

**Meeting Minutes for 9/14/17**

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday, September 14, 2017, at 6:00 P.M., at the Community Center, 59 Arlington Ave., Kensington, California. A Regular Meeting (Open Session) followed.

**ATTENDEES**

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Rachelle Sherris-Watt, President	Ann Danforth, District's Legal Counsel
Eileen Nottoli, Vice President	Jeff Sloan, Renne Sloan Sakai
Len Welsh, Director	David Bergen
Sylvia Hacaj, Director	Linda Lipscomb
Chris Deppe, Director	Paula Black
	Jim Watt
	Celia Concus
<u>Staff Members</u>	
Anthony Constantouros, General Manager	Paul Dorroh
Rickey Hull, Interim Chief of Police	Leonard Schwartzburd
Courtney Walmsley, Assit. to District Administrator	Kris Hafner
<u>Press</u>	
Linnea Due	

President Sherris-Watt called the meeting to order at 6:06 P.M. President Sherris-Watt, Vice President Nottoli, Director Hacaj, GM Constantouros, ICOP Hull, and Assit. to District Administrator Walmsley were present.

Christopher Deppe, took the oath of office, which was administered by GM Constantouros, and was sworn in as a District Director.

**CLOSED SESSION PUBLIC COMMENTS**

None.

The Board entered into Closed Session at 6:08 P.M.

**CLOSED SESSION**

- 3a. Conference with Legal Counsel – Existing Litigation
  - One case, name unspecified because disclosure would jeopardize existing settlement negotiations. Sections 54956.9(d)(1) of the California Government Code.

The Board returned to Open Session at 7:32 P.M.

Roll call: President Sherris-Watt, Vice President Nottoli, Director Welsh, Director Hacaj, and Director Deppe were present.

President Sherris-Watt welcomed Director Deppe and announced that he had taken and signed his Oath of Office prior to the Closed Session. For ceremonial purposes, Christopher Deppe, again, took the oath of office, which was administered by GM Constantouros.

### PUBLIC COMMENTS

Jim Watt said he wanted to address three issues covered in the September 2017 Outlook.

- Selection of new Director, Chris Deppe – The Outlook article and several letters to the editor gave mixed views on the selection process. He said he hoped Director Deppe would become knowledgeable about the larger financial issues and potential solutions to these problems.
- A recent high-speed chase of a stolen car by two Kensington police officers – Given what occurred, he said there was great risk of personal injury as well as astronomical legal exposure to the District if someone had been hurt in the chase. He hoped the District would adopt clear guidelines regarding pursuit, which he thought should be curtailed, given Kensington's street network. He also asked if the pursuit had been called off when the stolen vehicle went up the Arlington the wrong way and what the cost of damage had been to Kensington vehicles involved in the pursuit.
- A letter from Don Dommer regarding the upgrade of the Public Safety Building – Mr. Dommer stated that a structural upgrade wasn't a wise direction: Thus, the Fire District was developing a list of deficiencies for public review. With that built-in bias, Mr. Dommer had continued by saying that the Fire Board was still pursuing an on-site replacement, based on a reduced project to fit the budget and that it had retained a financial consultant to determine their funding capabilities. Mr. Watt said a costly new structure would likely be the result, with the Fire District assuming that the KPPCSD would pay about one-third of these costs and added rent. He said it was time for the KPPCSD Board to take a stand on the matter before the Fire District wasted any more money on studies involving a replacement of the building. He noted that, a few months ago, the KPPCSD Board had voted to pay the Fire District \$35,000 in annual rent for the space used by the police department. As one who worked in commercial real estate, Mr. Watt said that he didn't think that such a rent was justifiable, based on market conditions and that, in the world of commercial real estate, tenants typically had no obligation for structural upgrades, including seismic repairs or for any enhanced improvements, unless requested by the tenant – in this case the KPPCSD. He noted that, with commercial real estate, it was common that, if a tenant had to vacate its premises as a result of a landlord-required reconstruction, the tenant's rent was abated until the premises could be reoccupied. So far, all the community had heard from the Fire District was that the work being proposed was due to required seismic upgrades and an expansion that would benefit the fire department. Therefore, he believed that the KPPCSD Board should inform the Fire District that any costs for replacement or an upgrade of the Public Safety Building should be the sole responsibility of the Fire District, that the KPPCSD should be obligated to pay only market rent for the space it occupied, and that the rent should be abated during reconstruction. He added that this should be communicated, now that the Fire District had engaged the services of a financial consultant: If the Fire District understood that it was on the hook for the bulk of the building costs, with no rental adjustment from the KPPCSD, then, maybe, they would take a more realistic look at its options – thereby saving Kensington taxpayers considerable construction costs. This approach would also put to rest the concerns that the KPPCSD had potential exposure for significant financial costs incurred by the Fire District.

Catya de Neergaard said she'd put up a poll on Kensington Nextdoor, asking if participants wanted Kensington to contract out for police services. She explained this was a straw poll, not a scientific one. She wanted to know what the silent majority had to say. She said that whatever choice was made for contracting out, not contracting out, or partially contracting out needed to be Kensington's choice –

residents needed to be educated and then allowed to make the choice for themselves. With 159 people participating, the poll indicated showed 48% wanted to keep police services as is – an independent force, 16% wanted to contract out for police services unconditionally, and 27% wanted contracting out if certain conditions were met. The two sets of conditions most wanted were: 9% were in favor of contracting out only if the community could get better and more professional service and save money and 9% were in favor only if the current level of service was maintained and the community saved money. Thus, she said the total wanting to contract out – including certain conditions being met – was 43%. Another 9% said they needed more information, and 1% said they wanted another choice. She said this indicated to her that the community was divided right now and that it needed more information and education to help make a decision. She said people had different points of view, and now the District was going to explore the options.

Karl Kruger said he'd attended the prior week's Fire Board meeting, and he'd been surprised to hear the announcement that the Fire Board had been told by the KPPCSD Board that there would be a decision, this month, on contracting out. He said he almost fell off his chair to hear that someone had decided there would be a decision at the end of the month. He said there hadn't even been a discussion of the issue. He said he stood against contracting out: There was probably no one in the community who was more strongly against contracting out than he. He asked the Board to tell him whether the KPPCSD Board had told this to the Fire Board. President Sherris-Watt responded that the KPPCSD Board would not be making a decision about contracting out this month. Mr. Kruger asked the Directors if the Fire Board had made this up. President Sherris-Watt responded that no one from the KPPCSD Board had attended this Fire Board meeting. Director Welsh responded that this sounded like a misunderstanding, because the KPPCSD Board was nowhere near this decision-making point. He said this evening's agenda included the agenda item of exploring, in a totally unbiased fashion, the pros and cons of contracting out: Thus, he reiterated that the comment Mr. Kruger had shared was a misunderstanding. Mr. Kruger said he'd been shocked to hear the Fire Board' contracting out comment.

Linda Lipscomb welcomed new Director Deppe. She said this was a difficult task, and she thanked him for giving up his time to do it. She said she hoped he would come to it with an open mind and evaluate it on behalf of all Kensington citizens.

- With respect to the comment that had been made by the Fire Board on the community's current arrangements, she wanted to report that the statistics she'd seen regarding the Fire Services Kensington received indicated that at least 40% of the services that came out of the Kensington station went to service other communities – mostly El Cerrito. She wondered if anyone had considered – if there were going to be upgrades to the Public Safety Building – whether El Cerrito should be asked to pay for part of the Public Safety Building upgrade work, based on the proportional services being provided to that community. She clarified that the Kensington Public Safety Building looked to be El Cerrito's third fire station. She noted that the reasons given for the building's upgrade were: The quality of the building seismically; modernization; and the comfort of staff. She also noted the need to accommodate a larger fire truck, which based on common sense, might not be the best thing because of the community's small, tortuous roads. She said the larger truck might be meant to accommodate a larger community – El Cerrito, in order to get up and down Moser. From a bargaining standpoint, she said there should be bargaining on behalf of Kensington residents to seek participation from the other side.
- She wanted to continue to advocate for looking at things from the point of view that this was one town. She said the community had a distinct character and a high level of services being delivered to citizens. She noted that, despite the schism, all the arguments, and all the internecine warfare, the community enjoyed a high quality of life. She didn't want it forgotten that there was still a possibility to be one town – perhaps with the Fire District and the KPPCSD combined.

Paul Dorroh congratulated Director Deppe and thanked him for agreeing to serve on the Board. He said that, looking at the evening's agenda, he had been struck by the fact that, for the first time he could remember, there was no Closed Agenda item for personnel matters. He knew there were personnel out on disability and at least one officer out on administrative leave. He asked if it would be possible for

the community to be updated on the status of police department personnel. President Sherris-Watt responded that the Board could not comment on this matter.

### **BOARD COMMENTS**

See Ms. Walmsley's 9/14/17 minutes for this section (attached).

### **STAFF COMMENTS**

GM Constantouros welcomed Courtney Walmsley, who was attending to take the minutes.

### **CONSENT CALENDAR**

See Ms. Walmsley's 9/14/17 minutes for this section (attached).

### **NEW BUSINESS**

#### 9. Request for Proposals for an Evaluation of Options Related to Delivering Police Service.

GM Constantouros introduced the item. He said this had been a major community issue for at least the last decade and the last report had been Ad Hoc Committee's October 2016 report. Among the recommendations in that report had been hiring a professional to provide additional information. Seeking proposals from professionals to provide this information was the next step in the evaluation process. This information would fall into two categories:

- Determining the cost and organization of the current department: The organization for a police department; the appropriate staffing levels; the costs involved.
- Comparing that organization to contracting options. What options are there? Obtain complete proposals from neighboring jurisdictions – at least invite them to make a proposal. Then compare these to the organization that would be the correct organization for the community.

Mr. Constantouros emphasized the importance of obtaining public input. There would be opportunities for this at two times, but this could change as the report continued. This report would take some time to complete – at least six months, and he'd tried to make the report easier to understand by putting it into four phases. Once requests for proposals began, they tended to change as information was obtained. It was important to be flexible about the information obtained from professionals. The report could change based on input from the professionals, from citizens, and/or from neighboring agencies. The cost analysis could also influence the kind of report and offer changes in the process. He said he'd already received some suggestions and was interested in any community comments. He noted that suggested changes included the deletion of the description of the department in the first section, which had been copied from the Ad Hoc Committee, because some of the information wasn't current. There were also some improved descriptions of the community, some specifics added to the four phases to make the parts more clear, and there would be times for community input.

GM Constantouros said there would be significant costs with this report – probably toward the higher end of \$50,000 to \$100,000. He also said there were, currently, a lot of costs in the police department that were unusual: litigation was unnecessarily high at an average of \$100,000 per year; and 30% - 40% of the department not working for various reasons. These were problems that needed to be addressed and fixed. He believed the report would pay for itself by solving these problems in the near future and that the savings would accrue forever. He explained that he'd spoken to a few cities about litigation costs for police departments: They were basically zero. He concluded by saying this report would

make no decisions. Rather, it was intended to hire someone to get information that would help the District evaluate and make a decision.

Director Welsh said this was a great proposal. He asked how GM Constantouros envisioned the process of seeking public input. GM Constantouros responded that he anticipated having a public meeting, publicized in advance – where information was presented, and the public had the opportunity to respond.

Director Deppe asked if it would be possible to put proposed timelines on the individual phases. GM Constantouros replied that it would be possible but hard to do without talking to the consultants first and that he'd like to do this as quickly as possible. However, he said that he didn't want to rush things if there were good reasons not to do so but that six months was a reasonable estimate.

President Sherris-Watt said her one recommendation was to expand the number of Directors interviewing the finalists: She'd like to see two Directors. GM Constantouros responded that this would be a Board decision.

GM Constantouros said he might have the opportunity to invite police chiefs from neighboring communities to interview the consultants, but they wouldn't be part of the selection process. President Sherris-Watt responded that this seemed somewhat problematic to her, but it could be considered.

Director Hacaj thanked GM Constantouros for being so responsive to the community's concerns and for speaking to individual Board members throughout the process. She said the report reflected where she wanted the process to go, and she thanked him for taking everyone's feedback into consideration. She noted that this was one of the most important tasks the Board had identified when it was interviewing GM candidates. She thought it would be a good idea to expand the number of Directors to work with the GM on interviewing people.

Director Hacaj made other specific comments:

- In Phase 2, she wanted to ensure that the same measurements for success cited in Phase 4 were applied to Kensington's police department, when that evaluation was done.
- Under the consultant's proposal section, on page 9 of the document, she asked to include asking the consultants if they had any personal or professional connections to KPPCSD Board members, staff, or Kensington residents that should be noted.
- Under RFP Evaluation Criteria, the third paragraph said "the city," which should be changed to "the District."
- On the first bullet point, the ending phrase said "with a preference for the demonstrated experience of the assigned consultants with similarly sized or California cities." She asked for clarification. GM Constantouros responded that there were consultants who had done work for cities in other areas in the country. He said those studies were relevant, but the legal requirements for the manner in which police operated could be very different: thus, the preference for California and specifically for similarly sized California cities.

Director Hacaj thanked GM Constantouros for taking input from the community members with whom he'd met, for listening to the community over the last several months, and for respecting the direction in which the Board wanted him to go.

Vice President Nottoli thanked President Sherris-Watt for having GM Constantouros prepare this proposal: It was an excellent way to begin this process. She said that she recognized there had been problems associated with the police department and that this was a tool that would enable the Board to evaluate its current department and to consider what options might exist. She noted that, with respect to the CalPERS issue, this was an issue that would need to be explored thoroughly.

Vice President Nottoli said the estimated cost of the study could be between \$50,000 and \$100,000. She noted that there had been discussions about the District's financial constraints – there were lots of



financial obligations the Board wanted and needed to meet. She said this had to be done on a very tight budget: Thus, there could be no expansion of scope.

Director Hacaj said that she would like the next budget reflect the potential cost of this work and that she would like to see the District's final budget adopted before the end of the month. GM Constantouros said he didn't have a proposal yet, so there was no firm amount to add to the budget. Director Hacaj responded that, even if there wasn't a firm amount, she wanted to see an amount reflected in the budget.

With respect to the number of copies, GM Constantouros said some residents had expressed an interest in receiving copies, so he wanted to increase the number to ten. Vice President Nottoli suggested obtaining an electronic copy to post on the website.

GM Constantouros clarified that this was a professional services RFP, which was different from something like a construction project, where the Board would be obligated to select the lowest responsible bidder. He said the Board would not have to select in this manner with this RFP: The Board should select the professional who would best meet the needs of the community.

President Sherris-Watt said she wanted to thank the Ad Hoc Committee for its work, which had been the first step in getting the District to this point. She also thanked GM Constantouros, who had moved the District forward.

Leonard Schwartzburd thanked GM Constantouros for an excellent protocol for an RFP and thanked the Board for bringing the District to this stage so professionally.

Paula Black welcomed Director Deppe to the Board. She acknowledged that the unpaid volunteer Board did a tremendous amount of work, and she thanked them for it. She also thanked GM Constantouros for the excellent RFP and said she was pleased that there would be so much public input. She said that she was pleased that the Board was building on the Ad Hoc Committee's work and that informed decisions were good decisions. She commended the Board for taking this step forward.

Kris Hafner said that, with respect to the police department and police issues, the community had been "flying blind" for a long time because of a lack of information. She congratulated GM Constantouros and the Board for pursuing this path, which she hoped would provide very concrete information about the current state and information that would allow the community to see a future state: The needs of the community as defined by the community. She asked that decisions be made based on fact and information that the community would all see together. She also asked that the public be involved in as many ways as possible. She requested that the entire final report be made broadly available.

Jim Watt said he'd had an opportunity to speak with GM Constantouros earlier in the day about the budget and about his suggested changes to the four phases of the RFP. In the introduction of the RFP, there was a description of the current make-up and scheduling of the police department, including an organizational structure that had been in existence since 1984. He provided a handout consisting of a flowchart diagramming what the shift schedule looked like. Now that there was a GM and the community had had the experience of being chronically shorthanded, while still ranking as one of the safest towns in California, it was time to ask:

- How many officers were really needed?
- Could current officers be supplemented with part-time retired officers?
- Did the District need a full-time traffic officer?
- Could detective duties be contracted out?
- Could the full-time Interim Chief fill in for supervisory duties?
- Why should officers work 12-hour shifts?
- How could things change so officers could spend more time on patrol and not in the office?

He said it would have been nice to see more of these issues fleshed out in the proposal.

Mr. Watt said that, with respect to the first phase of the work, an assessment of the existing organization – if done objectively, would show that the department had been in turmoil for the last few years. If the District were to maintain an in-house police department, existing practices would need to be revamped, and this was not clearly conveyed in the RFP document. He said that the scope of work also called for a financially sustainable in-house department over the next 5 to 10 years and that he thought it would be almost impossible to provide such an analysis, given the assumptions about staffing levels, CalPERS investments, MOU negotiations, and officer turnover. Instead, he said the District should come up with its best-case stand-alone department and see how it compared to outsource options.

Mr. Watt noted that the scope of work stated the Board would seek contracting proposals based upon organizational goals. However, he said the organizational goals of an in-house department could be quite different if outsourced. In outsourcing, the District could utilize the services of the chief and detective staff and there could be a supervisor working out of the main office who could call in other officers when backup was required.

Mr. Watt explained that there would be lots of intangibles that would need to be part of any contract:

- Length of time officers would serve in Kensington.
- Ability to off-load an officer back to the contracting agency if the community so desired.
- MOU terms of the contracting agency.
- Unfunded police liabilities.
- History of the agency, in terms of workers' compensation issues.
- Disciplinary problems.
- Maintenance of cars.
- Use of existing police office.
- Terms of the contract and the mechanism by which costs would be allowed to increase.

Mr. Watt said he saw no reference to the potential cost for exiting CalPERS or any start-up or training costs.

Mr. Watt concluded by saying he had recommended changes, and he provided a handout to the Board.

President Sherris-Watt said the document and the Board's investigation of this issue was part of a two-pronged approach: The Board wanted to know what the potential possibility for the future was, what difficulties and problems already existed of which the Board was unaware, and what could be done to rectify them. She said the Board was looking at an ideal department, but was also looking carefully at the existing department and the ways in which it could be improved.

Director Welsh said that GM Constantouros had talked about a five to ten year timeframe of sustainability if the community kept its own force. He suggested also considering the same kind of sustainability that would go along with contracting out.

Linda Lipcomb emphasized a point that had been made by President Sherris-Watt: The community had a department that ministered to the needs of the citizenry. She said the first order of business should be looking at how the existing department could be improved, how it could be made to function as smoothly as possible, and how costs could be minimized. She cited that contracting out would be a sea change in the way in which services would be directed. She didn't want to see short-shrift paid to what the community had: The District had produced one of the safest communities and one of the richest environments in which she'd ever lived. She'd lived in Kensington for 40 years and had had nothing but good relations with the department. The notion of contracting out was the wrong assumption: The community had a functioning department that had been delivering the services – the focus should be on making it run as well as possible.

President Sherris-Watt summarized changes the Board made to the document:

- Improved introduction that more closely identified the community's description.
- On page 4, fixing the description of the current staffing situation.

- Possibly applying the ideas for public input in other phases of the project.
- Application for the recommended performance measures to evaluate success to Phase 2.
- The recommended performance measures to evaluate success in the last line of Phase 4.
- On page 9, change the consultant's proposal so that they would submit 10 paper copies.
- On page 11, replace the word "city" with "district."

Director Welsh asked for clarification about the change to Phase 2 to include success evaluation in the same way as noted in Phase 4. Director Hacaj responded that she wanted to make sure that, as part of the examination of the District's own department, the Board was clear about performance measures for success. She said that, if the Board looked at other departments for the purpose of contracting out, the Board would identify measures for success: Performance on contract and services. She said it would be nice if the Board could be clear about how it would evaluate Kensington's own department going forward.

Director Welsh said he thought the language in Phase 4 would apply to Kensington's own department as well. GM Constantouros responded that the intent on Phase 4 was that it would apply to Kensington's own department, contracting out, and everything in between.

GM Constantouros said he had one other change that Director Hacaj had recommended about personal connections to the KPPCSD or any residents would be included in the application. He noted that Mr. Watt had some suggestions that should be considered and said he could work on those. Director Hacaj responded that she would be comfortable authorizing GM Constantouros to look at the suggestions and, with consultation with President Sherris-Watt, finalize the document. Director Welsh responded that this was a good idea.

GM Constantouros said that he also wanted to note there were four recommendations, and he thought the Board might want to consider changing one of them: Two interviewees from the Board. He noted that it would be helpful if the Board would authorize this and identify the two Directors. Director Hacaj said that she would be happy to serve on this and that she wanted to nominate Director Welsh.

Legal Counsel Danforth suggested that the Board identify the two Directors as an ad hoc subcommittee for this limited purpose.

GM Constantouros noted that he had mentioned the possibility of including a police chief from another agency and asked for feedback from the Board on this. Director Hacaj responded that a possible difficulty was that, if such agency chose to submit, it would give that agency an unfair advantage. Director Welsh said he understood why GM Constantouros would want the input, and GM Constantouros responded that it would be good to have this from a police chief outside the organization. President Sherris-Watt said this was something she would like to consider at a later date but that it could be problematic if adjacent agencies or applicant agencies were to be involved.

Celia Concus said it seemed that the whole reason for this proposal was to explore whether or not the District should look at contracting out and/or keeping the District the way it is. She said there should be two members of the Board who campaigned strongly for exploring whether or not to contract. She said she didn't mean to offend Director Welsh, but he'd stated his opinions so strongly. Director Welsh asked her to cite what opinions he'd stated about contracting out – other than saying the District needed more information. She responded that what she'd heard was that he felt strongly about combining the KPPCSD and the Fire District and that this indicated a strong bias. Thus, she said he would not be a good fit for the ad hoc committee.

Director Hacaj said that what the Board was looking for was not the decision about whether to contract: This would be an examination of the option of consulting. Vice President Nottoli clarified that the Board was only looking at possible consultants. President Sherris-Watt responded that she'd heard and considered Ms. Concus' concern about which Directors she'd recommend – who would ably execute this interviewing process. She noted that she had full confidence in both Directors, especially Director Welsh. She added that she was confident that he would be unbiased in bringing to the Board a firm that



would present good information. Ms. Concus responded that she liked Director Welsh but that she was not confident.

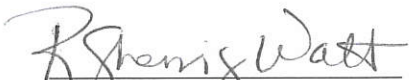
**MOTION: President Sherris-Watt moved that the Board accept and authorize GM Constantouros to develop and prepare the Request for Proposals for an Evaluation of Options Related to Delivering Police Services, with the changes thus identified by the Board this evening, and she nominated Director Hacaj and Director Welsh to form an ad hoc committee to interview finalists with the GM and the Interim Chief of Police to recommend a firm to the Board.  
Motion passed: 5 – 0.**


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

President Sherris-Watt thanked GM Constantouros.

President Sherris-Watt announced that the Board’s next meeting would be September 28<sup>th</sup>.

The meeting was adjourned at 8:53 P.M.

  
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Rachelle Sherris-Watt  
KPPCSD Board President

  
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Lynn Wolter  
District Administrator

Note: At GM Constantouros’ direction, this revision of the September 14, 2017 Minutes’ Speakers/Presenters and Public Comments sections and Agenda Item 9 (Request for Proposals for an Evaluation of Options Related to Delivering Police Service) was prepared by District Administrator Lynn Wolter.

Courtney Walmsley, who sat in for District Administrator Wolter during her vacation, prepared the original version, which is attached for reference for those sections not revised.

**Kensington Police Protection  
and  
Community Services**

**Meeting Minutes for Board Meeting 09/14/2017**

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Service District was held Thursday, September 14, 2017, at 6:30 P.M., at the Community Center, 59 Arlington, California. A Special Meeting (Open Session) followed.

Note: All proceedings of the Open Board will be videotaped.

1. **Call to Order/Roll Call**
2. **Christopher Deppe-Oath of Office** (to be administered by General Manager Anthony Constantouros)
3. **Closed Session-Public Comments**
  - a. **CONFERENCE CALL WITH LEGAL COUNSEL- EXISTING LITIGATION** (Paragraph (1) of subdivision (d) of Government Code Section 94956.9) One case, name unspecified because disclosure would jeopardize existing settlement negotiations.
4. **Regular Meeting: Open Session-Call to Order/Roll Call 7:30 P.M.**
5. **Christopher Deppe- Oath of Office** (to be administered by General Manager Anthony Constantouros) before Closed Session and at beginning of Open Session.
6. **Public Comments:**Members of the public may address the Board on any issue on the Consent calendar and on items not listed on the agenda but that are within the jurisdiction of the District. Comments on matters that are listed on the agenda may be made at the time the Board is considering each item,. Each speaker is allowed a maximum of five (%) minutes, per Board Policy 5030.41
7. **Board/Staff Comments**
8. **Consent Calendar**
  - a. Minutes from August 14, 2017 Meeting, Pg. 6
  - b. Unaudited Profit and Loss Budget Performance Report for August 2017, Pg. 19
  - c. Franchise Fees Report for August 2017, Pg. 23
  - d. KPD Monthly Statistics for August: None this meeting
  - e. Correspondence, Pg. 25
  - f. Recreation Report: None this meeting
  - g. Monthly Calendar, Pg.50
  - h. General Manager's report- None this month
  - i. Designation of Negotiators, Pg. 52
9. **Request for Proposals for an Evaluation of Options Related to Delivering Police Service, pg. 54**

## ADJOURNMENT

### General Information

- All proceedings of the Open Session will be audio and video taped.
- The Community Center has devices for hearing assistance. Please contact Anthony Constantouros for information about the equipment.
- The Community Center is wi-fi accessible. Terms and conditions are included in the Board Packet.
- Upon request, the Kensington Police Protection and Community Services District will provide written agenda materials in appropriate alternative formats or disability-related modification of disabilities to participate in public meeting. Please send written request, including name, mailing address, phone number, and a brief description of the requested materials and preferred format or auxiliary aid or service at least **two days** before the meeting. Requests should be sent to:

General Manager Anthony Constantouros  
Kensington Police Protection & Community Services  
217 Arlington Avenue  
Kensington, CA 94707

POSTED: Public Safety Building-Colusa Food-Library-Arlington Kiosk-and at [www.kensingtoncalifornia.org](http://www.kensingtoncalifornia.org). Complete agenda packets are available at the Public Safety Building and at Kensington Library.

All public records that relate to open session items of a meeting of the Kensington Police Protection & Community Services District that are distributed to a majority of the Board less than 72 hours before the meeting, excluding records that are exempt from disclosure pursuant to the California Public Records Act, will be available for inspection at the District Offices, 217 Arlington Avenue, Kensington, CA 94707 at the same time that those records are distributed or made available to a majority of the Board.

### ATTENDEES

#### Board Members:

Rachelle Sherris-Watt	President
Eileen Nottoli	Vice President
Len Welsh	Director
Sylvia Hacaj	Director
Christopher Deppe,	Director

### STAFF

Anthony Constantouros	General Manager
Ann Danforth	Legal Counsel
Rickey Hull	Interim Chief of Police

Courtney Walmsley	Assistant to District Administrator Lynn Wolter
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**PRESS**

Linnea Due	Reporter
?	Photographer

**SPEAKERS/PRESENTERS**

Jeff Loan Renne Sloan Sakai	Jim Watt
Linda Lipscomb	Paul D?
Len Welsh	Celia Concus
Rachelle Sherris-Watt	Sylvia Hacaj
Tony Constantouros	Christopher Deppe
Eileen Nottoli	Leonard Whiksbord
Paula Black	Chris Hafner

Roll Call: LW, SH, EN, RSW, CD

President Sherris-Watt called the meeting to order at 6:06 P.M. President Sherris-Watt, Vice President, Nottoli, Director Welsh, Director Hacaj, Director Christopher Deppe, GM Constantouros, ICOP Hull, Legal Counsel Ann Danforth, Assistant Administrator Walmsley were present. President Sherris-Watt reported on Chris Deppe's oath to office filling in vacant Board position.

Vacancy is filled. Christopher Deppe takes/is sworn in oath of office. The official swearing in occurred before Closed Session. Ceremonial opening of Christopher Deppe will happen at the beginning of the open meeting.

**CLOSED SESSION PUBLIC COMMENTS**

The Board entered into closed session at 6:08 pm.

**CLOSED SESSION**

The Board returned to Open Session at 7:32 P.M.

Roll Call: LW, SH, EN, RSW, CD

Welcomed Christopher Deppe and took oath of office- recital and Tony Constantouros presentation of oath. Deppe sworn in.

## Speakers at Board meeting: September 14, 2017

### 1<sup>st</sup> Speaker: ?

1. Is upset thinking the Board was voting or making a decision whether to pursue contract police force or keep Kensington police force independent. He said he attended the Kensington Fire Department meeting and was told (erroneously) that decision was happening and was upset that little public comments/input were being addressed. Board President refuted this information and did not speculate on why the Fire Department mentioned this issue. Speaker wholeheartedly does NOT want Kensington Police Department to use contract services and thinks it would be huge disservice to the community.

### Speaker: Linda Lipscom

1. Welcomed Mr. Deppe to the Board, looks forward to his calm demeanor especially when it comes to dealing with the difficult tasks ahead. One of these tasks is the ongoing question of what the Kensington Police department should do (in particular regard to citizens' opinion of the current state of affairs of the KPD):
  - a) After an assessment of KPD, use contract services or
  - b) fix internal problems and keep the KPD independent

According to the statistics, 40% of Kensington's police services are used by neighboring cities like El Cerrito. Thinks the Board should propose cities that use KPD services pay for portion of upgrades/assessment to Kensington Police department. Thinks that KPD uses this as a bargaining chip for payment of upgrades/services (i.e. If particular city like El Cerrito uses services, that particular city should help pay for some costs/upgrades necessary to by KPD).

Really wants Kensington to become one unified town and make the best decisions for the town. Sees too much division and would like it to be more unified keeping its distinct characteristics, personality, and high quality of life and services intact. She wants the citizens coming together, letting their opinions and voices be heard by the Board when the Board makes major decisions about the direction of the town.

### Speaker: Jim Watt

1. Has numerous issues with the Board and would like to address his three main points. One, he read the September 17th *Outlook* article giving mixed reviews on process of cost control and financial issues.
2. Issue # 2: He witnessed a high speed chase by Kensington Police Department and was extremely concerned by the dangerous behavior exhibited by the cruisers. He was deeply troubled by the need of the police to catch perpetrator versus the safety of the citizens and those on the road. He would like to know what the protocol is, if none, create and adopt guidelines to appropriate means and behavior. He demanded to know if this dangerous pursuit was really necessary.
3. He has concerns with the cost of upgrades to the Kensington Community Center. He thinks there have been deficiencies in public review of costs associated with upgrades. He believes the new structure is too costly and wants the Board to deny the Fire Department more money. He thinks the rent of the KCC is justifiable. As a landlord, landlord's do not have to make the same commitment to seismic upgrades/retrofits and ADA upgrades to properties. The Board should be sole financial responsibility for bulk of building costs and



discuss more realistic options of new building costs saving Kensington residents from exorbitant costs and spending.

**Speaker: Paul D.**

1. Welcomes Mr. Deppe to the Board and knows his calm personality will be beneficial to the Board. Paul Dee does not agree or like when the Board discusses personnel issues in closed sessions. Would prefer personnel issues be addressed during the open session portion of the meeting. He wants to be continually and constantly updated with Kensington Police department personnel matters and issues.

**Speaker: Board Member Director Len Welsh**

1. Welcomes Mr. Deppe to Board. Knows he did not vote for Mr. Deppe, but does look forward to working with him

**Speaker: Board Member Rachelle Sherris-Watt**

1. Welcomes Mr. Deppe to Board and looks forward to his participation
2. Thanks Board members for all their hard work and dedication to the process of filling the vacancy.
3. Announces Finance Meeting (scheduled for 09/27/2017 at 7:00 pm and Solid Waste meeting at 09/21/2017 also at 7:00pm).

**Speaker: Sylvia Hacaj**

Item 8 from Consent Calendar

-Item b

-Item d

-Item i

**Speaker: Karl Kruger**

He was curious to understand the legal fees and why the fees were separate from each other (police legal fees separate and apart from district legal fees). He thought that looked suspicious and there was some aspect of playing with numbers; he wanted additional clarity in how these fees were spent.

Financial statement, 7.5 years

**Speaker: Rachelle Sherris-Watt**

Responded to Mr. Kruger and said there was a gross error in the financial statement report. Said that Ann Danforth would address the issue and respond to why the police and district had separate legal fees, it was not intentional obfuscation or playing with numbers.

**Speaker: Jim Watt**

1. Disagrees with Debbie Russell's conclusions.
2. Thought the financials and budget looked peculiar.
3. Would like Debbie's response to Jim Watt's concerns be emailed to the board/committee. Mr. Watt wanted to know why salary 502 was higher than anticipated. Officer barrow was mistreated and later, re-instated. Why was this not mentioned to the public. What is the current status of Officer Barrows?
4. What is going with compensated absences of Sargent Hughie separation? Is he still employed or considered part of the police force or department? Again, why were not people told or the public kept informed?

Consent Item (d)

- August statistics not available
- What are officers doing? What is happening with Barrows, Wilkins and Hughie?
- Is Wilkins available for duty (capable?) Wants an update on his status.

Designation of Negotiations

Negotiate OMU (GM tony Constantouros and Mr. Wolstrom) for KPD. Negotiate and contract in context. "Are we going to retain an independent police department?" Agency not great as KPD is far behind other agencies and do not make contributions into account for medical benefits for retirement or when they retire.

Primary role: Better benefits rather versus benefit obligations to employees.

**Speaker: Rachelle Sherris-Watt**

1. Will update statistics.
2. Needs to ask about the legality of commenting upon employment status police officers before making any comments on particulars of status or providing updates.

Consent Calendar continued:

**Speaker: Linda Lipscomb**

1. Other jurisdictions have greater gains to retirement fund .
2. Officers received 17% wage increase although this was not the case of the Kensington Police Department.

Consent Calendar approved

Ayes: 5 -0

**Request for Proposals for Kensington Police Department Assessment**

**Speaker: Tony Constantouros (?)**

This is a major community issue and needs to be addressed. This request is important and may be somewhat costly due to the far-reaching implications it will have on KPD. The proposal will not identify any issues, but will also have a number of other benefits basically educating the department and the public about the issues facing the KPD: 1) Are the problems easily remedied? 2)What is the cost and are the fixes financially viable and sustainable? 3) Does contracting out make sense of Kensington or not?

1. The request for proposal is at beginning stage. The request would like to compare organization of KPD to similar department in other cities like Kensington.
2. There will be multiple opportunities for public input at various stages of proposal assessment. Report can take up to six months or more to construct as it will be an ever-evolving, fluid, and possible increasing in scope process.
3. The cost can run anywhere from \$50,000-\$100,000 and going with the lowest proposal cost is not always the best option as scope may( and likely will change). 30% of KPD's current costs are related to personnel issues and need to be addressed.
4. Open to suggestions and would like to continue receiving input and opinions on an ongoing basis. Respects the variety of points of view and would like to keep the process of assessment as open as possible. Public comments and forums are good places and times to give these ideas.

5. Right now, there seems to be a lot of outdated financials that also need to be addressed. There are a fair amount of unusual and unnecessarily high costs to the ongoing litigation the KPD is dealing with. Seems outright excessive. Why?
6. Has certain specifics related to the Four Phases of the Assessment and findings of the RFP.
  - a. Phase One: Public Input
  - b. Phase Two: Initial observations
  - c. Phase Three: Problem-solving issue in KPD. Is the leadership effective at proposing solutions and troubleshooting or not.
  - d. Phase Four:
7. To reiterate, this report does NOT make any decisions; it is simply an opportunity to define issues, make suggestions, take opportunity for public feedback, and make an educated financially sound decision on whether or not to keep Kensington's Police Force independent or contract out. This assessment will provide many answers while probably generating more questions about the happenings to the police department and what the best, most cost-effective measures should be adopted and implemented. This is a time to get educated on what challenges are present and best way to proceed forward.

**Speaker: Len Welsh**

Wants to know processes in information gathering and what that entails.

**Speaker: Tony Constantouros**

Wants to have public forums and meetings for public input

**Speaker: Christopher Deepe**

Are timelines on various phases possible?

**Speaker: Tony Constantouros**

Difficult to pin down. Thinks six months for initial input is good, but does not really know specifics.

**Speaker: Rachelle Sherris-Watt**

Would like more directors involved to interview potential contract hire.

**Speaker: Tony Constantouros**

Would like to invite police chiefs from neighboring communities to get input from them

**Speaker: Sylvia Hacaj**

Thanks GM for being responsive to community and respecting their wishes. Agrees with Sherris-Watt regarding the need for more Board members to be involved in the hiring and interview process. She recommends herself and Len Welsh to be involved.

Would also like the potential consultants if they have any personal connections (family members, business interests, etc.) to Kensington. Any ties that might compromise the integrity of the preliminary findings.

**Speaker: Rachelle Sherris-Watt**

Agrees with Sylvia Hacaj in interviewing process excluding those who have personal connection to Kensington.

**Speaker: Sylvia Hacaj**

Would like some clarification on "the district" not "they city" as Kensington has special considerations. Would like to see other reports from similarly sized communities

**Speaker: Eileen Nottoli**

Thanks Tony for his RFP proposal gathering as recognizes it as a great tool for analyzing issues and really sinking teeth into issues/concerns. Really welcomes the opportunity to see options and changes in the Kensington Police Department. Also it will mention issues with CalPers associated cost with various options. Potential consultants must understand that they will be working on a tight budget and stick to it as much as possible.

**Speaker: Sylvia Hacaj**

Wants budget to reflect cost of proposals. Wants to see what each proposal will cost and the scope to make the best decision between cost and scope understanding that scope and cost might increase if questions and issues come up that need further and more in depth knowledge. The community needs this information for everyone to make an informed decision when times comes.

**Speaker: Rachelle Sherris-Watt**

Thanked Tony for his work and request for proposals and moving Kensington is analysis and vetting of the Kensington Police Department.

**Speaker: Leonard Whiksbord**

Thanked Tony for gathering RFPs and thanked Board for hiring Tony and looks at this as an opportunity to exercise his capabilities as the new GM.

**Speaker: Paula Black**

Welcomed Mr. Deppe to the Board. She thanked the Board for all their hard work and is glad that the Board finally is complete. Thanked Toney for his RFPs. She herself recognizes and respects community input and wants everyone to participate in this decision looking at facts after the assessment is complete. She has given this independent police vs. contract police work a lot of thought and is really looking forward to additional clarity and knowledge that she hopes assessments will shine light on. She knows that more information will lead to making better decisions for the community and the KPD.

**Speaker: Chris Hafner** (Kensington Property Association member)

He feels like he is "flying blind" as he has very little knowledge, clarity or understanding of all the issues and concerns that the Kensington Police Department is facing in regards to personnel and litigation. Thanked Tony for requesting proposals (RFPs). Thinks this will be a perfect manner to do some information gathering.

**Speaker: ?**

Some people already feel strongly one way or another with this decision, but wants everyone to remain calm and measured in behavior and make ultimate decision based on FACTS, not emotion. Public involvement, active participation, input, and knowledge is absolutely essential to this entire process and wants limited redacted information in assessment when made available to public.

**Speaker: Jim Watt**

Had spoken with Tony regarding the budget and would like to make quite a few changes to the proposal (attached two documents of his changes and what he would like included).

1. In the introduction or Phase One of the RFP, he wants a description and organizational structure of KPD. The last assessment of a description and organizational structure are from 1984 (extremely out-of-date). Watt created a flowchart of the KPD shift-scheduling in demonstrating how chronically short-staffed and disorganized the KPD is.
2. Has lots of questions regarding KPD, wants more description, details, and information about the variety of issues the KPD has. He wants details, scope, and minutia to be know to public.
3. Organizationally, Watt wants increased in-house KPD stability where the KPD utilizes the chief more efficiently and also wants to know length of some officer service.
4. Has many questions and terms. Provides his own suggestions he thinks would be beneficial to the process and thinks everyone should agree to them.

**Speaker” Rachelle Sherris-Watt**

She thinks the proposal (RFP) should take on a two-pronged approach:

1. What needs to be done for the future of the Kensington Police Department? What good policies and practices will be discovered, what needs immediate change, and what needs to be addressed in further detail down the road?
2. What are the current issues and how best to ameliorate the problem-areas?

Looking for ways to improve police department for community and employees.

**Speaker: Len Welsh**

He would like to focus on 5-10 year sustainability of current police forces versus the 5-10 plan if they choose to contract out police.

**Speaker: Linda Lispecomb**

Looking to how we can improve the police department, she would prefer to work with current department and police protection that Kensington has rather than just starting all over again with contracting out services. She believes contracting out would be disruptive, expensive, and maybe not the best option overall. Would like to stay independent and fix the problems.

**Adopt the Motion the Request for Proposals regarding Evaluation of KPD**

**Speaker: Rachelle Sherris-Watt**

Would like to see changes in introduction and description of Kensington community on P.4 of RFP. Would also like public input to be a part of each part of Four Phases mentioned in assessment. Would like performance measures applied to Phase Two of assessment, p. 9. She wants ten paper copies made.

**Speaker: Sylvia Hacaj**

Would like assessment and public to define what are clear measures of success. Defining and creating a specific rubric to measure success needs to be discussed in Phase 4 of assessment

**Speaker: Tony Constantouros**

Agreed that anybody that has a personal connection with Kensington should be a part of the consulting firm doing the assessment of the KPD. Would like two Board members to be part of interview team for the consulting firms interested in working with Kensington and their RFPs.



Two Directors for Ad hoc Interview Team: Sylvia Hacaj, Len Welsh plus General Manager Tony Constantouros, and Chief of Police Rickey Hull.

**Speaker: Sylvia Hacaj**

Would like to solicit information from other jurisdictions, but not including police chiefs from other agencies.

**Speaker: Len Welsh**

Agrees with Board member Hacaj about not including police chiefs from other agencies as that would give other agencies unfair advantage and not provided unbiased feedback.

**Speaker: Rachelle Sherris-Watt**

Need to address police chief attendance/inclusion at another time.

**Speaker: Celia Concus**

Reason for proposal is to gather information exploring issues & concerns of KPD to make an educated decision about maintaining an independent force or contracted force.

**Speaker: Len Welsh**

Has concerns regarding combining district with Fire Department board.

**Speaker: Celia Concus**

Does not think Welsh should not be a part of the interviewing committee as he is too biased as he was in favor of some earlier ruling Does have confidence in his ability and remain unbiased

**Speaker: Len Welsh**

In response, he says he regrets he attitude.

**Speaker: Sylvia Hacaj**

Has full confidence Welsh would do well as part of interviewing committee and the sole purpose of committee is to examine the different options, different costs, different proposals.

**Speaker: Rachelle Sherris-Watt**

Has full confidence in Sylvia and Len's in hiring process without preconceived notions or biases.

Motion to Create Ad Hoc Committee for conducting interviews and vetting proposals,

5-0 Ayes, 0 No

Motion to Adjourn: 5-0 Ayes, 5- 0 Nos Meeting Adjourned: 8:53 P.M.

Prepared by: Courtney Walmsley Date: 09/25/2017

R Sherris-Watt Date:  
Rachelle Sherris-Watt, President