



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

**DATE/TIME:** June 9, 2021 / 7:00pm

**LOCATION:** Via Zoom

**PRESENT:** Directors: President Larry Nagel, Vice-President Kevin Padian, Director Don Dommer, Director Janice Kosel, Director Julie Stein  
Staff: GM Bill Hansell, Chief Michael Pigoni, Clerk Sasha Amiri-Nair  
Guest: John Bakker – Meyers Nave

### 1. CALL TO ORDER/ROLL CALL:

President Nagel called the meeting to order at 7:02 p.m. Clerk called roll.

### 2. PUBLIC COMMENT:

Public comment was made by Anthony Knight and Director Stein.

### 3. ADOPTION OF CONSENT ITEMS:

<b>MOTION:</b> M/s Kosel/Padian: Approve Consent Items 3b-3g
<b>VOTE:</b> Ayes: Dommer, Kosel, Stein, Padian, Nagel - <b>Noes:</b> None
Motion passed unanimously. <span style="float: right;">Video Time Stamped: 6.44</span>

Director Stein pulled item 3a for discussion.

### 3a. APPROVAL OF MINUTES OF THE REGULAR BOARD OF DIRECTOR'S MEETING OF 5/12/21:

<b>MOTION:</b> M/s Kosel/Dommer : Approve Consent Item 3a w/strike out of sentence "For the sake of parallelism and accuracy, at least 8 names should be listed."
<b>VOTE:</b> Ayes: Dommer, Kosel, Stein, Padian, Nagel - <b>Noes:</b> None
Motion passed unanimously. <span style="float: right;">Video Time Stamped: 10.06</span>

**NEW BUSINESS**

**4a. PRESENTATION AND DISCUSSION BY DISTRICT COUNSEL OF LEGAL AND PRACTICAL ISSUES ASSOCIATED WITH BOARD MEMBER PARTICIPATION IN SOCIAL MEDIA:**

A presentation was given by John Bakker from Meyers Nave on AB992 and updated Brown Act rules and regulations regarding participation in social media, and presented the Board with some new policy suggestions.

Director Stein stated we have a standing committee with seven public members and assumed that the standing committee would also be considered a legislative body, which must follow the Brown Act. She asked if these Brown Act policies also apply to the non-elected members of the Emergency Preparedness Standing Committee.

Director Kosel asked if two board members discuss an issue on NextDoor, does that mean the other three members are not allowed to discuss it? Bakker stated she was right and that a policy provision should address the issue. GM Hansell noted that their current policy 1020.17 said that directors should commit to supporting an approved action and should not create barriers or speak against the action.

Director Padian stated that if there was a question about something and the Board members responded, he cannot understand why if one member of the Board said something, they are not allowed to comment on that subject again. Bakker clarified that it wouldn't be a Brown Act issue if it's just a question and answer and not a debate. Additionally, Padian raised the concern that the policy GM Hansell quoted violated their first amendment rights if directors cannot speak against an item. Padian recommended that policy number 1020.17 be rescinded. Bakker agreed but stated that it might not be directly enforceable. GM Hansell asked, in that case, if two people dominated the discussion, and then the rest of the Board was excluded from joining in, where was the First Amendment in that situation? Bakker proposed scheduling an agenda item on the policy and then having a complete discussion in a future meeting.

Director Kosel said she would like to talk to Bakker about making revisions to their policy manual. GM Hansell mentioned that we will have a draft update of our policies and procedures to address formatting inconsistencies and inaccuracies. At that point, the board can review everything and may want to revise parts of it and/or offer suggestions on changes.

**4b. EC FIRE SERVICES CONTRACT FEE PROPOSAL FOR FY2021-2022:**

GM Hansell discussed this in the last Finance Committee meeting and asked Chief Pigoni to review the Fee Proposal.

Chief Pigoni reviewed the proposal and discussed its history. In addition to the fee schedule, there is a reconciliation between 2019/2020 and the previous year. This year's budget is part of a 2-year budget that the city put together before it acknowledged previous problems. A significant issue was the overtime that was budgeted. The city manager budgeted only \$700k for the department for the second year in a row. Since 2012, the department has run about \$1.1 million in overtime. Unfunded liability was also a concern. The budget was exceeded because the rate and percentage of unfunded liabilities change annually by Pers. The reconciliation total comes out to be approximately \$191K for Kensington's share of the budget, which is \$60k less

than the prior fiscal year. The 2021 budget is the first budget Pigoni developed and put together with a more realistic estimate that could be met. Overtime was coming over budget, salaries were way under budget, so they should come under budget by the end of this year if there is no significant event in the next two weeks. This year's proposed budget for 2021/22 contract fees is \$200,000 higher than last year's. Three major factors are contributing to the price increase: 1. The labor group pushed back the COLA increases to July 1 of this year; 2. The unfunded liability for pension contributions has increased by almost \$400,000; and 3. Health benefits have increased by \$12k and workers comp by \$8k. With all the increases, they are over \$200k more than last year. Savings and cuts made in other areas lowered the \$200k expenditure to less than \$198k. They have put off the purchase of Engine 71 for another year and have kept one position open for another six months on the savings front. Another increase that began about three years ago was the PSB server system. The prior system was close to 20 years old when it was replaced in 2018 for approximately \$200,000, and the cost was split with the El Cerrito police department, so the fire department paid about \$100k and financed the balance for five years. A \$20k increase in dispatch costs is another item that increased. Specifically, Pigoni said that if they had stayed with Richmond, they would have paid over \$400k. However, as a result of staying with Con Fire, they pay below \$200k and have a dedicated fire dispatch.

Director Kosel stated in the 25 years they have contracted with El Cerrito, Kensington residents have not made one complaint about the department, which is why this was a win-win for both agencies. She and Larry both agreed to vote for this proposal.

Chief Pigoni stated that the city's reserves were dwindling, and it had nothing to fall back on, but two fiscal years ago, he and the city's manager took steps to get the city back on track. The City of El Cerrito has never been at risk of bankruptcy, and for the first time in many years, the city has a positive cash balance and is continuing to improve.

Director Stein stated the El Cerrito auditor recommended contracting out the police and fire services and asked if this was being reviewed. Chief Pigoni said the auditor advised looking at it, but there hasn't been any move to do so.

#### **4c. APPROVAL OF RESOLUTION 21-03 PRELIMINARY FY2021-2022 BUDGET:**

<b>MOTION:</b> M/s Kosel/Dommer: Motion to Approve Resolution 21-03 w/a budget amendment to the fire services.
<b>VOTE:</b> Ayes: Dommer, Kosel, Padian, Nagel, Stein – <b>Noes:</b> None
Motion passed unanimously. <span style="float: right;">Video Time Stamped: 1.49.36</span>

GM Hansell reviewed the preliminary budget. He pointed out that revenues are listed at \$4.8 million, with expenses coming in at \$4.5 million for a net increase in the fund balance of \$393K. Several items that were in the previous budget were also included in this budget. It also has what was approved in March for the Emergency Preparedness Coordinator, a Grant Writer for \$50,000, and a financial planner for \$30,000. Capital and reserve costs in the last budget were a little confusing, and he wanted to make sure this presentation clarifies those issues. An operating budget shows revenues and expenses while a balance sheet shows the entire picture of the District's position in the next fiscal year. Some categories will be tracked differently than before, such as the capital outlay category for renovations, including soft costs and hard costs. Soft costs include architect fees, engineering permit fees, and consultant fees. Hard costs include the actual work performed on the building by the contractor. Overall, the design, engineering, temporary facilities, and renovation will be filled in during the first and second

quarters of the fiscal year. As temporary facilities are constructed, the actual building costs will be seen about the third quarter, and as they are filled in, capital inlays will be noted from the reserve accounts. There will be more information and better formatting available by the end of September once the budget has been finalized.

Director Kosel commended the G.M. for putting together this budget. She would like to emphasize that revenues are projected at \$4.86 million, expenditures at \$4.45 million, which will provide the District with a tentative surplus of \$393k without capital expenditures. The District will have a healthy reserve fund balance of \$9.5 million, so they may be able to pay for renovations in cash. She would also like to focus on the budget's expenditures. It lists an extraordinary amount of accounting fees, and we shouldn't be carrying such a significant expenditure into the future. The legal fees have dropped significantly in the last few months, and she hopes to keep them at \$2k a month. On page 2 of the budget, she noted the expenditures for community service activities. The numbers were low due to the pandemic, and we will carry those numbers forward into the new fiscal year. Additionally, she said that Chief Pigoni requested two additions to the budget. One item was a \$2800 multi-purpose tool for rope rescue and the second item was for \$10,500 for personal carbon dioxide monitors for firefighter turnouts. The total cost for both requests is \$13,300. The Finance Committee members would like to propose amending the current budget to include these items.

Director Stein asked where Mary's contract expenditures were in the budget? GM Hansell explained that her contract fees were above the line item of MMM in "operational consultant". In addition, she asked about the temporary services under the MMM line item of a \$9,000 budget and a projected expense of \$8,703? GM Hansell did not recall but thought that it would be an item from the prior G.M. She also looked at the professional development listing of \$10k and asked if that meant \$2000 per board member? Hansell said that based on the policy manual, he interpreted it was for Board and staff development. She asked the EPC committee members if they felt they had an adequate amount budgeted for them.

Director Padian complimented Larry and Janice for holding meetings that were easy to understand. He said the numbers on the sheet were acceptable, but he would like to clarify something Janice said. She stated that she had received backlash for suggesting the increase, and Padian would like more clarification since he and Larry had not heard that from anyone. Kosel noted that the comments she was getting were that they should hire one person for the job of EPC/grant writer rather than paying two people to do it. He said he would follow Larry's suggestion by categorizing Emergency Preparedness as a separate line item and putting the grant writer and the EPC position under this division. He proposed putting the Emergency Preparedness Committee and Emergency Preparedness Coordinator under the category of Community Services and Education. Kosel didn't believe the proposed idea was legal since non-elected committee members were included. According to Hansell, anything that fell under the education line item of \$20k would be approved in this budget. Anything above that amount would not move forward. Stein didn't know why the comments were brought to the Finance committee when the Board publicly voted and agreed for the position and thought it would be appropriate to include the amount approved for the positions into the budget. The Board also approved either a \$5k or a \$10k budget for the EPC. The last comment Kosel made was that the District does not have a budget to evaluate public address systems or warning systems, and would that be considered later if an evaluation took place? In his plan, Padian said they would do as much research as possible, and Hansell would provide the RFPs for possible options.

A public comment was made by David Spath.

Kosel suggested that pie charts showing the expenses and revenues would be very informational to the public.

**4d. PUBLIC SAFETY BUILDING RENOVATION PROGRESS UPDATE:**

GM Hansell provided an update on the three architectural services and two engineering services proposals that had been submitted. He will interview the architects and engineers next week, develop a contract, with the intent to move forward expeditiously. The pricing for each of them was very similar. Additionally, he received an updated proposal for MACK 5 for project management assistance pertaining to the project. An outline of the project schedule will be prepared when the consultants are all on Board.

Director Stein inquired about the letter that was received from KPPCSD. She asked President Nagel why he didn't put the request on the meeting agenda. Padian disagreed that their letter was a request because the KPPCSD directors know how to officially request an agenda item be added to a board meeting. In his opinion, the KPPCSD letter was quite odd, and he did not think it was a legal action as nothing was voted on in their open session. In their letter's first and second paragraphs, Stein stated that it was preferable that they remain in the building and be provided 1,220 square feet. President Nagel said it was a closed session meeting about a real estate negotiation, and their letter asked for a change in a decision, which must be added to the agenda. GM Hansell sent a reply to the General Manager of KPPCSD, and he re-stated the reasons why the action was taken. The KPPCSD request ignored the factual information that was approved by the KFPD Board. Hansell's letter focused on how the District could assist the Police Department and move forward. Stein stated she would have liked, for the sake of transparency, to access both letters in the current agenda packet and have the letters included on the PSB page on the District website, to which Hansell agreed.

<b>MOTION:</b> M/s Padian/Dommer: Motion to hear the Fire Chief's Report and the G.M.'s report until 10:15 and move the rest of the agenda items to the next meeting.
<b>VOTE:</b> Ayes: Dommer, Kosel, Padian, Nagel, Stein – <b>Noes:</b> None
Motion passed unanimously. <span style="float: right;"><b>Video Time Stamped: 2.45.26</b></span>

**5. FIRE CHIEF'S REPORT:**

Chief Pigoni reviewed the incident reports and phone calls received for the month. He reported an increase of 3 calls from the prior month. He reviewed the ISO evaluation classification of Two, which was two points higher than it was before. For the vegetation management, they were continuing inspections and re-inspections. A resolution on who has not yet cleared their property will be brought to the next meeting. The firefighters are performing occupancy inspections at local businesses and apartments. He discussed the registration of the community warning system with Contra Costa County. He explained how a grant was awarded to Zonehaven to create evacuation zones in Kensington and the surrounding counties. Today it was announced that Genasys recently acquired Zonehaven's primary company. During the Channel 2 news, they talked about how Zonehaven and Fire Safe Marin are working together. He informed everyone about the new alert wildfire cameras around the area and how the company had created an A.I. program to use their cameras to detect smoke, and as soon as the system was perfected, the rest of the cameras in the area will be linked to it.

**6. GENERAL MANAGER'S REPORT:**

GM Hansell stated he has begun working with the Contra Costa County tax collector for the tax roll. The next issue of the fireplug will be published soon, and the operations and policy manuals are being updated and will be brought back to the Board to make some changes. Sasha was able to cut the ATT phone bill in half.

Regarding the EP Coordinator RFP, there were 59 submissions in total, but 56 of those submitted just a resume, so only three complete proposals were received. The Grant Writer RFP brought in 54 responses, but only 1 addressed the requirements of the RFP, so he has extended that proposal period for a bit longer. The three proposals submitted for the EP Coordinator position were all qualified candidates, so he requested that both the President and Vice President attend zoom interviews with each candidate. After the interviews, one candidate stood out. Hansell followed up with reference checks and is moving forward with contract negotiations. The preferred individual's proposal was within the approved budget and he provided excellent graphic outlines for everything including the scope of services, deliverables, and schedule. He hopes to introduce this candidate to the District soon.

Director Stein asked about approving the minutes. She requested that the policy on approval of minutes to be reviewed. According to her, Director Kosel was the Board Secretary and, therefore, should approve/sign the minutes of the Board meetings. The preparer and reviewer should be separate individuals and Stein believes a two-step process is necessary. President Nagel and V.P. Padian agreed with Director Stein and would like to add Director Kosel's signature.

President Nagel stated that the next Board meeting will be on July 14, 2021 at 7 p.m. via zoom.

<b>MOTION:</b> M/s Kosel/Padian: Motion to end the meeting and postpone the rest of the agenda items to the July 14 meeting.
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<b>VOTE:</b> Ayes: Dommer, Kosel, Padian, Nagel, Stein – <b>Noes:</b> None
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Motion passed unanimously.
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<b>Video Time Stamped: 3.15.58</b>
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**ADJOURNMENT:** The meeting adjourned at 10:18 p.m.

MINUTES PREPARED BY: Sasha Amiri-Nair

These minutes were approved at the regular Board Meeting of the Kensington Fire Protection District on \_\_\_\_\_.

Attest:

\_\_\_\_\_  
Secretary of the Board