



KENSINGTON FIRE PROTECTION DISTRICT BOARD OF DIRECTORS MEETING MINUTES

DATE/TIME: September 14, 2022, 7:00PM

LOCATION: Zoom Teleconference

PRESENT: Directors: Director Don Dommer, Secretary Janice Kosel, Vice President Kevin Padian, President Larry Nagel, Director Julie Stein
Staff: Battalion Chief and Fire Marshall Chase Beckman, Battalion Chief Jose Castrejon, GM Bill Hansell, Fire Chief Eric Saylor
Consultant: EP Coordinator Johnny Valenzuela

1. CALL TO ORDER/ROLL CALL

President Larry Nagel called the meeting to order at 7:00 p.m. and confirmed the roll call. President Nagel welcomed newly hired Fire Chief Eric Saylor to the district.

2. PUBLIC COMMENT (00:01:34)

Secretary Janice Kosel asked GM Bill Hansell if all board members have completed their educational requirements. GM Hansell confirmed not all board members have completed their educational requirements and would offer further detail in the General Manager's report. Secretary Kosel expressed dissatisfaction with the cancellation of the August 17, 2022 board meeting. Director Kevin Padian responded to Secretary Kosel's comments.

A member of the public requested to discuss Consent Item 3a under New Business.

There was no additional public comment.

3. ADOPTION OF CONSENT ITEMS (00:06:08)

President Nagel proposed to approve all consent items on the agenda with a single motion. The board moved Consent Item 3a to New Business and removed Consent Item 3b.

- a. **Adoption of Resolution 2022-18 Re-Authorizing Remote Meetings**
- b. **Approval of Minutes** of the Board of Directors regular meetings of: 04/13/2022, 04/28/2022, 05/11/2022, 06/08/2022, 06/29/2022 (Continued), 06/29/2022 (Special), 07/13/2022
- c. **Acceptance of Incident Activity Report** July and August 2022
- d. **Approval of Monthly Transmittal** 08/10/2022 and 09/14/2022
- e. **Approval of Monthly Financial Reports** 07/31/2022 and 08/31/2022
- f. **NHA Advisors Proposal for Continuing Disclosure & Arbitrage Rebate Compliance**

There was no public comment.

MOTION: M/s Padian/Kosel: Motion to approve consent items 3c-3f.	
VOTE: Ayes: Dommer, Kosel, Nagel, Padian, Stein Nays: None Absent: None	
Motion passed 5-0-0	Video Time Stamped: 00:08:08

4. OLD BUSINESS (00:08:30)

There was no old business.

5. NEW BUSINESS (00:08:34)

The board discussed Consent Item 3a, Adoption of Resolution 2022-18 Re-Authorizing Remote Meetings. GM Hansell stated that legal counsel confirmed the board may continue to reauthorize remote meetings. Two members of the public expressed their frustrations with the ongoing remote meeting policy. President Nagel and GM Hansell responded to the public comments. Another member of the public thanked the board for their work on moving toward hybrid board meetings and noted alternative locations for in-person meetings. Director Julie Stein commented on the City of El Cerrito's hybrid model for their City Council meetings.

There was no additional public comment.

MOTION: M/s Padian/Kosel: Motion to adopt Resolution 2022-18 Re-Authorizing Remote Meetings.	
VOTE: Ayes: Dommer, Kosel, Nagel, Padian, Stein Nays: None Absent: None	
Motion passed 5-0-0	Video Time Stamped: 00:22:34

a. Resolution 2022-19: Fire Hazard Abatement Hearing on the Designation of Properties Containing Fire Hazards (00:23:52)

President Nagel opened the public hearing and asked if anyone in the audience had objections to the designation of their property as containing fire hazards and to identify their property addresses. There were no objections from the public.

Battalion Chief Chase Beckman presented the report as included in the packet and gave his recommendations.

There were no public comments. President Nagel closed the public hearing and terminated public testimony.

Secretary Kosel and President Nagel commended Battalion Chief Beckman and staff for their work on this item.

MOTION: M/s Padian/Kosel: Motion to adopt Resolution 2022-19: Fire Hazard Abatement Hearing on the Designation of Properties Containing Fire Hazards.	
VOTE: Ayes: Dommer, Kosel, Nagel, Padian, Stein Nays: None Absent: None	
Motion passed 5-0-0	Video Time Stamped: 00:26:11

b. Resolution 2022-20: Confirmation of the Costs of Abatement of Public Nuisance Conditions, Weeds, and Flammable Materials and Authorizing Related Actions (00:27:31)

President Nagel opened the public hearing. Battalion Chief Chase Beckman presented the report as included in the packet and gave his recommendations.

There were no public comments. President Nagel closed the public hearing and terminated public testimony.

There was no public comment.

MOTION: M/s Padian/Kosel: Motion to adopt Resolution 2022-20: Confirmation of the Costs of Abatement of Public Nuisance Conditions, Weeds, and Flammable Materials and Authorizing Related Actions.	
VOTE: Ayes: Dommer, Kosel, Nagel, Padian, Stein Nays: None Absent: None	
Motion passed 5-0-0	Video Time Stamped: 00:29:17

c. Resolution 2022-21 Approving the Final Combined Budget for Revenue, Operating Expenditures, and Capital Improvement Expenditures for FY2022-2023 (00:29:41)

GM Hansell presented the report as included in the packet. Secretary Kosel provided a brief overview of Finance Committee functions. Director Julie Stein asked for clarification on the following: the third paragraph and of the budget message, the second paragraph of the budget narrative, and the Office Wages & Related budget line item, where she requested the board consider placing the authorized Board Clerk position in the budget. GM Hansell provided clarification to all questions. Finally, Director Stein asked how the Finance Committee decided on the 7% COLA line item. Secretary Kosel provided this clarification. Director Stein noted that the El Cerrito contract figure could increase in 2023 based on her field knowledge. Director Padian asked for clarification on how the irrevocable trust accounting is managed. GM Hansell provided this clarification.

A member of the public asked for an approximation of funds set aside for the Public Safety Building construction. GM Hansell and Secretary Kosel responded to the question. Another member of the public expressed their desire for a financial plan that houses both the KFPD and the KPPCSD in the Public Safety Building. Another member of the public asked if the district plans to place the KPPCSD in the Public Safety Building and, if so, how much it would cost to do so. Another member of the public asked when the El Cerrito contract will be updated, if the GM will manage the Public Safety Building construction and the costs

associated with the management of the project. GM Hansell and Secretary Kosel responded to the questions.

There was no public comment.

MOTION: M/s Kosel/Padian: Motion to adopt Resolution 2022-21 Approving the Final Combined Budget for Revenue, Operating Expenditures, and Capital Improvement Expenditures for FY2022-2023.

VOTE:

Ayes: Dommer, Kosel, Nagel, Padian, Stein

Nays: None

Absent: None

Motion passed 5-0-0

Video Time Stamped: 01:32:34

d. Resolution 2022-17 Adopting Policy 1190 Debt Management – Second Reading & Adoption (01:33:19)

GM Hansell presented the report as included in the packet. Director Stein asked if the financing has already been secured. GM Hansell confirmed this.

A member of the public asked for a brief summary of the policy and a recap of the financing terms. GM Hansell provided this information.

Note: Upon advice of legal counsel, the meeting recording was redacted between timestamps 01:41:52 and 01:44:32. Audio and video resumed at 01:44:33.

There was no additional public comment.

MOTION: M/s Padian/Kosel: Motion to adopt Resolution 2022-17 Adopting Policy 1190 Debt Management – Second Reading & Adoption.

VOTE:

Ayes: Dommer, Kosel, Nagel, Padian, Stein

Nays: None

Absent: None

Motion passed 5-0-0

Video Time Stamped: 01:41:33

e. Ad-Hoc Committee for KFPD General Manager’s Contract (01:45:03)

GM Hansell presented the report as included in the packet and recommended the board form an ad-hoc committee so the GM can discuss the terms of renewal with the board in October 2022. Director Nagel appointed himself and Secretary Kosel to the ad-hoc committee. The ad-hoc committee will meet in a closed session at the October 12, 2022 board meeting to discuss this agenda item.

f. Sublet of KPPCSD Modular Located at 10940 San Pablo, El Cerrito CA 94530 for Admin Storage (01:47:46)

GM Hansell presented the report as included in the packet. Secretary Kosel asked how many square feet the KFPD sublets from the KPPCSD and the total square footage of the building. GM Hansell provided this information.

A member of the public expressed appreciation for the KFPD's efforts to mitigate the financial impact of the KPPCSD vacating the public safety building.

There was no additional public comment.

Secretary Kosel stated the agenda item is an unconstitutional expenditure of KFPD funds, therefore voted nay. Director Stein stated she agrees with the summary of the past legal opinions the board has received on the agenda item.

MOTION: M/s Padian/Dommer: Motion to approve the Sublet of KPPCSD Modular Located at 10940 San Pablo, El Cerrito CA 94530 for Admin Storage.	
VOTE: Ayes: Dommer, Nagel, Padian, Stein Nays: Kosel Absent: None	
Motion passed 4-1-0	Video Time Stamped: 01:59:21

g. Construction Update on the PSB Seismic Renovation and Temporary Facilities Projects (01:59:58)

GM Hansell presented the report as included in the packet. He recommended that construction management not fall under GM duties and asked the board for direction on which construction management firm to hire.

President Nagel and Director's Dommer and Stein stated they were in favor of the agenda item and stated their individual reasons why. Director Dommer recommended Mack5. Director Stein encouraged GM Hansell to use his experience and best judgment to make the final decision.

A member of the public stated they are in agreement with the hiring of a construction management company, expressed concern that the costs associated with this agenda item were not included as a budget line item, and asked if a contingency budget will be recreated in the February 2023 budget. GM Hansell responded to the public comment.

MOTION: M/s Padian/Dommer: Motion to approve the GM to work with the KFPD legal counsel to complete and execute a contract for construction management services.	
VOTE: Ayes: Dommer, Kosel, Nagel, Padian, Stein Nays: None Absent: None	
Motion passed 5-0-0	Video Time Stamped: 02:20:54

h. Discuss Need for a Public Forum on the Minimum Space Requirements of the Fire Department (02:21:15)

GM Hansell presented the report as included in the packet. The board discussed the item. Secretary Kosel asked if the seismology report was included in the packet. GM Hansell confirmed it was not as he chose to focus on the issue of occupancy. However, these geotech documents are listed on the website. Secretary Kosel requested to add this document to the packet.

Fire Chief Saylor stated that housing three (3) and six (6) firefighters in the building was unsafe, that fire problems are only intensifying in the short and long-term, and that any response model has to meet the threat. Battalion Chief Jose Castrejon stated he reviewed Jim Watt's plans and, during a walk through with Mr. Watt and Fire Chief Saylor, conveyed his concerns about the plans. Battalion Chief Castrejon reviewed these concerns in detail with the board.

MOTION: M/s Padian/Dommer: Motion to extend the meeting to 10:15 p.m.	
VOTE: Ayes: Dommer, Kosel, Nagel, Padian, Stein Nays: None Absent: None	
Motion passed 5-0-0	Video Time Stamped: 02:48:04

Director Padian thanked the Fire Chiefs for their report. He motioned to place the supporting documents for this agenda item in pdf form on the KFPD website to make it publicly accessible. There was no second on the motion. He then motioned that the board cease consideration of a public meeting on this agenda item and provided his reasoning. There was no second on the motion.

MOTION: M/s Kosel/Dommer: Motion for the KFPD and KPPCSD GM's to produce a joint mailing, with costs equally shared, to explain to the public the board's rationale for their decision on this agenda item.	
VOTE: Ayes: Dommer, Kosel, Nagel, Padian, Stein Nays: None Absent: None	
Motion passed 5-0-0	Video Time Stamped: 02:48:04

A member of the public stated their appreciation for the board's motion on this item, but expressed concern that the board is not doing enough to hear the public out. They also expressed concern that Jim Watt's alternative plans are being discussed while Jim Watt is running for the board in competition with an existing board member. Another member of the public commented that Jim Watts' plan should have been included in the packet and that using public funds to send out a mailer weeks before an election is problematic and could potentially be considered electioneering.

MOTION: M/s Padian/Dommer: Motion to extend the meeting to 10:30 p.m. and limit the four members of the public who wish to make comment to two (2) minutes.	
VOTE: Ayes: Dommer, Kosel, Nagel, Padian, Stein Nays: None Absent: None	
Motion passed 5-0-0	Video Time Stamped: 03:02:53

A member of the public asked the board to hold a public meeting on this agenda item. Jim Watt expressed his disappointment that he did not get to present or discuss the alternative plans he prepared and asked for an opportunity to do so. Another member of the public commented on their support of providing the public with all the studies completed since 2016, wondered if it was wise to locate all earthquake first responders in the same building, and noted that the public's expectation for both agencies to be located in the

remodeled Public Safety Building is only the political position of some groups. Another member of the public stated their appreciation for the Fire Chief's reports on this agenda item and stated their belief that this information is not getting out into the community based on the number of callers in attendance (24).

Director Stein stated that although Jim Watt's co-occupancy plan was never advanced or approved by the board, it became officially recognized when Battalion Chief Castrejon and Fire Chief Saylor met with Jim Watt to discuss it specifically. She also expressed her concerns about the motion to use district funds to produce a one-way communication to the public in the form of a joint mailing and suggested the KFPD and the KPPCSD consider sponsoring a two-way exchange of communication between the public and the district.

Secretary Kosel made the following amendment to the motion: Motion for the KFPD and KPPCSD GM's to produce a joint mailing *after the election*, with costs equally shared, to explain to the public the board's rationale for their decision on this agenda item. There was no second on the motion. She then motioned for the KFPD to conduct a public meeting to discuss this agenda item. There was no second on the motion.

GM Hansell provided additional background and his professional opinion on the item.

MOTION: M/s Nagel/Dommer: Motion to continue the meeting on Wednesday, September 21, 2022 at 7 p.m.	
VOTE: Ayes: Dommer, Kosel, Nagel, Padian, Stein Nays: None Absent: None	
Motion passed 5-0-0	Video Time Stamped: 03:22:45

- AGENDA BELOW CONTINUED TO 09/21/2022

i. Amendment of Policy 1170 Reserves – Second Reading & Adoption
(Supporting Material)

This constitutes the second reading and consideration for adoption of the amended Policy 1170 Reserves.

Action = Adopt the amended Policy 1170 Reserves

6. FIRE CHIEF'S REPORT (Supporting Material)
Action = Presentation/Discussion

7. EMERGENCY PREPAREDNESS COORDINATOR'S REPORT (Supporting Material)
Action = Presentation/Discussion

8. GENERAL MANAGER'S REPORT (Supporting Material)
Action = Presentation/Discussion

9. COMMITTEE REPORTS

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

a. Emergency Preparedness Committee Meeting - Padian/Nagel (Supporting Material)
Approved Meeting Minutes of 07/28/2022 and Draft Meeting Minutes of 08/25/2022

included for reference. Action = Report by EPC Chair & Discussion

- b. Finance Committee Meeting** - Kosel/Nagel (Supporting Material) Approved Meeting Minutes of 10/01/2021, 02/04/2022, and 05/25/2022, and GM Timesheets from 05/31/2022 thru 08/31/2022 included for reference. Action = Report by FC Chair & Discussion

10. OUTSIDE AGENCIES REPORTS

- a. Contra Costa Special Districts Association – Stein**

11. ADJOURNMENT: President Stein adjourned the meeting at 10:25 p.m.

The next Board of Directors meeting will occur on September 21, 2022.

MINUTES PREPARED BY: Candace Eros Diaz and Mary Morris-Mayorga

These minutes were approved at the Board Meeting of the Kensington Fire Protection District on November 15, 2023.

Attest:

Secretary of the Board