

**Meeting Minutes for 2/9/17**

A Closed Session of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday, February 9, 2017, at 6:30 P.M., at the Community Center, 59 Arlington Ave., Kensington, California. A Regular Meeting (Open Session) followed.

**ATTENDEES**

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Rachelle Sherris-Watt, President	Amara Morrison, Wendel Rosen
Eileen Nottoli, Vice President	John Holtzman, PLG
Sylvia Hacaj, Director	Jim Watt
Len Welsh, Director	David Spath
	A. Stevens Delk
	Paul Dorroh
	Karl Kruger
<u>Staff Members</u>	Pat Gillette
Rickey Hull, IGM/COP	Mabry Benson
Lynn Wolter, District Administrator	Peter Liddell
<u>Press</u>	
Linnea Due	

President Sherris-Watt called the meeting to order at 6:31 P.M. President Sherris-Watt, Vice President Nottoli, Director Hacaj, Director Welsh, IGM/COP Hull, and District Administrator Wolter were present. Director Cordova participated in the Closed and Open Sessions by phone from Italy.

**CLOSED SESSION PUBLIC COMMENTS**

None.

The Board entered into Closed Session at 6:32 P.M.

**CLOSED SESSION**

- a. Public employee employment, discipline, or dismissal: The Board was briefed on personnel matters pursuant to Government Code Section 54957(b)(1). Four items.
- b. Conference with Legal Counsel – anticipated litigation: The Board was briefed on matters involving significant exposure to litigation pursuant to Government Code Section 54956.9(e). Four items.

The Board returned to Open Session at 7:51 P.M.

President Sherris-Watt took roll call. President Sherris-Watt, Vice President Nottoli, Director Hacaj, and Director Welsh were present. Director Cordova participated by phone from Italy.

President Sherris-Watt said there was nothing to report from the Closed Session.

## PUBLIC COMMENTS

Jim Watt said that, at the prior Board meeting, he'd expressed concerns about the increase in District expenses. He noted that the unfunded pension liabilities had increased by \$515,000 in 2015 and were expected to increase by \$700,000 in 2016 and that the total of these liabilities were equal to the District's current unrestricted reserves. He noted that the District had received its updated OPEB report, which reported the recommended contribution to meet the District's long-term medical obligations. He said that, about a year earlier, a previous (Other Post Employment Benefits) OPEB report had been discussed and that it had been agreed that the firm that had prepared that report had made some unrealistic assumptions; therefore, it had been decided to re-do the analysis. He said the findings of the new OPEB study showed that the District should increase its annual contributions to the OPEB trust by \$225,000 more than the District had expected, for a new total of \$405,000. He said the new OPEB report also showed that the District's unfunded medical liability was \$3.1 million, a sum equal to the District's unfunded pension liability. He said the amount of money needed to meet obligations to the officers was growing at a rate faster than the District's revenue rate of growth. He said that, in addition to these obligations, there were the upcoming costs associated with the Community Center, the Public Safety Building, and the likely cost of adding the new GM position. He said all these expenses needed to be considered against a backdrop of rising workers' compensation costs, legal fees, overtime costs, and dispatch services. He said this meant the chance of turning a budget surplus in the future would be unlikely, if the District continued with its current staffing levels and employee compensation. He said that changes in the District's services were needed and that most people with knowledge about cost control knew what those options were. He noted that a qualified GM could provide guidance, but only if the Board identified where and how the needed cuts should be made. He said it was the Board's responsibility to address the problems the District faced and to start developing a plan to avoid depleting reserves.

Pat Gillette said she wanted to reiterate comments that had been made at the last meeting, which she had been unable to attend. She said that she'd learned that the Board had committed to spending \$145,000 on an architectural firm and that she hoped the Board would answer, in detail, how it intended to pay for the \$1 million-plus project, which would take care of just the basics. She asked, in the name of transparency, what the plan was for raising funds sufficient to cover the cost of the work. She said she'd heard there was a plan of obtaining grant money and asked what grants the Board was considering.

Ms. Gillette said she continued to think it was irresponsible of the Board to conduct its business with a Director who had been absent for six months, without any comments except to say she was in Italy.

Ms. Gillette said that, during the past week, she had been proud to be a lawyer – to see lawyers come out and defend the rights of people. She said that this was not a statement that she didn't respect the President but that she would defend the rule of law, even if it meant showing up at airports and other places.

Peter Liddell announced that, at 10:00 A.M., on Saturday, the 18<sup>th</sup>, the Kensington Public Safety Council (KPSC) would host a presentation about animals in disasters and emergencies. He announced that Noel Cross, of the Red Cross, would be speaking about how to prepare, in advance, for what to do in an emergency or a disaster. He reported that Hazel Weiss would speak about service dogs.

Karl Kruger said that, a couple of meetings ago, he'd asked about the Brown Act, with respect to someone participating electronically. He said he wanted to know that the Brown Act was being followed for every meeting. He asked what, specifically, needed to be done for compliance to ensure that, at some point in the future, there wouldn't be a reason for an argument or worse. He said that, at every meeting, the Board President needed to ask the person participating electronically if that person was following the Brown Act. Amara Morrison responded that the teleconferencing Director had been apprised how to follow the Brown Act and that she was confident this individual was doing so.

Paul Dorroh said that, in reading the minutes of the prior meeting, he'd read that an architectural firm had been retained for the Community Center renovation project and that the public had been encouraged to visit the firm's website to get more detail about their experience and qualifications. He asked if the District website could provide the link to the firm's website.

Mr. Dorroh asked if Resolution 2017-06 would be deferred to another meeting, since it hadn't been included in the Agenda Packet. President Sherris-Watt responded in the affirmative and said this would be discussed.

**STAFF COMMENTS**

None.

**BOARD COMMENTS**

None.

**CONSENT CALENDAR**

Mabry Benson said she had a question about Item d, the Profit and Loss Statement. She asked what the \$6,005 expenditure in Account 967, Station Equipment, had been. District Administrator Wolter responded that she wasn't sure but that it had been budgeted, otherwise she would have highlighted it in the Variance Report. She said she would email Ms. Benson the next day with the information.

Ms. Benson said she had a question about the Watch Commander's Report. She noted that three officers had been on duty for one shift and only one officer on another shift and that this seemed unbalanced, in terms of staffing. IGM/COP Hull responded that the officers worked the same hours but on different days. He added that there was one person assigned to patrol during the daytime hours and that there was also a detective on duty, who also provided patrol back-up. Ms. Benson noted that the department was short-staffed at the moment. IGM/COP Hull responded that he, too, was available.

**MOTION: Vice President Nottoli moved, and Director Welsh seconded, to approve the Consent Calendar.**

**Motion passed: 5 – 0.**

**AYES: Sherris-Watt, Nottoli, Welsh, Cordova, Hacaj    NOES:    ABSENT:**

President Sherris-Watt noted that, with the adoption of the Consent Calendar, the Board could begin holding two regular meetings per month.

- 7b. The Board reviewed and considered Resolution 2017-06 to amend Appendix A of Policy #2000 of the District Policy and Procedure Manual to create job descriptions for: i) District Chief of Police; and ii) District General Manager and will direct staff to conform implementing policies (Policy #2000.25) to reflect these two separate job descriptions.

President Sherris-Watt recommended that this item be tabled until all the related documents were made available to the public.

- 7a. The Board reviewed and considered approval of an Employment Agreement between the District and Rickey L. Hull, setting the compensation, terms and conditions of his temporary employment as Interim General Manager/Chief of Police.

Director Cordova asked if the employee needed to leave the room during this discussion.

John Holtzman responded that IGM/COP Hull should not be present when the discussion occurred. IGM/COP Hull left the room.

Mr. Holtzman introduced himself and said he'd been asked to work out the terms of this agreement, and he summarized the basic terms and conditions:

- Term – December 17, 2016 through May 17, 2017.
- During the term of the agreement, the Board may split the position of GM/COP. If the Board should choose to do so, the employee would no longer be paid the GM portion of the salary.
- Salary had been set up to account for both possibilities. The salary for the COP portion would increase IGM/COP Hull's current wages by 15% to \$129,031. The salary for the GM portion would increase the wages by another 10% to \$140,857. The COP portion of the salary would be reportable to CalPERS, and the GM portion would not.
- Given the interim nature of the position, IGM/COP Hull would have the right to return to his prior Master Sergeant's role at the end of the interim period.
- As IGM/COP, the employee would be an at-will employee.
- Health coverage (consistent with term of KPOA MOU) – the employee would receive the same health insurance as the active employees and would contribute \$85 for the basic Kaiser plan, and, starting June 30, 2017, he would begin contributing \$125 to this.
- If IGM/COP Hull were to retire directly from the Chief position, he would not get the same benefits in retirement as the members of the bargaining unit would receive. He would be under the same kind of cafeteria plan as was IGM/COP Hart. Note: How PEMHCA (which is part of CalPERS) benefits work: Whatever the employer provides for its employees, the employer must also provide for its retirees. The exception to this exists if the employer has a cafeteria plan, which would allow for a minimum contribution, of \$128.00 per month, directly to PEMHCA. The reason the cafeteria option had been established was because, if a Chief came from outside the department, that person might be with the department for two or three years and then receive lifetime health benefits, which could cost up to about \$20,000 per year until that person died.
- Participating in the CalPERS retirement system would continue. Payments in retirement would be based on the participant's final salary, so this likely would be IGM/COP Hull's high year, even if he were to return to the Master Sergeant's position. And current contributions would increase because of the increased salary for the COP portion.
- CalPERS contributions would remain the same, with the District contribution soon becoming 5%, with employees paying 4%.
- Rest of benefits would be the same as those in the KPOA MOU.

President Sherris-Watt asked for public comments.

David Spath asked how the Board had decided that only 10% of IGM/COP Hull's time would be GM work and 90% would be COP work. He asked if there had been a workload analysis or another type of assessment. Mr. Holtzman responded that this allocation didn't reflect time: it was a determination of what salary to pay for which services. He said there had been a CalPERS audit and a reply to it, in which the Board reported that the GM duties were 5% – 10% of the job. Thus, he said this was consistent with what had been previously reported to CalPERS. Mr. Holtzman added that the CalPERS audit had found that the District needed to separate out the GM duties, that these duties were not pensionable, and that this could result in CalPERS reducing the pensions of at least the last two police chiefs. Dr. Spath responded that CalPERS was being told that IGM/COP Hull would be spending 90% of his time on COP work. Mr. Holtzman said this was about a salary allocation, not a time one. Dr. Spath responded that his public sector work experience had been that one did a workload analysis and then made a salary allocation, based on that analysis. He added that the Brown Taylor report, which had been done in the late 1990's, had shown that 35% of the GM/COP's time was spent on GM work and 65% on COP work. He said this might be a more fair way to allocate things, and then there wouldn't be a problem with the \$7,000 spike in pensionable salary. Mr. Holtzman responded that it was axiomatic that IGM/COP Hull would receive a salary increase for his work as COP.

President Sherris-Watt said that the Board had to take into consideration what IGM/COP Hull's salary had been as Master Sergeant, given all the parameters such as longevity pay and holiday pay. Then the Board had decided that, because the COP had more responsibility, there should be a compensation adjustment. She explained that, in terms of the 90-10 split, it would be inconsistent with the Board's appeal to CalPERS to go back to the Brown Taylor report. She said the Board was in the process of splitting the positions, so the Board was telling CalPERS that the Board realized that there were separate functions and that, from this point forward, the Board would allot for that time. Dr. Spath said that the 90-10 split seemed arbitrary and that the Board could have done what it had done with IGM/COP Hart: A combined position with a salary of \$145,000, regardless of the separation of the duties. Mr. Holtzman said that, because this agreement was unique in that it provides for the separation of the position, there had to be a justification for the salary of the position if the two components were to be separated.

Director Welsh said he was concerned about undercutting the Board's appeal because the crux of the appeal was that the positions couldn't be separated, but now the Board was saying it was separating them. He said he was looking for legal assurance that the action the Board would be taking now, after the fact, wouldn't undercut the appeal. Mr. Holtzman responded that he was working on the appeal, so had thought a lot about this: Now that the Board was discussing separating the positions, the Board had no choice but to begin specifying what that would look like. He said the Board's position with CalPERS' perspective was that it was illogical because it had never before attempted to separate the roles of a job. He added that much of the managerial work of the GM/COP was ultimately managing a government, most of whose employees are police officers. He reiterated that his view was that CalPERS was wrong, as a matter of law, and that the decision, later, to potentially separate the jobs for completely different reasons, would be based on policy decisions that the Board had the right to make.

Jim Watt said he'd been surprised by the response to CalPERS. He said he'd submitted a Public Records Act Request to CalPERS and had learned that, at no time since the formation of the District, had CalPERS ever challenged the legitimacy of paying the GM/COP a full, 100%, pensionable salary. He noted that, perhaps, this should have been part of the Board's appeal to CalPERS.

Mr. Watt said that, with IGM/COP Hull participating in the cafeteria plan, if he were to retire from the IGM/COP position, he would not be entitled to medical benefits. He said that, if IGM/COP Hull were about to lose his medical benefits in retirement, he would simply go back to his original position for 30 days. Mr. Holtzman responded that Mr. Watt was accurate and noted that, because IGM/COP Hull had been a long-term employee, he was entitled to lifetime medical benefits.

Mr. Watt said he wanted to believe that IGM/COP Hull could perform the functions of the job on an interim basis. He said he had concerns about the manner in which this matter had been presented, the costs of the contract, and what the contract might mean for the future GM/COP position. He said that such an important matter should have included, as part of the agenda packet:

- Summary
- Action required
- Background information
- Analysis of factors under consideration
- Financial and legal considerations

He said that, as with the IGM/COP Hull appointment, the community had been provided only with an employment contract in the current agenda packet; without this information, neither the Board nor the community could adequately evaluate the issue. With regard to the financial aspect of the appointment, he said the only thing provided had been a posting on the KPPCSD website of a summary of the salary increases and costs. He noted that this analysis didn't include the additional \$9,100 the District would have to pay for the increased pension costs; nor did it show how the salary increase would enhance IGM/COP Hull's lifetime pension by as much as \$375,000. He said he was opposed to providing this pension enhancement to a person already eligible for retirement and who would stand to reap this benefit after only one year in the job, which he called pension spiking that should not be permitted by either the employee or the employer. He said that the biggest cost overlooked was replacing the duties



that had been done by the Master Sergeant – a cost that would involve additional part-time officers or overtime. He said that the current month’s police report showed that only four officers were doing patrol work, requiring extra days of work or extensions to the officers’ already long twelve-hour shifts. He noted that coverage could collapse if just one more officer was out on vacation or sick for an extended period of time. He said this cost needed to be added to the cost of IGM/COP Hull’s promotion, in order to fully know the cost of the appointment.

Mr. Watt said he was concerned that this position was being labeled as “interim,” with the implication that a GM would be hired within the next few months. He said that, before the Board undertook any such appointment, he hoped the public would be able to weigh in on a GM’s qualifications, the salary cost, any office and administrative support costs, and a list of tasks on which the GM would be focused. He added that there was little room to add costs to the budget, unless the expenditure would result in even greater cost saving. He said the GM vetting process should involve the community and should include the pros and cons of such an appointment.

Pat Gillette said that she agreed with Jim Watt and that she and many members in the community had been disappointed by the complete lack of transparency in the way this appointment had transpired. She added that the community had asked for, but had failed to receive, any information about IGM/COP Hull’s qualifications – for the GM part of the job or for the COP part. She said this was shocking, especially in light of the scrutiny that had been given the candidates who had applied for the IGM/COP position when the Board had made the initial hire of former IGM/COP Hart. She said the Directors stare out at members of the community and say nothing about this man’s qualifications for the position and then tell the community that they intend to pay him \$140,000. She asked how the Board had decided that 15% and 10%, respectively for the COP and GM positions, had been appropriate. She noted that President Sherris-Watt had said that IGM/COP Hull should receive a “spike in his salary,” and Ms. Gillette asked how the Board had decided this was the appropriate spike. She asked how this related to the tasks he would have to do and said she had no idea if the amount was, or was not, sufficient. She noted that the Board had said that 10% of the salary would be for the GM part of the job and asked if this meant the GM, for whom the Board would be looking, would be paid only \$11,000 because the Board had determined this was what this job was worth. She asked what GM duties IGM/COP Hull would be performing and what his qualifications were to perform them. She said that prior candidates had been “grilled” by the community and by previous Boards about the qualifications of former GM/COP Harman and former IGM/COP Hart. She said the Board was expecting the community to think it was all right to pay \$140,000 to someone whose qualifications had never been made clear to the community and asked why the Board intended to pay him \$140,000. She said she was seeking facts about IGM/COP Hull:

- The additional duties he would be performing as GM and as COP.
- The extra amount of time this would take.
- His educational background.
- The certificates he’d earned.

She said that if, when the Board hired a GM and didn’t pay him \$11,000 – she interjected that she thought the Board would end up paying a great deal more for a GM – the Board would be “running into itself,” in terms of the arguments it had just made that the GM part of the job was only 10%. She said the community had a right to this information, especially since Board members had run on a campaign of transparency.

A. Stevens Delk asked how much the Board had been paying former IGM/COP Hart. President Sherris-Watt responded that it had been \$145,000 per year, plus his benefits. Ms. Delk said that it seemed that, to pay IGM/COP Hull \$140,000 was not out of line. She asked what the costs would be if the District had former IGM/COP Hart back, and he’d continued for another year – there would be IGM/COP Hart’s package and Master Sergeant Hull’s package, which would be \$145,000 for the one and about \$120,000 for the other, or \$265,000 combined. She noted that people were arguing about paying IGM/COP Hull \$140,000. She said she believed IGM/COP Hull was going to be a police officer plus the COP plus the GM; he would be on the street because the department was currently down by three officers. She suggested that, in six months, a statistical report should be done to see how much crime

had increased during the year that the District had been down three officers, but she noted that the numbers would mean nothing if all the crimes hadn't been reported.

Paul Dorroh said he agreed with Mr. Watt's comments about the financial impacts of this position and with Ms. Gillette's comments about the lack of transparency and the "inscrutable reasoning" behind this temporary appointment. He said he understood the need to have someone to be able to sign documents and to take care of ministerial functions, but this didn't appear what was intended: If IGM/COP Hull was really intended to be the Chief, based on the duties of the combined position, he would be investigating and responding to citizen complaints. Mr. Dorroh noted that, at a prior meeting, he'd learned that IGM/COP Hull, himself, was the subject of a citizen complaint, and he asked who would be investigating that. He asked how it would work when IGM/COP Hull completed this temporary assignment and went back to being one of the force, after he'd had to impose discipline on people who then were, once again, his peers rather than his subordinates. Thus, Mr. Dorroh said this was untenable for anything other than the shortest possible time. He said he hoped the Board's intention was to move expeditiously to make a decision about whether to split the position and, if it decided to do so, to get about the business of recruiting someone to take on this job. He said that, if the Board didn't do so, it would be setting up the District for failure and setting IGM/COP Hull up for failure because he wasn't in a position to execute to the fullest.

Director Welsh said he agreed with the last thing Mr. Dorroh said. He said that the Board had previously made a commitment that, if the IGM/COP Hull appointment were made, it would be a very temporary appointment, and the Board would expedite efforts to hire both a GM and a COP. He said everyone probably agreed that it would be better to split the position, if it could be done. He noted it would have been cheaper to have had former IGM/COP Hart stay because he would have been a retired annuitant, and the Board would not have had any further pension obligations for him. He noted that there would be an extra pension obligation associated with IGM/COP Hull but that the community had to pay people to do this work – it couldn't expect people not to be paid for what their duties were worth. He said, once the decision had been made not to bring back former IGM/COP Hart, the Board had been locked into making this decision – there really wasn't another viable short-term option. He said he would continue to support this, but he expected efforts to proceed, both on the GM and the COP recruitment fronts.

President Sherris-Watt responded that the Board had already met with a consultant from Public Management Group (PMG) and had already begun the process of recruiting for the GM position. She said the consultant had already begun the process of talking to prospective GMs, and she noted that IGM/COP Hull had been aware of that from the moment the Board had begun discussing the job with him.

President Sherris-Watt said she disagreed with Director Welsh's math: At a minimum, former IGM/COP Hart had cost the District a minimum of \$165,000. She said that, in other regards, such as the purchase of a new \$30,000 vehicle, he had cost the District many thousands of dollars more.

Director Nottoli said that promoting from within was a standard practice in police departments and that IGM/COP Hull had been promoted from a police officer, to Sergeant, and to Master Sergeant over the years. She said the first time a Chief had been hired from outside the Kensington department had been with former GM/COP Taylor. She said that IGM/COP Hull had had a lot of supervision with the Air Force and with police departments; that he'd taken a number of college courses, although he didn't have a college degree; and that the first Kensington Chiefs to have college degrees had been former GM/COP Taylor, former GM/COP Harman, and former IGM/COP Hart. She said everyone knew how well things had worked out with former GM/COP Harman but that, under former GM/COP Garfield, the department had been able to earn the Commission Accreditation for Law Enforcement Agencies credential, which had required proof of compliance on an annual basis and marked a level of professionalism, with respect to the service the department provided to the community. She noted that this had been lost during former GM/COP Harman's tenure. She said there were reasons to promote from within:

- Familiarity with the unwritten procedures of the department

- Knowledge of the community
- Knowledge about the strengths and weaknesses of the officers and of the staff.
- Having participated in making department decisions.

Vice President Nottoli said she'd been attending numerous meetings with IGM/COP Hull regarding dispatch: They'd met with the Sheriff, the El Cerrito Chief of Police, and the Albany Chief of Police, all of whom had high regard for IGM/COP Hull. She noted that, at the end of each of the meetings, IGM/COP Hull had asked if there were opportunities for training for KPD officers. She noted that one of the chiefs had said that IGM/COP Hull had spent more time in his office than his two predecessors, combined. She said IGM/COP Hull had demonstrated a commitment to Kensington, and she supported his employment in his new position. She reiterated President Sherris-Watt's comment that the Board was working expeditiously to split the position and to find a GM with experience handling a police department and the other services provided by the KPPCSD.

Director Welsh asked if the Board was looking for a COP as well. He noted that progress was being made on the GM side and asked what was happening with the COP. President Sherris-Watt said she was not currently looking for a new COP. She said it would be her desire that IGM/COP Hull remain as the COP, should the position be split. Director Welsh responded that this was news. President Sherris-Watt responded that it was the will of the Board – it would be up to the Board to discuss and decide. She said that she was glad to state her position but that she was not the only decider.

Director Hacaj said she wanted to reiterate what had been said, with respect to promotion from within. She said that there was an incredible amount of benefit to 19 years of experience and commitment to the community and that the Board was working with what it had. She summarized her perspective about IGM/COP Hull's salary: The previous Board had had to publish a salary schedule, which had included the minimum (\$10,300 per month) and maximum (\$12,083 per month) level for the interim position. She noted that IGM/COP Hull fell within that range. She said that, hopefully, working with a separated position in the future, there wouldn't be the constraint of the interim combined position. She concluded by saying she supported IGM/COP Hull.

Linda Lipscomb said the community had received more information, by way of the Board's comments this evening, than it had in the past. But, she said it still didn't add up to a nice plan. She noted: It had been decided that the position should be split; there should be an IGM/COP, which should last for four months; it had been decided that the GM position would take "X" number of hours per month, and the COP position would take "X" amount of time; and the Board would interview for these positions, or not. She said that there was no coherent plan for doing this into an organized fashion and noted that the Directors may have done this among themselves, but it hadn't been conveyed to the public. She asked that the Board put this in an organized fashion, like an executive summary, citing what the Board intended to do and what process it intended to follow in order to recruit for the position or positions. Director Hacaj responded that if this needed to be laid out in one place, at one time, that might be a good suggestion. President Sherris-Watt responded that the Board was climbing a ladder: Unexpectedly, the Board had dealt with the departure of former IGM/COP Kyle; the seating of two new Board members; and now, the Board was in the process of figuring out the depth of dysfunction within the department. She said she hoped it wasn't as bad as was thought, but the Board needed someone to let them know. She said the Board knew what assets it had, in terms of staff – which were great. She added that as opportunities arose, the Board would look for new solutions.

A resident commented that, if the Board was going to hire a permanent COP, the Board was supposed to open up this position. President Sherris-Watt responded that he was correct, and that this was on the District's website.

Director Cordova said she was the only Board member who had voted against IGM/COP Hull's initial appointment. She said that, rather than looking at the candidate, the Board should be looking at the management of the District. She said there was a profound weakness in the agency. She said the reason she had opposed the appointment of IGM/COP Hull was because it had been unlike any recruitment process she'd ever seen. She said there was a material difference now that the Board had a professional



recruiter in the GM search. She said she hoped the Board would see a quality of candidate not seen before and a refinement in the job description. With respect to the IGM/COP agreement, she'd rather see three-month increment extenders. She also said that she wanted to see the duties for the two positions delineated and that there should be time studies for the positions. She noted that the criticism the Board was hearing was that the Board wasn't doing a great job at recruiting – there should be more community input. She concluded by saying she was hopeful and by applauding President Sherris-Watt for engaging the services of a professional recruiter: It should bring a higher quality of candidates.

Karl Kruger asked if he had just heard President Sherris-Watt say that the Board was moving in the direction of making IGM/COP Hull the permanent COP. President Sherris-Watt responded that this would be her desire. Mr. Kruger said he thought the Board would be getting someone who would be getting the District through the next few months. He added that he didn't see the District's temporary hire would be able to provide any vision to help with the things that needed to be done with the Community Center and with the Public Safety Building. He noted that he'd not seen IGM/COP Hull's resume, but that the District had the need for someone who could look into the future. Director Hacaj said the Board was looking for a GM. Mr. Kruger responded that he didn't see the Board getting someone very quickly because the Board didn't have a history of getting things done very quickly. He said that there were important things facing the District, including the things about which Jim Watt had talked, and that he was disappointed to have heard the Board say this. Director Hacaj responded that, in two months, the Board had dealt with the lack of a COP, it had worked to get an interim person in place, and it had begun talking to a recruiter. She said that she did think it could have hired someone by May and that she didn't know what more the Board could have been doing. She said the Board was working to get things done as quickly as possible. Mr. Kruger responded that he didn't think the Board was making the right decision.

Andrew Gutierrez said the District had gone through a terrible period and had had one bad experience after another with GM/COPs. He said there had been a lot of vetting of their qualifications but it hadn't improved the end product. He said the District had a person who'd come through the ranks and who knew the department and community. He said it was time to move on – there was a mess, which had been accumulating over the prior 12 years, and the Board was working hard to clean it up.

Pat Gillette:

- How much is the professional recruiter costing the District? She noted this would add to the total cost of having hired IGM/COP Hull.
- This was the first she'd heard that the Board wouldn't be recruiting for the COP position in the traditional way. She said she understood the concept of promoting from within, but she said the community had a right to have a say in the qualifications of the person who manages Kensington's small police department and interacts with the community on a daily basis: A COP shouldn't be rammed down the community's throat. She encouraged the Board to recruit for a GM and a COP. She noted that IGM/COP Hull was welcome to apply, and then the community could see his qualifications next to those of other candidates: Then, the Board could make a reasonable decision.

David Spath asked, with regard to the recruitment, if the Board would be looking for a part-time or full-time GM. President Sherris-Watt responded that the Board had given the recruiter direction that the Board was looking for a GM who would work two days per week, but that this would depend of the discussions with the GM, once the candidate began evaluating the responsibilities and workload. Dr. Spath asked if the Board had outlined what the responsibilities would be for a two-day-a-week position. President Sherris-Watt responded in the affirmative, and Dr. Spath asked if the community could see this. Dr. Spath suggested that the Board hire, on an interim basis, consultant Peter Kampa, who had done an excellent job for other community services districts. He noted that the interview with Mr. Kampa, which the Ad Hoc Committee had conducted, had a number of recommendations about what the Board should look for with respect to a part-time GM, such as the duties and the relationship with the Board. Director Nottoli responded that she had just spoken with Mr. Kampa and that he currently had a position and that the Board thought it would be better to look for retired annuitants who had been

city managers because the District had a police department and other functions. Dr. Spath responded that this was a good approach and that Mr. Kampa consulted with more than one city at a time. Dr. Spath suggested that, while the Board was looking for a permanent GM, Mr. Kampa might be able to serve as a temporary GM. President Sherris-Watt thanked Dr. Spath for his work on the Ad Hoc Committee and said she had re-read the interview with Mr. Kampa before the Board had met with PMG consultant, Bob Deis. She said the Board had been impressed by Mr. Deis' s skillset, and so she didn't feel the need to search further. She reiterated that the Board was looking for a GM with experience supervising police departments but said this could become a possibility. Dr. Spath concluded by saying that Mr. Kampa's expertise was in working for special districts for very short periods of time – often for between four and six months.

President Sherris-Watt said that people had asked about how the Board made hiring decisions. Her response, summarized:

As an employer making a hiring decision, one used a combination of both analytical and emotional factors and these two areas provided a matrix for prudence, which was foremost in her mind when the Board was looking to promote IGM/COP Hull. On the analytical side, cost factored most highly – knowing that a raise would be required because when one moved from the KPOA into a management position, one lost the opportunity to earn overtime, thus the matter of offsets became important. While there were greater pension obligations, there was the offset of belonging to a risk pool, and there would be savings because the Board would be eliminating the Master Sergeant position, which would also reduce the top-heaviness of the department – a frequent complaint of the prior few years. The District could bring in officers under the 2013 rules, which require a beginning officer to contribute up to 50% of his/her pension. The time required to make a successful hire needed to be weighed against the decisions that needed to be made within the next several months: the issue of dispatch, the future MOU with the KPD, and dividing the role of GM/COP. With IGM/COP Hull, the Board was able to answer the analytical side of the equation positively: he's a known quantity who was already tackling the issues of dispatch and office management; he was not averse to limiting his salary for the financial health of the department; and he'd worked for the department for 19 years. Emotionally, the community had been through a lot – the past few years had produced a long list of problems. The Board needed a GM/COP who could accomplish the basic goal of getting along with the Board, his peers, and the community, and he had surpassed the Board's expectations. IGM/COP Hull brought problems to the Board, rather than the Board bringing problems to him/her. If the Board brought problems to him, he responded without hostility, he communicated with everyone, he looked for compromise and clear communication, and had professional supervisory experience with the KPD. She'd read his evaluations from the prior two years, so she knew he'd managed a schedule, was willing to come in on his days off without rancor. She wanted to approve the contract because the Board could move forward with a reasonable risk to the District, which had not occurred before.

Director Welsh said he was surprised to have heard President Sherris-Watt say that she was thinking of hiring IGM/COP Hull on a permanent basis. He said that the contract would expire in May and that, as the contract date approached, he Board should tackle the issue of what it wanted to do with the COP position. He said he had no problem with IGM/COP Hull applying, but the Board should open the position up to competition. He said the Board also should get a better sense of what the community would like to see. He noted that, when he'd worked for a government agency, it had had a policy of hiring from within and it had proven to be "deadly" and that a healthy business would open hiring up to legitimate competition in order to get the best candidate and best price. He said he would vote for the contract, but the Board needed to move forward on the COP issue.

**MOTION: Director Welsh moved, and Vice President Nottoli seconded, to approve the employment agreement between the District and Rickey L. Hull.**

**Motion passed: 5 – 0.**

**AYES: Sherris-Watt, Nottoli, Welsh, Cordova, Hacaj    NOES:    ABSENT:**

District Administrator Wolter said she had a question for the Board before it called IGM/COP Hull back into the room: Would the Board please provide the specific elements of IGM/COP Hull's compensation? President Sherris-Watt responded that she would provide this the next day.

IGM/COP Hull returned to the room. At this moment, the building lost power, and because no emergency lights went on, the rest of the meeting was conducted by flashlight.

7c. Adoption of Resolution 2017-07 Authorizing the Investment of Monies in the Local Agency Investment Fund.

President Sherris-Watt explained that this would allow IGM/COP Hull to sign off on the transfer of funds and was an update to reflect that there was a new IGM/COP.

**MOTION: President Sherris-Watt moved, and Director Welsh seconded, that the Board adopt Resolution 2017-07.  
Motion passed: 5 – 0.**

**AYES: Sherris-Watt, Nottoli, Welsh, Cordova, Hacaj    NOES:    ABSENT:**

7d. President Sherris-Watt announced District committee appointments.

President Sherris-Watt thanked everyone for applying and said she would add to the committees as the year progressed. She said that, if people had not been assigned to committees to which they had wished, she would be happy to have a discussion.

- Solid Waste  
Vice President Nottoli  
Lisa Cole  
Anthony Knight
- Technology  
Vice President Nottoli  
David Bergen  
Simon Brafman
- Park Planning  
Director Hacaj  
Paula Black  
Peter Conrad  
Gretchen Gillfillan  
Katie Gluck  
Ciara Wood
- Policy and Procedures  
Vice President Nottoli  
Director Cordova  
Barbara Dilts  
A. Stevens Delk
- Park Grounds  
Director Welsh  
Charlie Danielsen  
Peter Liddell

- Community Outreach  
Director Hacaj  
Andrew Gutierrez  
David Spath
  
- Finance  
President Sherris-Watt  
Director Welsh  
Jacqueline Berman  
Rob Firmin  
Paul Haxo  
Jim Watt  
Karl Kruger  
Lori Trevino
  
- Emergency Preparedness  
~~President Sherris-Watt~~ Amended at 3/9/17 meeting to read "Director Hacaj"  
~~Director Welsh~~  
Maya Churi  
Derek Suring  
Paul Dorroh

In response to a question from the audience, President Sherris-Watt said the committees would be posted.

Director Welsh asked if more people would be assigned to the Park Grounds Committee, and President Sherris-Watt responded in the affirmative. She noted that some people might be interested in serving on more than one committee, but she wanted to begin by placing people on just one.

**MOTION: President Sherris-Watt moved, and Director Hacaj seconded, to adjourn.  
Motion passed: 5 – 0.**

**AYES: Sherris-Watt, Nottoli, Welsh, Cordova, Hacaj    NOES:    ABSENT:**

The meeting was adjourned at 9:32 P.M.



Rachelle Sherris-Watt  
KPPCSD Board President



Lynn Wolter  
District Administrator