



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

**DATE/TIME:** April 14, 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  
Guests: Justin Williams w/MUN CPA's, Chief Joe Grupalo

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

President Nagel called the meeting to order at 7:00 p.m. The clerk called roll.

### 2. PUBLIC COMMENT:

Public comment was made by Catherine de Neergaard, Anthony Knight, and Pat Gillette.

### 3. ADOPTION OF CONSENT ITEMS:

<b>MOTION:</b> M/s Kosel/Dommer: Approval of Consent Items
<b>VOTE:</b> Ayes: Dommer, Kosel, Stein, Padian, Nagel - <b>Noes:</b> None
Motion passed unanimously. <b>Video Time Stamped: 7.44</b>

### NEW BUSINESS

#### 4a. FISCAL YEAR 2019-2020 Audit:

<b>MOTION:</b> M/s Kosel/Padian: Approval of the Audit as Final and Accepted
<b>VOTE:</b> Ayes: Dommer, Kosel, Stein, Padian, Nagel - <b>Noes:</b> None
Motion passed unanimously. <b>Video Time Stamped: 9.36</b>

Director Kosel gave an introduction to the audit report. She stated that the Finance Committee met with GM Hansell, reviewed the report, and submitted comments to the auditor. She called attention to pg. 53, which showed how the District was in good financial shape and pg. 60, which showed how we have fully funded our obligations to the retirees. The concern she and Director Nagel shared was the management report on pg. 24. For the first time in 26 years, she stated the District did not have a clean audit report. The auditors highlighted six different concerns: primarily oversight and checks and balances, which GM Hansell had already addressed.

Director Dommer stated that he was surprised by the report. Director Stein mentioned some of the matters dated back to 2001, and what they learned last year was the Board had not always

been presented with the management findings, only with the higher audit level report itself. She recognized that one of the findings, the bank reconciliation, had occurred in prior years. She stated the management report and responses to it had never been elevated to the Board as they were operational issues and not governed by any board policies, but do have the expectation of the Board that management was applying the appropriate checks and balances.

Director Kosel stated that she and President Nagel were ready to recommend adopting the audit report after the presentation. She then introduced Justin Williams from MUN CPA's who gave his detailed report of the audit.

**4b. COMMUNITY WARNING SYSTEM TEST:**

Chief Joe Grupalo gave his report on the testing and stated that the Community Warning System Test is scheduled for Sunday, May 2<sup>nd</sup>, 2021, at 8 a.m.

Director Kosel asked if they put out enough notice and everyone if is aware that this is only a test. Chief Grupalo said yes. Every public notification they have sent out stated that it is only a test.

Public comment was made by Kay Reed, Meryl Natchez, and Paul Moss.

**4c. PUBLIC SAFETY BUILDING RENOVATION RECOMMENDATION:**

<p><b>MOTION:</b> M/s Nagel/Padian: Direct the General Manager to proceed with the development of a renovation strategy for the Public Safety Building to meet the current and future needs of the KFPD staff and services per concept diagrams presented in November 2019 for full Fire Department occupancy, re: attached documents. The approval will include directing the General Manager to obtain consultant proposals, as needed, for project design, engineering, cost estimating, scheduling, etc. in order to propose future budget amendments to fund and proceed with the full scope of work. Further to direct the GM to continue discussions with the GM of the KPPCSD to determine what constructive arrangements can be made for external housing of the Police Dept. and possibly some additional Fire Dept. facilities.</p>
<p><b>VOTE:</b> Ayes: Dommer, Kosel, Padian, Nagel - <b>Noes:</b> Stein</p>
<p>Motion passed. <span style="float: right;"><b>Video Time Stamped: 1.14.14</b></span></p>

GM Hansell introduced the report and stated both items 4c and 4d go hand in hand. The goal behind the recommendation is to have a solution for both the fire and police departments and one that solves the seismic safety building code requirements, standards of practice deficiencies, and the future space needs in a financially responsible manner. He said that a seismically vulnerable public safety building is not acceptable, accessibility compliance is definitively required and confirmed, and both departments agree that they would not fit in a renovated public safety building.

He explained that the recommendation would be to direct the GM to proceed with developing a renovation strategy for the Public Safety Building to meet the current and future needs of the KFPD staff and services per concept diagrams presented in November 2019 for full Fire department occupancy. The approval would include directing the GM to obtain consultant proposals, as needed, for project design, engineering, cost estimating, scheduling, etc. to propose future budget amendments to fund and proceed with the full scope of work. He

suggested they move forward with developing a concept plan, going out for an RFP for architecture services and structural engineering. The Board could then review the proposals and return to the Board with recommendations on how to proceed.

President Nagel made the motion recommended in the staff report, and VP Padian requested an amendment. VP Padian stated his concern was people at the meeting think they plan to displace the police department, which is not the case. The motion recognizes this is taxpayer money and cannot be used in just any random way. He would like to add a second clause to the motion to direct the GM to continue discussions with the GM of the KPPCSD to determine what constructive arrangements can be made for external housing of the police department and possibly some fire department facilities. President Nagel agreed with the amendment and updated the recommendation to state as such.

Director Stein stated she had very strong feelings about how the process took place. She has attended most of the KPPCSD meetings and has commented on quite a few of them and was surprised by this item considering the last meeting when Chief Schuld discussed an out-of-the-box approach and said he would make it work. She mentioned the districts should negotiate a joint MOU that would include a financing and cost-sharing plan. There should also be a resolution, not just a motion, to memorialize it. She had anticipated additional joint meetings between the two Boards because she found it helpful, and it helped her recognize the challenges the Board faced. She then asked that if the seismic integrity of the building was the driver for this project, why was it not addressed when it was first reported in 2016, that there was a possibility of damage based on the verbal inspection from Biggs Cardosa.

GM Hansell emphasized that the community's needs were absolutely at the forefront of the discussions between the General Managers, and the process had been nothing but transparent because of all of the discussions and meetings they have had. He stated this was not a two hundred square foot problem, and there was no "Taj Mahal" solution. He explained the managers were trying to get to a place where they could come to the Board with a real proposal that moved the needle on this project. He completely embraced the idea of engaging a financial analyst to look at strategies and did not think a joint MOU was necessary at this point.

President Nagel asked if Director Dommer wanted to explain why the District didn't do anything immediately when they received the report in 2016. Director Dommer responded that they didn't do anything because the KPPCSD did not want to participate. He stated it might have been a mistake, and they should have started sooner. He suggested the shell and structure of the building could be done without waiting for the interior to get settled, which could take longer

GM Hansell thanked Director Dommer for his comment and stated that he tried to mention the same concept of the shell-and-core permitting a while ago but thought it might have been misunderstood. He explained the difference between tenant improvement (non-bearing) interior work compared to shell-and-core improvements.

Director Kosel stated that if they don't take action soon, the reasonable alternatives currently available to the police department may be lost.

VP Padian supported both Director Kosel and GM Hansell's statements. His other concern was that the District has a report on how seismically unsafe the building was. If there were to be an earthquake, we could suffer severe loss of life. We would not be able to rebuild as easily when recovering from a big disaster. He agreed that it should be handled by staff and the chiefs involved in negotiations.

The Board clerk read public comments submitted online.

Public comment was made by Catherine de Neergaard, Richard Karlsson, Linda Lipscomb, Rob, Jan Stensland, Meryl Natchez, Pat Gillette, Gail, David Spath, Christopher Deppe, Delk, Tom Sherris-Watt, Kay Reed, Annette McCoubrey, Celia Concus, Danielle Madugo, and Sylvia Hacaj.

<b>MOTION:</b> M/s Padian/Dommer: To Extend the Meeting to 10:30 p.m.	
<b>VOTE:</b> Ayes: Dommer, Kosel, Stein, Padian, Nagel - <b>Noes:</b> None	
Motion passed unanimously.	<b>Video Time Stamped: 2.59.30</b>

Director Stein stated she appreciated the input from Ms. Stensland supporting the importance of the MOU. She also appreciated Dr. Spath's comments that we might not be able to spend enough money to make the building safe and plans to vote against the motion and instead would like to see improvement and more transparency in the process. She would also like to have two additional joint board meetings between the two boards and focus on the issues and talk it through.

President Nagel said most of the commentators he heard did not read the motion carefully. He stated that the Board is not making any significant decisions tonight. The motion is to direct the GM to begin researching a building for the fire department only, which the Board was not committed to, and the impact of the motion has been vastly overstated. Directing the GM to start this work would most likely take about 12 months prior to any construction, so the Board still has time before making final decisions.

VP Padian agreed with President Nagel. He also agreed more meetings would be great but we have already had several discussions over the last four or five years. The best way this should proceed would be to have the GMs and the Chiefs work this out with the experts in order to move this along.

#### 4d. LEASE NEGOTIATIONS AND OPTIONS:

<b>MOTION:</b> M/s Kosel/Padian: Appoint the General Manager to be Lead Negotiator for lease discussions/negotiations so that subsequent proposals may be brought to the Board and scheduled appropriately for review and modification/approval.	
<b>VOTE:</b> Ayes: Dommer, Kosel, Padian, Nagel - <b>Noes:</b> Stein	
Motion passed.	<b>Video Time Stamped: 3.16.40</b>

President Nagel stated this item was important because it allowed our GM to work with the KPPCSD GM to negotiate available real estate options and did not want to wait another month to bring this back.

GM Hansell explained this recommendation is intended to bring different options to consider. The first purpose would be regarding temporary facilities if we were to move forward with the construction. The second would be to negotiate the KPPCSD lease and transition in a way that best supports the continuing needs of the public services provided by both fire and police

departments to the residents of Kensington. He explained that the emphasis here is not on the lease end, but rather the possibilities for the transition that best support both agencies.

Director Stein said she had two comments. The first item she understood, i.e. the temporary facility for the district services. The second item of negotiating the end of the lease seems incongruent with minimizing the motion that just passed. This would be a big deal because the Board would be empowering the GM to negotiate the end of the lease for the police department, which seems to have cemented the last motion's impact.

GM Hansell stated the intention is to have different options for the transition and to open a wide door for Police department possibilities.

Director Padian noted that whether or not the Police stay or go, the current lease will still end and a subsequent lease with new terms will be needed, so "transition" work is definitely needed.

GM Hansell pointed out that we currently only have a 30-day lease so a longer lease doesn't exist in any case.

<b>MOTION:</b> M/s Stein/Nagel: To Extend the Meeting to 11 p.m.
<b>VOTE:</b> Ayes: Stein, Nagel - <b>Noes:</b> Dommer, Kosel, Padian, Motion failed. <b>Video Time Stamped: 3.25.18</b>

<b>MOTION:</b> M/s Dommer/Stein: To Extend the Meeting to 10:40 p.m.
<b>VOTE:</b> Ayes: Dommer, Kosel, Stein, Padian, Nagel - <b>Noes:</b> None Motion passed unanimously. <b>Video Time Stamped: 3.28.15</b>

Public comment was made by Kay Reed, Linda Lipscomb, Meryl Natchez.

<b>MOTION:</b> M/s Padian/Kosel: Motion to Adjourn.
<b>VOTE:</b> Ayes: Dommer, Kosel, Padian, Nagel, Stein - <b>Noes: Absent:</b> Motion passed unanimously <b>Video Time Stamped: 3.36.04</b>

**ADJOURNMENT:** The meeting adjourned at 10:37 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:

\_\_\_\_\_  
Board Secretary