

**BOARD OF DIRECTORS MEETING MINUTES**

**Thursday, October 8, 2020**

**Via Teleconference**

**Regular Meeting - 7:30 p.m.**

**CALL TO ORDER**

President Deppe called to order the Regular Meeting of the Board of Directors at 7:43 p.m. Directors Eileen Nottoli, Rachele Sherris-Watt, Sylvia Hacaj, and Cyrus Modavi were present at roll call.

Staff present included Interim General Manager Bill Lindsay, Interim Police Chief Walt Schuld, General Counsel Ann Danforth, and Clerk of the Board Lynelle M. Lewis.

**SPECIAL PRESENTATIONS**

[TS 1:51] Interim General Manager Lindsay thanked Katherine Korsak, former Finance and Business Manager, for her contributions to the District during her tenure. He highlighted the many projects she completed along with the numerous improvements she implemented that led to increased efficiency and lower administrative costs. Of note, Mr. Lindsay highlighted improvements in financial reporting processes, a new structure for digital files, preparation of the Fiscal Year 2020-21 budget, changes to the chart of accounts structure, a new payroll system, implemented negotiated employee benefits with the KPOA, digital signing of documents, a finance proposal for procurement of police vehicles, along with training of new Interim General Manager and Police Chief. The Board and staff offered thanks and appreciation for Ms. Korsak's dedication to the District. Ms. Korsak thanked everyone for the kind words and thanked board members for their dedication to the Kensington community.

[TS 18:16] Colleen Haley, Special District Leadership Foundation representative, presented the District with the Transparency Certificate of Excellence which recognizes best practices to promote transparency in the operations and governance of special districts. The District was recognized for completing a comprehensive checklist of transparency requirements, commitment to being open and transparent, and commitment to engaging the public in greater awareness of the District's activities. President Deppe thanked staff and the Board for its efforts to make this recognition possible.

**GENERAL PUBLIC COMMENT**

[TS 26:00] The following persons provided public comment: 1) Catherine deNeergaard commented that the District lacked transparency in many areas and she is surprised that the District received the transparency certificate; 2) A. Stevens Delk expressed sadness to hear of Katherine Korsak's departure from the District and then asked if board members are leaving the meeting when their computer screen goes blank; 3) David Bergen asked about storage of digital files and videos; and 4) Paul Dorroh urged the Board and General Manager to consider taking action to open the bathrooms at Kensington Park.

**BOARD/STAFF COMMUNICATION**

[\[TS 35:59\]](#) **General Manager's Report.** Interim General Manager Lindsay reported that the deadline for permanent General Manager applicants is Monday, October 12<sup>th</sup> and the consultant will provide the Board with an update on the number of applicants, the schedule, etc. Mr. Lindsay also reported that staff is researching contractors that can perform the level of maintenance needed to meet the public health requirements in order to reopen the Kensington Park bathrooms.

[\[TS 40:50\]](#) **Police Chief Report.** Interim Police Chief Schuld announced that the Police Department will begin the process of developing a long-term strategic plan. The process will incorporate input from the community, the Board and staff.

[\[TS 44:14\]](#) **Board Communications.** Director Sherris-Watt reported that former Finance and Business Manager Katherine Korsak submitted the WW grant application and once the grant money is received and accounted for, renovation costs for the Kensington Community Center (KCC) is projected to be \$1,188,800. A final report on the KCC renovation project will be provided at the October 20<sup>th</sup> Finance Committee and subsequently to the Board. Director Modavi asked that the Public Safety Building planning discussion be expanded to include costs for temporary housing plans. Director Nottoli commented that Pathkeepers would like to meet with each board member to discuss maintenance of the paths and suggested including Contra Costa County and the Kensington Fire Protection District (KFPD) in the discussion. President Deppe announced that he had spoken with County Supervisor John Gioia about ownership of the paths. Mr. Gioia suggested that either KFPD or KPPCSD take ownership of the paths. President Deppe provided some historical background on KPPCSD Board discussions on the paths from January 12, 2012 and October 6, 2013. President Deppe announced the creation of a temporary advisory committee consisting of him and Director Sherris-Watt to collect information and produce a report on the paths for the November 12<sup>th</sup> Board meeting.

## CONSENT CALENDAR

- The following person provided public comment: 1) Catherine deNeergaard said she wished the minutes contained more information about what people said.

### 1. [\[TS 1:01:50\]](#) **Consider Approval of Minutes for the Regular Board Meeting of September 10, 2020.**

- Motion by Director Sherris-Watt that we adopt the Minutes of September 10, 2020 with the following corrections: (1) clarification to sentence on page 1, last paragraph, under public comment #1 and (2) the date in the motion for Item 2 should be corrected to June 30, 2020 rather than June 20. President Deppe seconded the motion. The motion carried (4-1) by the following roll call vote: AYES (Directors Sherris-Watt, Hacaj, Nottoli, and Deppe) and NOES (Modavi).

## BOARD DISCUSSION AND DETERMINATION

### 2. [\[TS 1:14:30\]](#) **Consider Directing Staff to Prepare an Amendment to KPPCSD Policy 1055, Records Management, to Delete the Provision Allowing for Destruction of Recording Tapes (or other media) of Board Meetings for a Period of Five Years from the Date of the Recorded Meeting (Section 1055.5), and Adding Them to the List of “vital and permanent records” (Section 1055.2).**

Interim General Manager Lindsay summarized the recommended action. In addition to adding the recordings of meetings as a permanent record, he said the minutes will include a time stamp to indicate when the discussion topic begins on the recording.

- The following persons provided public comment: 1) Lynn Wolter asked if an ordinance on document retention superseded something in the policy manual and also asked if minutes would be kept in perpetuity; and 2) David Bergen reported that he has maintained videos of board meetings and suggested that the recordings should be transferred on to newer media as time goes by.

Following Board discussion, there was consensus to give direction to staff to prepare amendments to KPPCSD Policy 1055 described in agenda Item 2, and to consider Director Nottoli’s suggestion to keep the first sentence of 4140.1.2 and add to the end “and kept pursuant to Records Retention Policy 1055.5 and delete 4140.1.3 in its entirety.” President Deppe and General Counsel Danforth will work together to develop amendments to the policy.

3. **[TS 1:30:30] Consider Approval of a Payment to Lamorena & Chang in the Amount of \$10,495 For Previously Unbilled Audit Services Necessary for Compliance with Governmental Accounting Standards Board (GASB) 68 and 75 Related to Determining the Value of Expected Post-Retirement Benefits (OPEB).**

Interim General Manager Lindsay reported that in preparing the final billing for FY 2018-19 audit services, Steven Chang, of Lamorena & Chang, discovered that he had inadvertently neglected to bill the District for subcontracted work that was necessary to render an opinion on the District’s financial statements. Specifically, he neglected to bill the District for subcontracted work provided by an outside accounting firm that were necessary to prepare a report in compliance with Governmental Accounting Standards Board 68 and 75. The total cost of services that were inadvertently unbilled is \$10,495.

- Motion by Director Hacaj that we authorize the payment of \$10,495 to Lamorena & Chang to pay for these supplemental services related to audit services. Director Sherris-Watt seconded the motion. The motion carried (5-0) by the following roll call vote: AYES (Directors Sherris-Watt, Modavi, Hacaj, Nottoli, and Deppe) and NOES (None).

4. **[TS 1:35:48] Consider Approval of a Contract with Nigro & Nigro PC to Provide Financial Audit Services for the Fiscal Years Ending June 30, 2020 through June 30, 2024 for an Annual Cost of \$15,500, a Total Cost of \$77,500 Over the Five-Year Period.**

Interim General Manager Lindsay reported that a Request for Proposal (RFP) was distributed to qualified firms for financial audit services. Based on the proposals received and the recommendation of the ad hoc committee (President Deppe and Vice President Sherris-Watt), the staff recommendation is to approve a contract with Nigro & Nigro PC to provide financial audit services for a five-year period.

The following persons provided public comment: 1) A. Stevens Delk asked if the audit tables of the new auditor will allow for comparative analysis to previous audit reports.

- Motion by President Deppe that we approve the contract with Nigro & Nigro PC to provide financial audit services for fiscal year ending June 30, 2020 through June 30, 2024 for an annual cost of \$15,500, a total cost of \$77,500 over the five-year period, and that we direct Attorney Danforth to draw up the contract. Director Nottoli seconded the motion. The motion carried (5-0) by the following roll call vote: AYES (Directors Sherris-Watt, Modavi, Hacaj, Nottoli, and Deppe) and NOES (None).

The final contract will be provided to the Board and placed on the KPPCSD website.

5. **[1:53:47] Receive an Update on the Current Status of the Architectural Design Process for Housing Both the Kensington Fire Department and the Kensington Police Department in the Public Safety Building.**

Interim General Manager Lindsay reported that on September 17, 2020, KPPCSD staff received from the architect's draft conceptual plans for a new Option D for the renovated Public Safety Building. This conceptual plan incorporates an elevator and a wheelchair lift, and has a redesigned space on the ground floor to improve the layout of the Kensington Police Department based on prior comments from the department. The ground floor also incorporates the Kensington Fire Department's preferred layout for the apparatus bays and support spaces. The conceptual design encloses the outdoor deck area, and includes modifications to meet accessibility codes.

Additionally, on October 1<sup>st</sup>, Police Chief Walt Schuld and the General Manager met (virtually) with the architects to review the new Option D conceptual design. Police Chief Schuld provided input to the architect related to Police Department needs: need for a mandatory secure computer room; design of the evidence room; number of work stations for police personnel; space for volunteers/cadets; location of firearms clearance tube and safe; storage spaces for files, office equipment, etc.; prisoner processing area, which needs to conform to DOJ requirements; department access from the upper parking lot; inclusion of a Live Scan area; and the need for a secure interview room. These issues have been proposed as the subject of future discussions among police and fire management and the architects. Mr. Lindsay reported that he had requested the architect's estimated schedule for completion of the architectural design and construction of the renovated Public Safety Building.

- The following persons provided public comment: 1) Larry Nagel, Co-Chair Building Committee at KFPD, commented they are not allowed to increase the footprint of the building so moving an elevator outside is not an option; and 2) Jim Watt commented asked about the having a handicap parking space on second floor. Mr. Nagel said providing handicap parking would not meet ADA requirements.

Mr. Lindsay said staff would provide an update at the next Board meeting.

## **ADJOURNMENT**

President Deppe adjourned the meeting at 9:45 p.m.

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SUBMITTED BY:

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Lynelle M. Lewis, District Clerk of the Board

APPROVED: October 22, 2020

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Bill Lindsay, Interim General Manager

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Chris Deppe, President of the Board