

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, August 9, 2012, at 7:00 P.M., at the Community Center, 59 Arlington Avenue, Kensington, California.

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

Roll Call
Public Comments
Board Member/ Staff Comments

APPROVAL OF CONSENT CALENDAR

- a) Minutes of the Regular Meeting June 14, 2012, Page 2
- b) Minutes of the Regular Meeting July 12, 2012, Page 12
- c) Profit & Loss Budget Performance for July 2012, Page 28
- d) Park Revenue & Expenses Report for July 2012, Page 32
- e) Board Member Reports- None
- f) Correspondence- None
- g) Police Department Update, Page 37
- h) Monthly Calendar, Page 45
- i) General Manager Report, Page 47

DISTRICT – OLD BUSINESS- NONE

DISTRICT - NEW BUSINESS

1. General Manager/ Chief of Police Greg Harman will ask the Board if they wish to continue in the Chevron Property Tax Assessment Refund litigation the District entered into in December 2011. Board Action.

ADJOURNMENT

General Information

Accessible Public Meetings

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

District Secretary Anita Gardyne, Kensington Police Protection & Community Services District, 217 Arlington Ave, Kensington, CA 94707
POSTED: Public Safety Building-Colusa Food-Library-Arlington Kiosk- and at www.kensingtoncalifornia.org
Complete agenda packets are available at the Public Safety Building and the Library.

Meeting Action Minutes for 06/14/2012

AGENDA

A Regular Meeting of the Board of Directors (BOD) of the Kensington Police Protection and Community Services District (KPPCSD) was held Thursday, June 14, 2012, 7:00 PM, at the Community Center, 59 Arlington Avenue, Kensington, California.

ATTENDEES

<u>Elected Members</u>	<u>Guests/Presenters</u>
Charles Toombs, President	Joel Koosed
Tony Lloyd, Vice President	Anthony Knight
Linda Lipscomb, Director	Gloria Morrison
Mari Metcalf, Director	Lynn Wolter
Cathie Kosel, Director	Joan Gallegos
	Elena Caruthers
<u>Staff Members</u>	Barbara Dilts
Gregory E. Harman, General Manager/Chief of Police	John Stein
Master Sgt Ricky Hull	Vida Dorrah
Off Rodney Martinez	Anne Forest
	Andrew Gutierrez
	Yolla Harman
	Patricia Gillette

ANNOUNCEMENTS: Board President Charles Toombs called the meeting to order at approximately 7:00 PM.

PUBLIC COMMENTS-NONE

BOARD COMMENTS

Vice President Lloyd- Update on paths- County preparing to start work on the permanent drain on the Kenyon path. County Public Works Director Van Buren confirmed that the paths do not belong to the County and the County is willing to work with us on acquiring them.

Director Lipscomb- Policy Committee met on May 15th, and continues to meet on updating the KPPCSD Board Policy Manual. Barbara Dilts has taken on the task of transcribing all of our work. Next meeting is June 19th, and invites all to attend.

President Toombs- KCC Movie Night held last Saturday night and it was well attended. KCC also has agreed to provide KPPCSD \$5,000 towards hiring a public financial consultant for work on the park buildings. KPSC is planning workshop on construction earthquake preparedness with the date yet to be determined.

Director Metcalf- Gayle Tapscott reported at the last meeting that she called 911 and received a busy signal. I agree that 911 calls going unanswered are unacceptable. Director Metcalf asked the audience

how many people receive the notification of the armed robbery alert. She states there was an armed robbery in El Cerrito not quite two blocks from the Kensington border and an attempted break in Kensington. Director Metcalf asks Chief Harman if we have arrested the suspects involved in that. Chief Harman responds that El Cerrito has not arrested the suspect in their robbery and we haven't identified the suspects in our attempted residential burglary yet.

Director Kosel- Question- We spoke about finding a new auditor, Greg how is that going? GM/COP Harman responds that he has begun to identify a list of possible auditors.

STAFF COMMENTS

Master Sergeant Ricky Hull- Traffic Issues-

County has installed double yellow line on the roadway on Franciscan Way.

The Chief has asked last month about the radar sign. The radar sign picks up traffic picks up south bound traffic about 200 feet in front of the sign when it is first targeted.

The County will be installing traffic restrictions on Valley in an effort to reduce traffic and speeding on Valley & Coventry areas.

Andrew Gutierrez- Did you hear about anything happening about the traffic on "Dead Man's Curve" (referencing the unit block of Arlington). Master Sergeant Hull states that he has not. He says there was an accident northbound that took out a sign. Master Sergeant Hull states that he can assure the Board and the public that the police department will be out there monitoring traffic in that area while the County moves through their process.

Director Kosel- Are the incidents that Mr. Gutierrez mentions getting to the County? Does County get a copy of all incidents and accidents? Master Sergeant Hull confirms that the County receives a copy of all of our accidents. Gutierrez then asks if the County received the information on the incident were the sign was taken out? Director Metcalf asks Master Sergeant Hull if it was his responsibility to get accident information to the County or do the officers provide that information "willy-nilly"? Master Sergeant Hull replies that the County normally gets their information from the CHP; however, CHP is approximately 6 months behind in posting data. He states that we have just started to provide the County with monthly updates because of the time delay getting these reports from the CHP.

Officer Martinez- Reports the accident in front of the unit block of Arlington did not occur, that accident occurred in Berkeley and a piece of the bumper that fell off involved in that accident dropped off the car in front of the Kensington residence. He states that it was my call and the accident did not occur in Kensington.

Director Metcalf- Form 700's- Checked Government Code for what part of Government Code applies to us. According to my reading it doesn't apply to us. Could I ask the General Manager to research this and what agency do you file these reports with and report back to the board. GM/COP Harman responses that our District Secretary Anita Gardyne sent the board a packet with all the information on the filing of Form 700's. It has the information on who should file and under what circumstances. Metcalf states that when she read the code she did not see where we would qualify to file and asks GM/COP Harman to

review and provide a report back to the board. She then asks again what is the proper agency to file these forms with. GM/COP Harman responses, "The County Clerk".

Director Lipscomb- Provides more detailed information on Form 700 and confirms the County Clerk collects Form 700's. Director Metcalf replies, "I want to know what section we fall under".

GM/COP Harman- Anita Gardyne will be off for two weeks to care for a family member. Arlington lights are in the process of being repaired.

(Audio recording device malfunction- corrections attempted but failed. Video recording confirmed to be working)

GM/ COP Harman read an e-mail on budget questions he sent to Karl Kruger, a resident to the Board and public, stating it was about the budget that is on the agenda tonight and that he wished it to be a part of the public record. It is as follows:

Greg Harman

From: Greg Harman [gharman@kensingtoncalifornia.org]
Sent: Monday, June 11, 2012 9:11 PM
To: 'Karl H. Kruger'
Cc: 'Charles Toombs'; 'Richard Lloyd'; 'LINDA LIPSCOMB'; 'Marl Metcalf'; 'Cathie Kosel'; 'Joel Koosed'
Subject: RE: 2011/12/finacials

Mr. Kruger, I will do my best to answer your questions.

Your Question #1. The financials had line items that had very large variances and when asked, your ultimate answer was "Who can budget that close". My question is why are there no written explanations for line items that have large variances, at a minimum on the largest 10 or 15 items?

The "Unaudited Profit & Loss Budget Performance Report" is provided to the KPPCSD Board as part of the Consent Calendar. The Board and the public can ask any specific questions they have on any item on the Consent Calendar.

As to why no written explanation for line items that have large variances, could you be a little more specific on those items you have questions about? The Board and members of the public that attend meetings on a regular basis, either have questioned or have heard explanations to certain items in the report. Take Account 502 Officer Salaries for example. The April Expense was for \$68,011.92 and budgeted \$73,735.00 for the month of April. The Year to Date expense was reported as \$672,740.38, and the Year to Date budgeted was \$737,354.00. This is a large variance indeed however, there have been several discussions regarding the fact that we have not had a 10th officer position since September 15th, 2011, and that salary difference is reflected not only in #502, but also in #521A Medical, #527 PERS District Portion, and #528 PERS Officers Portion. Missing the 10th officer has also caused #506 Overtime to increase, which would be another variance. That is five variances right there.

Another example could be #553 Range/ Ammunition Supplies. The expenditures for April were \$1,291.83. The April budget for this line item is \$333.33. This is a variance. However, the \$333.33 budgeted for April is 1/12th of the \$4,000 budgeted for this item for the year. The Year to Date expense was reported as \$1,911.23. We are 3/4 into the fiscal year and yet we have only expensed 47% of this item to date. Is it a variance now? Would you want to see this item as reported in a separate variance report as one of the top 10 or 15 items?

In fact, I believe Director Metcalf indeed did ask about this item during the meeting. I believe my response was that we had made a purchase during the month for ammunition, the cost of ammunition has increased due to the war, we have been saving on the cost of range time due to the fact that we are being provided a range at no cost at this time, and that we have just made another purchase of ammunition that will be reflected in a later report.

Each month there are variances in each of the listed line items in the budget. My top 10 or 15 may not be the ones that a director, member of the public, or you may have a question on. That is why I prefer to answer the questions during the meeting or one on one with the person that has a question(s).

Your question #2. On item 810, Computer. You were asked about the large amount. Your answer was "That what it is and you voted for it". Upon reflection you may agree that you provided a very poor answer. I like to know is the item on a contract? Who can sign for contracts and how are they selected (lowest, most local, most fitting, or..). And, why are the Computer Repair & Maintenance cost this high.

The three year contract with TSG to provide computer maintenance service was voted for by the Board on July 8, 2010. TSG has been providing the District with computer services for 20 years. This fiscal year's cost of that contract is \$16,284 which is also listed as part of the 2011/12 Operating Budget, which the Board approved. This breaks down to a monthly expense of \$1,357. The expense for April was \$1,449.59. The extra \$92.59 was for additional services charged. Would you consider this to be a variance that needed to be

reported? The annual budget for Account 810 Computers is \$30,034, with a monthly budget of \$2,502.83. There are three other expenses that appear under this account. They are ARIES at \$8,350, CLETS at \$400, and ACCJIN at \$5,000, all costs to connect our department to law enforcement databases. Year to Date expenses so far have been \$24,067.35. The report provides the Year to Date Budgeted For of \$25,028.34, which is 10/12's of the annual budgeted \$30,034. Would you consider this to be a variance that needed to be explained as one of the top 10 to 15?

As indicated above, the District has been dealing with TSG, a local company in El Cerrito, for over 20 years. All contracts of over \$5,000 need to have Board approval before they can be signed by the General Manager.

Our computers are old and break down often. We have been replacing our computers with ones that were donated to us by WESTNET over a year ago. These computers were ones that were replaced by WESTNET because they were outdated. In the Fiscal Year 2012/13 budget, we have budgeted for the replacement of our computer server, at a cost of \$8,000. This expense appears in Account 969 of the 2012/13 Operating Budget which is going to the Board June 14th for approval.

Your question #3. On item 427, Community Center Revenue. You were asked how the revenues were reconciled. Your answer was "I know how much it is". That answer raised real questions in my mind, I would like to know how many people/groups use the facilities? How are the rates set, who sets them and how often are they adjusted. How is the income received (checks, cash or E.F.T.) and how is it reconciled.

As far as how revenue generated and reported in Account 427 Community Center Revenue is reconciled, I believe the director was asking about the accounting process and questioning if all revenue received was being properly recorded. All paid rentals of the Community Center have contracts drawn up between the District and the renter. The dates and the names of the renters are documented in the Reservation Calendar. The fees paid are collected and recorded by the Park Administrator. All fees paid are paid by check. The only cash collected for rentals are those collected for the tennis courts, are collected by the KCC Administrator, and forwarded to our Park Administrator. The Reservation Calendar, contracts, fees collected, and deposits are reviewed by me as the General Manager. I also review the calendar as the Chief of Police because some events need additional security.

The rates have been set by the Board and have not changed in the 5 years that I have been with the District. The Board recently received a Park Buildings Plan from a consultant that was hired by the Board. The plan included a financial analysis that indicated the District's rates are low compared to other facilities and should be increased. I believe the rates will be increased once the improvements on the Community Center are completed.

Finally, you asked what groups use the facilities? Our main source of revenue is from the \$15,000 we receive from KCC for use of the facilities in providing recreational programs for the community. Our secondary source of revenue is from our community rentals. The Grizzly Peak Fly Fisherman rent the Center once a month. The Kensington Improvement Club, Kensington Property Owners Association, Kensington Municipal Advisory Council, Kensington Fire Protection District, Kensington Public Safety Council, Kensington Amateur Radio Operators, Kensington Friends of the Kensington Library, Boy Scouts, and Girl Scouts are some of the groups that use the Center at no charge. If you would like to view the Community Center Calendar, it is published as part of the Consent Calendar, which is available in the board packet and on the District's website.

I have tried to answer your questions as best that I can. If you have further questions, please let me know.

Our next meeting of the KPPCSD Board is Thursday, June 14th at 7 PM. I hope you can make it. If you do come, please introduce yourself.

Sincerely,

Greg Harman

-----Original Message-----
From: Karl H. Kruger [mailto:khkatgolf@aol.com]

CONSENT CALENDAR

Director Lipscomb requests to pull “A” Minutes.

Director Kosel request to pull “F” Police Report.

Director Lipscomb page 3, “I said there had been a road resurfacing meeting, I didn’t attend the meeting, other’s did.” She also corrected spelling on the names Hafner and Van Beurn.

Page 7, Haxo spelled wrong, indicates that minutes indicate that Elena Caruthers was on vacation, but she was there (in reference to Street resurfacing meeting with John Gioia).

Director Kosel- Page 5, Cash deposits questions, how much is collected every month and what account is it deposited in? GM/COP Harman the only cash collected is for tennis court rentals and indicates those rentals are reserved and collected through Marty Westby at KCC and provided to Andrea Di Napoli who makes the bank deposits. GM/COP Harman then states he is not sure how much cash revenue is collected for tennis court rentals every month and asks Marty, who is sitting in the back of the room. Marty Westby responds that we collect approximately \$4.00 in cash rentals for the tennis courts, noting that the fee is \$2.00 for Kensington residents and \$2.25 for non- resident rentals. Director Kosel states that if it is only \$4.00, you might want to take checks.

Director Kosel asks if that is the only item that we collect cash for and GM/COP Harman responds, no, we also collect cash for tow release fees for vehicle impounds. That cash is placed in cash box and receipts are provided to the person paying with a copy going to the case jacket. Director Kosel asks what the fee is for tows and how many a month do we collect? There is a discussion between GM/COP Harman and Master Sergeant Hull and Hull states that the impound fee is \$70 and we have one or two a month.

Director Kosel requests that GM/COP Harman find out why July 2010 agendas & minutes are removed from the website.

Director Metcalf- Page 8 take out noted, employee(s), director (‘), page 9 “reductions”.

Director Kosel Police Department update page 37- Has a question regarding suspension of cases, which is answered by GM/COP Harman. She also states that the chart of crimes committed shows Clearance Rates in March are (0). Master Sergeant Hull adds to discussion on clearance rates. Director Kosel then questions auto theft numbers in the police report and GM/COP Harman reads Detective Stegman’s e-mail explaining the error that occurred on the crime report chart.

MOTION: Motion to Approve Director Lipscomb/ Vice President Lloyd seconds, Motion Passes 5-0
AYES: Toombs, Lipscomb, Lloyd, Kosel , Metcalf NOES: 0 ABSENT: 0

DISTRICT – NEW BUSINESS #1 - General Manager Greg Harman will present to the Board for the second reading and approval the Kensington Police Protection & Community Services District Operating Budget for Fiscal Year 2012/ 2013.

STAFF COMMENTS

GM/COP Harman presents the second reading of the KPPCSD 2012-2013 Operational Budget.

BOARD COMMENTS

Director Kosel asks GM/COP Harman to check to see if we can get out of TSG contract for computer services following a long discussion on the out dated computers we use and the high expense of our service contract.

Board takes a five minute break.

PUBLIC COMMENTS

Karl Kruger asks why the Finance Committee does not bring the budget to the Board? GM/COP Harman responds that the Finance Committee recommends the approval of this budget has presented. Kruger then asks several questions regarding vacation, comp time, and sick time accrual that GM/COP Harman responds to.

Barbara Dilts comments on the importance of budgets and states she would like the GM/COP write an executive summary of the budget and the long term implications of future projects.

Andrew Gutierrez comments on elections in San Diego and San Jose regarding fiscal responsibility and a discussion takes place between the Board, the GM/COP Harman, and Mr. Gutierrez.

Vida Dorrah thanks members of the Finance Committee for their participation in the budget process and asks a question regarding of much of the \$75,000 spent to date on legal costs is generated by board member actions? President Toombs responds that those fees are considered attorney- client privileged information and that our attorneys have advised us that giving up the privilege would not be a smart thing for the board to do.

Glen Welsh (Name was unclear on video) comments that he under stands the privilege that the board would not want to disclose attorney fees associated with personnel matters however, but finds it hard to believe any attorney would say that disclosing those fees paid on those matters were privileged. President Toombs states that he does not have that information in hand and Welsh asks President Toombs if he would speak with the attorneys and report back.

Patricia Gillette comments on legal fees and how difficult it is to identify future legal fees when dealing with personnel issues. GM/COP Harman adds that he could tell the audience right now the breakdown of legal fees but can not release that information until our attorneys provide the clearance to do so.

Vice President Lloyd makes a final comment on the need for the board to be sensitive to fees associated with legal and consultants in the coming year.

MOTION: Motion to approve 2012/13 budget made by Director Lipscomb/ President Toombs seconds, Motion passes 3 to 2.

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

DISTRICT – NEW BUSINESS #2 - General Manager Greg Harman will present to the Board for adoption Resolution 2012-05 of the Kensington Police Protection & Community Services District ordering the general election to be held November 6, 2012 for two members of the Kensington Police Protection & Community Services District Board of Directors.

STAFF COMMENTS

GM/COP Harman presents Resolution 2012-05, ordering the general election to be held for two KPPCSD board seats scheduled for November 2012.

BOARD COMMENTS- None

PUBLIC COMMENTS- None

MOTION: Director Kosel moves to approve/ President Toombs seconds, Motion passes 5 to 0.

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

DISTRICT – NEW BUSINESS #3 - General Manager Greg Harman will present to the Board for adoption Resolution 2012-06 of the Kensington Police Protection & Community Services District establishing the annual supplemental special tax for police protection (Measure G). Board Action.

STAFF COMMENTS

GM/COP Harman presents Resolution 2012-06 that establishes the rate of Measure G to remain at its current rate of \$179.00 a parcel as established in the KPPCSD 2012-2013 Operational Budget.

BOARD COMMENTS

Director Lipscomb states that she was glad the board was able to hold Measure G at the \$179 rate per parcel.

Director Kosel states she would be thrilled Measure G should be reduced to \$173 per parcel for a savings of \$13,500.

President Toombs states that he is in favor of leaving the tax at the \$179 rate.

Director Metcalf states she believes Measure G should be reduced to \$100 per parcel to provide some incentive for belt tightening.

PUBLIC COMMENTS

Patricia Gillette addresses Director Metcalf and states that it is irresponsible to suggest lowering Measure G to \$100 per parcel without offering a suggestion on how to amend or adjust the budget to offset that loss in revenue. Director Metcalf responds that she does not appreciate that comment.

Glen Welsh (?) states that he wonders if some of the pension costs can be lowered but does support keeping Measure G at its current rate. President Toombs responds that the board is sensitive to lowering

those pension costs. Director Lipscomb states that she was on the committee that negotiated with the Police Officers Association and that she wants people to appreciate how the Police Offices Association worked with the committee to come to a compromise in dealing with the compensation issues.

MOTION: Motion to approve as written Director Lipscomb/ Vice President Lloyd seconds and the Motion Passes 3 to 2.

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

DISTRICT – NEW BUSINESS #4 - Kensington resident Rob John will request the Board’s permission to operate his food truck business one Sunday in July in Kensington Park.

President Toombs states that he has known Rob John for a long time and excuses himself from the discussion and decision.

Rob John’s provides his comments and request to the Board to have a grand opening of his food truck business in the park on July 15th.

STAFF COMMENTS

GM/COP Harman states his concerns on the precedent this would set allowing food trucks in the park in the future.

BOARD COMMENTS

Vice President Lloyd asks Rob John where would the location be that he planned to set up his food truck and John responds that he was thinking of parking the truck on the sidewalk area next to the fire lane by the between the playground and the Annex.

Director Kosel asks Rob John if he had permits to operate and how he planned to deal with all the garbage that would be generated. John responds that he does have the required permits and that he would haul the garbage away.

Vice President asks John if he has considered other parking areas in the park. John responds that he was planning on having a steel drum band play, which would generate people on blankets staying in the meadow area and that he was planning on balloons in the area to make it more like a festival.

At 9:45 PM, Motion to extend the meeting is made by Director Lipscomb/ President Toombs seconds and the Motion passes 5 to 0.

GM/COP Harman then informs the board that the other issue he has with this proposal is the one of this being an operational issue under the jurisdiction of the General Manager. This issue is that we have a vendor coming to the General Manager requesting to operate in the park and has been told no. Until that time the board comes up with a policy to deal with these types of requests in the future, this issue should stay under the authority of the General Manager as an operations decision.

Director Lipscomb states that she is sure the event would be great event but shares the Chief’s concerns.

Director Kosel comments on the liability issues associated with having food trucks in the park and states that she doesn’t think this is an issue that they want to decide tonight.

PUBLIC COMMENTS

Dan Bryant (? Unknown Last Name) It is a policy issue; the board should set policy first and have General Manager Implement the policy.

Joan Gallegos asks where and when will it be, has the church activity been considered, and ends by saying that she just doesn't feel comfortable with the idea.

Paul Dorrah comments that he loved the idea and would love to see food trucks and vendors in park, but you need a policy first addressing all the issues.

MOTION: Director Kosel moves to deny request, second by Director Lipscomb, request denied 3 to 1 with 1 abstaining.

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

Vice President Lloyd comments that this issue of commercial food trucks in the park should be brought to the Policy Committee for further review.

Motion to adjourn made by Director Lipscomb and second by Director Kosel, motion passes 5 to 0.

ADJOURNMENT

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 1
BOARD OF DIRECTORS

Meeting Action Minutes for 07/12/2012

AGENDA

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

ATTENDEES

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

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

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

PUBLIC COMMENTS

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

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 2 BOARD OF DIRECTORS

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

BOARD COMMENTS

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

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

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

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

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

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

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 3
BOARD OF DIRECTORS

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

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

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

STAFF COMMENTS

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

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

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

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

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

CONSENT CALENDAR

Note all changes appear in bold

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

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

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

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

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

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

DISTRICT – OLD BUSINESS – None.

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

STAFF COMMENTS

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

BOARD COMMENTS

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

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

BOARD COMMENTS

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

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

PUBLIC COMMENTS

None.

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

AYES: Toombs, Lloyd, Kosel, Lipscomb, Metcalf

NOES:

ABSENT:

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

BOARD COMMENTS

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

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

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

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

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

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

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

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

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

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

BOARD COMMENTS

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

President Tombs said he had asked his questions.

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

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

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

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

AYES:

NOES:

ABSENT:

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

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

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

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

PUBLIC COMMENTS

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

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

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

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

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

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

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

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

AYES: Toombs, Lloyd, Lipscomb

NOES: Kosel, Metcalf

ABSENT:

PUBLIC COMMENTS

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

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

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

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

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

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

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are:

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

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

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

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

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

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

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

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

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

PUBLIC COMMENTS

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

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

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

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

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

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

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

AYES: Toombs, Lloyd, Lipscomb

NOES: Kosel, Metcalf

ABSENT:

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

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

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

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

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 13
BOARD OF DIRECTORS

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

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

BOARD COMMENTS

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

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

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

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

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

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

MOTION: Director Lipscomb moved that the recommendation of the subcommittee be accepted and that Chief's base salary for the year 2012 be \$148,441 with a 5% increase and a 1% increase possible during that year and that the 2013 base salary, conditioned upon satisfactory performance as may be determined by the board in its review and further moved that the chief be compensated in a lump sum of \$16,754 that sum to reflect amounts in consideration of the failure to provide evaluations for the period

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT 14
BOARD OF DIRECTORS

between 2009 and 2011. Vice President Lloyd seconded this motion.

AYES: Toombs, Lloyd, Lipscomb

NOES: Kosel, Metcalf

ABSENT:

MOTION: Director Lipscomb moved to end the meeting at about 10:30 P.M. and Vice President seconded this motion.

AYES: unknown

NOES: unknown

ABSENT:

ADJOURNMENT

Proposed KPPCSD GM / COP Compensation Recommendation a/o 07/12/12

Attachment A

	A	B	C	D	E	F	G	H
1		Salary	Approx Ben	TCOE (2008)				
2	Base Year Sal 2008 @3.5%	134,500	50,000	184,500				
3	Plan year	Pro % Inc	New Base	Comp Inc \$	Merit @ 1 %	Merit \$	Adj prop sal comp	Total def comp 2009-2011
4	2009	3%	138535	4035	1%	1385	139920	
5	2010	3%	142691	4156	1%	1427	144118	
6	2011	3%	146972	4281	1%	1470	148441	
7	Comp Not Paid			12472		4282		16754
8								
9	2012	5%	148441	7422	1%	1484	149925	
10	2013	5%	156863	7793	1%	1559	157422	
11	2014	3-5% Bench MK						
12								
13	Recommended true-up of 2009-2011 comp not paid one time \$16,754							
14								
15	Budget impact 2012 budget would be true up plus proposed 6% annual adjustment = \$25,660 Plus benefit increase							

Proposed KPPCSD GM / COP Compensation Recommendation a/o 07/12/12

	A	B	C	D	E	F	G	H
1		Salary	Approx Ben	TCOE (2008)				
2	Base Year Sal 2008 @3.5%	134,500	50,000	184,500				
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4	2009	3%	138535	4035	1%	1385	139920	
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11	2014	3-5% Bench MK						
12								
13	Recommended true-up of 2009-2011 comp not paid one time <u>\$16,754</u>							
14								
15	Budget impact 2012 budget would be true up plus proposed 6% annual adjustment = \$25,660 Plus benefit increase							

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KPPCSD
Unaudited Profit & Loss Budget Performance
 July 2012

	Jul 12	Budget	Jul 12	YTD Budget	Annual Budget
Ordinary Income/Expense					
Income					
400 · Police Activities Revenue					
410 · Police Fees/Service Charges	220.00		220.00		
414 · POST Reimbursement	66.60		66.60		
418 · Misc Police Income	3,810.91		3,810.91		
Total 400 · Police Activities Revenue	<u>4,097.51</u>		<u>4,097.51</u>		
420 · Park/Rec Activities Revenue					
427 · Community Center Revenue	1,060.00		1,060.00		
428 · Building E Revenue	7,500.00		7,500.00		
438 · Misc Park/Rec Rev	120.00		120.00		
Total 420 · Park/Rec Activities Revenue	<u>8,680.00</u>		<u>8,680.00</u>		
Total Income	12,777.51		12,777.51		
Expense					
500 · Police Sal & Ben					
502 · Salary - Officers	85,448.03		85,448.03		
504 · Compensated Absences	2,395.14		2,395.14		
506 · Overtime	1,360.24		1,360.24		
508 · Salary - Non-Sworn	2,901.50		2,901.50		
516 · Uniform Allowance	599.94		599.94		
521-A · Medical/Vision/Dental-Active	22,442.04		22,442.04		
521-R · Medical/Vision/Dental-Retired	24,231.70		24,231.70		
521-T · Medical/Vision/Dental-Trust	145,720.00		145,720.00		
522 · Insurance - Police	671.00		671.00		
523 · Social Security/Medicare	1,349.69		1,349.69		
524 · Social Security - District	203.28		203.28		

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KPPCSD
Unaudited Profit & Loss Budget Performance
 July 2012

	<u>Jul 12</u>	<u>Budget</u>	<u>Jul 12</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
527 · PERS - District Portion	29,011.25		29,011.25		
528 · PERS - Officers Portion	7,744.34		7,744.34		
Total 500 · Police Sal & Ben	<u>324,078.15</u>		<u>324,078.15</u>		
550 · Other Police Expenses					
562 · Vehicle Operation	5,883.76		5,883.76		
564 · Communications (RPD)	22,645.65		22,645.65		
566 · Radio Maintenance	38.01		38.01		
568 · Prisoner/Case Exp./Booking	2,000.00		2,000.00		
570 · Training	2,536.58		2,536.58		
572 · Recruiting	300.00		300.00		
574 · Reserve Officers	50.00		50.00		
576 · Misc. Dues, Meals & Travel	1,075.00		1,075.00		
582 · Expendable Office Supplies	244.86		244.86		
588 · Telephone(+Rich. Line)	669.54		669.54		
590 · Housekeeping	252.12		252.12		
594 · Community Policing	650.00		650.00		
596 · WEST-NET/CAL I.D.	13,130.00		13,130.00		
599 · Police Taxes Administration	804.61		804.61		
Total 550 · Other Police Expenses	<u>50,280.13</u>		<u>50,280.13</u>		
600 · Park/Rec Sal & Ben					
601 · Park & Rec Administrator	377.00		377.00		
602 · Custodian	1,750.00		1,750.00		
Total 600 · Park/Rec Sal & Ben	<u>2,127.00</u>		<u>2,127.00</u>		
635 · Park/Recreation Expenses					
640 · Community Center Expenses					
642 · Utilities-Community Center	262.64		262.64		

bc

KPPCSD
Unaudited Profit & Loss Budget Performance
 July 2012

	<u>Jul 12</u>	<u>Budget</u>	<u>Jul 12</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
Total 640 · Community Center Expenses	262.64		262.64		
660 · Annex Expenses					
662 · Utilities - Annex	201.62		201.62		
Total 660 · Annex Expenses	<u>201.62</u>		<u>201.62</u>		
672 · Kensington Park O&M	6,936.26		6,936.26		
Total 635 · Park/Recreation Expenses	<u>7,400.52</u>		<u>7,400.52</u>		
800 · District Expenses					
810 · Computer Maintenance	1,644.86		1,644.86		
820 · Cannon Copier Contract	434.52		434.52		
835 · Consulting	170.46		170.46		
850 · Insurance	24,387.27		24,387.27		
865 · Police Bldg. Lease	15,298.00		15,298.00		
890 · Waste/Recycle	242.56		242.56		
898 · Misc. Expenses	1,115.31		1,115.31		
Total 800 · District Expenses	<u>43,292.98</u>		<u>43,292.98</u>		
950 · Capital Outlay					
969 · Computer Equipment	541.53		541.53		
Total 950 · Capital Outlay	<u>541.53</u>		<u>541.53</u>		
Total Expense	<u>427,720.31</u>		<u>427,720.31</u>		
Net Ordinary Income	-414,942.80		-414,942.80		
Other Income/Expense					
Other Expense					

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KPPCSD
Unaudited Profit & Loss Budget Performance
 July 2012

	<u>Jul 12</u>	<u>Budget</u>	<u>Jul 12</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
700 · Bond Issue Expenses					
710 · Bond Admin.	2,256.64		2,256.64		
Total 700 · Bond Issue Expenses	<u>2,256.64</u>		<u>2,256.64</u>		
Total Other Expense	2,256.64		2,256.64		
Net Other Income	<u>-2,256.64</u>	0.00	<u>-2,256.64</u>	0.00	0.00
	<u>-417,199.44</u>	0.00	<u>-417,199.44</u>	0.00	0.00

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Memorandum

Kensington Police Department



To: KPPCSD Board of Directors

APPROVED YES NO

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

FORWARDED TO:

Date: Friday, August 03, 2012

Subject: Consent Calendar Item D- Park Revenue & Expenses

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

This information is obtained through our QuickBooks software. Revenue and expenses from July 1, 2012 through July 31, 2012 is attached to this memo.

KPPCSD
Account QuickReport
 July 1 through August 3, 2012

Type	Date	Num	Name	Memo	Split	Amount
420 · Park/Rec Activities Revenue						
427 · Community Center Revenue						
Deposit	7/26/2012	316		CC Rental Ju...	112 · General ...	1,000.00
Deposit	7/26/2012	V913...		Rental of roo...	112 · General ...	60.00
Total 427 · Community Center Revenue						1,060.00
428 · Building E Revenue						
Deposit	7/26/2012	6266		KCC 2nd half...	112 · General ...	7,500.00
Total 428 · Building E Revenue						7,500.00
438 · Misc Park/Rec Rev						
Deposit	7/26/2012	3283		Tennis Court...	112 · General ...	80.00
Deposit	7/26/2012	3687		Tennis Court...	112 · General ...	40.00
Total 438 · Misc Park/Rec Rev						120.00
Total 420 · Park/Rec Activities Revenue						8,680.00
TOTAL						8,680.00

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8:40 PM
08/03/12
Accrual Basis

KPPCSD
Account QuickReport
July 1 through August 3, 2012

Type	Date	Num	Name	Memo	Split	Amount
600 · Park/Rec Sal & Ben						
601 · Park & Rec Administrator						
Paycheck	7/12/2012		Di Napoli, Andrea		112 · General ...	101.75
Paycheck	7/27/2012		Di Napoli, Andrea		112 · General ...	275.25
Total 601 · Park & Rec Administrator						377.00
602 · Custodian						
Check	7/13/2012	14073	William Driscoll	Invoice #0079	112 · General ...	875.00
Check	7/30/2012	14103	William Driscoll	Invoice #0080	112 · General ...	875.00
Total 602 · Custodian						1,750.00
Total 600 · Park/Rec Sal & Ben						2,127.00
TOTAL						2,127.00

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8:40 PM
 08/03/12
 Accrual Basis

KPPCSD
Account QuickReport
 July 1 through August 3, 2012

Type	Date	Num	Name	Memo	Split	Amount
635 · Park/Recreation Expenses						
640 · Community Center Expenses						
642 · Utilities-Community Center						
Check	7/13/2012	14074	Pacific Telemanage...	monthly fee f...	112 · General ...	78.00
Check	7/13/2012	14095	PG&E	Community C...	112 · General ...	159.40
Check	7/30/2012	14109	EBMUD	service provi...	112 · General ...	25.24
Total 642 · Utilities-Community Center						262.64
Total 640 · Community Center Expenses						262.64
660 · Annex Expenses						
662 · Utilities - Annex						
Check	7/13/2012	14095	PG&E	Annex servic...	112 · General ...	23.82
Check	7/30/2012	14109	EBMUD	service provi...	112 · General ...	177.80
Total 662 · Utilities - Annex						201.62
Total 660 · Annex Expenses						201.62
672 · Kensington Park O&M						
General Journal	7/1/2012	REV ...		NBS	153 · Prepaid ...	1,108.86
Check	7/13/2012	14077	Summer Rain Land...	July's monthl...	112 · General ...	2,050.00
Check	7/13/2012	14077	Summer Rain Land...	branch remo...	112 · General ...	835.00
Check	7/13/2012	14078	UBS	park services...	112 · General ...	584.00
Check	7/30/2012	14109	EBMUD	service provi...	112 · General ...	1,363.40
Check	7/30/2012	14115	Fernando Herrera	2" water main...	112 · General ...	345.00
Check	7/30/2012	14115	Fernando Herrera	stump remov...	112 · General ...	125.00
Check	7/30/2012	14115	Fernando Herrera	7/14/12 grind...	112 · General ...	120.00
Check	7/30/2012	14115	Fernando Herrera	drinking fount...	112 · General ...	90.00
Check	7/30/2012	14115	Fernando Herrera	oak tree bran...	112 · General ...	180.00
Check	7/30/2012	14115	Fernando Herrera	bench repair	112 · General ...	135.00
Total 672 · Kensington Park O&M						6,936.26
Total 635 · Park/Recreation Expenses						7,400.52

8:40 PM
08/03/12
Accrual Basis

KPPCSD
Account QuickReport
July 1 through August 3, 2012

Type	Date	Num	Name	Memo	Split	Amount
TOTAL						<u>7,400.52</u>

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July 2012 Police Department Report

August 3, 2012

- Department Personnel
 - We are currently staffed at 9 sworn positions and we currently have two reserve officers. We have begun the background process on two candidates, one currently attending a police academy and the other looking to join our reserve program.

- Commendations and Correspondence
 - Sergeant Keith Barrow received a plaque of appreciation from West-Net for his service between April 2009 and March 2012.

- Investigation of Alleged Misconduct
 - Citizen's Investigation 2011-005 was initiated on October 5, 2011, on allegations that an officer was rude while signing off on a fix it ticket. This investigation is being conducted by Sergeant Hull.
 - Citizen's Investigation 2012-001 was initiated on January 8, 2012 on an allegation that an officer used racial profiling in issuing a traffic citation. This investigation is being conducted by Sergeant Hull.
 - Department Investigation 2012-002 was initiated on May 14th, on an allegation that an officer was insubordinate. This investigation is being conducted by Sergeant Hull.
 - Citizen's Investigation 2012-003 was initiated on June 28th, 2012, on an allegation that 3 officers were rude during a traffic stop. This investigation is being conducted by Sergeant Hui.
 - Citizen's Investigation 2012-004 was initiated on June 29th, 2012, on an allegation that an officer used racial profiling in making a traffic stop. This investigation is being conducted by Sergeant Hull.

- 9-1-1 / Richmond Communication Center Information.
 - The Ring Time Report for July has not been received as of this report date.

- Community Networking
 - On 07-09-12, Officer Wilson chaired the Kensington Public Safety Council meeting.
 - On 07-19-12, Officer Martinez met with three scouts from Troop 100 for an interview about law enforcement.
- Community Criminal Activity
 - This section of the Watch Commander's Reports are prepared by Sergeant Hui for Team One, Sergeant Barrow for Team Two, and Detective Stegman.
- Watch Commander Reports
 - **Sergeant Hui**

TEAM #1 STATISTICS

Sergeant Hui (K42)
(1600-0400)

Officer:	Ramos (K41) (0600-1800)	Wilson (K38) (1800-0600)
Days Worked	18	15
Traffic Stops	35	21
Moving Citations	25	20
Parking Citations	2	9
Vacation/Security Checks	86	77
FI-Field Interview	0	0
Cases	9	1
Arrests	0	0
Calls for Service	65	31

BRIEFING/TRAINING:

- Reviewed Supplemental Traffic Enforcement Hot Sheet
- Reviewed differences red zone parking violations and their applicable code sections.
- Reviewed Post Release Community Supervision Act of 2011
- Reviewed KPD Policy #400 – Patrol Function
- Reviewed KPD Policy #346 – News Media Relations

- Reviewed KPD Policy #348 – Court Appearance and Subpoenas
- Reviewed KPD Policy #348 – Subpoena Service
- Reviewed KPD Policy #503 – Traffic Accident Investigator
- Reviewed KPD Policy #700 – Department Owned and Personal Property
- Reviewed KPD Policy #450 – Use of Audio Recorders
- Reviewed KPD Policy #452 – Medical Marijuana
- Reviewed KPD Policy #300 – Use of Force
- Reviewed KPD Policy #304 – Shooting Policy
- Reviewed case law: People v. Stafford
- Reviewed Community Caretaking Doctrine
- Reviewed document on Double Blind and Sequential Eyewitness Identification lineups.

SERGEANT'S REVIEW:

- Reviewed California Government Code 3303 – Peace Officer Bill of Rights

SERGEANT'S SUMMARY:

As many of our residents already know, the Kensington Police Department is working towards a “Zero Tolerance” traffic enforcement policy. This change is the direct result of the March 2010 Traffic Safety Evaluation performed by the Institute of Transportation Studies at the University of California – Berkeley. This study can be found on our website at the following URL:

<http://www.kensingtoncalifornia.org/files/active/0/Kensington%20TSE%20FINAL.pdf>

The study cites, “A citation is the most effective tool to influence and change a driver’s behavior leading to a raised level of compliance with traffic laws,” and that “verbal warnings are ineffective in enhancing driver safety, as the violator has a tendency to forget the incident...”

I would like to take the opportunity to remind everyone that our increased enforcement efforts are not intended to generate revenues through citation fees, but rather to address the traffic concerns that exist within our community. I would also like to urge everyone to obey all traffic laws so that they can avoid receiving a citation. Please be mindful of your speeds while driving through town, watch for pedestrians trying to cross the street, and make complete stops at stop signs.

Kensington police officers also issue parking citations. Many of the streets in Kensington are inclined, so make sure you curb your wheels when parking. Please also remember to park on the correct side of the roadway.

In an effort to address the traffic concerns of residents, we have also added a “Supplemental Traffic Enforcement Request Form” on the Traffic Enforcement

page of the website. This is a form that you can fill out to let us know about your traffic concerns. Information provided in this form will help us proactively address your traffic concerns. A direct link to this page is as follows:

<http://kensingtoncalifornia.org/trafficrequest.php>

SIGNIFICANT EVENTS:

- 2012-4474 – On 7/03/2012, Officer Ramos responded to the unit blk of Windsor Ave on a report of a residential burglary.
- 2012-4603 – On 7/09/2012, Officer Ramos responded to the 100 blk of Colusa Ave on the report of a restraining order violation.
- 2012-4606 – On 7/09/2012, Officer Ramos responded to the unit blk of Edwin Dr on a report of an illegal dumping.
- 2012-4717 – On 7/15/2012, Officer Ramos responded to the unit blk of Rincon Rd on a report of a vandalism.
- 2012-4718 – On 7/15/2012, Officer Ramos responded to the unit blk of Rincon Rd on a report of a vandalism.
- 2012-4741 – On 7/15/2012, Officer Ramos responded to the 100 blk of Arlington Ave on a report of a vandalism.
- 2012-4742 – On 7/16/2012, Officer Ramos responded to the unit blk of Highland Blvd on a report of a petty theft.
- 2012-4743 – On 7/16/2012, Officer Ramos responded to the unit blk of Highland Blvd on a report of a vandalism.
- 2012-4797 – On 7/17/2012, Officer Wilson responded to the 200 blk of Grizzly Peak Blvd on a report of a residential burglary.
- 2012-4910 – On 7/23/2012, Officer Ramos responded to the unit blk of Highland Blvd on the report of an arson.

Reserve Officer:	Armanino (K47)
Days Worked	2
Traffic Stops	17
Moving Citations	10
Parking Citations	4
Vacation/Security	16
Checks	
FI-Field Interview	0
Cases	0
Arrests	0
Calls for Service	25

**** Sergeant Barrow**

Sergeant Barrow's report was not prepared by this report date due to his schedule vacation. His July report will appear in next month's addition of the Police Monthly Report.

•• **Detective Eric Stegman**

SIGNIFICANT EVENTS:

12-4797 Residential Burglary

On 7/17/12, a resident reported a burglary where the suspect(s) gained access through an unlocked rear door of the victim's home. The loss was a laptop and two cameras. There are no leads in this case.

12-4898 Residential Burglary/ Grand theft

On 7/22/12, during a garage sale at a residence, a subject made unauthorized entry into the unsecured home. Several items of jewelry were taken. This case is under investigation.

12-4910 Arson

On 7/23/12, an arson was reported. An unknown subject set an "out of order" sign on a bathroom, on fire. The small fire caused minor damage to the bathroom door. Based on the circumstances it does not appear the intent was to light the building on fire. There are no leads in this case.

KPD INVESTIGATIONS INFORMATION:

2011-1618 Homicide.

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

12-4248 Residential Burglary

On 6/24/12 a residential burglary was reported on the 600 block of Canon Dr. The residents were out of town but the house was being watched by a house sitter. The total value of the loss was estimated between \$20,000 and \$30,000. The subsequent investigation was long and tedious stretching over several weeks. The primary suspect in this case was identified and has a warrant for his arrest. He is currently still at large. A secondary suspect was arrested on related charges of possessing stolen property from the burglary. Two other subjects who were associated with the primary suspect in this case, were arrested on unrelated warrants. This case is closed and will be forwarded to the District Attorney for prosecution.

KPD INVESTIGATIONS

- Made court run for filling cases, and retrieve court notifications.
- Updated the KPD Case Review Log
- Updated the stolen property log.
- I'm currently assigned one day per week as a Field Training Officer

- On 7/10/12 I attended the quarterly Contra Costa County SART meeting.
- On 7/12/12 I participated in a WESTNET operation conducting probation searches in El Cerrito, Richmond, and Pinole.
- On 7/16/12 I attended a free training on metal/ copper theft.
- Had several meetings with Loralee from ECPD to consult on the usage of the Aegis system.
- Attended the PHREKS meeting which was hosted by KPD.

KPD Crime Statistics update

The only change to the format this month was the addition of the eighth Part one offense of Arson.

KPD Monthly Crime Statistics

July 2012

Part 1 Crimes	Reported	Open/ Pending	Suspended	Closed	Arrest
Homicide	0	0	0	0	0
Rape	0	0	0	0	0
Robbery	0	0	0	0	0
Felonious Assault	0	0	0	0	0
Residential Burglary	5	4	1	0	0
Grand Theft	0	0	0	0	0
Vehicle Theft	0	0	0	0	0
Arson	1	0	1	0	0
Part 1 Totals	6	4	2	0	0

Other Crimes					
Auto Burglary	0	0	0	0	0
Identity Theft	0	0	0	0	0
Fraud	0	0	0	0	0
Forgeries	0	0	0	0	0
Petty theft	1	0	1	0	0
Restraining Order Violations/ Stalking/ Criminal Threats	1	0	0	1	0
Sex Crimes (other)	0	0	0	0	0
Assault/ Battery (other)	0	0	0	0	0
Vandalism	5	1	4	0	0
Drugs	1	0	0	1	1
Warrant	3	0	0	3	2
Hit and Run Felony	0	0	0	0	0
Hit and Run Misdemeanor	0	0	0	0	0
Other Misdemeanor Traffic	0	0	0	0	0

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Other Crime Totals	11	1	5	5	3
All Crime Totals	17	5	7	5	3

Traffic Accidents (Non Injury) 2
 Traffic Accidents (Injury) 0

KPD Crime Statistics

Year to Date 2012

Part 1 Crimes	Reported	Open/ Pending	Suspended	Closed	Arrest
Homicide	0	1	0	0	0
Rape	0	0	0	0	0
Robbery	3	0	2	1	0
Felonious Assault	1	0	0	1	0
Residential Burglary	21	12	8	1	3
Grand Theft	0	0	0	0	0
Vehicle Theft	5	1	1	3	0
Arson	1	0	1	0	0
Part 1 Totals	31	14	12	6	3

Other Crimes	Reported	Open/ Pending	Suspended	Closed	Arrest
Auto Burglary	0	0	0	0	0
Identity Theft	0	0	0	0	0
Fraud	13	9	3	1	0
Forgeries	1	1	0	0	0
Petty theft	0	0	0	0	0
Restraining Order Violations/ Stalking/ Criminal Threats	21	6	12	3	0
Sex Crimes (other)	3	0	0	3	1
Assault/ Battery (other)	0	0	0	0	0
Vandalism	2	0	0	2	1
Drugs	14	3	10	1	0
Warrant	2	0	0	2	4
Hit and Run Felony	10	0	0	10	9
Hit and Run Misdemeanor	0	0	0	0	0
Other Misdemeanor Traffic	3	1	1	1	0
Other Crime Totals	69	20	26	23	15

All Crime Totals	100	34	38	29	18
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Traffic Accidents (Non Injury)	9
Traffic Accidents (Injury)	2

**** Chief Harman**

Just a reminder that National Night Out 2012 is Tuesday, August 7th.

Officer Wilson has informed me that this year we have over 20 National Night Out parties scheduled in the District. If you are hosting a party this year, Thank You! If you are attending a party this year, Thank You! If you would like to host a last minute party or attend one in your area, please contact Officer Wilson at 510-526-4141 or at dwilson@kensingtoncalifornia.org.

I hope to see as many of you as I can this year!

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July 2012

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

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Jul 1 - 7	Jul 1	2 7:30pm 9:00pm KCC Meeting (CC3)	3	4 4th of July 10:00am-6:00pm CC Rental (CCM)	5	6	7
	8	9 6:30pm 7:30pm KPSC (CC3) 7:30pm 9:00pm KCC Meeting (CC3) 7:30pm 8:30pm KARO (CC3)	10	11 7:00pm-9:00pm KFD Mtg (CC3)	12 7:00pm 10:00pm KPPCSD MTG (CC3)	13	14
Jul 8 - 14	15 Copy: Monthly Statistic	16	17	18	19	20	21
	22	23 7:30pm 9:30pm KIC (CC3)	24	25	26	27	28
Jul 15 - 21	29	30	31 7:30pm 9:00pm KMAC (CC3)	Aug 1	2	3	4
	29 - Aug 4						

August 2012

August 2012						
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	28	29	30	31	

September 2012						
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	28	29
30						

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Jul 29 - Aug 4	Jul 29	30	31	Aug 1	2	3	4 4:00pm 11:00pm CC Rental (CCM)
Aug 5 - 11	5 12:30pm 3:00pm Music Recital (Ampitheater)	6	7	8 7:00pm 9:00pm KFD Mtg (CC3) 7:30pm 10:00pm GPFF (CCM)	9 7:00pm 10:00pm KPPCSD MTG (CC3)	10	11
Aug 12 - 18	12	13 6:30pm 7:30pm KPSC (CC3) 7:30pm 8:30pm KARO (CC3)	14	15 Copy: Monthly Statistic	16	17	18
Aug 19 - 25	19	20	21	22	23	24	25
Aug 26 - Sep 1	26	27 7:30pm 9:30pm KIC (CC3)	28 7:30pm 9:00pm KMAC (CC3)	29	30	31	Sep 1

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General Manager June/ July 2012 Report

Budget

As we close out the 2011-2012 Fiscal Year, I have some very good news to report. Our budgeted revenue for Fiscal Year 2011-2012 was \$2,589,950 and our unaudited actual revenue was \$2,671,166. The main reason for this additional revenue is the receiving of the \$100,000 COPS grant funding in May. By law, agencies can not incorporate the COPS grant funding into their budgeted revenue projections, however, each year we cross our fingers and hope that the State funds the grant.

On the expense side of the ledger, we had budgeted for \$2,647,212 in expenses in Fiscal Year 2011-2012. Our actual unaudited expenses for Fiscal Year 2011-2012 were \$2,528,017. This \$119,195 variance is a result of three main factors.

The first is the unexpected salary savings we had during the year. Following a personnel action taken in September 2011, we were not able to hire our tenth officer position until the employment issue was resolved in July. The result was a salary and benefit savings of approximately \$104,000.

The second expensed savings occurred when the Board accepted the recommendation of our new actuarial consultant's expense of \$145,720 for the Annual Required Contribution (ARC) for the California Employer's Retiree Benefit Trust (CERBT). Our original budgeted amount for the Fiscal Year 2011-2012 ARC was \$253,971. This represents a reduction in the ARC expense of \$108,251.

Now for those of you that are tracking the expense savings so far, there was a salary savings of \$104,000 and an ARC saving of \$108,251, for a total expensed savings of \$212,251. I indicated that there was a variance of \$119,000. Why the difference?

We also had unforeseen increase in budgeted expenses in legal fees of \$47,000 and in consultants fees of \$74,000.

So what is the bottom line and where is the good news? In the KPPCSD 2011-2012 budget, we had estimated that at year end there would be a \$57,000 shortfall. Our unaudited final 2011-2012 net revenue over expenses is \$143,000. That is the very good news.

Kensington Park

Community Center & Annex

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

Park Repairs

Members in the community sometimes ask why the maintenance of the park is so expensive. I believe the month of July is a prime example of things that occur that drive those expenses. We had a water main break of a 2 inch irrigation pipe that needed to be repaired at a cost of \$345. A tree stump needed to be removed, \$125, and a low hanging branch in the playground area had to be removed, \$180. A park bench needed immediate repair at \$135 and vandalism to the playground drinking fountain cost \$90 to repair. Finally, the cement walkway in the playground area had buckled and needed to be ground down to eliminate the tripping hazard, \$120. That would be a total expense of repairs in the park of \$995 for the month that were really unforeseen but part of the cost of keeping the park safe for use by the community.

Emergency Preparedness

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

The next meeting of the Kensington Public Safety Council will take place Monday, August 13th, at 6:30 PM at the Community Center Room #3. It is very important for those interested in Kensington's emergency preparedness to come to the meetings. The declining community interest in this group is placing this group's continued existence in jeopardy.

Other District Items of Interest

Solid Waste

Our KPPCSD Board and attorney's have been negotiating with Bay View's attorney in an attempt to identify an arbitrator to hear the demand for arbitration for increased fees made by Bay View recently.

Public Works Issues

Street Lights

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

I have been able to finally track down all the information on taxes the community pays for the Contra Costa County Street Lighting Service, L-100 on your tax bill, and the information on Contra Costa County Landscaping District, which appears as LL-2 on your tax bill.

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

"Kate,

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

County staff met with PG&E representatives earlier this year regarding phase 1 of the centerbore wood pole replacement project. All wood poles have a life expectancy and PG&E made a determination to take a proactive approach to replace them. The purpose of the replacement project would be to provide more reliable lighting to communities, reduce pole failures and overall maintenance costs. At that meeting, it was our understanding that streetlight pole replacements would be done with similar decorative poles if appropriate. Similar streetlight replacement projects in other unincorporated areas were done this way (aging decorative wood poles were replaced with new decorative light poles). We are currently contacting our PG&E representative to determine why a standard galvanized pole is currently being installed, not a decorative alternative.

When more information is available, I will update you and discuss if a meeting with PG&E is appropriate. Please call me if you have any questions. Residents

with specific concerns in the affected areas can contact PG&E directly at 1 (800) 743 5000 (24 hours a day). Door hangers with this contact information and replacement schedule of installation should have been placed on each resident's door (within the project area)."

As far as my next steps, I believe that will be determined at our next KPPCSD Board meeting August 9th, when more community members voice their concerns to the Board and I receive direction from them on how they wish me to proceed.

Gore Lot

A big thank you to Gretchen Gillfillan and her volunteer crew of 10 from the Kensington Improvement Club for their clean up and removal of 25 bags of weeds from the Gore Lot (bus stop area across from the pharmacy)!

Website

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

www.kensingtoncalifornia.org

Reminders

National Night Out, Tuesday, August 7th and the second Kensington Police Department Citizen's Academy starts Tuesday, September 11th. Contact Officer Doug Wilson at www.dwilson@kensingtoncalifornia.org for more information on both events.