

## Meeting Minutes for 4/27/17

A Special Meeting (Closed Session) of the Board of Directors of the Kensington Police Protection and Community Services District was held Thursday, April 27, 2017, at 6:00 P.M., at the Community Center, 59 Arlington Ave., Kensington, California. A Regular Meeting (Open Session) followed.

### ATTENDEES

<u>Elected Members</u>	<u>Speakers/Presenters</u>
Rachelle Sherris-Watt, President	Ann Danforth, District's Legal Counsel
Eileen Nottoli, Vice President	Bob Deis, PMG
Sylvia Hacaj, Director	Mabry Benson
Len Welsh, Director	David Bergen
	Peter Liddell
<u>Staff Members</u>	Jim Watt
Rickey Hull, IGM/COP	Gail Feldman
Lynn Wolter, District Administrator	Marilyn Stollon
	Paul Dorroh
<u>Press</u>	Frank Lossy
	Leonard Schwartzburd
	David Spath

President Sherris-Watt called the meeting to order at 6:04 P.M. President Sherris-Watt, Vice President Nottoli, Director Welsh, Director Hacaj, IGM/COP Hull, and District Administrator Wolter were present. President Sherris-Watt announced that Director Cordova would join the Closed Session, if her health permitted.

Director Cordova was to have participated, by phone from Via Ghibellina 42, Florence, Italy.

### CLOSED SESSION PUBLIC COMMENTS

None.

The Board entered into Closed Session at 6:05 P.M.

### CLOSED SESSION

- a. Conference with legal counsel – anticipated litigation: The Board was briefed on matters involving significant exposure to litigation pursuant to California Government Code Section 54956.9(d)(2).
- b. Public Employee, employment, discipline, or dismissal: The Board was briefed on personnel matters pursuant to Government Code Section 54957(b)(1).

- c. Public Employee Employment: Title – General Manager or Interim General Manager. The Board met with Bob Deis to discuss matters pursuant to Government Code Section 54957(b)(1).

The Board returned to Open Session at 7:49 P.M.

President Sherris-Watt took roll call. President Sherris-Watt, Vice President Nottoli, Director Welsh and Director Hacaj were present. President Sherris-Watt reported that Director Cordova would not be joining the meeting because of health issues.

President Sherris-Watt announced there was nothing to report from the Closed Session.

**PUBLIC COMMENTS**

None.

**BOARD COMMENTS**

President Sherris-Watt reported that the Finance Committee had met the night before and had reviewed the preliminary FY 2017-18 Budget. She said the Committee had determined that it wanted to hold an extra meeting to examine the budget, given all the “moving parts” this year. Thus, she said there would be a Special Meeting of the Committee the following Thursday, May 4<sup>th</sup>, in addition to the Committee’s Regular Meeting on May 24<sup>th</sup>.

**STAFF COMMENTS**

None.

**CONSENT CALENDAR**

Mabry Benson asked for Item g (Correspondence) to be pulled.

David Bergen asked to pull Item a (Minutes 4/15/18). He said he wanted to expand upon information contained in these minutes. He reported that the HughesNet monthly allowance was 60 GB per month but that the District could only use 50 GB per month between the hours of 8:00 A.M. and 6:00 P.M. and 10 GB per month between the hours of 6:00 P.M. and 8:00 A.M. He also reported that the download speed was approximately 3.5 Mbps and that the upload was approximately 2.3 Mbps. Mr. Bergen clarified that this was additional information related to the content in the 4/15/17 minutes but was not a correction.

Mabry Benson said there was one piece of correspondence that had not been signed: It was a newspaper article about El Cerrito, the Sheriff, and dispatch. She said she didn’t think it was appropriate to include unsigned anonymous correspondence in Agenda Packets. President Sherris-Watt said she didn’t know who had submitted it and asked for clarification on who had done so. IGM/COP Hull said that it had been suggested to him to add it into the Agenda Packet as correspondence and that it had been his own submission. He said he would put his name on such things in the future.

**MOTION: Director Welsh moved, and President Sherris-Watt seconded, to accept the Consent Calendar.**

**Motion passed: 4 – 0.**

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

## OLD BUSINESS

7. The Board reviewed and considered for approval the CAD/RMS/Records Services contract sent to the KPPCSD by Albany P.D. The Board was updated on matters concerning dispatch by IGM/COP Hull.

IGM/COP Hull reported that this was the contract he'd negotiated with Albany PD's Chief McQuiston and that it enumerated all the services Kensington would need to remain operational. He said the KPPCSD had a pretty good deal: There would be a discounted rate for the first year which would help offset some of the costs to be incurred to get online with the new vendor. He said it was comprehensive and complete. He reported that, during the process, he'd learned there were hidden costs he hadn't known to anticipate and that there was a section of the contract that would allow the District to go one year and then revisit part of it in order to get more money to help the District offset those costs.

IGM/COP Hull reported that there was an issue with the Kensington Police Department's data being housed under the current vendor, New World: Would the KPD be able to retrieve its data. He said there might be some difficulties with the process of moving data from the current vendor to the new vendor, Sunridge – the worst-case scenario was that the Kensington PD might lose all its data for the period prior to July 1, 2017. Vice President Nottoli asked if IGM/COP Hull had checked with the other cities leaving Richmond dispatch to see if Kensington could get its data from them. IGM/COP Hull responded that he'd not done so. Director Hacaj asked if Kensington PD would still have access to the data, if needed. IGM/COP Hull responded that he didn't know the answer but would check. President Sherris-Watt said that this was an unfortunate development but that, as the newspaper article showed, KPPCSD was doing very well with this contract and was in a lucky position to have negotiated it.

Peter Liddell asked what the nature of the data was. IGM/COP Hull responded that it was the data that had been housed on the RMS system of the vendor Kensington PD would be leaving – things such as names and addresses. Mr. Liddell asked if this would include previous traffic stops, history of interaction with law enforcement, names of people who'd had prior interaction with the police department, etc. IGM/COP Hull responded that, yes, it would be everything, such as traffic stops and arrests. But, he said the Kensington PD would still have paper files dating back seven years. Mr. Liddell asked if IGM/COP Hull had spoken with the new data vendor. IGM/COP Hull responded in the affirmative and said that Sunridge was in discussions with the current vendor, New World. Mr. Liddell asked if Sunridge had experience with such transitions. IGM/COP Hull responded in the affirmative. Director Welsh asked if this would create an inconvenience, worst-case scenario. IGM/COP Hull responded in the affirmative. President Sherris-Watt noted that this was a problem that would occur with a conversion to any new system: It wasn't specific with going with Albany. IGM/COP Hull replied that this was correct, and he clarified that this was a possibility but not a certainty.

Leonard Schwartzburd said he thought it would be possible to store the data on some system or hard drive. Director Hacaj responded that the issue was whether the data could be transported into the new system. She clarified that it wasn't an issue of losing the data; it was a matter of fitting it into the new software – a common problem with data migration.

Jim Watt said that this had been discussed at the prior night's Finance Committee meeting. He said he'd read the contract but hadn't seen anything about renegotiating items. He asked in which section of the contract there were some hidden costs. IGM/COP Hull responded that it was section g. Mr. Watt also cited the CPI increases, which were not to exceed 5%. IGM/COP Hull said Section g referred to the technology services for \$12,000. IGM/COP Hull clarified that this clause said that Kensington would get the connection established but that there were costs he had not anticipated. He added that Kensington could go back in and negotiate the technology fee to offset some of the other costs. Director Hacaj further clarified that this would happen if Kensington incurred costs of more than \$12,000: Hopefully, KPPCSD would be able to recoup some of that.

Gail Feldman noted that the contract had a two-year term, with no termination unless for cause. She asked why the Board was locking the District in for two years. She said this would affect the Board's ability to move forward with changes with the organization of the police department that had been discussed by the Ad Hoc Committee. She cited the list of extra services that would be provided, per the terms of the contract, in particular, Item F, which referred to pro-rated costs of \$50,000. She asked if this would be in addition to the costs noted for Items A, B, C, and D. Vice President Nottoli responded in the negative: It would be in lieu of Item A – it would be a discount on the \$80,000. With respect to the timing, Vice President Nottoli said the term had been driven by the fact that it would take so long to set up the system. In addition, she said Albany would have to hire a dispatcher but noted that the discount had been provided because Albany wouldn't have a dispatcher right away. Vice President Nottoli added that there was a two-year term because it would take so much time to get everything set up and that the reason for the 120-day termination was because of the amount of time it would take to get everything transitioned. President Sherris-Watt said she agreed with Ms. Feldman; flexibility would have been ideal. She noted that the agencies had been looking for three to five year terms, so it was good to have achieved this term with Albany. There was clarification that the Board was looking at a three-year contract, and President Sherris-Watt said that the District could not end the contract before two years without cause.

**MOTION: President Sherris-Watt moved, and Vice President Nottoli seconded, that the Board approve the Police Dispatch and Records Services Agreement, with the caveat that it be reviewed and approved by counsel, and allow IGM/COP Hull to negotiate the signing of the agreement. Motion passed 4 – 0.**

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

#### NEW BUSINESS

8. Bob Deis, consultant from Public Management Group, made a presentation to the public concerning the development of criteria for hiring a General Manager, the creation of a job description, the posting of the position, and the presentation of candidates to the Board. Mr. Deis discussed the interview and selection process, in light of the needs of the District.

President Sherris-Watt introduced Bob Deis, from Public Management Group and said that Mr. Deis had been ably guiding the Board through the process of creating a General Manager position for Kensington, which the District had never had before.

By way of background, President Sherris-Watt reported that, in May 2015, the Board had placed an item on the agenda that it would form a committee to research and report back to the Board on possible alternatives to the current GM/COP position and other issues related to District structure and mission statement. She explained that this had led to the development of the Ad Hoc Committee, which had been formed in August 2015, and that this Committee had developed three possible changes to the Kensington governance structure. She reported that the Committee's findings had been submitted in October 2016, following a lengthy process and a great deal of work. She reported that, in January 2017, the Board had discussed splitting the GM/COP positions within the Policy and Procedures Manual and that, subsequently, the Board began its consultation with Mr. Deis.

Mr. Deis provided information about his background:

- A public servant for 34 years, working for cities and communities throughout California and Washington.
- County Administrator.
- City Manager for two cities.
- Retired in 2013, as a public servant.
- Began consulting six months after retiring.

- His background was exclusively with public agencies – cities, counties, and special districts.
- Now working with the consulting division of Public Management Group.

He reported that he'd met with President Sherris-Watt at the company's Berkeley office about the prospect of separating the GM/COP positions and said there was concern about civilian oversight of the police department and about the work to be done on the Community Center. She also had let him know the District was responsible for solid waste services. He said that, because police service was so "core" to the District's function, oversight of a police agency would be a needed skill. He noted that police agencies were going through a paradigm shift in almost every community. Thus, he said candidates needed to be very comfortable and experienced in providing oversight for a police department. He also noted finances and the solid waste function as reasons for the District to consider a former city manager. He said that Kensington didn't have the finances for a full-time city manager, so a part-time GM was the "way to go" and that a retired city manager would be the perfect candidate. He reported that city managers in California had a very strong "encore group," referring to the next career after retiring, and said he thought this would be an excellent candidate pool. He said advertisements had also been placed in local papers and with the California Special Districts Association (CSDA). He reported that 16 individuals had applied and that he had interviewed six of them. Then, he said he wrote assessments of them and reported on these to the Board: The Board interviewed five candidates and asked two to return.

Mr. Deis said that, when selecting an executive for a public agency, it was important:

- To determine the desired skillsets and to communicate this to applicants.
- To find someone about whom the Board and community would be excited and someone who would want to come to Kensington and stay.
- For applicants to understand the public agency environment and to be adept at communicating with the Kensington community.

He noted that Kensington was a high-functioning citizenry, with active participation and opinions and that the selected individual would need to be able work with, but not be consumed by, the politics of the community. He said Kensington was a stable, older, and well-established community and that, because there was a low crime rate, the community had different needs from its police department than did other communities. He noted that there had not been a GM here before, that this would afford opportunity for change – especially with a professional who had done this for his/her entire career, but that the change would need to happen gradually. He said this individual would need to have a good analytical mind, good fiscal management skills, and to understand CalPERS and OPEB retiree healthcare costs. Mr. Deis said this person would need not to be afraid to hold the police department accountable. He also said that, because there was not a lot of staff, this person would need to be able to roll up his/her sleeves and do what another city manager would delegate. He said these were the criteria used in selecting people to interview and reiterated that small city managers seemed the most appropriate pool of candidates.

Mabry Benson asked if there was anyone who fit. President Sherris-Watt responded that it had been a challenge to find someone the Board liked as much as it did Mr. Deis. Mr. Deis added that, once people got used to having a general manager, they would be pleased.

Marilyn Stollon asked if the candidates considered were members of ICMA, the International City/County Management Association. Mr. Deis responded that this was the preeminent professional association for city managers and county administrators across the country and said that all the candidates had been in ICMA. He noted that the organization's annual dues were very expensive and that the employer usually paid for it and said that, for retirees, the dues were lower but permitted only limited access to ICMA services. Ms. Stollon encouraged participation in this because of the organization's high standards and ethics, which she said were really needed because it would indicate that the individual was at that high level. Mr. Deis responded that the organization did have a code of ethics and concluded by saying he would find out if the candidates were ICMA members.



Gail Feldman said she had a question about process. She noted that city managers typically didn't have a public vetting process, prior to being hired. However, she said she had seen special districts employ a public process – noting that Kensington had used such a process when it had last hired an IGM/COP. She said people were interested in this and asked if there would be a process for the community to have some say about how the next interim or permanent GM would be selected. President Sherris-Watt responded that the Board had discussed that and had determined that the prior, public, process had been unusual. She said that she'd been part of the hiring process for every executive the Board had hired during her tenure and that the prior process had lost the KPPCSD several candidates because they had objected to the open process. She said the Board had selected this process because there had been a rift in the public trust after February 2015. She said that, for the current process, the Board didn't want to risk losing any candidates. She said the Board also wanted to move the process along quickly because of the competitive nature of the market. Mr. Deis noted that the Board didn't want to add another potential barrier to the process and that most hiring processes, for this type of executive, was done this way. He said that the one exception to this process was school districts, which always used a public process for its superintendents. President Sherris-Watt added that another restriction had to do with salary: The Board was worried about someone else “swooping down” and taking a candidate from the District – because the Board had identified such outstanding candidates.

Jim Watt asked how the salary and scheduling would be handled. He said the discussion had been that the person would be an hourly-wage part-time employee. He asked if this would be the individual's sole position or if he/she could be working elsewhere with the remainder of his/her time. He also asked if the individual would be restricted to CalPERS' 960 hours for retirees and what would happen if the Board were to hire someone who was used to whole staffs to whom he/she could delegate assignments. He said he was concerned that this individual might rely on consultants, instead. He said he hoped this person would take into consideration that there were a lot of very capable people in the community upon whom he could rely to get information to help solve problems. Mr. Deis responded said it had been made very clear to the candidates that there was not a lot of staff and that they would need to do a lot more than they might have done in the past. With respect to terms and conditions of employment, Mr. Deis said he wasn't comfortable getting into the details, but he said it had been made very clear that this was a part-time position. He said that he'd advised the Board that, for the long-term, it should assume a two-fifths position but that, in the near-term, it would be more time: It would be a issue of managing time, setting priorities, and setting goals appropriately. He noted that just meeting with people could consume all the person's time. President Sherris-Watt said there would not be a 960-hour restriction at this time.

Frank Lossy asked how far the Board had come in finding someone. Mr. Deis responded that the Board had narrowed the number of candidates down to two excellent ones. He said they still needed to perform due diligence and to go through the negotiation process. President Sherris-Watt added that the Board was very comfortable with these two choices.

Paul Dorroh asked how wide a geographical net had been cast to identify potential candidates and if there were any relocation issues involved with any of the candidates. He noted that he didn't think there would be too many small city managers, willing to roll up their sleeves, in the Bay Area. Mr. Deis responded that they had cast a statewide net – through CSDA, bay area newspapers, and an online service. Mr. Deis added that, because the position would be part-time, it limited the applicant pool to those who lived relatively close; thus, he said there would not be any relocation expenses.

President Sherris-Watt said that, in the Board's next agenda, there would be information about salaries for GM positions.

President Sherris-Watt thanked Mr. Deis, and he left the meeting at 8:45 P.M.

President Sherris-Watt asked to move to Item 10.

10. The Board reviewed and considered for approval Resolutions 2017-09, 2017-10, and 2017-11, prepared by NBS that initiate the process of collecting the annual Park Assessment Tax.

President Sherris-Watt asked IGM/COP Hull to introduce the item and read Resolution 2017-09.

President Sherris-Watt explained that, every year, the Board needed to approve these resolutions in order to collect taxes for the park and that the tax would be increased by 3.44%, based on CPI. She noted that this would increase the per parcel tax amount from \$16.09 to \$16.65.

**MOTION: President Sherris-Watt moved, and Vice President Nottoli seconded, to approve Resolution 2017-09.**

**Motion passed: 4 – 0.**

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

Director Welsh suggested summarizing the remaining two resolutions, rather than reading them. Legal Counsel Ann Danforth said that the resolutions would be part of the record if President Sherris-Watt said they were.

President Sherris-Watt explained that Resolution 2017-10 authorized the Board to approve the annual report concerning the levy of assessment, as submitted by NBS, for the fiscal year commencing July 1, 2017 and ending June 30, 2018.

**MOTION: President Sherris-Watt moved, and Director Welsh seconded, that the Board adopt Resolution 2017-10.**

**Motion passed: 4 – 0.**

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

President Sherris-Watt explained that Resolution 2017-11 declared the Board's intention to levy and collect the assessments and said that the District would provide notice of public hearing, which would be held on Thursday June 8, 2017 and that the notice would appear in the public newspaper 10 days prior to that date.

**MOTION: President Sherris-Watt moved, and Director Hacaj seconded, to adopt Resolution 2017-11.**

**Motion passed 4 – 0.**

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

9. The Board reviewed the updated contract with Glass Associates, Inc.

President Sherris-Watt reported that the Board had received an updated contract from Glass Associates, Inc. She said that Director Hacaj would discuss changes made to the Glass Associates contract to provide architectural drawings for improvements to the Community Center.

Director Hacaj reported that the document that appeared on page 43 was a fairly standard consultancy/professional services agreement and that counsel had reviewed it. She reported that there were two exhibits attached: The first was the proposal from Glass Associates. She noted there had been some revisions to the proposal. She explained that the firm was usually hired to provide architectural drawings and construction management and that the agreement had contained a clause that said that if

the firm was terminated any time during the process the District would assume liability for its drawings, which the Board had thought was inappropriate. She said the new language – noted in red and blue ink – addressed this issue so that the firm could not shift all liability away from itself.

President Sherris-Watt reported that Director Hacaj had worked with Judith Propp of the Public Law Group, who had been involved with the project since last fall, and with current legal counsel, Ann Danforth.

Director Hacaj explained that the other documents included were the insurance certificate and two other items that were incorporated by reference as exhibits C and D, which were on file at the District office.

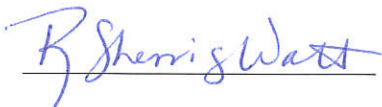
President Sherris-Watt reported, as a reminder, that on January 26, 2017, the Board authorized he to execute the contract, on behalf of the District, which she said she would do. Thus, she said this was not an action item.

**MOTION: President Sherris-Watt moved, and Vice President Nottoli seconded, to adjourn the meeting.**

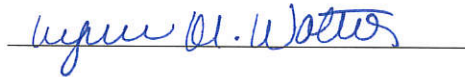
**Motion passed: 4 – 0.**

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

The meeting was adjourned at 8:55 P.M.



Rachelle Sherris-Watt  
KPPCSD Board President



Lynn Wolter  
District Administrator