SERGEANT’S SUMMARY:

- Vehicle Code 14602.1 – Reporting Vehicle Pursuits to CHP

SERGEANT’S SUMMARY:

As the leaves start falling off the trees, all of us start thinking about the upcoming holidays. As many of us start thinking about purchasing gifts this holiday season, a significant portion of us will order at least a few items from online vendors. Every year, the theft of packages left on front door steps is an issue. If you are considering ordering items online, here are a few tips that will help reduce the likelihood of losing your packages to a would be thief:

1. Try and time your purchases so that they will be delivered on a day that you are likely to be home. Many times, online vendors will have shipping calculators that will estimate your delivery date. If at all possible, try to time your purchases on a day where your package won’t be left on your doorstep for an extended period of time. Some vendors will also offer the option to require a signature on delivery. This requires that a person at your residence signs for the package. Just make sure that someone will be home to sign for the package because shipping companies will not leave a package without a signature.
2. Have the package held for delivery at the nearest shipping station. Many online vendors will email you with a ship confirmation and tracking number. If you track your package and you find out that you won’t be home to receive the package, many shippers (FedEx and UPS, for example) have the option to hold your package at their delivery sub-station for pickup. Make sure you check where the

nearest pickup location is and what times you can stop by to pick up your package first. This ensures that you will receive your package.

3. See if a neighbor or friend is available to pick up your package. If you are out of town or won't be home until late, then try and have a neighbor or nearby friend that can stop by and grab your package for you.

SIGNIFICANT EVENTS:

- 2012-5720 – On 9/02/2012, Officer Wilson responded to the unit blk of Sunset Dr on a report of a residential burglary.
- 2012-5728– On 9/03/2012, Officer Ramos responded to the unit blk of Arlington Ave on the report of a vandalism.
- 2012-5728– On 9/03/2012, Officer Ramos responded to the 500 blk of Beloit Ave on the report of a burglary.
- 2012-5729 – On 9/04/2012, Reserve Officer Armanino arrested a subject on a warrant on the 100 blk of Arlington Ave.
- 2012-5751 – On 9/05/2012, Officer Ramos responded to the 100 blk of Arlington Ave on a report of an identity theft.
- 2012-5836 – On 9/09/2012, Officer Ramos responded to the 200 blk of Stanford Ave on a report of a theft.
- 2012-5997 – On 9/16/2012, Officer Wilson responded to the unit blk of Lam Ct on a report of a residential burglary.
- 2012-5999 – On 9/16/2012, Officer Wilson responded to the 200 blk of Berkeley Park Blvd on a report of a vandalism.
- 2012-6010 – On 9/17/2012, Officer Ramos responded to the unit blk of Highland Blvd on a report of an arson.
- 2012-6140 – On 9/23/2012, Officer Ramos responded to the 100 blk of Kenyon Ave on a report of a residential burglary.
- 2012-6148 – On 9/23/2012, Officer Wilson responded to the 100 blk of Colusa Ave on a report of a petty theft.
- 2012-6171 – On 9/24/2012, Officer Ramos responded to the unit blk of Windsor Ave on a report of a petty theft.
- 2012-6192 – On 9/25/2012, Reserve Officer Armanino arrested a subject for drug violations on the 200 blk of Coventry Rd.

Reserve Officer:	Armanino (K47)
Days Worked	3
Traffic Stops	11
Moving Citations	5
Parking Citations	0
Vacation/Security Checks	9
FI-Field Interview Cases	0

Arrests	2
Calls for Service	7

•• **Sergeant Barrow**

TEAM #2 STATISTICS

Officer:	Martinez (K31) (0600-1800)	Turner (K46) (1800-0600)
Days Worked	13	13
Traffic Stops	28	42
Moving Citations	17	9
Parking Citations	7	3
Vacation/Security Checks	34	42
FI-Field Interview	2	0
Cases	4	7
Arrests	0	2
Calls for Service	60	41

BRIEFING/TRAINING:

Sergeant Barrow attended a two week POST Supervisory class.

- o Reviewed KPD Policy #354 – Handcuffing
- o Reviewed KPD Policy #302 – Use of force
- o Reviewed Government Code 27491 – Coroner's duty at death scene
- o Reviewed KPD Policy #352 – Outside Agency Assist
- o Reviewed KPD Policy #205 – Command Protocol
- o Reviewed KPD Policy #404 – Briefing Training
- o Reviewed KPD Policy #386 – Off-Duty Law Enforcement Action

SERGEANT'S SUMMARY:

This month I am reiterating what I had reported in the August monthly report. On Wednesday, October 3, 2012 as I was finishing this report, I was dispatched to a pedestrian involved vehicle collision on Colusa Avenue at Santa Fe Avenue. Upon my arrival, I discovered that a 10 year old girl had been struck by a vehicle while in the crosswalk. The north bound traffic had stopped to allow the child to cross the street, but unfortunately a driver in the south bound lane slowed but did not stop, thus striking the child. The child made contact with the bumper and windshield, and then fell to the ground. The impact was severe enough to partially smash the windshield during the collision. The child was then taken by ambulance to the hospital.

I see too many people driving aggressively in and around intersections, as well as on the narrow streets of Kensington. It appears that too many drivers feel they are exempt from the rules and should not be held accountable. I would

encourage you to please slow down and obey all traffic laws.

Right-of-way at crosswalks, the California Vehicle Code section 21950(a), (b), and (c) states in part:

(a) The driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this chapter.

(b) This section does not relieve a pedestrian from the duty of using due care for his or her safety. No pedestrian may suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close as to constitute an immediate hazard. No pedestrian may unnecessarily stop or delay traffic while in a marked or unmarked crosswalk.

(c) The driver of a vehicle approaching a pedestrian within any marked or unmarked crosswalk shall exercise all due care and shall reduce the speed of the vehicle or take any other action relating to the operation of the vehicle as necessary to safeguard the safety of the pedestrian. I hope this helps to clarify how motorists and pedestrians should approach crosswalks. By not obeying these California Vehicle Codes you are subject to a citation.

SIGNIFICANT EVENTS:

- 2012-5714 – On 9-01-2012, Officer Turner assisted El Cerrito Police Department with a DUI check point in the 1100 Blk. of Arlington Avenue. Officer Turner stopped a vehicle with seven teenagers inside and the vehicle was only built for five. The driver was arrested for minor in possession of an open alcoholic container within a motor vehicle. One of the passengers was arrested for possession of stolen property and the other five were released at the scene to their parents. The driver had not been drinking and was cited and released at the scene without incident.
- 2012-5715 – On 9-01-2012, Officer Turner assisted El Cerrito Police Department with a DUI check point in the 1100 Blk. of Arlington Avenue. Officer Turner stopped a vehicle with seven teenagers inside and the vehicle was only built for five. I arrived to assist Officer Turner at the scene and found items consistent with a burglary. A victim was identified in the City of Berkeley. One of the passengers was arrested for possession of stolen property. The victim's residence was ransacked by teenagers that had attended a party give by the victim's child.
- 2012-5967 – On 9-15-2012, Officer Martinez took a reported mail theft the unit block of Kensington Drive. A neighbor found the mail down the street and returned it to the owner.
- 2012-5962 – On 9-15-2012, Officer Turner conducted a traffic stop in the unit Blk. Of Cowper Avenue. The driver was contacted and it was determined he was under the influence of an alcoholic beverage. He was arrested and transported to Martinez Detention Facility without incident.

- 2012-6063 – On 9-19-2012, Sgt. Barrow responded to Avenal State Prison to take custody of a prisoner which Kensington Police Department had an arrest warrant for, case number 2010-1457. This case involved the hit and run vehicle accident of an AT&T main phone junction box on Arlington Avenue. I had arrested the suspect on the day of the offence but days later he was released and then rearrested on drug charges. The suspect served two years in state prison for the offence. He was transported to Martinez Detention Facility without incident.
- 2012-6084 – On 9-20-2012, Officer Turner took a report theft of a bicycle in the 600 Blk. Of Plateau Drive. An area check was conducted with negative results. The bicycle had been locked in a storage area underneath the residence. The lock was cut on the storage door and the bicycle was stolen.
- 2012-6078 – On 9-20-2012, Officer Martinez took a reported unauthorized use of a credit card in the unit Blk. Of Cowper Avenue. The victim had received a package they had not ordered. The victim returned the package and was credited the amount spent. No further fraud was detected or reported.
- 2012-6213 – On 9-26-2012, Officer Turner and Sgt. Barrow took a reported vehicle accident in the 100 Blk. on Kenyon Avenue. We arrived and found a vehicle had been driven onto a retaining wall and then into the side of a garage. The vehicle came to rest on top of a vehicle that had been park in the driveway of the home. Two tow trucks were able to remove the vehicle after about an hour of maneuvering the vehicle back and forth.
- 2012-6247 – On 9-26-2012, Sgt. Barrow took a reported missing juvenile in the unit block of Highland Blvd. The juvenile was located a short time later. Miscommunication between the drivers of the car pool on who was going to pick the juvenile up.

TRAFFIC STATISTICS:

19 moving citations were issued on Colusa Ave.
 23 moving citations were issued on Arlington Ave.
 1 moving citations were issued on Grizzly Peak Blvd.
 6 moving citations were issued on Franciscan Way.
 1 moving citation was issued on Westminster Ave.
 1 moving citation was issued on Berkeley Park Blvd.
 2 moving citation was issued on Sunset Road.
 1 moving citation was issued on Oak view Ave.
 1 moving citation was issued on Highland Blvd.

•• Detective Eric Stegman

SIGNIFICANT EVENTS:

54

12-5997 Burglary

On 9/16/12, a residential burglary occurred at an open house. The suspects pretended to be looking to purchase the house. One suspect distracted the realtor while another slipped away into another part of the house. The unattended suspect used this time to take valuables and conceal them. Due to the resident being alert, enough information was provided for me to track down the suspects. When Sgt. Barrow and I interviewed the suspects, they confessed to the crime and they returned the stolen property they still had in their possession. This case has been submitted to the DA for prosecution. A \$605,000 arrest warrant has been issued for the primary suspect.

12-6192 & 12-6198 Possession of narcotics and dangerous weapons.

On 9/26/12 Officer Armanino conducted a traffic stop of a subject on probation. A search of the suspect's vehicle yielded illegal narcotics, and he was arrested. I contacted WESTNET and they assisted KPD with a probation search of the suspect's residence, where we found a second suspect who was subsequently arrested for two outstanding warrants, and possession of additional narcotics. Also located in the suspect's home were several prohibited dangerous weapons. I contacted the Probation Department who violated the original suspect's probation. A judge would later revoke the first suspect's probation as well. The case on the first suspect has been submitted to the DA for prosecution. The second suspect's case is pending.

KPD INVESTIGATIONS INFORMATION:

12-5354 Murder

On 8/13/12 at approximately 1145 hours, Officer Ramos responded to a welfare check for a potential fall victim (James Durkin). Shortly after his arrival Officer Ramos requested I respond to the scene. Due to the initial circumstances I began investigating the case as a homicide. During the investigation it was revealed the victim had been stabbed in the chest with a serrated kitchen knife. Later in the investigation, the suspect (Diane Sydenham), was identified. Early on 8/14/12, Sydenham was arrested for the murder of James Durkin. On 8/16/12 the Contra Costa County District Attorney's Office formally charged Sydenham with murder and she was arraigned.

On 8/30/12 a judge granted an increase in Sydenham's Bail from \$1,000,000 to \$2,000,000. On 9/20/12 Sydenham entered a not guilty plea. The preliminary hearing is scheduled for 10/25/12.

2011-1618 Homicide.

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

KPD INVESTIGATIONS

- Made court run for filling cases, and retrieve court notifications.
- Updated the KPD Case Review Log
- Updated the stolen property log.
- I'm currently assigned one day per week as a Field Training Officer.
- I attended training LPR (License Pate Reader van) on 9/6/12 at the DOJ office in San Francisco.
- I assisted WESTNET in a probation searches on 9/13/12
- On 9/28/12 I assisted ECPD and WESTNET in a stolen vehicle enforcement operation (VSET). We employed the use of the LPD van.

KPD Monthly Crime Statistics

September 2012

Part 1 Crimes	Reported	Open/ Pending	Suspended	Closed	Arrest
Homicide	0	0	0	0	0
Rape	0	0	0	0	0
Robbery	0	0	0	0	0
Felonious Assault	0	0	0	0	0
Residential Burglary	4	1	2	1	0
Larceny Theft	4	1	3	0	0
Vehicle Theft	0	0	0	0	0
Arson	1	0	1	0	0
Part 1 Totals	9	2	6	1	0

Other Crimes

Auto Burglary	0	0	0	0	0
Identity Theft	2	1	1	0	0
Fraud	0	0	0	0	0
Forgeries	0	0	0	0	0
Restraining Order Violations/ Stalking/ Criminal Threats	1	0	0	1	0
Sex Crimes (other)	0	0	0	0	0
Assault/ Battery (other)	0	0	0	0	0
Vandalism	2	0	2	0	0
Drugs	2	0	0	2	2
Warrant	2	0	0	2	2
Hit and Run Felony	0	0	0	0	0
Hit and Run Misdemeanor	0	0	0	0	0
Other Misdemeanor Traffic	2	0	0	2	2

Other Crime Totals	<u>11</u>	<u>1</u>	<u>3</u>	<u>7</u>	<u>6</u>
All Crime Totals	<u>20</u>	<u>3</u>	<u>9</u>	<u>8</u>	<u>6</u>

Traffic Accidents (Non Injury) 0 *

Traffic Accidents (Injury) 0 *

* Stats not received

KPD Crime Statistics

Year to Date 2012

Part 1 Crimes	Reported	Open/ Pending	Suspended	Closed	Arrest
Homicide	1	1	0	1	1
Rape	0	0	0	0	0
Robbery	3	0	1	2	0
Felonious Assault	1	0	0	1	0
Residential Burglary	27	8	13	6	4
Larceny Theft	28	4	20	4	0
Vehicle Theft	4	0	3	1	0
Arson	3	0	3	0	0
Part 1 Totals	<u>67</u>	<u>13</u>	<u>40</u>	<u>15</u>	<u>5</u>

Other Crimes					
Auto Burglary	0	0	0	0	0
Identity Theft	16	9	6	1	0
Fraud	1	1	0	0	0
Forgeries	0	0	0	0	0
Restraining Order Violations/ Stalking/ Criminal Threats	7	0	0	7	3
Sex Crimes (other)	0	0	0	0	0
Assault/ Battery (other)	2	0	0	2	1
Vandalism	18	1	16	1	0
Drugs	5	0	0	5	7
Warrant	12	0	0	12	11
Hit and Run Felony	0	0	0	0	0
Hit and Run Misdemeanor	5	1	3	1	0
Other Misdemeanor Traffic	5	1	0	4	3
Other Crime Totals	<u>71</u>	<u>13</u>	<u>25</u>	<u>33</u>	<u>25</u>

All Crime Totals	138	26	65	48	30
-------------------------	------------	-----------	-----------	-----------	-----------

Traffic Accidents (Non Injury)	9
Traffic Accidents (Injury)	2

•• Chief Harman

I would like to take this opportunity to note what a good job our officers are doing so far this year in investigated criminal activity. As you can see from Detective Stegman's chart, total Part 1 crimes to date are at 67. The total of Part 1 Crimes last year was 74. Over all crime occurrence is up, not only in Kensington, but throughout the state. The primary reason for this is the implementation of AB109, the Realignment Act, at the end of last year, in which 30,000 inmates were released from state prison.

However, even though crime is up, so are our arrests and closure rates. Our clearance rate for our Part 1 crimes against persons is at 80%, and this includes the arrest of the suspect responsible for the homicide in August. Our clearance rate for our Part 1 property crimes is at 17%, however, our residential burglary clear rate is at 22%. Overall clearance rate for all crimes is at 35%, with 30 arrests being made so far this year.

I am very proud of the work our officers are doing and the community should be too.

Kensington Calif. 94707
9/06/12

Dear Office Wilson;

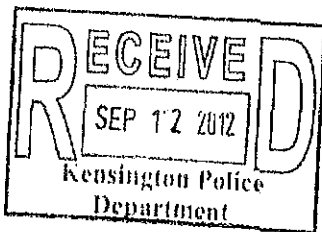
I am writing in response to your E mail of 9/02/12.

I am so sorry you are not feeling supported by our Kensington community. I am assuming that your perceptions / feelings are also shared by the rest of the Department.

I have lived here for the last 50 years. I feel most fortunate to have the services all of you provide. I was at the council meeting in which the discussion about Chief Harmon's salary increase took place. I certainly supported the decision to raise his salary. I am so sorry I did not speak out in support of the services all of you provide. Several people did so and I thought my voice was not necessary. I was wrong! my response should have been spoken also.

I want to thank you, personally, for the particular services you provide.

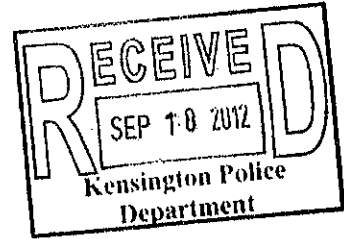
Sincerely,
Barbara Steinberg



Forwarded:

OFFICE WILSON, FIRE, PREVENT.

Officer Ramos
(? Wilson ? Sgt Hvi)



Thank you.....
I can't express
how much I and
my family appreciate
your kindness and
help. We are very lucky.



Justin & Max

Amelie Mindel

Harry & David
Happiness Delivered

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YOUR
GIFT
MESSAGE

Thank you again Officers
Steagman and Wilson and
everyone at the police dept.
From: Jessica Marantz Kurt Yip



32800729101 94715 880 426X

H00426-B000 00088
PC 1 DM FP 1 10/01/12
WV 043840 LD 2833
KEY 350 2P 09/25/12

ORD#1009648930 0001

2518-SOUTH PACIFIC HWY
MEDFORD OR 97501

Carrier--Leave if no response

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S31
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958

October 2012

October 2012							November 2012						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
	1	2	3	4	5	6			1	2	3		
7	8	9	10	11	12	13	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28	29	30	

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Sep 30 - Oct 6	Sep 30	Oct 1 7:00pm 8:00pm Cub-Scouts (CCM) 7:30pm 9:30pm KCC (CC#)	2 7:00pm 10:00pm Troop 100 (CCM)	3	4 7:15pm 9:15pm EBC (Side Room)	5 5:30pm 8:30pm All Creatures Big and Small (CCM)	6 8:00am 6:00pm All Creatures Big and Small (CCM)
	7	8 3:45pm 5:45pm Girl Scouts (CCM) 6:30pm 7:30pm KPSC (CC3) 7:00pm 8:00pm Cub-Sc 7:30pm 8:30pm KARO (9 7:00pm 10:00pm Troop 100 (CCM)	10 7:00pm 9:00pm KFD Mtg (CC3)	11 7:00pm 10:00pm KPPCSD-MTG (CC3)	12	13 12:00pm 6:00pm rental
Oct 7 - 13	14	15 Copy: Monthly Statistid 7:00pm 8:00pm Cub-Scouts (CCM)	16 7:00pm 10:00pm Troop 100 (CCM)	17	18 7:15pm 9:15pm EBC (Side Room)	19	20 5:00pm 11:00pm CC Rental (CCM)
	21 KCC Annual Parade (CC	22 7:00pm 8:00pm Cub-Scouts (CCM) 7:30pm 9:30pm KIC (CC3)	23 7:00pm 10:00pm Troop 100 (CCM)	24	25 6:30pm 8:00pm Gioia Street Light Mtg (CCM)	26	27 3:00pm 11:30pm rental
Oct 14 - 20	28	29 7:00pm 8:00pm Cub-Scouts (CCM)	30 7:00pm 10:00pm Troop 100 (CCM) 7:30pm 9:00pm KMAG (CC3)	31 HALLOWEEN	Nov 1	2	3
	Oct 21 - 27						
Oct 28 - Nov 3							

27

November 2012

November 2012							December 2012						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
				1	2	3							1
4	5	6	7	8	9	10	2	3	4	5	6	7	8
11	12	13	14	15	16	17	9	10	11	12	13	14	15
18	19	20	21	22	23	24	16	17	18	19	20	21	22
25	26	27	28	29	30		23	24	25	26	27	28	29
							30	31					

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	Oct 28	29	30	31	Nov 1	2	3
Oct 28 - Nov 3					7:15pm 9:15pm EBC (Side Room)		
	4	5	6	7	8	9	10
Nov 4 - 10		3:45pm 5:45pm Girl Scouts (CCM) 7:00pm 8:00pm Cub-Scouts (CCM) 7:30pm 9:30pm KCC (CC3)	6:00am 9:00pm Voting (CC1) 7:00pm 10:00pm Troop 100 (CCM)		7:00pm 10:00pm KPPCSD.MTG (CC3)		12:00pm 4:00pm CC Rental (CCM)
	11	12	13	14	15	16	17
Nov 11 - 17		6:30pm 7:30pm KPSC (CC3) 7:00pm 8:00pm Cub-Scouts (CCM) 7:30pm 8:30pm KARO (CC3)	7:00pm 10:00pm Troop 100 (CCM)	7:00pm 9:00pm KFD Mtg (CC3)	Copy: Monthly Statistic 7:15pm 9:15pm EBC (Side Room)		
	18	19	20	21	22	23	24
Nov 18 - 24		7:00pm 8:00pm Cub-Scouts (CCM)	7:00pm 10:00pm Troop 100 (CCM)				
	25	26	27	28	29	30	Dec 1
Nov 25 - Dec 1		7:00pm 8:00pm Cub-Scouts (CCM) 7:30pm 9:30pm KIC (CC3)	7:00pm 10:00pm Troop 100 (CCM) 7:30pm 9:00pm KVMAC (CC3)	6:00pm 9:30pm KASEP REG (CCM)			

28

Office Report prepared by Marty Westby, Administrator
Kensington Community Council Board Meeting
October 1, 2012

KASEP:

KASEP Fall session started Monday, September 24th. There are 47 KASEP enrichment classes offered this session of which 330 class seats are filled. New classes offered this fall include Spanish, Pokemon, and Mask Making for upper grades (1-6) and Fun with Crafts, Creative Drama and Motion, Movement and Music for kindergarten. There are a few spaces left in select classes; parents can call KCC to check on availability for late sign-up.

In addition to scheduled KASEP classes, new this year to KCC are classes are Circus and BandWorks, School of Rock. Both classes are full for this fall session; applications for winter session are being accepted.

Families donated \$525 to KCC's Scholarship Fund during fall registration. Thank you to the generous families who gave this year. Scholarship Fund serves as a resource to help families in-need to enroll in KASEP classes. KCC awarded 4 scholarships for fall session.

KCC Classes and Events:

New adult classes being taught this fall: Ceramics for Adults, taught on Wednesdays from 10:00 – noon. No drop-ins please, call to reserve a place. Jazzercise started Oct. 1st and is on-going: Monday, Wednesday and Fridays, 8:15 – 9:15am at the Community Center, drop-ins are OK. Stan's Acrylic Art class is in full gear. They start their mornings painting, then have lunch and last critique each other's work. Entry is by permission of the instructor.

Paul Grunland will lead a group of interested citizens on a "Historic Maybeck Estate Walk" scheduled for Saturday, November 3rd from 10:00 to noon. Reservations can be made by calling KCC. Good walking shoes are encouraged!

KCC Administrative:

KCC Annual Fund Drive launched in September with a letter from Anne Forrest, KCC President, printed in September's Outlook accompanied by an envelope insert to send in donations. Generous donations are being received.

The KCC Annual Family Parade and Picnic is scheduled for Sunday, October 21st. Parade meets downtown Kensington and marches to the community center for food, pumpkin decorating, live music and family fun activities.

KCC donated two classes to the Kensington Hilltop Garden Party, one for Winter KASEP class and one for Spring KASEP class.

The Recreation Building passed its annual fire alarm system test; batteries replaced as part of an annual inspection.

64

General Manager September 2012 Report

Budget

We received some good news on September 5th, when I received a letter from our Workman's Comp insurer, SDRMA, indicating that we had no paid workers compensation claims for the 2011-12 year. This will reduce our Workman's Comp insurance premium for the next fiscal year.

We also received a \$4,300.00 reimbursement from AAA that was made following the traffic collision that resulted in damage to the park property on August 11th.

Kensington Park

Community Center & Annex

The Park Buildings Committee has sent out and received four requests for proposals for financial consultant services to determine the best funding option for the remodel of the Community Center. The Committee has identified one of the four to proceed to the contract negotiation phase. We are still waiting on the final scope of work to be provided by the identified consultant. The hiring of the financial consultant was made possible by the generous donation of up to \$5,000 from the Kensington Community Council (KCC).

Park Repairs

Our Intern, Kristen Noe, has reviewed bids from 5 tree removal services and has identified Professional Tree Care Company to contract with to remove the dying pine tree leaning towards 92 Highland. The low quote was for \$3,150.00 and our original estimated budget was for \$5,000.00. We had received four other quotes of \$4,480.00, 4,650.00, \$4,680.00, and \$5,152.00. We expect the work to take place mid- October.

Great job Kristen!

Emergency Preparedness

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

The next meeting of the Kensington Public Safety Council will take place Monday, October 8th, at 6:30 PM at the Community Center Room #3. It is very important for those interested in Kensington's emergency preparedness to come to the meetings. The declining community interest in this group is placing this group's

continued existence in jeopardy.

Other District Items of Interest

Solid Waste

Our KPPCSD Board and attorneys have been negotiating with Bay View's attorney in an attempt to identify an arbitrator to hear the demand for arbitration for increased fees made by Bay View recently. An arbitrator has now been agreed on, retainer paid, and we are moving forward in the process.

Public Works Issues

Street Lights

In March, I sent the County a listing of all the street lights that were out along the Arlington. In April, you may have noticed that the street light pole in front of the Chevron station had been tied off with ropes to the Kensington Improvement Club sign board and the lights removed. The investigation into why and by who took some time but in June I was informed by the County that the streetlights are being replaced by PG&E as part of a centerbore wood pole replacement project going on throughout Contra Costa County. On Monday, July 23rd, I was advised that Pacheco Utility would be starting the PG&E pole replacement project on the Arlington on Tuesday, July 24th. And start it they did.

I have obtained the information on taxes the community pays for the Contra Costa County Street Lighting Service, L-100 on your tax bill, and the information on Contra Costa County Landscaping District, which appears as LL-2 on your tax bill.

I have also received at least a half dozen complaints so far about the look of the new lights and I have been in touch with Kate Rauch at John Gioia's office. Kate investigated the project for us and received this reply from the Assistant Contra Costa County Public Works Director;

"Kate,

It is my understanding that the Kensington Community has concerns over PG&E's centerbore wood pole streetlight replacement project. In the current project area, streetlight service is provided by County Service Area L-100 (CSA L-100). This means that CSA L-100 pays PG&E for the streetlight service and maintenance. The rate schedule for this is LS 1, where PG&E owns and maintains the streetlights and CSA L-100 pays a flat rate for each light.

County staff met with PG&E representatives earlier this year regarding phase 1 of the centerbore wood pole replacement project. All wood poles have a life expectancy and PG&E made a determination to take a proactive approach to

replace them. The purpose of the replacement project would be to provide more reliable lighting to communities, reduce pole failures and overall maintenance costs. At that meeting, it was our understanding that streetlight pole replacements would be done with similar decorative poles if appropriate. Similar streetlight replacement projects in other unincorporated areas were done this way (aging decorative wood poles were replaced with new decorative light poles). We are currently contacting our PG&E representative to determine why a standard galvanized pole is currently being installed, not a decorative alternative.”

On Monday, August 27th, I met with County Supervisor John Gioia, KPPCSD Director Linda Lipscomb, KIC President Mellissa Holms-Synder, County Public Works representatives, and representatives from PG&E to discuss the project and Kensington’s concerns.

As of this date the replacement project has been halted and Supervisor Gioia has arranged for a public meeting between the County, PG&E, and all concerned Kensington residents on Thursday, November 1, at 6:30PM, at the Community Center.

Paths

The County recently completed the drainage project on the Highland/ Kenyon path which will now begin the process of the District acquiring title of the path as directed by the KPPCSD Board. I have contacted a group of volunteers to assist me in working with the County in acquiring title and identifying the steps and possible actions needed once title is completed.

Kate Rauch of John Gioia’s office is also setting up a meeting between the County, the District, and our legal representatives as we move this project along.

Street Resurfacing

We have been notified by the County that starting September 30th, the long awaited street resurfacing project will begin. The project will be in three phases, with a phase being completed each year. Phase One, which as mentioned starts September 30th, will be the resurfacing of the streets east of the Arlington, and will last 10 working days. Although this work has been inconvenient to drivers and home owners, it has been long overdue, so please be patient and courteous when dealing with the traffic delays and lack of parking.

Website

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

Drug Take Back Day

On Saturday, September 29th, Detective Stegman along with the Kensington Fire Department held the National Drug Take Back Day, the second one held this year. They collected 136 pounds of medications in pill and powder form, along with an unknown amount of cream, liquids, and aerosol medication.

Special District Risk
Management Authority

Maximizing Protection,
Minimizing Risk.

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T 800.537.7790
F 916.231.4111
www.sdrma.org



September 5, 2012

Mr. Charles Toombs
Board President
Kensington Police Protection and Community Services District
217 Arlington Avenue
Kensington, California 94707-1498

Re: No Paid Workers' Compensation Claims in 2011-12

Dear Mr. Toombs:

This letter is to formally acknowledge the dedicated efforts of the Kensington Police Protection and Community Services District's Governing Body, management and staff towards proactive loss prevention and workplace safety. Your agency's efforts have resulted in no "paid" workers' compensation claims for program year 2011-12. A "paid" claim for the purposes of this recognition represents the first payment on an open claim during the prior program year. This is a great accomplishment!

It is through the efforts of members such as Kensington Police Protection and Community Services District that SDRMA has been able to continue providing affordable workers' compensation coverage to over 372 public agencies throughout California. In fact, 222 members or 60% in the workers' compensation program had no "paid" claims in program year 2011-12.

In addition to this annual recognition, members with no "paid" claims during 2011-12 earn 2 credit incentive points (CIPs) thereby reducing their annual contribution amount. Also, members without claims receive a lower "experience modification factor" (EMOD) which also reduces their annual contribution amount.

As SDRMA is dedicated to serving its members and preventing claims, we would appreciate your agency taking a moment and sharing with us what made your District successful in preventing work related injuries. Our goal is to incorporate your successful ideas and suggestions into our loss prevention programs to benefit all members of SDRMA. Please forward any ideas or suggestions to Dennis Timoney, SDRMA Chief Risk Officer at dtimoney@sdrma.org.

On behalf of the SDRMA Board of Directors and staff, it is my privilege to congratulate the Governing Body, management and staff of Kensington Police Protection and Community Services District for their commitment to proactive loss prevention and safety in the workplace.

Sincerely,
Special District Risk Management Authority

David Aranda, President
Board of Directors

A proud California Special Districts
Alliance partner

California Special Districts Association
1112 I Street, Suite 200
Sacramento, California 95814-2865
T 877 924.CSDA (2732)
F 916 442 7889

CSDA Finance Corporation
1112 I Street, Suite 200
Sacramento, California 95814 2865
T 877 924.CSDA (2732)
F 916 442 7889



Memorandum

Kensington Police Department



To: KPPCSD Board of Directors

APPROVED YES NO

From: Gregory E. Harman, General Manager/ Chief of Police

FORWARDED TO:

Date: Thursday, October 04, 2012

Subject: OB Item #1 Conflict of Interest Policy #1020 Revision-Second Reading

On Friday, August 10th, 2012, I received a fax from our legal counsel, Julie Sherman, of Hanson/ Bridgett, indicating that the District needed to update its Conflict of Interest policy, KPPCSD Board Policy #1020.

Government Code 87300 et seq. requires that the District review its Conflict-of-Interest Code every two years, in even numbered years. At that time, if not sooner, the District should amend its Conflict-of-Interest Code if there are changes in the law that require it. In addition, the District is supposed to update its Code more frequently to reflect any new positions that require amendment of the list of designated positions.

The District last reviewed its Conflict-of-Interest Code in 2010. Julie Sherman has reviewed the applicable law and there have been no statutory changes since 2010 that require amendments to the Conflict-of-Interest Code. But in its 2012 training sessions, the FPPC has recommended changes to the form of Conflict-of-Interest Codes that our District has not yet made. The FPPC reviews Conflict-of-Interest Codes for state agencies and for multi-county agencies. Although County Boards of Supervisors rather than the FPPC review Conflict-of-Interest Codes for agencies within a single county such as the District, because the FPPC is charged with issuing regulations governing Conflict-of-Interest Codes, Julie Sherman strongly suggests that the District's conflict-of-interest code be amended to incorporate the FPPC's guidance.

Under Government Code section 87302(a), every position in our agency involved in making or participating in making governmental decisions must be designated in your agency's code, unless those positions are subject to the filing requirements of section 87200 (e.g., chief administrative officers and officials who manage public investments).

The County requires that the District review its conflict-of-interest code and inform the County whether or not amendments are needed by September 1. The County has been notified that amendments are required on August 28th and those amendments have been made to the revision of Policy #1020 and were presented for the first reading September 13th.

Since amendments are needed, the draft amended code must be submitted to the County within 90 days of informing the County that amendments were needed. In other words, since the District submitted the form to the County August 28th indicating that amendments are needed, then the amended Conflict-Of-Interest Code must be submitted to the County within 90 days following the submittal of the form and due or no later than November 26th.

By having the first reading of the revision September 13th, and the second reading and passing of Resolution 2012-08 on October 11th, we meet the deadline with the November 8th meeting to spare.

On September 13th, the Board had the first reading of the revision to the Conflict of Interest Code, motion was made to approve, and the first reading passed unanimously.

Following the second reading at the October 11th meeting, if approved, then the Board can move to New Business Item #1, the approval of Resolution 2012-08.

Once the Board passes resolution 2012-08 approving the amendments, the draft of the revised Policy 1020 will be sent to the Policy Committee to be formatted to the Board Policy Manual revision. The County will also be proved with all necessary documentation as required.

CONFLICT OF INTEREST CODE

**KENSINGTON POLICE PROTECTION AND COMMUNITY
SERVICES DISTRICT**

Amended on the 10th day of February, 2011

By Resolution No. 2011-02

Amended on the 11th day of October, 2012

By Resolution No. 2012-08

The Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The California Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard Conflict of Interest Code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendices in which officials, employees and consultants are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the Kensington Police Protection and Community Services District (District).

Designated officials, employees and consultants shall file statements of economic interests with the District, which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008) Upon receipt of the statements of all designated officials and employees, the District shall make and retain a copy and forward the original of these statements to the County of Contra Costa Clerk of the Board of Supervisors, which shall be the filing officer.

APPENDIX A: DESIGNATED POSITIONS

Designated Position	Disclosure Category(ies)
General Manager	1,2
Consultants/New Positions	*

*Consultants/New Positions are included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation:

The General Manager may determine in writing that a particular consultant or new position, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code. (Gov. Code Section 81008.)

The following positions are NOT covered by the conflict-of-interest code because they must file a statement of economic interests pursuant to Government Code Section 87200 and, therefore, are listed for information purposes only:

Members of the District's Board of Directors

An individual holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe their position has been categorized incorrectly. The Fair Political Practices Commission makes the determination whether a position is covered by Section 87200.

APPENDIX B: DISCLOSURE CATEGORIES

Category 1

All investments, business positions, and sources of income (including loans, gifts, and travel payments) from sources that provide services, supplies, materials, machinery, or equipment of the type utilized by the District.

Category 2

All interests in real property located in whole or in part within the District's jurisdiction or within two miles of the District's jurisdiction.

RESOLUTION NO. 2012-08

ADOPTING THE AMENDED CONFLICT OF INTEREST CODE

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

WHEREAS, the Kensington Police Protection and Community Services District (District) adopted a Conflict of Interest Code (Code) as required by the Political Reform Act of 1974; and

WHEREAS, California Government Code Section 87306.5 requires that the District review its Code every even-numbered year and revise it if necessary; and

WHEREAS, Legal Counsel and staff have reviewed the current Code and have determined that the Code should be updated to reflect current standard language recommended by the Fair Political Practices Commission and that the Appendix to the Code listing Disclosure Categories should be amended to tailor the requirements more closely to financial interests that could lead to a conflict of interest in the performance of staff duties on behalf of the District; and

WHEREAS, Legal Counsel and staff recommend adopting the attached amended Code.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Kensington Police Protection and Community Services District that the amended Conflict of Interest Code is hereby adopted, in the form presented to the Board of Directors; and

BE IT FURTHER RESOLVED that the District Secretary is directed to transmit a copy of the amended Conflict of Interest Code to the Board of Supervisors of Contra Costa County for its review and approval.

Regularly passed and adopted this 11th day of October 2012, by the following vote of the Board:

AYES:

NOES:

ABSENT:

President, Board of Directors
Kensington Police Protection and Community Services District

ATTEST:

General Manager/ Chief of Police

Memorandum

Kensington Police Department



To: KPPCSD Board of Directors

APPROVED YES NO

From: Gregory E. Harman, General Manager/ Chief of Police

Date: Thursday, October 4, 2012

FORWARDED TO:

Subject: NB Item # 2- Resolution 2012-09 LAIF Investments

On September 18th, I received a notice from the county requesting we update our resolution of authorizing investment monies in our Local Agency Investment Fund (LAIF). I was provided a copy of the required resolution, which is now identified as KPPCSD Resolution 2012-09, and a copy of the Delegation of Authority Form. Both of these documents are part of your packet, along with the letter from the Belinda Zhu, making the request.

Contra Costa County

Treasurer-Tax Collector's Office

625 Court Street
Finance Building, Room 102
Martinez, California 94553-1231
(925) 957-2850
(925) 957-2899 FAX



Russell V. Watts
Treasurer-Tax Collector

Brice E. Bins
Chief Deputy
Treasurer-Tax Collector

Belinda Zhu
Assistant County Treasurer

Re: Resolution of Authorizing Investments in the Local Agency Investment Fund

Dear Mr. Harman:

To better manage the documents on file, we are requesting all the Local Agency Investment Fund (LAIF) participants to update their resolutions of authorizing investment of monies in LAIF managed by the State of California Treasury. Your resolution may be outdated due to various reasons such as personnel changes in your office. Therefore, please provide us with 1) an original resolution newly adopted by your Board of Directors and 2) an original and executed "Delegation of Authority" form. A sample resolution and a copy of Delegation of Authority form are enclosed for your reference.

Please feel free to contact Esther Garibay or me at 925-957-2850 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Belinda Zhu".

Belinda Zhu
Assistant County Treasurer
Contra Costa County

Enclosure:

1. Sample Resolution Authorizing Investments in LAIF
2. Delegation of Authority

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

Resolution 2012-09 of Kensington Police Protection & Community Services District

AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND

WHEREAS, Pursuant to Chapter 730 of the statutes of 1976 Section 16429.1 was added to the California Government Code to create a Local Agency Investment Fund in the State Treasury for the deposit of money of a local agency for purposes of investment by the State Treasurer; and

WHEREAS, the Board of Directors does hereby find that the deposit and withdrawal of money in the Local Agency Investment Fund in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein as in the best interests of the Kensington Police Protection & Community Services District.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors does hereby authorize the deposit and withdrawal of Kensington Police Protection & Community Services District monies in the Local Agency Investment Fund in the State Treasury in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein, and verification by the State Treasurer's Office of all banking information provided in that regard.

BE IT FURTHER RESOLVED, that the following Kensington Police Protection & Community Services District officers or their successors in office shall be authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund:

Name Gregory E. Harman	Name Andrea Di Napoli	Name Deborah Russell
Title General Manager/Chief of Police	Title Police Services Specialist	Title KPPCSD CPA

Signature _____ Signature _____ Signature _____

PASSED AND ADOPTED, by the Board of Directors of Kensington Police Protection & Community Services District Contra Costa County of State of California on October 11, 2012.

Ayes: Noes: Absent:

President, Board of Directors
Charles Toombs

Attest: _____
General Manager/ Chief of Police
Gregory E. Harman

DELEGATION OF AUTHORITY
KENSINGTON POLICE PROTECTION & COMMUNITY SERVICES DISTRICT

Local Agency Investment Fund
P.O. Box 942809
Sacramento, CA 94209-0001

LAIF Account No.
16-07-003

To Whom It May Concern:

Pursuant to the resolution of the **KENSINGTON POLICE PROTECTION & COMMUNITY SERVICES DISTRICT** for AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND, this letter shall serve as delegation of authority to the following persons or their successors from the Contra Costa County Treasurer's Office to execute the deposit and withdrawal of monies on behalf of the **KENSINGTON POLICE PROTECTION & COMMUNITY SERVICES DISTRICT**. The deposit or withdrawal of monies shall only be permitted with prior written instructions from the **KENSINGTON POLICE PROTECTION & COMMUNITY SERVICES DISTRICT** to the County Treasurer. In addition, these persons or their successors from the Contra Costa County Treasurer's Office shall be given the authority to update the account as necessary upon changes in personnel, address or banking information with the Local Agency Investment Fund on behalf of the **KENSINGTON POLICE PROTECTION & COMMUNITY SERVICES DISTRICT**.

Russell V. Watts
Treasurer-Tax Collector

Brice Bins
Chief Deputy
Treasurer-Tax Collector

Belinda Zhu
Assistant County Treasurer

Ammy Pluth
Treasurer's Investment
Officer

Esther Garibay
Treasurer's Investment
Operations Analyst

Sincerely,

(NAME) Must be on resolution

(NAME) Must be on resolution

(SIGNATURE)

(SIGNATURE)

(DATE)

(DATE)

Memorandum

Kensington Police Department



To: KPPCSD Board of Directors

APPROVED YES NO

From: Gregory E. Harman, General Manager/ Chief of Police

FORWARDED TO:

Date: Thursday, October 4, 2012

Subject: NB Item # 3- Employee Reimbursement

Director Cathie Kosel will be presenting a proposal to the Board at the October 11th, KPPCSD Board meeting, suggesting that KPPCSD adopt specific guidelines for reimbursement for meals and incidental expenses for employees. Her documentation provided is attached to this memo.

The KPPCSD Board Ad-Hoc Policy Committee has been meeting regularly since December of last year, working on revisions to the KPPCSD Board Policy Manual. The subject of employee reimbursement for meals, training expenses, and incidental expenses has been targeted for revisions at the committee's first meeting and is part of the scope of the work the committee is presently conducting for submission to the Board for review and approval.

I would recommend that the Board move to leave this policy revision with the Policy Committee for submission to the Board as part of the Policy Committee's project.

*For next meeting
Follow-up on
status.*

Agenda item for October, 2012 KPPCSD meeting

I would like to suggest that KPPCSD adopt specific guidelines for reimbursement for meals and incidental expenses for employees. The U.S. General Services Administration has published guidelines which are included as background for this agenda item.

In addition, on their website they publish guidelines for per diem lodging rates for destinations listed by county. An example for Contra Costa and Alameda Counties is attached.

Proposed by Cathie Kosel



Home > Policy & Regulations > Travel, Transportation, & Relocation > Travel Management > Per Diem >

- Per Diem
- Overview
- FY 2012 Highlights
- FY 2013 Highlights
- Per Diem Files (Archived)
- Per Diem Mobile App
- FAQ
- Have a Per Diem Question?
- M&IE Breakdown**
- Factors Influencing Lodging Rates
- Fire Safe Hotels
- Per Diem RIMBA

Meals and Incidental Expenses (M&IE) Breakdown

The following table is provided for federal employees who need to deduct provided meals from their daily meals and incidental expense (M&IE) allowance. Refer to Section 301-11.18 of the Federal Travel Regulation for specific guidance on deducting these amounts from your per diem reimbursement claims for meals furnished to you by the government. Other organizations may have different rules that apply for their employees; please check with your organization for more assistance.

The table lists the six M&IE tiers in the lower 48 continental United States (currently ranging from \$46 to \$71). If you need to deduct a meal amount, first determine the location where you will be working while on official travel. You can look up the location-specific information at www.gsa.gov/perdiem. The M&IE rate for your location will be one of the six tiers listed on this table. Find the corresponding amount on the first line of the table (M&IE Total) and then look below for each specific meal deduction amount.

The table also lists the portion of the M&IE rate that is provided for incidental expenses (currently \$5 for all tiers), as well as the amount federal employees receive for the first and last calendar day of travel. The first and last calendar day of travel is calculated at 75 percent.

M&IE Total	\$46	\$51	\$56	\$61	\$66	\$71
Breakdown Breakfast and Lunch	\$7	\$8	\$9	\$10	\$11	\$12
Lunch	\$11	\$12	\$13	\$15	\$16	\$18
Dinner	\$23	\$26	\$29	\$31	\$34	\$36
Incidentals	\$5	\$5	\$5	\$5	\$5	\$5
First & Last Day of Travel	\$34.50	\$38.25	\$42	\$45.75	\$49.50	\$53.25

The shortcut to this page is www.gsa.gov/mie.

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- RELATED GSA TOPICS**
- State Tax Exemption Forms
 - FedRooms®
 - Travel E-mail Notification
 - POV Mileage Reimbursement Rates

QUESTIONS:
For all travel policy questions, e-mail travelpolicy@gsa.gov.

- GOVERNMENT LINKS**
- Fire Safety Information



U.S. General Services Administration

[Home](#) > [Policy & Regulations](#) > [Travel, Transportation, & Relocation](#) > [Travel Management](#) > [Per Diem](#) > [Per Diem Rates](#) >

FY 2012 Per Diem Rates for ZIP 94708

(October 2011 - September 2012)

ADDITIONAL PER DIEM TOPICS

- [Meals & Incidental Expenses Breakdown \(M&IE\)](#)
- [FAQs](#)
- [State Tax Exemption Forms](#)
- [Factors Influencing Lodging Rates](#)
- [FY 2012 Per Diem Highlights](#)
- [Fire Safe Hotels](#)
- [Have a Per diem Question?](#)
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SEARCH BY CITY, STATE OR ZIP CODE

Enter your city or Enter your ZIP Code

FIND PER DIEM RATES

[Per Diem Map >](#)

Cities not appearing below may be located within a county for which rates are listed. To determine what county a city is located in, visit the [National Association of Counties \(NACO\) website \(a non-federal website\)](#).

The following rates apply for 94708

Primary Destination (1)	County (2,3)	Max Lodging by Month (excluding taxes)												Meals & Inc. Exp. (4)	
		2011			2012										
		Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep		
Anfioch / Brentwood / Concord	Contra Costa	101	101	101	101	101	101	101	101	101	101	101	101	101	66
Oakland	Alameda	99	99	99	99	99	99	99	99	99	99	99	99	99	61

* NOTE: Traveler reimbursement is based on the location of the work activities and not the accommodations
 ** Meals and Incidental Expenses, see Breakdown of M&IE Expenses for important information on first and last days of travel.

CONTACTS

- [Additional Contacts for](#)
- [Travel Management Policy](#)

NEED MORE INFORMATION?

- [Rates for Alaska, Hawaii, U.S. Territories and Possessions \(set by DoD\)](#)
- [Rates in Foreign Countries \(Set by State Dept.\)](#)
- [Federal Travel Regulations \(FTR\)](#)

RELATED TOPICS

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814