



— Bringing The Community Together —

KENSINGTON OUTLOOK

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...Online Annex...

KPPCSD Candidate Interviews

These are expanded versions of the interviews published in the October 2012 print edition of the *Outlook*. The interviews were conducted in person in early September – except in the case of Cathie Kosel, who declined to meet in person and so was interviewed via e-mail. In the main, each candidate was asked essentially the same questions, with some additional questions tailored to the individual. Incumbents were also asked about their records, and were provided opportunities to set the record straight about

rumors circulating about them in the community. In instances where a candidate's statement was incongruent with information in the public record or that provided by another public official, it was so noted, and references supplied. The interviews are presented here in an order that took into account current rank on the KPPCSD Board, membership on other Kensington boards, and the order in which the candidates were interviewed. The interviews begin on the following page...

From the Files of the KPD

Excerpt From August 2012

• 2012-5220 - On 8/05/2012, Officer Ramos responded to the 800 block of Coventry Rd. on a report of a vandalism.

• 2012-5222 - On 8/05/2012, Officer Ramos responded to the unit block of Arlmont Dr. on the report of a residential burglary.

• 2012-5223 - On 8/05/2012, Sergeant Hui responded to the unit block of Highgate Rd. on a report of a stolen vehicle.

• 2012-5234 - On 8/06/2012, Officer Ramos responded to the 100 block of Highland Blvd. on a report of a vandalism.

• 2012-5354 - On 8/13/2012, Officer Ramos responded to the 600 block of Coventry Rd. on a report of a homicide.

• 2012-5467 - On 8/20/2012, Officer Ramos responded to the 200 block of Arlington Ave. on a report of criminal threats. (*There's a penalty for threatening a criminal?*)

• 2012-5472 - On 8/20/2012, Sergeant Hui responded to the above address and arrested the suspect from incident 2012-5467 for criminal threats.

• 2012-5510 - On 8/22/2012, Sergeant Hui responded to the 100 block of Windsor Ave. on a report of a theft.

• 2012-5511 - On 8/22/2012, Sergeant Hui responded to the 200 block of Arlington Ave. on a report of a restraining order violation.

• 2012-5157 - On 8-03-2012, Officer Turner located a stolen vehicle with the suspect asleep in the 600 block of Oberlin Ave. nue. The suspect was taken into custody without incident (*or blanky*).

• 2012-5184 - On 8-03-2012, Officer Turner took a reported vandalism from the unit block of Highgate Road. The victim reported their vehicle's ignition and door handle broken.

• 2012-5343 - On 8-11-2012, Officer Turner and Sergeant Barrow responded to the unit block of Arlington Ave. for a reported vehicle accident. A vehicle had driven off the embankment and into the tennis court fence, causing major damage to the vehicle, hand railing, and fence. The vehicle was removed and the damage repaired. The driver and passenger were not injured.

• 2012-5358 - On 8-13-2012, Officer Turner responded to the unit block of Highgate Court on report of an attempted identity theft. An unknown person(s) attempted to remove a large amount of currency out of the victim's account but the account manager detected the attempt and denied the transaction. (*And THAT'S how to manage an account!*)

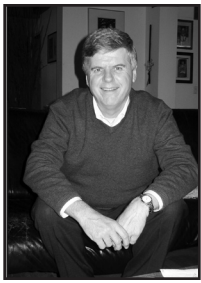
• 2012-5531 - On 8-23-2012, Officer Martinez took an incident report of a bicycle colliding with a vehicle causing minor damage at the corner of Kenyon Ave. and Lake Ave. Neither party wished to make a formal report and no further action was taken.

• 2012-5600 - On 8-30-2012, Officer Turner and Sgt. Barrow arrested the passenger after a vehicle stop at Sea View Ave. and Eureka Ave. for a probation violation. The suspect was cited and released without incident.

• 2012-5677 - On 8-30-2012, Officer Martinez responded to a residential burglary in the unit block of Kenilworth Court. The front window was used as the point of entry and several items were stolen.

• 2012-5682 - On 8-30-2012, Officer Turner contacted seven people in a parked van who had been drinking and smoking marijuana at Terrace Dr. and Craft Ave., El Cerrito. A passenger was arrested for various misdemeanors and the driver was allowed to drive away, as he had not been partaking in the festivities. (*Partaking in festivities – Book 'em Danno!*)





CHUCK TOOMBS was elected to the Board in November of 2008. He served as Vice President starting in December 2008, and became president in the summer of 2009.

What are the accomplishments of the Board during your term of which you are most proud?

1. Passing Measure G is one of the signature accomplishments. 2. Keeping the budget as close to balanced as possible thereafter made me proud. 3. Creation and approval of a resource assessment of the park buildings to determine the highest and best use of the buildings, what it might cost to put them into a better state of repair, and what the community would like to see them used for. 4. The negotiation of a fair contract with the police officers that did not break the bank. Over three years we created two new officer ranks for a total cost of \$20K; we made no other changes to the salaries paid to the officers other than the creation of those two new ranks, which the board unanimously adopted. 5. Increasing and enhancing traffic safety and working with different neighborhoods to increase comfort and safety in their areas. I'm quite proud of the zero tolerance policy – we had a fair amount of notice for residents – if memory serves me, Chief Harman provided 6 months' notice of this new policy prior to its enforcement.

What would your top three priorities be if you were elected to another term?

CT: I actually have four priorities. 1. To work with the police officers on a new contract that's sustainable and fair. We'll have to abide by the new pension laws so much of that will be out of our hands however. Our current contract expires June 2013.

2. Acquisition of the paths and renovation of the park buildings. Both these projects require we look for new money and establish what kind of appetite the community has for providing/raising the funds for these projects. The buildings require \$700K to 2.5M.

3. Find a reasonable accommodation on the garbage rates and prepare a new request for proposal for a new contract and possibly a new garbage hauler beginning 2015.

4. Neighbors also want to see power lines undergrounded and the Blakemount Slide area stabilized.

Why would anyone want this job?

You do this job because you have a sense you can make a difference, you can improve the quality of governance and the quality of people's lives. It's an incredible return on your investment to see meaningful changes put into effect that improve people's daily lives and their community. You have to roll up your sleeves and do some heavy lifting and put other priorities and petty agendas aside. I believe I've made a difference and I believe I will continue to make a difference – that's why I want to do continue to do this.

Why should the people of Kensington vote for you?

I think I have proven management, the leadership skills, and the vision to accomplish the tasks that I believe a majority of this community wants to see happen. We need that kind of management. I go to every meeting I'm scheduled to attend.

I've missed one board meeting for my daughter's college graduation. If you aren't prepared to attend the meetings – board and committee alike and to take on a variety of public responsibilities in service to the community beyond your own personal agenda, then you shouldn't have this job.

There have been complaints that you have infringed, on more than one occasion, on the free speech rights of two of the board directors, by gaveling them down and refusing to let them speak. How do you respond to those allegations?

I have the utmost respect for the first amendment, but there are limits to it. The directors in question were bringing up the contents of the personnel file of the Chief of Police. Personnel files of any police officer are confidential and private under California law. That privacy right trumps the right of any director to speak about matters in a personnel file in public and the director can be held personally responsible for any damages caused by that illegal disclosure, as well as subject the District to liability for such disclosures. I have gaveled directors out of order when they persist in such knowing violation of the law because they risk subjecting the District and themselves personally to incredible liability. That is my duty as chair of the meetings.

Further, the directors may not disclose those contents to others in the community without violating the law. Members of the public do have more ability than a director to comment on such material although they may also be separately liable for damages to the affected officer for receiving and using confidential information improperly. I have cautioned members of the public that I cannot give them legal advice, and that they speak on such matters at their own peril.

Finally we can't selectively enforce the laws we like and choose to disregard the rest. We don't have a choice. We have taken an oath to uphold the Constitution of the United States and the State of California. We can't violate the law.

Some residents are concerned that there has been too much dithering about decisions on the board, too many consultants hired, and not enough action – for instance, on the remodel of the community center. What do you say to those critics?

Without an architect I can't tell what needs to be done. We can't make intelligent decisions about what needs to be done with our assets and resources without the opinions of experts. I'm not going to gamble with people's money unless I have some idea on how it should best be spent. It would be irresponsible not to perform such investigations; it's not a question of dithering, it's a question of responsible stewardship. Every city in the country does it this way – they don't wing it, they spend some time and money researching their options before they do the work. I don't know of any community that doesn't do that. It would be irresponsible to plow ahead without any kind of forethought.

There is a rumor that you are spearheading a suit against Bay View Refuse. Is that true, and if so, what is the reason for the suit?

I am not spearheading any litigation against Bay View Refuse. Bay View Refuse demanded arbitration and is leading the charge for legal action. We didn't ask for arbitration – they did. They had failed to meet the contractual requirements for a rate increase in 2011 after we had just granted them a rate increase effective January 1, 2010. They asked for a COL increase that we granted in November or

December 2011– 3.9% over the prior 2 years. In the early part of this year, they also asked us if we would do a rate review, equally share the cost and agree to abide by it. We said we'd be happy to consider that, and directed our lawyers to meet with them to work out the details but that that would be their "last bite of the apple;" we told them we did not want them to ask for further rate increases unless specifically allowed in our agreement. They subsequently rejected our offer, demanded retroactive rate increases of \$60,000 denied to them in 2011, and demanded the right to seek further rate reviews without any conditions.

Is it true that the agency that did the traffic review did not recommend a zero tolerance policy for Kensington, and that implementation of that policy was a unilateral action on the part of the Chief of Police?

I think they made a recommendation on zero tolerance for a specific intersection, but the Board decided to expand the policy community-wide after hearing the concerns of our residents at a public board meeting. The best way to control traffic safety is to ticket traffic scofflaws. We told the police officers as a matter of policy we want them to enforce the traffic laws as written – a unanimous decision of the board.

How would you characterize your feelings about the law?

I have nothing but respect for it. It's not always easy but our legislators have made policy decisions that we are duty bound to uphold. But whatever the laws are, we're bound to enforce them as written, not to ignore them because they get in the way of what we personally may believe. If there's a law there, it's my responsibility to enforce it. I've been a practicing attorney for 28 years.

What District committees have you served during your membership on the board? How many meetings of each have you missed?

I serve as the Finance Committee chair and am the chair of the Parks Bldg. Committee. I also attend the bulk of the Kensington Public Safety Committee meetings for the District, and I served on the negotiating committee with the Police Officer's Association. I missed one or two public safety committee meetings, but I arranged for Director Lloyd to usually attend in my place. I've attended virtually every other meeting, to the best of my recollection.

How have you dealt with it when votes on the board have not gone your way?

I abide by them, like it or not. I cannot continue to campaign against any board decisions once those decisions have been made. That's disrespectful. Our policies and procedures manual says that board members are duty bound to respect the decisions of the board. We've made sure the actions we've taken are all legally defensible, and once the board majority takes action, that should be the end of the discussion – we cannot afford to constantly re-open matters previously acted upon.

Why have you not taken the opportunity to eject board directors who repeatedly violate the policies of the board in the course of the meetings, specifically, by making oral presentations including charges or complaints against District employees?

It's a fine line between enforcing the policies and throwing someone out of the meeting. I have told board members that if they continue to violate the rules of the board, I will ask them to leave and that usually suffices.

There have been reports of screaming during closed board sessions. Was that

you? What was the screaming about? Have you ever screamed at a board meeting? Under what circumstances would you anticipate behaving in that manner?

People do get heated during a discussion and that's all a part of the democratic process. I don't believe I've screamed in a private meeting. If I have, I apologize now.

In the course of a Board meeting, have you ever suggested to a Kensington resident that he or she "get some medication?" Under what circumstances would you anticipate making that suggestion?

Absolutely not. I know another board member did make such a slur to a resident and I find it incredibly disrespectful and shameful; I was embarrassed for her. I never anticipate making such a suggestion.

In the course of a board meeting, have you ever thrown documents on the floor that were submitted to you by a constituent? Under what circumstances would you anticipate doing that?

No. Serving on the board requires that you respect any opinion that is submitted to you. To show any level of contempt by throwing documents around is disrespectful of the democratic process.

Have you ever had to resign an office you held for any reason? Have you ever held an office in a town that had a residency requirement that you not meet?

No to both questions. If I live in a town, I'll run for that town's office. I'm not going to live in one town and run for or serve in office in another town.

Have you ever negotiated unilaterally, outside your official capacity, with a service provider who had business before the Board?

No. Nor have I had private meetings with any service provider with district business before us. If I have a committee with specific responsibilities, we deal with issues in committee and then make our recommendations to the board which then acts as it wishes. I can't imagine doing anything without full board approval ahead of time.

Anything else you'd like to add?

I think this election is about what kind of management and leadership the community wants. I only hope that they chose wisely. Democracy is messy, it's difficult and it does have sharp elbows. When we get it right we are all better for it. When we get it wrong, the public suffers. We owe our citizenship the best possible leadership and respect for the law that we can give. If we can't do that we don't belong in public office.

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CATHIE KOSEL was elected to the Board in November of 2008.

Of what accomplishments of the Board during your current term are you most proud?

Transparency. Toombs likes to stamp everything “confidential.” It took a year and a half and a threatened lawsuit to force the district to reveal the employee compensation schedule. All public agencies must report to the people what their employees are being paid. Encouraging dialogue regarding how the people’s money is being spent.

I was the primary advocate for the park restroom.

What would your top three priorities be if you were elected to another term?

Transparency. Accountability. Doing the people’s business in public, not behind closed doors.

Why should the people of Kensington vote for you?

If they want transparency, accountability, and responsibility.

Why would anyone want this job?

Public service is a duty that I have taken very seriously throughout my career. Because I love this community, I am happy to work in its best interests.

An announcement in the minutes of the Feb 18, 2009 meeting of the Solid Waste Committee stated that you had been selected by the KPPCSD Board of Directors to head that committee. How often does that committee meet? How many meetings have you attended?

Is this where the notion of “negotiating” with Bay View comes from? The meetings were scheduled during my work hours so that I could not attend.¹

When did you join the Kensington Park Building Committee? How often does that committee meet? How many meetings have you attended?

I did not join it. I attended as a non-member.²

On what other District committees have you served during your membership on the Board? How often do they meet? How many meetings of each have you attended?

(No answer given. – Ed.)

How do you handle decisions the Board makes with which you disagree?

There is generally a 3/2 split on the board decisions. You would have to give me a specific example. As stated this question is too broad.

At many Board meetings, you’ve lobbied for the hiring of a female police officer for the Kensington Police Dept. Doesn’t that fly in the face of laws prohibiting the consideration of gender in hiring?

Don’t be silly! We need a woman on the force. Period. Don’t you recognize the liability created by not having a woman officer? Modern police departments need female officers for many reasons, including avoidance of liability issues that can arise when a female suspect is frisked by a male officer. We don’t need more liability issues in Kensington – we need less.³

While running for the KPPCSD Board four years ago, you told voters that you supported an independent Kensington Police Dept., its officers, and its Police chief. This year, an informed source states, you told a Contra Costa Times reporter that you advocate contracting out with El Cerrito for police services. Could you clarify your position on contracting out for police services?

Your informed sources are not informed. I support an independent police department. Toombs and his cohorts place us at risk of losing that because of their support of poor financial decisions regarding Public Employee Retirement System and Bay View. Do not underestimate the financial jeopardy that the board majority has placed us in.

The District Board Policy Manual’s rules and regulations delineating proper conduct state that, “No oral presentation shall include charges or complaints against any District employee.” At the July 2011 District Board meeting, you and Director Metcalf made allegations against the COP/GM regarding use of the District credit card, in violation of District policy and the California Penal Code prohibiting public disclosure of personnel records of a police officer. That was not the only Board meeting at which you’ve raised this issue. Why should voters re-elect someone who repeatedly violates District policy and state law?

Since when is spending the people’s money a personnel record? Joel, please stop repeating this slanderous statement against Metcalf and me. We made no allegations. We asked questions regarding the charges that appeared on the KPPCSD credit card statements. Listen to the tape.⁴

Prior to that meeting, printed matter containing the allegations you made against the COP/GM at the meeting were placed in some mailboxes – it’s not known how many – in Kensington. Additionally, the El Cerrito Patch and the Bay Area Newsgroup were notified in advance about the allegations and apparently invited to the July meeting. The story was picked up by newspapers, statewide, and, despite the allegations of unauthorized use of the District credit card being found to be baseless by the District’s CPA, the Chief of Police’s name and reputation were smeared,

What was your part in distributing that information and inviting the press to that Board meeting?

No allegations were made. Questions were asked. The credit card statements are available to anyone under the California Public Records Act.

You’ve spearheaded investigations of the COP/GM regarding District credit card usage, use of District time, supplies, and personnel to advocate for Measure G, matters pertaining to payment of his life insurance premiums, and a workmen’s comp claim; all of these allegations have been found to be baseless by the bodies investigating them, including the District’s financial auditor, a forensic auditor (at a cost to the District of \$10,000), the Fair Political Practices Commission, and the District Attorney, respectively.

Some residents feel that by making such allegations, you’re costing the District thousands of dollars, wasting the Board’s time, the Chief’s time, and the time of those who attend the KPPCSD meetings at which one or more of these issues has been discussed, as well as leaving the District open to a potential harassment suit by the Chief. What do you have to say to those residents?

You have information that comes from a closed session. Who told you all these things?

I don’t make charges; I just ask questions. That is the job description of the Directors of this agency. In fact, none of these issues has been resolved, and investigations are ongoing. The 2011 annual audit is not complete. Why? It was due months ago. We still need to correct a chaotic accounting situation and establish adherence to standard accounting practices. We still do not have set limits for meals and expenses for district employees, and I have proposed that we address this at our the next meeting.

There have been multiple reports of you screaming during closed Board sessions; at the June, 2011 KPPCSD Board meeting you suggested to a Kensington resident that she “get some medication;” at the March 8th 2012 KPPCSD Board meeting you threw documents on the floor that were submitted to you by a Kensington resident. Do you consider those actions appropriate behavior for an elected official?

I don’t have a loud voice. I don’t scream. The screamer is Linda Lipscomb. I did not throw papers on the floor, Vida Dorroh dropped them there.⁵

At the January 2012 KPPCSD Board meeting you voted to approve a newly negotiated Memorandum of Understanding with the Kensington Police Officers Association. You’ve repeatedly claimed otherwise at subsequent Board meetings. What are residents to think when you vote in favor of a motion before the Board and then deny that you voted for it?

[watch?v=dSvITTaNV8w>](#) [0:37:25]

⁶From City of El Cerrito; Agenda Item No. 7: ELECTION OF CITY COUNCIL AND REDEVELOPMENT AGENCY OFFICERS Adopted: November 19, 1990 Revised: July 7, 1997:

“...Mayor Pro Tem will replace the outgoing Mayor.

Mayor Pro Tem will be the council member who has received the highest number of votes, compared to the other council members elected at the same time. This process continues until all council members elected in the same year have served as mayor....

Newly elected and re-elected council members are added onto the existing order of rotation in the order of the number of votes received, from the highest number of votes to the lowest...The Council has the ultimate discretion to elect or not elect any council

I have been very clear and consistent about this. The failure of three members of this board to negotiate for the employees to pay their share of PERS puts KPPCSD at great risk financially. Jerry Brown gets it. The state legislature gets it. The county gets it. We are the only agency in Contra Costa that pays both the employee and employer portions of PERS. Pension funding issues are crippling the nation. This morning’s NYT reports that experts anticipate that the Chicago teachers pension fund could collapse in the near future.

In your candidate statement/Letter to the Editor in this issue of the Outlook – and at a recent Democratic club endorsement meeting – you stated that you had twice been elected as Mayor of El Cerrito. The policy adopted by El Cerrito in November of 1990 for the “Election of City Council and Redevelopment Agency Officers” indicates that the El Cerrito mayoral position is allocated on a rotating basis to members of the City Council and is not, in fact, an elected position. How does that square with your statement regarding your election to that office?

It is not allocated on a rotating basis. The council elects the mayor. The post traditionally goes to the highest vote getter. That was me. They elected me.⁶

Were you forced to resign as Mayor of El Cerrito due to the fact that you didn’t meet the residency requirement for that position – that is, you lived in Kensington, and not in El Cerrito, at the time?

I was not forced to resign. Again, it is obvious that you are using this question session to attempt to slander me. I chose to move into my family home after my mom passed away, and I resigned on the day I moved back to Kensington.

At the February 2011 KPPCSD Board meeting you said, “I don’t care much for the law;” I think it gets in the way of a lot of things.” How do you square that with the Oath of Allegiance you signed when you filed your Declaration of Candidacy for the Board in December of 2008?

This is out of context. Briefly, the law deals with what is legal or not legal. It does not deal with ethics, with right and wrong. The death penalty is legal. I believe it is wrong. And so on. Frequently, lawyers get hung up on “legal” and ignore the broader ethical context.

Informed sources have reported that you negotiated unilaterally, outside your official capacity, with Bay View Refuse, a service provider having business before the Board. Is that true?

How could I possibly have done that? It makes no sense. In my opinion, the only person who negotiates unilaterally is Toombs. He fails to understand his position as “one among equals,” and he has led us into an expensive and perhaps disastrous legal tangle with Bay View. It takes three votes to make anything happen. I am

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¹GM, Greg Harman: “The Solid Waste meetings were always held at 10am but Director Kosel complained that she couldn’t attend because of her work schedule. So we changed the meeting time to 2pm so she could attend and she never did. After she missed three meetings in a row, the Committee voted to hold its next meeting back at the original 10am time.

² KPPCSD Board President, Chuck Toombs’ recollection is that he appointed Director Kosel to the ad-hoc committee for the Annex, which morphed into The Kensington Park Building Committee. She is listed as an absent committee member in the formal minutes of the 8/9/10 meeting, and also in meeting notes taken by John Stein at the 5/5/11 and 6/15/11 meetings of this committee. No record of her having attended a meeting of this committee after that date could be found. She appears to have attended one meeting of this committee.

³ According to the COP, the rules for frisking female suspects for weapons are the same as for males, and an officer of either gender can conduct such a search – which would typically take place upon a traffic stop, for instance, at which the presence of a weapon may be suspected. (A pat down check for weapons by opposite sex officers would be conducted with the back of the hand.) Any further search of a suspect would be conducted upon booking and admission to the jail, at which time a same-sex officer would do the search – for drugs, for instance. Should a female suspect need to be searched for any other reason, or under any other circumstances, a same-sex officer from another district would be summoned.

⁴See <http://kensingtoncalifornia.org/kppcsd-board/board-meeting-recordings>.

⁵See the video of the meeting at which Vida submitted papers to the Board, at www.youtube.com/watch?v=dSvITTaNV8w

member for any office.”

Document at www.el-cerrito.org/DocumentView.aspx?DID=1055.

⁷KPPCSD Board Meeting Minutes of July 9, 2009, show: “New Business #10 – Board Authorization to direct the GM to engage with District Counsel to review a proposed contract with Bay View Refuse. This contract proposed by Director Kosel would replace the District’s existing Bay View Refuse contract.

The Board expressed concern that Director Kosel was in negotiations with Bay View Refuse when she was never authorized by the Board to engage in these negotiations.”

Download 7/9/2009 Minutes at <http://kensingtoncalifornia.org/kppcsd-board/past-agenda-packets> [2009-08-13 agenda, p. 13]

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almost always on the short end of a 3/2 vote.⁷

What is your position on Bay Area Refuse?

Kensington residents should have the lowest rates possible. How do you achieve that? The law does not require a company to stay in business and lose money, so if Bay View folds, what then? Piedmont pays about 40% more than we do for the same or equivalent service. I think this fight with Bay View is irrational and driven by resentment that we lost greatly in our scuffle with Bay View ten years ago. There are enormous risks involved in this arbitration with regard to legal costs. We risk about \$220 per household to contest a rate increase of about \$2. That's not smart.

At the April 2011 KPPCSD meeting, a constituent asked you about your prior association with Bay View Refuse's owner, Lew Figone, and you said you "...did not really know Lewis Figone until only recently when [you had taken] a seat on the Board and begun asking around about him."

Upon further questioning at the May KPPCSD meeting, you retracted your previous statement and said you had "...actually received a contribution of \$99 from Mr. Figone, while other candidates running against you (for El Cerrito City Council) had received \$1,000 each."

A campaign disclosure form you filed when you ran for public office in El Cerrito in the late 1980's stated, however, that a Mr. Figone actually made a \$500 campaign contribution to you during the election – well in excess of the amount you claimed he had contributed to your campaign at the May meeting. Records at El Cerrito City Hall did not show any other candidate having received a \$1,000 contribution from Mr. Figone, as you had stated.

When the *Outlook* asked you who the candidates were to whom you were referring, you said, "Oh that was thirty years ago – people don't care about that," and refused to corroborate your previous assertion.

How can residents trust what you say when statements you make in Board meetings can't be corroborated?

In the November 2010 election, you reached back 40 years to impugn a KPPCSD Board candidate's college records. What would you say to those who say you appear to hold your colleagues and rivals to a different standard than the one to which you hold yourself?

This is a contorted question with many inaccuracies. That makes it difficult to respond. I will say that publishing a resume that falsely states your educational and work achievements to voters is a serious matter. In my mind that constitutes an attempt to defraud the voters, but everyone seems to have forgotten about that problem.

Regarding the Figone campaign contribution I would refer you to the *El Cerrito Journal* dated October 4, 1993, page 3A. It puts the lie to your allegations. I have scanned it and emailed it to you. Agencies do not keep the records of failed candidates, only those of the electeds. So, to my knowledge, the city records of losing candidates no longer exist. That accounts for the misunderstanding. This article would be the only record that I know of.

Since the *Outlook* reported on the campaign contributions, you have refused to speak with an *Outlook* reporter either in person or by phone. In an email to

the editor of the *Outlook* on Nov. 2, 2009, however, you wrote, "*Balanced, objective reporting and coverage. Thank you!*"

This creates the impression in some minds that your willingness to interact with the press is dependent on the nature of the coverage that you receive. How would you respond to those who may have that impression?

There is the impression in the minds of many residents that the *Outlook* is a monthly "hit piece." How would you respond to those who have that impression?

It is a tradition in this country that the job of the press is to serve as a "watchdog" of our elected officials. The Outlook does its best to uphold that tradition, and reports malfeasance, if and where it is found. – Ed.

At the April 2012 meeting of the Kensington Community Council, KPPCSD Director, Mari Metcalf threatened to "hold liable" the *Outlook* editor and the Board of the KCC – collectively and individually – if her name were to be mentioned in the *Outlook* again. Some took this as an attempt to intimidate the editor and board members, and an assault on the freedom of the press.

You and Director Metcalf frequently vote together on the KPPCSD Board, she appears to have acted as your attorney on occasion, and you appeared to have attended that KCC meeting together. What is your position on her demand that she, as a publicly elected official, not be mentioned in the *Outlook*?

(No answer given. – Ed.)

You are the only candidate for the KPPCSD Board who refused to be interviewed by the *Outlook* in person. Don't you think you owe it to voters to give them the benefit of your candid, unvarnished thoughts on the important issues facing Kensington, without the remove to parse the questions and answers prior to responding?

See my response to the question (above, regarding the Nov. 2, 2009 email).

Anything you'd like to add?

What is your opinion of the supporters of Chuck Toombs and Pat Gillette who anonymously attack me and Director Metcalf using profanity and threats on blogs, YouTube, and in hate letters mailed to our supporters? What do you think about the level of discourse fostered by these hate mongers and by you in the *Outlook*?

In the final analysis, this campaign should only be about issues – two issues: fiscal responsibility and open government.



KIM ZVIK has been on the Kensington Municipal Advisory Council since January 2011.

What would your top three priorities be if you were elected to the Board?

I want to put the "C" (Community) back into the KPPCSD, so that is my overarching priority. First, fix the divide on the board so people don't scream each other; Work with KASEP to get registration online; Get the KCC books to be online

and open. They're now being done manually without a digital backup and public access.

How would you fix the divide on the board?

First of all prevent future slates from getting on a board of only five members. Tony and Linda ran together and are friends with Chuck, which exacerbates the divide between them and the other board members. So don't elect slate candidates. If the current divide can't be resolved in a meeting, then bring in a conflict resolution specialist.

Why should the people of Kensington vote for you?

Because I'm the moderate candidate who can balance this mess; I'm the only Kensington parent, and I have IT skills that the board does not have. The Bill and Melinda Gates Foundation does not give funding to any board that does not have an IT rep on their board. And I may be the only candidate that has gone through divorce mediation – and this board needs some intervention!

Why would anyone want this job?

I like challenges; I trouble shoot challenges every day in my IT job. I view this as another trouble-shooting opportunity. I learned that only 17% of women are in politics, so I wanted to get involved in politics – we're 56% of the population. The other challenge is the half-baked women's liberation movement – the working moms criticize the stay-at-home moms and the stay-at-home moms criticize the working moms; I wonder why aren't we all banding together.

I'm serving on KMAC, I'm webmaster of the EC Youth Baseball Team, a KEF room parent, the head cashier for the Garden Party; I'm raising 4 children, I'm the major breadwinner for my family, and I have a horse hobby.

I think we should embrace what we have, living in such a beautiful place. There are a lot of lost revenue opportunities as well as lost enrichment opportunities as far as subject matter in the KASEP program.

I actually have a serious question about Kensington separating church and state, which I think is the heart of the problem. George Miller is holding an El Cerrito Democratic Club dinner in the United Church of Christ in Kensington, which makes me wonder. I represent the changing community, more people with kids that are moving here. People naturally want to vote for people who are like them.

Isn't it strange that the Police Officers Assoc. didn't invite all the candidates? And they have no business endorsing their bosses to begin with.

How long have been on the KMAC Board?

I was appointed by Supervisor John Gioia in 2010 to begin serving in the calendar year 2011.

How many meetings have you missed since then?

Two or three, maybe.

Why haven't the minutes of the KMAC meetings been posted online since January of 2010?

We have to approve the minutes with the same people that were at the meeting at which the minutes were taken, and all the KMAC members are not in attendance at every meeting. It's not a good system. I've got a better IT solution if anyone cares to hear it! The venue for posting the minutes may also have been changed.

(Following the interview, Kim provided the Outlook with a link to KMAC agendas, which are posted at a different site; there don't appear to be KMAC minutes

posted online for meetings after January 2010. – Ed.)

How do you handle decisions a board makes with which you disagree?

I've also been on the Orinda Horseman Board and the Step One Schools Board. Orinda Horseman didn't want to have a website, so I just went ahead and put one up anyway without compensation. Either I would find a way to get what is needed to be done or wait for another board.

Have you ever had to resign an office you held for any reason? No.

Have you ever held an office in a town that had a residency requirement that you did not meet? No.

Have you ever negotiated unilaterally, outside your official capacity, with a service provider who had business before a board on which you sat? No.

How would you characterize your feelings about the law?

I think its necessary, but I think rules are made to be broken. Occasionally I speed, and yet I know it's a privilege to be a citizen and work all these laws out and change them an upgrade them as need be. Laws, like people, evolve over time, and need to be looked at from different angles.

I think I'm highly underestimated by the people in my community.

Some residents are concerned that there has been too much dithering about decisions on the board, too many consultants hired, and not enough action – for instance, on the remodel of the community center. What do you say to those residents?

I say that decisions take time, especially for a master plan, such as the Community Center – that's not something that comes quickly.

What's your position on Bay View Refuse?

I think we should negotiate and not be in a lawsuit. And contracts are used for enforcement, not for relationships. Which means we should be having a dialogue with the man so we can figure out to come to mutually beneficial terms.

And if that dialogue forthcoming on the other side?

Then we have to enforce the contract. But that should be a last resort.

Have you ever screamed at a board meeting? No.

Under what circumstances would you anticipate behaving in that manner?

No circumstances. It's inappropriate. Perhaps if the building was on fire, an earth-quake maybe, or a mountain lion in the room.

In the course of a Board meeting, have you ever suggested to a Kensington resident that he or she "get some medication?"

Absolutely not, it's completely inappropriate and non-professional to say that.

In the course of a board meeting, have you ever thrown documents on the floor that were submitted to you by a constituent?

Absolutely not, I would never do that. In IT we try to avoid paper documents (laughs).

Anything else you'd like to add?

I've been a Kensington resident for 12 years. I'm the only candidate who is a Hilltop parent, and the only one with solar on their house.

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PAT GILLETTE is a practicing attorney, focusing on labor and employment law. She's a former member of the Kensington Education Foundation (KEF).

What would your top three priorities be if you were elected?

To restore some type of collaboration and order to the way the work gets done;

To make sure we have the procedures in place to make sure the decisions we're making are fiscally responsible;

To increase the communication between the board and the public about the rationale for board decisions that are available for public review; and

To improve the dialogue between the public and the board.

Why should the people of Kensington vote for you?

I bring specific skills that we really need. One of those is my background as a labor and employment attorney, and a lot of the issues that have been troubling the community relate to personnel matters and contracts. I think I bring a unique perspective, as well as an expertise, that we don't currently have on the board. I also have a particular skill at problem solving, as one of the aspects of my current job is to bring people together. I'm a litigator. I've learned over the years that it's much better to try and resolve things and find common ground than to fight.

Finally, I have quite a bit of nonprofit board experience, which I think would be directly relevant to some of the issues that the board is facing, both process and the group dynamics.

Why would anyone want this job?

I want it because I love Kensington. I've lived here for 34 years and I feel like we're at a difficult point in our development, like a lot of communities, because of fiscal restraints due to the economic state of our country. I think we're in danger of losing our core values, with the conduct of some of the members on the board, and thereby losing the public trust.

On what other boards and committees in Kensington have you been seated?

Kensington Education Fund, when my kids were at Hilltop.

Elsewhere? How many do you want?

Give us the top 5.

I was on the Equal Rights Advocates board, First Graduate (which identifies kids in junior high who could be the first in their family to go to college, and mentors and tutors them thru middle and high school), and College Preparatory School (CPS); I'm on the advisory board to the President for Occidental College, Nat'l Assoc. of Women Lawyers, and Youth Musical Theatre Company.

How many meetings of each have you missed?

I was on the boards listed above for the last four years, along with six or seven others. I'm on a lot of boards. I do a lot of work with women, that's partly why.

I've missed fewer than ten on all my boards in four years. Only professional responsibilities have kept me from going on those occasions when I was unable to attend.

How do you handle decisions the boards

on which you sit make with which you disagree?

I believe it's my role during the debate portion on any issue to make my position as clearly and as strongly as I can. My job would be to try to persuade people to adopt my position, but once the board has voted my job is to support the decision of the board. We are a board, not a group of individuals. That is particularly true when decisions are made in closed session.

Have you ever had to resign an office you held for any reason? No.

Have you ever held an office in a town that had a residency requirement that you did not meet? No.

Have you ever negotiated unilaterally, outside your official capacity, with a service provider who had business before a board on which you sat?

No. I don't know how I could.

Have you ever screamed at a board meeting? No.

In the course of a Board meeting, have you ever suggested to an attendee that he or she "get some medication?" No.

Under what circumstances would you anticipate making that suggestion?

Never.

In the course of a board meeting, have you ever thrown documents on the floor that were submitted to you by a constituent? No.

Under what circumstances would you anticipate doing that? Never.

How would you characterize your feelings about the law?

I'm a lawyer, I believe we have to abide by the law and show respect for the restrictions that the law puts on us in our capacity as public servants.

Some residents are concerned that there has been too much dithering about decisions on the board, too many consultants hired, and not enough action – for instance, on the remodel of the community center. What do you say to those residents?

I think its important to get outside consultants in areas we don't have expertise, however consultants can become an addiction, so I think you do have to think carefully about what information you need, I think you have to manage the consultants so they are cost effective and efficient, and I think you have to make sure that they are focused on your particular goal. I don't think the answer is always to hire a consultant.

What's your position on Bay View Refuse?

My understanding is that there is a difference in the interpretation of the contract between the district and Bay View. Based on what I've read in the contract, I believe that the board has acted consistently with our obligations as set forth in the contract. I also understand that the board offered Bay View Refuse the opportunity to renegotiate a portion of the contract and the company refused that offer. So at the current time, I believe our obligation is to follow the terms of the contract and require the contractor to do the same.

Anything else you'd like to add?

I think its really important going forward to remember that we are a community that cares about each other and cares deeply about the issues that affect our daily lives, and to have a board with the responsibilities for such essential functions as our police garbage service and parks being constantly disrupted endangers our community and keeps us from moving forward. I think one of the most important issues for us is the ability to maintain our

independent police force, and that is going to require us to work together toward a solution instead of wallowing in the blame game.



JIM HAUSKEN is a retired school teacher.

What would your top three priorities be if you were elected?

Getting more people involved in the decision making process, especially, what needs to be done; more participation would increase transparency. A lot of people are confused about what's happening. We need to get some transparency about how things are functioning. I think it's very important to plan ahead. We should err on the side of caution. We can't assume the economy will always be healthy and that we'll be raking in the taxes, or whatever.

Why should the people of Kensington vote for you?

We need a new voice – someone who is not of multi-year vested interests. I started attending board meetings about 15 months ago; and have been very concerned about some things. I made the decision to run for the board very recently because I spent 14 months investigating the situation, and I decided to run for the board. I bring a new outlook and bring a little bit different background to it – I'm an educator, which we don't currently have on the board. I think I can help bring the board together, rather than separating into different factions. I've done a fair amount of work with groups of various types. I founded the Speakers Bureau for the Bay Chapter of the Sierra Club. I have experience working with a wide variety of people and organizing things.

Why would anyone want this job?

I felt that there are problems that were not being addressed. I wanted to become involved in the solving of those problems. I'd like to see more people involved with the paths group, for instance.

On what other boards or committees have you sat?

Berkeley Northeast Bay Chapter of the ACLU, since 1998; Medical Trades Inc., involved with regulating industries pertaining to the medical marijuana issue.

How do you handle decisions the boards make with which you disagree?

I go along with them. I abide by group decisions unless it seriously crosses my ethical boundaries.

How often does the ACLU Board meet? Every month.

How long have you been on that board? Since 1998.

How many meetings of have you missed? Maybe one meeting a year.

Have you ever screamed at a board meeting? No.

Under what circumstances would you anticipate behaving in that manner?

If we all agreed it was a group therapy session. (Laughs.) Screaming turns people off. I might whistle. When people start screaming I'm usually quiet and back off.

In the course of a board meeting, have you ever suggested to an attendee that he or she "get some medication?" No.

Under what circumstances would you anticipate behaving in that manner?

If I thought it was going to help the person who was sick, but not in the way of assuming that someone is "off their rocker."

In the course of a board meeting, have you ever thrown documents on the floor that were submitted to you by a constituent?

No. I don't think I've ever thrown documents on the floor.

Under what circumstances would you anticipate doing that?

If I had snapped. I would not normally do that. It would mean that things had reached a very serious impasse, where we needed to get everyone calmed down. I would do it if I didn't have a gavel (laughs). I saw someone throw documents once at a board meeting – it ended in a glass of water and it was a mess. I wouldn't do that.

Have you ever negotiated unilaterally, outside your official capacity, with a service provider who had business before the Board on which you sat? No.

How would you characterize your feelings about the law?

We abide by the law in a sense of consensus agreement, and as our founding documents say, whenever the law becomes onerous we need to change the laws. Usually a person doesn't have a moral right to disobey the law. Being forced to compromise one's ethical beliefs, however, when they're involved with life and death type issues, then it might become a decision where an individual needs to apply their own wisdom to the situation... I want to be careful about wholesale approval of every law that comes down the pike. Laws are made by people, and can be changed by people, but in the daily course of living it's much wiser to abide by them.

Some residents are concerned that there has been too much dithering about decisions on the board, too many consultants hired, and not enough action – for instance, on the remodel of the community center. What do you say to those residents?

We need to make sure we're doing it right by code. We can't just charge off with "My brother is good with a hammer." I question the word, "dither." We want to do it in a timely manner. I don't know exactly how long this has been going on. Sometimes a consultant can be valuable. Other times a consultant isn't needed. I do think government agencies over rely on consultants.

Would you say that applies to the KPPCSD as well?

I'm not familiar enough to comment on that. There's too much commenting by people who don't know the facts. If I would've been on the board when the leak in the corner of the roof had first been discovered, for instance, I would've gotten up on the roof and taken a look at it to see what it needs. We wouldn't have ended up with a whole wall of dry rot.

What's your position on Bay View Refuse?

First, I think we get very good service. The problems have been colored by the animosity on the Board. I think we have some very bad decisions by the Board. It's quite possible this is going to end up without trash hauling for the town. I'm concerned about other companies coming in at an unreasonable price and/or not providing the same level of service. I'm worried that we might be subject to an arbitrator or a judge assessing financial penalties against Kensington.

Anything else you'd like to add?

I have a fresh perspective to offer that I think can help with the decisions that need to be made. I want to see this municipality function smoothly.