



# Kensington Police Protection and Community Services District

## **AGENDA**

Thursday, March 14, 2019  
59 Arlington Avenue, Kensington, California

Regular Meeting: 7:30 P.M.

**1. Regular Meeting – Call to Order/Roll Call 7:30 P.M.**

- 2. Public Comments:** Members of the public may address the Board 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 and requiring Board action may be made at the time the Board is considering each item. Please observe our five-minute per person limit and twenty-minute total limit, per Board Policy 5030.41.

**Note:** Items that are informational only and that used to appear as part of the Consent Calendar have been moved to the agenda packet's addendum. Public comments about such items made be made at this time.

To comment on agenda items, please complete speaker cards and submit them to staff.

**3. Board/Staff Comments**

- a. General Manager Report
- b. Interim Chief of Police Report

**4. Consent Calendar**

- a. Minutes of February 1, 2019 Board meeting.
- b. Adopt Resolution 2018-09 Authorizing the Adoption of the Updated Contra Costa County Operational Area Hazard Mitigation Plan.

**5. Old Business**

- a. Community Center renovation update.
- b. Tree replacement at "Gore" lot.

**6. New Business**

- a. Replacement of public garbage cans on Arlington and Colusa (for approval
  - i. Staff Report
  - ii. Quote from Chase
- b. Nicolay actuarial report update and possible approval of additional work
- c. Minutes for discussion and possible action.
- d. California Proposition 68 Grant report for discussion and possible action.
- e. Correspondence for discussion and possible action.
- f. Authorization for Board attendance at California Special Districts Association Annual conference in Anaheim for discussion and possible action.

ADJOURNMENT

Our next meeting will be March 28.

## Rules of Decorum at Meetings

- Persons wishing to speak shall line up on the left side of the room. If there are several speakers, please try to be brief to give others the opportunity to speak.
- All persons wishing to speak shall do so at the podium and address their comments to the Board.
- Each member of the public attending the meeting has the right to speak during the public comments period. If the allotted time for public comments has been reached, we will begin the meeting and allow for additional public comment on items not on the agenda but within our jurisdiction after the business portion of our meeting.
- Each member of the public attending the meeting has the right to comment on each item on the agenda. However, the Board President may restrict the number of times that an individual may speak on the same agenda item if necessary to ensure that all persons wishing to comment on that item are heard and that the meeting proceeds in an orderly fashion.
- If any meeting is willfully interrupted so as to render the orderly conduct of the meeting unfeasible, the Board President may order the person or group of persons causing the disruption removed.
- If removal of the person or group of persons causing the disruption of the meeting does not restore order, the Board President may order the room cleared of all members of the public except members of the media and proceed to address the remaining items on the agenda.

## General Information

- All proceedings of the Open Session will be audio recorded and, if the equipment works, video recorded.
- The Community Center has devices for hearing assistance. Please contact GM Anthony Constantouros for information about the equipment.
- The Community Center is Wi-Fi accessible.
- 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 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 two days before the meeting. Requests should be sent to: Kensington Police Protection & Community Services District, 217 Arlington Ave, Kensington, CA 94707

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

All public records that relate to an open session item 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 Ave, Kensington, CA 94707** at the same time that those records are distributed or made available to a majority of the Board

Items formerly included under the Board Packet Addendum are now posted separately on the District's website, under the title "Monthly Reports."

Communications and information submitted by community members and others will be included in the Correspondence section of this report and available to the public.

## ***General Manager Report***

March 11, 2019

This month's report will update the status of several current projects. These projects include:

### **Police Study – Community Meetings**

Matrix presented their analysis and findings on police services at two community meetings which were held on Thursday, February 28<sup>th</sup> and Saturday, March 2<sup>nd</sup>. The meetings repeated the same information and summarized the report that they had prepared. The Phase 2 draft report, as well as the Phase 1 report are posted on the KPPCSD website. The meetings summarized their entire report and identified possible options. The options included operational and staffing improvements to the current department, contracting for some services ("hybrid"), or full contracting of the department. The cost projections were considerably higher than the current department, although areas of possible savings were also discussed. The cost projections were best estimates of possible costs since actual responses from potential contracting agencies has not been requested.

It is planned to place the report on a Board Agenda later in March or in April for discussion and possible direction from the Board of Directors. This will likely result in selecting a path forward for the Kensington Police Department.

### **California Law Enforcement Telecommunications System**

This is the computer system that connects public safety organizations to various data bases. We have authorized an investigator to review alleged improper access to this information. The investigator has recently commenced his work and will make an independent review of the allegations. A timeframe for the review has not been finalized and will depend on the investigator's initial assessment.

### **Revenue and Expense Report**

A copy of the report through January 30, 2019 is included with the General Manger's report. This report was presented at the Finance Committee on February 12 and includes a new, informative format. As has been discussed in the past, these reports will be scheduled on a quarterly basis and we will transition to a regular schedule next fiscal year. In addition, a new column, projecting revenues and expenses to the close of the fiscal year, has also been added. This latter column can be critical to tracking the budget and identifying potential problem areas well in advance.

### **Drafit Audit**

The report should be ready for review at next week's Finance Committee meeting. When finalized, it will be presented to the Board of Directors.

**Poison Oak Removal**

The District recently had a large patch of poison oak removed from the park between the road coming down from the Annex as well as non-native blackberry near Windsor. Because both plants are persistent, we will need to continue this clearing out annually.

Best regards,

Tony Constantouros



Kensington Police Protection and Community Services District  
 Fiscal Year 2018-19 Revenue and Expense Report  
 As of January 30, 2019

	FY 2018-19 Budget	Fiscal Year to Date	% of Budget	End of Year Expected
<b>REVENUE</b>				
<u>Police Activities Revenue</u>				
401 · Levy Tax	1,812,000	1,665,535	91.9%	
402 · Special Tax-Police	682,000	682,000	100.0%	
404 · Measure G Supplemental Tax Rev	564,500	565,520	100.2%	
410 · Police Fees/Service Charges	1,500	1,630	108.7%	
411 · Kensington Hilltop Srvc's Reimb	-	-		
413 · West County Crossing Guard Reim	-	-		
414 · POST Reimbursement	1,000	-	0.0%	
415 · Grants-Police	100,000	53,095	53.1%	
416 · Interest-Police	-	-		
418 · Misc Police Income	10,000	4,654	46.5%	
419 · Supplemental W/C Reimb (4850)	-	1,738		
<b>Total Police Activities Revenue</b>	<b>\$ 3,171,000</b>	<b>\$ 2,974,173</b>	<b>93.8%</b>	<b>\$ 3,135,774</b>
<u>Park/Rec Activities Revenue</u>				
424 · Special Tax-L&L	37,500.00	38,841.40	103.6%	
427 · Community Center Revenue	14,000	6,525	46.6%	
438 · Misc Park/Rec Rev	200	40	20.0%	
439 · Contributions for Community Ctr	-	50		
<b>Total Park/Recreation Activities Revenue</b>	<b>\$ 51,700</b>	<b>\$ 45,456</b>	<b>87.9%</b>	<b>\$ 55,683</b>
<u>General District Activities Revenue</u>				
448a · Franchise Fees Gross	95,000	37,316	39.3%	
448b · less Franchise Fees Paid Out	(40,715)	(15,993)	39.3%	
456 · Interest-District	8,200	-	0.0%	
<b>Total General District Activities Revenue</b>	<b>\$ 62,485</b>	<b>\$ 21,324</b>	<b>34.1%</b>	<b>\$ 62,082</b>
<b>TOTAL REVENUE</b>	<b>\$ 3,285,185</b>	<b>\$ 3,040,953</b>	<b>92.6%</b>	<b>\$ 3,253,540</b>
<b>EXPENSES</b>				
<u>Police Salaries &amp; Benefits</u>				
502 · Salary · Officers	949,954	419,345	44.1%	
504 · Compensated Absences	9,200	2,584	28.1%	
506 · Overtime	75,000	73,349	97.8%	
508 · Salary · Non-Sworn	25,692	14,682	57.1%	
516 · Uniform Allowance	9,000	2,800	31.1%	
518 · Safety Equipment	2,500	500	20.0%	
521-A · Medical/Vision/Dental-Active	214,366	102,379	47.8%	
521-R · Medical/Vision/Dental-Retirees	150,657	99,763	66.2%	
521-T · Medical/Vision/Dental-Trust	247,036	-	0.0%	
522 · Insurance · Police	6,940	1,853	26.7%	

	FY 2018-19 Budget	Fiscal Year to Date	% of Budget	End of Year Expected
523 · Social Security/Medicare	15,484	8,762	56.6%	
524 · Social Security · District	1,593	6,777	425.5%	
527 · PERS · District Portion	358,418	276,047	77.0%	
528 · PERS · Officers Portion	22,691	13,718	60.5%	
530 · Workers Comp	83,000	87,015	104.8%	
<b>Total Police Salaries &amp; Benefits</b>	<b>2,171,531</b>	<b>1,109,574</b>	<b>51.1%</b>	<b>1,904,000</b>
<b><u>Other Police Expenses</u></b>				
552 · Police Supplies	2,200	946	43.0%	
553 · Range/Ammunition Supplies	5,500	32	0.6%	
560 · Crossing Guard	12,474	5,941	47.6%	
562 · Vehicle Operation	27,500	17,978	65.4%	
564 · Communications (RPD)	114,578	127,691	111.4%	
566 · Radio Maintenance	-	-		
568 · Prisoner/Case Exp./Booking	12,000	5,875	49.0%	
570 · Training	10,000	2,345	23.4%	
572 · Recruiting	15,750	810	5.1%	
574 · Reserve Officers	4,000	-	0.0%	
576 · Misc. Dues, Meals & Travel	2,850	1,873	65.7%	
580 · Utilities - Police	11,400	6,896	60.5%	
581 · Bldg Repairs/Maint.	3,000	-	0.0%	
582 · Expendable Office Supplies	6,500	1,750	26.9%	
588 · Telephone(+Rich. Line)	5,280	2,979	56.4%	
590 · Housekeeping	4,000	2,327	58.2%	
592 · Publications	3,500	2,915	83.3%	
594 · Community Policing	2,000	4,013	200.6%	
595 · Legal/Consulting - Police	50,000	3,122	6.2%	
596 · WEST-NET/CAL I.D.	6,100	5,525	90.6%	
599 · Police Taxes Administration	4,000	2,826	70.7%	
<b>Total 550 · Other Police Expenses</b>	<b>302,632</b>	<b>195,843</b>	<b>64.7%</b>	<b>262,311</b>
<b>Total Police Activity Expenses</b>	<b>\$ 2,474,163</b>	<b>\$ 1,305,417</b>	<b>52.8%</b>	<b>\$ 2,166,311</b>
<b><u>Park/Rec Salaries &amp; Benefits</u></b>				
601 · Salaries	8,564	4,893	57.1%	
602 · Custodian	22,750	12,250	53.8%	
623 · Social Security/Medicare - Dist	655	-	0.0%	
<b>Total 600 · Park/Rec Sal &amp; Benefits</b>	<b>31,969</b>	<b>17,143</b>	<b>53.6%</b>	<b>29,863</b>
<b><u>Park/Recreation Expenses</u></b>				
640 · Community Center Expenses	-			
642 · Utilities-Community Center	6,636	3,104	46.8%	
643 · Janitorial Supplies	1,250	835	66.8%	
646 · Community Center Repairs	1,500	600	40.0%	
648 · Community Center Equip Maint	3,000	1,097	0.0%	
<b>Total 640 · Community Center Expenses</b>	<b>12,386</b>	<b>5,635</b>	<b>45.5%</b>	<b>8,507</b>
<b><u>Annex Expenses</u></b>				
662 · Utilities - Annex	-			
666 · Annex Repairs	1,000	-	0.0%	
668 · Misc Annex Expenses	1,000	-	0.0%	
<b>Total 660 · Annex Expenses</b>	<b>2,000</b>	<b>-</b>	<b>0.0%</b>	<b>-</b>
670 · Gardening Supplies	1,000	-	0.0%	



	FY 2018-19 Budget	Fiscal Year to Date	% of Budget	End of Year Expected
672 · Kensington Park O&M	69,600	32,727	47.0%	
674 · Park Construction Exp	1,000	-	0.0%	
678 · Misc Park/Rec Expense	1,000	-	0.0%	
Total Parks/Recreation Expenses	72,600	32,727	45.1%	58,897
<b>Total Park/Recreation Expenses</b>	<b>\$ 118,955</b>	<b>\$ 55,505</b>	<b>46.7%</b>	<b>\$ 97,267</b>
District Administration Expenses				
808 - Salaries	181,531	86,842	47.8%	
809 · Payroll Taxes	13,887	(222)	-1.6%	
810 · Computer Maintenance	26,538	17,847	67.3%	
815 - Website Maintenance	7,000	583	8.3%	
820 · Copier Contract	5,045	2,618	51.9%	
830 · Legal	55,880	49,465	88.5%	
835 · Consulting	44,000	31,017	70.5%	
840 · Accounting	59,250	17,080	28.8%	
850 · Insurance	39,000	42,343	108.6%	
860 · Elections	10,000	-	0.0%	
865 · Police Bldg. Lease	35,468	23,835	67.2%	
870 · County Expense	21,800	918	4.2%	
890 · Waste/Recycle	16,500	1,024	0.0%	
898 · Miscellaneous Expenses	25,650	18,536	72.3%	
<b>Total District Administration Expenses</b>	<b>\$ 541,549</b>	<b>\$ 291,886</b>	<b>53.9%</b>	<b>\$ 574,706</b>
Capital Outlay				
961 · Police Bldg Improvements	-	-	0.0%	
962 · Patrol Cars	-	-	0.0%	
966 · Police Traffic Equipment	8,800	-	0.0%	8,800
968 · Office Furniture/Equipment	-	-	0.0%	-
969 · Computer Equipment	3,000	1,124	37.5%	3,000
974 · Other Park Improvements	5,000	-	0.0%	5,000
978 · Pk/Rec Furniture/Equipment	44,500	-	0.0%	44,500
<b>Total Capital Outlay</b>	<b>\$ 61,300</b>	<b>\$ 1,124</b>	<b>1.8%</b>	<b>\$ 61,300</b>
<b>TOTAL EXPENSES</b>	<b>\$ 3,195,967</b>	<b>\$ 1,653,932</b>	<b>51.8%</b>	<b>\$ 2,899,584</b>
<b>NET OPERATING</b>	<b>\$ 89,218</b>	<b>\$ 1,387,021</b>		<b>\$ 353,955</b>

972 · Park Buildings Improvement	-	(437,174)		
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## Lynn Wolter

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**From:** Tony Constantouros  
**Sent:** Monday, March 11, 2019 10:47 AM  
**To:** Lynn Wolter  
**Subject:** FW: request for item to be agendized

This communication should be included in the March 14 Board Agenda as part of the GM report. Thanks.

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**From:** Pat Gillette <pkgillette@gmail.com>  
**Date:** Thursday, March 7, 2019 at 5:17 PM  
**To:** Tony Constantouros <TConstantouros@kppcsd.org>, Lynn Wolter <lwolter@kppcsd.org>, Eileen Nottoli <ENottoli@kppcsd.org>  
**Cc:** pkgillette <pkgillette@gmail.com>  
**Subject:** request for item to be agendized

Several of us in the community feel it would be advantageous and enlightening for the board to have a discussion - in public - about several items related to the Matrix Report. This is a result of the many questions about the accuracy of the report as well as the alternatives suggested therein.

So I ask that the following items be put on the agenda for the next meeting or for a special meeting:

1. a report on the community's response to the last matrix meeting
2. a discussion among board members as to how they plan to address the issues/concerns raised at the meeting including but not limited to a) the accuracy of the Matrix data about how the police use their time b) the accuracy of the information regarding the community's PERS obligations (30 year vs. 15 year); c) the intention of the board regarding a community vote before any decisions on contracting out; d) whether the board will ask matrix for alternatives to the "best practices" cost scenario for keeping our police independent; e) whether the board intends to go forward with an RFP for contracting out and if so the time frame and the reasons for doing so.

I am sure you all appreciate the high level of community interest in these issues and, obviously, the more insight the community has to the board's perspectives and intentions, the better for building consensus and ensuring transparency.

If you do not put this on the agenda, please include this in the board packet and please explain why the board is not willing to put this, or some variation of these items, on the agenda. I think we are entitled to know that.

Thanks for your assistance.

## Lynn Wolter

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**From:** Tony Constantouros  
**Sent:** Monday, March 11, 2019 10:51 AM  
**To:** Lynn Wolter  
**Subject:** GM report

This communication should also be included in the March 14 Board Agenda as part of the GM report. Thanks.

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**From:** Dane Gillette <drg818@gmail.com>  
**Date:** Friday, February 22, 2019 at 4:23 PM  
**To:** Tony Constantouros <TConstantouros@kppcsd.org>  
**Cc:** Eileen Nottoli <ENottoli@kppcsd.org>  
**Subject:** Re: Agenda Item

Thank you.

On Fri, Feb 22, 2019 at 1:03 PM Tony Constantouros <TConstantouros@kppcsd.org> wrote:

I believe that the best way forward on this matter is to have an outside third-party determination. I hope to be able to move forward with this and develop a timeframe by next week and can keep you posted. Once a third-party is non board we can respond to your additional questions. I will also forward your email to the individual conducting the review once they are selected. I also agree that there should be a public discussion on this matter.

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**From:** Dane Gillette <drg818@gmail.com>  
**Date:** Wednesday, February 20, 2019 at 7:57 PM  
**To:** Eileen Nottoli <ENottoli@kppcsd.org>, Tony Constantouros <TConstantouros@kppcsd.org>  
**Subject:** Agenda Item

There has been a great deal of interest expressed on Nextdoor about the revelation of alleged CLETS violations by one or more officers of the Kensington Police Department in the past. It appears that the Board President has requested an investigation into those issues. With that in mind, would you please place on the agenda for the next meeting a discussion of when the Board was first informed about these violations, whether the matter has been discussed by the Board as a whole (recognizing that some aspects of such a discussion may be matters of an executive session), what type of investigation the Board anticipates and who will undertake it, what if any timeline has been set for the investigation, whether the information summarized in a newspaper article about the issue will be made public, and whether the results of any investigation will be made available to the public.

Please acknowledge receipt of this request. If you do not intend to place the issue on the next agenda, please advise as to the reasons for that decision.



Thank you for your attention to this request.

Dane Gillette

## KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

### DRAFT

Special Meeting  
February 1, 2019

President Nottoli opened the meeting at 8:45 and took roll. Directors Deppe, Hacaj and Modavi were present. Director Sherris-Watt participated by phone due to illness and said that she had posted the agenda outside her home. She called for public comments and as there were none, the Board adjourned to closed session.

At 12:01, President Nottoli resumed the meeting and took roll call. Directors Deppe, Hacaj and Modavi were present. Director Sherris-Watt participated by phone due to illness. She reported that the Board gave direction to our negotiators on the MOU and gave direction to our attorneys with respect to the settlement.

Public Comments. Celia Concus said she was pleased that the Board would be discussing and prioritizing district staff resources. She noted that the District has limited resources, staff time and legal counsel and that the District needs to be careful about how it uses that time.

Meryl Natchez complained that she just learned about this meeting and people would like to participate but cannot come with short notice. It just adds to my concerns about the way decisions are being made. Comments fall into a black hole and there isn't any real give and take. She would like to ask that there be more interaction in the future. President Nottoli responded that Director Hacaj is planning some community meetings. The District has two regular meetings a month and perhaps one of those meetings could be more of a town hall session.

A. Stevens Delk said that the agenda item is a routine business matter and could have been held at a regular meeting. In addition, there was nothing on the website that there would be a meeting on February 1 until she saw it on Thursday. She urged the board not to discuss this agenda item today and instead have it as part of the regular February 14 meeting.

Phil Zimmerman asked that more staff resources be devoted to hiring an appropriate number of police officers and that the District may need to offer more money. He also asked that more staff time and resources be spent on taking ownership of the paths which are in legal limbo or less. He keeps hearing reasons why it can't be done and what gives the lie to all those reasons why it can't be done here is the experience of two of our neighbors El Cerrito and Berkeley. They both have vibrant lovely such public paths mostly maintained by volunteers and this could be imitated here.

Mr. Zimmerman also presented a donation from his wife, Ann Harlow, of \$1,000 for the Community Center renovations with no strings attached.

Mr. Zimmerman suggested planting live oak acorns on the vacant lot at Coventry and Arlington. Live oak are native trees that are apparently not subject to sudden oak death disease.

Dave Spath wants to endorse putting some kind of staff effort into having public ownership of the paths. The paths are important for a number of reasons probably most important is evacuation during wildfires. Paths are cited in Berkeley's evacuation plan. El Cerrito is looking at the same issue; they own the paths. He thinks that the board in coordination with the fire district should be looking at how to acquire the paths and those interested in the paths are willing to work with the Board on doing that so that they can be improved upon especially for evacuation but also for recreation.

Jennifer Siegel said that this was her first public meeting and asked about getting the agenda. Director Deppe replied that there is a form on the website you can fill out that will get you on a mailing list and Lynn will send an e-mail out with a notice about agendas and meetings. Ann Danforth explained that the agenda must be posted 72 hours in advance for regular meetings and 24 hours for special meetings in public places as well as on the district website, which it is. There are also such things as emergency meetings but if something really terrible is going on the District can pull the meeting together as quickly needed and follow up with filings to make sure the public finds out what was done and all that.

The agenda should list the items that would be under discussion. If something urgent comes up after the agenda was posted there's a process for adding items on the agenda if they meet certain criteria. In the normal case, the items discussed are the items listed on the agenda. President Nottoli mentioned that it's posted in three places: the Arlington kiosk, the Public Safety Building, and Collusive foods. Our meetings are typically on the second and fourth Thursday of the month at 7:30. Closed sessions can start earlier.

President Nottoli turned to the agenda topic of prioritizing staff resources. She introduced General Manager Tony Constantouros who had extensive experience as a city manager. She noted that there are many things that he'd like to get done but there are not enough resources to get all of them done and so it means choices. The District has four major obligations: administration, police, this park and garbage. The park is an asset but the bond to buy the park did not include money for maintenance. Emergency projects come up and they require money.

Director Modavi mentioned Kevin Padian on the Fire Board had indicated its interest in the paths and suggested that staff might reach out to the Fire Board directors to see about their interest. Director Hacaj suggested that the District's General Manager might reach out to the General Manager of the Fire District. She thought that it would be difficult for the District to get involved until the ownership question is at a point where a decision could be made about accepting ownership. At this point, that ownership needs to be transferred from somebody and that is one of the biggest legal limbo issues. President Nottoli said that money is a significant issue. El Cerrito and Berkeley have a strong commercial tax base. The District does not and the County takes a large portion of our taxes and gives us back a small portion of our taxes. That is

not an insignificant issue of why Kensington is different than El Cerrito and Berkeley. The commercial properties are taxed a little bit higher than residential properties. Realities are the District has limited monetary resources. Director Deppe said that the District is not making any decision on the paths and the focus of today is priorities for immediate needs. Director Modavi recalled that a previous board had begun the process of exploring it. Ann Danforth noted that there has been a complete turn-over of the board and suggested that the might put the concept on our agenda and perhaps have our risk manager Dennis attend that meeting and talk a bit about what it would entail. There are tons of upsides to owning and maintaining paths and liabilities the need for maintenance Director Modavi asked about a possible joint powers agreement with the Fire District. Director Deppe said that because the two Districts are different types of districts, they are not allowed to form a joint powers agreement

Director Sherris-Watt asked Tony Constantouros to comment as he had done last year at our goal setting session. Tony Constantouros mentioned that the District had identified the major projects that are currently ongoing in the district. There were about 10 and he had updated each item with some immediate goals for the items. It set the parameters that would be taking place over the next year. On the paths, the correct next step would be to put it on the agenda. He also said that I really appreciate people coming to the meeting today, also the person who came here for the first time, and the person that donated funds to the benefit of the district. It's really unusual to see in local government and these are very positive.

Director Modavi asked if the District should be working on community outreach. He noticed when he was going around town as the new person that a lot of people said they did not even know the district existed. They don't know that the District has a website and we even had some meetings. He had gone and met with the principal at Hilltop and she mentioned there might be a community board up there we could utilize. Ann Danforth suggested that we might hold a town hall meeting.

Dakota McKenzie wanted to correct the misconception that there is nothing the Board can do toward working with citizens, toward ownership of the paths rather than waiting for ownership to magically happen. She has been following this issue since the '70s actually when her family moved to town. There are people here who can help make suggestions about that. Director Hacaj said that there are many things that can be done about many things, but we have pressing priorities. The more the path keepers can help us get to the point, where the District could, talking about public ownership and there's a reason it has been going on since the '70s. The District has a huge plate in front of us. The point of this meeting is to help the people who directly report to the board, which is the general council or general manager, understand how to use their time and how the district resources should be used given all that is already there. Directors do not give direction to staff but the Board needs to be clear to Tony and Ann on what they have to focus on.

Meryl Natchez said that she would like to have resources focus on hiring a chief of police. She also heard that our garbage rates are the highest in the Bay area including Sausalito and wondered if the District could consider other companies. President Nottoli explained that the



current contract expires in 2023 and the District could explore options then. She also said that our rates are not the highest and to check rates in El Cerrito, Berkeley, Albany, and Piedmont's. They are all higher and Piedmont's are unbelievably high. Kensington has only two small commercial areas and cities with larger commercial areas can make up revenue to have residential rates lower. When Piedmont went to a new contract about a year or two ago, very few companies bid. They stayed with the same company but at much higher rates because of worker's comp issues with the lifting of garbage and also recyclables. Most other cities have gone to automatic pickup.

Ms. Natchez suggested that requiring people to have, wheeled containers would be a simple. President Nottoli replied that many residents complained about the use of wheeled carts at our meeting. She said that there will be a future meeting to talk about food composting and smart recycling.

Tony Constantouros wanted to report on four areas which all significant areas in terms of the community. The first one is the community center. The community center is out to bid currently. There has been a walk-through of potential bidders and bids are due February 20. The District has estimates but not hard numbers. The District will then have to come up with a financing plan on this building here. Ideally, the construction would start in spring and end in mid-September.

Mr. Constantouros continued with his next item which is the police department and study that is currently underway with the Matrix Consulting Group. Their study really was, essentially, three phases. First phase is completed, and there were community meetings on their findings. The second phase was the hard numbers, the actual financial analysis. That's been out of draft form and will be finalized soon. There will be community meetings on Thursday evening, February 28<sup>th</sup> and repeated on Saturday morning, March 2<sup>nd</sup>. The Board would consider whether to ask neighboring cities for a full contract or what Matrix calls a hybrid, one or more functions. That's not a commitment to contract but it would get us numbers. Once you have those numbers, then you can really make a comparison and evaluate other variables involved in making that decision.

He said that Albany has had a change in their police chief and the new city manager and El Cerrito has a new city manager. He said that it was hard to tell if they're going to respond or not. The way you find out is actually ask them. Director Modavi said that the District needs to keep our police staffing levels up. Mr. Constantouros responded that police staffing is not limited to Kensington. Kensington pays lower salaries but gives higher benefits and this is under discussion with the police.

Dakota McKenzie said that there never has been a public outcry to outsource and leave them putting years of time and energy in resources into looking into outsourcing when all these other issues that citizens are bringing before you on the table, disaster preparation, et cetera. Tony Constantouros said that he observed is that there's a difference of opinion in the community on that issue.

Tony Constantouros also said that there are limited administrative resources that are available. He's in the office two times a week and I do work other days too, but basically, I'm a part-time person and so is the general counsel who works about 20 hours a month until lately. The District did a study on how to reorganize the office and the board approved that study. It has not been implemented as yet. Everything takes time and the District has to move forward to get the right resources and the right staffing levels.

Mr. Constantouros continued that the District is re-doing the Policy and Procedures Manual which most people know is not a very useful document. It's very old and out of date. Previous boards have made an effort to try to improve or to come up with a new, but they've tried to do it by themselves. Each of the board members have their own projects. Chris is working on the internet, Sylvia on the community center, Eileen on the garbage, because there isn't staff to do these. It's not a good practice to have a board director, but there are no resources. Ann Danforth explained that there is now a draft that would be while not yet perfect, it's a major improvement on the current manual which, among other things, has internal inconsistencies. The current manual has documents that are not policies, things that have been stuck in there. Some of them are drafts that were never looked at all. Getting that completed will be a major step forward. I just made a series of revisions and I know there's a couple more rounds of revisions will have to be made. She thought that a draft was weeks to being presented to the public. In response to a question, she said that ideally, policies and procedures manual tell staff and the public, "If this happens, then do that. To get something on the agenda, this is the process. If somebody asks for public records, this is what should happen next. If someone files a claim, this is what should happen next." The document will also have our personal policies and procedures in it, so it is a hefty task. There are a few other rounds of review that needs to undergo. Once everybody has gone through the whole thing and there is something closer to a complete draft, then it can be released. Director Sherris-Watt said that when she joined the Board in 2014, there was a lot of controversy about the manual. The board at that time stated publicly that they viewed the policy and procedure manual as suggestions, not rules. Part of that was, they had tried in years previous to adapt changes and nothing had ever been approved. I was very eager because, as Ms. Danforth said, it's our pieces stuck together but have no cohesiveness. I was really eager to get a policy and procedure manual that worked like policy and procedure manual to which the District can adhere. There was a delay because the District heard in 2016 that the CSDA was coming out with the draft that would put us halfway there which it has done. Bob Dies took the model and modified to be more appropriate for our District. The District will present the entire draft, which may need some minor modifications, but is so above and beyond the present manual. Tony Constantouros said that while it might be an aggressive time frame at this point, he'd like to present it in March. It may have some sections that need continuing. Ann Danforth said that will be some policy decisions to be made by the Board as a whole

A. Stevens Delk suggested that the District continue with the current manual and delete, set aside all that extraneous material such as job descriptions, the contracts here and that and you pare it down to just each of the five different sections, 1000, 2000, 3000, 4000, 5000. Dave



Spath asked if the policy issues would be discussed in open forum, or you see them discussed in a special meeting, and then brought forward? Ann Danforth said that it really depends on the issue. Some of them I think are appropriately discussed on more of an administrative level, kicking around what would work best. There are others that are as far as the administration is concerned could go either way, it's a matter of board preference, and those things, of course, should be decided by the board in full in a public forum. I expect a long staff report.

Tony Constantouros said that part of the problems in doing this is that you keep coming up with ideas to improve it. You read it one time, you read it in, come up with another idea to improve it. You have to reach a point where you just stop it and you might get to the 90 percent level, it doesn't have to be 100%, but it's a living document that can change again in the future also. Dakota McKenzie said she thought the current manual was a sound document, a bit outdated with a lot of extraneous bits. President Nottoli said that there were a lot of subjects that weren't addressed in the manual, which is why The District went over to the CSDA model manual because that was a better model to work with than trying to take something that was done many years ago, and trying to resurrect everything and recreate the wheel, whereas the CSDA model used their experience, and background had come up with these model policies. Then pick and choose among them what would be applicable to Kensington because there were some policies that are for other types of districts, that they are not appropriate for our district. Ann Danforth said that you want a manual that will help staff know what to do in recurring situations, so that they're not constantly having to check with legal counsel, or the general manager to find out what the best thing is to do. You want the public to know how things work also behind the scenes. There were just so many things that were not covered in that manual. Also, unfortunately, nowadays a public agency needs a robust, and significantly long set of personnel rules and regulations and those were missing. Our manual had to accomplish both of those things, and you can start with a document like the existing public policy manual, but it would've saved you no time. To add in all the things that you need would have taken longer than to go to an already vetted model, and yes it's not an insignificant task to take that already vetted model and adapt it, but I believe it's quicker than trying to start with the old manual, and then think of all the things you might want to add in and do it in some kind of parrot fashion. The goal is to end up with a coherent document that's helpful.

Director Hacaj said that there are many tasks on the district's business plate, and some of them are more staff-heavy, others are not. Solid waste will take time for decisions and implementation. On the park, there is a lot more than just the community center. There is a lot of tree work that has been done, a lot of maintenance that has to be looked at. Tennis courts need resurfacing. Every aspect of these major projects and others have an administrative element which takes up Tony, and as he directs staff a legal element, which takes up Ann and other counsel. Sometimes the District also relies on external contractors, or external parties to think about. This meeting is to try to pull a little bit more understanding behind what all these things take and for the board is an organizational unit to be clear with Tony.

Director Modavi said that he was given the task for finding grants and asked for staff time to help.

Ann Danforth added a comment on the demands on her time. There are certain things that just have to be done that she and Tony both have to respond to that. Resolutions have to be adopted. Tony has to oversee an annual audit. On her end, there are litigation deadlines so even if she is not directly handling litigation, she is supervising the people who do. Then there are public records act requests and those have a timeframe also. I have to respond initially within 10 days and then try and get the complete response together as quickly as possible. Those are very time consuming and the laws on them changed as of January 1st in a way that is generated in a whole new slew of them. Every public records act request takes time. A lot of them take my time and significant portions or outside counsel's and those are not things that I can just back burner while I work on other things, unfortunately. There are a number of things that I just can't put aside to do what somebody thinks I should do in this moment. I just wanted to put that out there. I know several board members already are aware of that. Director Deppe if there was a way to get more help. Ms. Danforth said that she has a special deal arranged rate-wise with getting help because there's some pretty big requests out there pending. A couple of requests involves, transcribing audio recordings which will take time. One thing that people have always done when they get annoyed with a public agency is come up with the public records act request because they know it guarantees a response and that's just the law.

Dave Spath noted that California is going to have another big fire season in that part and the hillside is ready to go up in flames at any time. The fire district is moving forward really aggressively in that area. The Standing Committee on emergency preparedness has not assigned any public members yet. He asked that the District begin that process, start the discussions also with the fire district and move forward. It's a very important issue that needs to be addressed. Director Hacaj said that she had spent a lot of time looking at the hazard mitigation plans, both the volume one and volume two. It would be great if the District could come up with one project that both districts would support apply for the grants such as fuel reduction. Mr. Spath said that there are those efforts to reduce the fuel element out here but there were also issues with regards to evacuation. Fire district is talking about siren, for example. Police are responsible for evacuation. It's not just the fuel issue, it's how you get people out of you if there is a fire.

He asked that the public be part of the committee and engage with the fire district, which is also creating a similar entity, to come up with a coordinated effort that deals with evacuation, deals with fuel reduction, engages the regional park, which is really the elephant in the room as far as that's concerned. Director Hacaj said that the District has directed the staff, including the Chief of Police via Tony to move on that. The District needs a professional plan for evacuation that can be done for, on behalf of the town. As taxpayers, we are paying for this we should have one. It is needed and is clear after the last two fire seasons that should move forward as a priority. She spoke to both Tony and the Chief to raise the concern raised and the community has raised and it is important. It's been prioritized. Director Sherris-Watt said that at some point as board members, we have to ask ourselves are we just holding another meeting to hold another meeting? Or are really hearing from the people who have the expertise to take us

forward. I think that that's the goal in this coming year, especially with the emergency planning. The ultimate purpose of this meeting is to make sure that we are not tying up the General Manager's time until the District is ready to take action. The District needs a plan but generalized meetings will be helpful at some point in the process, but until there is some solid recommendations from experts, holding more meetings is not going to take us forward. Director Modavi asked that committees be put on the next agenda.

Karl Kruger said that he has four items but they may not match with Tony Constantouros'. A very important issue is public safety building. The District is part of that building. Director Sherris-Watt said that she and Director Deppe have met with members of the Fire Board and will have agenda item at a future meeting. It is a priority but it's not first on our plate beyond development of certain agenda items and actions. Mr. Kruger continued that things may have changed but in the past the Fire Board was talking about a very substantial amount in terms of dollars of rebuilding that building. They were talking about some rental fees that he disagrees with. He sees this a major priority. Director Sherris-Watt reported that the Fire Board is not sure where they are able to build or if they can rebuild at the present location. She continued that fiscal responsibility is going to be our watchword. There are big expenses are coming down the line, so how do we manage our limited resources, because they are limited, most effectively?

Director Hacaj said that another item that was not discussed, but it is important, is the annual budget process which also takes a lot of the General Manager's time. Director Deppe added that this brings up the need to modernize our accounting. He said that the Board approved two improvements for administration – one is the of administrative reorganization and the second is the review by an accounting firm. Director Nottoli mentioned that Tony Constantouros spent a quite a bit of time last year working with Bill Zenoni on developing a new budget process. With that skeletal work done, now it's more of updating and correcting.

Director Modavi asked Mr. Kruger on his other concerns. Mr. Kruger said that the Community Center renovations, the Public Safety Building, retirement, and having a contract with our officers is very important. The District has had a bad history of dragging these things up out. The staff is entitled to have a contract that's up-to-date and staff ought to be paid whenever that contract says they ought to be paid and they have not to be paid two years later. He knows that the District does not necessarily control all of the timetable. They do in part, but the District needs to push this.

Director Hacaj said that while there are not final figures for the Community Center, the District has been going very carefully. It has have taken very significant steps every step of way to try to understand the expenses. There is an unpredictable element. Since the initial estimates, there have been two major fires, tariffs and other issues. Karl Kruger said that the surprises are of concern, especially with an old building. Director Hacaj said that the one saving we've talked to has said this is really a very simple construction and very uncomplicated. The bigger complication that is that until bids come in, we won't know the costs.

David Spath asked whether the accounting firm not showing up meant that the onus was back on staff. Tony Constantouros said that it is putting it back on staff, but he is also exploring possibly another accounting firm.

Dakota McKenzie noted that the Community Center would not be renovated to ensure that it would last in an earthquake. Director Hacaj replied that it was long ago decided by previous boards and that the renovations are to ensure that everyone can leave this building with their life and that is the standard we're building to. That is what was decided many years ago. The standard for which you guarantee that the building is operable and able to be used after is predominantly and potentially only applied to hospitals and public safety buildings, police stations. Things that are considered absolutely essential. To have done so otherwise would have been probably out of the reach of the community. Director Sherris-Watt explained that in 2015, the decision was made not to go for essential services because it was not possible according to structural engineers and a second structural engineer has confirmed that finding. It is not possible without taking the building down. The estimate in 2015 was between \$3-5 million to replace the difference. The Board made the decision to go forward. Keep it for life safety and make the improvements. Otherwise, the choice was to red tag it and to wait until The District had the money to tear it down and replace it.

Director Hacaj said that the purpose of the meeting was to make sure that Ann and Tony and that the board had an open conversation about the items that are on their plate, the items that we recognize have been already discussed among the board as being important. They should raise the red flag to us if they feel that they are in a point. For example, if Ann was unable to get enough help to do what she needed to do because of a confluence of things that must happen. She encouraged the community to understand that the Board is doing its best with what it has. The board is one unit and functions by consensus. Consensus means everyone has been heard and doesn't mean that we agree and there are differences but consensus means that we have come to a decision in a process where we all speak, we all are heard, we take as much into account as possible and we make decisions. She urges folks to please try to assume best intent. A lot happens when bad intent on people is assumed. She has come to the conclusion the Board is unable to heal the community. The community folks who sit out here every meeting and the folks who don't sit out here but get emails from the folks that do are the ones that are going to have to really try to come together and stop othering everyone else and realize that we're all people. She thinks that we really are all trying to do our best and in particular Tony and Ann are the ones carrying out the business at the District. They cannot have five bosses. The Board works as a whole to set those priorities for the staff. It's important to try to get that out for everybody, really.

David Bergen said that he thinks think what I have seen is this board has been doing an amazing job. They've put in a lot of time that most people don't even know about and Ann and Tony as well are doing a good job and should be thanked.

Director Modavi said that the Fire Board has a Nextdoor account and might it be possible for this Board and posting newsworthy comments. Director Deppe said that there is draft a social



media policy that will address that query. Ann Danforth added that it is one of the policy issues that concern her especially with back-and-forth communication. Director Modavi clarified that he was thinking of announcements and not back-and-forth. Ms. Danforth agreed that announcements were ok as long as it's one way. Mr. Bergen said that the District has an account but it is inactive. The account itself cannot see anything that's going on Nextdoor but they can send announcements out.

Celia Concus said that many residents are busy and not able to keep up with what is happening. President Nottoli noted that the District has a newsletter and that will go out, to announce the two board meetings. The newsletter is the Kensington Update and it is mailed to every household and is available on the website.

Director Modavi said the District held this meeting for whatever reason, but it concerns him and something I do want staff and everyone else to be really cognizant of it of how they do their operation. He quoted "In enacting this chapter, the legislator finds and declares that the public commissions, boards and councils and other public agencies in this state exist to aid in the conduct of the people's business. It is the intent of the law, that their actions be taken openly and their deliberations be conducted openly. The people of this state do not yield their sovereignty to the agencies which serve them. The people in delegating authority do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created." He brought this up because Friday is a working day even though the District has had evening meetings and he thinks it is not consistent with what is outlined in law and also in the Constitution.

Jennifer Siegel asked if recordings of the meetings are on the website. Director Deppe replied that they are and meetings in the large room are videotaped and put online unless there's a problem with the video machine. Director Modavi said that the District should not be trying to conduct business in a way that is just technically within the law.

Director Sherris-Watt said that she respectfully disagreed. The idea that a Thursday evening is open and more valid to everyone is totally false. There are at least three meetings this year that, well actually, because I have children at multiple schools, there are technically six meetings this year that I already know fall against a school activity for which I would like to attend with my children. Phasing meetings at different times is actually the most fair and most democratic way to get people who are available during the day. She would love a time at which everyone could attend. It's not possible to find a time at which everyone could attend, but that's not simply possible. I think that the fairest thing to do is to move meetings actually around and be flexible so that people who have Saturday morning sports or synagogue can attend another time and the people who have a back to school night or the science fair can attend or people that work during the day can attend.

Jennifer Siegel asked if one could submit a public comment. Ann Danforth and Tony Constantouros said public comments on agenda items would be in the agenda and Tony could

send out correspondence that he thought was appropriate. Dave Spath said that there are times when the District needs to have special meetings, but having a routine of having a meeting twice a month at least allows most of the public plan for those.

Director Hacaj said that one reason the District had gone to twice-a-month meetings is to try as much as possible to advance things. They get canceled if there is no business. The District doesn't schedule two meetings in November and December. Director Nottoli explained that the reason this meeting was scheduled at this time was because of the closed session with the District's labor negotiators to send them off to negotiate the MOU and the directors, Tony, and Ann would be here already. There had the District allocates its limited resources.

Director Modavi moved to adjourn the meeting and Director Deppe seconded. All five directors voted in favor of adjourning the meeting with no dissenting vote. The meeting ended at 1:54.



KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

**BOARD OF DIRECTORS MEETING  
MARCH 14, 2019  
CONSENT CALENDAR**

**Resolution 2018-09**

**Background**

At its November 15, 2018 meeting, the Board approved the Updated Contra Costa County Operational Area Hazard Mitigation Plan. Although it approved the Plan, the Board did not approve the corresponding resolution, Resolution 2018-09.

To complete the process, staff has placed adopting Resolution 2018-09 on the March 14, 2019 agenda.

**Recommendation:** That the Board adopt Resolution 2018-09 as part of adopting the Consent Calendar.

**RESOLUTION NO. 2018-09**  
**A RESOLUTION OF THE**  
**KENSINGTON POLICE PROTECTION COMMUNITY SERVICES DISTRICT**  
**AUTHORIZING THE ADOPTION OF THE UPDATED**  
**CONTRA COSTA COUNTY OPERATIONAL AREA HAZARD MITIGATION PLAN**

**WHEREAS**, all of Contra Costa County has exposure to natural hazards that increase the risk to life, property, environment and the County's economy; and

**WHEREAS**; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

**WHEREAS**, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre- and post-disaster hazard mitigation programs; and

**WHEREAS**; a coalition of Contra Costa County, Cities, Towns, and Special Districts with like-planning objectives has been formed to pool resources and create consistent mitigation strategies within the Contra Costa County Operational Area planning area; and

**WHEREAS**, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

**NOW, THEREFORE, BE IT RESOLVED** that the Kensington Police Protection Community Services District:

- 1.) Adopts in its entirety, Volume I and the introduction, chapter 29 - the Kensington Police Protection Community Services District jurisdictional annex, and the appendices of Volume II of the Contra Costa County Operational Area Hazard Mitigation Plan (HMP).
- 2.) Will use the adopted and approved portions of the HMP to guide pre- and post-disaster mitigation of the hazards identified.
- 3.) Will coordinate the strategies identified in the HMP with other planning programs and mechanisms under its jurisdictional authority.
- 4.) Will continue its support of the Steering Committee and continue to participate in the Planning Partnership as described by the HMP.
- 5.) Will help to promote and support the mitigation successes of all HMP Planning Partners.

PASSED AND ADOPTED on this 14<sup>th</sup> day of March, 2018, by the following vote:

YES:

NO:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_  
District Administrator, \_\_\_\_\_

\_\_\_\_\_   
General Manager, \_\_\_\_\_

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

**BOARD OF DIRECTORS MEETING**

**MARCH 14, 2019**

**ITEM 5a.**

PROJECT UPDATE: SEISMIC UPGRADES AND BUILDING ALTERATIONS, KENSINGTON COMMUNITY CENTER

**SUMMARY**

Mr. William Glass will present an update on the bidding process and results. The District will need to award by April 14,

**RECOMMENDATION:** Information only. No action required.

**ATTACHMENTS:**

Letter from Glass Associates, Inc.

**SUBMITTED BY:** Anthony Constantouros, General Manager



March 7, 2019

TO: Tony Constantouros  
General Manager  
Kensington Police Protection Community Service District  
Public Safety Building  
217 Arlington Avenue  
Kensington, CA 94707-1401  
TConstantouros@kensingtoncalifornia.org

RE: **PROJECT STATUS REPORT**  
Seismic Upgrades and Building Alterations, Kensington Community Center

This memo is forwarded to provide an update of the status of the Kensington Community Center Project through the current bid process. In summary, the bidding has been completed and the final evaluation of the contractors' proposals is in process and the District is obligated to award the contract by April 14 or return all bids. The following outlines the bid process and bid results in greater detail:

#### **Bid Announcement**

A two week notice period began January 2, 2019. Announcements of the project, which ran for five business days, were posted in the Daily Pacific Builder, the Bay Area News Group (West County Times) and the San Francisco Chronicle. The bid period commenced January 17, 2019. The official Invitation for Bids, the Drawings and Specifications were made available to bidders at the ARC PlanWell website and the Bay Area Builders Exchange.

#### **Bid Period & Process & Results**

The bid period extended from January 17 to the Bid date, February 20, 2019. There were two mandatory pre-bid conferences held at the Community Center building on January 30 and February 6. General Contractors were required to attend one of the two sessions in order to be eligible to bid.

Inquiries for additional information were received through February 13. On February 15, 2019, Addendum 1 was issued with responses to requests for information.

Nine contractors attended the bid conferences. Of the nine, five contractors submitted the following bids:

CWS Construction Group, Inc.:	\$ 1,825,050
Eagle Builders:	\$ 1,481,200
EVRA Construction:	\$ 1,794,000
JPB Designs:	\$ 1,256,375
KCK Builders:	\$ 1,531,400

**Glass Associates, Inc.**  
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**PROJECT STATUS REPORT**

Seismic Upgrades and Building Alterations, Kensington Community Center  
Page 2 of 2

During the initial ten day bid period review, the District received a request from JPD Designs to withdraw its bid. Upon review with Counsel, that request was granted.

The three low bids considered to be responsible will be retained for further consideration prior to selection of the designation of the successful bidder and Contract Award:

Low Bid: Eagle Builders, \$ 1,481,200  
Second Low Bid: KCK Builders, \$ 1,531,400  
Third Low Bid: EVRA Construction, \$ 1,794,000

In accordance with Invitation for Bids, the District has returned the bid guarantee to the other two bidders. As noted above, the District is obligated to award the contract by April 14 or return all bids.

**Building Hazmat Abatement**

The General Contractor's scope does not include abatement of hazardous materials. The District plans to turn the building over to the GC clear and ready for construction. Requests for proposals for abatement work, based upon the scope described in the February 2018 Hazardous Materials Inspection Report provided to the District by Sensible Environmental Solutions, Inc., have been forwarded by the District to several abatement contractors. The basic scope of the Seismic Upgrades and Building Alterations project will require abatement of the floor in the kitchen and the roof. Additional abatement of the floors in the Meeting Hall and Meeting Rooms will be required if the District accepts the Alternates to replace the floors in those areas.

Please let me know if you have any questions regarding the above.

Very truly yours,  
GLASS ASSOCIATES, INC.



William R. Glass, FAIA  
Principal

CC: Sylvia Hacaj, Kensington Police Protection & Community Services District  
Ann R. Danforth, General Counsel, Kensington Police Protection & Community Services District

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

**BOARD OF DIRECTORS MEETING**

**MARCH 14, 2019**

**ITEM 5b.**

**Trees for the "Gore" Lot, at the corner of Coventry and Arlington Avenues**

Connection to water meter and boring under sidewalk with 1" PVC pipe

Install PVC gate valve

Install approximately 25 feet of 1" PVC sch 40 main line at 12" deep including hose bib

Install 3/4" backflow preventer with double check valve including cage and concrete slab

Install 1" valve with battery operated timer in valve box

Install approximately 50 feet of 3/4" PVC sch 40 lateral line including stream bubblers for three trees

Plant three coast live oaks and plant and stake with wire mesh.

Total



KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

**BOARD OF DIRECTORS MEETING  
MARCH 14, 2019  
ITEM 6a.**

**Replace Public Trash Receptacles in Commercial Areas and Retrofit Existing Receptacles Kensington Park**

**RECOMMENDATION:**

**That the Board:**

**Move forward with the purchase and installation of 5 heavy duty trash receptacles along public commercial streets and retrofit 7 concrete trash receptacles in Kensington Park not to exceed \$ 9,800 which includes a \$50 contingency.**

**FISCAL IMPLICATIONS:**

This expenditure is included in the adopted annual budget for FY2018/2019 underline Line Item 978.

**CURRENT SITUATION**

**Public Trash Receptacles on Streets:** There are 5 metal trash receptacles in public commercial areas - three along Arlington and at two on Colusa Circle. These receptacles were last replaced in 2004 and many of them are rusting as shown below and in need of replacement.



Additionally, they are all serviced by lifting trash filled liners out over the metal frames which are very heavy and not the safest method for refuse crews who benefit physically with side opening slide out liners. Boardmember Eileen Nottoli has been working with the Kensington Improvement Club and Bay View on replacement. A great deal of research was performed in 2018 on durable urban receptacles that meet the design criteria established.

The criteria for the selection of the receptacles is as follows:

1. Durable in urban environment
2. Covered tops to minimize entry of birds and rainwater
3. Option for a matching recycling container (if needed)
4. Visually fitting for Kensington
5. Affordable replacement liners
6. Ease of garbage pick-up by Bay View
7. Ease to maintain and ease clean
8. Graffiti resistant
9. No enclosed bottom dish to allow drainage

For the commercial areas, having all the cans match is an important unifying element helping establish an identity for Kensington.

**Proposed Replacement of Public Trash Receptacles along Arlington and Colusa**

<b>Location</b>	<b>Garbage</b>
Vacant lot on west side Arlington and south side Coventry	Replace KIC garbage container with new one
299 Arlington (east side of Arlington and north side of Amherst in front of coffee/cheese shop)	Replace KIC garbage container with new one
279 Arlington (east side of Arlington by Mechanics Bank)	Replace KIC garbage container with new one
Vacant lot on Colusa Circle (east side of Colusa and south side of Oak View)	Remove existing KIC garbage container
Either 1568 Oak View Ave (Benchmark Pizza) or 400 Colusa (Kensington Veterinary Hospital)	Install new garbage container (new location for removed container above)
388 Colusa (West side of Colusa and north side of Oak View in front of Hendrickson Chiropractic Clinic)	Replace KIC garbage container
<b>Totals</b>	5 new containers

Note: Only one receptacle is proposed for relocation. The others are all replacements. The receptacle on the east side of Colusa Circle near the vacant lot (401 Colusa) collects very little trash while the receptacle kitty corner at the morning bus stop near Semifreddi's and the Sunday Farmer's Market often

overflows. To correct for this imbalance, the receptacle near the vacant lot will be relocated to the primary pedestrian traffic area on the west side of the Circle where it is most needed.

The proposed trash receptacle is model "Chase Park" by Landscape Forms (image below)- 32 gallon. This receptacle has a number of features that work well to meet the criteria above. The visual design is reminiscent of a mid-century style with clean lines and angular accents.

The access door is side opening with a lockable gate for ease of servicing by Bay View. The top is secure which minimizes rainwater from entering. Reports from other jurisdictions indicate ease of cleaning and graffiti removal due to the smooth durable surface.



Attached is a quote for the purchase of five Chase Park Trash Receptacles from Landscape Forms (includes shipping and tax) for \$9,262.23.

### **Kensington Park Trash Receptacles**

A design problem with the concrete trash cans at Kensington Park is the opening at the top which allows rainwater to enter and provides easy access for birds and other foraging animals to pick through the trash. Since these concrete receptacles are in good condition, we propose retrofitting the lids with plastic domes (see below) made by the manufacturer, Wassau Tile. We also propose maintaining 2 recycle cans. These recycle cans would be placed in the highest use areas near the tot lot/tennis courts and help meet the volume and demand generated on weekends. Recycle containers would have blue lids and labeling for recycle. The other recycle containers scattered throughout the park will be removed since they are either not used and/or not used for appropriate recycle materials.



TF1165



TF1465

7 lids at the estimated cost of \$70 per lid including shipping and tax. Total for refurbished receptacles = \$490



# Quote

Date: 02/08/2019  
LF Quote#: 0000256757  
PO#:  
Project: KPPCSD Landscape Forms  
Bill To: Bidders Quote - Rebecca Casey  
ATTN: Bidder's Quote  
TBA

**CORPORATE**  
7800 E. Michigan Avenue  
Kalamazoo, MI 49048-9543  
P: 800.521.2546 F: 269.381.3455  
www.landscapeforms.com  
Federal I.D.# 38-1897577

Ship To: Bidders Quote  
ATTN: TBA  
TBA  
Kensington, CA 94707

Ship To Contact Phone:  
Ship Via: Common Carrier  
F.O.B.: Destination

Qty	Description	Unit Price	Total Price
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CONTRACT: GSA Contract GS-03F-115AA

**When ordering please confirm:**

- Shipping address and contact information (name and ph#)
- Billing address and contact information
- Is your firm or the project tax exempt? If so, exemption certificate must accompany order
- Delivery schedule:

Ship immediately upon completion  
OR Ship On/After the date: \_\_\_\_\_

5	Chase Park Litter	\$ 1,477.60	\$ 7,388.01
	Style: <i>Side Opening, 36 gal. capacity</i>		
	Options: <i>Lock</i>		
	Powdercoat Color: <i>To Be Advised</i>		
	Logo Band: <i>Yes</i>		
	Standard Features: <i>Black Polyethylene Liner</i>		

CHASE PARK: Litter receptacle w/liner, side opening with keyed lock, and logo band. Freestanding/Surface Mount.

Item Total	\$ 7,388.01
Shipping & Handling	\$ 1,090.00
Sub Total	\$ 8,478.01
Estimated Tax	\$ 784.22
Document Total	\$ 9,262.23

Page: 1 of 3

Cust #: LFBID  
SSR: Laurie Burkhardt  
Rep: Bay Area Team, BA

*Landscape Forms Customer Service*

Purchaser

Seller

landscapeforms



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Ship To Contact Phone:  
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Payment Terms: Pending-Net30

Landscape Forms, Inc. reserves the right to change payment terms based on payment history as well as information obtained from commercial credit reporting agencies.

- Purchaser is responsible for confirming options, materials, quantities, etc., for completeness and conformity to plans and specifications.
- Changes to or cancellations of orders may incur a penalty charge of 30% or more. Special orders may not be changed or cancelled.
- Studio 431 (custom) orders cannot be cancelled once purchase order is received and approved.
- Studio 431 orders are subject to price increase after engineering/product development is complete and approved by designer, end user and purchaser. Modifications in price will be handled via Change Order.
- No merchandise can be returned without authorization from Landscape Forms. Returns may be subject to a disposition fee of 30-100%.
- Prices based on quantities shown and quantity changes may affect price.
- QUOTED prices are held for 60 days. After receipt of a written ORDER, prices will be held for up to one year from receipt of the order. Changes in quantity or specification may affect pricing.
- Pricing includes selection from our standard color palette. Optional colors and custom color matches are available for an additional fee and will extend lead-time. Please contact our corporate office for more information.
- Fixtures for custom products are the property of Landscape Forms, Inc., and are not available for sale.
- Landscape Forms is a supplier only and ships via common carrier. Customer is responsible for offloading and installing unless otherwise indicated above.
- Mounting hardware is only available on a limited number of products. Please consult the installation recommendations or contact our corporate office to confirm. In the event hardware is provided, it MUST be used for proper installation.
- Refer to Care and Maintenance guidelines for more detailed information and instructions.
- All orders ship upon completion of fabrication. A one-week grace period may be available, after which storage fees will apply.
- This Agreement contains the entire understanding between the parties. All prior communications are merged into this Agreement. The terms of this Agreement shall control any conflict between documents.
- This Agreement may be signed by the parties separately and by facsimile, and together they shall be deemed one binding, original Agreement.
- Purchaser shall pay all costs and expenses paid or incurred by Landscape Forms, Inc. in collecting any amounts due for goods purchased by Purchaser, including without limitation, reasonable attorneys' fees and collection costs. Balances on invoices not paid within 30 days of date of invoice, or within an alternate period of time as determined and indicated by Landscape Forms, shall incur interest at a rate of 18% per annum. Cash discounts are not offered.
- Tax is estimated. Actual tax will be charged on final invoice and shall be payable by the Purchaser. U.S. customers must provide a valid sales tax exemption or resale certificate to remove liability.

Page: 2 of 3

Cust #: LFBID  
SSR: Laurie Burkhardt  
Rep: Bay Area Team, BA

*Landscape Forms Customer Service*

Purchaser

Seller

landscapeforms®

# Quote

Date: 02/08/2019

LF Quote#: 0000256757

PO#:

Project: KPPCSD Landscape Forms

Bill To: Bidders Quote - Rebecca Casey  
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F.O.B.: Destination

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- To the extent purchaser supplies or modifies the standard specifications for any products, Landscape Forms, Inc. expressly disclaims all representations and warranties related to such products or their design whether express or implied except that the products shall be manufactured in accordance with purchaser's specifications.
  - **REMITTANCE OPTIONS:** For information on paying via credit card, ACH, direct bank transfer, or wire please email us at [AR@landscapeforms.com](mailto:AR@landscapeforms.com). Mail payments to:

### USD Checks

Landscape Forms, Inc.  
Dept 78073  
PO Box 78000  
Detroit, MI 48278-0073  
USA

### CAD Cheques

Landscape Forms, Inc.  
PO Box 2408  
Station A  
Toronto, Ontario M5W 2K6  
CAN

Page: 3 of 3

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Cust #: LFBID  
SSR: Laurie Burkhardt  
Rep: Bay Area Team, BA

*Landscape Forms Customer Service*

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Purchaser

Seller

landscapeforms®

**BOARD OF DIRECTORS MEETING**

**MARCH 14, 2019**

**ITEM 6b.**

**Nicolay actuarial report update and possible approval for additional work**

**Background**

On January 15, 2019, Nicolay submitted its proposal to perform the work needed for an OPEB actuarial report for the District. The proposed work would cover two fiscal years. The fee for FY 2018-19 would be \$5,000, and the fee for FY 2019-20 would be \$2,800.

To comply with CalPERS requirements, the report is supposed to be completed by June 30, 2019. Because of the limited time available for the work to be timely done, the Finance Committee, at its February 12, 2019, recommended that GM Constantouros approve the \$5,000 part of the proposal (GM is authorized to enter into agreements for an amount up to \$5,000). Thus, Nicolay was able to commence its FY 2018-19 work.

However, the General Manager does need Board authorization for an amount that exceeds \$5,000. Therefore, he needs the Board to approve the \$2,800 expenditure needed for the FY 2019-20 work. At its February 12<sup>th</sup> meeting, the Finance Committee also recommended that the Board approve Nicolay's proposal for FY 2019-20.

**Recommendation:** That the Board take public comment, discuss, and approve Nicolay's proposal to complete the FY 2019-20 work for \$2,800.

## **Kensington Police Protection and CSD GASB 75 Proposed Scope, Fees, and Timing January 15, 2019**

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Our reports will not reflect post-measurement date contributions as the amount will not become final until after the fiscal year end.

### **Funding Report to Present the Actuarially Determined Contribution (ADC)**

Funding valuations are optional because there is no requirement to prefund liabilities. However, when pre-funding, GASB 75 requires disclosure of the ADC, if calculated. A funding valuation would generally be completed biennially whenever a new census is collected.

### **Fees for GASB 75 And Funding Reports in Fiscal Years 2018 and 2019**

<u>Deliverable</u>	<u>FY2018-19</u>	<u>FY2019-20</u>
<b>FY2019 Optional 7/1/17 Funding Report</b>	\$1,200	Included <sup>1</sup>
<b>FY2019 Full Valuation and GASB 75 Report</b>	3,800	n/a
<b>FY2018 Interim Valuation and GASB 75 Report</b>	n/a	\$2,800
<b>Assistance with auditor questions</b>	Included	Included
<b>Assistance with CERBT annual filings</b>	<u>Included</u>	<u>Included</u>
<b>Total 2-year Cost</b>	\$5,000	\$2,800

<sup>1</sup>The 7/1/18 funding report will project the ADC for two additional years beyond 2018-19.

Our fees include unlimited consulting and assistance via phone or email related to the valuation results. Our fees for in-person meetings are based on our billing rates and length of meeting, but are usually around \$700 per meeting.

The fee for the interim valuation includes any update to the liabilities required due to changes in assumptions requiring minimal labor, such as a change in the discount rate and/or trend rate. Additional fees may apply due to additional work resulting from more significant amount or complexity of assumption changes, census data changes, and/or plan provision changes.

The scope, fees, and timing discussed above is subject to change based on additional regulatory guidance, including publication of the AICPA audit guidance and the GASB 75 implementation guide. Billing will generally occur monthly on a progressive basis.



# Kensington Police Protection and CSD

## *GASB 75 Proposed Scope, Fees, and Timing*

### January 15, 2019

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#### Assumptions

Employer Fiscal Year End	June 30, 2019	June 30, 2020
Plan Trust Fiscal Year End	June 30, 2018	June 30, 2019
Measurement Date	June 30, 2018	June 30, 2019
Valuation Date	June 30, 2018	June 30, 2018

#### Scope

We will prepare the following reports and presentations relating to the Retiree Medical Plan:

1. 7/1/18 Funding Valuation to determine ADC for PY2018-19 and 2019-20
2. FY2018-19 GASB 75 report and interim valuation
3. FY2018-19 GASB 75 report and full valuation

The 6/30/18 Funding and GASB 75 reports will be similar to our 6/30/17 GASB 75 report. They will include:

- An executive summary comparing the 7/1/18 and 7/1/17 measurement date results
- A gap analysis listing the causes in the change in liability between the two measurement dates
- GASB 74/75 required supplementary information

A Funding Valuation is required to calculate an Actuarially Determined Contribution (ADC). GASB 75 is not a funding method, but does request employers disclose an ADC if calculated.

#### FY2018-19 Timeline

- 1/20/19 KPPD sends census, assets, and other information to complete the valuation
- 3/31/19 NCG completes 7/1/18 funding valuation and sends report to KPPD
- 4/15/19 NCG completes 6/30/19 GASB 75 disclosures
- NCG provides support on CERBT filings and/or auditor questions as needed

#### FY2018-19 timeline:

- 1/01/20 KPPD sends census counts and assets to verify no material change
- 3/31/20 NCG completes 6/30/19 GASB 75 disclosures
- NCG provides support on CERBT filings and/or auditor questions as needed

#### Full and Interim Valuations

GASB 75 requires annual valuations now be performed. However, census data (for a "full valuation") only needs to be collected every two years. In the interim valuation, we must update assets but liabilities can be based on roll-forward data. Therefore, interim valuations should be at lower cost.

#### Post-Measurement Date Reportable Events

Events occurring between the measurement date (6/30/18 this year) and the fiscal year end (6/30/19) that materially impact the GASB 75 results should be identified (and quantified if possible) in the footnote disclosures. These events can include plan changes, workforce changes, and post-measurement date contributions (a deferred outflow).



## KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

### **BOARD OF DIRECTORS MEETING MARCH 14, 2019 ITEM 6d.**

#### **Proposition 68 Grant Writing Workshop**

##### **Background**

On February 26, 2019, Director Modavi and District Administrator Wolter attended a day-long Proposition 68 Grant Writing Workshop. The total amount of grant money available is \$650,275,000. Of this, \$254,942,000 will be available for the 2019 round.

In future rounds, another \$395,333,000 will be available.

The maximum grant request per application/park would be \$8,500,000 and the minimum would be \$200,000.

Early in the presentation, Director Modavi and District Administrator Wolter learned that the Kensington Park and the Gore Lot (corner of Arlington and Coventry) are not registered with California's park system and, therefore, don't appear on its maps. These parklands need to appear on the maps for us even to begin the grant application process.

Two additional basic requirements for qualifying:

- Per Capita Income not greater than \$51,026.
- A ratio of less than 3 acres of parkland per 1,000 residents.

Kensington does not qualify based on the income threshold, but may qualify based on the number of acres of parkland per 1,000 residents.

The ratio is determined based on the amount of parkland within a ½ mile radius of a pinpoint located within part of Kensington's parklands. Because of Kensington's proximity to the East Bay Regional Park District, using Kensington Park as the locus results in a ratio that's too large.

However, the Gore Lot may qualify based on the ratio. District staff is waiting to hear back from the state's grant program whether the two park areas would have to be contiguous for the Coventry parcel to enable the District to qualify for grant money to help make improvements to the Kensington Park.

The District also needs to ascertain whether acquiring the paths and improving them might facilitate work in Kensington Park as part of a combined park project.

In discussions with one of the workshop presenters, Director Modavi and District Administrator Wolter learned that the paths could be seen as a way to link other parts of Kensington to its park.

Should Kensington qualify to apply for grant money and want to apply for the 2019 round, the first set of documents would need to be submitted by August 19, 2019.

Work that might qualify:

- Renovating the landscaping in front and around of the Community Center, including the amphitheater
- Renovating the Tot Lot
- Resurfacing the tennis courts
- Landscaping parts of the park not yet addressed

**RECOMMENDATION:** That the Board take public comment, consider and discuss the item, and provide direction to staff.

## KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

### **BOARD OF DIRECTORS MEETING MARCH 14, 2019 ITEM 6f.**

#### **CALIFORNIA SPECIAL DISTRICTS ASSOCIATION: ANNUAL CONFERENCE: AUTHORIZATION OF BOARD ATTENDANCE**

##### **BACKGROUND**

This year's Annual CSDA Conference and Exhibitor Showcase is scheduled to be held in Anaheim from September 25 to September 28. The conference updates most facets of special district operations and is widely attended by elected officials throughout the state. It is probably the best single learning opportunity for boards of directors. Additional details about the 2019 Annual Conference and Exhibitor Showcase are available at the CSDA website ([www.csda.net](http://www.csda.net)).

The KPPSCD has historically encouraged Board Members to further their education and awareness of the most current developments to California Special District Governance. The District lacks an onboarding procedure or staff who have experience with current standards and practices and are able to devote time suitable to such an education. The CSDA conferences have served as an opportunity to build connections and fulfill educational requirements. In addition, cost-effective practices are discussed in presentations and networking opportunities. Attendees are required to share knowledge gained, provide copies of pertinent conference materials, and implement practices that enhance services provided to the community within 60 days of attendance. Hotel reservations would be from Wednesday, Sept. 25 to Sunday, Sept. 29 (group rates at the Anaheim Marriott) for those attending the entire conference. Early bird registration for CSDA members prior to August 23, 2019 is \$625. Funds have been included in the budget.

**RECOMMENDATION:** Approve attendance at the Annual CSDA Conference for any Board Member wishing to attend and approve reimbursement of costs related to attendance.

**SUBMITTED BY:** Anthony Constantouros, General Manager