

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS MEETING MINUTES

Thursday, December 14, 2023

Special & Regular Meetings (Hybrid)

Special Meeting (Closed Session) – 5:30 p.m.

Call to Order [inaudible]

President Alexandra Aquino-Fike called the special meeting to order at 5:34 p.m.

Roll Call [inaudible]

Director Cassandra Duggan, Vice-President Sarah Gough, Director Sylvia Hacaj, Director David Spath, and President Alexandra Aquino-Fike were present at roll call.

Staff present included Interim General Manager David Aranda, General Counsel Ann Siprelle and Clerk of the Board Lynelle M. Lewis.

Special Meeting Agenda Item Public Comments

President Aquino-Fike commented on the closed session agenda language. General Counsel Ann Siprelle provided clarification on the descriptive language used for the closed session agenda.

[[TS 14:29](#)]

The following persons addressed the Board: 1) Mabry Benson commented that the contract for legal counsel with Best Best & Krieger (BBK) was not properly executed and voiced objection to listing the names of the parties to the anticipated litigation item; 2) Gail Feldman objected to having her name listed as a litigant and said any further discussion of the public records request should be described without the requestors' names; and 3) Andrew Gutierrez commented that the requestors had no intent to sue the District, but only wanted to obtain information.

There was Board discussion about the process for responding to public records requests.

Public Hearing – 6:00 p.m.

Open Public Hearing [[TS 35:11](#)]

President Alexandra Aquino-Fike opened the public hearing at 6:04 p.m.

- 1. Conduct A Public Hearing on Proposed Adoption of Automatic Inflation Adjustments Based Upon Increases in the Consumer Price Index (“CPI Passthrough Rates”) to the District’s Solid Waste Rates Charged by the District’s Solid Waste Franchisee, Bay View Refuse and Recycling Services, Inc. for the Collection of Solid Waste, Organics, and Recyclable Materials Within the District.**

Interim General Manager Aranda presented background information regarding the automatic inflation adjustments and proposed increases to the KPPCSD solid waste rates.

Public Comment

There was no public comment.

2. Accept and Approve A Proposed Consumer Price Index (CPI) Rate Increase to Residential and Commercial Customers from Bay View Refuse & Recycling of 3.4% Effective January 1, 2024.

- Motion by Director Hacaj, seconded by Director Spath, to approve the 3.4% CPI increase for Bay View Refuse to charge Kensington solid waste users effective January 1, 2024, carried (5-0) by roll call vote.

Close Public Hearing [[TS 44:53](#)]

President Alexandra Aquino-Fike closed the public hearing at 6:08 p.m.

Adjourn to Closed Session [[TS 45:03](#)]

The Board adjourned to closed session to discuss two items.

Announcements from Closed Session [[TS 1:33:04](#)]

President Aquino-Fike announced that the Board voted to [inaudible].

Adjourn Special Meeting

President Aquino-Fike adjourned the special meeting at 6:34 p.m.

Regular Meeting - 7:00 p.m.

1. Call to Order [[TS 1:33:20](#)]

President Aquino-Fike called the regular meeting to order at 7:02 p.m.

2. Roll Call [[TS 1:33:24](#)]

Director Cassandra Duggan, Vice-President Sarah Gough, Director Sylvia Hacaj, Director David Spath, and President Alexandra Aquino-Fike were present at roll call.

Staff present included Interim General Manager David Aranda, General Counsel Ann Siprelle, and Clerk of the Board Lynelle M. Lewis.

3. **President's Comments** [TS 1:33:41]

President Aquino-Fike thanked fellow directors, staff and the community for their hard work, support and dedicated engagement. She provided a recap of the Board's accomplishments over the past year. Next, she announced the passing of former Kensington Police Officer Rickey Hull who served the Police Department for 23 years and extended condolences to Officer Hull's family. In concluding, President Aquino-Fike said that she is looking forward to working with the residents to improve the Kensington community.

4. **Public Comment** [TS 1:38:07]

- Addressing the Board were the following persons: 1) Chris [last name not given] thanked the Board for an incredible year and for their involvement with the community; 2) Ann Forest, past President of KSEP, commended the Board on the many park improvements; 3) John Gaccione commented that the legal involvement and costs of responding to public records requests impacts citizens trying to get information; 4) Sylvia Rosales-Fike thanked Interim General Manager David Aranda and General Counsel Ann Siprelle for their guidance to the Board and the community; 5) Elaine Shelton urged the Board to consider placing license plate readers on the agenda and also suggested placing police cars around the Colusa Circle area; and 6) Lynn Wolter praised the Board members for their service and asked about the police response time for a medical emergency.

Consent Calendar [TS 1:49:00]

Isabel Safie, of BBK, reported that based on advice from CalPERS, the KPPCSD Salary Schedule effective September 8, 2023 should reflect the pay rate for the General Manager. She explained the methodology utilized for developing the new pay rate for the General Manager. She noted that the schedule in the agenda packet had a typo and that the correct hourly rate for the General Manager should be \$142.20/hr. rather than \$141.70/hr. as listed.

- Motion by Director Duggan, seconded by Director Spath, to approve the Consent Calendar as presented with a change of fifty cents added to the General Manager's hourly rate to \$142.20 on the salary schedule (Item 7), carried (5-0) by roll call vote.
5. Approved meeting minutes for the Special and Regular Meeting of November 12, 2023.
 6. Received and filed financial reports and ratified the November 2023 bills paid.
 7. Approved KPPCSD publicly available Salary Schedule for July 1, 2023 and September 8, 2023 as amended.

Discussion and Action

8. **Approve Resolution No. 2023-21, A Resolution of the Kensington Police Protection and Community Services District Board of Directors to Clarify the February 9, 2023 Action to Appoint David Aranda as Interim General Manager.** [[TS 1:55:37](#)]

Isabel Safie, of BBK, pointed out that Items 8 and 9 are the same item. She provided context for the recommendations, and noted that the resolution includes approval of the restated employment agreement. This action also conforms with CalPERS rules for annuitants.

- Motion by Director Hacaj, seconded by Director Duggan, to approve Resolution No. 2023-21 clarifying the action to appoint David Aranda as Interim General Manager and to approve his restated employment agreement, carried (5-0) by roll call vote.

Resolution No. 2023-21, A Resolution Of The Kensington Police Protection And Community Services District Board Of Directors To Clarify The February 9, 2023 Action To Appoint David Aranda As Interim General Manager.

9. **Approval of Interim General Manager David Aranda's Amended and Restated Employment Agreement.**

Approved with the motion in Item 8.

10. **Receive and File the SB-165 Annual Report for the Kensington Police Protection and Community Services District Supplemental Police Tax for Fiscal Year 2023.** [[TS 2:07:08](#)]

Interim General Manager Aranda reported that Senate Bill 165 requires that the Board acknowledge receipt of monies for a specific fiscal year and that the purpose of the special tax was properly applied for the supplemental police tax for the "purpose of obtaining, operating, maintaining and expanding police protection service, facilities and equipment, salaries and benefits to police personnel and for other necessary police protection service expenses of the district. The amount was \$635,710.02.

- Motion by Director Hacaj, seconded by Vice-President Gough, that we receive and file the SB-165 Annual Report for the Kensington Police Protection and Community Services District supplemental police tax which shows our compliance for Fiscal Year 2023, carried (5-0) by roll call vote.

11. **Approve Entering into a Consulting Agreement with R3 Consulting Group for a Solid Waste Study at a Cost of \$15,000.** [[TS 2:08:38](#)]

Interim General Manager Aranda presented background information on the proposal. He pointed out that after receiving feedback, it was his recommendation that that we ask R3 to come back with a revised proposal. There was discussion about the franchise fee justification study and the cost of service study.

- Motion by Director Hacaj, seconded by Vice-President Gough, to table this item and bring it back to the Board in January if possible, carried (5-0) by roll call vote.

12. **Discussion Regarding Contra Costa County Hazard Mitigation Plan process.**

[\[TS 2:20:40\]](#)

Interim General Manager Aranda presented information on the Hazard Mitigation Plan process and the requirements needed to meet FEMA guidelines and qualify for grants to mitigate the projects. He pointed out that one step will be to hold a town hall meeting to provide the action items to the community.

13. **Discussion and Request to Approve the Reorganization Proposal Submitted by Ridgeline Municipal Strategies for \$49,620 in Conjunction with KFPD also Accepting the Proposal.**

[\[TS 2:23:49\]](#)

Interim General Manager Aranda highlighted the recommendation to approve accepting the proposal from Ridgeline Municipal Strategies for \$49,620 subject to the Kensington Fire Protection District (KFPD) approving the proposal. The cost would be shared between the two agencies.

- Motion by Vice-President Gough, seconded by President Aquino-Fike, to approve accepting the reorganization proposal from Ridgeline Municipal Strategies for \$49,620 contingent on the KFPD also approving the proposal and sharing in the cost 50/50, carried (5-0) by roll call vote.

14. **Approve Resolution No. 2023-22, A Resolution of the Kensington Police Protection and Community Services District Board of Directors Authorizing Submittal of Individual Grant Applications for All Grant Programs for which the Kensington Police Protection and Community Services District is Eligible.** [\[TS 2:32:08\]](#)

Interim General Manager Aranda presented background information for the action to authorize submitting grant applications for projects that could help the community. Director Spath suggested that the resolution title should reflect all “*Cal Recycle*” grant programs.

- Motion by Director Duggan, seconded by Director Spath, to approve Resolution No. 2023-22, A Resolution of the Kensington Police Protection and Community Services District Board of Directors authorizing submittal of individual grant applications for all Cal Recycle grant programs for which the Kensington Police Protection and Community Services District is eligible, carried (5-0) by roll call vote.

Resolution No. 2023-22, A Resolution of the Kensington Police Protection and Community Services District Board of Directors Authorizing Submittal of Individual Grant Applications for All Cal Recycle Grant Programs for which the Kensington Police Protection and Community Services District is Eligible.

15. Approval to Spend Up to \$8,000 to Perform an ADA Survey on Park Facilities and Four Paths. [[TS 2:35:30](#)]

Interim General Manager Aranda reported that he was requesting \$5,000 to perform work for areas outside of the park and possibly some of the paths.

- Addressing the Board was John Gaccione who commented that ownership of the paths is a problematic and that Contra Costa County should take responsibility for the paths.
- Motion by Director Duggan, seconded by Vice-President Gough, to approve allowing the General Manager to spend up to \$5,000 for ADA inspections around park facilities and up to four paths in Kensington, carried (5-0) by roll call vote.

16. Elect a President and Vice-President for the Kensington Police Protection and Community Services District Board of Directors to comments January 1, 2024. [[TS 2:52:22](#)]

- Motion by Vice-President Gough, seconded by Director Hacaj, to elect Director David Spath as President of the Board for 2024, carried (5-0) by roll call vote.
- Motion by Director Duggan, seconded by Director Hacaj, to elect Director Aquino-Fike as Vice-President of the Board for 2024, carried (5-0) by roll call vote.

Comments & Reports

17. Police Chief Report. [[TS 2:57:14](#)]

Interim General Manager Aranda announced that the Police Chief's report had been submitted. He noted that Chief Gancasz would be presenting information on the FLOCK cameras at the January 2024 board meeting. He shared that some new head gear that would be worn by officers to keep them warm. In concluding, IGM Aranda said the DUI vehicle had arrived and reimbursement is forthcoming.

18. General Manager's Report. [[TS 3:01:02](#)]

The General Manager's Monthly Report, the KCC Recreation Office Report December 2023, and the Parks Report were submitted with the agenda packet.

19. Verbal update from the Ad Hoc Consolidation Committee. [[TS 3:01:21](#)]

No update.

20. Update by the Police Department and District Office Permanent Location Ad Hoc Committee. [[TS 3:06:36](#)]

Vice-President Gough presented a brief update. She reported that the District received positive results from the Kroff geotechnical and soil analysis for the south lot area option for a new police

building. Given this, the Committee will continue to perform due diligence and anticipate having additional information to share in January 2024. She reported that the committee members have not been able to meet with owner of 303 Arlington.

21. **Director Comments.** [[TS 3:05:39](#)]

Board members wished everyone happy holidays and Happy New Year.

Adjournment [[TS 3:06:26](#)]

President Aquino-Fike announced that the next regular meeting is scheduled for January 11, 2024. The meeting was adjourned at 8:42 p.m.

SUBMITTED BY:

Lynelle M. Lewis, District Clerk of the Board

APPROVED: January 11, 2024

David Aranda, Interim General Manager

Alexandra Aquino-Fike, President of the Board