

# 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, February 11, 2010, at 7:00 P.M., at the Community Center, 59 Arlington Avenue, Kensington, California.

Note: All proceedings of this meeting will be tape recorded

Roll Call  
Public Comments  
Board Member/Staff Comments

### APPROVAL OF CONSENT CALENDAR

- a) Minutes of the Special Meeting January 7, 2010, pg 3
- b) Minutes of the Regular Meeting January 14, 2010, pg 6
- c) Profit & Loss Budget Performance for January 2010 (There will be no Variance Report with the Mid-Year Review), pg 10
- d) Board Member Reports (none)
- e) Correspondence (none)
- f) Police Department Update, pg 13
- g) Monthly Calendar, pg 24
- h) Recreation Report (none)
- i) General Manager Update, pg 26

### DISTRICT – OLD BUSINESS

1. General Manager Greg Harman will present the Board with "Preliminary Building & Site Plan' for the park restroom for review and comment. pg 29
2. General Manager Greg Harman will present the Board with an update on the Annex remodeling project for Board action. pg 43

### DISTRICT - NEW BUSINESS

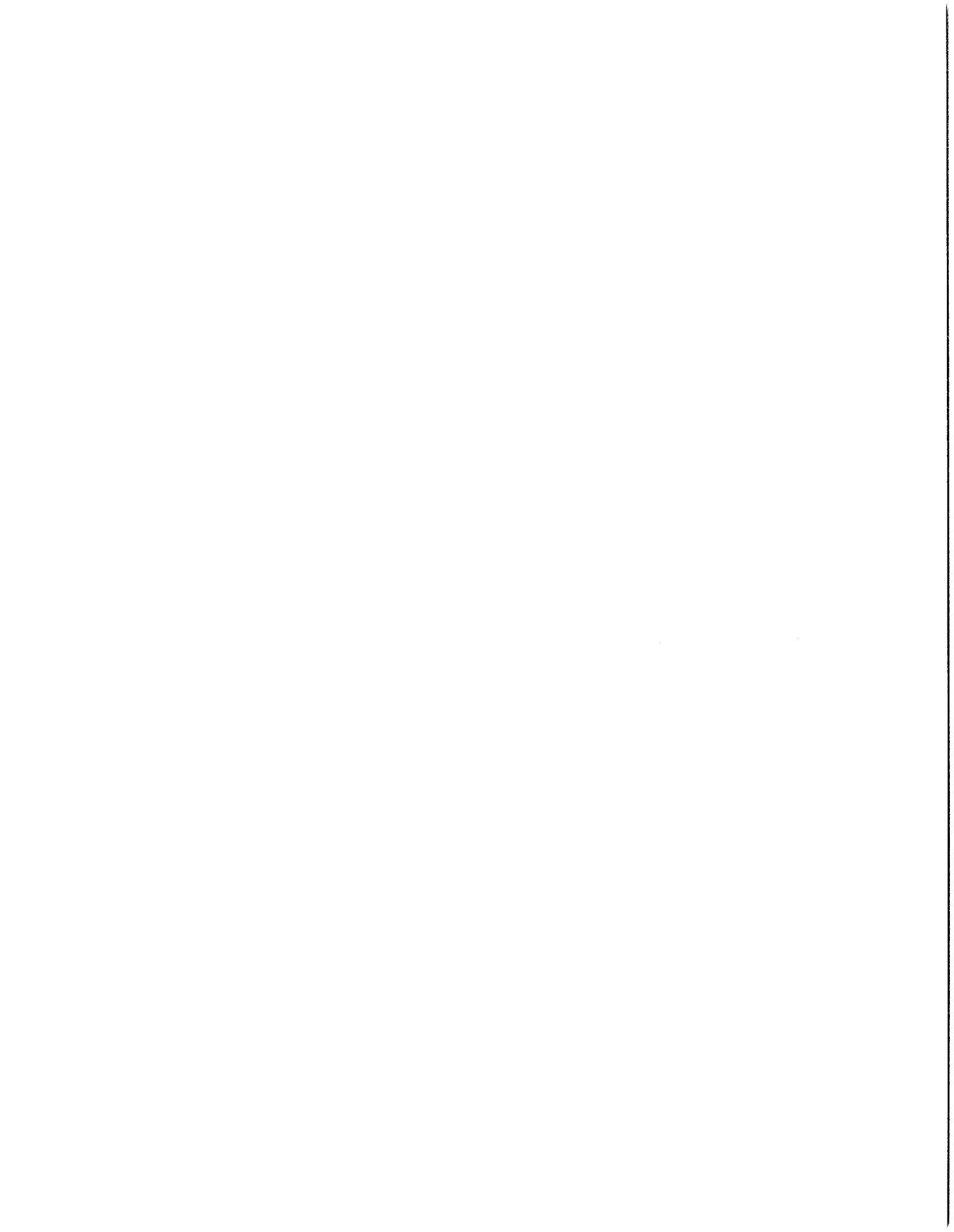
1. Board Consultant Brown Taylor will present to the Board the "General Manager/ Chief of Police Annual Goal Setting and Performance Appraisal Process and Procedure Amendment" for the District's Policies & Procedures Manual, first reading. Board Action. pg 46
2. General Manager Greg Harman will present to the Board Resolution 2010-01, proposing a supplemental special tax for police protection, establishing a date for election, adopting intended ballot language, ordering the consolidation of said election, requesting election service by the Contra Costa Election Division, proposing an ordinance for the said amendment, adopting a method for noticing said ordinance, and directing that the notice be posted and published. Board Action. pg 86
3. General Manager Greg Harman will present to the Board two memos prepared by the District's counsel Patrick Miyaki of Hanson/ Bridgett addressing "Activities Relating to Ballot Measure" and "Ballot Measure- Use of Public Funds for Consultant Activities", for Board review and comment. pg 102
4. General Manager Greg Harman will present to the Board the Fiscal Year 2009/2010 Mid-Year Budget Review for discussion, comment, and possible action. pg 110

### ADJOURNMENT

General Information  
Accessible Public Meetings

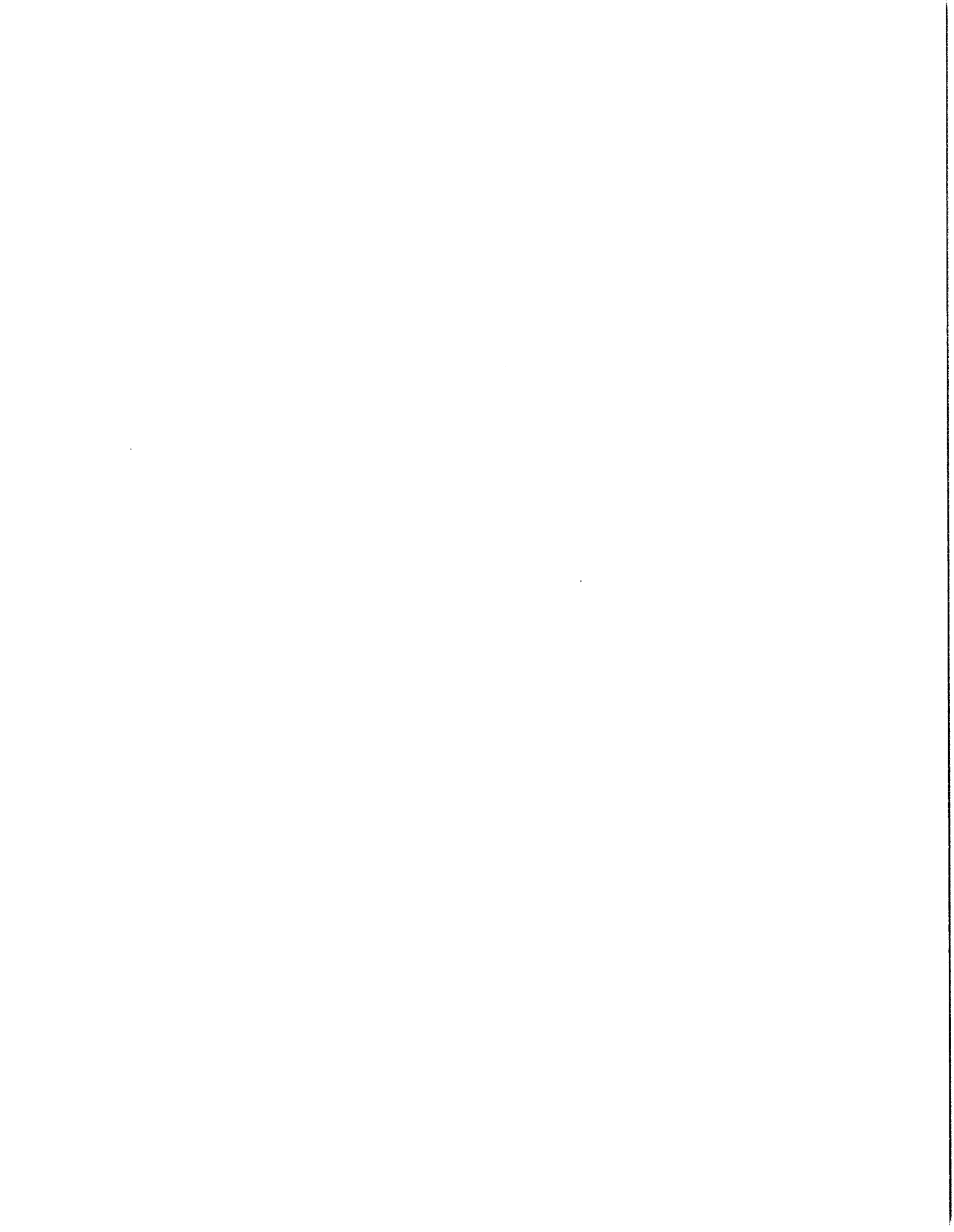
NOTE: UPON REQUEST THE KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT WILL PROVIDE WRITTEN AGENDA MATERIALS IN APPROPRIATE ALTERNATIVE FORMATS, OR DISABILITY-RELATED MODIFICATION OR DISABILITIES TO PARTICIPATE IN PUBLIC MEETINGS. PLEASE SEND A WRITTEN REQUEST, INCLUDING YOUR NAME, MAILING ADDRESS, PHONE NUMBER AND A BRIEF DESCRIPTION OF THE REQUESTED MATERIALS AND PREFERRED ALTERNATIVE FORMAT OR AUXILIARY AID OR SERVICE AT LEAST 10 DAYS BEFORE THE MEETING. REQUESTS SHOULD BE SENT TO:

DISTRICT SECRETARY STEPHANIE FRIES, COMMUNITY SERVICES DISTRICT, 217 ARLINGTON AVE., KENSINGTON, CA 94707  
POSTED: Public Safety Building-Colusa Food-Library-Arlington Kiosk- and at [www.kensingtoncalifornia.org](http://www.kensingtoncalifornia.org)  
Complete agenda packets are available at the Public Safety Building and the Library.



# CONSENT CALENDAR

- Minutes
- Profit & Loss Budget Performance
- Board Member Reports
- Correspondence
- Police Department Update
- Monthly Calendar
- Recreation Report
- General Manager Update



# KENSINGTON POLICE PROTECTION & COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS

## Meeting Minutes for 01/07/2010

### AGENDA

A Special meeting of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday January 7, 2010, 7:00 PM , at the Community Center, 59 Arlington Avenue, Kensington, California.

The board entered into Open Session at 7:02 PM.

### ATTENDEES

Elected Members	Guests/Presenters:	
Charles Toombs, President	Lynn Wolter	Vida Dorroh
John Stein, Vice President	Joan Gallegos	Paul Dorroh
Patricia M. McLaughlin, Director	Joel Koosed	Kathy Stein
Bill Wright, Director	Dick Swain	Anthony Knight
Cathie Kosel, Director	Gretchen Gillfillan	Val Paola
	Andrew Terrance	
	Gayle Feldman	
	Ciara Wood	
	Leonard Schwartz	
Gregory E. Harman, General Manager/ Chief of Police	Linda Lipscomb	
Stephanie Fries, District Secretary	Henry Schiff	
<b>Staff Members</b>		

**ANNOUNCEMENTS:** None

### PUBLIC COMMENTS

Ciara Wood, resident, commented that she was at the last meeting and was surprised that the info requested by Director Kosel had not been provided to her.

**NEW BUSINESS #1** - The Board will discuss for possible action contracting by January 7, 2010 with NBS to provide services needed to file an application to place a police tax assessment increase in the amount of \$200.00 per household with a cost of living adjustment on the June 2010 ballot.

### BOARD COMMENTS

Vice President Stein suggested modifying the contract to read "up to \$200" rather than "\$200 per household", and to amend the item to reflect that the business tax is different than the residential tax.

# KENSINGTON POLICE PROTECTION & COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS

## BOARD COMMENTS

Director Kosel commented that she received the Ralph Andersen Study from the El Cerrito Police Chief and in comparing El Cerrito & Kensington, she believes we are paying a 20% premium to our officers. Director Kosel commented that she feels it is not competent to make this kind of decision on the paltry data we have and finds the fact that we're here tonight disgusting.

The Board noted that Kensington is a highly educated and aware community and does not want to deny the community the opportunity to maintain local control and vote on this in June.

## PUBLIC COMMENTS

Joan Gallegos, resident, commented that Director Kosel indicated that she had the Ralph Andersen Study in April when, in fact, she didn't. Ms. Gallegos also commented that CSDA does total compensation surveys for Special Districts and that this might be something to look into.

Leonard Schwartz, resident, asked the Board if it is true that an officer who is hired at age 48 can retire with 100% retirement benefits. The Board responded by indicating this is not correct information and that retirement benefits are graduated based on years of service and determined by CalPERS, not Kensington.

Val Paola, resident, commented that she is responsible for circulating the email with the incorrect information regarding officer retirement benefits, indicating that Brown Taylor provided this information to her.

Henry Schiff, resident, suggested that the Board should hold several town meetings to inform the public about this issue going on the ballot.

Linda Lipscomb, resident, commented that she asked Lance Maples about the Ralph Andersen Study and he indicated that it was undertaken in 1997 and the Fire District updates it with current information annually. Ms. Lipscomb also noted that Chief Harman offered to do the same thing for KPPCSD.

Vida Dorroh, resident, commented that she is a property owner in both El Cerrito and Kensington, noting that the lack of police service in El Cerrito compared to Kensington is very apparent. Ms. Dorroh also commented that she believes paying \$200/year to maintain the value of property is a small price to pay.

Lynn Wolter, resident, commented on the issue of medical benefits and read an article regarding Measure D. Ms. Wolter also commented that El Cerrito PD is reactive while Kensington PD has a more preventative approach.

Gayle Feldman, resident, commented that she believes it is premature to place this item on the ballot and the Board needs to engage the community about this issue.

Paul Dorroh, resident, commented that nearly 1,000 residents who signed a petition that was circulated indicated that they would support a tax increase to maintain the current level of police service in Kensington.

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

**BOARD COMMENTS**

The Board discussed Kensington Officers' retirement benefits and noted that these benefits are the same for all public employees and determined by CalPERS. The Board also commented that Kensington is not going to lead the nation in changing the benefits structure of public servants.

**MOTION: The Board moves to adopt the contract with NBS to do the preliminary work to put a tax increase measure on the ballot.**

**AYES: Wright, Toombs, McLaughlin, Stein                      NOES: Kosel**

**MOTION: President Toombs moves to adjourn the meeting at 8:30pm.**

**AYES: Wright, Toombs, McLaughlin, Kosel, Stein                      NOES: 0**

# KENSINGTON POLICE PROTECTION & COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS

## Meeting Minutes for 01/14/2010

### AGENDA

A Regular meeting of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday January 14, 2010, 7:00 PM , at the Community Center, 59 Arlington Avenue, Kensington, California.

The board entered into Open Session at 7:04 PM.

### ATTENDEES

Elected Members	Guests/Presenters:	
Charles Toombs, President	Lynn Wolter	Andrew Reed
John Stein, Vice President	Joan Gallegos	Kay Reed
Patricia M. McLaughlin, Director	Joel Koosed	Kathy Stein
Bill Wright, Director	Gloria Morrison	Anthony Knight
	Gretchen Gillfillan	
	Bruce Morrow	
	Stan Wu	
	Debra Lane	
	Linda Lipscomb	
Gregory E. Harman, General Manager/ Chief of Police	Vida Dorroh	
Stephanie Fries, District Secretary	Paul Dorroh	

**ANNOUNCEMENTS:** None

### PUBLIC COMMENTS

Joan Gallegos, resident, announced that the pharmacy currently has H1N1 flu shots available. Ms. Gallegos also suggested adding more lighting in the park.

Gloria Morrison, resident, asked the Board if negotiations with the KPOA have been completed, to which the Board responded that negotiations have not yet begun.

Lynn Wolter, resident, commented that she attended the KFD meeting the previous night. Ms. Wolter noted that the KFD indicated that they had spent \$9,500 on legal fees and claimed this was due to the KPPCSD Board's unwillingness to negotiate with them on the lease agreement. The Board responded by noting they did, in fact, negotiate with KFD on the lease agreement and this is why they spent \$9,500 on legal fees, further noting that it is the KFD's responsibility to consult their attorney in regard to such matters.



# KENSINGTON POLICE PROTECTION & COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS

## BOARD COMMENTS

President Toombs commented that the General Manager / Chief of Police contract expires in June 2010.

## STAFF COMMENTS

General Manager / Chief of Police Gregory Harman gave updates on the Annex building and the upcoming E-Waste event.

General Manager / Chief of Police Gregory Harman commented on the Oakland PD who are currently conducting surveillance on a house in Kensington, noting that the suspect in question is now believed to be in San Pablo. Detective Barrow has been assigned to assist Oakland PD in tracking down the homicide suspect.

## CONSENT CALENDAR

**MOTION: The Board moves to adopt the Consent Calendar.**

**AYES: Wright, Toombs, McLaughlin, Stein**

**NOES: 0**

**ABSENT: Kosel**

## --NO OLD BUSINESS--

**NEW BUSINESS #1 - NO ACTION - Bruce Morrow, President of the Kensington Community Council (KCC), will present to the Board a proposal for a remodel of the Community Center using a donation of \$200,000 from the KCC, and future community donations. The first step to be undertaken for the remodeling project is a building structural analysis to be performed by Stan Wu. Stan Wu will provide an explanation to the Board of the structural analysis process. A copy of the Community Center Remodeling Project Scope of Work, preliminary drawings, and a copy of Stan Wu's contract is attached to the agenda for review.**

Bruce Morrow gave a presentation of KCC's proposal and Stan Wu gave an overview of the structural analysis that will need to be done prior to beginning the project. Debra Lane gave an overview of the project planning schedule.

## BOARD COMMENTS

The Board discussed KCC's project proposal for the Community Center remodel and the need for a written amendment to the lease so KCC can hire Stan Wu. The Board also discussed how the Community Center remodel may affect William Driscoll's salary for the duration of the remodel.

# KENSINGTON POLICE PROTECTION & COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS

## PUBLIC COMMENTS

Andrew Reed, resident, commented that he did not see any padding in the construction schedule and asked who the project manager for this job would be. Debra Lane responded by indicating she would be the project manager and Bruce Morrow would be assisting her.

Kay Reed, resident, commented that there are always cost overruns and is worried that the money for this project will run out.

## BOARD DISCUSSION

The Board discussed KCC's proposal and decided to let KCC begin the preliminary steps of the project and in one month the Board will work out the legal details and make sure there is a firm legal structure, insurance, and adequate funding in place.

**NEW BUSINESS #2 - General Manager Greg Harman will present the final revenue totals for Fiscal Year 2008/2009 for Board review and discussion. (The Mid-Year Budget Review for Fiscal Year 2009/2010 will be presented at the February 11, 2010 Board Meeting.**

General Manager / Chief of Police Gregory Harman addressed questions presented by Gloria Morrison regarding the budget differences between the Quickbooks breakdown and the Audit numbers. General Manager / Chief of Police Gregory Harman spoke with District Accountant, Deborah Russell, who assured General Manager / Chief of Police Gregory Harman that the numbers in Quickbooks do match the Auditor's numbers and that the revenue numbers are solid.

## BOARD COMMENTS

Vice President Stein suggested placing the word "unaudited" in the upper right-hand corner of Profit & Loss Statements so the public knows that these are not numbers taken from the audit.

## PUBLIC COMMENTS

Gloria Morrison, resident, commented that she was of the understanding that General Manager / Chief of Police Gregory Harman is required to certify that Audit Report numbers are accurate.

Lynn Wolter, resident, commented that criticisms have been thrown at General Manager / Chief of Police Gregory Harman in the past over accounting numbers and noted that General Manager / Chief of Police Gregory Harman is not the District Accountant.

**MOTION: The Board moves to accept the End of Year Profit & Loss Fiscal Statement as presented.**

**AYES: Wright, Toombs, McLaughlin, Stein**

**NOES: 0**

**ABSENT: Kosel**

# KENSINGTON POLICE PROTECTION & COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS

**NEW BUSINESS #3** - General Manager Greg Harman will request that the Board appoint a member to attend the LAFCO Independent Special District Selection Committee Meeting scheduled for Monday, January 25th, at 10:00 AM, to be held in conjunction with the quarterly meeting of the Contra Costa Special Districts Association meeting at the Pleasant Hill Community Center, 320 Civic Drive.

General Manager / Chief of Police Gregory Harman gave an explanation of the LAFCO Independent Special District Selection Committee, noting that they would like a representative from the Board of Directors and not from Staff.

**MOTION: The Board appoints President Toombs to serve on the LAFCO Independent Special District Selection Committee.**

**AYES: Wright, Toombs, McLaughlin, Stein      NOES: 0      ABSENT: Kosel**

**NEW BUSINESS #4** - Directors Pat McLaughlin and John Stein will present the Board with a statement of goals for the KPPCSD Board for adoption.

Vice President Stein presented the following goals for the Board of Directors:

- Place the Police Tax increase on the June Ballot
- Conduct KPOA contract negotiations
- Work with legal counsel and KCC to renovate the Community Center
- Work on the Park Annex Building
- Work on the Park Restroom
- Provide input and feedback to General Manager / Chief of Police Gregory Harman

**MOTION: The Board moves to adopt the goals for the KPPCSD Board of Directors.**

**AYES: Wright, Toombs, McLaughlin, Stein      NOES: 0      ABSENT: Kosel**

**MOTION: President Toombs moves to adjourn the meeting at 9:26pm.**

**AYES: Wright, Toombs, McLaughlin, Stein      NOES: 0      ABSENT: Kosel**

**KPPCSD**  
**Profit & Loss Budget Performance**  
January 2010

	Jan 10	Budget	Jul '09 - Jan 10	YTD Budget	Annual Budget
<b>Ordinary Income/Expense</b>					
<b>Income</b>					
400 · Police Activities Revenue					
401 · Levy Tax	0.00	0.00	1,223,009.79	1,267,315.09	1,279,315.09
402 · Special Tax-Police	0.00		680,130.00	680,340.00	680,340.00
410 · Police Fees/Service Charges	65.00	250.00	1,347.71	1,750.00	3,000.00
415 · Grants-Police	0.00		62,731.01		
416 · Interest-Police	0.00	4,500.00	2,418.54	9,000.00	18,000.00
418 · Misc Police Income	3,487.08	1,000.00	8,354.26	7,000.00	12,000.00
<b>Total 400 · Police Activities Revenue</b>	<b>3,552.08</b>	<b>5,750.00</b>	<b>1,977,991.31</b>	<b>1,965,405.09</b>	<b>1,992,655.09</b>
420 · Park/Rec Activities Revenue					
424 · Special Tax-L&L	0.00		30,451.36	29,000.00	29,000.00
426 · Park Donations	250.00	250.00	350.00	500.00	1,000.00
427 · Community Center Revenue	9,067.50	1,250.00	17,706.50	8,750.00	15,000.00
428 · Building E Revenue	0.00		6,000.00		
436 · Interest-Park/Rec	0.00	175.00	115.79	350.00	700.00
438 · Misc Park/Rec Rev	96.00		623.05		
420 · Park/Rec Activities Revenue - Other	0.00		650.00		
<b>Total 420 · Park/Rec Activities Revenue</b>	<b>9,413.50</b>	<b>1,675.00</b>	<b>55,896.70</b>	<b>38,600.00</b>	<b>45,700.00</b>
440 · District Activities Revenue					
448 · Franchise Fees	6,784.33	7,000.00	13,672.08	14,000.00	21,000.00
456 · Interest-District	0.00	625.00	342.04	1,250.00	2,500.00
458 · Misc District Revenue	0.00		1,567.00		
<b>Total 440 · District Activities Revenue</b>	<b>6,784.33</b>	<b>7,625.00</b>	<b>15,581.12</b>	<b>15,250.00</b>	<b>23,500.00</b>
<b>Total Income</b>	<b>19,749.91</b>	<b>15,050.00</b>	<b>2,049,469.13</b>	<b>2,019,255.09</b>	<b>2,061,855.09</b>
<b>Expense</b>					
500 · Police Sal & Ben					
502 · Salary - Officers	68,207.12	77,078.33	468,591.89	539,548.31	924,940.00
504 · Compensated Absences	0.00		17,988.36	10,000.00	10,000.00
506 · Overtime	4,050.93	2,500.00	45,473.60	17,500.00	30,000.00
508 · Salary - Non-Sworn	2,250.00	2,437.50	19,488.75	17,062.50	29,250.00
516 · Uniform Allowance	533.28	666.67	3,832.95	4,666.69	8,000.00
518 · Safety Equipment	0.00	208.33	2,500.00	1,458.31	2,500.00
521-A · Medical/Vision/Dental-Active	4,705.94	10,189.08	98,271.96	71,323.56	242,269.00
521-R · Medical/Vision/Dental-Retired	0.00	9,500.00	60,463.61	66,500.00	114,000.00
522 · Insurance - Police	0.00	1,016.67	9,080.49	7,116.69	12,200.00
523 · Social Security/Medicare	1,170.27	1,249.17	9,027.32	8,744.19	14,990.00
524 · Social Security - District	327.16	325.67	2,670.74	2,279.65	3,908.00
527 · PERS - District Portion	19,292.56	24,100.92	139,078.32	168,706.40	289,211.00
528 · PERS - Officers Portion	6,774.38	6,997.08	46,164.64	48,979.56	83,965.00
530 · Workers Comp	0.00		47,687.39	46,279.00	46,279.00
<b>Total 500 · Police Sal &amp; Ben</b>	<b>107,311.64</b>	<b>136,269.42</b>	<b>970,320.02</b>	<b>1,010,164.86</b>	<b>1,811,512.00</b>
550 · Other Police Expenses					

**KPPCSD**  
**Profit & Loss Budget Performance**  
 January 2010

	Jan 10	Budget	Jul '09 - Jan 10	YTD Budget	Annual Budget
552 · Expendable Police Supplies	164.59	166.67	2,050.93	1,166.65	2,000.00
553 · Range/Ammunition Supplies	32.00		1,840.09	2,000.00	2,000.00
562 · Vehicle Operation	3,964.99	3,000.00	22,855.85	21,000.00	36,000.00
564 · Communications (RPD)	0.00	9,380.00	43,801.61	65,660.00	112,560.00
566 · Radio Maintenance	0.00	366.67	0.00	2,566.69	4,400.00
568 · Prisoner/Case Exp./Booking	582.03	416.67	2,158.20	2,916.65	5,000.00
570 · Training	0.00	1,000.00	6,965.56	7,000.00	12,000.00
572 · Recruiting	110.00	637.50	8,844.21	4,462.50	7,650.00
574 · Reserve Officers	0.00	166.67	5,379.48	1,166.69	2,000.00
576 · Misc. Meals & Travel	0.00	250.00	497.74	1,750.00	3,000.00
580 · Utilities - Police	629.51	666.67	4,664.84	4,666.65	8,000.00
581 · Bldg Repairs/Maint.	0.00	166.67	123.51	1,166.65	2,000.00
582 · Expendable Office Supplies	548.91	500.00	6,760.69	3,500.00	6,000.00
588 · Telephone(+Rich. Line)	763.91	920.67	5,842.61	6,444.69	11,048.00
590 · Housekeeping	100.54	416.66	3,190.00	2,916.66	5,000.00
592 · Publications	0.00	250.00	2,829.64	1,750.00	3,000.00
594 · Community Policing	329.52	416.67	4,294.45	2,916.69	5,000.00
596 · WEST-NET/CAL I.D.	0.00		12,471.00	12,472.00	12,472.00
598 · COPS Special Fund	2,276.82	2,622.50	21,147.28	18,357.50	31,470.00
<b>Total 550 · Other Police Expenses</b>	<b>9,502.82</b>	<b>21,344.02</b>	<b>155,717.69</b>	<b>163,880.02</b>	<b>270,600.00</b>
600 · Park/Rec Sal & Ben					
601 · Park & Rec Administrator	750.00	812.50	6,497.00	5,687.50	9,750.00
602 · Custodian	1,750.00	1,895.83	12,250.00	13,270.81	22,750.00
623 · Social Security/Medicare - Dist	0.00	62.17	0.00	435.19	746.00
<b>Total 600 · Park/Rec Sal &amp; Ben</b>	<b>2,500.00</b>	<b>2,770.50</b>	<b>18,747.00</b>	<b>19,393.50</b>	<b>33,246.00</b>
635 · Park/Recreation Expenses					
640 · Community Center Expenses					
642 · Utilities-Community Center	184.65	333.33	364.37	2,333.31	4,000.00
643 · Janitorial Supplies	0.00		118.30	1,500.00	1,500.00
646 · Community Center Repairs	0.00		0.00	600.00	1,000.00
640 · Community Center Expenses - Other	0.00		81.38		
<b>Total 640 · Community Center Expenses</b>	<b>184.65</b>	<b>333.33</b>	<b>564.05</b>	<b>4,433.31</b>	<b>6,500.00</b>
650 · Building E Expenses					
658 · Bldg E Misc	0.00		-13.22		
<b>Total 650 · Building E Expenses</b>	<b>0.00</b>		<b>-13.22</b>		
660 · Annex Expenses					
662 · Utilities - Annex	26.90	41.67	785.67	291.65	500.00
<b>Total 660 · Annex Expenses</b>	<b>26.90</b>	<b>41.67</b>	<b>785.67</b>	<b>291.65</b>	<b>500.00</b>
672 · Kensington Park O&M	6,242.07	4,400.00	28,990.02	30,800.00	52,800.00
678 · Misc Park/Rec Expense	0.00		2,944.25	1,000.00	2,000.00
<b>Total 635 · Park/Recreation Expenses</b>	<b>6,453.62</b>	<b>4,775.00</b>	<b>33,270.77</b>	<b>36,524.96</b>	<b>61,800.00</b>

**KPPCSD**  
**Profit & Loss Budget Performance**  
 January 2010

	Jan 10	Budget	Jul '09 - Jan 10	YTD Budget	Annual Budget
800 · District Expenses					
810 · Computer Maintenance	330.72	1,266.67	13,177.33	16,566.68	22,900.00
820 · Cannon Copier Contract	346.20	458.33	2,541.00	3,208.31	5,500.00
830 · Legal (District/Personnel)	1,330.11	4,166.67	33,626.56	29,166.69	50,000.00
835 · Consultanting	2,705.00	833.33	44,752.50	5,833.31	10,000.00
840 · Accounting	240.00	1,144.45	8,130.00	8,011.12	21,800.00
850 · Insurance	0.00		0.00	30,000.00	30,000.00
860 · Election	-60.00		385.79		8,000.00
865 · Police Bldg. Lease	0.00	3,567.67	15,535.68	24,973.69	42,812.00
870 · County Expenditures	0.00		8,607.24	5,000.00	18,600.00
890 · Waste/Recycle	162.00		33,462.58	27,500.00	30,000.00
898 · Misc. Expenses/Lobbyist	200.00	779.17	4,384.58	5,454.19	9,350.00
<b>Total 800 · District Expenses</b>	<b>5,254.03</b>	<b>12,216.29</b>	<b>164,603.26</b>	<b>155,713.99</b>	<b>248,962.00</b>
950 · Capital Outlay					
972 · Park Buildings Improvement	350.00		495.00		
<b>Total 950 · Capital Outlay</b>	<b>350.00</b>		<b>495.00</b>		
997 · Payroll Expenses	0.00		3.26		
<b>Total Expense</b>	<b>131,372.11</b>	<b>177,375.23</b>	<b>1,343,157.00</b>	<b>1,385,677.33</b>	<b>2,426,120.00</b>
<b>Net Ordinary Income</b>	<b>-111,622.20</b>	<b>-162,325.23</b>	<b>706,312.13</b>	<b>633,577.76</b>	<b>-364,264.91</b>
Other Income/Expense					
Other Expense					
700 · Bond Issue Expenses					
701 · Bond Proceeds	0.00		-178,410.52		
710 · Bond Admin.	0.00		1,703.98		
715 · Bond Interest Income	0.00		-211.41		
720 · Bond Principal	0.00		101,987.21		
730 · Bond Interest	0.00		32,331.87		
<b>Total 700 · Bond Issue Expenses</b>	<b>0.00</b>		<b>-42,598.87</b>		
<b>Total Other Expense</b>	<b>0.00</b>		<b>-42,598.87</b>		
<b>Net Other Income</b>	<b>0.00</b>	<b>0.00</b>	<b>42,598.87</b>	<b>0.00</b>	<b>0.00</b>
	<b>-111,622.20</b>	<b>-162,325.23</b>	<b>748,911.00</b>	<b>633,577.76</b>	<b>-364,264.91</b>

# January 2010 Police Department Report

February 3, 2010

- Department Personnel

We are currently staffed at 9 sworn positions, with an additional 6 reserve officers, and are continuing our recruitment of both officer and reserve officer candidates.

- Commendations and Correspondence

- None this month

- Investigation of Alleged Misconduct

- Department Investigation #09-06 was initiated on December 24th on an allegation that an officer was rude during a disturbance call for service. The investigation is now being conducted by Sergeant Khan.

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

- The Ring Time Report for December shows that of the 64 total "911" calls received, 2 had a ring time of over 20 seconds. Average ring time was 5.6 seconds.

The first occurred on 12-21-09, at 11:27 AM with a ring time of 49 seconds. There was a 3 minute conversation with the dispatcher on a medical call for service.

The second occurred on 12-31-09, at 11:32 PM, with a ring time of 30 seconds. The call was for an elderly resident that slipped in the bathroom and requested assistance in getting back into bed.

- Communication Center Service Complaints

- No complaints received this month however, ***this is a good time to remind everyone that for police non-emergencies, you need to contact the dispatch center at "236-0474" and not the KPPCSD business line of 526-4141.*** The KPPCSD business line is only monitored 6 hours a day during the week and should not be used to report police matters.

- Community Networking

- On 01-04-10, Chief Harman participated in the Kensington Community Council K- Group meeting.
- On 01-05-10, Chief Harman attended the KMAC meeting.
- On 01-06-10, Chief Harman attended the West County Police Chief's Association meeting in Hercules.
- On 01-11-10, Chief Harman attended the Kensington Public Safety Council meeting.

The Kensington Public Safety Council has expanded upon the issues of police services to include those of emergency preparedness and other public safety issues affecting the community. It is hoped that by meeting in the evenings, we will be able to increase community participation and feedback on those issues concerning Kensington.

The next meeting is scheduled for Monday, February 8<sup>th</sup>, at 6:30 PM at the Community Center, Room 3. The agenda for this meeting is to set the direction and policies for the group.

- On 01-13-10, Chief Harman attended the LAFCO meeting in Martinez.
- On 01-16-10, Chief Harman monitored the Electronic Waste Event held at the park parking lot.
- On 01-25-10, Chief Harman and Board President Chuck Toombs attended the CSDA/ LAFCO meeting in Pleasant Hill.
- On 01-26-10, Chief Harman attended the second KMAC meeting held this month. At the meeting, the Park Restroom Committee provided the KMAC Board an overview of the Park Restroom Project.
- On 01-27-10, Chief Harman attended the Contra Costa County Police Chief's Association meeting in Martinez.
- On 01-28-10, Chief Harman and Sergeant Ricky Hull attended the swearing in ceremony for the new Berkeley Police Chief, Michael Meehan.



- On 01-29-10, Chief Harman attended the CSDA Membership and Education Committee meetings in Sacramento.
- Community Criminal Activity
  - This section of the report has been prepared by the Watch Commanders reporting on their areas of responsibility.
- Watch Commander Reports
- **Sergeant Khan Team 1**

**SIGNIFICANT CASES/ EVENTS:**

- 10-151 On 1/10/10 at 1135 hrs. Officer Wilson took a petty theft from an unlocked vehicle report from a resident on Amherst Ave.
- 10-152 On 1/10/10 at 1159 hrs. Officer Ramos took four petty thefts from an unlocked vehicle reports from four residents on Amherst Ave.
- 10-191 On 1/13/10 at 1357 hrs. Officers Ramos, Stegman, Barrow, and I assisted Oakland PD officers as they attempted to locate a homicide suspect being harbored at a house on Kingston Rd. The suspect was not located.
- 10-263 On 1/17/10 at 0822 hrs. Officer Wilson took a vandalism report of a county road sign at Sunset Dr. and Franciscan Way.
- 10-343 On 1/22/10 at 1053 hrs. Officer Ramos took a petty theft report on Marguerita Rd.
- 10-378 On 1/24/10 at 1751 hrs. I took an attempted residential burglary on Ardmore Rd.
- 10-380 On 1/25/10 at 0032 hrs. Officer Stegman took a stolen vehicle report on Franciscan Way.
- 10-382 & 10-385 On 1/25/10 at 0640 & 0741 hrs. Officer Wilson took two auto burglary reports on Yale Ave.
- 10-467 On 1/31/10 at 1717 hrs. Officer Ramos arrested a subject for a no bail warrant on Cowper Ave., near Kensington Ct. The subject was intoxicated on alcohol and "mushrooms." He was combative and had to be restrained by Officer Ramos and me.

**BRIEFING/ TRAINING:**

Officers Stegman and Wilson continued field training for the new reserve officers.

**SERGEANT'S SUMMARY:**

In his summary, Sgt. Hull mentions taking a proactive approach to crime prevention by locking doors and vehicles. I would like to add that taking these steps and others can prevent you from being a victim. This month alone, I saw two examples of taking an extra step. In one, a vehicle was stolen that had a "Club" locking device. The device had either not been used or had been improperly used. In another case, residents put two window locking devices on a

window that already had a locking device. The thief tried to gain entry but was unable, due to the extra devices.

**TEAM STATISTICS:**

<b>Officer</b>	<b><u>Wilson</u></b>	<b><u>Stegman</u></b>	<b><u>Ramos</u></b>
<b>Days Worked</b>	16	12	17
<b>Traffic Stops (no cite)</b>	6	24	5
<b>Moving Citations</b>	5	5	9
<b>Parking Citations</b>	0	1	0
<b>Vacation/ Security Checks</b>	21	19	20
<b>Field Interviews (FI's)</b>	0	0	8
<b>Cases</b>	3	1	6
<b>Self Initiated Cases</b>	1	0	0
<b>Arrests</b>	0	0	1
<b>Calls for Service</b>	19	7	31

**.. Sergeant Hull Team 2**

**TEAM STATISTICS**

<b>Officer:</b>	<b>Martinez (K31) (0600-1800)</b>	<b>Medina (K35) (1800-0600)</b>
<b>Days Worked</b>	16	16
<b>Traffic Stops</b>	23	19
<b>Moving Citations</b>	6	9
<b>Parking Citations</b>	9	7
<b>Vacation/Security Checks</b>	112	65
<b>FI-Field Interview</b>	0	0
<b>Cases</b>	6	3
<b>Self Initiated Cases</b>	1	0
<b>Arrests</b>	1	0
<b>Calls for Service</b>	34	24

- Sgt. Hull took two weeks vacation.
- 2010-0226 – On 1-15-2010, Officer Medina assisted ECPD search for suspicious juvenile.
- 2010 – 0198 – On 1-14-2010, Officer Martinez assisted ECPD with a car fire.

**SIGNIFICANT EVENTS:**

2010-0087 – On 1-6-2010, at approximately 1000 hours, a Kensington resident filed a restraining order against her significant other with KPD.

2010-0088 – On 1-6-2010, at approximately 2308 hours, Officer Medina responded to a report of domestic violence in the 200 block of Kenyon Avenue. A domestic dispute turned violent when the primary aggressor slapped the victim. The victim refused to press charges and agreed to leave the premises so things could calm.

2010-0120 – On 1-8-2010, at approximately 1519 hours, Officer Martinez responded to a report of a suspicious person at the Kensington Library. It was reported that an adult male who was recognized as being at the library in the past, was suspected of asking inappropriate questions to children at the library. Officer Martinez contacted the person who denied any misconduct or inappropriate behavior while contacting the children. His statement was confirmed after speaking with the children he was seen talking too. The person left the library without incident.

2010-0207 – On 1-14-2010, at approximately 1754 hours, Officer Martinez responded to a report of an out of control juvenile in the 00 block of Edwin Drive. The juvenile became upset because a parent would not write out and excuse for cutting class which resulted in a suspension so the juvenile took a hockey stick and shattered windows, broke lamps, broke pictures, and dented kitchen appliances. Several items and walls inside and outside the residence was spray painted with graffiti. The parent did not want to press charges against the juvenile.

2010-0347 – On 1-22-2010, at approximately 1548 hours, Officer Ramos responded to a non-injury accident in the 00 block of Arlington Avenue. A juvenile Kensington resident was transporting friends and driving too fast for conditions ran off the roadway into the front yard of a residence. The residents expressed concern as they have two young children and they have witnessed approximately 10 accidents in this area since they moved to Kensington, several of which terminated on their property.

2010-0431 – On 1-28-2010, at approximately 1830 hours, Officer Medina responded to a report of theft in the 00 block of Kingston Drive. A resident witnessed a HMA suspect load a generator from the driveway of the residence into the bed of a Ford truck. The resident confronted the suspect who removed the generator from the truck bed, got into the truck cab compartment and fled the scene. The resident obtained a license plate number of the suspect vehicle. This report will be forwarded to the KPD detective for further investigation.

2010-0432 – On 1-28-2010, at approximately 1713 hours, Officer Martinez conducted a routine traffic stop on Colusa Avenue. The driver of the vehicle, a Kensington resident from the 00 block of Kingston Rd., admitted to having a suspended license and a \$10,000.00 misdemeanor warrant from the Contra Costa Superior Court for possession of burglar tools. The warrant was not

releasable so he was taken into custody, issued a traffic citation and transported to the County Jail in Martinez.

2010-0434 – On 1-28-2010, at approximately 2142 hours, Officer Medina responded to a report of theft from a vehicle in the 300 block of Colusa Avenue. An unknown suspect stole approximately \$900.00 worth of items from an unlocked vehicle parked in a driveway.

2010-0438 – On 1-29-2010, at approximately 0727 hours, Officer Martinez responded to a report of theft from a vehicle in the 200 block of Yale Avenue. An unknown suspect smashed the rear window of the victim vehicle and stole several items from the interior of the vehicle.

2010-0439 – On 1-29-2010, at approximately 0842 hours, Officer Martinez responded to a report of damage to a vehicle in the 00 block of Yale Circle. An unknown suspect smashed the rear passenger side window of a vehicle parked on the roadway.

2010-0440 – On 1-29-2010, at approximately 0833 hours, Officer Martinez responded to a report of damage to a vehicle in the 200 block of Amherst Avenue. An unknown suspect smashed the driver's side window.

2010-0441 – On 1-29-2010, at approximately 1434 hours, Officer Martinez responded to a report of theft from a vehicle in the 00 block of Norwood Avenue. An unknown suspect stole approximately \$200.00 worth of items from an unlocked vehicle parked in a driveway.

2010-0444 – On 1-29-2010, at approximately 1830 hours, Sgt. Hull took a report over the phone of a missing juvenile. A parent whose ten year old daughter attends Hilltop Elementary School phoned KPD to report her missing. The daughter was located inside The Neighborhood School with a teacher because the child's grandmother was late. The teacher did not want the child standing in the rain so he took her inside to wait for someone to pick her up.

2010-0451 – On 1-30-2010, at approximately 1000 hours, Officer Martinez responded to a report of vehicle theft from a driveway in the 100 block of York Avenue. An unknown suspect stole this vehicle.

#### BRIEFING/TRAINING:

- Officer Martinez attended training for persons under the influence of drugs and alcohol.
- Reviewed KPD Policy 350 – Reserve Officers.
- Reviewed Jones & Mayer; Employee e-mail, cell phones and text messages.

- Reviewed Jones & Mayer; Citizens carrying firearms in plain view (unloaded open carry).
- Reviewed KPD Policy 354 – Handcuff Policy.
- Reviewed changes to the Marijuana Compassionate Use Act; No limit on the amount of marijuana a qualified patient can possess.
- Discussed role of FTOs approving reports written by their trainees.
- Handed out a cheat sheet for violation pertaining to Motorized Scooters.
- Briefed on aspects of the OPD after incident report about the death of four OPD Officers.
- Reviewed KPD Policy 356 – Meagan’s Law
- Reviewed Client Alert Memo on the Ninth Circuit Court’s opinion restricting when officers can interview child abuse victims.
- Reviewed issues pertaining to a Seattle Officer who was terminated for lying but was reinstated.
- Reviewed KPD Policy 358 – Major Incident Notification
- Reviewed Jones & Mayer; Supreme Court rejects challenge to Prop 215 the Compassionate Use Act.
- Reviewed Jones & Mayer; HR218 – Law Enforcement concealed carry throughout the U.S.

SERGEANT’S SUMMARY:

Thefts from vehicles and vehicle burglaries have increased this month. Remember to lock your doors and do not leave valuable items in plain site. Criminals cannot seem to keep from helping themselves to your property in spite of the repercussions stemming from criminal prosecutions.

•• **Detective Keith Barrow**

SIGNIFICANT EVENTS:

2010-59 Restraining Order Violation Arrest

I arrested a male subject for a suspected restraining order violation after stopping to assist two people arguing on the side of the freeway. This case has been filed with the Richmond District Attorney.

2010-191 Outside Assist

Members of the Kensington Police Department assisted Oakland Police Department officers in the surveillance of a Kensington residence. The officers were acting on information that they had received concerning a wanted murder suspect from the City of Oakland. The two day operation ended without the apprehension of the suspect. The suspect is not currently, nor is the suspect ever believed to have been, a resident of Kensington. This case is still under investigation.

2010-332 Warrant Arrest

I contacted two subjects that had been going door to door and driving a suspicious vehicle. The subjects' were selling meat without a sellers permit. The passenger of the vehicle was wanted for a misdemeanor warrant. The suspect was cited and released with a new out of county court date.

KPD INVESTIGATIONS INFORMATION:

2010-449 Hit and Run Property Damage only Vehicle Accident.

A suspected yellow over green colored taxi cab exited the roadway and into the front yard of an Arlington Avenue residence. The taxi left the scene without reporting the accident. This case is under investigation and the suspect has been identified.

2009-5658 Residential Burglary.

An adult Hispanic male knocked on the front door asking for gardening work, the resident told him, no, but the male "let himself in" and asked if the resident could make change for one hundred dollars. The resident told him no and then the man looked around the house and then left, driving away in a small dark colored pick-up truck with gardening tools in it. This case is under investigation.

2009-3190 Residential Burglary.

**The Richmond District Attorney has amended the number of charges in this case to nine felony charges from the three original charges. The Alameda County District Attorneys' Office has also amended the number of charges from seven felony charges to eleven. The US District Attorney's Office will not take this case as they believe the suspect would potentially receive a longer state prison sentence if convicted state court.**

2009-3610 / 2009-3975 Vandalism, and Annoying phone calls.

**These cases were submitted to the Richmond District Attorney for filing of charges.**

2009-4008 Robbery, Firearm.

Unknown suspect(s) attempted to rob a woman walking south bound 320 Arlington Avenue with a firearm. The woman did not have any money and the suspect(s) walked south bound Arlington Avenue. If you have any information to aid in the apprehension of the suspect(s) please call Detective Barrow at 510-526-4141 ex. 26 Case open and under investigation.

2009-5446 Vandalism

On 12-02-09, from 2100hrs until 12-03-09 0700 hrs, four parked vehicles had there windows shot out with a BB gun in the area of Colusa Avenue and Berkeley Park Blvd. Berkeley and Albany Police Departments also had numerous reports of similar windows of vehicles being shot out during the same time periods. We believe the same suspects are responsible for all of these crimes. No arrests

have been made. If you have any information to aid in the apprehension of the suspect(s) please call Detective Barrow at 510-526-4141 ex. 26 Case open and under investigation.

2007-3645 Lewd or Lascivious Acts with a Child under the age of 14 years. This case is under investigation.

## KPD INVESTIGATIONS

- I attended a one day entry and room clearing training.
- I attended a four hour Defensive Tactics Training.
- Made several court runs for filling cases, and citation drop off.
- Facilitated the repair of 11 patrol radios.
- Updated the KPD residential burglary log.
- Contra Costa County Mobile Field Force.

## WEST-NET ASIGNMENT:

I am currently assigned to the West Contra Costa County Narcotic Enforcement Team (West-NET) one day per week.

While on this assignment I work with other West Contra Costa County law enforcement officers and agencies. I participate and aid in the service of search warrants, surveillance and on going narcotics investigations.

## INVESTIGATORS SUMMARY:

In the month of December the District of Kensington saw a no change in vehicle accidents. The District of Kensington sustained 3 non-injury vehicle accidents and 1 Hit and Run Vehicle Accident, 0 Injury Accidents, 1 Residential Burglary, 1 Attempted Residential Burglary, 3 Auto Burglaries, 4 Thefts from unlocked vehicles, 2 Stolen Vehicles, 1 Petty Theft, 4 Vandalisms, 1 Attempted Grand Theft and 1 Grand Theft. We saw a rise in over all crimes.

**Please be aware if you witness criminal activity to call 911 or contact KPD immediately.**

## •• Chief Harman

As reported above, the Kensington Police Department assisted the Oakland Police Department in the search for a suspect that was wanted for a murder committed in Oakland. Information was received that the suspect was staying at a residence on Kingston. This is the same residence that harbored a murder suspect in the past.

Officers have increased their awareness of this residence, and on 01-28-10, Officer Martinez arrested one of the individuals associated with this residence for an outstanding warrant following a traffic stop.

In January, the District began the process of going to the residents of Kensington seeking support for a police tax increase that will be placed on the June ballot. As a Chief of Police, I am not allowed to actively solicit support for political issues; however, I can mention those things that make the Kensington Police Department unique in the way we serve our community.

Two examples of the service we provide to the community occurred this month.

The first occurred on an alarm call on the last weekend of the month. After the officer responded to the residence and checked it to confirm that it was secured, he contacted the owners and reassured them that their home was secure, that their cat probably set off the alarm, and that there was no need to for them to return home early from their weekend. Their comment to the officer was, "That is great customer service, thank you".

The second occurred after the same officer received a call from an out of state relative of a Kensington resident, concerned that they had not heard from this resident in two weeks. The officer went to the residence but there was no answer at the door. The resident was well known to the officer, so the officer went to the various hangouts and located the resident. After informing the resident of the family member's concern, he volunteered to call the family member to confirm all was safe and sound.

It is this type of service to the community that sets our department apart from other law enforcement agencies and, hopefully, is the type of service that the community will continue to support.



### **KASEP:**

At the KASEP teachers' meeting on January 20, we discussed our emergency guidelines and decided these should be posted in each classroom, as well as being kept in the teachers' class binders. I plan on purchasing lanterns to stow in each classroom. We have a key in our office to the containers on Kensington Elementary campus that hold emergency supplies.

Our winter session continues through March 19. We register students for the spring session on Wednesday, March 3.

I've mailed tax forms to all our independent contractors and to the IRS. For 2009, we generated forms for 27 contractors, which include KASEP teachers, camp specialty teachers, KCC recreation teachers, and the Outlook staff.

### **KCC Classes and Events:**

On January 25, representatives from the Arlington Community Church, the Kensington Public Library, the Kensington Elementary School, and the KCC met to share information as neighbors on the hillside. One action item from the meeting was to develop a clear, concise guide (perhaps only one paragraph) on what to do in an emergency. The guidelines could be posted on K-group websites and in the Outlook. Tony Lloyd and I agreed to work on this. We also discussed the possibility of co-sponsoring presentations or events for parents.

### **KCC Summer Day Camp:**

The schedule of field trips and specialty teachers for the summer is almost finished. Camp flyers and registration forms will be mailed to families who enrolled in camp last year and sent home to Kensington Elementary students through the Thursday packet. We'll also post forms on the [www.aboutkensington.com](http://www.aboutkensington.com) website. Camp will run June 14 through August 20, and each week except July 6, will be \$205. Since the fourth of July is on Sunday, we'll begin that week of camp on Tuesday (we assume many parents will have July 5<sup>th</sup> off from work) and discount the price to \$160.

I'm looking for a KCC board volunteer to help with camp counselor interviews this spring. I plan to recuse myself from interviews since my son and other friends hope to apply for a job.

# February 2010

March 2010

February 2010

S	M	T	W	T	F	S
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

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

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Jan 31		<b>Feb 1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
		7:00pm Pack 82; CC	7:00pm Troop 100; C	6:00pm Cert Prog			5:00pm Hilltop 6th Gr
7	<b>8</b>	7:00pm Pack 82; CC	7:00pm Troop 100; C	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>
		7:00pm Pack 82; CC	7:00pm Troop 100; C	6:00pm Cert Prog	7:00pm KPPCSD, CC3		1:00pm CC RENTAL;
14	<b>15</b>	7:00pm Pack 82; CC	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>
		7:00pm Pack 82; CC	7:00pm Troop 100; C	6:00pm Cert Prog	7:30pm EBC; CC3		2:00pm GPFF; ALL C
21	<b>22</b>	7:00pm Pack 82; CC	<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>	<b>27</b>
		7:00pm Pack 82; CC	7:00pm Troop 100; C 7:30pm KMAC, CC3	6:00pm Cert Prog			
28	<b>Mar 1</b>		<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>

Jan 31 - Feb 6

Feb 7 - 13

Feb 14 - 20

Feb 21 - 27

Feb 28 - Mar 6

# March 2010

March 2010							April 2010						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	8	15	22	29	30	31	4	5	6	7	8	9	10
7	14	21	28				11	12	13	14	15	16	17
							18	19	20	21	22	23	24
							25	26	27	28	29	30	

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Feb 28		<b>Mar 1</b> 7:00pm Pack 82; CC	<b>2</b> 7:00pm Troop 100; C	<b>3</b> 6:00pm Cert Prog	<b>4</b>	<b>5</b>	<b>6</b>
7		<b>8</b> 7:00pm Pack 82; CC	<b>9</b> 7:00pm Troop 100; C	<b>10</b>	<b>11</b> 7:00pm KPPCSD, CC3	<b>12</b>	<b>13</b>
14		<b>15</b> 7:00pm Pack 82; CC	<b>16</b> 7:00pm Troop 100; C	<b>17</b>	<b>18</b> 7:30pm EBC; CC3	<b>19</b>	<b>20</b>
21		<b>22</b> 7:00pm Pack 82; CC	<b>23</b> 7:00pm Troop 100; C	<b>24</b>	<b>25</b>	<b>26</b>	<b>27</b>
28		<b>29</b> 7:00pm Pack 82; CC	<b>30</b> 7:00pm Troop 100; C 7:30pm KMAC, CC3	<b>31</b>	<b>Apr 1</b>	<b>2</b>	<b>3</b>

# General Manager January 2010 Report

## Budget

### Police Tax

Following the January 7<sup>th</sup> Special Meeting of the Board, in which the Board voted to move forward with hiring NBS to place a supplemental police tax on the June ballot, NBS has been hired, and they are proceeding with the ballot process. At the February 11<sup>th</sup> Regular Meeting of the KPPCSD Board, the Resolution moving forward with the supplemental police tax will be presented to the Board for consideration.

### ***COPS Funding***

On January 27<sup>th</sup>, I learned that the COPS Grant allocations may come from a temporary 0.15% Vehicle License Fee (VLF) rate. The rate was imposed May 19, 2009 and now funds a variety of law enforcement programs previously paid for by the state general fund. Based on new VLF revenue estimates, the State has indicated that every city currently participating in the COPS Grant Program could possibly receive the minimum \$100,000.

If the funding becomes available, we should receive our \$100,000 COPS Grant allocation sometime near the end of this fiscal year.

### SB 90

In the December 2009 issue of CSDA "Special District" magazine, there was an article indicating that SB 90 "State Mandate Cost Program- Brown Act Reform" has been recently restored. This will provide every special district in the state the opportunity for reimbursement for the time and costs associated with preparing regular meeting agendas in accordance with the Brown Act.

What this could mean to us is that we may apply for reimbursement for the regular and special meetings held during the last four fiscal years, and we could be eligible for reimbursement up to \$25,000. The program is scheduled to begin in April, and we are complying the documents needed to apply for reimbursement.

### Kensington Park

#### Park Restroom

We are continuing to move forward with the park restroom project. We have applied for the Land Use Permit from the County and are beginning to prepare our documents to begin the bid process. A Preliminary Building and Site Plan has been prepared and will be presented to the Board for review in the February 11<sup>th</sup> Board packet.

The Board packets are available for review on our website at [www.kensingtoncalifornia.org](http://www.kensingtoncalifornia.org).

### **Community Center**

At the January 14<sup>th</sup> KPPCSD Board meeting, KCC presented their proposal to the Board for the remodel of the Community Center. Discussions and plans are ongoing with the KCC regarding the remodeling project which is scheduled to begin this summer.

### **Annex**

On January 20<sup>th</sup>, I met with Jason Kaldis, the architect that has worked on the preliminary plans for the Annex remodel. We examined the repairs and improvements that will be necessary in order to bring the Annex Building up to code for use as a public meeting facility.

I will be presenting these findings to the Board at our February 11<sup>th</sup> KPPCSD Board Meeting.

### **Solid Waste**

Our "Free Electronics Recycling Day" occurred on Saturday, January 16<sup>th</sup>, between 9:00AM and 3:00 PM at the Community Center/ Church parking lot. Judging from the activity of the workers and the stacks of electronics being collected, I believe it was a very successful recycling day.

The next meeting of the County Solid Waste Coordinating Committee is scheduled for February 16<sup>th</sup>, at 1:00 PM at the Public Safety Building.

### **Emergency Preparedness**

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

The next meeting of the Kensington Public Safety Council will take place Monday, February 8<sup>th</sup>, at 6:30 PM at the Community Center Room #3. This will be a very important meeting because members will be discussing the direction and organization the group will be taking in the coming months.

### **Other District Items of Interest**

#### **Traffic**

On January 12<sup>th</sup> and 13<sup>th</sup>, U.C. Berkeley Traffic Safety Institute came to Kensington to conduct a free traffic survey for our community, with special attention being given to the traffic light at Arlington and Kensington Park Road. I, along with Jerry Fahy of the Contra Costa County Public Works Department met with the investigators to provide information needed to complete the study. It is expected that study will be

available to the Board and the public in March.

### **Street Sweeping**

Street sweeping began in Kensington in January and will be provided at no cost to Kensington by the Contra Costa County Public Works Department. On the first Friday of every month, the County will sweep the streets of Arlington, Coventry, Ardmore, Edgcroft, Lenox, Kingston, Stratford, Beverly, Berkeley Park, Ocean View, Oak View, and Colusa.

Residents are being asked to help by moving their vehicles, garbage and recycling cans from the street, clearing large debris and obstructions from the gutters, trimming back vegetation along the curb and sidewalk, and not piling leaves or green waste in the roadway.

If we all do our part we can keep Kensington streets clean and help keep pollutants out of our waterways.

### **Census**

Finally, beginning last week in February and continuing through August, the United States Department of Commerce will be coming to Kensington. During this period, they will conduct the 2010 Decennial Census. The process will begin with the delivery of the census questionnaires, either by person or mail. Census Bureau employees can be identified through identification cards issued by the Census Bureau.

# OLD BUSINESS

#1 - General Manager Greg Harman will present the Board with "Preliminary Building & Site Plan" for the park restroom for review and comment.

PRELIMINARY BUILDING & SITE PLAN  
FOR  
PHASE 4 –RESTROOMS FOR KENSINGTON COMMUNITY PARK  
59 ARLINGTON AVE.  
KENSINGTON, CALIFORNIA

PREPARED FOR  
KENSINGTON POLICE PROTECTION / COMMUNITY SERVICE  
DISTRICT

January 25, 2010

*PLANS PREPARED BY:*  
JACK GRIFFITH

*MEMBER OF THE VOLUNTEER*  
PROJECT TEAM FOR  
KENSINGTON PARK  
RESTROOM

FOR ADDITIONAL INFORMATION  
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## PRELIMINARY OUTLINE SPECIFICATIONS

### 1.01 GENERAL DESCRIPTION OF WORK

- A. Includes the design, construction, delivery, and installation of a double single user pre-fabricated modular restroom, with utility chase, integral concrete mat foundation, and the stubbing-out building utilities. (See attached drawings). Approximate size of building pad: 19x11 ft. All doors to face the front of the building.

### 1.02 BUILDING CODES AND DESIGN

- A. The facility shall be designed to meet all the requirements of the current Uniform Building Code and the inspection department of the local governing authority as needed for approvals, permits and final inspection.
- B. The facility shall be designed and installed in compliance with the current applicable ADA / Title 24 physically challenged access rules and regulations.

### 1.03 DELIVERY OF BUILDING TO THE SITE

- A. Manufacturer shall visit site to determine if that is possible to deliver and unload their building at the location shown on the attached site plan. That assurance of delivery shall be part of the contract agreement.
- B. Existing light pole will be removed by others prior to delivery of building and replaced by others after completion.

### 1.04 MATERIALS AND EQUIPMENT (May vary during the construction document phase)

- A. Perimeter wall system shall be of grout filled, hollow load-bearing masonry units or 5000 psi reinforced concrete.
- B. Exterior finish shall be fiber reinforced cement horizontal lap siding or horizontal "color thru" concrete pattern.
- C. Interior and exterior: painted and graffiti resistant coating. Building wall and trim colors to match those on the existing building (building E") that is directly east of the proposed building site.
- D. Plumbing wall: 8"x8" high-impact resistant ceramic tile with graffiti resistant grout over 5/8" OSB. or reinforced concrete.

- E. Exterior doors shall be powder coated 18-gauge hollow metal welded doors with snap in top caps, and solid rolled edges with reinforcing for closers. Door jambs shall be welded 16 gauge steel. Restroom doors shall have a electric lock system operated by a simple electronic timer.
- D. All restroom doors shall have vandal-resistant heavy-duty commercial door closers, custom oversized 1/8" stainless steel strike plates with four vandal-resistant stainless steel screws to maintain integrity.
- E. Hinges shall be heavy duty commercial grade continuous gear type.
- F. Locksets shall be lever handle Schlage D series with stainless steel finish, dead bolts to be B-series or equal.
- G. Electrical: Exterior to have photocell activated, vandal proof 70 watt, HPS light. Interior to have motion activated, vandal proof 50 watt HPS light. Exterior and interior lights shall have over-ride switches in chase. Provide a GRIC duplex receptacle and a 100 watt incandescent switched light in a enclosed protective cage in the chase area.
- H. Hand Driers: Electric "Fast Air"; 120 or 240v
- I. Fixtures: Stainless steel wall mounted toilets & urinal (men's) with concealed flush valve. Stainless sinks with single self-closing concealed faucet valve. Stainless mirrors. (all fixtures shall be vandal resistant). Hose bib in chase area.
- J. Custom-fabricated 14-gauge type #304 stainless steel three roll standard toilet paper holders, for each toilet, which shall be lockable or approved equal.
- k. Recessed lock box (per fire districts specifications) located to the right of the upper men's room door frame.

## 2.05 ROOFING, ROOF DECKING, AND INTERIOR CEILINGS

- A. Roofing shall be 26 gauge standing seam metal over 30lb. felt paper or reinforced "color thru" concrete with ribbed metal pattern. There shall be no roof penetrations except that of plumbing vents.
- B. Interior ceilings to be stained tongue and groove v-jointed planks over painted load bearing glue-laminated beams. Planks and beams shall receive a graffiti resistant coating or painted / graffiti resistant coated reinforced concrete

## 2.06 EXTERNAL UTILITY CONNECTIONS

- A. All utilities (2" water, sewer and 120 or 240 V electrical) shall be stubbed to 6' outside building line, and be terminated in concrete ground boxes properly marked sewer, water and electrical.

## PROJECT DESCRIPTION

### BUILDING USE:

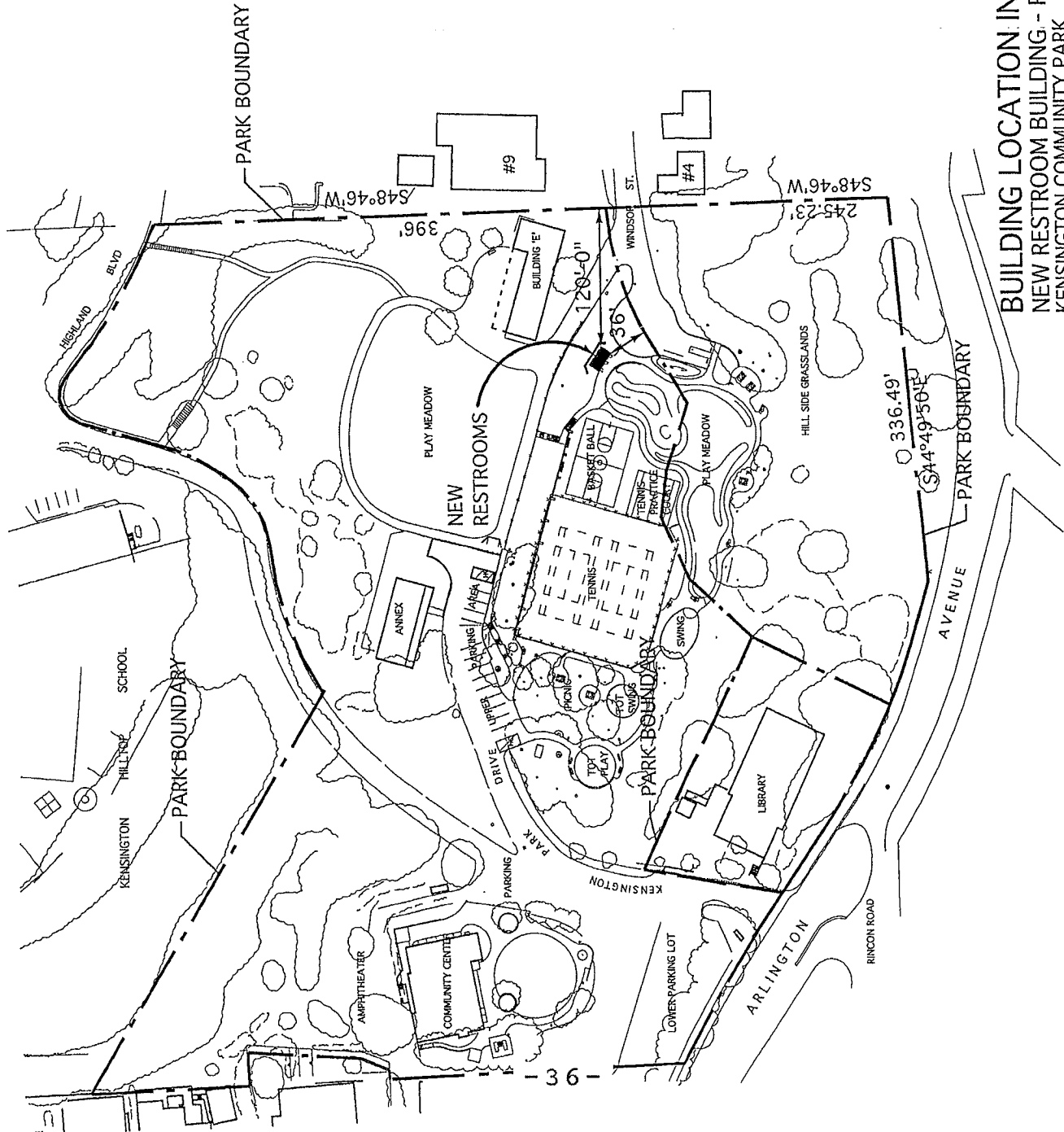
1. COMMUNITY PARK RESTROOM BUILDING
2. TWO GENDER SPECIFIC, SINGLE USER RESTROOMS, DIVIDED BY A MECHANICAL/STORAGE CORRIDOR
3. TIME CONTROLLED ACCESS

### BUILDING TYPE:

1. PRE-ENGINEERED / PRE-MANUFACTURED, ADA & TITLE 24 COMPLIANT, MASONRY BUILDING OR CONCRETE. BUILDING SHOWN ON SHEET 5 OF 7 IS GENERIC.
2. HORIZONTAL CEMENT BOARD OVER MASONRY BLOCK WALL OR FORMED CONCRETE LAP SIDING, ROOFING COLORS TO MATCH EXISTING BUILDING ("BUILDING 'E') TO THE EAST OF PROPOSED SITE. NOTE: SIMULATED BUILDING SITE (SHTS 4 OF 7 & 5 OF 7) SHOW APPROXIMATE COLORS. HOWEVER, ACTUAL COLORS WILL BE SELECTED DURING THE SUBMITTAL REVIEW PERIOD.

### SITE FEATURES

1. ENGINEERED SPLIT FACE CONCRETE BLOCK RETAINING WALL ON EAST-SIDE.
2. CONCRETE PAVING AROUND BUILDING (SEE SHT 3 OF 5).
3. LANDSCAPING AROUND BUILDING INCLUDING A NEW TREE (15 GAL. CAN SIZE) ON THE SOUTH SIDE TO PARTIALLY SCREEN END OF BUILDING FROM RESIDENCES ON WINDSOR STREET.
4. NEW LANDSCAPING WILL BE WATERED USING WATER EFFICIENT IRRIGATION HEADS AND BE PART OF THE EXISTING AUTOMATIC IRRIGATION SYSTEM.



LEGEND KEY	DESCRIPTION
---	PROPERTY LINE
#4	WINDSOR ST. HOUSE #



DATE: 1/25/10

SHT 1 OF 7

**BUILDING LOCATION IN PARK**  
**NEW RESTROOM BUILDING - PHASE 4**  
 KENSINGTON COMMUNITY PARK  
 KENSINGTON POLICE PROTECTION & COMMUNITY SERVICE DISTRICT  
 KENSINGTON, CALIFORNIA



**LEGEND  
KEY**

- PROPERTY LINE
- - - - - EXISTING STORM DRAINAGE DITCH
- EX. DRAINAGE FLOW

DESCRIPTION

PROPERTY LINE

EXISTING STORM DRAINAGE DITCH

EX. DRAINAGE FLOW

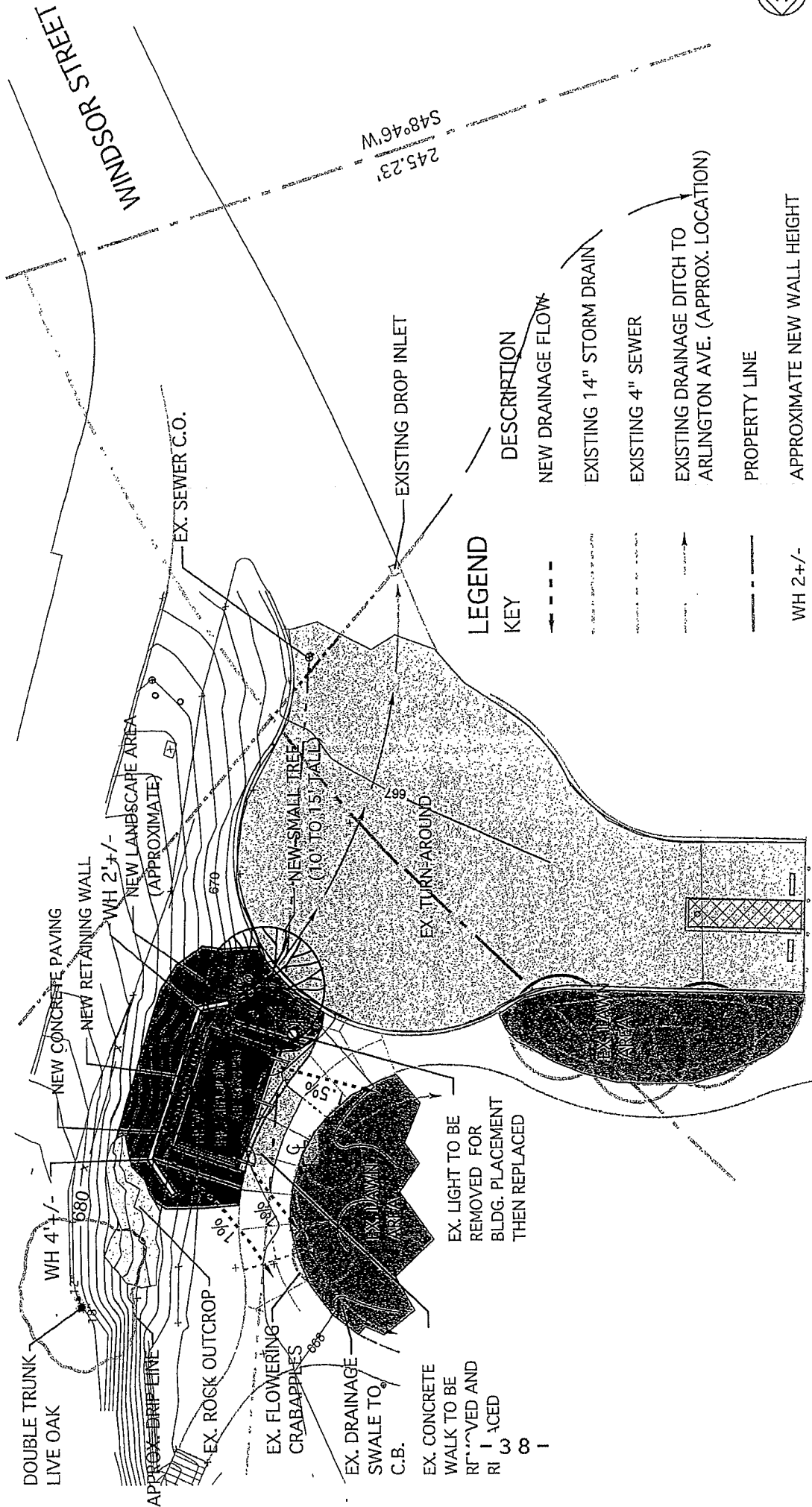


SCALE: 1" = 100'-0" +/-

DATE: 1/25/10

SHT 2 OF 7

**PARK TOPOGRAPHY**  
**NEW RESTROOM BUILDING - PHASE 4**  
 KENSINGTON COMMUNITY PARK  
 KENSINGTON POLICE PROTECTION & COMMUNITY SERVICE DISTRICT  
 KENSINGTON, CALIFORNIA



**LEGEND**

KEY	DESCRIPTION
---	NEW DRAINAGE FLOW
- - - - -	EXISTING 14" STORM DRAIN
- - - - -	EXISTING 4" SEWER
- - - - -	EXISTING DRAINAGE DITCH TO ARLINGTON AVE. (APPROX. LOCATION)
---	PROPERTY LINE
WH 2 +/-	APPROXIMATE NEW WALL HEIGHT



**SITE & DRAINAGE PLAN**  
 NEW RESTROOM BUILDING - PHASE 4  
 KENSINGTON COMMUNITY PARK  
 KENSINGTON POLICE PROTECTION & COMMUNITY SERVICE DISTRICT  
 KENSINGTON, CALIFORNIA

DATE: 1/25/10

SHT 3 OF 7



UPPER WINDOW TRIM

DOOR TRIM

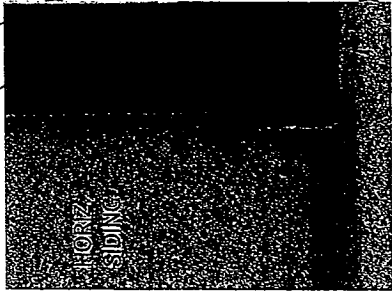
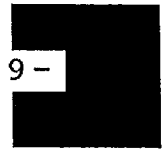
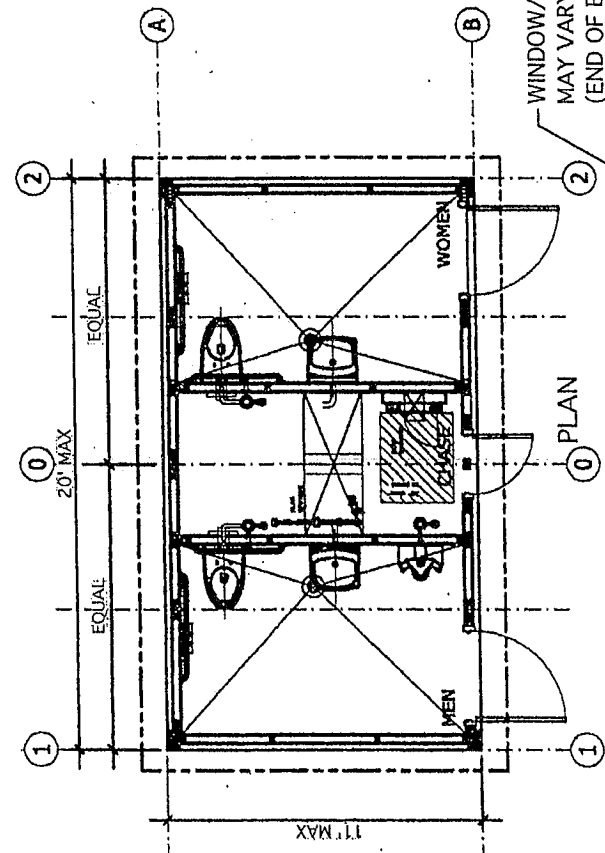


PHOTO ABOVE INDICATES BLDG. 'E' COLORS THAT WILL BE MATCHED FOR REST. 4 COLORS



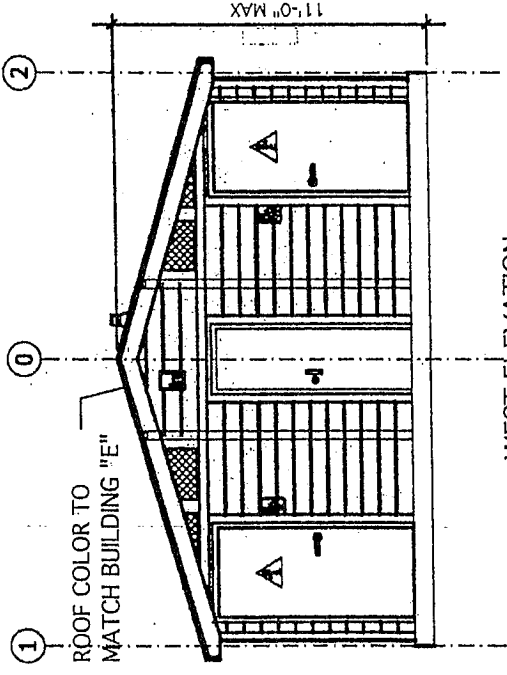
DOOR COLOR

PROPOSED BLDG. COLORS



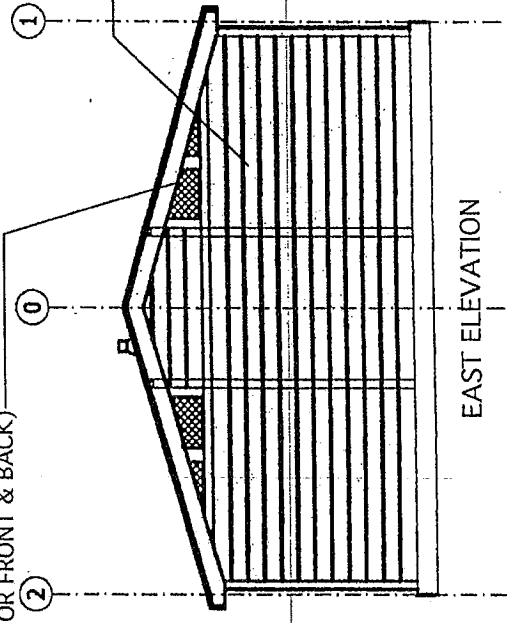
PLAN

WINDOW/VENT LOCATIONS MAY VARY WITH MANUFACTURER. (END OF BLDG. OR FRONT & BACK)



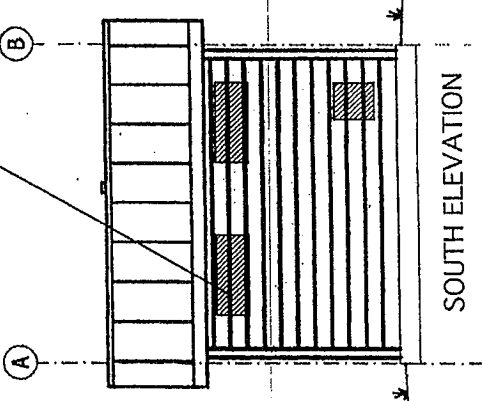
WEST ELEVATION

ROOF COLOR TO MATCH BUILDING 'E'

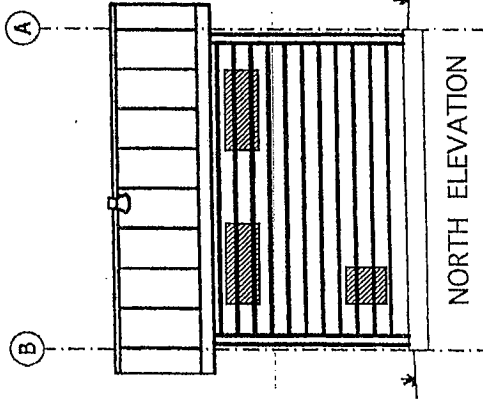


EAST ELEVATION

HORIZONTAL, CEMENT COMPOSITE SIDING OVER CMU OR FORMED ON PRECAST CONCRETE BUILDING.



SOUTH ELEVATION



NORTH ELEVATION

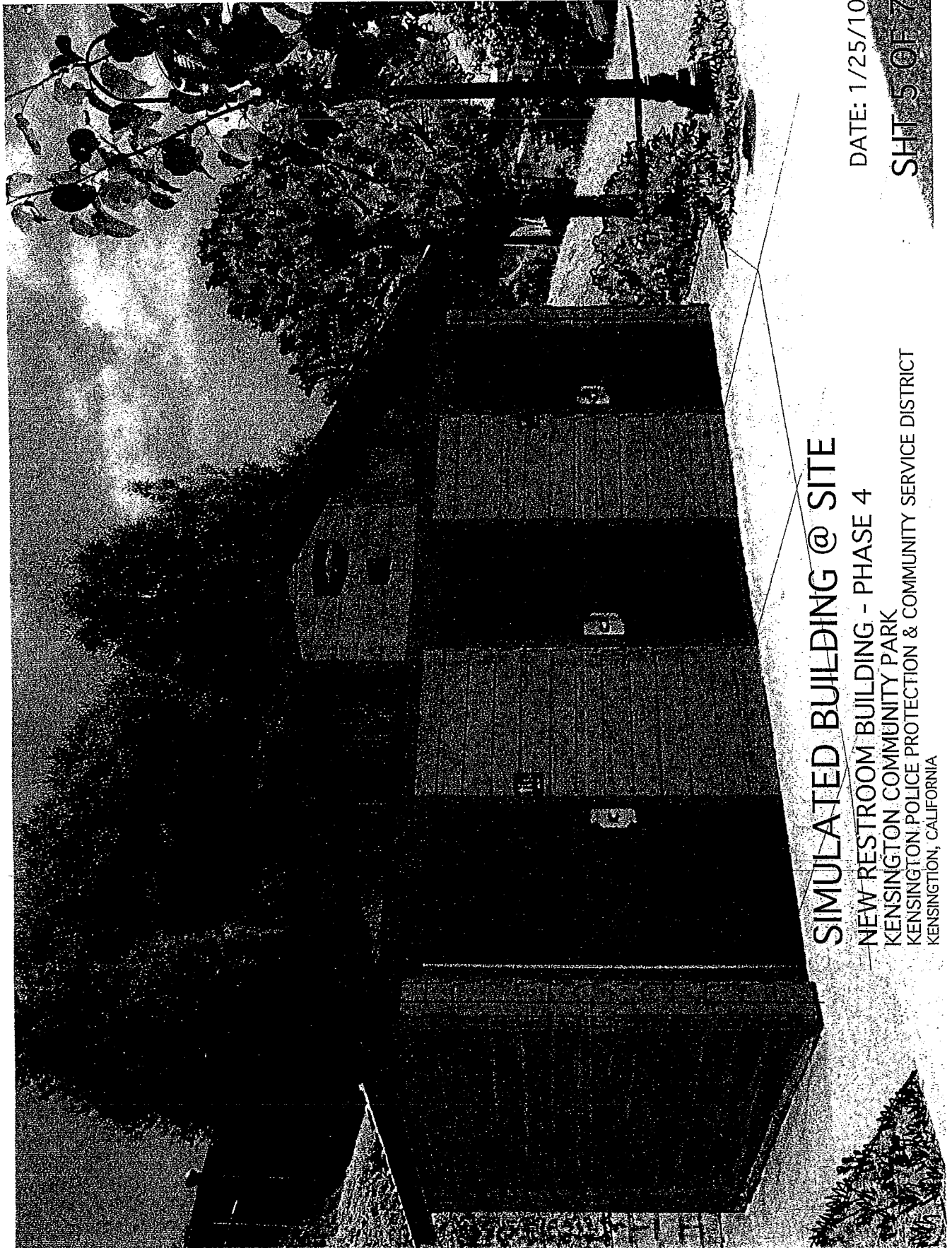
NO SCALE

PROPOSED PRE-ENGINEERED / PRE-MANUFACTURED BUILDING PLAN AND ELEVATIONS

NEW RESTROOM BUILDING - PHASE 4  
 KENSINGTON COMMUNITY PARK  
 KENSINGTON POLICE PROTECTION & COMMUNITY SERVICE DISTRICT  
 KENSINGTON, CALIFORNIA

DATE: 1/25/10

SHT 4 OF 7

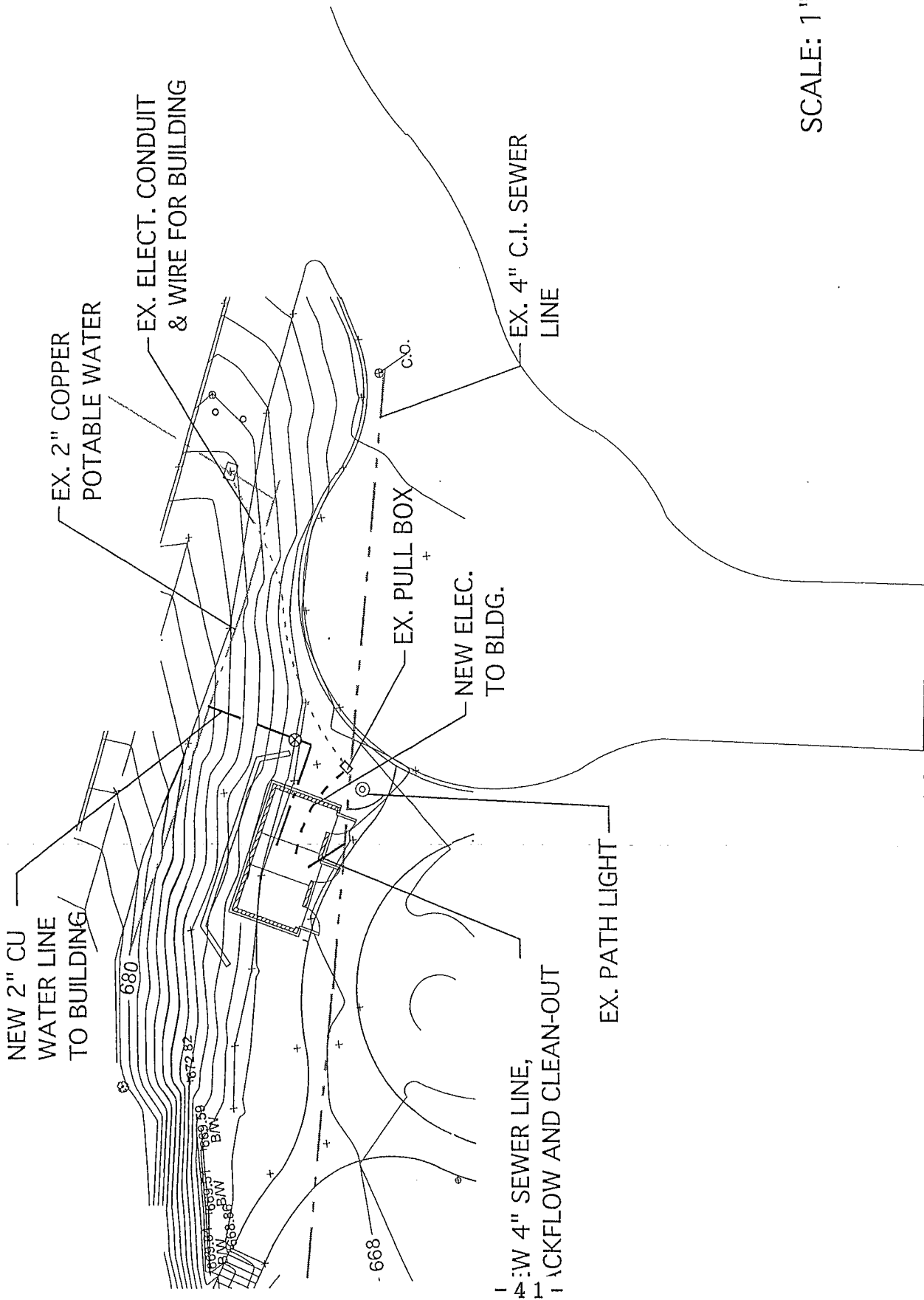


## SIMULATED BUILDING @ SITE

NEW RESTROOM BUILDING - PHASE 4  
KENSINGTON COMMUNITY PARK  
KENSINGTON POLICE PROTECTION & COMMUNITY SERVICE DISTRICT  
KENSINGTON, CALIFORNIA

DATE: 1/25/10

SHT 5 OF 7



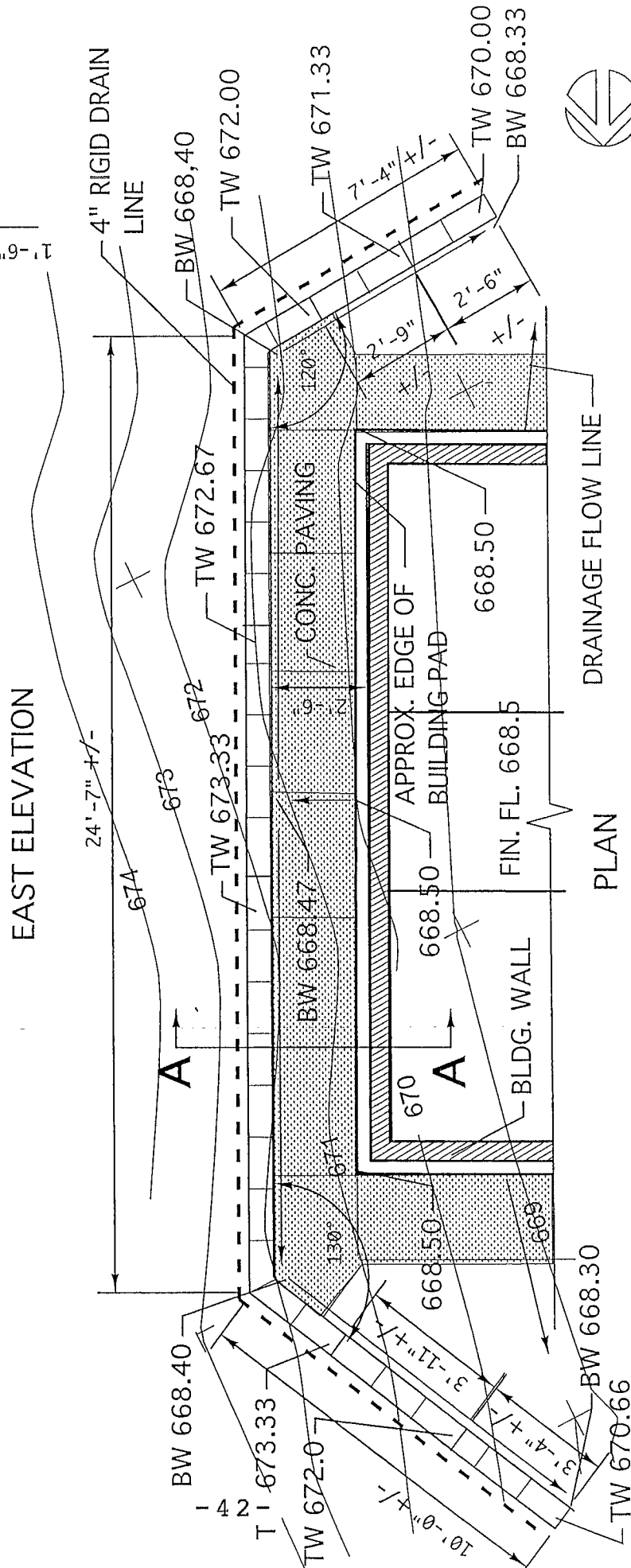
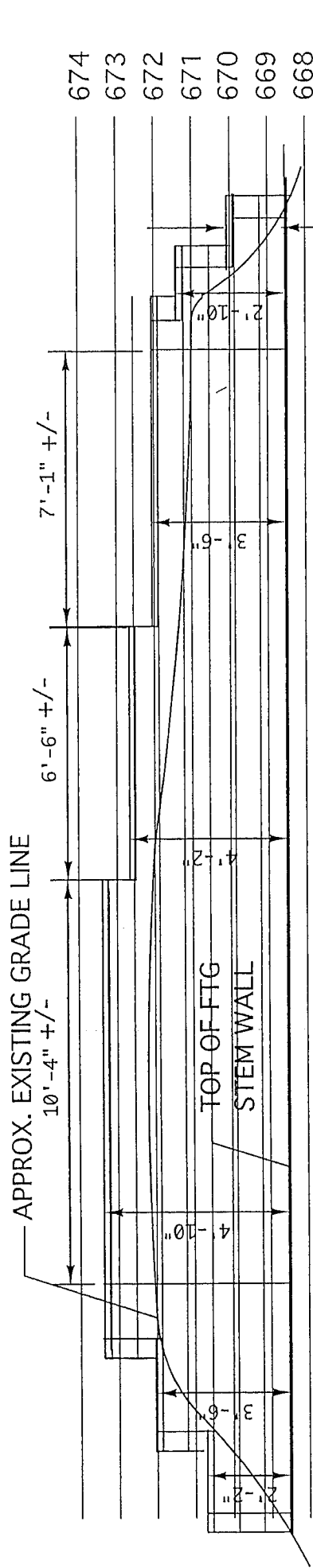
SCALE: 1" = 20'-0"

**PRELIMINARY UTILITY PLAN**

NEW RESTROOM BUILDING - PHASE 4  
 KENSINGTON COMMUNITY PARK  
 KENSINGTON POLICE PROTECTION & COMMUNITY SERVICE DISTRICT  
 KENSINGTON, CALIFORNIA

DATE: 1/25/10

SHT 6 OF 7



**PRELIMINARY RETAINING WALL ELEV. & PLAN**

NEW RESTROOM BUILDING - PHASE 4  
 KENSINGTON COMMUNITY PARK  
 KENSINGTON POLICE PROTECTION & COMMUNITY SERVICE DISTRICT  
 KENSINGTON, CALIFORNIA

SCALE: 1/4" = 1'-0"

DATE: 1/25/10



# OLD BUSINESS

#2 - General Manager Greg Harman will present the Board with an update on the Annex remodeling project.

# Memorandum

Kensington Police Department



**To:** KPPCSD Board of Directors

**From:** Gregory E. Harman, General Manager

**Date:** Thursday, February 04, 2010

**Subject:** Old Business Item #2 Annex Update

APPROVED YES NO

\_\_\_\_\_

FORWARDED TO:

\_\_\_\_\_

On January 20, 2010, I met with Jason Kaldis, the architect that had prepared the drawings for the remodel of the Annex when the District was considering renting the building to a child care provider. I informed Mr. Kaldis that, at this time, the District is planning to move forward with remodeling the Annex so that it can be used as a public meeting/ community center.

Mr. Kaldis advised me that the change in the buildings use would affect the type and number of restroom fixtures needed to make the building code compliant. For use as a conference room, "Assembly 2", with 50 occupants, the building would need one male lavatory and three female lavatories.

In reviewing the previous remodel drawings for the child care facility and estimating the new costs of remodeling the Annex for use as a public meeting building, Mr. Kaldis estimated the cost of the remodel to bring the building up to code at \$129,000. (This price does not include any dry rot repair estimated to be \$30,500)

During our discussion about the current reasons for the remodel, and briefing him on the anticipated remodel of the Community Center, he informed me that there may be another way to meet the District's needs for meeting space.

Mr. Kaldis estimated that if the District were to remodel and combine Room #2 and Room #3 of the Community Center into a larger, multi-functional room with a room divider, the cost of the project would be approximately \$40,000, or a third of the projected cost of the Annex remodel.

Mr. Kaldis provided me with his personal opinion that, due to the age and condition of the Annex building, he did not believe it was financially advisable to invest \$129,000 (excluding dry rot costs) into the building when there was little to no possibility of it being able to generate revenue, even after the remodel.

If the Annex were not to be remodeled, it could function as storage space for the District and Police Department. Currently we are using the storage shed next to the Community Center for storage and this space is not meeting our needs.

In the event that the KCC remodeling costs of the Community Center go over the estimated remodeling budget, the first item to be cut from the project would be the new addition for storage. In this case, if District storage was moved to the Annex, the storage shed could then be used for additional Community Center storage.

I am requesting the Board review the two options listed below and provide direction as to the Annex project.

Option #1

Investigate the costs and benefits of remodeling Rooms 2 and 3 of the Community Center in order to expand the meeting area available to the District.

Option #2

Continue with the plans to remodel the Annex in order to bring it up to code for public meetings.

# NEW BUSINESS

#1 - Board Consultant Brown Taylor will present to the Board the “General Manager/ Chief of Police Annual Goal Setting and Performance Appraisal Process and Procedure Amendment” for the District’s Policies & Procedures Manual, first reading. Board Action.



**Kensington Police Protection and Community Services District**  
**STAFF REPORT**

**DATE:** February 11, 2010  
**TO:** KPPCSD Board of Directors  
**FROM:** Brown Taylor, Special District Employee  
**SUBJECT:** **General Manager / Chief of Police Annual Goal Setting and Performance Appraisal Process Board Policy and Procedure Amendment – FIRST READNG**

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**Report Structure:**

- Recommendation that the Board Policy and Procedures Manual be amended to include a process for annual “Goal Setting” and “Performance Appraisal” for the General Manager / Chief of Police (GM/COP).
- Background and Analysis Goal Setting and Performance Appraisal Process.
- Attachments:
  - (A) Proposed Language for the Board Policy Amendment
  - (B) Annual Performance Appraisal Time Line to be Calendared and Monitored by the District Secretary.
  - (C) Annual Goal Setting and Performance Appraisal Board Worksheet.
  - (D) Annual Goal Setting and Performance Appraisal Board Final Document

**Recommendation:**

That the KPPCSD Board of Directors amend Board Policy Manual Series 2000 (Personnel) to include Policy Number 2000.25 “Performance Appraisal – General Manager” as displayed in ATTACHMENT “A” of this staff report; AND

That the District Secretary be directed to maintain a notification system on the Board Master Calendar to track Performance Appraisal Process Time Lines as displayed in ATTACHMENT “B” of this staff report; AND FURTHER

That the District Secretary be directed to maintain in file the “Annual Goal Setting and Performance Appraisal Board Worksheet and Final Document as displayed in ATTACHMENTS “C” AND “D” for annual distribution to the Board when requested.

## Background

Defining expectations and assessing the General Manager / Chief of Police, (GM/COP) is one of the Board's primary governance responsibilities.

The performance Appraisal process for the General Manager / Chief of Police, (GM/COP) has not been consistent in terms of receiving a formal annual review of performance and statement of Board expectations in a format that solicits input from all Board Members.

This process, developed with assistance from Dr. Charles Beesley, provides structure for the very important annual "Goal Setting and Performance Appraisal Process" between the District Board and the GM/COP. The process was developed using the following assessments.

- Input from Dr. Charles Beesley
- Video Review of the January 2009 Board Planning Workshop
- Review of the Planning Workshop Summary Report
- Review of Municipal Executive Level Performance Appraisal Formats.
- Board and Community Member Interviews.
- Review by and Input from the Project Steering Committee

At the January 2009 District Planning Session participants, (Board Members and GM/COP) agreed that an annual performance evaluation of the GM/COP would be an appropriate time frame utilizing a standard form that allows for input from both the Board and GM/COP. The evaluation process discussed was that:

- The Board and GM/COP would agree on annual performance goals.
- The evaluation form would include "core functions" and "performance expectations".
- The evaluation would allow for unanticipated events, impacts and response on the part of the GM/COP.
- The Executive Committee would be the liaison between the Board and GM/COP.

Additionally, the current Board has used this proposed process to administer the most recent performance appraisal to the GM/COP. Certain modifications were made as the Board moved through the process to the form that is now presented.

## **Analysis**

For this assessment it is important to “recognize and focus” on the GM/COP responsibilities of providing executive leadership as the Chief of Police, providing administrative direction and guidance for issues of public safety, and the role of General Manager for District operations.

The process is a tool to be used in two phases: it is a planning tool as well as an assessment tool. The GM/COP should be an integral part of both the planning and assessment phases. The GM/COP must agree with the performance objectives, and make certain that the Board members understand what they must do to support the GM/COP in order to achieve the goals, to include an ongoing assessment and goal prioritization resulting from emerging issues facing the District. The GM/COP must also ensure that the Board has the information to fairly conduct an assessment, and provide the Board with his/her own evaluation and feedback on performance.

## **Worksheet and Final Board Documents (Attachment “C” and “D”)**

All Board members and the GM/COP will complete the “worksheet” document and provide comments and suggestions to the Board Review Committee. The Committee will then facilitate an executive session of the Board and upon feedback from the Board will prepare a “Final Board Assessment Document” for review with the GM/COP. Following review with the GM/COP the Board will deliberate in “open session” potential adjustment in GM/COP compensation. In the event the entire Board and/or GM/COP wish to discuss the evaluation in closed session this should be acknowledged and take place in a timely fashion.

### **Phase 1 Annual Performance Goals:**

By the beginning of the “Fiscal Year”, the Board and GM/COP must reach a clear understanding of expectations, goals and priorities for the GM/COP and/or Board. This is accomplished through review and update of a list of specific and measurable tasks and the establishment of goals for the next fiscal year. They can be a combination of personal, professional, and District goals reflective of District priorities that are tied specifically to the budget planning process.

Phase II    Assessment / Core Competencies:

Core Competencies / Job Dimension Elements, “2.1” through “2.9”, are ongoing skills, capabilities, and responsibilities that are essential for the success of the GM/COP and are outlined in the GM/COP job description. For this phase each of the nine (9) General Dimensions and seventy-two (72) sub-factor dimensions should receive a well defined numerical score from 1 to 5”, with a “1” being weak and a “5” being strong.

**Annual Time Line for Performance Appraisal Process: (Attachment “B”)**

The Process “Time Line” is included to facilitate the timely response to each phase of the process. In addition to adding order and structure to the process for current Board administration the time line serves as a resource for future Board Members.

Significant “time milestones” should be placed on the District Board Master Calendar.

**Proposed Board Policy Manual Amendment: (Attachment “A”)**

This is the “First” of “Two” Required Readings for Amendment to the Board Policy Manual.

Consultation with the California Special Districts Association was initiated for Policy Manual format and language for this proposed amendment.

The Policy is designed to provide stability to the objectives of the “annual review process”, yet flexibility in terms of using a process for discussion and encourages feedback in the development of goals and the performance evaluation.

**Fiscal Impact:**

None

**Alternatives:**

Adopt this Performance Appraisal Process as an informal Board policy rather than formally amending Series 2000 of the Board Policy Manual

# ATTACHMENT

## A

### PROPOSED BOARD POLICY AMENDMENT

**POLICY TITLE: Annual Goal Setting and Performance Appraisal –  
General Manager / Chief of Police**

**POLICY NUMBER: 2000.25**

**2000.25.1** The General Manager of the District is retained and serves at the will of the Board of Directors. The Board of Directors shall review the performance of the General Manager after the initial six months of service after appointment and then annually thereafter, using a process that provides for discussion and encourages feedback in the development of goals and the performance evaluation.

**2000.25.2** The performance evaluations should occur in closed session annually during the first Board of Directors meeting of the month in which the evaluation is due, or on another date mutually acceptable to the Board of Directors and the General Manager. The District Board Secretary shall maintain a notification system that tracks the date when the evaluation is due to ensure the Board agenda is properly noticed and to provide adequate advance notice to the Board and the General Manager.

**2000.25.3** The Board of Directors will agree upon an evaluation form to be provided to the Board and completed prior to the formal performance review session. Board of Directors shall be encouraged to prepare input on the form (worksheet) prior to the Board of Directors meeting.

**2000.25.4** During the scheduled closed session(s) the Board should offer opportunity to meet as a group with the General Manager to verbally discuss the components of the performance evaluation. If requested by the Board and/or the General Manager, the District's Legal Counsel may attend the evaluation session.

Following input of the General Manager and the Board by way of the Performance Appraisal Worksheet, the Board shall meet and determine an overall evaluation of the General Manager's performance for the past review period and by way of the Board's designated committee provide written notification to the General Manager of the assessment and any recommended compensation adjustment, as appropriate. A copy of this written assessment should be provided to the General Manager and a copy kept in the General Manager's personnel file. The performance evaluation shall be kept confidential. Any decision on a compensation award shall be made at a public meeting following the closed session evaluation meeting.

**2000.25.5** The Board of Directors and General Manager should jointly develop mutually agreed upon written goals and objectives for the subsequent evaluation period.

# ATTACHMENT

## B

### ANNUAL PERFORMANCE APPRAISAL TIME LINE

## Goal Setting and Performance Appraisal Process

Process	Recommendation for Administration
Board President Identifies Process time line and Board Member Review Committee for GM/COP Performance Appraisal	<ul style="list-style-type: none"> <li>• January "Board Member Committee appointment and goal setting session.</li> <li>• New Board President establishes a time line for the GM/COP Performance Appraisal process to conclude by the end of the F/Y with time for GM/COP compensation adjustment.</li> <li>• Selects a Performance Appraisal. Review (Executive) Committee.</li> </ul>
Board President and Past Board President have a mid fiscal year review of goals and performance dimensions with the GM/COP.	<ul style="list-style-type: none"> <li>• Set appointment with two weeks lead time for Performance Appraisal review by GM/COP and "Presidents"</li> </ul>
Board President meets with GM/COP monthly to specifically review Performance Appraisal Document. Provides on-going feedback.	<ul style="list-style-type: none"> <li>• On-going monthly process.</li> <li>• Identification of emerging issues</li> <li>• Prioritization of emerging issues with initial goals.</li> <li>• Board notification of re-prioritized objectives.</li> </ul>
Distribution of Performance Appraisal "Worksheet" Document to Board Members and GM/COP.	<ul style="list-style-type: none"> <li>• May distribution</li> <li>• President Identifies time line for process</li> </ul>
Board Member personal reflection of Performance Appraisal dimensions by GM/COP.  Include thoughts about personal / professional and District Goals for the next fiscal year.	<ul style="list-style-type: none"> <li>• Return to Board President – Mid or End of May</li> </ul>
GM/COP personal reflection of Performance Appraisal dimensions and accomplishment of F/Y Goals, with projection for those not accomplished.  Include thoughts about personal / professional and District Goals for the next fiscal year.	<ul style="list-style-type: none"> <li>• Return to Board President – Mid or End of May</li> </ul>
Review (Executive) Committee Consolidates Information from "worksheets" in Draft Performance Appraisal for Board Closed Session Review.	<ul style="list-style-type: none"> <li>• Review Committee prepares Draft Performance Appraisal and Goal setting from information submitted by Board Members and GM/COP for Board Presentation.</li> </ul>



<p>GM/COP / Board Review (Executive) Committee set Goals for next Fiscal Year.</p>	<ul style="list-style-type: none"> <li>• No more than 10, (meaningful / significant) Goals</li> </ul>
<p>Board Closed Session for <u>review and consensus adoption</u> of the Draft Performance Appraisal and Goals by the Review (Executive) Committee.</p>	<ul style="list-style-type: none"> <li>• Information presented by the Board Review (Executive) committee from Board Member and GM/COP input.</li> <li>• Recommend Compensation Plan.</li> </ul>
<p>GM/COP meet with the Review (Executive) Committee for Performance Appraisal Administration.</p>	<ul style="list-style-type: none"> <li>• Review Performance Appraisal &amp; Goal Setting Document. Explanation of Appraisal Elements and Confirmation of New F/Y Goals.</li> </ul>
<p>GM/COP Requests a Closed Session meeting with the full Board (<b>OPTIONAL</b>) for further clarification of Performance Appraisal elements</p>	<ul style="list-style-type: none"> <li>• GM/COP precedes the meeting with an outline of topics to be discussed regarding the performance review.</li> </ul>
<p>Board Meeting Adoption of new F/Y Budget and Compensation adjustment for GM/COP.</p>	<ul style="list-style-type: none"> <li>• June Board Meeting</li> </ul>

# ATTACHMENT

## C

### PERFORMANCE APPRAISAL WORKSHEET

Kensington Police Protection and Community Services District  
Contra Costa County, California

---

**General Manager / Chief of Police**

**Goal Setting and Performance Appraisal Document**

**PREPARATORY WORKSHEET**

FOR  
BOARD FINAL REVIEW

Fiscal Year: \_\_\_\_\_ to \_\_\_\_\_

Board Member \_\_\_\_\_, Date \_\_\_\_\_

Return to the Board President by \_\_\_\_\_

*RECOMMENDED TIME FOR COMPLETION 1 HOUR*

## PERFORMANCE APPRAISAL SUMMARY

Defining expectations and assessing the General Manager / Chief of Police, (GM/COP) is one of the Board's primary governance responsibilities.

While the performance appraisal is meant to critique the GM/COP performance and what has been accomplished during the past review period, it is also a communications tool and a learning process whereby the District Board Members and the GM/COP can learn more about each other's expectations and where strengths and weaknesses exist in the relationship. The performance evaluation should be a thoughtful, effective, sensitive, and positive process.

For this assessment it is important to "recognize and focus" on the GM/COP responsibilities of providing executive leadership as the Chief of Police, providing administrative direction and guidance for issues of public safety, and the role of General Manager for District operations.

### How to Use This Tool

This document is a tool to be used in two phases: it is a planning tool as well as an assessment tool. The GM/COP should be an integral part of both the planning and assessment phases. He/She must agree with the performance objectives, and make certain that the Board members understand what they must do to support the GM/COP in order to achieve the goals, to include an ongoing assessment and goal prioritization resulting from emerging issues facing the District. The GM/COP must also ensure that the Board has the information to fairly conduct an assessment, and provide the Board with his/her own evaluation and feedback on performance.

### Phase 1 Annual Performance Goals: (Sections I and III)

By the beginning of the "Fiscal Year", the Board and GM/COP must reach a clear understanding of expectations, goals and priorities for the GM/COP and/or Board. This is accomplished through review and update of this document. A list of specific and measurable tasks that the GM/COP has been charged with accomplishing for the previous fiscal year, (*section I*) and the establishment of goals for the next fiscal year, (*section III*). In general, these goals will change from year. They can be a combination

of personal, professional, and District goals reflective of District priorities that are tied specifically to the budget planning process.

**Phase II    Assessment / Core Competencies, (section II)**

Core Competencies Job Dimension Elements, “2.1” through “2.9”, are ongoing skills, capabilities, and responsibilities that are essential for the success of the GM/COP and are outlined in the GM/COP job description. In general, these elements should not change from year to year.

For this phase each question should receive a numerical score from 1 to 5”, with a “1” being weak and a “5” being strong as defined below. A comment section is included after each question and category.

- (1) Unsatisfactory – Work performance is inadequate and definitely inferior to the standards of performance required for the job. Performance at this level cannot be allowed to continue.
- (2) Improvement Needed – Work performance does not consistently meet the standards of the position. Serious effort is needed to improve performance.
- (3) Meets Job Standard – Work performance consistently meets the standards of the position.
- (4) Exceeds Job Standard – Work performance is frequently or consistently above the level of satisfactory, but has not achieved an overall level of outstanding performance.
- (5) Outstanding – Work performance is consistently excellent when compared to the standards of the job.

**Inclusive Rating Process:**

All Board members and the GM/COP will complete this document and provide comments and suggestions to the Board Review Committee. The Committee will then facilitate an executive session of the Board and upon feedback from the Board will prepare a final assessment for review with the GM/COP. Following review with the GM/COP the Board will deliberate in “open session” potential adjustment in GM/COP compensation. In the event the entire Board and/or GM/COP wish to discuss the evaluation in closed session this should be acknowledged and take place in a timely fashion.

## SECTION 1 - ANNUAL PERFORMANCE GOALS

**THE GM/CP WILL PROVIDE AN ASSESSMENT FOR THIS SECTION UNDER SEPARATE COVER**

The assessment here is to simply display the goals from the previous Performance Appraisal and answer the question, whether or not the task has been completed as identified. The GM/COP should complete this Summary Response.

The following goals were for the rating period of \_\_\_\_\_ to \_\_\_\_\_

#	Performance Goal	Met	Not Met	Comment Partially Met
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

**Comments and Observations:**

## SECTION 2 - CORE COMPETENCIES

Core competencies are skills, capabilities and responsibilities that are essential for the success of the GM/COP. Many of the core competencies are outlined in the GM/COP job description. Core Competency dimensions are identified in nine (9) categories with seventy-two (72) sub-factor ratings to help define the primary nine (9) categories.

**REMEMBER:** This Position has two important and distinct roles.

- **Chief of Police:** Providing Executive Leadership for Police Services
  - **General Manager:** Providing Administration and Management for District Operations.
- 

### 2.1 Financial Management

Sound financial management is one of the most critical responsibilities of the GM/COP. The GM/COP must insure that solid budgeting and accounting systems and appropriate financial controls and risk management strategies are in place. Achieving budget targets is a very important factor in performance assessment. The Board is responsible for supporting the GM/COP with a Finance Committee and Appropriate Professional Financial Resource.

#	Core Competency	1	2	3	4	5
1	Plans, organizes, prepares, and presents the annual budget with adequate documentation and support information to enable Directors to make informed fiscal policy decisions.					
2	Performs competitive analysis of District's operating benchmarks versus industry standards					
3	Makes sound financial decisions and takes effective corrective action as required to control costs and achieve budget goals					
4	Monitors monthly budget and other financial statements, and makes accurate monthly financial reports and projections to the Board					
5	Develops and implements effective strategies for generating budgeted revenue					
6	Ensures that the budget addresses the Board's goals and objectives					
7	Ensures that Supervisors are aware of budget requirements and are effectively managing costs					
	<b>Overall Financial Management Rating</b>					

**Comments and Observations:**

## 2.2 Organization Management

The GM/COP has overall responsibility for the day-to-day operations of the Police Department and District. These responsibilities include developing, maintaining and using all systems and resources that facilitate the effective operation of police service delivery, District Park and Recreation and Solid Waste Handling and Disposal.

#	Core Competency	1	2	3	4	5
1	Develops, maintains and administers a sound organizational structure and plan, and initiates improvements as necessary					
2	Plans and organizes on-going service delivery systems to assure efficient and effective services to Kensington Community					
3	Maintains knowledge of current and innovative trends, technologies, and systems provided by local government and incorporates that knowledge into program research and recommendations.					
4	Plans and organizes responses to public requests and complaints or areas of concern that are brought to the attention of the GM/COP					
5	Anticipates and recognizes future needs and problems and plans accordingly					
6	Ensures that appropriate administrative systems, technology and procedures are in place to effectively manage the District					
7	Ensures that District Sergeants effectively schedule, supervise and direct the work of all District employees including handling all personnel-related matters including compensation, job changes, performance evaluation, discipline etc.					
<b>Overall Organization Management Rating</b>						

**Comments and Observations:**



### 2.3 Board Relations

The GM/COP has a responsibility to provide a high degree of leadership for the Board and its committees. Part of that leadership responsibility is to help the Board remain focused on governance and long-term planning. In order to do so, the Board must have confidence and trust that the GM/COP is effectively managing all aspects of the District's operations. Important is that the Board have displayed support for the GM/COP in pursuit of duties.

#	Core Competency	1	2	3	4	5
1	Plans, organizes, and follows through on work assigned by the District Board so that it is completed with timeliness and efficiency.					
2	Plans and organizes work involved in researching the Board's suggestions and reporting the results of the analyses.					
3	Helps the Board focus on highest priority topics that need Board attention and involvement rather than day-to-day management issues					
4	Orients new Board members and engages all Board members to ensure that everyone understands how the organization functions, and has information needed for informed decision making					
5	Keeps the Board apprised of the organizational climate and any issues that could affect the District's operations					
6	Serves as an articulate and effective spokesperson for the District with the membership and outside organizations that are of benefit to the District					
7	Administers the Board calendar to insure that the Board maintains compliance with critical milestone dates for Board action and personal Board Member mandated training.					
8	Carries out directives of the Board as a whole rather than those of any one Board Member					
9	Receptive to constructive criticism and advice					
10	Willing to try new ideas proposed by District Board Members or Staff.					
<b>Overall Board Relations Rating</b>						

**Comments and Observations:**

## 2.4 Planning and Coordination

Assisting with planning and coordination of Board and committee activities is a very important leadership responsibility of the GM/COP. The GM/COP is expected to be a partner with the Board, and to assist the Board in achieving both its short and long-term goals.

#	Core Competency	1	2	3	4	5
1	Works with the Board and its committees in developing a shared vision for the mission and vision of the District, and appropriate goals and strategies to advance the mission					
2	Helps the Board coordinate committee activities to ensure that they are in alignment with the Board's goals and committee charters					
3	Plans, develops and approves specific operational policies, programs, procedures, methods, rules and regulations in concert with general policies					
4	Provides necessary administrative support to ensure that committee activities are documented and communicated to the Board					
5	Creates and administers the annual Work Plan based on the District's (strategic / business) plan, input from committees, the GM's action items, and priorities established by the Board					
6	Keeps District Board members advised of new and pending legislation and development.					
7	Reports are generally produced through own initiative rather than when requested by the Board.					
8	Displayed outreach to community for experienced subject matter experts to help with District issues and affairs. (community volunteers with expertise)					
<b>Overall Planning and Coordinating Rating</b>						

**Comments and Observations:**

## 2.5 Services Management

The District exists for the delivery of services to its public constituents and partnerships. Quality of service is one of the major factors that determine whether the District is excellent or mediocre, and whether constituents are satisfied or dissatisfied. Accordingly, the concept of excellent service and its consistent delivery is a vital part of the GM/COP responsibilities. Areas involve, police services, park and recreation facilities, and solid waste.

#	Core Competency	1	2	3	4	5
1	Works with Department Managers / Sergeants to ensure the highest performance standards for District service delivery.					
2	Oversees the community education and/or public outreach programs to promote the District's services and facilities.					
3	Maintains high visibility and engages the employees so they feel confident that the GM/COP is committed to quality service delivery.					
4	Develops appropriate outreach and feedback mechanisms to properly assess that service delivery objectives are being met.					
<b>Overall Service Management Rating</b>						

**Comments and Observations:**

## 2.6 Human Resources

The District is primarily a service-based operation. This entails hiring, training, developing and promoting qualified people to efficiently manage and operate the District. The GM/COP plays a key role in developing and sustaining Human Resource (HR) Policies that not only comply with Federal and State regulations yet meet the spirit of the District's HR philosophy. Due to the personnel resource involved, police operations are a significant element of this performance dimension. Functions include:

#	Core Competency	1	2	3	4	5
1	Maintains positive employee-employer relations and guides people so they work toward common objectives.					
2	Effectively selects, trains, and organizes employees.					
3	Addresses personnel problems and takes appropriate action when warranted					
4	Maintains an atmosphere in which employees enjoy working for the District Specifically the Police Department.					
5	Has developed a "friendly and informal relationship" with the work force, yet maintains the prestige and dignity of the Executive Manager.					
6	Ensures policies and procedures are uniformly enforced.					
7	Oversees employee salaries and benefits and where appropriate, contract negotiations and settlements as directed by the Board.					
8	Ensures that personnel policies are current and in compliance with Federal and State laws.					
9	Ensures the District complies with mandated personnel due process.					
	<b>Overall Human Resources Rating</b>					

**Comments and Observations:**

## 2.7 Facility Management

The District's facilities, equipment and infrastructure are of prime importance and a major focus of the GM/COP responsibilities. The GM/COP is responsible for insuring that all of the District's physical assets are maintained in a manner that will maximize their useful life span and productivity.

#	Core Competency	1	2	3	4	5
1	Displayed work activity that ensure that appropriate standards for care and maintenance of physical assets are in place and being effectively implemented.					
2	Maintains asset records and replacement schedules; advises the Board and budgets for appropriate asset replacements and additions.					
3	Maintains inventory records and a thorough understanding of all of the District's real estate holdings and related issues, including regulatory, legal and related issues.					
<b>Overall Facility Management Rating</b>						

**Comments and Observations:**

## 2.8 Personal Leadership Qualities

Beyond the core functional responsibilities of the GM/COP, there are a number of additional leadership and interpersonal skills that are important to the success of the GM/COP.

#	Core Competency	1	2	3	4	5
1	Demonstrates a clear commitment to the District's mission, vision and values and engages others in advancing the mission of the District.					
2	Ensures that District employees who have public contact demonstrate a perception, attitude, and feeling of helpfulness, courtesy, and sensitivity.					
3	Motivates subordinates to create a team atmosphere and commitment to the organization.					
4	Composure, appearance, and attitude is fitting for an individual in this Executive position.					
5	Knowledgeable of current developments affecting the management field. Displayed through personal professional development.					
6	Demonstrates a sense of innovation and creativity.					
7	Anticipates problems and develops effective approaches for solving them.					
8	Instills confidence and initiative in subordinates and emphasizes support rather than restrictive controls for their daily activities and collateral duties and programs					
9	Displayed Willingness to ask difficult questions and challenge organizational assumptions.					
10	Displayed dedication to the Kensington Community and its Citizens					
11	Skillful with the news media – avoiding political positions and partisanship					
12	Positively and effectively represents the District and its interests with other governmental jurisdictions or agencies.					
13	Maintains sufficient visibility, identity, and availability in the community.					
14	Seeks to continuously improve own skills and knowledge.					
	<b>Overall Personal Leadership Qualities Rating</b>					

**Comments and Observations:**

## 2.9 Interpersonal Skills

#	Core Competency	1	2	3	4	5
1	Does the Manager exhibit the proper skills to be easy to talk to: Listen to what is being said: Respond in a thoughtful, clear, and pointed manner.					
2	Are written communications clear, concise, formatted appropriately, and accurate.					
3	Effective problem solving skills.					
4	Good judgment in decision making.					
5	Ability to build trusting relationships.					
6	Ability to balance diverging and competing points of view. Being firm when convinced but not stubborn.					
7	Displayed ability to be decisive, to reach timely decisions and initiate action with out being compulsive.					
8	Demonstrates integrity and honesty in day-to-day relationships.					
9	Is practical and uses common sense.					
10	Demonstrates a positive attitude.					
<b>Overall Interpersonal Skills Rating</b>						

**Comments and Observations:**

**OVERALL PERFORMANCE RATING:**

#	CORE COMPETENCY OVERALL PERFORMANCE RATING	1	2	3	4	5
2.1	Overall Financial Management Rating					
2.2	Overall Organization Management Rating					
2.3	Overall Board Relations Rating					
2.4	Overall Planning and Coordinating Rating					
2.5	Overall Service Management Rating					
2.6	Overall Human Resources					
2.7	Overall Facility Management Rating					
2.8	Overall Personal Leadership Qualities Rating					
2.9	Overall Interpersonal Skills Rating					
	<b>OVERALL CORE COMPETENCY PERFORMANCE RATING</b>					

**SUMMARY OF DIRECTOR COMMENTS**

**A. Positive Performance / Accomplishments of the GM/COP During this Rating Period. "Continue With and / or More Of"**

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**B. Opportunity for Improvement. "Less Of"**

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- 
- 
-



## SECTION 3 - NEW PERFORMANCE OBJECTIVES

Annual performance “objectives” are measurable goals and may include **organizational priorities** such as improving departmental performance, **leadership tasks** such as coordinating a strategic planning process, or **professional development goals** such as obtaining a professional certification or specific tasks that the GM/COP has been charged with accomplishing in a given year. They should be a “Critical Few Things”.

Focus should incorporate general direction of duties described in the GM/COP Job Description that include:

- General Administration
- District Affairs
- Police Department
- Solid Waste Handling and Disposal
- Park and Recreation Services

**TOTAL ANNUAL GOALS SHOULD BE NO MORE THAN “10”. ANY MORE, THEY ARE NO LONGER SIGNIFICANT**

#	Performance Goal Description
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	MAXIMUM NUMBER OF GOALS

# ATTACHMENT

## D

### PERFORMANCE APPRAISAL BOARD FINAL DOCUMENT

**Kensington Police Protection and Community Services District  
Contra Costa County, California**

---

**Annual Goal Setting and Performance Appraisal Document**

**General Manager / Chief of Police**

**Board Final Document**

**July 1, 20\_\_ through June 30, 20\_\_**

## PERFORMANCE APPRAISAL SUMMARY

While the performance appraisal is meant to critique the GM/COP performance and what has been accomplished during the past review period, it is also a communications tool and a learning process whereby the District Board Members and the GM/COP can learn more about each other's expectations and where strengths and weaknesses exist in the relationship.

For this assessment it is important to "recognize and focus" on the GM/COP responsibilities of providing executive leadership as the Chief of Police, providing administrative direction and guidance for issues of public safety, and the role of General Manager for District operations.

This document is a tool to be used in two phases: it is a *planning* tool as well as an *assessment* tool. The GM/COP should be an integral part of both the planning and assessment phases. He/She must agree with the performance objectives, and make certain that the Board members understand what they must do to support the GM/COP in order to achieve the goals, to include an ongoing assessment and goal prioritization resulting from emerging issues facing the District. The GM/COP must also ensure that the Board has the information to fairly conduct an assessment, and provide the Board with his/her own evaluation and feedback on performance.

### **Phase 1 Annual Performance Goals:** (Sections I and III)

By the beginning of the "Fiscal Year", the Board and GM/COP must reach a clear understanding of expectations, goals and priorities for the GM/COP and/or Board. This is accomplished through review and update of this document. A list of specific and measurable tasks that the GM/COP has been charged with accomplishing for the previous fiscal year, (*section I*) and the establishment of goals for the next fiscal year, (*section III*). In general, these goals will change from year. They can be a combination of personal, professional, and District goals reflective of District priorities that are tied specifically to the budget planning process.

**Phase II    Assessment / Core Competencies, (section II)**

Core Competencies Job Dimension Elements, “2.1” through “2.9”, are ongoing skills, capabilities, and responsibilities that are essential for the success of the GM/COP and are outlined in the GM/COP job description. In general, these elements should not change from year to year.

For this phase each question should receive a numerical score from 1 to 5”, with a “1” being weak and a “5” being strong as defined below. A comment section is included after each question and category.

- (1) Unsatisfactory – Work performance is inadequate and definitely inferior to the standards of performance required for the job. Performance at this level cannot be allowed to continue.
- (2) Improvement Needed – Work performance does not consistently meet the standards of the position. Serious effort is needed to improve performance.
- (3) Meets Job Standard – Work performance consistently meets the standards of the position.
- (4) Exceeds Job Standard – Work performance is frequently or consistently above the level of satisfactory, but has not achieved an overall level of outstanding performance.
- (5) Outstanding – Work performance is consistently excellent when compared to the standards of the job.

**Inclusive Rating Process:**

All Board members and the GM/COP will complete this document and provide comments and suggestions to the Board Review Committee. The Committee will then facilitate an executive session of the Board and upon feedback from the Board will prepare a final assessment for review with the GM/COP. Following review with the GM/COP the Board will deliberate in “open session” potential adjustment in GM/COP compensation. In the event the entire Board and/or GM/COP wish to discuss the evaluation in closed session this should be acknowledged and take place in a timely fashion.

## SECTION 1

### PREVIOUS ANNUAL PERFORMANCE GOALS

The assessment here is to simply display the goals from the previous Performance Appraisal and answer the question, whether or not the task has been completed as identified. The GM/COP should complete this Summary Response.

The following goals were for the rating period of \_\_\_\_\_ to \_\_\_\_\_

#	Performance Goal	Met	Not Met	Comment Partially Met
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

**Comments and Observations:**

## SECTION 2 - CORE COMPETENCIES

Core competencies are skills, capabilities and responsibilities that are essential for the success of the GM/COP. Many of the core competencies are outlined in the GM/COP job description. Core Competency dimensions are identified in nine (9) categories with seventy-two (72) sub-factor ratings to help define the primary nine (9) categories.

**REMEMBER:** This Position has two important and distinct roles.

- **Chief of Police:** Providing Executive Leadership for Police Services
  - **General Manager:** Providing Administration and Management for District Operations.
- 

### CORE COMPETENCY RATING PERIOD SUMMARY:

*Section II summary overview completed by the Board Performance Review (Executive) Committee.*

## OVERALL PERFORMANCE RATING

#	CORE COMPENTENCY OVERALL PERFORMANCE RATING	1	2	3	4	5
2.1	Overall Financial Management Rating					
2.2	Overall Organization Management Rating					
2.3	Overall Board Relations Rating					
2.4	Overall Planning and Coordinating Rating					
2.5	Overall Service Management Rating					
2.6	Overall Human Resources					
2.7	Overall Facility Management Rating					
2.8	Overall Personal Leadership Qualities Rating					
2.9	Overall Interpersonal Skills Rating					
	<b>OVERALL SUB-FACTOR RATING.</b> (Composite of all Sub-factor Ratings from all Nine Dimensions)					
	<b>TOTAL NUMBER OF OVERALL RATINGS BY DIRECTORS</b> (Total votes by Directors for Each of the Nine (9) dimensions)					
	<b>OVERALL RATING BY DIRECTORS</b> (one overall vote per Director)					

### Matrix Overview

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## 2.1 Financial Management

Sound financial management is one of the most critical responsibilities of the GM/COP. The GM/COP must insure that solid budgeting and accounting systems and appropriate financial controls and risk management strategies are in place. Achieving budget targets is a very important factor in performance assessment. The Board is responsible for supporting the GM/COP with a Finance Committee and Appropriate Professional Financial Resource.

#	Financial Management	1	2	3	4	5
	Overall Rating					

### Comments and Observations:

- 
- 
- 
- 

## 2.2 Organization Management

The GM/COP has overall responsibility for the day-to-day operations of the Police Department and District. These responsibilities include developing, maintaining and using all systems and resources that facilitate the effective operation of police service delivery, District Park and Recreation and Solid Waste Handling and Disposal.

#	Organization Management	1	2	3	4	5
	Overall Rating					

### Comments and Observations:

- 
- 
- 
-

### 2.3 Board Relations

The GM/COP has a responsibility to provide a high degree of leadership for the Board and its committees. Part of that leadership responsibility is to help the Board remain focused on governance and long-term planning. In order to do so, the Board must have confidence and trust that the GM/COP is effectively managing all aspects of the District's operations. Important is that the Board have displayed support for the GM/COP in pursuit of duties.

#	Board Relations	1	2	3	4	5
	Overall Rating					

**Comments and Observations:**

- 
- 
- 

### 2.4 Planning and Coordination

Assisting with planning and coordination of Board and committee activities is a very important leadership responsibility of the GM/COP. The GM/COP is expected to be a partner with the Board, and to assist the Board in achieving both its short and long-term goals.

#	Planning and Coordinating	1	2	3	4	5
	Overall Rating					

**Comments and Observations:**

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## 2.5 Services Management

The District exists for the delivery of services to its public constituents and partnerships. Quality of service is one of the major factors that determine whether the District is excellent or mediocre, and whether constituents are satisfied or dissatisfied. Accordingly, the concept of excellent service and its consistent delivery is a vital part of the GM/COP responsibilities. Areas involve, police services, park and recreation facilities, and solid waste.

#	Service Management	1	2	3	4	5
	Overall Rating					

### Comments and Observations:

- 
- 
- 
- 

## 2.6 Human Resources

The District is primarily a service-based operation. This entails hiring, training, developing and promoting qualified people to efficiently manage and operate the District. The GM/COP plays a key role in developing and sustaining Human Resource (HR) Policies that not only comply with Federal and State regulations yet meet the spirit of the District's HR philosophy. Due to the personnel resource involved, police operations are a significant element of this performance dimension. Functions include:

#	Human Resources	1	2	3	4	5
	Overall Rating					

### Comments and Observations:

- 
- 
- 
-

## 2.7 Facility Management

The District's facilities, equipment and infrastructure are of prime importance and a major focus of the GM/COP responsibilities. The GM/COP is responsible for insuring that all of the District's physical assets are maintained in a manner that will maximize their useful life span and productivity.

#	Facility Management	1	2	3	4	5
	Overall Rating					

### Comments and Observations:

- 
- 
- 

## 2.8 Personal Leadership Qualities

Beyond the core functional responsibilities of the GM/COP, there are a number of additional leadership and interpersonal skills that are important to the success of the GM/COP.

#	Core Competency	1	2	3	4	5
	Overall Personal Leadership Qualities Rating					

### Comments and Observations:

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## 2.9 Interpersonal Skills

#	Interpersonal Skills	1	2	3	4	5
	Overall Rating					

### Comments and Observations:

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## SUMMARY OF DIRECTOR COMMENTS

**A. Positive Performance / Accomplishments of the GM/COP During this Rating Period. "More Of"**

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**B. Opportunity for Improvement. "Less Of"**

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## SECTION 3 - NEW PERFORMANCE OBJECTIVES

Annual performance “objectives” are measurable goals and may include **organizational priorities** such as improving departmental performance, **leadership tasks** such as coordinating a strategic planning process, or **professional development goals** such as obtaining a professional certification or specific tasks that the GM/COP has been charged with accomplishing in a given year. They should be a “Critical Few Things”.

Focus should incorporate general direction of duties described in the GM/COP Job Description that include:

- General Administration
- District Affairs
- Police Department
- Solid Waste Handling and Disposal
- Park and Recreation Services

#	Performance Goal Description
1	
2	
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4	
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**Comments by the General Manager / Chief of Police: (optional)**

**Signatures:**

KPPCSD General Manager / Chief of Police

\_\_\_\_\_

Date: \_\_\_\_\_

President of the KPPCSD Board of Directors

\_\_\_\_\_

Date: \_\_\_\_\_

Vice President of the KPPCSD Board of Directors

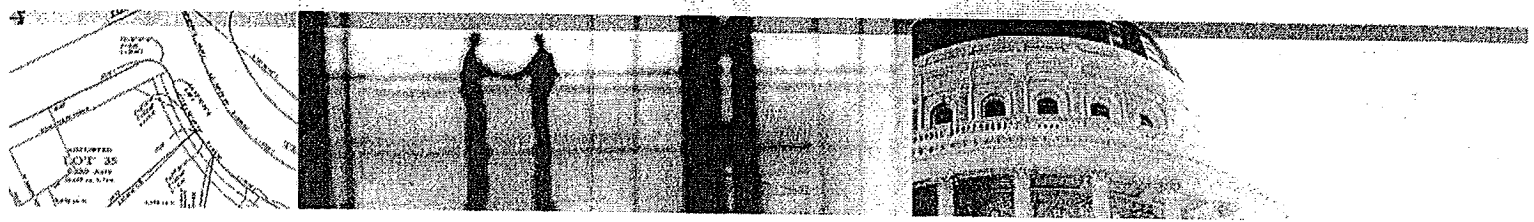
\_\_\_\_\_

Date: \_\_\_\_\_

# NEW BUSINESS

#2 - General Manager Greg Harman will present to the Board Resolution 2010-01, proposing a supplemental special tax for police protection, establishing a date for election, adopting intended ballot language, ordering the consolidation of said election, requesting election service by the Contra Costa Election Division, proposing an ordinance for the said amendment, adopting a method for noticing said ordinance, and directing that the notice be posted and published. Board Action.





**Kensington Police Protection and  
Community Services District**

**Supplemental Special Tax for Police Services**

**Report**

**February 2010**

*Submitted by*



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217 Arlington Avenue  
Kensington, CA 94707  
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**Board of Directors**

Chuck Toombs, President  
Patricia McLaughlin, Vice President  
Bill Wright, Director  
John Stein, Director  
Cathie Kosel, Director

**District Staff**

Greg Harman, General Manager  
Stephanie Fries, District Secretary

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ATTACHMENT A

# 1. EXISTING SPECIAL TAX

## 1.1. History

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On March 7, 1994, the voters of the Kensington Police Protection and Community Services District (the "District") confirmed Ordinance 94-01. This Ordinance increased the range within which the District's Board of Directors (the "Board") could determine the amount of annual special tax for police protection services to be imposed on property within the District. Detailed information regarding the original approval of the special tax was not available as of the writing of this report.

On June 26, 1997, Ordinance No. 97-01 was passed and adopted by the Board which set the special tax rates for the 1997/1998 Fiscal Year. The same rates have been effect since and property within the District has been levied annually according to that schedule. The special tax rates adopted in Ordinance No. 97-01 are hereafter referred to as the "Existing Special Tax".

## 1.2. Rates

---

The following table shows the Existing Special Tax rates established by Ordinance No. 97-01:

Class of Improvement or Use	Amount of Use
Single Family Residential	\$300 per year
Multiple Unit Residential	\$450 per year
Commercial and Institutional	\$450 per year
Miscellaneous Improved Property	\$300 per year
Unimproved Property	\$90 per year

No escalation factor was included for the Existing Special Tax.

## 1.3. Recent Billings

---

The following table shows the amount of Existing Special Tax billed for the last five Fiscal Years:

Fiscal Year	Total Amount Billed
2005/06	\$679,950.00
2006/07	679,950.00
2007/08	678,630.00
2008/09	680,340.00
2009/10	680,130.00

The amount billed annually changes only when there are parcel changes or changes in use. The above amounts represent amounts billed on the Contra Costa County tax roll for each year.

## **2. CURRENT FISCAL STATUS OF THE DISTRICT**

### **2.1. 2009/10 Budget**

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The following table shows the 2009/10 budget for the District police department:

<u>Budget Item</u>	<u>Amount</u>
Personnel	
Salary	\$964,940
Health Benefits (Includes Retirees)	356,269
Retirement and Social Security Contribution	388,166
Worker's Comp and other Insurance	58,479
Uniforms and Safety Equipment	10,500
Total Police Personnel Expenses	\$1,778,354
Other Police Department Expenses	
Outsourced 911 Service	\$112,560
Vehicle and Radio Operations	40,400
Training	12,000
Rent, Utilities and Building Expense	44,250
Other	90,640
Total Other Police Department Expenses	\$299,850
<b>TOTAL POLICE DEPARTMENT EXPENSES</b>	<b>\$2,078,204</b>

### **2.2. Fiscal Outlook**

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District Board members recently prepared a five year outlook to determine the overall fiscal health of the District. In order to project forward, it is imperative to look back at recent years to identify costs which have risen proportionally higher than others. The recent analysis shows that the District contribution to PERS has increased by approximately 25% since 2004. Social Security and Medicare costs have increased by roughly 16% over the same time period, while Salaries (including Overtime and Compensated Absences) have increased by 25%. During the same period, Police Department revenue has decreased by approximately 14%.

Over the next five years, Police Department expenses are projected to increase by three percent each year. Available cash reserves of the District are projected fall by approximately \$450,000 each year with Unallocated Reserves mostly gone after two years.

Several options have been reviewed to address this issue. The proposed Supplemental Special Tax, described in Section 3 of this report and more specifically in Attachment A, is one of the options. Alternatively, the District has examined the possibility of reducing the number of police shifts at any given time.

### **3. SUPPLEMENTAL SPECIAL TAX**

#### **3.1. Proposed Supplemental Special Tax**

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The Board has proposed via resolution and ordinance a special tax which would address the budgetary issues discussed previously. This special tax, hereafter referred to as the "Supplemental Special Tax" will only be imposed upon adoption and approval of the proposed ordinance by a minimum two-thirds vote of the Board and a two-thirds vote of the electorate of the District voting in the election. For a complete copy of the Proposed Ordinance, please see Attachment A to this Report.

#### **3.2. Proposed Rates**

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For the initial Fiscal Year, July 1, 2010 through June 30, 2011 (the "Base Year"), the Supplemental Special Tax shall be levied upon each parcel of property in the following amounts, herein called the "Base Year Amount":

Class of Improvement or Use	Base Year Amount
Single Family Residential	\$200 per year
Multiple Unit Residential	\$300 per year
Commercial and Institutional	\$300 per year
Miscellaneous Improved Property	\$200 per year
Unimproved Property	\$60 per year

For the Fiscal Year July 1, 2011 through June 30, 2012, the maximum annual amount of the Supplemental Special Tax for each category of property shall be determined by multiplying the Base Year Amount by an inflation factor in an amount not to exceed the increase in the Consumer Price Index as published by the U.S. Department of Labor for the April to April San Francisco-Oakland-San Jose area (the "Consumer Price Index"). In each succeeding year, the maximum amount of the Supplemental Special Tax for each category of property shall be determined by multiplying the preceding fiscal year's maximum special tax by an inflation factor in an amount not to exceed the increase in the Consumer Price Index. Should the Consumer Price Index be negative in any Fiscal Year, the Supplemental Special Tax for each category of property shall remain the same as in the previous Fiscal Year and shall not decrease.

The Board shall establish the amount of the Supplemental Special Tax annually by Resolution each fiscal year in amounts not to exceed the maximum amounts specified herein. In no case shall the amount of the Supplemental Special Tax to be levied in any fiscal year exceed the maximum amount authorized herein without an approval of the voters.

The Supplemental Special Tax will be levied in perpetuity.

The Supplemental Special Tax shall be in addition to the Existing Special Tax per Ordinance 97-01 which is described in Section 1 of this report.

### 3.3. Projected Maximum Billings

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Assuming no changes to the number and/or use of parcels from the 2009/10 Fiscal Year, and assuming that after the Base Year CPI is 2% (since it cannot be known at this time), the following table shows projected maximum billings for the proposed Supplemental Special Tax:

Fiscal Year	Total Projected Maximum Amount Billed
2010/11	\$453,420.00
2011/12	462,488.40
2012/13	471,738.16
2013/14	481,172.92
2014/15	490,796.38

The District will establish the rate, up to the maximum as described in Section 3.2, on an annual basis.

The projections are for illustration purposes only and the actual amount billed in any given year will depend on the property characteristics, actual CPI and the District budget.

The proposed Supplemental Special Tax, if approved, will be levied in perpetuity.

**RESOLUTION 2010-01 OF THE BOARD OF DIRECTORS  
OF THE KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT:**

**PROPOSING A SUPPLEMENTAL SPECIAL TAX FOR POLICE PROTECTION, ESTABLISHING A  
DATE FOR ELECTION, ADOPTING INTENDED BALLOT LANGUAGE, ORDERING THE  
CONSOLIDATION OF SAID ELECTION, REQUESTING ELECTION SERVICE BY THE CONTRA  
COSTA ELECTION DIVISION, PROPOSING AN ORDINANCE FOR SAID AMENDMENT, ADOPTING  
A METHOD FOR NOTICING SAID ORDINANCE AND DIRECTING THAT THE NOTICE BE POSTED  
AND PUBLISHED.**

The Board of Directors of the Kensington Police Protection and Community Services District does hereby resolve as follows:

**WHEREAS**, this Board of Directors (the "Board") is the governing Board of the Kensington Police Protection and Community Services District (the "District"); and

**WHEREAS**, the Board has the authority to levy a special tax; and

**WHEREAS**, in 1994, the voters of the District previously approved a special tax (the "Existing Special Tax") in the amount of \$300 per year for single family residential parcels, with amounts for properties in other use categories indentified in the ordinance, to provide a source of funding for police protection services; and

**WHEREAS**, in 1994, the Existing Special Tax did not contain a CPI adjustment and has remained fixed at \$300 per year for single family residential parcels, with amounts for properties in other use categories indentified in the ordinance, for fifteen years; and

**WHEREAS**, the Board believes that a supplemental special tax (the "Supplemental Special Tax") is required to provide a stable financial foundation for operations and capital equipment acquisition for police protection.

**WHEREAS**, it is the intention of this Board that an Ordinance imposing the Supplemental Special Tax should be submitted to the voters of the District; and

**WHEREAS**, pursuant to Elections Code Section 10400 and with the approval of the Contra Costa County Board of Supervisors, the election on the Supplemental Special Tax, may be conducted with the Direct Primary election on June 8, 2010.

**WHEREAS**, said Ordinance may be adopted by the Board after notice and public hearing, and it is the desire of this Board to give notice of said Ordinance.

**NOW, THEREFORE, BE IT RESOLVED** that this Board hereby proposes an Ordinance to impose a Supplemental Special Tax for operations and capital equipment acquisitions for police protection. Said Supplemental Special Tax shall be in the amounts and for the purposes set forth in the attached Exhibit A.

1. **IT IS FURTHER RESOLVED** that this Board hereby calls an election to be held on June 8, 2010 at which election the issue to be presented to the voters of the District is as follows:



**“Shall Kensington Police Protection and Community Services District Ordinance No. 2010-01, which imposes a Supplemental Special Tax for Kensington Police Department services in an initial annual amount of not to exceed \$200.00 for single family residential parcels, subject to CPI, with amounts for properties in other use categories indentified in the ordinance, commencing FY 2010/11, be approved and shall the District appropriations limit be increased by the amount of this voter-approved tax?”**

2. **IT IS FURTHER RESOLVED** that this Board hereby requests and consents to consolidation with any other elections to be held within the same territory for the Direct Primary Election scheduled on June 8, 2010; and
3. **IT IS FURTHER RESOLVED** that the boundaries of the District remain unchanged since the last election held in the District; and
4. **IT IS FURTHER RESOLVED** that this Board hereby authorizes and directs the Secretary of the Board at least 88 days prior to June 8, 2010, to file with the Contra Costa County Clerk certified copies of this resolution; and
5. **IT IS FURTHER RESOLVED** that this Board does hereby request that the Election Division of Contra Costa County include on the ballots and sample ballots recitals and measure language to be voted on by the voters of the qualified electors of the District and include the full text of the measure, contained in Exhibit A hereto, beginning with “An Ordinance of the Board of Directors...” and ending with “...Stephanie Fries, District Secretary” in the Voter Information Pamphlet; and
6. **IT IS FURTHER RESOLVED** that this Board does hereby request that the Board of Supervisors of Contra Costa County permit the County Elections Official to render specified services applicable to calling an election.
7. **IT IS FURTHER RESOLVED** that the Secretary of the Board is hereby directed to cause the posting, publication and printing of notices, pursuant to the requirements of the Government Code and the Elections Code of the State of California; and
8. **IT IS FURTHER RESOLVED** that this Board hereby authorizes and directs the County Clerk to provide all necessary election services and canvas the results of said election. The District will reimburse Contra Costa County for election services as required by law; and
9. **IT IS FURTHER RESOLVED** that the time for public hearing on the Ordinance No. 2010-01 is hereby established as March 11, 2010 at 7:00 PM in the Kensington Community Center, located at 59 Arlington Avenue, Kensington, California, or as soon thereafter as the matter may be heard; and
10. **IT IS FURTHER RESOLVED** that this Board does hereby request the Secretary of the Board to publish a notice of public hearing set forth below in a newspaper of general circulation

published in the County of Contra Costa at least once fifteen (15) days prior to March 11, 2010;  
and

11. **IT IS FURTHER RESOLVED** that the notice of public hearing to be given shall be substantially in the following form:

**“NOTICE ON PROPOSED TAX ORDINANCE”**

**NOTICE IS HEREBY GIVEN** that on March 11, 2010 at 7:00 PM at the Kensington Community Center at 59 Arlington Avenue, Kensington, California, or as soon thereafter as the matter may be heard, the Board of Directors of the Kensington Police Protection and Community Services District will consider the adoption of an ordinance which will, if adopted by the Board, and confirmed by two-thirds (2/3) of the votes cast by the voters of the Kensington Police Protection and Community Services District, impose an annual Supplemental Special Tax in an amount not to exceed \$200.00 per single family residential parcel, subject to CPI, with amounts for properties in other use categories indentified in the ordinance for continued Kensington Police Department coverage within the Kensington Police Protection and Community Services District.

**NOTICE IS FURTHER GIVEN** that the aforementioned Supplemental Special Tax will be imposed in addition to the Existing Special Tax which was approved by voters in 1994.

**NOTICE IS FURTHER GIVEN** that the Ordinance will further provide for the method of collection of said Supplemental Special Tax and for reasonable costs for collection of such Supplemental Special Tax.

**NOTICE IS FURTHER GIVEN** that persons desiring to address the Board regarding the proposed Ordinance should attend the hearing at the above place on the date and time indicated or if they wish to comment on the proposed Ordinance in writing, that they do so no later than 5:00 PM on March 11, 2010 to the District General Manager at the Kensington Public Safety Building at 217 Arlington Avenue.

**PASSED AND ADOPTED** at the adjourned meeting of the Board of Directors of the Kensington Police Protection and Community Services District held this 11<sup>th</sup> day of February, 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

ATTEST:

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Stephanie Fries, District Secretary

EXHIBIT A

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT  
ENACTING A SUPPLEMENTAL SPECIAL TAX FOR POLICE PROTECTION**

**WHEREAS**, this Board of Directors (the "Board") is the governing Board of the Kensington Police Protection and Community Services District (the "District"); and

**WHEREAS**, the Board has the authority to levy a special tax; and

**WHEREAS**, in 1994, the voters of the District previously approved a special tax (the "Existing Special Tax") in the amount of \$300 per year for single family residential parcels, with amounts for properties in other use categories indentified in the ordinance, to provide a source of funding for police protection services; and

**WHEREAS**, in 1994, the Existing Special Tax did not contain a CPI adjustment and has remained fixed at \$300 per year for single family residential parcels, with amounts for properties in other use categories indentified in the ordinance, for fifteen years; and

**WHEREAS**, the Board believes that a supplemental special tax is required to provide a stable, financial foundation for operations and capital equipment acquisition for police protection; and

**WHEREAS**, the supplemental special tax shall be designated as the "Supplemental Police Tax" (the "Supplemental Special Tax"); and

**WHEREAS**, the Board deems it necessary and essential to submit the question of the Supplemental Special Tax to qualified voters within the District at a special election to be to be held on June 8, 2010 and consolidated with the Direct Primary Election scheduled on that date; and

**WHEREAS**, pursuant to Government Code Section 50077, the Board has heretofore held a public hearing on the question of the Supplemental Special Tax following notice of such public hearing; and

**WHEREAS**, pursuant to Government Code Sections 50075 et seq and California Constitution Articles XIII A and XIII C, the Board may impose the Supplemental Special Tax upon adoption and approval of the Ordinance by a minimum two-thirds vote of the Board and a two-thirds vote of the electorate of the District voting in the election; and

**WHEREAS**, pursuant to the authority of California Government Code Section 53970, et. seq., the District is authorized to levy special taxes by ordinance for the provision of police protection services as described in such ordinance.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1. Election.** A special election has been called and shall be held in the District on the 8<sup>th</sup> day of June, 2010, for the purpose of submitting to the voters of the District the question of the Supplemental Special Tax to be levied by the District in the amounts and for the purposes hereinafter set forth. Such special election shall be consolidated with the Direct Primary Election scheduled on June 8, 2010.

**Section 2. Annual Tax.** Commencing with the Fiscal Year 2010-2011, an annual Supplemental Special Tax to raise revenue to support police protection services by the Kensington Police Department within the Kensington Police Protection and Community Services District is hereby imposed upon property within the District.

**Section 3. Purpose.** The purpose of this Supplemental Special Tax is to raise revenue only for the purposes of obtaining, providing, operating, maintaining and expanding police protection service, facilities and equipment, for paying the salaries and benefits to police personnel, and for such other necessary police protection services expenses of the District as such services shall be made available throughout the entire District. The proceeds from the Supplemental Special Tax shall be used only for the purposes identified in this Section.

**Section 4. Special Account.** Upon the effective date of this Supplemental Special Tax, the District's General Manager is hereby directed to create a separate account into which all revenue raised by the Supplemental Special Tax shall be placed. The District's General Manager shall file a report with the Board of Directors no later than June 30 of each year, commencing June 30, 2011, and at least once a year thereafter which shall contain both of the following: (i) the amount of funds collected and expended under this Ordinance; and (ii) the status of any project required or authorized to be funded to carry out the purposes set forth in this Ordinance.

**Section 5. Amount of Tax.** For the initial Fiscal Year, July 1, 2010 through June 30, 2011 (the "Base Year"), the Supplemental Special Tax shall be levied upon property in the following amounts, herein called the "Base Year Amount":

<u>Class of Improvement or Use*</u>	<u>Base Year Amount</u>
Single Family Residential	\$200.00 per parcel
Multiple Unit Residential	300.00 per parcel
Commercial and Institutional	300.00 per parcel
Miscellaneous Improved Property	200.00 per parcel
Unimproved Property	60.00 per parcel

\*Class of Improvement or Use will be determined annually based on data from the Contra Costa County Assessor.

For the Fiscal Year July 1, 2011 through June 30, 2012, the maximum annual amount of the Supplemental Special Tax for each category of property shall be determined by multiplying the Base Year Amount by an inflation factor in an amount not to exceed the increase in the Consumer Price Index as published by the U.S. Department of Labor for the April to April San Francisco-Oakland-San Jose area (the "Consumer Price Index"). In each succeeding year, the maximum amount of the Supplemental Special Tax for each category of property shall be determined by multiplying the preceding fiscal year's maximum special tax by an inflation factor in an amount not to exceed the increase in the Consumer Price Index. Should the Consumer Price Index be negative in any Fiscal Year, the Supplemental Special

Tax for each category of property shall remain the same as in the previous Fiscal Year and shall not decrease.

The Board shall establish the amount of the Supplemental Special Tax annually by Resolution each fiscal year in amounts not to exceed the maximum amounts specified herein. In no case shall the amount of the Supplemental Special Tax to be levied in any fiscal year exceed the maximum amount authorized herein without an approval of the voters.

The Supplemental Special Tax shall be levied in perpetuity, or as long as funds are required for the purposes specified in Section 3 hereof.

This Supplemental Special Tax shall be in addition to the Existing Special Tax of \$300.00 per single family residential parcel annually, with amounts for properties in other use categories identified in Ordinance No. 97-01 which had no CPI escalation factor.

**Section 6. Exemptions.** The Supplemental Special Tax shall not be imposed upon a federal or state governmental agency, any local public agency, or any parcel of property which is exempt from ad valorem taxes under any other applicable law.

**Section 7. Method of Collection.** The District hereby directs the Tax Collector of the County of Contra Costa to collect the Supplemental Special Tax authorized herein for the initial Fiscal Year 2010-2011 and for subsequent fiscal years, on the same tax roll at the same time and in the same manner, and subject to the same penalties as the property taxes fixed and collected by the County of Contra Costa (the "County") on behalf of the District. The County may deduct its reasonable costs incurred for such services before remittal to the District.

The Supplemental Special Tax, together with all penalties and interest thereon, shall constitute a lien upon each parcel of property upon which it is levied until it has been paid, and said Supplemental Special Tax, together with all penalties and interest thereon, shall, until paid, constitute a personal obligation to the District by the person(s) who own the parcel of property on the date said Supplemental Special Tax is due.

**Section 8. Unexpended Revenue.** Any surplus monies raised by the District from the Supplemental Special Tax may in the discretion of the Board be (i) used in the succeeding year for the purposes stated in this Ordinance; or (ii) used for lowering the succeeding year's levy of the Supplemental Special Tax by the amount of the surplus or a portion thereof. In no event shall such surplus monies be used by the District for any purposes other than those specified in Section 3 hereof.

**Section 9. Effective Date.** The special election to approve the Supplemental Special Tax shall take place on June 8, 2010. The Supplemental Special Tax shall become effective upon passage of this Ordinance by a minimum two-thirds (2/3) vote of the Board and a two-thirds (2/3) vote of the electorate of the District voting in the election as certified by this Board and the Secretary of the Board

**Section 10. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance, or any part thereof, is held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this chapter or part thereof. The Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that any one or more sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

**PASSED AND ADOPTED** at the adjourned meeting of the Board of Directors of the Kensington Police Protection and Community Services District held this 11th day of March, 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

ATTEST:

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Stephanie Fries, District Secretary

# NEW BUSINESS

#3 - General Manager Greg Harman will present to the Board two memos prepared by the District's counsel Patrick Miyaki of Hanson/ Bridgett addressing "Activities Relating to Ballot Measure" and "Ballot Measure- Use of Public Funds for Consultant Activities", for Board review and comment.



## Memorandum

Via Electronic Mail

TO: Greg Harman (cc: Kurt Franklin)  
FROM: Patrick T. Miyaki  
DATE: January 15, 2010  
RE: **Activities Relating to Ballot Measure**

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You informed me that the Kensington Police Protection and Community Services District ("District") will be placing a measure on the June ballot to increase the police tax ("Ballot Measure").

You asked me to provide guidance on what the District, its directors and employees may and may not do in connection with this Ballot Measure. In sum, the District, its directors and employees may not use the public's time, money, or resources to promote the Ballot Measure. The rationale for this prohibition is to avoid using public resources to distort the electoral process and undermining its fairness. A public agency may not use public resources to engage in a wide range of activities to communicate the agency's view with the goal of drowning out other views.

The District may use the public's time, money, and resources to evaluate the Ballot Measure and its impacts on the District, to prepare a resolution to take a position on the Ballot Measure, and to prepare and present informational/educational materials that are objective, impartial, and factual about the Ballot Measure and its effect on the District and District customers. The informational material must be a fair and balanced presentation of the facts to assist the voters in reaching an informed judgment about the Ballot Measure. The District may not use the public's time, money, or resources to campaign or advocate for the Ballot Measure.

District directors and employees may engage in activities that promote the Ballot Measure so long as those activities occur on their own time and at their own expense (or at least not at the public's expense).

It is important that District directors and staff comply with these laws because a violation could result in criminal and civil penalties for the misuse of public resources.

The line between informational material and material that advocates for or against a position is not always easy to draw. In 2009, the California Supreme Court rejected the position that all materials and activities that do not involve "express advocacy" are informational materials for which public funds and resources may be expended. *Vargas v. City of Salinas* (2009) 46 Cal.4th 1. In *Vargas*, the Court affirmed the standard established in *Stanson v. Mott* (1976)

17 Cal.3d 206, determining whether the use of public resources in connection with a ballot measure is proper or improper depends upon careful consideration of such factors as "style, tenor and timing" of the material, "and no hard and fast rule governs every case." Therefore, for activities that are not clearly express advocacy or informational materials, the activity will need to be looked at in its entirety (e.g. type of activity, content, method of distribution, and timing) to determine if it is advocacy or informational.

I attach a document that is intended to be a user-friendly, handy reference that can provide general guidance to the District's directors and employees in connection with activities related to the Ballot Measure. This document incorporates the principles established by the courts. If directors or employees desire to engage in more specific or unique activities on District time or use District resources that are not included in the attached document, we should evaluate the proposed activity for compliance with the law.

I also attach a short document with recommendations to help ensure that the informational/educational materials prepared and presentations given on District time or with District resources comply with these requirements.

PTM:ld

Attachments

# KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

## BALLOT MEASURE GUIDANCE DOCUMENT

### I. PERMITTED ACTIVITIES ON DISTRICT TIME OR WITH DISTRICT RESOURCES

- The Board may adopt a resolution endorsing the Ballot Measure. The Board must allow public comment before taking action. The resolution should state that no public funds or resources will be used to endorse the Ballot Measure.
- Directors and staff may prepare and distribute informational/educational materials about the Ballot Measure that are objective, impartial, and factual. For example, a balanced (i.e. presenting both pro and con viewpoints) and fact based analysis of the effect of the Ballot Measure on the District and its customers is permissible.
- Directors and staff may respond to inquiries, participate in interviews and discussions, and make presentations about the Ballot Measure in an objective, impartial, and factual manner. It is best if both supporting and opposing views are represented during these activities (though not necessarily essential). If the Board adopts a resolution endorsing the Ballot Measure, directors and staff may state the position of the Board, and the analysis and impacts of the Ballot Measure.

### II. PROHIBITED ACTIVITIES

- Directors and staff may not promote the Ballot Measure (i.e. advocate or campaign for the Ballot Measure) while "on the District clock" or use any District resource, including but not limited to copy or fax machines, telephones, computers, paper and other supplies.
- Staff may not purchase bumper stickers, posters, advertising floats, television or radio spots, or other typical campaign materials with public funds.
- Directors and staff may not solicit contributions for the Ballot Measure campaign from District employees, unless the solicitation is made to a significant segment of the public of which District employees are included. Any solicitation may not occur on District time or use District resources.
- Directors and staff may not participate in any advocacy or campaign activities for the Ballot Measure while wearing a District uniform or any other clothing or accessories with the District name or logo, even when acting on their own time.
- Staff may not add a link on the District website to a Ballot Measure advocacy or campaign website.
- Directors and staff may not distribute advocacy or campaign materials within the District's internal communication system or post advocacy or campaign materials at or within District facilities.

- Directors and staff may not use their official position or authority to attempt to influence others to support the Ballot Measure.

III. PERMITTED ACTIVITIES "OFF THE DISTRICT CLOCK" AND WITHOUT DISTRICT FUNDS OR RESOURCES

- Directors and staff may engage in activities that advocate or campaign for the Ballot Measure "off the District clock" and without District resources. Directors should make clear that they are acting as an individual, and not on behalf of the Board. Staff, too, should clarify that they are acting as an individual and are not participating in the advocacy or campaign activity during the employee's working hours.
- Directors and staff may contribute their own money, resources and time to supporting the Ballot Measure.
- Directors and staff may announce their own personal support for the Ballot Measure and try to convince others of the same position.

# KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

## RECOMMENDATIONS FOR INFORMATIONAL MATERIALS AND PRESENTATIONS ON DISTRICT TIME OR USING DISTRICT RESOURCES IN CONNECTION WITH THE BALLOT MEASURE

- Establish an internal review process, including legal review as appropriate, for all informational/educational materials relating to the Ballot Measure (e.g. brochures, website articles and links, presentations, speaking points, press releases, etc.) to ensure appropriate content before the materials are distributed.
- Assign a limited number of staff that will be responsible for authorizing, managing and coordinating the development of informational materials, responding to requests for information, and determining methods to distribute information.
- Provide training for directors and staff who may get involved in any educational or informational efforts regarding the Ballot Measure on behalf of the District or who may be subject to fielding requests for information.
- Prepare a written script that can be used by directors and staff when making presentations or speeches to minimize the risk of moving from providing information to promoting the Ballot Measure.
- Stating the District position regarding the Ballot Measure is not improper. However, be mindful of the tenor, style and timing of informational materials and presentations or providing information in response to a request. Tenor and style should not be argumentative or include inflammatory rhetoric and the material should avoid being comparable to the tenor and style of traditional campaign material.
- Use normal District channels of communication (e.g., board reports, website, existing newsletters) whenever possible; such methods of communication are more likely to be considered informational conveyances for education rather than promotional activities. Do not distribute materials shortly before the election.
- Use caution whenever there is interaction with any citizen, community or other private groups supporting or opposing the Ballot Measure. If representing the District, present fair and balanced factual information and do not advocate or promote the Ballot Measure in any way. If acting as a private individual, feel free to promote and advocate, but do it off-hours and off-site, and do not use District resources. If you are generally recognized in the community as a District official or employee, take extra precautions by identifying your position with the District and explicitly state that you are participating/expressing views as a private citizen and that no District resources or funds are being used in connection with the advocacy or promotional activity.

## Memorandum

TO: Patrick Miyaki  
FROM: Julie Sherman  
DATE: January 15, 2010  
RE: **Ballot Measure - Use of Public Funds for Consultant Activities**

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### BACKGROUND

The Kensington Police Protection & Community Services District ("District") has engaged the services of NBS ("Consultant") in connection with the District's efforts to place a police tax assessment increase on the June 2010 ballot.

### QUESTION

Whether the use of the District's funds to compensate the Consultant for its planned activities is a permissible use of public funds.

### SHORT ANSWER

Yes, District compensation for the scope of services offered by the Consultant in its proposal constitutes a permissible use of public funds.

### DISCUSSION

Reasonable public expenditures for activities before a measure is placed on the ballot are acceptable so long as the activities do not attempt to influence the outcome of the election. In *League of Women Voters of California*, 203 Cal. App. 3d 529, (1988), the court drew a distinction between actions taken before, and those taken subsequent to, a measure being placed on the ballot. The court determined that until the measure was drafted and placed on the ballot, many activities undertaken by an agency would not be construed as an attempt to persuade or influence any vote. Note, however, that not every activity undertaken by the District before the measure is placed on the ballot is appropriate simply because it takes place prior to the filing of the ballot measure.

A fairly recent opinion by the California Attorney General, relying on *League of Women Voters of California*, concluded that a community college district can spend public funds to hire consultants to help the district determine whether it is advisable to place a bond measure on the ballot. See *88 Ops. Cal. Atty. Gen. 46 (2005)*. The Attorney General determined that this use of district funds was acceptable because it allowed the district to gather information to exercise its discretion in an informed manner. The Attorney General concluded that in preparation for

Memorandum To:  
Patrick Miyaki  
January 15, 2010  
Page 2

submitting a bond measure to the electorate for approval, a community college district may use district funds to hire a consultant to conduct surveys and establish focus groups to assess: (1) the potential support and opposition to the measure; (2) the public's awareness of the district's financial needs; and (3) the overall feasibility of developing a bond measure that could win voter approval.

However, the opinion also determined that district funds could not be used to pay for acts that were taken to influence the outcome of the election. As a result, the Attorney General concluded that a community college district could not spend district funds before the election, including before placing the measure on the ballot, to do the following: (1) recruit or organize supporters for a campaign; (2) raise funds for a campaign; (3) hire a consultant to develop and implement a strategy for building the broadest possible coalition in support of the measure and the financial support of the campaign; or (4) take actions to develop a campaign to promote approval of the bond measure by the electorate.

Although the Attorney General's opinion concerned a community college district, it is likely applicable to other public agencies. Thus, the District should refrain from using District funds for consulting activities that could be construed as improper attempts to persuade the outcome of the ballot measure.

In this case, the Consultant's activities consist of: (1) data collection; (2) cost estimate of the project; (3) development of a special tax formula; (4) drafting resolutions; (5) drafting reports regarding budget estimates, special tax formula and projected revenue of the proposed tax increase; (6) coordination of election schedule and materials with the County; and (7) attending District Board meetings. These activities would not likely be construed as an attempt to persuade the outcome of the election. Rather, the activities are informational and/or organizational in nature and will be provided, in part, to help the District determine whether it's advisable to place the measure on the ballot. Therefore, compensating the Consultant for these services does not run afoul of the prohibition on the use of public resources to influence the outcome of the election.

#### **CONCLUSION**

The District's compensation to the Consultant for its planned activities related to the police tax assessment increase measure is a permissible use of public funds.

# NEW BUSINESS

#4 - General Manager Greg Harman will present to the Board the Fiscal Year 2009/2010 Mid-Year Budget Review for discussion, comment, and possible action.



Profit & Loss Budget Performance

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2009/2010 Mid Year Budget Review

	<u>Jul '09 - Jan 10</u>	<u>Annual Budget</u>	Mid Year Notes	Adjustments
Ordinary Income/Expense				
Income				
400 · Police Activities Revenue				
401 · Levy Tax	1,223,009.79	1,279,315.09	County will make another drop in May followed by a June adjustment	
402 · Special Tax-Police	680,130.00	680,340.00	As projected	
410 · Police Fees/Service Charges	1,347.71	3,000.00	As projected	
415 · Grants-Police	62,731.01		We received the full \$100,000 for Fiscal Year 2008/2009. As of Jan 27th, the State has indicated that they may fund \$100,000 for Fiscal Year 2009/2010	100,000
416 · Interest-Police	2,418.54	18,000.00	Earned interest below anticipated, -13,000 adjustment to Rev	-13,000
418 · Misc Police Income	8,354.26	12,000.00	As projected	
Total 400 · Police Activities Revenue	1,977,991.31	1,992,655.09	Add \$100,000 COPS Minus \$13,000 interest rev	2,079,655
420 · Park/Rec Activities Revenue				
424 · Special Tax-L&L	30,451.36	29,000.00	Collection of past due accounts increased rev \$1,451	1,451
426 · Park Donations	350.00	1,000.00	As projected	
427 · Community Center Revenue	17,706.50	15,000.00	\$6,000 of this should be in #428. As projected with \$3,500 future rentals	3,500
428 · Building E Revenue	6,000.00		See above entry	
436 · Interest-Park/Rec	115.79	700.00	Interest below projections	
438 · Misc Park/Rec Rev	623.05			
420 · Park/Rec Activities Revenue - Other	650.00			
Total 420 · Park/Rec Activities Revenue	55,896.70	45,700.00	New projected Park Rev \$55,896 plus rentals \$3,500	59,396
440 · District Activities Revenue				
448 · Franchise Fees	13,672.08	21,000.00	As projected	-1,900
456 · Interest-District	342.04	2,500.00	Below projection. New estimate of \$600.00	1,567
458 · Misc District Revenue	1,567.00		Above projections	23,500
Total 440 · District Activities Revenue	15,581.12	23,500.00	Off setting changes should balance out as projected	2,162,551
Total Income	2,049,469.13	2,061,855.09	Total income should increase by the COPS funding of \$100,000	

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	Jul '09 - Jan 10	Annual Budget	Mid Year Notes	Adjustments
Expense				
500 · Police Sal & Ben	468,591.89	924,940.00	Officer salary savings of \$116,00 due to not staffing 10th position (Sgt)	-116,000
502 · Salary - Officers	17,988.36	10,000.00	Compensated absences increased due to pay off on 2 employees leaving	8,000
504 · Compensated Absences	45,473.60	30,000.00	Overtime increased due to coverage issues assoc with working with one less officer. Increase an additional \$15,000	
506 · Overtime	19,488.75	29,250.00	As projected	
508 · Salary - Non-Sworn	3,832.95	8,000.00	As projected	
516 · Uniform Allowance	2,500.00	2,500.00	As projected	
518 · Safety Equipment	98,271.96	242,269.00	Have not funded GASB 45 yet, as projected	
521-A · Medical/Vision/Dental-Active	60,463.61	114,000.00	As projected	
521-R · Medical/Vision/Dental-Retired	9,080.49	12,200.00	As projected	
522 · Insurance - Police	9,027.32	14,990.00	As projected	
523 · Social Security/Medicare	2,670.74	3,908.00	As projected	
524 · Social Security - District	139,078.32	289,211.00	Should save additional \$35,000 on \$116,000 salary savings	-35,000
527 · PERS - District Portion	46,164.64	83,965.00	Should save additional \$2,000 on \$116,000 salary savings	-2,000
528 · PERS - Officers Portion	47,687.39	46,279.00	Increase of \$1,408 in premium	1,408
530 · Workers Comp	970,320.02	1,811,512.00	Salary saving on one Sgt position of \$153,000 with additional costs of \$9,408. Adjusted Police Salary Exp of \$1,659,920	1,659,920
Total 500 · Police Sal & Ben				
550 · Other Police Expenses				
552 · Expendable Police Supplies	2,050.93	2,000.00	Over budgeted amount by \$50.00	50
553 · Range/Ammunition Supplies	1,840.09	2,000.00	Cost of ammo increasing and additional training for 4 reserves will add to this expense \$1,000	1,000
562 · Vehicle Operation	22,855.85	36,000.00	Projected expense increase of \$3,000 due to repairs of old fleet (Most recent veh purchase was 2007)	3,000
564 · Communications (RPD)	43,801.61	112,560.00	As projected	
566 · Radio Maintenance	0.00	4,400.00	Has not been expensed yet	
568 · Prisoner/Case Exp./Booking	2,158.20	5,000.00	As projected	
570 · Training	6,965.56	12,000.00	As projected	

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	Jul '09 - Jan 10	Annual Budget	Mid Year Notes	Adjustments
572 · Recruiting	8,844.21	7,650.00	Over budget by \$1,214 so far due to costs of bringing on 4 reserves	1,214
574 · Reserve Officers	5,379.48	2,000.00	Over budget by \$3, 379 due to cost of bringing on 4 reserves	3,379
576 · Misc. Meals & Travel	497.74	3,000.00	As projected	
580 · Utilities - Police	4,664.84	8,000.00	As projected	
581 · Bldg Repairs/Maint.	123.51	2,000.00	As projected	
582 · Expendable Office Supplies	6,760.69	6,000.00	Over budget by \$760 so far. Est an additional \$1,300	1,300
588 · Telephone(+Rich. Line)	5,842.61	11,048.00	As projected	
590 · Housekeeping	3,190.00	5,000.00	As projected	
592 · Publications	2,829.64	3,000.00	As projected	
594 · Community Policing	4,294.45	5,000.00	As projected	
596 · WEST-NET/CAL I.D.	12,471.00	12,472.00	As projected	
598 · COPS Special Fund	21,147.28	31,470.00	As projected with an additional \$68,530 to be expensed	68,530
Total 550 · Other Police Expenses	155,717.69	270,600.00	Estimated an additional \$78,473 to Police Expenses	349,073
600 · Park/Rec Sal & Ben				
601 · Park & Rec Administrator	6,497.00	9,750.00	As projected	
602 · Custodian	12,250.00	22,750.00	As projected	
623 · Social Security/Medicare - Dist	0.00	746.00	As projected	
Total 600 · Park/Rec Sal & Ben	18,747.00	33,246.00	No adjustments	33,246
635 · Park/Recreation Expenses				
640 · Community Center Expenses				
642 · Utilities-Community Center	364.37	4,000.00	As projected (This account to be adjusted)	
643 · Janitorial Supplies	118.30	1,500.00	As projected	
646 · Community Center Repairs	0.00	1,000.00	As projected	
640 · Community Center Expenses - Other	81.38			
Total 640 · Community Center Expenses	564.05	6,500.00	No adjustments	6,500
650 · Building E Expenses				
658 · Bldg E Misc	-13.22			
Total 650 · Building E Expenses	-13.22			

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	Jul '09 - Jan 10	Annual Budget	Mid Year Notes	Adjustments
660 · Annex Expenses				
662 · Utilities - Annex	785.67	500.00	This account to be adjusted to #642	
Total 660 · Annex Expenses	785.67	500.00		
672 · Kensington Park O&M	28,990.02	52,800.00	As projected	
678 · Misc Park/Rec Expense	2,944.25	2,000.00	This account to be adjusted to #672	
Total 635 · Park/Recreation Expenses	33,270.77	61,800.00	No adjustments	61,800
800 · District Expenses				
810 · Computer Maintenance	13,177.33	22,900.00	As projected	
820 · Cannon Copier Contract	2,541.00	5,500.00	As projected	
830 · Legal (District/Personnel)	33,626.56	50,000.00	As projected	
835 · Consulting	44,752.50	10,000.00	Final cost of Brown Taylor's reports \$35,000 over budget	35,000
840 · Accounting	8,130.00	21,800.00	As projected	
850 · Insurance	0.00	30,000.00	As projected	
860 · Election	385.79	8,000.00	As projected	
865 · Police Bldg. Lease	15,535.68	42,812.00	New lease of \$28,000 plus maintenance of \$5,112 is \$9,700 less than projected	-9,700
870 · County Expenditures	8,607.24	18,600.00	As projected	
890 · Waste/Recycle	33,462.58	30,000.00	Costs of Prop 218 over estimate	3,462
898 · Misc. Expenses/Lobbyist	4,384.58	9,350.00	Incurred \$2,000 in savings on conferences	-2,000
Total 800 · District Expenses	164,603.26	248,962.00	Difference in expenses to savings of \$26,762 in add exp	275,724
950 · Capital Outlay				
972 · Park Buildings Improvement	495.00		Park Restroom to cost \$130,000 of which \$48,000 from donations and \$82,000 from allocated reserves to be reimbursed by Measure WW in Fiscal Year 2010/2011 An additional \$150,000 will be needed if repairs to the Annex building are made.	130,000
Total 950 · Capital Outlay	495.00			
997 · Payroll Expenses	3.26			

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## 2009/2010 Mid Year Budget Review

	<u>Jul '09 - Jan 10</u>	<u>Annual Budget</u>	Mid Year Notes	Adjustments
Total Expense	1,343,157.00	2,426,120.00	Total expenses estimated to be \$2,516,263 with new revenue estimated to be \$2,162,551.	2,516,263
Net Ordinary Income	706,312.13	-364,264.91		-353,712
Other Income/Expense			EBRPD Measure WW Reimbursement	82,000
			New Projected Shortfall	-271,712

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