



Agenda

Kensington Police Protection and Community Services District

**Board of Directors
Special Meeting
Thursday, February 23, 2023
2:45 p.m.
Via Teleconference**

www.kppcsd.org/2023-02-23-kppcsd-board-special-meeting

The page at the URL above will have instructions on how to join the online meetings.

Virtual Access:

<https://us02web.zoom.us/j/83881987461?pwd=QUdRL0FCNzk5dVVVGL2hxcHN2OHdYQT09>

Zoom ID: 838 8198 7461

Passcode: 706192

On September 16, 2021, the Governor signed into law AB 361. AB 361 added Section 54953(e) to the California Open Meetings Act, California Government Code 54950 et seq. (“The Brown Act”). Section 54953(e) allows District’s legislative body, the Board of Directors, to hold meetings by teleconferences during a proclaimed state of emergency subject to the Board making findings specified in Section 54953(e)(2). The Board may continue to hold teleconferenced meetings during the state of emergency so long as at least every 30 days, the Board reconsiders the state of emergency to determine if remote meetings are warranted under Section 54953(e)(3). When holding teleconferenced meetings, the Board must comply with the notice, access, public comment and other procedure requirements of Section 54953(e)(2).

The Board may also hold hybrid meetings, where most or all of the Directors attend in person but the District offers the public the option of attending by Zoom or other teleconferencing methods. Please be advised that those participating in such meetings remotely do so at their own risk. The Board meeting will not be cancelled if any technical problems occur during the meeting.

Call to Order

Roll Call

Special Meeting Agenda Item Public Comments

Individuals wishing to address the Board of Directors concerning any items not on the agenda may make oral comments of up to three minutes. Please raise your hand via Zoom. When you are called on by the Board President, you will be unmuted and you can address the Board of Directors. Please state your name clearly for the audio recording. You are requested to address your comments to the President and Board of Directors and not to staff and/or the audience. By state law, the Board is not permitted to undertake any action or discussion on any item not appearing on the posted agenda. If you have any documentation that you would like distributed to the Board, please mail or email it to the Clerk of the Board at 10940 San Pablo Ave., Bldg. B, El Cerrito, CA 94530 or llewis@kppcsd.org. For other concerns or needs contact David Aranda at (510) 960-0716.

Discussion and Action

1. **Filling Board Vacancy**

Recommended Action: Accept Director Eileen Nottoli's resignation, and approve appointing a Kensington resident to the Board of Directors at the April 13, 2023 regular board meeting.

2. **Contract with Kensington Community Council (KCC)**

Recommended Action: Extending the contract between the Kensington Police Protection and Community Services District and KCC until July 13, 2023.

Adjournment

The next regular meeting is scheduled for March 9, 2023.

General Information

- All proceedings of the Open Session will be audio and video recorded if possible.
- 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 Service District at *10940 San Pablo Ave., Building B, El Cerrito, CA 94530*.
- To be added to the Board Agenda Mailing List, complete and submit the form at <https://www.kppcsd.org/agenda-mailing-list> or by notifying the Clerk of the Board at llewis@kppcsd.org.

Posted Agenda

Kensington Police Department – Colusa Food Market – Arlington Kiosk and Kensington Community Center or at www.kppcsd.org. Complete agenda packets are available at the Public Safety Building at *10940 San Pablo Ave., Building B, El Cerrito, CA 94530*.

All public records that relate to an open session item of a meeting of the Kensington Police Protection & Community Service 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 at *10940 San Pablo Ave., Building B, El Cerrito, CA 94530* at the same time that those records are distributed or made available to a majority of the Board.



Date: February 23, 2023
To: Board of Directors
From: David Aranda, Interim General Manager
Subject: Board Vacancy

Recommendations

- 1) Motion to accept Ms. Nottoli's resignation;
- 2) Approve the posting for the vacancy as noted in the attached;
- 3) Approve placing an application and information online for interested parties to apply for the vacant seat **; and
- 4) Approve placing on the April 13th agenda the selection of an individual to be appointed as a Director for KPPCSD.

**Please note the attached form from KPPCSD from the last vacancy and the attached electronic form from Stallion Springs CSD. I would ask the board members to come prepared to suggest the format and the questions that are desired to appear on the KPPCSD Website.

Background

On February 10, 2023 the past General Manager and the Board President received the resignation of Director Eileen Nottoli (see attached).

As outlined in the book "Handbook for Public Officials" the remaining four directors on the KPPCSD Board of Directors may appoint an individual to fill the seat left empty by Ms. Nottoli. There are other methods in filling the empty board seat, but they are not recommended due to a large expense (for a special election) and lack of control of filling the seat (an appointment by the Board of Supervisors).

Fiscal Impact

None

Exhibit (s)

- Director Eileen Nottoli's Letter of Resignation
- Notice of Vacancy
- Prior Application for KPPCSD Board of Directors
- Copy of electronic Stallion Springs CSD Board Member Application
- Excerpts from Handbook for Public Officials

From: Eileen Nottoli <ENottoli@kppcsd.org>

Date: Friday, February 10, 2023 at 3:47 PM

To: Tony Constantouros <TConstantouros@kppcsd.org>, Alexandra Aquino-Fike <AAquinoFike@kppcsd.org>

Subject: My Resignation

I have enjoyed my tenure on the KPPCSD Board over the years but feel it is time for me to get back to my prior endeavors. Thus, my service as a member of the KPPCSD Board of Directors will end today, Friday, February 10, 2023.

I am proud to have served on Boards which have achieved many significant accomplishments including splitting the combined General Manager and Chief of Police position, hiring the first professional General Manager, supporting the development of improved financial accounting and budgets, renovating the Community Center for seismic safety without the need for a bond, developing professional administration staff, modernizing the payroll system, improving our police department, shepherding the contracts with police to increase salaries while saving the District money, moving dispatch services to a less expensive and more reliable dispatch provider, purchasing new hybrid vehicles for the police, purchasing body cameras and new desktop and laptop computers for the police, adopting a new logo, lowering attorneys fees, improving the website to be searchable and ADA compliant, adding new garbage containers in commercial areas, and revising the Policy and Procedure Manual.

We have been fortunate to have excellent directors and dedicated employees. I leave with many fond memories and new friendships.

It has been my honor to have served our community.

Eileen Nottoli

Kensington Police Protection & Community Services District

Notice of Vacancy of the Board of Directors
(Gov. Code 17800)

PLEASE TAKE NOTICE pursuant to Section 1780 of the Government Code that the resignation of Eileen Nottoli effective February 10, 2023 has created a vacancy in the office of Direction for Kensington Police Protection & Community Services District. The remaining Directors of the Kensington Police Protection & Community Services District intend to fill the vacancy by appointment made at the Board's regular meeting to be held at 7:00 p.m. on Thursday, April 13, 2023. Persons residing in the community of Kensington Police Protection & Community Services District and otherwise qualified to serve as a Director who are interested in being appointed to fill the vacancy are invited to obtain an application and submit their resume to the District online at www.kppcsd.org. Deadline for application this Thursday, April 6, 2023 at 4:00 p.m. Contact David Aranda, Interim General Manager, at Daranda@kppcdd.org for more information.



Date and Time Received

NOTE: THIS COMPLETED AND SIGNED APPLICATION MUST BE FILED WITH THE KPPCSD Clerk of the Board BY XXXXX

----APPLICATION FOR APPOINTMENT TO THE KPPCSD BOARD OF DIRECTORS----

This application is to fill a vacancy on the KPPCSD Board of Directors. The KPPCSD Board of Directors will review all submitted applications provided the applicants satisfy the stated qualifications. The Board may hold a public interview process for each candidate. This application is a public document, although your personal information will be redacted. Your application will be compiled with other applications and considered by the KPPCSD Board of Directors as a part of a noticed public meeting. Only Kensington residents who are registered voters in Kensington will be eligible for appointment.

Name: _____

Residence Address: _____

Mailing Address (if different): _____

E-mail: _____

Phone Number: _____

Are you currently a registered voter and a resident of Kensington, or will you be at the time of an appointment? _____ (yes or no)

Please include **your resume** and answer the following questions on a separate sheet(s) of paper.

1. Why do you want to be appointed to the KPPCSD Board of Directors?
2. Over the last two years, what issues have been interesting to you that have resulted in your participation at Board meetings?
3. What are your top three priorities for Kensington?
4. What relevant skills, experience and expertise do you bring to serving as a KPPCSD Board of Director?

5. Please give an example of how you would resolve a situation where your personal philosophy is at odds with what is best for Kensington.
6. How would you handle a matter that has very disparate points of view?
7. If you could change one thing about how Kensington operates, what would it be and why?
8. What do you see as the role of the KPPCSD Board of Directors and of the District Staff?

You may also provide any additional information or comments you feel would assist the KPPCSD Board of Directors in considering your application.

Please note: At the time you would be named to the KPPCSD Board of Directors, you must be:

- At least 18 years of age and a resident and registered voter in Kensington.
- You must maintain Kensington residency and registered voter status throughout your term of office.
- Also, at the time of appointment (and annually as well as at the completion of your service), you will be required to complete and file a public Form 700 with the California Fair Political Practices Commission. Form 700 filings allow the public to know of any potential conflicts of interest related to your public service. These conflicts can relate to employment, property ownership, loans and gifts, stock ownership, and more. You are also required to disclose certain financial interests of your spouse (if applicable).
- During your term on the Board of Directors, you will be required to identify any potential conflicts (often with the assistance of the District Counsel) and to recuse yourself from voting on or otherwise influencing any action that might cause a financial or other conflict.

Please sign and return this form with the questions answered via an email to Lynelle Lewis, Clerk of the Board, at llewis@kppcsd.org. You may also drop off the form, answers and resume at the Public Safety Building, 217 Arlington Avenue, Kensington. On the envelope, please write "Attention Lynelle Lewis, Clerk of the Board." Please do not mail the form, as it may not arrive at District offices by the deadline. If you have any questions about this application, please call Ms. Lewis at 510-526-4141.

I _____ (print name) swear/affirm that the foregoing information is true and correct.

Applicant's Signature

Date

Stallion Springs CSD Board Member Application

Contact Information

Name	
Street Address	
City ST ZIP Code	
Home Phone	
Work Phone	
E-Mail Address	

Why do you wish to serve as a Director?

Are you committed to attending Board meetings and other District functions?

Special Skills or Qualifications

Summarize special skills and qualifications you have acquired from employment, previous volunteer work, or through other activities, including hobbies or sports.

Signature

Name (printed)	
Signature	
Date	

Our Policy

It is the policy of this organization to provide equal opportunities without regard to race, color, religion, national origin, gender, sexual preference, age, or disability.

Thank you for completing this application form and for your interest.

hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate or stimulant addict, but in the event the office shall not be deemed vacant until the order of commitment has become final.⁴³

Agencies have great discretion in deciding who to appoint to fill a vacancy. There is no prescribed way for a member to resign. Good practice dictates the creation of a good record. The agency should require members to resign in writing with a specified effective date.⁴⁴ The remaining members should "accept" the resignation on the record at a public meeting. However, a member cannot be forced to resign in writing and the resignation is effective even if it is not accepted. Any qualified "elector" may be appointed. Employees of an agency can serve on the governing board but once elected, the employee must resign as an employee.⁴⁵ An elector is someone eligible to vote. This usually means the person must live within the territory which elects the member and be at least eighteen years old. In some cases, the person to be appointed must actually be a registered voter but this is not a universal requirement. The office is assumed when the loyalty oath is taken.⁴⁶

Within ten days of a vacancy, the agency must notify the county clerk of the vacancy.⁴⁷ The vacancy can be filled no sooner than fifteen days after a notice is posted that an appointment may be considered by the board of the agency.⁴⁸ Some agencies simply put a vacancy on the agenda and the board votes to fill it. Some agencies solicit written applications. Some agencies interview candidates. The selection process is not regulated, but it must be during a public meeting. A person who is appointed will hold office for the remainder of the term if less than half the term remains.⁴⁹ The appointed director will serve until the next election if more than half the term remains. An appointed director is not entitled to be designated as an incumbent until at least one election cycle.⁵⁰ The board of the agency may call an election to fill the vacancy.⁵¹ The board of

supervisors may appoint or call an election to fill the vacancy if the agency board fails to appoint or call an election to fill the vacancy within sixty days of the date of the vacancy.⁵² If no one calls, the agency must call an election.⁵³

Leaving Office

A person holding an elective office (whether elected or appointed to the office) can be removed from office in three ways: by the election of someone else, recall, or impeachment. The election of a successor is self-explanatory.

Recall is a "political" process. A recall election takes place when voters are dissatisfied with a director's performance.⁵⁴ Misconduct is not a prerequisite to recall.⁵⁵ The process is described in the Elections Code. It is lengthy and complicated. Any error will bring the process to the end. Opportunity for error is compounded because recall statutes are frequently changed.⁵⁶ Petitions containing a specified number of signatures must be filed with the agency secretary and then presented to the county election official who decides whether the requisite number of qualified signatures have been presented. If the petition contains enough signatures, the county election official schedules an election.⁵⁷ At the election, the official is recalled if a majority vote carries for the proposition. At the same election, the person receiving the most votes is elected to succeed the recalled director.

Impeachment is a judicial process. The impeachment statute was one of the first laws adopted when California became a state:

An accusation in writing against any officer of a district, county, or city, including any member of the governing board or personnel commission of a school district, for willful or corrupt misconduct in office, may be presented by the grand jury of the county for or in which the officer accused is elected or appointed. An accusation may not be



Date: February 23, 2023
To: Board of Directors
From: David Aranda, Interim General Manager
Subject: KCC Contract

Recommendation

Approval to extend the existing contract between KPPCSD and KCC until May 31, 2023.

Background

At the December 8, 2022 board meeting, the KCC contract was extended to February 28, 2023. Director Hacaj, Committee Member for KPPSCD, is working with KCC. Director Hacaj has written a report on why this contract between KPPCSD and KCC needs to be continued until a new contract can be drafted and approved by both parties.

Fiscal Impact

None

Exhibit (s)

Memo from Director Hacaj

Date: February 20, 2023

To: KPPCSD Board of Directors

From: Sylvia Hacaj, KPPCSD Board Member

Subject: Extension of contract with Kensington Community Council (KCC) until May 31, 2023

Recommendation:

Extend current agreement with Kensington Community Council to May 31, 2023.

Rationale for Recommendation:

The KPPCSD and Kensington Community Council have been negotiating a new agreement since July 2022, meeting several times for at least 90 minutes in July, November, and December 2022 and continues to work cooperatively toward a draft to present to both boards. The current extension was authorized on December 8, 2022 and expires February 28, 2023.

Background:

The KPPCSD and KCC are operating off an agreement that was signed in 2017. The current agreement lacks clarity in several areas, and is vague on specific responsibilities of each party. Therefore, both parties agreed a review and renegotiation of the agreement was warranted.

The terms of this agreement required a formal termination of the agreement in order to renegotiate a new one. Per the terms of that contract, on April 14, 2022, the KPPCSD Board voted to terminate the agreement as of July 1, 2022. On June 9, 2022 the KPPCSD Board voted to extend the current agreement, and has done so several times.

Fiscal Impact:

None.

Exhibits:

None.