

1 **CENTRAL MARIN POLICE COUNCIL**

2
3 HELD AT
4 CENTRAL MARIN POLICE AUTHORITY BUILDING
5 250 DOHERTY DRIVE
6 LARKSPUR, CA 94939
7 ON
8 THURSDAY, NOVEMBER 3, 2016
9 AT 6:00 P.M.

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11 **REGULAR MEETING MINUTES**

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14 **ROLL CALL**

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16 The Central Marin Police Council Regular Meeting was called to order at 6:01 p.m.

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18 **COUNCIL MEMBERS PRESENT:**

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20 Diane Furst, Chair/Council Member, Town of Corte Madera
21 Carla Condon, Council Member, Town of Corte Madera
22 Ann Morrison, Vice Chair/Council Member, City of Larkspur
23 Larry Chu, Council Member, City of Larkspur
24 John Wright, Council Member, Town of San Anselmo
25 Tom McInerney, Council Member, Town of San Anselmo

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27 **COUNCIL MEMBERS ABSENT:**

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29 None

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31 **STAFF PRESENT:**

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33 Debbie Stutsman, San Anselmo Town Manager
34 Dan Schwarz, Larkspur City Manager
35 Todd Cusimano, Corte Madera Town Manager
36 Michael Norton, Interim Chief of Police
37 Theo Mainaris, Lieutenant
38 Hamid Khalili, Lieutenant
39 Mike Legan, Sergeant
40 Zaneta Feleo, Administrative Assistant
41 Tom Bertrand, Legal Counsel

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43 **STAFF ABSENT:**

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None

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

OPEN TIME FOR PUBLIC EXPRESSION

Chair Furst asked if any members of the public would like to address the Council, and there were no speakers.

REPORTS AND COMMENTS

A. COUNCIL MEMBERS

Council Member Wright asked for discussion regarding a recent robbery in San Anselmo and ensuing social media posts.

Interim Chief Norton discussed CMPA and the Town of San Anselmo’s responses to calls, inaccurate criticisms by certain members of the public, and briefly discussed increasing the visibility of CMPA in San Anselmo, as well as other towns.

Council Member Condon voiced thanks to officers attending the Oktoberfest and for the outreach provided to seniors.

Council Member Chu referred to the social host ordinance and asked that the matter return for discussion by the Council in early 2017. Interim Chief Norton stated Mr. Bertrand was currently reviewing the ordinance and will be reporting back at the next meeting in February.

B. MANAGEMENT COMMITTEE

Town Manager Cusimano echoed Council Member Condon’s comments and also recognized officers’ assistance during construction at Tamalpais Drive and Paradise Drive.

C. CHIEF’S COMMENTS

Interim Chief of Police Norton gave the following report:

- The social host ordinance will be agendized at the February 2, 2017 meeting;
- Following an explanation of the testing process for promotion to Lieutenant and Captain, Sgt. Mike Legan, recently tested for Lieutenant and is expected to be promoted in January. Interim Chief Norton briefly discussed his background on training in firearms and use of force; and

- 88 • Lieutenant Khalili also recently tested for Captain and is expected to be promoted.
89 Interim Chief Norton briefly discussed his background, role in the SRT (Special Response
90 Team) modernization and experience in traffic issues.

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92 **CONSENT CALENDAR**

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94 Council Member Wright requested that all instances of “City” of San Anselmo be amended to
95 state “Town” of San Anselmo.

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97 Council Member McInerney requested Item B be discussed last.

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99 **A. Approval of Minutes: October 3, 2016.**

100 **C. Resolution 2016/18. Captain Khalili as alternate board members for Bay Cities.**

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102 ACTION: It was M/S/C (McInerney/Condon) to approve Consent Calendar Items A and C, which
103 carried by the following vote: 6-0 (Ayes: Chu, Condon, Furst, McInerney, Morrison and Wright;
104 Noes: None).

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106 **B. Acknowledge Central Marin Police Authority’s Warrant List –September 1-30,**
107 **2016.**

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109 Council Member McInerney posed the following questions:

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- 111 • Regarding Page 1 and legal fees for September, he confirmed with Chief Norton and Mr.
112 Bertrand that costs related to an in-custody death and multiple personnel matters.
113 • Regarding Page 3 and advertising costs of \$3,500 he confirmed this cost was related to
114 the update of the lobby photo boards.

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116 Chair Furst asked if any members of the public would like to address the Council, and there
117 were no speakers.

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119 ACTION: It was M/S/C (Condon/Morrison) to approve Consent Calendar Item B, which carried
120 by the following vote: 6-0 (Ayes: Chu, Condon, Furst, McInerney, Morrison and Wright; Noes:
121 None).

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123 **BUSINESS ITEMS**

124 **A. Grant opportunities for community and parent education with regards to youths**

125 *Recommendation: that Council hear, receive presentation and provide direction.*

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127 Interim Chief of Police Norton stated Council Member Wright requested staff research grant
128 opportunities for community and parent education as they relate to youths. He recognized the
129 research performed by Corporal Jenna McVeigh and provided an overview of the staff report.

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131 As background, the following grants have been received and/or applied for:
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- 133 • In 2016 a grant was awarded by the California Department of Alcohol Beverage Control
134 (ABC). Funds remain in the grant and Interim Chief Norton stated monies could be
135 applied to put on an “Every 15 Minutes” program as well as retail theft prevention,
136 given the grant has eight months left to expend. The grant was awarded to:
137
 - 138 ➤ Conduct decoy operations and shoulder tap operations to deter youth access to
139 alcohol;
 - 140 ➤ Conduct party patrol operations where underage drinkers are cited and social host
141 ordinances are enforced;
 - 142 ➤ Conduct trapdoor operations where undercover officers stand with bouncers at local
143 bars and assist with carding patrons; and
 - 144 ➤ Conduct operations where law enforcement works with liquor store owners, by
145 standing behind counters and identifying minor patrons attempting to purchase
146 alcohol.
- 147
- 148 • Applications are being accepted after December 1, 2016 for an Office of Traffic Safety
149 grant to possibly fund the “Youth to Youth: Ensuring More Futures – Friday Night Live”
150 and “Teen Choices”.
- 151
- 152 • Applications are due in March 2017 for two grants that the Ross Valley Healthy
153 Community Collaborative and/or the Twin Cities Coalition for Healthy Youth may want
154 to apply for which include the “Drug-Free Communities Support Program” and the
155 “SAMHSA (Substance Abuse and Mental Health Services Administration): STOP Act
156 Grant”.

157
158 Discussion ensued by Council Members regarding the various grant opportunities which law
159 enforcement agencies and coalitions can apply for and their target uses, the level of work
160 writing and submitting grants, application scoring patterns, grant response timeframes and the
161 potential existence of marijuana enforcement grants for education.

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163 Council Members voiced interest in learning more about available grants and meeting with
164 Corporal McVeigh. Interim Chief Norton asked that Council Members contact him to schedule
165 meetings.

166
167 Chair Furst asked if any members of the public would like to address the Council, and there
168 were no speakers.

169
170 **B. Resolution 2016/19. The Central Marin Police Council to set meeting schedule for**
171 **2017.**

172 *Recommendation: that Council discuss and approve Resolution 2016/19 on setting a*
173 *schedule of Regular Police Council meetings for calendar year 2017.*

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Interim Chief Norton provided an outline of the meeting schedule which has been slightly amended to address budget planning. Meetings are proposed to remain at 6:00 p.m. and the following schedule is proposed:

- Thursday, February 2, 2017
- Thursday, May 4, 2017
- Thursday, August 3, 2017
- Thursday, November 2, 2017

Chair Furst confirmed Council Members' support of the proposed meeting schedule.

Chair Furst asked if any members of the public would like to address the Council, and there were no speakers.

ACTION: It was M/S/C (Morrison/Condon) to approve Resolution 2016/19 setting a schedule of Regular Police Council meetings for calendar year 2017, which carried by the following vote: 6-0 (Ayes: Chu, Condon, Furst, McInerney, Morrison and Wright; Noes: None).

C. Resolution 2016/20: The Central Marin Police Council of the Central Marin Police Authority to authorize the Management Committee to enter into independent contractor agreement for facility manager services.

Recommendation: that Council receive presentation and pass resolution 2016/20 entering into a contract for Facility Manager Services.

Interim Chief Norton gave the staff report and explained that when the building was opened in 2012 a lieutenant managed the building for a few months and thereafter, Kevin Scott. He stated the building requires constant maintenance and inspection by law.

The first year for Mr. Scott's services were budgeted for \$40,000 and this year, the budget was set at \$20,000. Mr. Scott then later indicated he was no longer able to perform the services and staff reached out to the Town of Corte Madera and City of Larkspur's Public Works Departments. However, due to their lack of time and expertise, they declined.

Next, staff reached out to temporary staffing agencies. Their hourly rate was deemed to be too expensive. Staff then approached, Mike Morarity, a former officer who has been assisting CMPA in their background checks. Mr. Morarity was asked if he would be willing to serve as their facility manager and toured the building with Mr. Scott.

Given several factors, staff believes Mr. Morarity would be the best fit for the facility manager role and proposes the hourly rate of \$35/hour for 4-6 hours per week (\$11,000) would be well under budget and recommended the Council approve the resolution.

217 Tom Bertrand, Legal Counsel, referred to insurance requirements and said he and Interim Chief
218 Norton discussed the need for a comprehensive general liability policy. If this requirement
219 were added to the contract, an adjustment would need to be made. Interim Chief Norton
220 explained that the work performed by Mr. Morarity would not require this insurance and that if
221 work is outside the scope of Mr. Morarity's abilities he would coordinate and receive
222 authorization directly through the Lieutenants to hire outside specialty contractors.

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224 Council Member McInerney asked and confirmed support of the Management Committee.
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226 Council Member McInerney commented on the absence of hours identified in the agreement
227 and asked if a cap might be included to avoid the at-will issue. He also stated the title is Facility
228 Manager which connotes supervision, and suggested this be renamed to Facility Contractor or
229 another title. He also asked whether Mr. Morarity would be providing his own tools, a work
230 station and/or computer.

231
232 Interim Chief Norton stated Mr. Morarity would not supervise anyone and his title could be
233 changed to one that does not denote supervision. Mr. Morarity would not supervise but be
234 managing such things as the coordination for the elevator to be certified by an outside
235 contractor as well as other specialty contractors to get certain work done.

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237 Mr. Bertrand stated he could easily make these changes based on Council Member McInerney's
238 comments and suggested the Council approve the resolution subject to those changes. He
239 indicated, however, that the Town of San Anselmo would not be voting on this contract.

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241 Chair Furst asked if any members of the public would like to address the Council, and there
242 were no speakers.

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244 ACTION: It was M/S/C (Morrison/Condon) to approve Resolution 2016/20, authorizing the
245 Management Committee to enter into independent contractor agreement for facility manager
246 services, as amended, which carried by the following vote: 4-0-2 (Ayes: Chu, Condon, Furst and
247 Morrison; Noes: None; Abstain: McInerney and Wright).

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249 **ADJOURN TO CLOSED SESSION**

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251 **Closed session for conference with legal counsel regarding liability claims,**
252 **Dunnigan v. Central Marin Police Authority**
253 *Pursuant to Government Code Section 54956.95*

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255 **Closed session for conference with legal counsel regarding existing litigation –**
256 **Voelker v Central Marin Police Authority, et al.**
257 *Pursuant to Government Code Section 54956.9(a)*

258
259 **Closed session regarding Public Employee Performance Evaluation – Interim Chief**
260 **of Police**

261 *Pursuant to Government Code Section 54957(b)(1)*

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263 **OPEN SESSION/REPORT FROM CLOSED SESSION**

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265 The Council reconvened the regular meeting and Mr. Bertrand announced that no reportable
266 action was taken in Closed Session.

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268 **ADJOURNMENT**

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270 The Council adjourned the meeting at 8:02 p.m. The next regular scheduled meeting is to meet
271 on February 2, 2017.

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276 Lisa Harper, Minute Taker
277 c/o Central Marin Police Council

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