



KENSINGTON FIRE PROTECTION DISTRICT
REGULAR MEETING OF THE BOARD OF DIRECTORS
MINUTES

Wednesday, August 12, 2020 7:00pm
Via Zoom Teleconference

Due to COVID-19, and in accordance with California Executive Orders N-25-20 and N-29-20, the District Board meeting will not be physically open to the public and all Board Members will be teleconferencing into the meeting. To maximize public safety while still maintaining transparency and public access, members of the public can observe the meeting by accessing <https://zoom.us/j/98735271685> (on the day and time of the meeting) and may provide public comment by sending comments to the Board President and Board Clerk via email at public.comment@kensingtonfire.org. Comments will then be read into the record, with a maximum allowance of 5 minutes per individual comment, subject to the Chair's discretion.

Any member of the public who needs special accommodations should email public.comment@kensingtonfire.org 48 hours prior to the meeting. This will enable the Kensington Fire Protection District to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title 1).

Oral communications will be taken on each agenda item. Each member of the public will be allotted the same maximum number of minutes to speak as set by the President before or during its consideration, except that public speakers using interpretation assistance will be allowed to testify for twice the amount of the public testimony time limit (California Government Code section 54954.3(a)).

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1. CALL TO ORDER/ROLL CALL

President Stein called the meeting to order at 7:06 PM

Present: President Stein, Vice President Padian, Directors Dommer, Kosel, and Nagel

- 2. ORAL COMMUNICATIONS.** This place on the agenda is reserved for comments and inquiries from citizens and Board members concerning matters that do not otherwise appear on the agenda. Speakers shall be requested to provide their names and addresses prior to giving public comments or making inquiries.

Public Comment: Director Kosel would like the public to know that Lamorinda CERT is having a sale on their website. All orders need to be submitted by September 3rd and will be delivered by September 11th.

Paul Moss would like all Kensington residents to know about an evacuation drill on Saturday, August 22nd. The phone and text alert has ten zeros and is unrecognizable. Public safety, CWS, Police and Fire will all coordinate this drill and want to make sure the public is aware

that they will be receiving a text/phone call. Director Nagel will announce this drill at the KPPCSD meeting. Lamorinda had great feedback after this drill and KFPD hopes to become more efficient and effective from this drill.

3. **ADOPTION OF CONSENT ITEMS.** Items 3.1 – 3.6 listed below are consent items, which are considered to be routine by the Board of Directors and will be enacted by one motion. The Board of Directors has received and considered reports and recommendations prior to assigning consent item designations to the various items. Copies of the reports are on file in the Fire Protection District Administrative Office at 217 Arlington Avenue and are available to the public. The disposition of the item is indicated. There will be no separate discussion of consent items. If discussion is requested for an item, that item will be removed from the list of consent items and considered separately on the agenda.

Moved/Seconded: Director Nagel/Director Kosel **Action:** Passed a motion to approve consent items 3.2, 3.3 and 3.6 **Ayes:** President Stein, Vice President Padian, Directors Dommer, Kosel and Nagel **Noes:** None

Moved/Seconded: Director Nagel/Director Dommer **Action:** Passed a motion to approve consent items 3.1 with revisions to misspellings **Ayes:** President Stein, Vice President Padian, Directors Dommer, Kosel and Nagel **Noes:** None

Moved/Seconded: Director Nagel/Director Dommer **Action:** Passed a motion to approve consent items 3.4 **Ayes:** President Stein, Vice President Padian, Directors Dommer, Kosel and Nagel **Noes:** None

Moved/Seconded: Director Kosel/Director Nagel **Action:** Passed a motion to approve consent items 3.5 **Ayes:** President Stein, Vice President Padian, Directors Dommer, Kosel and Nagel **Noes:** None

3.1. Approval of Minutes of the regular meetings of May 13, June 10, (revised-Item 4.10 discussion/action updated for specifics), July 8, 2020 and special meeting of June 26, 2020

3.2. Acceptance of Incident Activity Report July 2020

3.3. Approval of Monthly Financial Report July 2020

3.4. Approval of Monthly Transmittal July 2020

3.5. Authorize the Interim General Manager to Pay Recurring Bills and Provide Monthly Report to the Board of Directors

3.6. Adoption of Resolution 20-11 Approving Amendments to Policy 1150 Budget Preparation and Review

4. ADMINISTRATIVE ITEMS

4.1. Status Report on Permanent GM Recruiting Efforts by Brent Ives/BHI

The recruiting committee met Sunday right before the end of a 60-day recruitment; there have been 24 inquiries and 9 applicants; 6 are qualified for this position. The

committee will meet in the coming weeks and the full board will be updated. Once finalists are chosen, a full background check will be provided. Currently Brent Ives is working on social media profiles for each of the six candidates to submit to the committee and board.

Moved/Seconded: Director Kosel/Director Dommer **Action:** Passed a motion to approve the Status Report on Permanent GM Recruiting Efforts by Brent Ives/BHI **Ayes:** President Stein, Vice President Padian, Directors Dommer, Kosel and Nagel **Noes:** None

4.2. Review Letter from RGS in Response to Payment Dispute and Determine Action
Interim General Manager (IGM) Mary Morris-Mayorga provided RGS response letters to the board and reviewed potential Board actions: accept the credit issue of \$3,902.60 for April, then pay April and the remaining May balance; direct the IGM to dispute with legal counsel assistance. Director Kosel believes RGS was not timely in their work, invoices or professionalism. Director Nagel is not satisfied with the service provided, but thinks we should pay and end our commitment. Vice President Padian would like to defer to President Stein and our legal counsel, but would not refer RGS to others in the future and thinks it might be productive to pay and end the contract.

Moved/Seconded: President Stein/Vice President Padian **Action:** Passed a motion to pay the April RGS invoice for \$21,485.75 and the May RGS invoice of \$7,821.68 for a total of \$29,307.43 with agreement from RGS that they will submit no further invoices and the relationship is cancelled. **Ayes:** President Stein, Vice President Padian, Directors Dommer and Nagel **Noes:** Director Kosel

4.3. Proposed Amendment to Policy 170 Discrimination, Harassment and Retaliation Prevention

Moved/Seconded: Vice President Padian **Action:** Motion to postpone this amendment until attorney reviews and responds with another version **Motion failed**

Rachel Hundley discussed harassment with different subsets. This policy was written in line with legislation of the past two years and public agencies are responsible for establishing a safe environment for the District with a current policy. Because of a question from the board, legal bills are being reviewed. Rachel Hundley is stating inappropriate actions can take place which might not be covered in our policy, but will cause action under different labor laws. In addition, the Board would like to read Director Padian's concerns and six-page letter sent to the attorney for further clarification and understanding.

4.4. Proposed Amendment to Policy 180 Complaint and Investigation Procedures
Vice President Padian states this policy is missing substantial parts and needs to be improved with more thorough processes prior to approving. Rachel Hundley believes it operates with different remedies. Vice President Padian believes we need details of procedure with a stronger policy. The District embodies the Board and employees. Proper guidance on policy is needed for a process to forward and investigate a complaint and the chain of command, once a complaint is made.

4.5. Proposed New Policy 185 Training Requirements

No comments from the board. Bullying needs to be recognized in the policy because it is a common topic in the workplace.

4.6. Proposed Amendment to Policy 1020 Code of Conduct

The District has a Code of Conduct with a suggested amendment in May. IGM Morris-Mayorga suggested some language and included policies from other Districts which were incorporated. 1030.18 needs to be indented and the footer needs to be corrected. Vice President Padian would like to correct and remove the last phrase in 1020.17– clarifying a director should not have to say they agree with a policy if they do not. Ms. Hundley stated that public elected officials do not have some of the public rights the general public has. The Board would like to explore other district policies prior to finishing this proposed amendment, specifically how board members interact with the public. Also, grammatically it should read Directors “have” and not “has” in the policy.

4.7. Approve Staffing Plan to Hire Administrative Support and Finance Positions

IGM Morris-Mayorga presented the staffing plan to hire directly part-time administrative support and finance positions, averaging about 5-10 hours/week each. The total cost is approximately \$117,500 with the General Manager working 20 hours or \$169,500 for 30 hours.

Moved/Seconded: Director Kosel/Director Nagel **Action:** Authorized the IGM to hire two part-time positions, an administration position and a finance position. **Ayes:** President Stein, Vice President Padian, Directors Dommer, Kosel and Nagel **Noes:** None **Motion Approved**

Moved/Seconded: Director Nagel/Director Dommer **Action:** Motion to extend this meeting until 10:15pm. **Ayes:** President Stein, Vice President Padian, Directors Dommer, Kosel and Nagel **Noes:** None **Motion Approved**

4.8. Proposed Amendment to Policy 8 Checking Account

IGM Morris-Mayorga reviewed the resolution and proposed policy amendment. Resolution 20-12 would increase the checking account balance limit from \$35,000 to \$150,000 until October 31st. The California Employers’ Retirement Benefit Trust (CERBT) check reimbursement was received for \$112,644 which if deposited in Mechanics Bank would save time rather than waiting for the County check to replenish the account. Amendments provided by legal counsel were reviewed. Director Kosel inquired about interest earnings on the checking account and stated concerns over lost revenue. The proposed policy amendment will be brought back to the Board at a future meeting.

Moved/Seconded: Director Nagel/Director Dommer **Action:** Adopted Resolution 20-12 to increase the checking account balance to \$150,000 until October 31, 2020 **Ayes:** President Stein, Vice President Padian, Directors Dommer, Kosel and Nagel **Noes:** None **Motion Approved**

4.9. Public Safety Building Renovation Update and Decision Process for KPPCSD Occupancy

Moved/Seconded: Director Dommer/Director Nagel **Action:** Postponed the Public Safety Building Renovation Update and Decision Process for KPPCSD Occupancy until the

September meeting. **Ayes:** President Stein, Vice President Padian, Directors Dommer, Kosel and Nagel **Noes:** None **Motion Approved**

4.10. Authorize Interim General Manager to Negotiate a Lease for Office Space

Moved/Seconded: Director Kosel/Director Nagel **Action:** Postponed discussion on authorizing Interim General Manager to Negotiate a Lease for Office Space **Ayes:** President Stein, Vice President Padian, Directors Dommer, Kosel and Nagel **Noes:** None **Motion Approved**

Moved/Seconded: Director Nagel/President Stein **Action:** Motion to extend the meeting until 10:30 **Ayes:** President Stein and Director Nagel **Noes:** Vice President Padian, Directors Dommer and Kosel **Motion Failed**

5. President's Report

- Sunsetting of Temporary Advisory Committees
- On the horizon: Review of the Emergency Preparedness Committee

6. Interim General Manager's Report

6.1. Shredding Event – Potential Postponement to Spring

6.2. Action Plan Update

7. Fire Chief's Report

One call less than in the previous month. Vegetation management is causing a few complaints due to the aesthetics of how grass or trees are cut. The KFPD only enforces specific rules for compliance and not aesthetics. Three firefighters had potential exposure to COVID 19 with a cardiac arrest but did have full PPE. Firefighters were isolated for 14 days and now back to work with negative tests. Two KFPD firefighters are currently fighting up North in the Red Salmon complex, a battalion chief and paramedic captain. Currently it is very dry and we are entering high fire danger. El Cerrito Fire Services will be reducing services. No stations will be closed. One paramedic is being hired. We will postpone purchasing a fire engine for 1 year. We also predict one retirement in January or February. KPPCSD supports Cert but does not manage them. The board would like an update on the new Emergency Operations plan in September.

8. Board Reports

Informational reports from Board members or staff covering the following assignments:

- a. Finance Committee (Stein/Dommer) (supporting material)
- b. California Special Districts Association Representatives:
 - i. County (Nagel)
 - ii. State Professional Development and Membership Services Committees (Kosel)

9. Adjournment at 10:15pm

Minutes were approved at the September 9, 2020 Board Meeting