



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 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:

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

NEW BUSINESS

4a. FISCAL YEAR 2019-2020 Audit:

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

Director Kosel gave an introduction to the audit report. She stated how 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 they have fully funded their 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. The auditor's report also concluded that this was a clean audit report and the management issues were relatively minor and did not influence his opinion.

Director Dommer stated that he was surprised by the report. Director Stein mentioned some of the matters dated back into 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 one of the findings: the bank reconciliation that had occurred in prior years. She stated the management report and replies had never been elevated to the Board since 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 both herself and President Nagel were ready to recommend adopting the audit report after the presentation and 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 was scheduled for Sunday, May 2nd, 2021, at 8 a.m.

Director Kosel asked if they they put out enough of a warning, and everyone was aware that this was only a test. Chief Grupalo stated yes, every public notification that they have sent out did state that it was only a test.

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

4c. PUBLIC SAFETY BUILDING RENOVATION RECOMMENDATION:

MOTION: 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 Fire Dept. facilities.

VOTE: Ayes: Dommer, Kosel, Padian, Nagel - **Noes:** Stein

Motion passed.

Video Time Stamped: 1.14.14

GM Hansell introduced the report and stated both items 4c and 4d go hand in hand. The goal behind the recommendation was 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 was not acceptable, accessibility compliance was definitively required and confirmed, and both departments agreed 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 District would 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 was not the case. The motion recognizes this was taxpayer's money, and it cannot be used in any way possible. 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 had 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 adopted an out-of-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, and should be memorialized. 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, then asked 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 wanted to emphasize 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. 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 other agency 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 everything to get settled, which could take a few years.

GM Hansell thanked Director Dommer for his comment and stated that he tried to mention the same concept of the shell and core construction a while ago but thought it might have been misunderstood. He explained the difference between tenant improvements 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 the District now has a report on how seismically unsafe the building was. If there were to be an

earthquake, we would suffer severe loss of life. They would not be able to rebuild as easily when they would be recovering from a big disaster. He agreed that it should be handled by staff and the chiefs involved regarding the negotiations.

The Board clerk read 31 public comments that were submitted online.

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

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

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 comments he heard did not read the motion carefully. He stated that they were not making any significant decisions tonight. The motion was 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 had been vastly overstated. Directing the GM to start work would most likely take about 12 months, so the Board still had that time before making a decision.

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

4d. LEASE NEGOTIATIONS AND OPTIONS:

MOTION: 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.	
VOTE: Ayes: Dommer, Kosel, Padian, Nagel - Noes: Stein	
Motion passed.	Video Time Stamped: 3.16.40

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 intended to bring different options to proceed. The first option would be, if they were to move forward with the construction eventually, the District

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would need temporary facilities. The second would be to negotiate the KPPCSD lease and transition 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 was not on lease end, but the possibilities for the transition that best supported both agencies.

Director Stein said she had two comments. The first item she understood, the temporary facility for the district services. The second item, negotiating the KPPCSD lease end transition, seemed to be in a manner that best supported the continuing needs of the public services provided by both agencies. This would be negotiating the end of the lease, which seemed incongruent with minimizing the motion that just passed. This would be a big deal because they would be empowering their GM to negotiate the end of the lease for the police department, which seemed to have cemented the last motion's impact.

GM Hansell stated the intention would be the transition, including different options. If the last item had not been approved, they would not be working towards finding something that worked for both agencies and would like to keep all of the options open.

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

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

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

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

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 May 12, 2021.

Attest:

Sasha Amiri-Nair
Board Secretary