



— Bringing The Community Together —

K E N S I N G T O N O U T L O O K

Available Online at www.KensingtonOutlook.com

DEC 2013/JAN 2014

A PUBLICATION OF THE KENSINGTON COMMUNITY COUNCIL

VOLUME 70 NUMBER 10

The Garden Party

It happened again this year...our roving society correspondent mumbles to himself sotto voce at The Kensington Education Foundation's Garden Party: "Ooh, nice painting – what is that, a Monet? A Matisse?" Looking closer, our reporter finds that, no, it's actually a work by Ms. Aiken's 5th grade class! An art critic, he's not – but he knows what he likes!

Rave if you will about the fabulous food (including possibly the best taco bar in the world), great music, free-flowing wine, and the chance to prevail in the bidding for some awesome auction items, all the while providing Kensington Hilltop students with access to the many classes that give a broader meaning to the school experience – but what caught the attention of many this year was the juxtaposition of the art made by Hilltop students and that of some of the great masters – all on view and for sale to the highest bidder. Where else do you get an opportunity to experience – and purchase – beautiful creations spanning such a range in the world of art?



The Koenig Totem Poles – Children's Art

Standouts this year included the Koenig Totem Poles (pictured at left), "The Owls," Mr. O'Connor's 3rd grade class' masks, Ms. Billing's 2nd-graders' "Concrete Jungle" (*See Pg. 5*), and the above-mentioned "Faux Serrault," by Miss Aiken's 5th-graders, among others. (And let's not forget the Miro, the Picas-so, and the Chagall!!)

The Garden Party sends big thanks to Grubb & Co. and Ruth Frassetto, who donates at the highest level each year; Berkeley Hills Realty - Tracy Sichterman; Amy Kurzer, (who also donates a portion of each Kensington home she sells throughout the year); Marvin Gardens; Masterworks Fine Art; Mira Vista Country Club; Autumn Press (who underwrote a large portion of the printing costs); To Mechanics Bank; Farmers Insurance - Alan Caruso; Hibser Yamauchi Architects; Kensington Veterinary Hospital; New Leaf Realty - Derek Suring; Dr. Robert Izeman, Orthodontics; Umpqua Bank; D.A. Flowers & Co.; And to all who donate behind the scenes like Alan, at Arlington Wine & Spirits – a loyal donor for years.

Kudos to this year's co-chairs, Patty Robertson and Rochelle Clewer, to Kensington Hilltop Art Specialist, Winoka Turin, who oversees the children's art projects, to the Dad's Club, as always, and to the many individual donors and volunteers that made the event such a success again this year. Kensington – and its kids – thank you!

Both Sides Now Writ of Mandate in a Nutshell

Below are remarks from two of the remaining six writ of mandate petitioners (See "Since We're Neighbors, Let's be Litigants," The Outlook, March 2013, Page 3), a Kensington resident, and two Directors of the Kensington Police Protection and Community Services District. These comments were presented at the July 11, 2013 KPPCSD Board meeting. (The Outlook has not had sufficient space to publish them previously.) The writ is still in litigation, at a cost to Kensington taxpayers' of approximately \$115,000 to-date.

The petitioners, citing the KPPCSD Procedures Manual, maintain that the vote to increase the salary of COP/GM, Greg Harman, was taken after the July 2012 KPPCSD Board meeting was improperly extended past 10pm (by a 3-2 vote at 9:45pm), and that the raise and retention bonus are therefore null and void. (The Procedures Manual calls for a 4/5ths vote. Recollections of two reliable sources sug-

see Writ, Page 9...

Update:

Writ Defense Through Oct.: \$115K



Happy Holidays

This year, as always, we are grateful to have shared so many events with the wonderful people of our community.

- Outdoor movie nights in Kensington Park, sponsor
- The Kensington Community Council Fall Parade and Picnic, sponsor
- Pumpkin Decorating contest and benefit for UNICEF
- Live music at the Kensington Farmer’s Market, sponsor
- Art exhibits and openings for local artists in our offices
- North and East Neighborhood Council Picnic, sponsor
- Berkeley National Night Out, participants
- Berkeley High All-Class Reunion, participants
- Parking for Kids Fundraiser for Y.E.S., sending kids to camp
- Valentine Dance at the Kensington Community Center, sponsor
- Member 100% Club for Berkeley Association of Realtors Youth Arts and Education Fund, and Workforce Housing and Homeless Fund



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Letters to the Editor

Eyes Are Going to Roll

To the Editor:

I am a longtime Kensington resident. A few nights ago, concerned about the financial doings of the board, I attended a meeting of the Kensington Police Protection and Community Services District. At that meeting, I saw something I have never seen in years of attending meetings in Northern California counties and cities. A citizen was given three minutes to speak. After about 45 seconds, he was shouted down by the board president and told that he was “being unfair to the community” by attempting to read excerpts from findings of a grand jury investigating fiscal controls of the KPPCSD. He tried to continue as another board member smirked and rolled her eyes, but he was interrupted again by the board president until he finally gave up, out of time.

I went to the meeting to try to figure out why this board has spent over \$400,000 of our tax money bringing suits and fighting cases that could have been disposed of without cost. Now I am even more appalled. Juxtapose this against the grave courtesy accorded to residents by KMAC board members.

I plan to meet the candidates next election. I will vote for people who appreciate that citizens have a right to speak. I will vote for people who know that patience is a necessary attribute for public office. This next election is important. I hope that we all take an interest, for our pocketbooks and for the future of Kensington. Let’s elect a board that is fair to everyone, including those who take the time to show up and speak their piece.

Signed,
Linnea Due

Share the Joy

Dear Editor,

Reading *The Outlook*, it is great to see the wonderful community spirit alive and well in Kensington. We are truly fortunate to live in this beautiful place. As the holidays approach, let us remember our neighbors

who need help. The Richmond Emergency Food Pantry is an all-volunteer organization serving low-income households of West Contra Costa County with an emergency supply of food. Volunteers to pack boxes or unload trucks from the Food Bank are always needed. Donations help us buy nutritious food and pay our rent. Please give generously with your time and money to support those who need assistance.

To volunteer, pls call 235-9732, or send donations to POB 2598, El Cerrito 94530.

Thank you,
Margaret Fouda

Still Not Out of the Woods

To the Editor:

Fifty years ago I had a beautiful garden, but the gigantic trees grown by the Carmelite nuns in their Rincon Monastery stole my sunlight. Many neighbors and I pleaded to pay to have the trees “windowed” and trimmed. The nuns promised relief, but planted more and bigger trees.

Last week local residents received a “stay away” letter from Korman & Ng, the firm that’s selling the 3-acre monastery, privately. No response to questions we’d previously submitted about the fate of the trees was provided, but an immediate, closed, broker showing was scheduled.

Wanting to see the 60-ft. pine whose roots are intruding into my property, I went to the new monastery gate, and explained to the guards that I was not a broker, but only wanted to go to the trees. The guard said she wouldn’t “show me” the monastery even as I reiterated I didn’t want to see it. As I walked passed, she shoved me as the other guard turned away. I shouted, pushed her off me, and continued to where I located the tree. She followed, crowding and rudely threatening me until I left. I’m 80 years old and only 5-ft. tall but I could have taken her!

We’d like our grievances addressed before the sale, and a guarantee there’s no *change of use* after a sale that in any way diminishes the enjoyment of our properties.

Mrs. S.P. Waters

Crosswalk Cross Talk

Dear Editor,

Regarding last month’s letter about the dangerous library crosswalk:

The crosswalk on Arlington Avenue and Kensington Park Road, where many of our children cross on their way to school, was studied by UC traffic engineers, who issued the *2010 Traffic Safety Report* (available online) that contains recommended engineering changes. None of the engineering changes have been considered, let alone adopted, by our Board.

Chief Harman ignored its suggested traffic enforcement change, but still cited the

see Letters, Page 5...

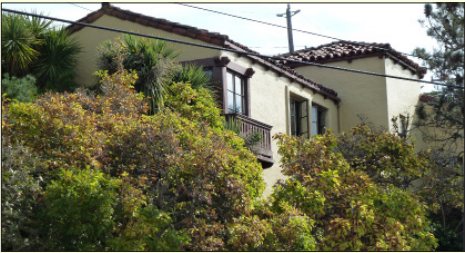
The opinions expressed in Letters to the Editor are those of the contributors, and do not necessarily represent the opinion of The Outlook, its editor, or the publisher, the Kensington Community Council. Residents are invited to submit letters on matters of interest to the community. Letters must be signed and include the author’s address and phone number (address and phone will not be published). Publication is subject to space limitations and the editor’s discretion. Letters of 250 or fewer words are preferred. One letter per person, per issue. (PLEASE NOTE: Modern digital customs call for one space, rather than the traditional two, after all periods.) E-mail preferred, to: Editor@KensingtonOutlook.com



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Selected Listings

Majestic Mediterranean with stenciled beams, sculpted reliefs, wrought iron, stained glass. 4+br/3.5ba + family rm, office w/separate entry, 2-car garage. Backyard has a charming guest house and Bay views.



Barbara Kaplan 305.7478 959 Spruce Street Berkeley



Spacious midcentury 4-br, 2.5-bath ranch-style home with panoramic views. Gracious living room, formal dining room, large kitchen. Exceptionally large lot with mature plantings and secluded patio area.

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February Advertising Deadline.....Jan 8
February Editorial Deadline.....Jan 10

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K E N S I N G T O N C O M M U N I T Y E D U C A T I O N

KASEP

**Kensington
After-School Enrichment Program
WINTER Session**

Happy Holidays from KCC! December starts out with Winter KASEP After School Class Online Registration. Be ready – make a plan for your choice of classes. Log on to your existing account (remember your password!). Online registration is available on the website, www.KensingtonCommunityCouncil.org.

Registration begins at 6:00pm Tuesday, December 3rd, and is ongoing. KCC staff will be in the office at 6:00pm on the 3rd to take walk-in registrations (payment with check or cash) and provide telephone support to anyone having difficulties (525-0292). Winter KASEP begins Monday, January 6, 2014. The KCC Office will be closed December 23rd - January 3, 2014. Need a brochure? Extra copies are available in the KCC Office and online at AboutKensington.com.

The new policy replacing the lottery system starts with Winter KASEP 2014: if your child attended Carpentry, Engineering, Pottery or Critters-K during Fall 2013, s/he cannot enroll in that same class again in Winter KASEP 2014. The intention is to give priority to students who have not taken the class in the prior session.

Looking for a new KASEP experience? Well, this Winter 2014, KASEP classes explode – check it out! Try Muffin Madness – a new cooking class. Want to work with your hands? Enroll in this creative craft class, “Mixed Media Masterpiece.” We have our own DJ class for the “next generation” – high tech equipment to learn to mix digitally formatted music. Students learn to mix, scratch, and blend songs. Inquisitive mind? Check out Science Experiments and Inventions (new class).

REGISTRATION

KCC/KASEP Office: 59 Arlington Ave., Bldg E (Across the grassy field above the tennis courts in Kensington Park), Kensington CA 94707. E-mail: kccrec@yahoo.com, or call 525-0292. M-F, 10am-4pm.

Tennis Court Reservations: For weekends and holidays only, beginning at 9am. Call the KCC office for info. Court Fees: 45-min. singles reservation: Residents: \$2; Nonresidents: \$5.

Kensington Community Center Rental Info: Please call KPPCSD (Kensington Police Protection and Community Services District) at 510-526-4141.

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\$7.00 per class

Jazzercise and Body Sculpting are taught by Kevin Knickerbocker. Classes will break for the holidays – last day, Dec. 20th, and will resume Monday, January 6th.

NEW Years' Resolution to work off those extra holiday pounds? Join Kevin to get a great workout, meet good people, and have fun. Choreographed to music, low impact. Wear good shoes and comfortable pants; bring a mat. Sign up anytime. Register at class. Questions? Call Kevin at 486-2728. Location for both classes: Kensington Community Center.

WREATH MAKING

Friday, December 13th, 7-9pm, Community Center
Cost: \$40.00 per wreath

Wreath making is one of the oldest ways to mark the winter season. It was, and still is, a way to preserve a little bit of nature during the winter. You will make a wreath using all sorts of locally available material including evergreens, branches, berries, succulents, dried flowers, fruit, veggies and more. Everyone will take their wreaths home with them to enjoy, or to gift to someone for the holidays. Bring gloves and pruning clippers! RSVP by calling KCC at 525-0292.

ACRYLIC ARTISTS

Wednesdays, 9:45am-12:30pm
Kensington Community Center

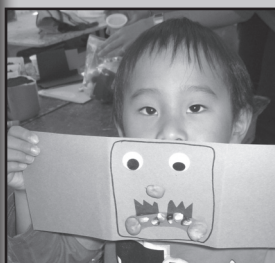
Wednesday's Acrylic Artists will stop meeting for the winter holiday; last class in 2013 is December 18th. Painters return in the New Year – Wednesday, January 8th. All artists are welcome to join in this supportive painting group.



New! QI GONG FOR ADULTS
Fridays, 9:30-10:30am – 8 Classes • Starts Jan. 24
Ongoing, at the Kensington Community Center
\$120 for 8 classes. Drop-ins welcome: \$18 per class

Qi Gong on Friday mornings is taking a break for the holidays and starting a new series of classes Friday, January 24, 2014. A new 8-week class, using a new form – “muscles and tendons” – will start up. Qi Gong is one of the basic self-healing techniques prescribed by Chinese medical practitioners.

Meg McDowell, LAC, MSTCM, is a certified Qi Gong therapist, as well as a licensed acupuncturist. Meg has a thriving practice in Kensington and specializes in women's health. She's delighted to be serving her community and providing Qi Gong, which has improved her life, as well as that of many others. For more information or to reserve, call Meg McDowell at 510-229-9922 or email her at NeedleSandQi@gmail.com.



1. KASEP Sewing - Teaching Life Skills 2. KASEP Kinder Garden Class Monster! 3. KASEP Sports and Games - Great Teamwork!

Neighborhood Notes

Magritte at Inn Kensington Dec. 1st - Feb. 1st

Having moved to Oakland from Kensington in 2001, Masterworks Fine Art Gallery and its owners, Robert Ubillus-Adelman and Rodrigo Ubillus Reyes, have maintained their close connection to the Kensington community, and regularly donate works of art to The Garden Party's annual auction. The gallery specializes in works from Pablo Picasso, Marc Chagall, Joan Miro, and many other fine art masters. From December 1st to February 1st, Masterworks Gallery will be showcasing works by Surrealist, Rene Magritte at the Inn Kensington. Masterworks Fine Art will donate 10% of all sales from this show to the Kensington Education Foundation. www.MasterworksFineArt.com.



Robert Ubillus-Adelman, co-owner
of Masterworks Fine Art Gallery

Hungry for Change? Mmmm...

North West Earth Institute's 6-wk course, "Hungry for Change: Food, Ethics, and Sustainability" will be offered at Arlington Community Church, beginning January 30th. Participants will read intriguing essays and discuss topics related to 'our daily bread' – sources of food, health, and individual impact. From NWEI's material: "There's no shortage of information about the serious challenges facing our planet – and although most people say they would like to do more, they don't know where to start." Here's where: Thurs., 10am-11:30am, 1/30-3/6. www.acc-ucc.org.

Isabela Necessary on a Bicycle?

Loving father, Steven Chan let us know that his daughter's name was misspelled in the November issue of *The Outlook* (as the Fall Festival coloring contest winner in her age group) – and followed it up with a fabulous pic of his daughter and her work. Will we publish it? You bet! That's Kensington kolorist, Isabela Chan. *Congrats, Isabela – and thanks, Dad, for correcting the record of this auspicious achievement!*

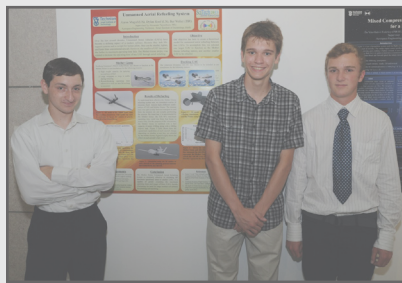


Bombs in Berkeley?

According to Shirley Streshinsky, one could almost say that the atomic age began right here, in Kensington and Berkeley. She reports that Robert Oppenheimer, "Father of the Atom Bomb," lived on Eagle Hill, here in Kensington. "Every major nuclear physicist of that era seems to have had dinner at One Eagle Hill," Shirley said. And, as the co-author of *An Atomic Love Story: The Extraordinary Women in Robert Oppenheimer's Life*, she should know. More info on Shirley's book at www.AtomicLoveStory.com. ("Oh Robert, did the earth move for you, too?" "It was wonderful sweetheart, but I think that may have been just a little something they're testing over at the lab." – NOT a quote from the book, we're confident the author would want you to know. *Shirley, we jest!*)

Aaron Magid Flying High With Design Contest Win

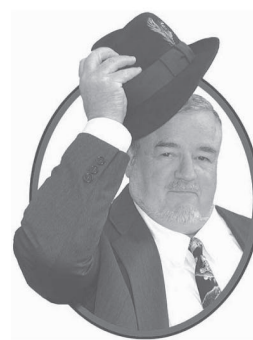
Though just 17, Kensington's Aaron Magid, a senior at the Jewish Community H.S. in SF, has worked professionally designing and creating web applications; he's built computers, circuits, and home-made electromagnets. And now, he's conducted advanced aerospace research in Israel... Aaron was among 44 teens world-wide to participate in SciTech, a three-week international science and technology research camp in Haifa, this past summer. SciTech provides teens the chance to carry out research in a broad range of fields alongside accomplished Israeli researchers, while experiencing life in Israel. The goal of Aaron's project was to design a system for autonomous refueling between Unmanned Aerial Vehicles while in flight. The flying fuel tank would dramatically increase the time a UAV could fly, and the area it could cover. He and his partners won first place. *Good work, Aaron!*



Kensington Fine Foods Helps w/Holiday Meal Plans

Owner and chef, Larry Lefebvre, is serving up mouth-watering daily specials over at Kensington Fine Foods, and he can help you with holiday menu planning, too. Get the daily specials and soups on Twitter: @KFFDailyUpdate, log on to www.KensingtonFineFoods.com, call them at 526-9858, or just pop inside Young's Market, Mon-Sat 'til 7pm 'n' Sundays 'til 6. (And make sure to check out their reviews on Yelp – awesome!)

The Garden Party – Co-chairs, Patty Robertson and Rochelle Clewer; Ms. Billing's 2nd-graders' "Concrete Jungle;" and Hilltop Art Specialist, Winoka Turin with Mrs. McKnight's 3rd graders' "The Forest" and Mr. Gil's 4th graders' fabulous ceramic fish.



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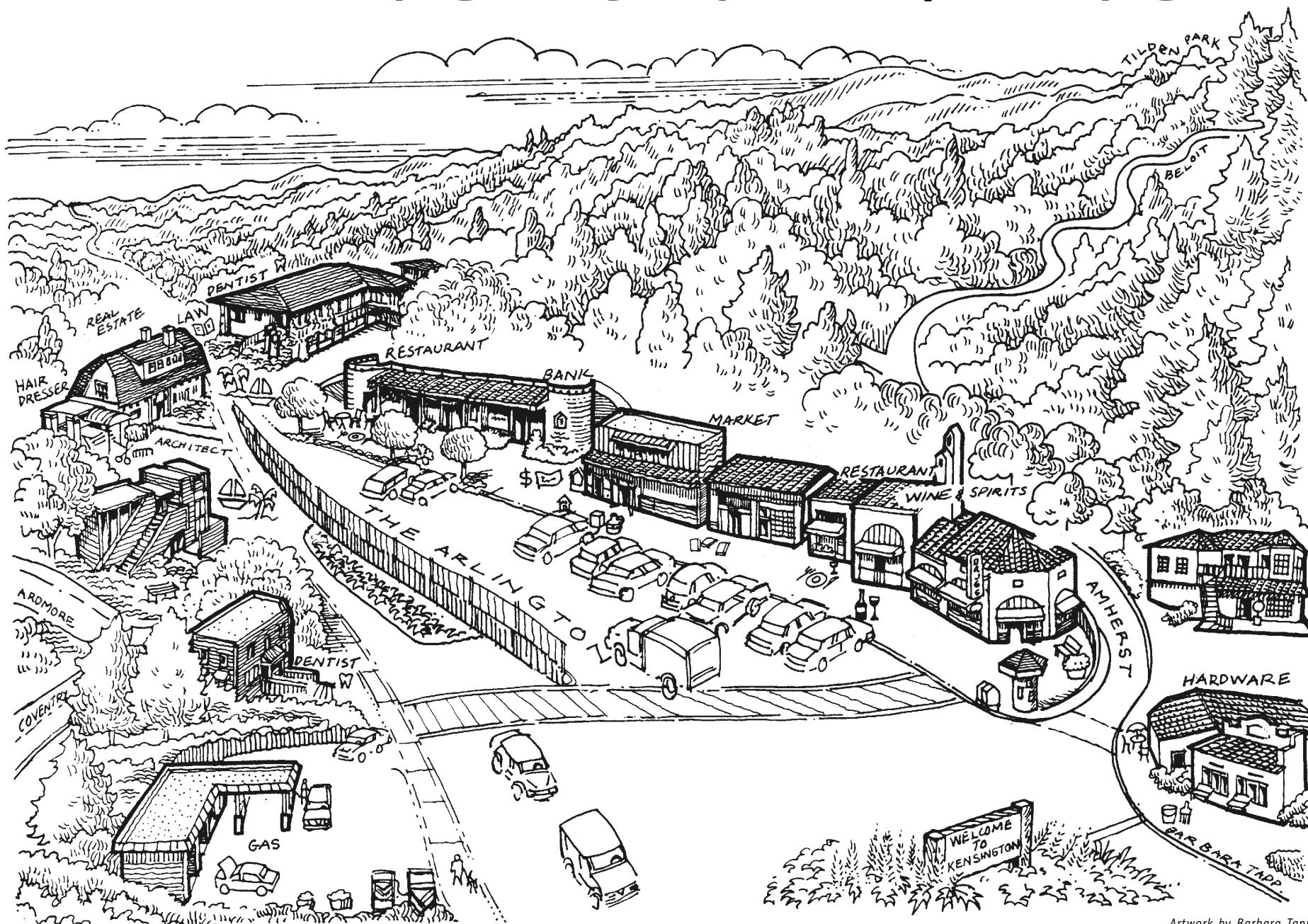
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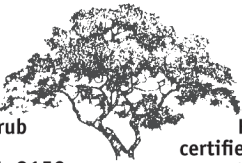
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October's KIC Town Hall Meeting

Chairwoman Melissa Holmes Snyder ran a tight ship at October's annual meeting of the Kensington Improvement Club – apparently the oldest civic organization in Kensington (since 1928) – no easy feat, including so many informative presentations, as well as audience Q & A. Here are some highlights of the meeting:

Supervisor John Gioia:

AT&T's updated cell tower proposal will be presented to the Contra Costa Board of Supervisors for its ruling. (The 9/17 *Bloomberg News* report of a rumored deal in the works that would have AT&T's cell towers sold for billions and then leased back did not come up for discussion at the meeting.)

PG&E has changed all the newly installed lights to LED's. All poles that haven't yet been replaced will be replaced with poles that are three feet shorter and painted, most likely forest green or black. County Public Works and PGE are working to lower any lights that block residents' views.

Putting decorative poles downtown is also under consideration. PGE is putting up a decorative (teardrop) pole with an LED as a sample for review by merchants and residents – scheduled to have been completed by mid-November.

Transfer of the paths is still under consideration; Additional study is apparently needed before any further changes are made to the Arlington crossing in front of the library; There will be new pavement overlay at Colusa Circle next summer, including making permanent the expanded area in the circle.

Automatic External Defibrillators are currently located at the library and the Kensington Chevron station. If you call 911 in an emergency they'll tell you where the closest AED is.

Assemblymember Nancy Skinner:

Affordable Care Act registrations in California are proceeding apace, without undue glitches as reported with the national registration system.

Fire Battalion Chief, Michael Pigoni gave a comprehensive, informative, and yet concise report (thank you, Bat. Chief Pigoni!) of the news from the Fire District, in lieu an appearance by Fire Chief, Lance Maples, who was undergoing knee surgery (and who has now recovered).

KFPD President, Joe DeVille recapped the Fire Board's perspective in his own

open, warm, friendly style, including mention of the willingness of the Board to consider no longer charging the KPPCSD rent for use of the Public Service Bldg., as well as possibly putting some money toward acquisition of the paths.

KPPCSD GM/COP, Greg Harman:

The 2012-13 budget results are not completed yet, but a \$142K shortfall is expected, primarily due to legal fees – due principally to the writ of mandate and the waste management arbitration with Bay View Refuse. All this resulted in lowered cash reserves to \$1.4M. Only a \$16K shortfall is expected for the coming year, due in part to increase in the assessment of Measure G funds.

The Police Department is currently at full staffing with ten full-time officers. With Officer Stephanie Wilkins now working solo, Officer Manny Ramos has been reassigned to full-time traffic enforcement.

This year to-date there have been no homicides, rapes, or robberies, and 4 of the 5 assaults have been cleared, for an 80% clearance rate for assaults. There have been 23 residential burglaries to-date, with a 17% clearance rate. Vehicle thefts are up to 12 so far this year, as compared to a total of 11 last year. There's been one arson reported this year.

The KPD has made a total of 27 arrests for the year, up from four in Harman's first year here. Officer Turner is on the weekend graveyard shift and is very aggressive in terms of drunk driving enforcement.

Following complaints received from the parents at Hilltop and the nursery schools, there were 37 citations written for the intersection of Rincon and Arlington (yellow blinking light), for the month of September alone.

Marty Westby, KCC Administrator reported that the Kensington After School Education Program (KASEP) and summer camp have now entered the new millennium with online class registration, which has been a big hit with parents and administrators alike.

And who knew **Kensington librarian, Laura Martinengo** was such a card? She warmed up her very appreciative audience with this: *A guy walks into a library and goes up to the desk and says to the librarian, "I'll have a beer, please." The librarian says, "Sir, this is a library!" The guy says, "Oh, sorry;" (whispers) "I'll have a beer, please."* Bah-dah-bing!

...Letters, from Page 2

report to justify what hadn't been suggested – instituting a Kensington-wide zero tolerance traffic policy. His policy led to a tripling of traffic citations, mostly issued to Kensington residents, for such 'infractions' as driving two miles over the limit and un-clicked seatbelts.

The report suggested only one traffic enforcement change: zero tolerance for not stopping at the light at that crosswalk.

The point wasn't to issue more tickets; it was to enhance driver's awareness of the danger to our kids at that specific intersection...It was the only safety improvement possible, outside the preferred and actually recommended engineering changes.

The study found that the library crossing is a fatality waiting to happen. We have the report, let's ask our Board to adopt its recommendations.

Anna Shane

From the Files of the KPD



October 2013

See the Complete Report in the
KPPCSD Nov. 6, 2013 Agenda Packet, Page 52:
www.KensingtonCalifornia.org

...Writ, from Page 1

gest that there have been many previous occasions on which these board meetings have been extended past 10pm on a 3-2 vote, without protest.)

Pleadings filed on behalf of Chuck Toombs, Linda Lipscomb, and Tony Lloyd – the three directors named as respondents in the writ (also named were the District itself and GM/COP Harman) – point to the unanimous vote to further extend the July 12th meeting, taken at 10pm.

The respondents filed an anti-SLAPP suit against the petitioners, citing the fact that individual directors were named in the writ of mandate based on how they voted, as opposed to the entire Board, infringing on their freedom of speech. (Then-Directors, Cathie Kosel and Mari Metcalf, were not named as respondents in the writ; Kosel was an original petitioner who subsequently withdrew her name from the writ – along with Metcalf's husband, Jeffrey Koehler; Metcalf is the original attorney of record on the writ – one of two representing the petitioners of late. [Metcalf sued the three respondents as a private attorney, on behalf of the petitioners, while simultaneously serving on the District's board – raising concerns over potential conflicts of interest and breaches of her duties as a director to the District.] Another original petitioner, Catherine De Neergaard, recently removed her name from the suit for unspecified reasons. Remaining petitioners include Leonard Schwartzburd, Celia Concus, Eyleen Nadolny, Llewellyn Stanton, Dairlyn Chelette, and Mabry Benson. Prognosticators expect Chelette to be the next to remove her name from the writ.)

Should the anti-SLAPP suit – denied by the presiding judge – prevail upon appeal, and attorneys' fees be awarded, the petitioners on the writ would be liable for reimbursement to the District.

A reasonable analysis of the positions of then- and current Board members would suggest that, were the vote on the raise taken at a Board meeting today – or had it been taken at the meeting following the July 2012 meeting – the original motion to give Chief Harman the raise and bonus would pass, or would have passed, without modification.

The statements have been transcribed from a video recording of the July 2013 KPPCSD meeting. They are lightly edited for space considerations, and paraphrased when content was unintelligible. (We can't do anything about the grumbling, but the mumbling has got to go!) – Ed

KPPCSD Meeting, July 11, 2013

Mabry Benson, Petitioner

"I'm known as 'one of those petitioners.' I refuse to accept the blame for costing the District a huge amount of money...Did the Board ask their law firm how much it would cost to contest Bay View's request for arbitration? Did they ask about likely outcomes?...Why aren't people complaining about our legal costs (regarding Bay View)?"

"As to the writ, it was pointed out to the Board President and the Board's law firm that the procedure for the vote was violated and that the vote (on the COP/GM's raise) was null and void. They entirely avoided the issue, failing to even acknowledge that they were advised of the violation..."

"Either (then-President) Mr. Toombs did not know the rules, or chose to ignore them. After it was pointed out that the board rules were not followed, it was not honest of Mr. Toombs to not address the issue.

"The Board could've avoided these expenses by revisiting their decision in

a lawful manner. It would've required the Board to acknowledge that it made a mistake. It seems that the Board prefers to squander the public money on legal fees rather than acknowledge this mistake.

"The current board has decided to use taxpayers' money to test this writ without regard to cost...My reaction when I saw the response to our petition was, 'How many billable hours is this response costing?'"

"I think this is a case of blaming the victim for asking for justice. I also question the value of the legal advice the law firm is giving us – their batting average does not seem very good."

Celia Concus, Petitioner

"I am reading essentially an article 'that was posted on one of the 'Kensington sites' (sic) by Eyleen Nadolny:

"As you may be aware, in October, 2012, seven (sic) Kensington residents filed a petition for writ of mandate, asking the Contra Costa Superior Court to invalidate the KPPCSD Board's 7/12/2012 vote to give COP Harman a raise and a retroactive lump sum payment in excess of \$16K.

"Attorneys for the Board sent petitioners' attorney a letter threatening to file what is known as an anti-SLAPP motion against the petitioners. (Strategic Lawsuit Against Public Participation.) The intent of that motion is to intimidate and silence the petitioners. When they refused to be intimidated, the anti-SLAPP motion was filed. The motion asked the court to dismiss the petition of writ and award attorney's fees to the Board. The court found that the anti-SLAPP motion had no merit. The petitioners' offer to settle with the Board was rejected.

"Once again the KPPCSD Board has decided to waste our taxpayer dollars by bringing what it must have known was a long-shot motion in the hopes that the petitioners would be intimidated, cave in, and dismiss the petition. That is not going to happen.

"How much did the attorneys for the District bill for filing the anti-SLAPP motion? They bill at the rate of \$315 an hour. We have asked for a clear breakdown of legal fees, but have been denied that information repeatedly. I urge the Board to settle this matter without squandering any more taxpayers' money..."

"This is needless litigation and is a poor use of our resources. I ask the Board to accept responsibility for the mistakes that were made, (and) to rectify the problems surrounding the vote on the Chief's salary. I think that each of you believes you were acting in the best interest of the community. I ask that you search your souls and really ask you, 'Do you want to pursue this?'"

Andrew Reed, Resident

"I'd like to thank the Board for doing its duty to defend the community against what I believe is spurious litigation (regarding the compensation vote that the Board took). Having been there, I believe it was a procedural technicality, and that the plaintiffs in this suit against their own community are ignoring some key things, i.e., the Board, in any case...still supports the compensation level of the Chief.

"The Board needs to comply with con-

tractual obligations they make with their employees, including the Chief; The salary was brought near the median salary of like professionals in the Bay Area, and nothing more. This is proper personnel management...If we want a chief of police, this is about what we have to compensate him."

Pat Gillette, KPPCSD Vice President

"When we're up here as a board, we speak individually about our opinions and then we vote, as a board. If something gets carried by a majority of the board, that becomes a board decision. So when the vote was taken in respect to the Chief's compensation, there was disagreement on the board, but there was a majority of the board who voted for increases in the Chief's salary. That's a board decision.

"What the petitioners chose to do to challenge that decision – which one could argue they didn't have the right to do in the first place – was to file a petition of writ of mandate, which seeks to force the board to make a different decision or to change the way they did what they did.

"The problem with it, and why the board had to file an anti-SLAPP suit, was that they didn't challenge the board decision, they challenged the decision of the individual board members who voted for the compensation package. By naming those individual board members, and not naming the two board members who voted against the package, they were in fact impacting and trying to limit the free speech rights of the board members who voted for the compensation package.

"That is precisely what the anti-SLAPP laws are designed to prevent. Why? Because you don't want board members to fear that they will be individually named in lawsuits if they speak their minds and vote their conscience, and their decision is carried forward.

The board made its decision as a whole, with its legal counsel (having received an estimate on what the legal fees would be in advance), to pursue the anti-SLAPP motion because we can't be held hostage to people in the community who are going to misuse the legal system.

"And there was a decision by Judge Steve Austin against the board. As a practicing attorney for 36 years, I would be the first to say that judges don't always get it right. (See the San Ramon Fire District case – and the cases that came after it – which was cited by both sides in this particular case – and which the judge chose to either ignore or misinterpret – which says, 'When you attack the votes of individual board members, an anti-SLAPP petition is appropriate.'")

"That doesn't mean that we were not right in bringing the petition; it doesn't mean that we're not right if we decide to appeal the decision. Because we can't as a

community or as a board, allow people to intimidate and to try to keep us from doing what we're obligated to do – and what you voted us in to do. We act as a board when we vote on things; we express our opinions as individuals. You can't attack us for expressing our opinions; that's an interference with our free speech rights.

"As to the underlying lawsuit, I litigate for a living, I've seen good lawsuits and I've seen bad lawsuits. I don't believe that litigation is the way to accomplish anything. If what you want is to make sure that your voice is heard and that the board behaves in the way it should behave, it's my personal opinion, the way to accomplish that is by improving the process and being part of the process, as opposed to wasting the dollars of our community, which we all work hard for, we pay in our taxes, to address this in a positive, and forward-looking manner.

"I'm disappointed that seven members of our community are holding the rest of the community hostage by forcing us to engage in this litigation. Ms. Concus, you ask us to drop this litigation? We didn't bring it. You and your six comrades brought it against us.

"I'm sorry that there's so much uncertainty about what's going forward and I understand the confusion – it's not a particularly easy part of the law to understand. But I'm more saddened by the fact that we continue to look backwards, to re-examine, and the only outcome if the petitioners are successful...is that they will get to say "we won." The decision will come back to the board; I'll bet you the motion for the increased pay and bonus for the Chief will be passed."

Tony Lloyd, KPPCSD President

"I feel it my responsibility to share with you my extreme disappointment and frustration with a very small minority of community citizens that feel they're above practicing the respect and civility and all the things as common treatment.

"Under the banner of transparency which they so often and flagrantly display, citizens Schwartzurd, Shane, Nadolny, Benson, Concus, Kosel, Metcalf, Stanton, and a few others have mounted a formal and vicious attack on the city's financial resources because they disagree with the majority of the people and what they have legally voted for.

"Deciding they do not like the elected officials of Kensington because they were not 'their' candidates, they have over the past four years sought every means to disrupt the activities of the district, through deceptive reporting to the media, campaign irregularities, written subterfuge, and out-and-out falsification of allegations. They

See Writ, Page 13...




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Dec. 1 Anne Stewart Pottery Open House. 120 Purdue Ave., Kensington, 11am-5pm. Light refreshments will be served.

Dec. 1 Carolyn West, storyteller, published poet, and essayist. 10-11am. Free. Unitarian Universalist Church of Berkeley, 1 Lawson Rd, Kensington, 525-0302, www.uucb.org.

Dec. 1 Thanksgiving Weekend at Playland-Not-at-the-Beach. \$10-\$15. 10am-5pm. 10979 San Pablo Ave., EC. 592-3002 www.playland-not-at-the-beach.org

Dec. 1, 8, 15, 22, 29 Kensington Farmers' Market. Live produce & live music every Sunday, 10am-2pm. Free. Colusa Circle. 847-0801

Dec. 2 "Castoffs" Knitting Group. All levels welcome and some help provided. This group normally meets on the first Monday of the month. Kensington Library, 61 Arlington Ave., 6:30 pm. Free. 524-3043.

Dec. 3 KASEP Winter Online After-school Class Registration. 6pm. www.KensingtonCommunityCouncil.Org

Dec. 3 and 10 Family Storytime. Lots of picture books, songs, rhymes, and fun. Kensington Library, 61 Arlington Ave. 6:30 pm. Free. 524-3043.

Unitarian
Universalist
Church of Berkeley



PEACE ON EARTH

Holiday Craft Sale
Sunday, December 8
12:00 p.m. – 1:30 p.m.

Messiah Sing-Along
Sunday, December 22
6:00 p.m.

**Christmas Eve
Candlelight Services**
Tuesday, December 24
5:00 p.m. and 10:00 p.m.

Unitarian Universalist Church
of Berkeley
1 Lawson Road, Kensington
510-525-0302
www.uucb.org

Kensington Kalendar

Dec. 4 The Kensington League of Women Voters discusses local issues, 1:15pm, 21 Camelot Ct. Guests welcome; please confirm at 527-1332.

Dec. 4, 11, 18, 25 Yoga at Arlington Community Church, 52 Arlington Ave. All ages. 4:45-6pm. Drop-ins welcome, small fee. Call Suzanne at 525-1881.

Dec. 4, 11, 18, and 25 Potluck Community Dinner and Spirit and the Arts Program at Arlington Community Church. Potluck for everyone; families welcome at 5:30 pm. Adult study from 6-7pm. Spirit and the Arts Program for children from 6-9pm. Children's choir, dancing, and acting. 526-9146.

Dec. 5 Reading by local poet, Tess Taylor, reads from her newly published book, *The Forage House*, followed by Q&A. El Cerrito Library, 6510 Stockton Ave. 7pm. Free. 526-7512.

Dec. 5 Women's Fellowship at Arlington Community Church, 52 Arlington Ave. 6:30-9pm. Bring a dish to share.

Dec. 5, 12, and 19 Baby & Toddler Storytime. Stories, songs & action rhymes for young children and their caregivers. Kensington Library, 61 Arlington Ave. Two identical sessions 10:15am & 11:15am. Free. 524-3043.

Dec. 7 & 8 Hunger Games Weekend \$10-\$15. 10am-5pm. 10979 San Pablo Ave., EC. 592-3002 www.playland-not-at-the-beach.org

Dec. 8 Snow in Berkeley. Bring boots and mittens to play in the snow at 1673 Shattuck Ave., Berkeley, 10am-3pm. "Snow Queen," pony rides, craft projects, holiday vendors. Info: www.AnotherBullwinkleShow.com

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Dec. 8 Knitting at Arlington Community Church, 52 Arlington Ave. 11:30am. Knit shawls, hats, scarves, and mittens for those in need. 526-9146.

Dec. 8 Victoria Lee and Donna Lerew, "Celebrating Joy through Music and Poetry." 10-11am. Free. UUCB, One Lawson Rd, Kensington, 525-0302.

Dec. 8 Holiday Craft Sale, Noon-1:30pm. UUCB, One Lawson Rd, Kensington, 525-0302, www.uucb.org.

Dec. 9 Berkeley Repertory Theatre Docent Talk on *Tristan & Yseult*. Kensington Library, 61 Arlington Ave. 7pm. Free. 524-3043.

Dec. 10 Grown-up Game Night, 6pm-10pm. \$10 adults & seniors. 10979 San Pablo Ave., EC. 592-3002. Info at www.playland-not-at-the-beach.org

Dec. 12 KASEP Winter Performance. 5pm, Community Center

Dec. 12 El Cerrito Garden Club's Annual Christmas Luncheon. Live entertainment. EC Community Center, 7007 Moeser Lane. Guests welcome. Adm. \$22. Happy hr at 11:30am; lunch at noon. Reservations req'd. 236-4421

Dec. 14 Young Person's Chamber Orchestra Performance. Kensington Library, 61 Arlington Ave. 11:30am. Free. 524-3043.

Dec. 14 & 15 Hobbit Weekend. \$10-\$15. 10am-5pm. 10979 San Pablo Ave., EC. www.playland-not-at-the-beach.org

Dec. 15 Book Discussion of *Zealot* by Reza Aslan, at Arlington Community Church, 52 Arlington Ave, 11:30am.

Dec. 15 Rev. Jeremy Taylor, "Naming the Deepest Sources of Meaning and Value in...Life." 10-11am. Free. Unitarian Universalist Church of Berkeley, 1 Lawson Rd, Kensington, 525-0302.

Dec. 17 Puppet Show. Fratello Marionettes present "Carnival of Animals." Kensington Library, 61 Arlington Ave. 6:30pm. Free. 524-3043

Dec. 18 Karaoke with Officer Doug Wilson at The Arlington, 6-10pm. Free

Dec. 20 Memoir Writing Group at Arlington Community Church, 52 Arlington Ave. 10am.

Dec. 20 Bridge at Arlington Community Church, 52 Arlington Ave. Potluck at 6pm. Info: 526-9146.

Dec. 20 Last KASEP Day. KCC Office is closed Dec. 23-Jan. 3, 2014

Dec. 20 WAVE Christmas Concert. Women's Antique Vocal Ensemble and the men of the Schola Cantorum of St. Albert Priory annual concert. Includes traditional carols w/audience participation. 8pm, St. Mark's Episcopal Church, 2300 Bancroft Way, Berk. www.wavewomen.org.

Dec. 21 – Jan. 5 Wacky Winter Wonderland at Playland-Not-at-the-Beach (closed Christmas Day). \$10-\$15. 10am-5pm. 10979 San Pablo Ave., EC. www.playland-not-at-the-beach.org

Dec. 21 Kensington Symphony Orchestra. 8pm at UUCB, 1 Lawson Rd., Kensington; \$15 adm./Seniors \$12; Kids under 12, free. 526-6752

Dec. 22 "Messiah-Sing" in Baroque Style. Singalong at 6pm, UUCB, One Lawson Road, Kensington. Tix: www.brownpapertickets.com/event/488694 and at the door. Info: www.uucb.org.

Dec. 22 Rev. Jeremy Taylor, on "My Life Promoting Radical Social/Cultural Change while Exploring Dreams, Visions, Sacred Narratives, and Popular Culture..." 10-11am. Free. UUCB, 1 Lawson Rd, Kensington, 525-0302.

Dec. 22 Annual Messiah Sing-Along. 6pm. \$15/10, scores available (\$10 deposit). UUCB, 1 Lawson Rd., Kensington, 525-0302, www.uucb.org.

Dec. 24 Christmas Eve Candlelight Service. Family service at 5pm & late service at 10pm. Free. UUCB, 1 Lawson Rd., Kensington, www.uucb.org.

Dec. 24 Family Christmas Eve Service at Arlington Community Church 52 Arlington Ave. Pageant and carols. Kids from 1-92 welcome.

Dec. 26 Grown-up Game Night, 6pm-10pm. \$10 adults & seniors 10979 San Pablo Ave. www.playland-not-at-the-beach.org

Dec. 27 & 30 Winter Magic Camp, Jr., 10am-12pm. 10979 San Pablo Ave., EC. playland-not-at-the-beach.org

Dec. 30 Book Club. Discussion of Matthew Kneale's *English Passengers*. 7pm. Kensington Library, 61 Arlington Ave. Free. 524-3043.

Dec. 31 A Family-Friendly New Year's Eve Party. \$25. 8pm-12:30am. 10979 San Pablo Ave., EC. 592-3002 www.playland-not-at-the-beach.org

Dec. 31 Old Year, New Year Worship Service, 5pm. UUCB, 1 Lawson Rd, Kensington, 525-0302, www.uucb.org.



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Jan. 2 Women’s Fellowship at Arlington Community Church, 52 Arlington Ave. 6:30-9pm. Bring a dish to share. Info: 526-9146.

Jan. 5 Lori Goldrich, “Jung’s Active Imagination as a Spiritual Practice.” 10-11am. Free. Unitarian Universalist Church of Berkeley, 1 Lawson Rd, Kensington, 525-0302, www.uucb.org.

Jan. 5 Wacky Winter Wonderland (closed Christmas Day) at Playland-Not-at-the-Beach. \$10-\$15. 10am-5pm. 10979 San Pablo Ave., EC. 592-3002 www.playland-not-at-the-beach.org

Jan. 5, 12, 19, 26 Kensington Farmers’ Market. Live produce & live music every Sunday, 10am-2pm. Free. Colusa Circle. 847-0801

Jan. 6 “Castoffs” Knitting Group. All levels welcome and some help provided. This group normally meets on the first Monday of the month. Kensington Library, 61 Arlington Ave., 6:30pm. Free. 524-3043.

Jan. 6 Winter KASEP Classes Start.

Jan. 6, 8, 10 Jazzercise Low Impact Mon-Wed.-Fri, 8:15-9:15am; Ongoing

Jan 7 & 9 Body Sculpting for Adults. Tues/Thurs, 9-10am; Ongoing

Jan. 7, 14, 21 and 28 Family Storytime. Lots of picture books, songs, rhymes, and fun. Kensington Library, 61 Arlington Ave. 6:30pm. Free. 524-3043.

Town Meetings

Kensington Community Center
59 Arlington Ave., Kensington
(Schedule subject to change – call to confirm.)

KCC - Dec. 2nd, Jan. 6
Kensington Community Council
1st Mondays, 7:30pm. 525-0292

FKL - Dec. 3rd, Jan. 7th
Friends of the Kensington Library, 7pm (at the Library, 61 Arlington Ave.) 1st Tuesdays

KPSC - Dec. 9th, Jan. 13th
Kensington Public Safety Council
Earthquake/Disaster Preparedness
2nd Mondays, 6pm. 501-8165

KFPD - Dec. 11th, Jan. 8th
Fire Protection District
2nd Wednesdays, 7pm. 527-8395

KPPCSD - Dec. 12th, Jan. 9th
Police Protection and Community Services District
2nd Thursdays, 7pm. 526-4141

KARO/ECHO - Jan. 13th
Amateur Radio Operators
2nd Mondays of odd months, 7:30pm. 524-9815

KIC - Jan. 27th (No Dec. mtg.)
Kensington Improvement Club
4th Mondays, 7:30pm. 527-3062

KMAC (Tentative) - Jan. 28
Municipal Advisory Council
Last Tues. 7pm. (Call Supe. Gioia’s office to confirm: 231-8691)

KPOA
Property Owners Association
Meets quarterly. 559-8232

Kensington Kalendar



Mask Creations in KASEP Everyday Art

Jan. 8, 15, 22, and 29 Yoga at Arlington Community Church, 52 Arlington Ave. All ages. 4:45-6pm. Drop-ins welcome, small fee. Call Suzanne at 525-1881.

January 8, 15, 22, and 29 Potluck Community Dinner and Spirit and the Arts Program at Arlington Community Church. Potluck for everyone; families welcome at 5:30pm. Adult study from 6-7pm. Spirit and the Arts Program for children from 6-9pm. Children’s choir, dancing, and acting. Materials \$50/semester. 526-9146.

Jan. 9, 16, 23 and 30 Baby & Toddler Storytime. Stories, songs & action rhymes for young children and their caregivers. Kensington Library, 61 Arlington Ave. Two identical sessions 10:15am & 11:15am. Free. 524-3043.

Jan. 11 & 12 “Ring” In the New Year at Playland-Not-at-the-Beach. \$10-\$15. 10am-5pm. 10979 San Pablo Ave., EC. www.playland-not-at-the-beach.org

Jan. 12 Stephanie Meyer, “Walking the Way Together – How Interfaith Bonds Can Transcend Culture.” 10-11am. Free. Unitarian Universalist Church of Berkeley, 1 Lawson Rd, Kensington, 525-0302, www.uucb.org.

Jan. 12 Knitting at Arlington Community Church, 52 Arlington Ave. 11:30am. Knit shawls, hats, scarves, and mittens for those in need. We pray over each item before giving it away. 526-9146.

Jan. 13 Author Talk. Maria Fuchs will discuss her book *Legacy of Rescue: a Daughter’s Tribute*. Kensington Library, 61 Arlington Ave. 7pm. Free.

Jan. 13 KCC Annual K-Group Meeting. 7:30pm, KCC Recreation Bldg.

Jan. 14 Playland After Dark presents Grown-up Game Night (Adult Admission Only \$10) at Playland-Not-at-the-Beach. \$10. 6pm-10pm. 10979 San Pablo Ave., EC. 592-3002 www.playland-not-at-the-beach.org

Jan. 16 Men’s Fellowship at Arlington Community Church 52 Arlington Ave. 6:30-9pm. Info: 526-9146.

Jan. 17 Memoir Writing Group at Arlington Community Church, 52 Arlington Ave. 10am

Jan. 18 Author Talk. Lindy Hough will discuss her book *Wondrous Child: the Joys and Challenges of Grandparenting*. Kensington Library, 61 Arlington Ave., 1pm. Free. 524-3043.

Jan. 18-20 Martin Luther King, Jr. Weekend. \$10-\$15. 10am-5pm. 10979 San Pablo Ave., EC. 592-3002 www.playland-not-at-the-beach.org

Jan. 19 Hana Matt, “Hafiz: How to Come to Joy.” 10-11am. Free. Unitarian Universalist Church of Berkeley, 1 Lawson Rd, Kensington, 525-0302, www.uucb.org.

Jan. 21 Berkeley Garden Club Lecture Program. Albany Community Center, 1249 Marin Ave. “Early Plant Explorers” by Donna Culpepper, volunteer, SF Botanical Garden, 2-3pm; 12:30-1pm: plant exchange; 1-2pm: general meeting. Public welcome. Information at www.berkeleygardenclub.org.

Jan. 23 Paint Nite at Playland-Not-at-the-Beach. \$45. 7pm-10pm. 10979 San Pablo Ave., EC. 592-3002

Jan. 24 Bridge at Arlington Community Church, 52 Arlington Ave. Potluck at 6pm. Info: 526-9146.

Jan. 25 & 26 American Folk Heroes Weekend. \$10-\$15. 10am-5pm. 10979 San Pablo Ave., EC. 592-3002 or www.playland-not-at-the-beach.org

Jan. 26 Hana Matt, “Julian of Norwich: English Woman Mystic.” 10-11am. Free. Unitarian Universalist Church of Berkeley, 1 Lawson Rd, Kensington, 525-0302, www.uucb.org.

Jan. 27 Book Club. Discussion of Bronte’s *Wuthering Heights*, 7pm. Kensington Library, 61 Arlington Ave. Free.

Jan. 30 Food, Ethics, and Sustainability class at Arlington Community Church, 52 Arlington Ave. 6 Thurs., 10-11:30am, through March 6th: \$35.

Jan. 30 Grown-up Game Night \$10. 6pm-10pm. 10979 San Pablo Ave., EC. www.playland-not-at-the-beach.org

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...Writ, from Page 9

They have falsely reported management infractions and financial oversights to a number of agencies, all of which either the Board or the Chief of Police has been exonerated. They have accused the Chief of Police and his family of despicable practices, none of which has been proven correct; and they have used the system to bleed the District coffers of thousands of dollars since 2010 under the guise of ‘transparency;’ and their claims have yet to be sustained.

“Recently they’ve brought suit against members of this Board and the District, on the basis of the outcome of legally conducted business that did not go the way they wanted. They have the unmitigated gall to report that the settlement of the garbage arbitration, the writ of mandate, and the FBI Grand Jury investigation – which they initiated, and which resulted in thousands of dollars of District unplanned expense – are the fault of the District...Every one of these investigations was initiated by this group and was tangential to their involvement.

“All these eight need to do is cease the ridiculous harassment, stop the hundreds of daily emails coming from people like Anna Shane, that generally don’t have a shred of truth, (and) that require hours of resource time to respond to; (and) curb these PRA submissions by the bucketful coming from (Leonard) Schwartzburd, that have no real value and are only designed to cost money and spend resources responding to (requests for) already public information.

“Friends, just tell them to stop; or soon the majority of the budget will be spent addressing solely the concerns of the unhappy minority in this community...If the Board and the GM all resigned tomorrow, think about these loose cannonballs running your District.”

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