

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 11, 2011, at 7:00 P.M., at the Community Center, 59 Arlington Avenue, Kensington, California.

Note: All proceedings of this meeting will be tape recorded and *please note the 7 P.M. start time.*

Roll Call
Public Comments
Board Member/ Staff Comments

APPROVAL OF CONSENT CALENDAR

- a) Minutes of the Regular Meeting July 14, 2011, Page 2
- b) Profit & Loss Budget Performance for July 2011, Page 18
- c) Park Revenue & Expenses Report for July, Page 22
- d) Board Member Reports-None
- e) Correspondence- None
- f) Police Department Update, Page 26
- g) Monthly Calendar, Page 35
- h) Recreation Report – To be provided by KCC at the meeting
- i) General Manager Update, Page 37
- j) Lamorena & Chang Contract for 2010/2011 Audit , Page 39

DISTRICT – OLD BUSINESS- None

DISTRICT - NEW BUSINESS

1. General Manager/ Chief of Police Greg Harman will swear in newly appointed Reserve Police Officer Quyen Duong.
2. Review and discussion of the Kensington Park Building Committee Report regarding the award of contract to Muller & Caulfield Architects for the Kensington Park Buildings Integrated Remodeling Plan. Possible Board action. Page 46
3. General Manager/ Chief of Police Greg Harman will present to the Board for review and discussion two proposals to repair the roof and storage areas, and the replacement of the water heater of the Community Center. Possible Board action. Page 57
4. General Manager/ Chief of Police Greg Harman will present to the Board for a first reading, Kensington Police Protection & Community Services District Policy # 1020.30 "Nepotism" as a result of the Contra Costa Grand Jury findings reported at the July 14th KPPCSD Board meeting. Possible Board action. Page 61
5. General Manager/ Chief of Police Greg Harman will request that the Board hire Attorney Lee Ann Wallace to investigate the complaint made by Catherine DeNeergard in November 2010. Possible Board action. Page 65

ADJOURNMENT

General Information

Accessible Public Meetings

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

District Secretary 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.

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

Meeting Minutes for 07/14/2011

AGENDA

A regular meeting of the Board of Directors of the Kensington Police Protection and Community Services District (KPPCSD) was held Thursday, July 14, 2011, 7:00 PM, at the Community Center, 59 Arlington Avenue, Kensington, California.

ATTENDEES

<u>Elected Members</u>	<u>Guests/Presenters</u>
Charles Toombs, President	E. Eisen
Linda Lipscomb, Vice President	Gretchen Gillfillan
Tony Lloyd, Director	Maria Adrians
Mari Metcalf, Director	Joan Gallegos
Cathie Kosel, Director (until approximately 10:15PM)	Lynn Wolter
	John Stein
	Anthony Knight
	Unidentified male
	Joel Koosed
<u>Staff Members</u>	
Gregory E. Harman, General Manager/Chief of Police	Nicki Kaiser
Anita Darden Gardyne, District Secretary	Barbara Dilts
Detective Keith Barrow	Jim Houston
Acting Sergeant Kevin Hui	

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

PUBLIC COMMENTS

E. Eisen said she was a long time Kensington resident and is satisfied with Bay View's services.

Gretchen Gillfillan identified herself as a long time resident and thanked GM/COP Harman for clearing the Gore lot with his elves.

Maria Adrians said she wants to keep traffic enforcement going.

BOARD COMMENTS

President Toombs thanked the Tennis Court Committee members for their time and effort in finalizing a solution for the needed tennis court repair. He said that the Committee found a less expense solution to repair the cracks as the patch job will cost \$2,000 as compared to the initial bids in the \$7,500 range. Committee members are: Jack Griffith, Jean Durham, Siera Wood, District Secretary Gardyne, El Cerrito (EC) resident Susan Brand and EC Park & Rec representative Bill Driscoll.

President Toombs thanked Maria and Chris for hosting a public meeting of concerned neighbors regarding traffic safety. He said that Supervisor John Gioia will be scheduling a meeting in which both

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Supervisor Gioia and Traffic Engineer Jerry Fahy can attend. That meeting has since been scheduled for Monday, August 15th at 6PM at the Youth Hut.

Director Kosel said that two things had happened in the last month that she felt she should have learned from either GM/COP Harman or President Toombs. She was not aware that the budget had passed by a 3-2 vote at the June BOD meeting. She said that she also learned on the morning of this BOD meeting that Bay View had made another offer to the district and that President Toombs and COP/GM Harman had turned it down. She requested that the BOD and BOD-GM/COP communications be improved going forward and cited improved use of email as a way to help.

Director Kosel said that she had emailed GM/COP Harman on July 7, 2011 with a copy of a letter sent by CA State Controller John Chiang regarding KPPCSD's accounting. She said she had requested confirmation that the data reflected in the report is correct. GM/COP Harman responded that the data is prepared by the District's accountant and is correct. Director Kosel reiterated that she would have appreciated a response to her email. Director Kosel closed by noting that the report indicated that in FY09 KPPCSD had spent \$289,120 on consultants and that figure excluded legal. She said she was committed to paring that down going forward. She also noted that the report indicated that there were 3 Sergeants in the Kensington Police Department (KPD) during that timeframe. GM/COP Harman explained that there had been 3 Sergeants in FY09 but now there were two Sergeants at Kensington Police Department (KPD).

Director Kosel inquired as to the purpose of the BOD meetings being videotaped and asked when they would be available on the kensingtoncalifornia.org website. GM/COP Harman explained that the video files were too large to be posted on the website but that copies of the video are available to anyone who requests a copy. He also noted that the audio for each BOD meeting is available on the site.

Following up on Director Kosel's earlier comment regarding Bay View, Director Metcalf expressed surprise that Bay View had made an offer and was surprised to learn that it was turned down without consulting the BOD. President Toombs responded that no written offer was tendered and that an informal discussion between Bay View's and the District's attorney had occurred. He said he did not believe this informal discussion warranted any BOD action. GM/COP Harman responded that no offer was made and reminded the BOD that it was his responsibility as GM/COP to manage the contract and that he would continue to do so.

STAFF COMMENTS

GM/COP Harman announced that KPPCSD Public Safety Building located at 217 Arlington is under construction as the front of the building is slipping towards the Bay. He said the work is targeted to be completed in mid November. He expressed hope that the driveway repair being performed as a part of this project would lead to reduced vehicle maintenance costs associated with bumper repair. He also noted that street parking near the Public Safety building will be challenging through the project, particularly when KPD is required to remove its vehicles from its parking lot. He vowed to be sensitive to our neighbors in this regard.

GM/COP Harman announced August 2nd's National Night Out. He encouraged residents to participate and suggested they contact Officer Doug Wilson to host or join a party.

GM/COP Harman announced the launch of a free KPD Citizen's Police Academy. He said the purpose of the Academy is to give residents an inside look at law enforcement. He said each class would be limited to 20 participants and that the class would be offered once or twice a year. Academy graduates will be allowed, if they choose, to volunteer to assist with police services. The first class is scheduled for October

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4, 2011. Adults interested in participating should contact Officer Doug Wilson at 510.526.4141 x38 or at dwilson@kensingtoncalifornia.org. He said that information about this Academy would be posted on the kensingtoncalifornia.org website shortly.

GM/COP Harman thanked Eagle Scout candidate Sean Lee for doing the new striping in the KPPCSD/Arlington Church parking lot. Mr. Lee was presented with a certificate of appreciation from KPPCSD and his father was given a reimbursement check for expenses he incurred in repairing the striping. Sean Lee thanked the audience and then specifically thanked GM/COP Harman for his support and help in this endeavor.

CONSENT CALENDAR

Note proposed changes to the June 2011 BOD minutes are reflected in *italics* below.

Item b: President Toombs asked that the language on Page 9 of the minutes be amended to read, "*After the budget had been approved*, GM/COP Harman stated that he believed that a positive vote by 4/5 of the BOD was necessary to approve the budget.

President Toombs stated that he and Secretary Gardyne had spoken prior to this BOD meeting and that Secretary Gardyne had agreed that this changed language above more accurately reflects events as they occurred.

Director Kosel referred to the Sergeant's Summary on page 37 which reads, "The District of Kensington continues to remain one of the safest cities to live and raise a family in the immediate Bay Area." She said that she was not aware of any data to support this statement though she hoped it was true.

Kensington Resident Lynn Wolter requested that page 7 be amended to read, "Using the eligible costs data only *except for the audit fees* he determined that Bay View has earned a 13.9% average profit from 1998 – 2010. President Toombs said that Secretary Gardyne would review the audio from the June BOD meeting and determine if this amendment is warranted.

Nicki Kaiser requested that a summary of each public speaker's comments be included in the BOD minutes. President Toombs reminded all that the BOD agreed that BOD meeting minutes are action minutes and not a transcript. Secretary Gardyne said that writing each public speaker's comments would require too much time given limited resources. GM/COP Harman reminded all the audio from each BOD meeting is available on the District's website.

Director Metcalf requested that the top of Page 7 be amended to read, "With the help of members of staff and the Finance Committee, he successfully mailed letters *asking the public to submit protest letters against the increase on April 29, 2011* to all Bay View Customers and Recorded Property Owners."

MOTION: Vice President Lipscomb motioned to approve the consent calendar with amendments as discussed above. Director Kosel seconded the motion.

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

OLD BUSINESS #1 – General Manager Greg Harman will present to the Board Kensington Police Protection & Community Services District Resolution 2011-011, establishing the annual supplemental

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special tax for police protection (Measure G) for Fiscal Year 2011/2012 for review and possible adoption. This item was held over from the June 9th meeting. Board Action. Page 46

STAFF COMMENTS

GM/COP Harman apologized for incorrectly stating at the June 2011 BOD meeting that the FY 2011-2012 budget required a 4/5 vote for approval. He said that he and former Director Joan Gallegos had listened to audio from the July 9, 2009 meeting and had confirmed that only a 3/5 vote is required to approve the budget whether there is a deficit or not. The BOD had discussed changing this policy but the change was never approved. Since the FY 2011-2012 budget was approved at the June, 2011 BOD meeting by a 3/5 vote, the District budget was adopted at that time. He went on to say that the approved FY 2011-2012 budget includes a Measure G parcel tax of \$179 and he recommended that the BOD adopt \$179/parcel as the FY2011-2012 Measure G fee.

BOARD COMMENTS

Vice President Lipscomb supported keeping the Measure G tax rate flat at \$179. She determined through her interaction with GM/COP Harman that this matter needed to be resolved in advance of the August BOD meeting so that the appropriate external agency (NBS) could initiate the tax collection process.

President Toombs said he concurred with the recommendation to hold the parcel tax flat at \$179. He noted that the rate could be increased to as much as \$205 but he recommended holding the tax flat at \$179/parcel.

Director Metcalf asked when it was determined that the budget had passed. GM/COP Harman said that it was determined the day after the June 2011 BOD meeting. Director Metcalf said that she would have liked some communication in this regard as she had believed that a discussion Measure G was being held over until a FY 2011-2012 budget discussion had occurred. President Toombs reminded all that Measure G had not been voted on at the June 2011 BOD meeting.

Director Kosel reminded all that she had publicly requested and been provided credit card charges from GM/COP Harman and Police Services Specialist Andrea Di Napoli. She said that she and Mari Metcalf had spent hours pouring over every one of the transactions. She said that she was bringing this matter up now because we (the BOD) are asking our residents to pay to support the operations of this agency. She said that she found some of the results troublesome and thought it was important that the public be made aware of improper or unnecessary expenditures that she had found. She said she wanted to highlight a few so that people could think about them. She cited:

- A March 3/1/09 trip from Oakland to Burbank with GM/COP Harman and his wife.
- A March 3/28/11 a round trip with air and expenses from Oakland to San Diego. The District paid for Ms. Harman's airline ticket and expenses. Director Kosel asked if Mrs. Harman was on official district business. When GM/COP Harman did not initially respond, Director Kosel demanded a response from GM/COP Harman. Eventually, GM/COP Harman said that Mrs. Harman was not on official business for this trip and that he had reimbursed the District for Mrs. Harman expenses.

GM/COP Harman said that he found it irritating that Director Kosel had never asked him about these charges yet was publicly accusing him.

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President Toombs interrupted Director Kosel several times and pointed out that she was asked to speak about Measure G. He said that no one had seen the information and that she was throwing it out as if it were the truth. He said that Director Kosel was asking questions that are misleading and inappropriate and that she had never asked GM/COP Harman if he had reimbursed the district. Director Kosel said that was untrue and she did not want what she was doing mischaracterized. At some point, Director Metcalf passed out copies of a document that she and Director Kosel had been reading from to the other BOD members. She then began distributing remaining copies to the audience seated on her right. Secretary Gardyne ran from across the room in order to secure a copy of their document for inclusion in these BOD minutes and to allow GM/COP Harman to see their document for the first time.

Director Kosel asked if it was ever proper for a district employee to make personal charges on the district credit card and then reimburse the district. She said that she wanted to see two reimbursement checks from GM/COP Harman to the district showing his reimbursement. She said that she wanted to see the dates and amounts. She then told Director Metcalf to take the next one.

Director Metcalf said that during GM/COP's trip to San Diego, his expenses averaged \$160/day. She asked GM/COP Harman if this seemed like a reasonable amount for tax payers to spend. She referenced a \$200 meal in Coronado. GM/COP Harman explained that POST reimburses the district for his expenses and reiterated that he reimbursed the district for Mrs. Harman's expenses. He also said that he had charged Mrs. Harman's expenses in the past, reimbursed the district, and this had not been an issue. Director Metcalf asked if someone had given him permission to use the credit card to pay for personal expenses.

President Toombs then interjected that Directors' Kosel and Metcalf point was well taken and told GM/COP Harman to use his personal credit card to pay for personal expenses and then to seek reimbursement from the district.

Director Metcalf said she could never fathom using a company credit card to pay for her spouse's expenses and said she believed it was common practice that this not be allowed. She went on to describe credit card late fees associated with the credit card in 2009 and inquired as to how this could have occurred. GM/COP responded that it was a staffing issue and requested that the discussion be moved to a closed door session as it involved a personnel issue. In response, Director Metcalf said that this was public money and that this was a mess up. President Toombs offered to schedule a closed door session for next time at this point. He said that he thought that the meeting was unfair.

Director Metcalf said that the personnel issue was the fault of the person overseeing the credit card. President Toombs said the personnel issue had been taken care of.

Director Kosel inquired about GM/COP Harman's co-payments when visiting Kaiser Medical Center. She asked GM/COP Harman if he had ever used the district credit card to pay for his medical payments. GM/COP said yes. Director Metcalf asked if that was for his personal medical payments. GM/COP explained that he did so when it was related to his Workers Comp and the district was obligated to pay the co-pay.

Secretary Gardyne interjected that GM/COP Harman had already directed her to complete an internal review of credit card charges. She suggested to President Toombs that the BOD expand her internal review to include a review of those items credit card items contained in the document that Directors Kosel and Metcalf were reading from. President Toombs said it seemed like a good idea and Director Metcalf and Kosel agreed.

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Director Metcalf then said she had other charges for Secretary Gardyne to include in her review. She then asked GM/COP Harman about a \$176 charge at CVS and asked if he had ever used the company credit card to pay for a personal prescription or to buy alcohol. GM/COP Harman said that he had not used the company credit card to pay for a personal prescription but said that he had used it to purchase alcohol. He said that he had purchased wine with dinner when he was in San Diego with Mrs. Harman. Director Metcalf then asked if he had used the credit card to purchase alcohol at the CVS store. GM/COP Harman then asked Director Metcalf, "What are you accusing me of?"

Vice President Linda Lipscomb Board interjected that she was wanted to stop this. She read BOD policy 5030.43 regarding charges or complaints against District employees and said that Directors Kosel and Metcalf were on an expose and having a good time of it. Vice President Lipscomb said she wanted to move this discussion to the appropriate forum and suggested that Directors Kosel and Metcalf were accusing GM/COP Harman of misusing his office and purposes of office. President Toombs agreed with Vice President Lipscomb. Directors Metcalf and Kosel asked what the charges were as they felt they were simply asking questions.

At this point, several Directors were speaking at once and in loud tones. President Toombs abruptly called for a five minute break.

Upon return from the break, President Toombs asked Directors Metcalf and Kosel to discontinue their line of questioning and to conduct this line of questioning in closed door session. He asked that all the Directors return to a focus on Measure G. In response, Director Kosel said that it was her privilege to speak on the subject of credit cards as there were a number of trips taken at 4, 5, 6, and 8 nights that the residents of Kensington had paid for. She said she did not know if Kensington was any safer because of these trips taken. She spoke of restaurant receipts and said that \$16,000 had been spent on this credit card and that this amount should be subtracted from the amount that we are asking the citizens to pay on Measure G. President Toombs and Director Kosel engaged in an exchange and then told Director Kosel that she was disrupting the meeting and that he would end the meeting if necessary. Director Kosel said that she had questions and that people who pay their taxes want answers as to how their money is spent. She said that neither she nor Director Metcalf had accused GM/COP Harman of anything. Directors Kosel and Metcalf continued discussing credit card matters and President Toombs repeatedly ask that they hold their questioning for a closed door session.

President Toombs said repeatedly that this line of question should stop and was not consistent with BOD Policy. He told them to stop and he threatened to adjourn the meeting. Director Kosel announced that all should look up kensingtonlookout.org and kensingtonlookout.com to view the material that she and Director Metcalf had developed. She said that this "factual" material would be posted within the week.

PUBLIC COMMENTS

John Stein, Joan Gallegos, and Nicki Kaiser each spoke in support of Measure G. Nicki Kaiser said she thought the credit card discussion that had occurred was slanderous and put the district at risk. She recommended that the Directors spend their time reading the KPPCSD policy manual rather than sorting through credit card receipts.

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MOTION: Vice President Lipscomb motioned to approve the proposed Kensington Police Protection & Community Services District Resolution 2011-011, establishing the annual supplemental special tax for police protection (Measure G) for Fiscal Year 2011/2012 at \$179/parcel.

AYES: Toombs, Lipscomb, Lloyd

NOES: Kosel, Metcalf

ABSENT: 0

President Toombs announced that Resolution 2011-011 had passed.

OLD BUSINESS #2 - General Manager Greg Harman will present to the Board a request to enter into a Memorandum of Understanding to continue our participation in the West County Costa County Narcotic Enforcement Team (WestNet) through January 1, 2014. This item was held over from the June 9th meeting. Board Action. Page 56

STAFF COMMENTS

GM/COP Harman said that KPD had participated in WestNet for the past 3 1/2 years. He then directed Detective Keith Barrow to provide a summary of his role, experience, and value of WestNet for our community. Detective Barrow explained that WestNet is made up of local, state and federal agencies that primarily deal with drugs and related issues. He talked about working with WestNet on the same day of this BOD meeting to find and arrest a Parolee At Large (PAL) who had 2 guns and a bullet proof vest. He said that residential burglaries, thefts, robberies, auto theft and other types of crime are related to drug crimes and that often the same individuals committing these crimes. Detective Barrow said that he had used WestNet resources to aid with burglary and auto theft suppression and that as many as 8 to 10 agents had come to Kensington to aid with our policing efforts.

BOARD COMMENTS

President Toombs confirmed that WestNet participation was a good mutual aid across 7 different cities in West Contra Costa County. Detective Barrow confirmed that it was. President Toombs also said that he thought it was an excellent value for \$8,000 per year.

Director Kosel said she loved Detective Barrow's enthusiasm and said that she thought WestNet was important training for KPD officers as they get to experience bigger kinds of crimes before it comes to Kensington. She thought the \$8,000 that was being requested to fund the program was really nothing. She then asked about the officer overtime charges associated with WestNet. Detective Barrow explained that the spike in overtime that occurred in the spring of 2011 was a function of the culmination of a multi-year campaign that resulted in 17 federal arrests and 25 local and state arrests. 135 pounds of methamphetamine were taken off the street and 25 guns, some that may have been used in murders, were also taken off the street. He went on to explain that the overtime incurred was a one time event and that KPD is reimbursed for some of these expenditures from HIDA, another State agency that does training. He reiterated that his relationship with WestNet enables him to get 8 to 10 officers here when needed to aid our community. Detective Barrow also said that he is asking the FBI to look at some photos he had associated with a case he was working and reiterated that he was able to do this because of his WestNet relationships.

Director Metcalf asked for additional detail for the arrest that Detective Barrow said had made today through the WestNet team. Detective Barrow explained that the arrest had occurred in Richmond but that the person arrested was known to him because he had committed crimes in Kensington in the past. Detective Barrow said that he often saw individuals that he had arrested or had contact with in

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Kensington in other municipalities as a result of his WestNet work. Detective Barrow said that it was often just a matter of time before those same individuals returned to Kensington to commit additional crimes.

Director Lloyd thanked Detective Barrow for his service.

PUBLIC COMMENTS

None

MOTION: Director Kosel Motions to approve signing the WestNet MOU. President Toombs seconded this motion.

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

President Toombs announced that the motion had passed.

OLD BUSINESS #3 GM/COP Harman General Manager will present to the Board Grand Jury Report #1105, "Ethics and Transparency Issues in Contra Costa County" for review and response under Section 933.5(a) of the California Government Code that requires that the District report an action to the findings no later than August 24, 2011. This item was held over from the June 9th meeting. Board Action. Page 68

STAFF COMMENTS

GM/COP Harman said that LAFCO was required to send this out to the various jurisdictions in the County and to request all recipients to either agree A) with the findings of the Grand Jury and the actions taken by the County to correct per the Grand Jury's reports, or B) to send a letter disagreeing with the findings and/or County actions. GM/COP Harman later confirmed that KPD has a Nepotism Policy that he administers and is covered by.

BOARD COMMENTS

President Toombs said that he appreciated the Grand Jury's sense of humor in dealing with a sensitive subject. He suggested that the BOD needed to add a Nepotism Policy for itself.

Vice President Lipscomb read Section 4000 of the Policy manual and stated that she did not see anything relative to a Nepotism Policy.

Director Metcalf outlined the procedure that the BOD needed to engage in as utilize in the Grand Jury Report.

President Toombs concluded the discussion, after public comment, by stating that the district needed to send a formal response to the Grand Jury by August 24, 2011 stating that we have a Conflict of Interest Policy, an Ethics Policy, a Nepotism Policy for the Police Officers including GM/COP Harman, and that a Nepotism Policy will be developed for and then adopted by the BOD. He then directed GM/COP Harman to schedule time for the BOD Nepotism Policy to be developed and adopted. He also directed GM/COP Harman to draft the district's Grand Jury response in advance of the August 24, 2011 due date.

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PUBLIC COMMENTS

Barbara Dilts and Nicki Kaiser spoke.

OLD BUSINESS #4 - Director Cathie Kosel will present to the Board a proposal that the District enroll in "Crimereports.com". This item was placed on the May 13, 2010 agenda and did not receive a second motion to approve. This item was held over from the June 9th meeting. Possible Board Action. Page 80

STAFF COMMENTS

None provided except in response to specific questions from Directors.

BOARD COMMENTS

Director Kosel introduced her proposal and summarized material she provided in the BOD Package. She said that she had been in contact with this firm and that they had agreed to provide its service to the district for approximately \$588 per year and that they had further agreed to provide 3 free month's of service including the ability to walk away with no charge after the first month. She said that she thought this was excellent service that facilitated police accountability to the public and the BOD. Director Kosel highly recommended the service and noted other local communities that used the service.

Director Metcalf supported enrollment in crimereports.com.

Director Lloyd asked GM/COP Harman if Staff supported signing up for this service. GM/COP Harman said he did not support use of this service and expressed concern about staff time and other resources necessary to support and maintain this effort over time. GM/COP Harman also expressed concern about privacy rights and loss of control over KPD data. GM/COP said that he believed KPD was one of the most transparent departments in the area and that the public had reasonable access to crime data. Director Lloyd also questioned moving forward given our austerity budget as he believed it would cost more than \$588/year to sustain. In response to this comment, Secretary Gardyne reminded the BOD that this initiative was not included in the approved FY 11-12 budget. She said that as a result, if this measure were approved, the BOD would be obligated to identify a funding source.

President Toombs listed all the local communities that chose not to use the service. Both he and Director Lloyd stated that they believed the data was already included in the Outlook also met the stated need. It was later clarified that the Outlook only contains a portion of the data KPD currently makes available through its website and BOD meeting packages.

VP Lipscomb identified a number of significant concerns she had about this firm accessing KPD data. She said she found a brief written by the parent company of crimereports.com. She found this brief useful as it describes in great detail how crimereports.com gathers its data. After reviewing this brief, her most significant concern was around privacy concerns specifically as it pertained to giving a private company access to confidential data such as data related to a current investigation. She also expressed concern about other firms accessing the crimereports.com data and then manipulating or modifying it as they saw fit. She said her research had confirmed that this had occurred in at least one other jurisdiction. She said that she would vote against this motion.

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PUBLIC COMMENTS

Barbara Dilts, Joel Koosed, and Nicki Kaiser each spoke. Nicki's extensive comments are included as Attachment A, which is available for review at the District Office. In summary, Nicki shared her extreme concern that the crimereports.com site violated privacy rights. To support her case she read data she said she secured from the crimereports.com site. She identified use of individual names, birthdates, and other personal information on the site. She closed by expressing great concern that the public data she found had not been found nor evaluated during the research stage of this effort and prior to this matter being placed on the BOD agenda.

MOTION: Director Kosel motions to approve a trial contract with crimereports.com if District Secretary Gardyne can confirm that it would take two or less staff hours per week to support crimereports.com.

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

President Toombs announced that the motion had failed 2 to 3.

OLD BUSINESS #5 - Director Cathie Kosel will present to the Board for a first reading suggested changes to the current Board Policy Manual regarding the nature and form of the employment evaluation for Chief Harman. This item was held over from the June 9th meeting. Possible Board Action. Page 118

STAFF COMMENTS

None.

BOARD COMMENTS

Director Kosel said that she thought the GM/COP Harman's current evaluation instrument is missing measurements for certain goals she cited. She also believed that the current GM/COP evaluation tool excludes input from current and former employees of GM/COP Harman. She said that under GM/COP Harman's tenure that the district had lost 11 employees and that one more, who was currently in administrative leave, was about to leave. In response to a question from the public, Director Kosel later listed these 11 employees as:

1) Angela Escobar, 2) John Ty, 3) Rodney Lafitte, 4) Jill Chandler, 5) Helen Horowitz, 6) Stephanie Fries, 7) Steve Smith, 8) Donald Miller, 9) Ceasar Celada 10) Suzanne Tyler, and 11) Paul Borgfield. She reiterated that Doug Medina was on an administrative leave. President Toombs reminded Director Kosel for the second time of the evening not to publicly discuss active personnel matters

Director Kosel said that it costs in excess of \$25,000 to hire each employee so she thought it would be cost effective to have the surveys, including exit interviews, and measurable goals added to the GM/COP's performance evaluation tool.

Director Lloyd sought clarity on the specifics of Director Kosel's proposal. Director Kosel explained that she thought it was in everyone's best interest, including the affected employee, to clearly know in advance what he is to be measured on. Director Lloyd expressed his support of using performance metrics.

Vice President Lipscomb said she is developing her perception of the GM/COP Harman's performance from his BOD packages, their day to day exchanges, and their mutual participation in a variety of

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committees and other activities. She believed that Brown Taylor had identified all the right categories in the performance tool he had developed on behalf of the district.

Director Metcalf said she felt that input from the employees of the GM/COP are needed and that she thought this information would be useful in performing an evaluation of the GM/COP's performance.

President Toombs read a prepared response. It is included as Attachment B, which is available at the District Office. Note that this document is labeled as "Comments to Item 6" as it was prepared to be read at the June BOD meeting where this topic appeared as Item 6 on the agenda. In short he expressed concern about shifting to a "gut feeling" or impression based evaluation tool and questioned its use. He also expressed concern about relying upon performance feedback from unknown current and past employees. He said he would vote against this change.

PUBLIC COMMENTS

Barbara Dilts, Joan Gallegos, Maria Adrians, Jim Houston, Nicki Kaiser, Lynn Wolter, and an unknown male spoke.

MOTION: Director Kosel motions to modify the GM/COP'S evaluation instrument to include district goals and priorities, agreed upon goals for the GM/COP, agreed measurements of each of these goals, measurable criterion for each of the 72 items that currently exist with the Brown Taylor plan, and to include anonymous and prior employee feedback with that feedback conducted by the BOD. Director Metcalf seconded the Motion.

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

President Toombs announced that the motion had failed 2 to 3.

OLD BUSINESS #6 General Manager Greg Harman will present to the Board the SDRMA Election Resolution (Kensington Police Protection & Community Services District Resolution 2011-012) and Ballot for discussion and possible Board action. This item was held over from the June 9th meeting. Page 122

STAFF COMMENTS

GM/COP Harman said that Special District Risk Management Authority (SDMRA,) our insurance company, sent out a ballot and requested that the BOD by resolution vote for three candidates on the ballot. GM/COP Harman said he had no knowledge of the candidates and had no recommendation to offer.

BOARD COMMENTS

President Toombs said that he liked Sandy Raffleslon, Terry Burkhart, and a third candidate whose name was inaudible and therefore not reflected herein. He then highlighted the specific skill sets and experiences he believed each would bring to the position if elected.

Director Metcalf said she felt she lacked sufficient information to vote and therefore she would not vote on this matter,

Director Kosel agreed with Director Metcalf and says she would abstain from voting on this matter as well.

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

PUBLIC COMMENTS

None.

MOTION: President Toombs motioned to approve Resolution 2011-12 and to submit a BOD letter to SDRMA in support of candidates 1) Sandy Raffleson, 2) Terry Burkhart and 3) a third candidate whose name was inaudible and therefore not reflected herein. He then called for a second to support this motion and no Director came forward.

President Toombs said this vote died from the lack of a second and that the district would not be casting a vote for the SDRMA. Resolution 2011-12 failed.

NEW BUSINESS #1 General Manager Greg Harman will present to the Board Kensington Police Protection & Community Services District Resolution 2011-13, accepting the District's section of the Contra Costa County Hazard Mitigation Plan for review and possible adoption. Board Action. Page 140

STAFF COMMENTS

GM/COP Harman said that in August 2008 he was selected as a partner on the Contra Costa County Hazard Mitigation Plan (HMP) committee. He stated the KPPCSD portion of the HMP plan is on the County's website and appears as Chapter 36. He further stated that a HMA plan is required to apply for FEMA grants. He said he also understood that a HMP plan had to be in place in order to secure FEMA assistance should a disaster occur. He said that the HMP must be updated yearly. He requested that the BOD approve submission the district's portion of the plan to the County. Once all the other jurisdiction members approve of their portions of the plan, the HMP will be in place and the district would be eligible to secure FEMA grants.

BOARD COMMENTS

President Toombs confirmed that completion of the HMP enabled access to FEMA grant dollars as well as FEMA dollars in the event of a disaster. He was pleased that completion of this plan could enable and fund an engineering review of the Youth Hut and potentially provide the grant funds to do the repair as well.

Vice President Lipscomb thanked GM/COP Harman for his effort and commented that she liked that the HMP included earthquake and fire mitigation fire prevention.

Director Lloyd confirmed that the Youth Hut building could benefit from this plans submission and the potential access to grant dollars.

Director Kosel said she was thrilled at the possibility of accessing these grants funds.

PUBLIC COMMENTS

Nicki Kaiser spoke.

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

MOTION: President Toombs motions to approve Resolution No. 2011-13 authorizing the adoption of the Contra Costa County Hazard Mitigation Plan. Vice President Lipscomb seconded the motion.

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

President Toombs announced that the Resolution No. 2011-13 had passed 5-0.

NEW BUSINESS #2 General Manager Greg Harman will present to the Board the proposed CSDA Bylaw Amendments for review and possible approval. Board Action. Page 155

MOTION: President Toombs motions to extend the meeting time from 10:15 PM to 10:30PM. Vice president Lipscomb seconded this motion.

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

NEW BUSINESS #2 General Manager Greg Harman will present to the Board the proposed CSDA Bylaw Amendments for review and possible approval. Board Action. Page 155

STAFF COMMENTS

GM/COP Harman said that he sat on two California Special District Association (CSDA) committees, Membership and Education. Part of the Membership committee is involved in managing CSDA bylaws. The CSDA is requesting approval that all of the bylaw amendments be adopted. These amendments are included in the BOD package and GM/COP Harman recommends that this adoption be approved. In summary, he said, that this change would require all new chapters formed going forward to have membership in CSDA. Currently only one district in a local chapter needs to be a CSDA member. In short, CSDA's goal is to eliminate free rides.

BOARD COMMENTS

Director Metcalf asked what the CSDA dues were for new chapters. GM/COP Harman said dues were based on the district's budget and ranged from a few hundred dollars to maybe \$8,000. She also asked about the benefits of CSDA membership. GM/COP Harman talked about the training, CSDA magazine, and access to CSDA information.

PUBLIC COMMENTS

Joan Gallegos spoke about the legislative benefits of CSDA membership.

MOTION: President Toombs motions to approve the proposed CSDA Bylaw Amendments as submitted. Director Lloyd seconded this motion.

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

President Toombs announced that the motion had passed 3-2.

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

NEW BUSINESS #3 - General Manager Greg Harman will present to the Board the CSDA ballot for the representative for the CSDA Board of Directors Region 3 Seat C for review and action. Board Action.
Page 159

STAFF COMMENTS

GM/COP Harman said that that there was also a CSDA election for our region, Seat C on the CSDA Board of Directors. He said that there were two candidates, Stanley Caldwell and Kathryn Slater-Carter. He said that he had personal knowledge of Mr. Caldwell since he worked with him on the CSDA Board and his recommendation was that the BOD vote for Stan Caldwell. He noted that the competing candidate, Ms. Slater-Carter, had not submitted a profile so he could not speak of her qualifications for the position.

BOARD COMMENTS

President Toombs said that he had also seen Mr. Caldwell in action, agreed that he was well qualified for the position, and concurred with GM/COP Harman's recommendation tht the district support Mr. Caldwell.

Director Metcalf said that she could not a cast a vote for those she did not have more information on.

MOTION: President Toombs motions that the district cast its vote in support of Mr. Caldwell. Director seconded this motion.

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

President Toombs announced that the motion had passed.

NEW BUSINESS #4 --General Manager Greg Harman will present to the Board for a first reading, KPPCSD Board Meeting Conduct, Policy # 5030.55, "Board members shall not utilize personal electronic devices used in the transmission or collection of information, data, or communication while the Board is in session." First Reading. Page 163

STAFF COMMENTS

None.

BOARD COMMENTS

Director Kosel indicated that there was a procedural problem in that a staff member could not propose a BOD policy change. In response, Vice President Lipscomb announced that she was the Director who had placed this item on the BOD agenda.

Vice President Lipscomb said she was looking for wording that changes to her motion to ensure the public felt valued while recognizing the value of electronic devices in this forum. Later in the meeting she expressed hope that a middle ground position, that balanced technology benefits with individual freedoms, could be found with proper motion wording.

President Toombs said he had problems with the use of electronic devices because he did not want to perpetuate the perception that the Directors were not paying attention to the public.

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

Director Metcalf said that the way the motion was written would stop her from taking notes on her laptop or to have her cell phone vibrate should her children require immediate access to her. She said she was not going to stop typing on her laptop nor would she stop having her phone on vibrate as she had children and others who needed constant and immediate access to her all day.

Director Lloyd said that he had spent 40 years in communications and believes that the motion, as written, puts us on a slippery slope. He said that technology can be a help but it can also be abused. He said he would vote no on this motion.

Director Kosel said that she used her electronic device to aid her in the meetings and she cited specific examples of this being of benefit to her this evening. She too said she was not leaving her device at home as her family and clients needed access to her in case of an emergency. She also said that when Nicki Kaiser stood up to attack her, she would rather read her email. She thought this motion was a conservation piece of legislation and she would not support it.

President Toombs announced that Director Kosel did not like the way he was conducting the meeting and left prior to the meetings natural conclusion. He later said that he thought the motion, as written, used a shotgun approach to kill a fly. He said that he agreed with Director Metcalf that phones should be left on vibrate for emergency reasons. He concluded by saying that he had changed his mind and would vote no on this motion

Vice President Lipscomb agreed with President Toombs that the public should just stand up and tell the Directors if they believe they are not receiving their full attention. She withdrew her motion.

PUBLIC COMMENTS

Anthony Knight, Nicki Kaiser, Joan Gallegos spoke.

MOTION: Vice President Lipscomb motions to extend the meeting time from 10:00 PM to 10:15PM. President Toombs seconded this motion.

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

MOTION: Director Metcalf motions to end the meeting at 10:24 PM. President Toombs seconded this motion.

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

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 AUXILARY AID OR SERVICE AT LEAST 10 DAYS BEFORE THE MEETING. REQUESTS SHOULD BE SENT TO:

KENSINGTON POLICE & COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS

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.

KPPCSD
Unaudited Profit & Loss Budget Performance
 July 2011

	<u>Jul 11</u>	<u>Budget</u>	<u>Jul 11</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
Ordinary Income/Expense					
Income					
400 · Police Activities Revenue					
410 · Police Fees/Service Charges	180.00		180.00		
414 · POST Reimbursement	453.00		453.00		
418 · Misc Police Income	3,027.88		3,027.88		
Total 400 · Police Activities Revenue	<u>3,660.88</u>		<u>3,660.88</u>		
420 · Park/Rec Activities Revenue					
427 · Community Center Revenue	1,753.00		1,753.00		
428 · Building E Revenue	6,000.00		6,000.00		
Total 420 · Park/Rec Activities Revenue	<u>7,753.00</u>		<u>7,753.00</u>		
440 · District Activities Revenue					
449 · District Revenue	5,005.00		5,005.00		
Total 440 · District Activities Revenue	<u>5,005.00</u>		<u>5,005.00</u>		
Total Income	16,418.88		16,418.88		
Expense					
500 · Police Sal & Ben					
502 · Salary - Officers	71,875.41		71,875.41		
504 · Compensated Absences	0.00		0.00		
506 · Overtime	6,712.00		6,712.00		
508 · Salary - Non-Sworn	3,918.50		3,918.50		
516 · Uniform Allowance	599.94		599.94		
518 · Safety Equipment	925.28		925.28		
521-A · Medical/Vision/Dental-Active	11,190.68		11,190.68		
521-R · Medical/Vision/Dental-Retired	14,580.69		14,580.69		

KPPCSD
Unaudited Profit & Loss Budget Performance
 July 2011

	<u>Jul 11</u>	<u>Budget</u>	<u>Jul 11</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
522 · Insurance - Police	1,712.45		1,712.45		
523 · Social Security/Medicare	175.74		175.74		
524 · Social Security - District	266.07		266.07		
527 · PERS - District Portion	23,210.20		23,210.20		
528 · PERS - Officers Portion	6,175.26		6,175.26		
530 · Workers Comp	16,016.00		16,016.00		
Total 500 · Police Sal & Ben	<u>157,358.22</u>		<u>157,358.22</u>		
550 · Other Police Expenses					
552 · Expendable Police Supplies	365.16		365.16		
562 · Vehicle Operation	4,764.48		4,764.48		
564 · Communications (RPD)	11,963.00		11,963.00		
568 · Prisoner/Case Exp./Booking	133.53		133.53		
570 · Training	79.27		79.27		
572 · Recruiting	1,250.00		1,250.00		
574 · Reserve Officers	139.00		139.00		
576 · Misc. Dues, Meals & Travel	950.00		950.00		
581 · Bldg Repairs/Maint.	37.66		37.66		
582 · Expendable Office Supplies	502.56		502.56		
588 · Telephone(+Rich. Line)	1,632.26		1,632.26		
590 · Housekeeping	199.34		199.34		
594 · Community Policing	1,008.82		1,008.82		
596 · WEST-NET/CAL I.D.	12,893.00		12,893.00		
599 · Measure G Administration	783.61		783.61		
Total 550 · Other Police Expenses	<u>36,701.69</u>		<u>36,701.69</u>		
600 · Park/Rec Sal & Ben					
601 · Park & Rec Administrator	373.00		373.00		
602 · Custodian	1,750.00		1,750.00		

KPPCSD
Unaudited Profit & Loss Budget Performance
 July 2011

	<u>Jul 11</u>	<u>Budget</u>	<u>Jul 11</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
Total 600 · Park/Rec Sal & Ben	2,123.00		2,123.00		
635 · Park/Recreation Expenses					
640 · Community Center Expenses					
642 · Utilities-Community Center	78.00		78.00		
643 · Janitorial Supplies	597.62		597.62		
Total 640 · Community Center Expenses	<u>675.62</u>		<u>675.62</u>		
660 · Annex Expenses					
662 · Utilities - Annex	155.00		155.00		
Total 660 · Annex Expenses	<u>155.00</u>		<u>155.00</u>		
672 · Kensington Park O&M	3,790.47		3,790.47		
678 · Misc Park/Rec Expense	203.45		203.45		
Total 635 · Park/Recreation Expenses	<u>4,824.54</u>		<u>4,824.54</u>		
800 · District Expenses					
810 · Computer Maintenance	335.98		335.98		
820 · Cannon Copier Contract	286.23		286.23		
830 · Legal (District/Personnel)	4,891.00		4,891.00		
840 · Accounting	2,040.00		2,040.00		
850 · Insurance	28,803.11		28,803.11		
865 · Police Bldg. Lease	14,852.50		14,852.50		
890 · Waste/Recycle	3,564.80		3,564.80		
898 · Misc. Expenses	1,193.42		1,193.42		
Total 800 · District Expenses	<u>55,967.04</u>		<u>55,967.04</u>		
950 · Capital Outlay					
963 · Patrol Car Accessories	5,673.95		5,673.95		

KPPCSD
Unaudited Profit & Loss Budget Performance
 July 2011

	<u>Jul 11</u>	<u>Budget</u>	<u>Jul 11</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
Total 950 · Capital Outlay	5,673.95		5,673.95		
Total Expense	262,648.44		262,648.44		
Net Ordinary Income	-246,229.56		-246,229.56		
Other Income/Expense					
Other Expense					
700 · Bond Issue Expenses					
710 · Bond Admin.	2,263.28		2,263.28		
Total 700 · Bond Issue Expenses	2,263.28		2,263.28		
Total Other Expense	2,263.28		2,263.28		
Net Other Income	-2,263.28	0.00	-2,263.28	0.00	0.00
	<u>-248,492.84</u>	<u>0.00</u>	<u>-248,492.84</u>	<u>0.00</u>	<u>0.00</u>

Memorandum

Kensington Police Department



To: Board of Directors

APPROVED YES NO

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

FORWARDED TO:

Date: Thursday, August 04, 2011

Subject: Consent Calendar Item C- 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 and revenue and expenses for July 2011 is attached to this memo.

In summary:	July 2011	Year to Date
420 Revenue	\$7,753.00	\$7,753.00
600 Salary & Benefits	\$2,123.00	\$2,123.00
635 Park/ Rec Expenses	\$4,824.54	\$4,824.54
Total Park/ Rec Expenses	\$6,947.54	\$6,947.54

KPPCSD
Account QuickReport
 July 2011

Type	Date	Num	Name	Memo	Split	Amount
420 · Park/Rec Activities Revenue						
427 · Community Center Revenue						
Deposit	7/29/2011	1072		East Bay Coll...	112 · General ...	598.00
Deposit	7/29/2011	3133		CC Rental	112 · General ...	375.00
Deposit	7/29/2011	1247		CC Rental	112 · General ...	600.00
Deposit	7/29/2011	6168		CC Rental	112 · General ...	180.00
Total 427 · Community Center Revenue						1,753.00
428 · Building E Revenue						
Deposit	7/29/2011	5800		2nd half of re...	112 · General ...	6,000.00
Total 428 · Building E Revenue						6,000.00
Total 420 · Park/Rec Activities Revenue						7,753.00
TOTAL						7,753.00

1:50 PM
08/04/11
Accrual Basis

KPPCSD
Account QuickReport
July 2011

Type	Date	Num	Name	Memo	Split	Amount
600 · Park/Rec Sal & Ben						
601 · Park & Rec Administrator						
Paycheck	7/14/2011		Di Napoli, Andrea		112 · General ...	151.00
Paycheck	7/28/2011		Di Napoli, Andrea		112 · General ...	222.00
Total 601 · Park & Rec Administrator						373.00
602 · Custodian						
Check	7/15/2011	13224	William Driscoll	July 1 - 15 se...	112 · General ...	875.00
Check	7/29/2011	13267	William Driscoll	July 16 - July ...	112 · General ...	875.00
Total 602 · Custodian						1,750.00
Total 600 · Park/Rec Sal & Ben						2,123.00
TOTAL						2,123.00

1:52 PM
 08/04/11
 Accrual Basis

KPPCSD
Account QuickReport
 July 2011

Type	Date	Num	Name	Memo	Split	Amount
635 · Park/Recreation Expenses						
640 · Community Center Expenses						
642 · Utilities-Community Center						
Check	7/29/2011	13273	Pacific Telemanage...	Pay Phone C...	112 · General ...	78.00
Total 642 · Utilities-Community Center						78.00
643 · Janitorial Supplies						
Check	7/29/2011	13278	UBS	Community C...	112 · General ...	597.62
Total 643 · Janitorial Supplies						597.62
Total 640 · Community Center Expenses						675.62
660 · Annex Expenses						
662 · Utilities - Annex						
Check	7/15/2011	13217	EBMUD	1 Windsor se...	112 · General ...	155.00
Total 662 · Utilities - Annex						155.00
Total 660 · Annex Expenses						155.00
672 · Kensington Park O&M						
Check	7/15/2011	13213	NBS Government Fi...	LMD Admin I...	112 · General ...	1,080.59
Check	7/15/2011	13218	EBMUD	1 Windsor irri...	112 · General ...	659.88
Check	7/15/2011	13247	Summer Rain Land...	monthly main...	112 · General ...	2,050.00
Total 672 · Kensington Park O&M						3,790.47
678 · Misc Park/Rec Expense						
Check	7/15/2011	13248	Steven Lee	Eagle Scout ...	112 · General ...	203.45
Total 678 · Misc Park/Rec Expense						203.45
Total 635 · Park/Recreation Expenses						4,824.54
TOTAL						4,824.54

July 2011 Police Department Report

August 5, 2011

- Department Personnel

Reserve Police Officer Quyen Duong will be sworn in at our August 11th KPPCSD Board meeting. Quyen is a tri-lingual candidate who recently graduated from the Evergreen Valley Police Academy. Quyen is currently participating in our In House training program and will begin her field training after she is sworn in August 11th.

Reserve Police Officer Mike Colon has completed his Field Training Program and is now on solo duty. His first solo patrol took place on National Night Out. Congratulations Mike!

- Commendations and Correspondence

- Chief Harman received a letter from Donald Lane, our POST Senior Consultant, indicating that our department passed our compliance inspection that was conducted on May 3rd.

- Investigation of Alleged Misconduct

- Department Investigation #10-001 was initiated on September 20th on an allegation that an officer posted an inappropriate screen saver on a District computer. The investigation is being conducted by Sergeant Hull.
- Department Investigation #10-003 was initiated on November 11th, at the KPPCSD Board meeting, when Catherine de Neergaard made a formal complaint indicating, "That there is no fair, impartial, and reasonable police review procedure", after voicing her complaints regarding Chief Harman's policies and directions to the department were not being heard. This complaint was followed by an e-mail complaint received by Chief Harman on November 15th.

At the August 11th Board meeting, a proposal will be presented to bring in an outside investigator to investigate this complaint.

- Department Investigation 2011-002 was initiated on June 5, 2011, on an allegation that an officer falsified an official police document. This investigation is being conducted by Sergeant Hull.

- Department Investigation 2011-003 was initiated on June 10, 2011, on allegations that an officer caused a hostile work environment, insubordination, conduct violations, and discrimination. The internal investigation was completed by Sergeant Hull on August 1st and the subject officer is currently on paid administrative leave pending my review.
- Department Investigation 2011-004 was initiated on July 5, 2011 on allegations that an officer violated department reporting procedures. This investigation is being conducted by Sergeant Hull.

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

- The Ring Time Report for July

Total 911 Calls	42
Total Calls with a Ring Time Under 10 Seconds	40
Total Calls with a Ring Time Between 10-20 Seconds	2
Total Calls with a Ring Time Over 20 Seconds	0
Average Ring Time	4.0 s

- Communication Center Service Complaints

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

- Community Networking

- On 07-11-11, Chief Harman and Doug Wilson attended the Kensington Public Safety Council meeting. Following the meeting, Chief Harman attended the Kensington Community Council meeting.

- Community Criminal Activity

- This section of the Watch Commander’s Reports are prepared by Sergeant Hull for Team One, Acting Sergeant Hui for Team 2, and Detective Barrow.

- Watch Commander Reports

- **Sergeant Hull**
(1400-0200)

TEAM #1 STATISTICS

Officer:	Stegman (K32) (0600-1800)	Wilson (K38) (1800-0600)
Days Worked	15	10
Traffic Stops	28	15
Moving Citations	16	7
Parking Citations	10	7
Vacation/Security Checks	5	46
FI-Field Interview Cases	0	0
Self Initiated Cases	0	5
Arrests	0	1
Calls for Service	113	1
		57

BRIEFING/TRAINING:

KPD Policy 344 – Report Preparation

SERGEANT'S SUMMARY:

The Kensington Police Department continues to focus its efforts on traffic concerns on Franciscan Way. This month one DUI driver was arrested and of the several citations issued on this roadway one speeder was cited for driving 39 MPH. One vehicle was towed because the driver was unlicensed and he was wanted by ICE.

I would like to commend Officer Wilson and all residents who opened their homes to host a National Night Out party.

SIGNIFICANT EVENTS:

2011-4398 – Officer Wilson and Reserve Turner responded to the 700 block of Coventry Rd. to a report of residential burglary.

2011-4560 – Officer Wilson and Reserve Turner responded to the 500 block of Beloit Ave. to a report of auto burglary.

2011-4612 – Officer Wilson responded to a non-injury hit & run accident in the unit block of Garden Drive.

2011-4904 – Officer Wilson and Reserve Armanino initiated a traffic stop that resulted in a DUI arrest on Franciscan Way.

2011-5023 – Officer Wilson responded to a non-injury hit & run accident in the 600 block of Oberlin Avenue.

•• **Acting Sergeant Hui**

TEAM #2 STATISTICS

A.S. Hui (K42) wrote 4 moving citations.
(1400-0200)

Officer:	Martinez (K31) (0600-1800)	Ramos (K41) (1800-0600)
Days Worked	12	18
Traffic Stops	36	32
Moving Citations	7	12
Parking Citations	2	
Vacation/Security Checks	31	247
FI-Field Interview	0	0
Cases	3	2
Self Initiated Cases	0	0
Arrests	0	0
Calls for Service	38	43

Officer Ramos took 10 hours of vacation.
Officer Martinez took 48 hours of vacation.
Acting Sergeant Hui attended records management software training.

BRIEFING/TRAINING:

- Reviewed KPD Policy 322 – Search and Seizure
- Reviewed sections of “Verbal Judo” by George Thompson
- Reviewed case law: US v. Ludwig

SERGEANT'S SUMMARY:

As we progress through the summer months, we have seen an increase in solicitors. Businesses are required to obtain a business license from Contra Costa County prior to soliciting door to door in Kensington. I encourage residents to call KPD when they observe solicitors within their neighborhood so that Kensington officers can verify that they have the necessary licenses. People posing as solicitors have gone door to door in a community for the

purposes of determining if a residence is occupied or to steal mail. This type of activity can lead to burglaries and identity thefts.

I would like to thank the residents who graciously opened up their homes to host National Night Out parties. I had the opportunity to attend several of these parties and always enjoy the opportunity to meet with residents, share information about programs offered by KPD, and to learn about their neighborhood concerns. I would also like to thank Officer Wilson for his efforts in coordinating National Night Out and Reserve Officers Colon, Chandler, Turner, and Foley for volunteering their time to assist with this event.

SIGNIFICANT EVENTS:

- 2011-4435 – On 7/7/2011, Acting Sergeant Hui responded to the unit blk of Arlington Ave on a report of a theft of a scooter.
- 2011-4621 – On 7/14/2011, Officer Martinez responded to the unit blk of Highgate Rd on a report of a grand theft.
- 2011-4657 – On 7/15/2011, Officer Martinez responded to the unit blk of Arlington Ave on a report of vandalism to a vehicle.
- 2011-4788 – On 7/20/2011, Acting Sergeant Hui responded to the unit blk of Richardson Rd on a report of an identity theft.
- 2011-4818 – On 7/21/2011, Officer Ramos responded to the 200 blk of Stanford Ave on a report of vandalism to a vehicle.
- 2011-4831 – On 7/22/2011, Officer Martinez responded to the 100 blk of Kenyon Ave on a report of a petty theft.
- 2011-4973 – On 7/28/2011, Officer Stegman responded to the unit blk of Kenyon Ave on a report of a petty theft.
- 2011-4980 – On 7/28/2011, Officer Ramos responded to the 300 blk of Colusa Ave on a report of a hit and run collision.

TRAFFIC ENFORCEMENT:

- 19 moving citations were issued on Arlington Ave.
- 9 moving citations were issued on Colusa Ave.
- 16 moving citations were issued on Franciscan Way.
- 4 moving citations were issued on Grizzly Peak Blvd.
- 1 moving citation was issued on Westminster Ave.

•• **Detective Keith Barrow**

SIGNIFICANT EVENTS:

2011-4621 Theft from a vehicle and unauthorized use of credit cards.
On Thursday, July 14, 2011, a purse was stolen from an unlocked vehicle in the 00 block of Highgate Road. Two suspects were seen driving a late 2000 four

door Nissan Altima and were using the victim's credit cards at numerous locations along San Pablo Avenue. The first suspect was described as a white or Hispanic female adult, 5'5" to 5'7" tall, and 130 to 150 lbs. with dark brown hair. The second suspect was a white or Hispanic male adult, 5'11" to 6'01", thin build, with dark hair. The female was seen driving and the male was seated in the front passenger seat. The suspects may have been involved in other recent thefts within Kensington. If you see the suspects or have any information concerning this case please telephone Detective Barrow at (510)526-4141 or call police dispatch at (510)236-0474. (See attached Flyer)

2011-4980 Hit and Run

On Tuesday, July 28, 2011, officers responded to a hit and run vehicle accident in the 300 block of Colusa Avenue. Through a good initial investigation by KPD Officer Ramos I was able to contact the suspect in Berkeley. This case is closed and will be submitted to the Contra Costa DA for prosecution.

KPD INVESTIGATIONS INFORMATION:

2011-2194, 2706 Residential Burglary

On May 20, 2011, the Sonoma County Sheriff's Department arrested two suspects for residential burglaries committed in their jurisdiction. We were able to link the suspects to two residential burglaries committed within Kensington. It is believed that these suspects have been involved in numerous other residential burglaries throughout the bay area. This investigation is still ongoing and I hope to find evidence of other Kensington victims. This case is under investigation and eventually will be submitted to the Contra Costa DA for prosecution.

2011-1618 Homicide.

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

KPD INVESTIGATIONS

- Made several court runs for filling cases, and retrieve court notifications.
- Updated the KPD residential burglary log.
- Updated the KPD stolen vehicle log.
- I'm currently assigned one day per week as a Field Training Officer.

WEST-NET ASSIGNMENT:

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

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

INVESTIGATORS SUMMARY:

In the month of July the District of Kensington sustained 2 identity thefts, 1 non-injury vehicle accident and 3 Hit and Run Vehicle Accidents, 0 Injury Hit and Run Accident, 0 Injury Accidents, 1 Residential Burglary, 0 Attempted Residential Burglaries, 0 Commercial Burglary, 0 Auto Burglary, 3 Thefts from unlocked vehicles, 1 Stolen Vehicle, 3 Petty Thefts, 3 Vandalisms, 0 Embezzlement, 0 Elder Abuse, 0 Frauds, 0 Forgery, 0 Attempted Grand Thefts and 0 Grand Thefts.

•• Chief Harman

I was pleased to note that we only had one residential burglary for the month of July. The summer months are usually the time when we experience an increase in residential burglaries due to vacations of residents. Our Vacation Watch checks and efforts to increase our time on patrol, along with our neighbors calling in suspicious people and activity are paying off.

You may notice that traffic citations issued for the month of July are down from previous months. This is due to several factors, most notable staffing. We continue to work one position down with Sergeant Khan's retirement and have had an officer on paid administrative leave since mid-June. Our Traffic Officer, Juan "Manny" Ramos has been temporarily assigned to cover Team 2's graveyard shift, which takes him away from being assigned strictly to traffic enforcement duties.

I have also instructed our officers to give warnings to drivers that have equipment only violations. I was informed that the administrative fee for having an equipment violation citation signed off had increased from \$15.00 to \$50.00, due to County and State assessments. This seems to be an unreasonable financial burden placed on drivers to be told that a taillight on their vehicle is burned out.

However, I wish to be completely clear here. We will continue to enforce all traffic laws and our "Zero Tolerance" policy for moving violations. This includes talking on your cell phone while driving. So don't do it.

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING



POST

EDMUND G. BROWN JR.
GOVERNOR

KAMALA D. HARRIS
ATTORNEY GENERAL

July 13, 2011

Gregory E. Harman, Chief
Kensington Police Department
217 Arlington Avenue
Kensington, CA 94707

Dear Chief Harman:

This correspondence reports the findings of the compliance inspection conducted on **May 3, 2011**. The purpose of the audit was to assess the level of compliance with POST standards for selection and training in your department.

Agency Roster

The POST listing of agency personnel (Peace Officers and/or Dispatchers) was reviewed for accuracy. The roster accurately reflects the staffing of your agency.

Training Standards

The training records were reviewed and discussed with your staff.

Selection Standards

Selected background files were reviewed to determine compliance with established selection standards for peace officers and dispatchers. All reviewed files were complete and in good order.

I appreciate the assistance of your staff during this compliance inspection. Their and your commitment to meeting or exceeding POST standards is evident. If you have questions about this review I can be contacted at (916) 227-3918 or by email at Don.Lane@post.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Donald Lane". The signature is fluid and cursive, with a long horizontal stroke at the end.

Donald Lane
Senior Consultant
Region 5 Manager

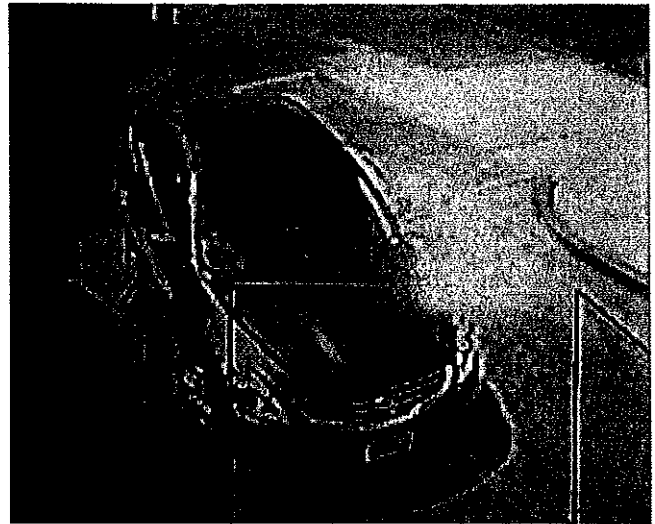


ID Needed 459/530.5 suspects

Date: 8/2/2011

Case #: 2011-4621

Author ID: K26



WFA 20/30 yrs, 5'5"/5'7" 130/150 lbs. dark brn hair

Late 2000 Nissan Altima dark gray in color.

On Thursday, July 14, 2011 at approximately 1110 hours, a purse was stolen out of the unlocked victim vehicle. The purse contained several credit cards that were used to obtain gas, cigarettes, Realimon Squeeze and a blue bottle of Corralejo Tequila. The purchases were made at Best Gas and Car Wash, Atlas Liquors, and San Pablo Gas and Snacks in El Cerrito and Richmond, along San Pablo Avenue.

The above female drove to each location and used the victim's credits at gas pumps and within the business. A white or hispanic male passenger, 5'11" to 6'01" with a thin build and dark hair, was also seen pumping gas into the Nissan but didn't enter any of the businesses.

The purse also contained a pair of gold earrings, gold neckless and a Toyota Prius Key (#5PIT911).

If located please contact Detective Barrow at (510)815-2699.

Kensington Police

(510) 526-4141

August 2011

August 2011							September 2011						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
7	8	9	10	11	12	13	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28	29	30	

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Jul 31 - Aug 6	Jul 31	Aug 1	2	3 7:30pm Pilates; CCM	4	5	6 1:00pm CC Rental; C
Aug 7 - 13	7 7:15pm EBC; CCM &	8	9	10 2:00pm Andrea takes 7:30pm Pilates; CCM	11 6:00pm KPPCSD MTC	12	13
Aug 14 - 20	14	15 6:00pm Kensington T	16	17 7:30pm Pilates; CCM	18	19	20 8:00am CC Rental; C
Aug 21 - 27	21 7:15pm EBC; CCM &	22	23	24 7:30pm Pilates; CCM	25	26	27
Aug 28 - Sep 3	28	29	30	31	Sep 1	2	3

September 2011

September 2011							October 2011						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
4	5	6	7	8	9	10	2	3	4	5	6	7	8
11	12	13	14	15	16	17	9	10	11	12	13	14	15
18	19	20	21	22	23	24	16	17	18	19	20	21	22
25	26	27	28	29	30		23	24	25	26	27	28	29
							30	31					

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Aug 28 - Sep 3	Aug 28	29	30	31	Sep 1	2	3
Sep 4 - 10	4	5	6 7:00pm Troop 100, C	7 7:15pm EBC, CCM &	8 6:00pm KPPCSD Mtg	9	10 4:00pm CC Rental, C
Sep 11 - 17	11	12	13 5:00pm FALL Regisr 7:00pm Troop 100, C	14	15	16	17
Sep 18 - 24	18	19	20 7:00pm Troop 100, C	21 11:00am Solid Waste, 7:15pm EBC, CCM &	22	23 5:00pm Kensington IV	24
Sep 25 - Oct 1	25	26	27 7:00pm Troop 100, C	28	29	30	Oct 1

General Manager July 2011 Report

Budget

In July, we received our June 30, 2010 Actuarial Study from our new actuarial firm, Total Compensation Systems. This study has significant changes in calculations resulting in a lower cost of funding for our retiree medical benefits. These changes will be discussed at the next Finance Committee meeting scheduled for Tuesday, August 23rd, at 6 PM, at the Community Center, Room 3.

Kensington Park

Park Restroom

The final plans for the restroom have been delivered to our general contractor and we are beginning the process of applying for the building permits for the project. We have also “broken ground” on the project, with the start of the excavation of the site. The “First Flush” is still scheduled for October.

Community Center & Annex

The Park Building Sub-Committee has negotiated a contract with the recommended contractor and will be presenting their recommendation and the contract to the KPPCSD Board August 11th for review.

Also at the August 11th KPPCSD Board meeting, estimates for the repair of the roof, water damage to the storage rooms, and the replacement of the water heater of the Community Center will be reviewed.

Park Repairs

The Tennis Court Committee has determined that the courts only require patching and have identified Saviano as the lowest cost provider for the repair. Their estimate for the repair was \$2,000. The repairs are scheduled to take place on Friday, August 19th.

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 8th, at 6:30 PM at the Community Center Room #3.

Other District Items of Interest

Solid Waste

In response to Bay View's request for assignment of the contract to Republic Services, Inc. - Richmond Sanitary Services, the District sent a request for documents to Republic's attorney in early July. The request asked for audited financial statements, evidence of insurance and other information that must be analyzed in order to confirm the capability of the proposed assignee to satisfactorily perform the services required by the agreement. We have not yet received the requested documents for review.

Traffic

County Supervisor John Gioia and the Kensington Police Department will be hosting a community meeting Monday, August 15th, at 6 PM in the Community Center, to discuss traffic issues in Kensington.

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.

ATT

ATT has notified the District that they are beginning a project to install a new fiber optics cabinet within the public right of way on the east side of Arlington Avenue adjacent to the library at 61 Arlington. There will also be trenching work across Arlington Avenue to connect to PG&E facilities. Construction is scheduled to start in an estimated 4-6 months and estimated to take 10-14 days. Prior to construction, residents in the area will be notified via a door hanger placed 48 before construction begins.

Memorandum

Kensington Police Department



To: Board of Directors

APPROVED YES NO

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

Date: Thursday, August 04, 2011

FORWARDED TO:

Subject: Consent Calendar Item J- 2010-2011 Audit

On July 22nd, Steven Chang of Lamorena & Chang sent an engagement letter to provide auditing service for our Fiscal Year 2010- 2011. The fee for this service increased to \$13,000 from the budgeted amount of \$10,000.

A copy of the engagement letter is attached for your review.

July 22, 2011

Police Chief Greg Harman
Kensington Police Protection and
Community Services District
217 Arlington Avenue
Kensington, CA 94707

I am pleased to confirm my understanding of the services I am to provide Kensington Police Protection and Community Services District (KPPCSD) for the 12 months ended June 30, 2011. I will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, which collectively comprise the basic financial statements of Kensington Police Protection and Community Services District as of and for the 12 months ended June 30, 2011.^a Accounting standards generally accepted in the United States provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement Kensington Police Protection and Community Services District's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of my engagement, I will apply certain limited procedures to KPPCSD's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to my inquiries, the basic financial statements, and other knowledge I obtained during my audit of the basic financial statements. I will not express an opinion or provide any assurance on the information because the limited procedures do not provide me with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis.
- 2) Budget vs actual schedule

Audit Objectives

The objective of my audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. My audit will be conducted in accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of the accounting records of KPPCSD and other procedures I consider necessary to enable me to express such opinions. If my opinions on the financial statements are other than unqualified, I will fully discuss the reasons with you in advance. If, for any reason, I am unable to complete the audit or are unable to form or have not formed opinions, I may decline to express opinions or to issue a report as a result of this engagement.

I will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with laws, regulations, and the provisions of contracts or grant agreements, noncompliance with

which could have a material effect on the financial statements as required by *Government Auditing Standards*. The report on internal control and compliance will include a statement that the report is intended solely for the information and use of management, the body or individuals charged with governance, others within the entity, and specific legislative or regulatory bodies and is not intended to be and should not be used by anyone other than these specified parties. If during my audit I become aware that KPPCSD is subject to an audit requirement that is not encompassed in the terms of this engagement, I will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

Management Responsibilities

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. As part of the audit, I will assist with preparation of your financial statements and related notes. You are responsible for making all management decisions and performing all management functions relating to the financial statements and related notes and for accepting full responsibility for such decisions. You will be required to acknowledge in the management representation letter my assistance with preparation of the financial statements and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. Further, you are required to designate an individual with suitable skill, knowledge, or experience to oversee any non-audit services I provide and for evaluating the adequacy and results of those services and accepting responsibility for them.

Management is responsible for establishing and maintaining effective internal controls, including monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; for the selection and application of accounting principles; and for the fair presentation in the financial statements of the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the KPPCSD and the respective changes in financial position and cash flows, where applicable, in conformity with U.S. generally accepted accounting principles.

Management is also responsible for making all financial records and related information available to me and for ensuring that management and financial information is reliable and properly recorded. Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to me in the representation letter that the effects of any uncorrected misstatements aggregated by me during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing me about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Your responsibilities include informing me of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements, and grants for taking timely and appropriate steps to remedy any fraud, illegal acts, violations of contracts or grant agreements, or abuse that I may report. You are responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include my report on the supplementary information in any document that contains and indicates that I have reported on the supplementary information. You also agree to present the supplementary information with the audited financial statements OR make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with my report thereon.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for me previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to me corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other studies. You are also responsible for providing management's views on my current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

Audit Procedures—General^f

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, my audit will involve judgment about the number of transactions to be examined and the areas to be tested. I will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because an audit is designed to provide reasonable, but not absolute assurance and because I will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by me. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, I will inform you of any material errors and any fraudulent financial reporting or misappropriation of assets that come to my attention. I will also inform you of any violations of laws or governmental regulations that come to my attention, unless clearly inconsequential. My responsibility as auditors is limited to the period covered by my audit and does not extend to later periods for which I am not engaged as auditors¹.

My procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. I will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of my audit, I will require certain written representations from you about the financial statements and related matters.

Audit Procedures—Internal Controls

My audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that I consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. My tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in my report on internal control issued pursuant to *Government Auditing Standards*.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies. However, during the audit, I will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

Audit Procedures—Compliance^{cc}

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, I will perform tests of KPPCSD's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of my audit will not be to provide an opinion on overall compliance and I will not express such an opinion in my report on compliance issued pursuant to *Government Auditing Standards*.

Engagement Administration, Fees, and Other^{dd}

I may from time to time, and depending on the circumstances, use third-party service providers in serving your account. I may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, I maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, I will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and I will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that I am unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, I will remain responsible for the work provided by any such third-party service providers.

I understand that your employees will prepare all cash or other confirmations I request and will locate any documents selected by me for testing.

I will provide copies of my reports to California State Controller office and one to your county office; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of my reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Lamorena & Chang, CPA and constitutes confidential information. However, pursuant to authority given by law or regulation, I may be requested to make certain audit documentation available to your county, California State Agencies and federal agencies or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. I will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Lamorena & Chang, CPA personnel. Furthermore, upon request, I may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the State or federal. If I am aware that a federal awarding agency or auditee is contesting an audit finding, I will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

I expect to begin my audit on approximately early December 2011 and to issue my reports no later than February. Steven Chang is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.^{hh} My fee for these services will be at flat rate of \$13,000.00 My standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit(owner \$295/hour and staff \$125/hour). My invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with my firm policies, work may be suspended if your account becomes 30 days or more overdue and may not be resumed until your account is paid in full. If I elect to terminate my services for nonpayment, my engagement will be deemed to have been completed upon written notification of termination, even if I have not completed my report. You will be obligated to compensate me for all time expended and to reimburse me for all out-of-pocket costs through the date of termination.ⁱⁱ The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit.^{jj} If significant additional time is necessary, I will discuss it with you and arrive at a new fee estimate before I incur the additional costs.

Government Auditing Standards require that I provide you with a copy of my most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. My 2009 peer review report accompanies this letter.

I appreciate the opportunity to be of service to KPPCSD and believe this letter accurately summarizes the significant terms of my engagement. If you have any questions, please let me know. If you agree with the terms of my engagement as described in this letter, please sign the enclosed copy and return it to me.

Very truly yours,

RESPONSE:

This letter correctly sets forth the understanding of KPPCSD

By:

Title:

Date:

08/11/11

Grant Bennett Associates

A PROFESSIONAL CORPORATION

SYSTEM REVIEW REPORT

June 22, 2009

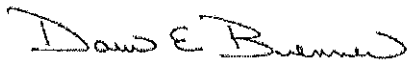
To Steven Chang and the Peer Review Committee of the California Society of CPA's

We have reviewed the system of quality control for the accounting and auditing practice of Lamorena & Chang (the firm) in effect for the year ended December 31, 2008. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under the *Government Auditing Standards*.

In our opinion, the system of quality control for the accounting and auditing practice of Lamorena & Chang in effect for the year ended December 31, 2008, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Lamorena & Chang has received a peer review rating of *pass*.

GRANT BENNETT ASSOCIATIONS
A PROFESSIONAL CORPORATION
Certified Public Accountants



By Dawn E Brenner, CPA



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1333 North California Boulevard, Suite 345
Walnut Creek, CA 94596
Voice 925/932-6856 FAX 925/933-5484

DISTRICT - NEW BUSINESS

1. General Manager/Chief of Police Greg Harman will swear in newly appointed Reserve Police Officer Quyen Duong.

DISTRICT - NEW BUSINESS

2. Review and discussion of the Kensington Park Building Committee Report regarding the award of contract to Muller & Caulfield Architects for the Kensington Park Buildings Integrated Remodeling Plan. Possible Board action.

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

To: KPPCSD Board of Directors
From: Kensington Park Building Committee
Date: August 11, 2011
Subject: **Award of Contract to Muller & Caulfield, Architects for the
KENSINGTON PARK BUILDINGS INTEGRATED REMODELING
PLAN**

RECOMMENDATIONS:

1. That the KPPCSD Board (Board) authorize the General Manager to execute a contract and any amendments (Contract) with Muller & Caulfield , Architects, (Muller & Caulfield) to prepare a Kensington Parks Buildings Integrated Remodeling Plan in an amount not to exceed \$42,200 plus a contingency of approximately \$6,330 (15% of the total Contract cost) for unforeseen circumstances for the term ending June 30, 2012. Additionally, the Board directs the General Manager to set aside \$2,000 for internal direct costs related to copying, printing and mailing services to support the project.
2. That the Kensington Park Building Committee (Committee) continues as a representative body until the project is completed.
3. That the Board directs the Committee to select two members of the Committee to work with the General Manager to function as owner representatives for the duration of the Contract.

FISCAL IMPLICATIONS:

Funding for the Contract and for direct anticipated expenses of \$2,000, each as outlined in this report are available from the District's savings accumulated in the reserve account captioned "Future Allowances-Allowances for Park Buildings Replacement" which contains a total amount of \$300,000.

BACKGROUND

Park buildings provide critical space for recreation, community meetings, classes, and special events and are a valuable community asset. Kensington park buildings are in need of repair and/or improvement. The Board has expressed interest in a clear path toward making those improvements that meet community needs while also being fiscally responsible. Recently there have been multiple and conflicting requests for improvements to the Annex and the Youth Hut/Community Center.

At the February 11, 2010 Board meeting, the Board requested that an ad hoc committee be formed to examine, discuss, and come up with a recommendation on the best use of funding for the repair, remodel, and uses of the Kensington Park buildings. This committee was to have 3 meetings and return to the Board. This committee did in fact meet and made its formal recommendations to the full Board at the Board's September 9, 2010 board meeting.

After presentation of the initial ad hoc committee's recommendations, the Board, on September 9, 2010, agreed to take the following actions related to the Park Buildings :

1. The Board agrees to create a general building plan for the park.
2. Starting with the October Board meeting, the Board directs the General Manager to prepare an official park budget each month with the Board packet.
3. Recommends the Board hire a professional to do a needs assessment portion of the three buildings.
4. That the Board re-establishes an ad-hoc committee to find a professional to define and conduct the park buildings needs assessment under the direction of the park committee and to recommend to the Board hiring said professional.

The Committee, selected by this Board, then met numerous times to develop a scope of services needed for the development of a needs assessment and an integrated park building plan. The critical components of the study as outlined further in the Request For Proposals (RFP) included 4 key elements:

1. Evaluation of existing structures.
2. Assessment of programmatic uses for the buildings including emerging needs in the community.
3. Proposed renovation and/or new construction to meet those needs including cost at a conceptual level.
4. Financial implications of uses and estimate for revenue and expenses.

On February 3, 2011 the Board took action to issue the RFP and on March 11, three proposals were received. The Committee reviewed all submittals and selected two firms for a final interview. The interview panel consisted of General Manager Harmon and three members of the Committee. The firm of Muller & Caulfield ranked highest because: (i) they are an experienced architectural firm with great strength in community process and master planning; and (ii) they presented a strong team of sub-consultants and developed a detailed scope for project implementation.

Two members of the Committee then met with the preferred consultant and fine-tuned the proposal and fee. That proposal was endorsed by the full Committee and is before the Board today.

PROPOSAL HIGHLIGHTS

- Preparation of a Report on existing buildings describing needed repairs.
- 3 opportunities for community input through public meetings – one focused on uses for the buildings, one focused on alterations to the buildings to meet uses, and one on the recommendations.
- A Web-based survey for additional community input.
- Recommendation on modifications to buildings to accommodate desired uses including order of magnitude costs.
- Economic Study of relevant market rental uses and rates including reservation and operating policies and projected operating budget.
- Assistance by community volunteers for specific tasks where possible.
- The schedule for the project is approximately five months.

Detailed tasks and a schedule are attachment 1 of this report.

A 15% contingency (\$6,330) over the base Contract amount (\$42,220) is included for unforeseen circumstances. The purpose of this is to continue momentum of the project should additional information be required. For instance, the proposal with Muller & Caulfield itemizes a number of “optional services.” Staff and volunteers have done a great deal of work to collect existing information on the buildings and minimize the need for many of those optional services. However, should a critical piece of information be needed to adequately explore the options developed (such as a soil test or a structural test of a building) the ability to get estimates for the work and have staff approve the expenditure is critical. Another example could be an additional community meeting - only 3 are currently scheduled. Should another be required, the project can accommodate that need and move forward. Having this additional spending authority moves the project toward completion more efficiently should additional services be deemed necessary. The General Manger will work with the Committee to review such additional services.

PROPOSED MOTION FOR THE BOARD

The Committee asks that the Board adopt the Committee’s recommendations set forth herein, that the Board, through its legal counsel negotiate an appropriate Contract with Muller & Caulfield, and that the Board authorize that Muller & Caulfield begin its work under the Contract.

Attachment 1:

Muller &Caulfield Proposal of Tasks, Hours and Schedule – Revision date 7/18/11

Project Name
 Proposal date 3/18/11
 Revision date 7/18/11
 Professional Services to evaluate potential repairs and future uses of three buildings in Kensington Park
 Project Name Kensington Park
 Muller & Caulfield job # KPMP
 Client Representative **Greg Harman**
Kensington Police Protection and Community Services District
 Client **217 Arlington Ave.**
 Client Address **Kensington, CA 94707**
 Project Address 59 Arlington Ave.
 Kensington, CA 94707
 Construction Budget TBD
Description of client goals/ construction scope
 See RFP.



General description of consultant scope. See Proposed Tasks and Hours for detailed description of scope.
 Evaluate potential repairs, upgrades, and future uses of three buildings located in Kensington Park, Kensington, CA.

Design will include the following phases:
 PD Programming, Conceptual Design (PD)

The following disciplines and consultant services are included in the architect's scope.

Architecture	Muller & Caulfield Architects	Geotechnical	Questa Engineering Corp.
Cost	Don Todd Associates	MEP	
Economics	BAE	Landscape	
Structural	Wiss, Janney, Elstner	Title 24	
Materials testing	Applied Materials & Engineering, Inc.	Civil	

Project team and billable rates:

Position	Individual	Rate
Prncipal	Rosemary Muller	160
Project manager/ architect		130
Job captain, intern III		90
Drafter, administrative		75

This proposal is in conjunction with the following contract for architectural services:

Professional Services to evaluate potential repairs and future uses of three buildings in Kensington Park											
7/18/11	FEE DETAIL	ARCHITECT			CONSULTANTS					TOTALS	
		Principal	Job captain, intern III	Total Arch. Hours	ARCH Total fee	Cost	Economics	Structural	Geotechnical		Materials testing
	Scope of work (fixed fee)	rate \$/hr	\$ 160 hrs	\$ 90 hrs	hrs	TOTAL FEE					
	Basic Services										
	Task 1: Evaluation										
	Project initiation and project management (18 weeks)		20	8	28						
1a	Kickoff meeting with Kensington Park Buildings Committee.		2		2						
1b	Gather existing information, including plans, termite reports, and other available documentation by Architects, Engineers, and others for all three park buildings. Prepare base floor plans of each building.		2	1	3						
1c	Visit buildings to photograph and document visible information, such as size and spacing of exposed structural members, evidence of water infiltration, dimensions and clearances of existing toilet rooms, etc. Note information on base floor plans.		2	2	4						
1d	Interview maintenance staff and other knowledgeable persons regarding past instances of water intrusion, adequacy of heating and electrical utilities, and other existing problems.			3	3						
1e	Perform code analysis of each building, including ADA requirements and required energy upgrades that could be triggered by remodel. Document code requirements.		5		5						
1f	Produce a brief, illustrated Building Report (approx. 5 to 10 pages) documenting strengths and weaknesses of the buildings. Describe needed repairs.		4	8	12						
	TOTAL Task 1 FEE		35	22	57	\$7,580				\$7,580	
	Task 2: Assessment of Uses										
2a	Meet with staff to determine current schedule of uses of the buildings. Document uses for Building Report.		2								
2b	Prepare Power Point presentation of Building Report for public meeting. Review draft with Kensington Park Buildings Committee, revise as needed.		2		2						

PROPOSED TASKS AND HOURS

7/18/11	Scope of work (fixed fee)	Principal	Job captain, intern III	Total Arch. Hours	ARCH Total fee	Cost	Economics	Structural	Geotechnical	Materials testing	
2c	Receive community input at KPPCSD Board meeting (or other special meeting) regarding existing and desired new uses of the buildings. Present and get comments on evaluation report.	4	4	8							
2c1	Develop online survey tool to solicit additional public input. Review and categorize responses.	2		2			\$2,720				
2d	Prepare brief written report to summarize input as "needs assessment". Add to Building Report as separate chapter.	2	5	7							
TOTAL Task 2 FEE		12	9	19	\$2,730		\$2,720			\$5,450	
Task 3: Proposed Construction											
3a	Define and describe two design alternatives each for the community center and annex for further study. Discuss with the parks committee.	4		4							
3b	Develop conceptual drawings of selected alternatives. Circulate electronically to the Buildings Committee. Revise according to comments.	12	18	30							
3c	Add notes to each alternate to show extent of construction, in preparation for cost estimate.	8	8	16							
3d	Document alternatives considered for Building Report.	2	5	7							
TOTAL Task 3 FEE		26	31	57	\$6,950					\$6,950	
Task 4: Project Cost Comparison											
4a	Develop construction and total project cost estimate for each alternative (two for each building, by professional cost estimator).					\$5,300					
4b	Review cost estimates. Circulate electronically to Buildings Committee for comments.	3	2	5		x					
4c	Revise cost estimate as appropriate.		2	2		x					
4d	Prepare cost summary for Building Report.	1	3	4		x					
TOTAL Task 4 FEE		4	7	11	\$1,270	\$5,300				\$6,570	
Task 5: Compare Program Costs and Revenue											
5a	Meet with designated Kensington officials (including KCC) to review existing operating cost and revenue information.	3		3			x				

PROPOSED TASKS AND HOURS

7/18/11	Scope of work (fixed fee)	Principal	Job captain, intern III	Total Arch. Hours	ARCH Total fee	Cost	Economics	Structural	Geotechnical	Materials testing	
5b1	Evaluate local meeting and events market to identify potential users, rental rates, and needs for building upgrades.	1		1			x				
5b2	Recommend reservation and operating policies and staffing to support rental income.	1		1			\$10,320				
5b3	Develop two alternate cost and revenue projections for proposed programs.	1		1			x				
5c	Meet with Kensington Park Buildings Committee to present and review information for final report.	2		2			x				
5c1	Community meeting #2. Present alternatives and get feedback.	4	4	8			x				
5d	Prepare summary of costs and revenues for Building Report.	2	3	5			x				
TOTAL Task 5 FEE		14	7	21	\$2,870		\$10,320				\$13,190
Task 6: Presentation to KPPCSD Board											
6a	Prepare final written report and submit for KPPCSD agenda.	4	4	8							
6b	Prepare Power Point presentation of final Building Report for KPPCSD Board. Review draft with Kensington Park Buildings Committee, revise as needed. (Note that 1st presentation to board is included in task 2c.)	4		4							
6c	Final presentation to KPPCSD Board.	4		4							
TOTAL Task 6 FEE		12	4	16	\$2,280						\$2,280
TOTAL FEE all Tasks		103	80	181	\$23,680	\$5,300	\$13,040	\$0	\$0	\$0	\$42,020
Reimbursable allowance											\$200
Total fee											\$42,220

PROPOSED TASKS AND HOURS

7/18/11	Scope of work (fixed fee)	Principal	Job captain, intern III	Total Arch. Hours	ARCH Total fee	Cost	Economics	Structural	Geotechnical	Materials testing	
	Additional optional services										
1c.1	Test existing buildings to reveal unseen structural conditions such as size and spacing of reinforcing of concrete block in Youth Hut, connections of trusses to walls, connections of arches in annex, insulation in walls and ceilings, roof diaphragm, footing size.	2		2	\$320					\$8,500	\$8,820
1d.1	Geotechnical evaluation of existing soils, to determine type of foundation for addition or replacement building.	2		2	\$320				\$12,000		\$12,320
	Trenching to verify that no existing fault traces go under the buildings, as required for new construction in Alquist-Priolo fault zone. (estimated fee- final to be determined after soils testing)	2		2	\$320				\$15,000		\$15,320
1e.1	Determine if buildings could be qualified historic structures. Note that qualified historic structures are potentially exempt from energy code requirements and allow more flexibility for structural upgrades and change of occupancy by using the State Historic Building Code.	12		12	\$1,920						\$1,920
1f.1	Evaluation of structural strength and seismic capacity of existing buildings by structural engineer.				\$0			\$11,800			\$11,800
2c.1	Additional meetings to receive community input. (Per meeting)	4	4	8	\$1,000						\$1,000
3b.1	More than two alternatives for Community Center or for Annex (per additional)	2	3	5	\$590						\$590
3c.1	Review of alternates by structural, mechanical, and electrical engineers, with more specific analysis of necessary improvements to building systems.				\$0						TBD
4a.1	Additional cost estimate alternatives, per each	1		1	\$160	\$883					\$1,043
	Clarifications / Assumptions see next sheet										

Proposal date
Revision date

3/18/11
7/18/11

Project Name
Muller & Caulfield job #

**Professional Services to evaluate potential
repairs and future uses of three buildings in
Kensington Park
KPMP**



Clarifications

- CI1 Task items shown on the "Proposed Tasks and Hours" matrix in red or with zero hours shown are not included in the scope. These items can be added for additional cost.
- CI2 The scope of work listed in the proposed tasks and hours is our estimation of the work required and requested: adjustments to the scope of work can be made prior to the contract execution.
- CI3 The following items are assumed to be provided by the owner under separate contract, if needed.
- Topographic, boundary, and existing utility survey
 - Geotechnical investigation and report
 - Hazardous materials testing and mitigation
- CI4 The reimbursable allowance includes the following items, which will be billed as provided in the contract:
- Outside print and photo reproduction costs. The Client will reproduce draft and final reports and drawing sets on their own account.
 - Messengers and expedited delivery
 - All travel expenses beyond the Bay Area
 - Any applicable local service/sales tax
 - Any other expenses authorized by the Client
 -
- CI5 Meetings with the Client, beyond those noted in the Proposed Tasks and Hours, are not included in the proposed fee.
- CI6 Public meetings/ presentations beyond those noted in the Proposed Tasks and Hours are not included in the proposed fee.
- CI7 Additional renderings, models or presentation graphics beyond those noted in the proposed tasks. These items can be provided for an additional fee

DISTRICT - NEW BUSINESS

3. General Manager/Chief of Police Greg Harman will present to the Board for review and discussion two proposals to repair the roof and storage areas, and the replacement of the water heater of the Community Center. Possible Board action.

Memorandum

Kensington Police Department



To: Board of Directors

APPROVED YES NO

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

FORWARDED TO:

Date: Thursday, August 04, 2011

Subject: New Business Item # 3- Repair Estimates for the Community Center

The Community Center roof has a leak that has caused water damage in both storage areas. Additionally, I have been advised that we need to replace the water heater as soon as possible due to its current condition.

I have received two estimates for these repairs.

The first estimate was from Jim Stuart of Stuart Construction, see attached sheet. Jim Stuart was recommended by Bruce Morrow, and was going to be the contractor hired by KCC to complete the proposed KCC remodeling project.

The second lower estimate was from Jim Odie, of Cherokee Construction, see attached sheet. Jim Odie was recommended by Italo Calpestri, one of our volunteers working on the Park Restroom project.

I request the Board instruct me to enter into an agreement with Cherokee Construction for the repairs to the Community Center.

It should be noted that it has been speculated that these repairs would have been part of the KCC remodeling project and therefore were not budgeted for in the 2011/2012 Budget. The cost of these repairs will be expensed to Chart # 646 "Community Center Repairs" which had a budget of \$1,000. The balance will be paid for from our reserves.

STUART CONSTRUCTION

1230 Contra Costa Drive
El Cerrito CA 94530
Phone (510) 590-1269
Fax (510) 232-5250
stuart_construction@yahoo.com
License 585336

July 20, 2011

Kensington Police Department
Gregory E. Harman
217 Arlington Ave.
Kensington CA 94707

PROJECT: KENSINGTON COMMUNITY CENTER REPAIR

Dear Gregory,

Per your request we're submitting to do the following work:

-Dry rot repair at the back of the storage unit. Dry rot repair will be billed at a time and material basis: Carpenter \$75/hour, Laborer \$45/hour, approx. \$5000-7500.

-Recoating the roof and install new gutters: \$11,500

-Install new water heater: \$1,800

Stuart Construction will furnish material and labor - complete in accordance with above specifications for the sum of \$?. Any alteration or deviation from above specifications will be executed only upon written orders and will become an extra charge over above estimate.

Gregory, please feel free to call me if you have any questions concerning this proposal.

Sincerely,

Jim Stuart
Stuart Construction

CHEROKEE CONSTRUCTION
P.O. BOX 70007
POINT RICHMOND, CALIFORNIA 94807
LICENSE NO. 427589
570-224-0216 - FAX 570-222-0216

July 26, 2011

Kensington Police Department
Gregory E. Harmon
217 Arlington Avenue
Kensington, CA 94707

Project: Kensington Community Center
Attention: Gregory E. Harmon

Dear Ms. Villa:

Cherokee Construction is please to present the following bid proposal for the above referenced project.

Scope of Work

- Dry rot repair in storage area.
Bid Price (Carpentry Rate)..... \$70.00 per hour
- Bid Price (Labor Rate)..... \$40.00 per hour
- Bid Price (Time and Materials)..... Approximately \$4,600.00 to \$6,800.00
- Install new gutters and re-coal roof.
Bid Price..... \$10,650.00
- Replace water heater with new water heater and haul off old water heater.
Bid Price..... \$1,050.00

All work to be performed in accordance with all applicable Federal, state and local regulations.

If there are any questions concerning this proposal please contact me at (510) 224-0216.

Yours truly,

Jim A. Odle, Owner
CHEROKEE CONSTRUCTION

Authorization to Proceed

Date

Prices Subject To Change After 30 Days

THANK YOU FOR YOUR BUSINESS

Kensington-0711

DISTRICT - NEW BUSINESS

4. General Manager/ Chief of Police Greg Harman will present to the Board for a first reading, Kensington Police Protection & Community Services District Policy #1020.30 "Nepotism" as a result of the Contra Costa Grand Jury findings reported at the July 14th KPPCSD Board meeting. Possible Board action.

Memorandum

Kensington Police Department



To: Board of Directors

APPROVED YES NO

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

FORWARDED TO:

Date: Thursday, August 04, 2011

Subject: New Business Item # 4- KPPCSD Board Nepotism Policy

At the July 14, 2011 KPPCSD Board meeting, the Board agreed to the findings of the Grand Jury Report # 1105, "Ethics and Transparency Issues in Contra Costa County".

As part of the agreement of the findings, the District agrees to have a conflict of interest policy, an ethics policy, and a nepotism policy in place. The KPPCSD Board Policy Manual does include both a conflict of interest and ethics policy, however, only the Kensington Police Department Policy Manual has a nepotism policy.

In order to come into compliance with the Grand Jury's Report findings, the KPPCSD Board will need to adopt a nepotism policy for its policy manual.

Attached for a first reading, is a draft of KPPCSD Policy # 1020.30 Nepotism for review and discussion. If the Board accepts the first reading of the policy, I will report this fact back to the Grand Jury in a letter as required by California Government Code Section 933.05(b) no later than August 24, 2011.

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

POLICY TITLE: Conflict of Interest
POLICY NUMBER: 1020

1020.30 **Nepotism**

The purpose of this policy is to ensure effective supervision, safety, security, performance, assignments, and discipline while maintaining positive morale by avoiding actual or perceived favoritism, discrimination, or other actual or potential conflicts of interest by or between members of the District and the community.

1020.31 Definitions

Relative "" An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling, or grandparent.

Personal Relationship "" Includes marriage, cohabitation, dating, or any other intimate relationship beyond mere friendship.

Business Relationship "" Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture, or other transaction where the District employee's annual interest, compensation, investment, or obligation is greater than \$250.

Conflict of Interest "" Any actual, perceived or potential conflict of interest in which it reasonably appears that a District employee's action, inaction, or decisions are or may be influenced by the employee's personal or business relationship.

Supervisor"" An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation, and/or performance of a subordinate employee.

Subordinate "" An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

1020.35 Restricted Duties and Assignments

While the District will not prohibit personal or business relationships between its members, the following reasonable restrictions shall apply (Government Code § 12940(a)):

(a) District members are prohibited from directly supervising, occupying a position in the line of supervision, or being directly supervised by any other member who is a relative or with whom they are involved in a personal or business relationship.

1. If circumstances require that such a supervisor/subordinate relationship exists temporarily, the supervisor shall make every reasonable effort to defer matters involving the involved member to an uninvolved supervisor.

2. When personnel and circumstances permit, the District will attempt to make every reasonable effort to avoid placing members in such Supervisor/subordinate situations. The District however, reserves the right to transfer or reassign any employee to another position within the same classification as it may deem necessary in order to avoid conflicts with any provision of this policy.

(b) District members are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative, or with whom they are involved in a personal or business relationship.

(d) In order to avoid actual or perceived conflicts of interest, members of the District shall refrain from developing or maintaining personal or financial relationships with employees, vendors, or citizens during the course of or as a direct result of any official contact.

DISTRICT - NEW BUSINESS

5. General Manager/ Chief of Police Greg Harman will request that the Board hire Attorney Lee Ann Wallace to investigate the complaint made by Catherine DeNeergard in November 2010. Possible Board action.

Memorandum

Kensington Police Department



To: Board of Directors

APPROVED YES NO

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

FORWARDED TO:

Date: Thursday, August 04, 2011

Subject: New Business Item # 5- DeNeergard Complaint

On November 15, 2010, Catherine DeNeergard sent the Board and me an e-mail indicating that she wished to make a formal complaint in that, "There is no fair, impartial, and reasonable police review procedure", at the Kensington Police Department. This initial e-mail was followed up by two other e-mails on November 15th and on November 16, 2010, in which Ms. DeNeergard sent addendums to her complaint, regarding her tires being marked, vandalism, a lack of enforcement of the 72 hour parking ordinance, and a disregard for her civil rights.

I have been trying to negotiate the long standing neighborhood dispute between Ms. DeNeergard and her neighbors since my arrival in 2007.

Ms. DeNeergard has generated a total of 91 calls for service since 2007, of which 29 calls for service between the time she made her complaint and today's date. These numbers do not include the calls for service generated by her neighbors to complain about her actions, nor does it include the dozens of phone calls that she has made directly to me since 2007.

I believe the Kensington Police Department and I have been very responsive to Ms. DeNeergard's request for assistance over the years.

However, I do not believe Ms. DeNeergard will accept any findings that I may have in regards to investigating her complaint. I would request that the Board consider hiring an outside investigator to investigate Ms. DeNeergard's complaint.

I have contacted Lee Ann Wallace, a labor law and civil rights attorney, who has investigated complaints against members of the Kensington Police Department in the past, and she has estimated that her investigation of Ms. DeNeergard's complaint will cost approximately \$5,000 to complete. I would request the Board approve the hiring of Lee Ann Wallace to investigate Ms. DeNeergard's complaint.