



— Bringing The Community Together —

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

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VOLUME 69 NUMBER 9

TOP COP'S NAME CLEARED

DA Says No Credit Card Misuse by Chief Harman

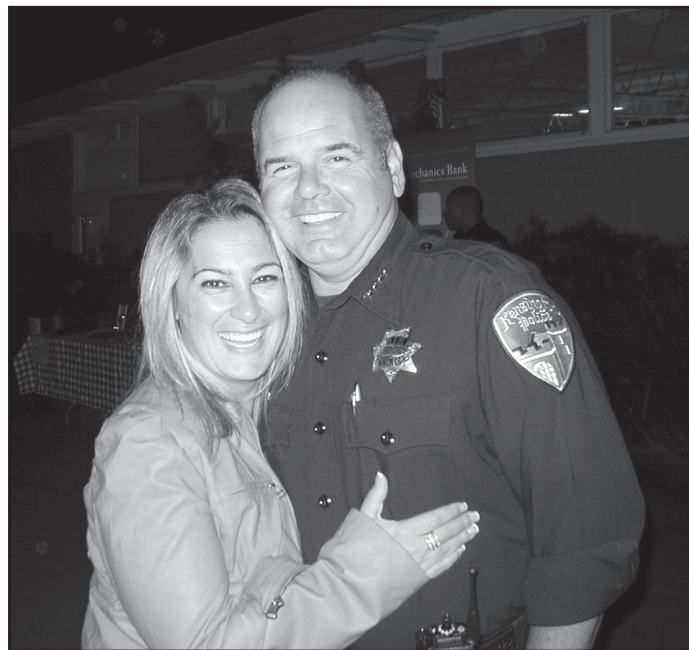
Chief of Police and General Manager, Greg Harman received a standing ovation from many in attendance after his presentation at the October 11th Kensington Police Protection and Community Services District meeting.

After a year and a half of not being able to discuss allegations made against him by Director Cathie Kosel, now, following the completion of the District Attorney's investigation into those allegations – and other allegations made by Kosel against Master Sgt. Rickey Hull – the Chief was finally able to speak his piece. Chief Harman, the target of

what have now been judged (for the 3rd time) as meritless accusations, has been unjustly under a cloud of suspicion for many months.

His statement in response to the DA's findings, and the reply of Director Kosel, who filed charges with the District Attorney against both Harman and Hull, are presented below. A video of the entire Oct. 11th KPPCSD meeting is available by request from the KPD at 526-4141. The full audio of the meeting is available online at <http://tinyurl.com/8lxd3jl>.

According to COP/GM Harman, in July 2011, following a financial audit in which



Chief Harman and his wife, Yolla, at KCC's summer Movie Night

the District's auditor had said there was 'no issue,' Directors Kosel and Mari

Metcalf produced an 8-page document accusing him of
see Harman, Page 10...



- **KCC Annual Fall Festival and Parade Pics** – Page 5

- **Coming Dec. 1st: 29th Annual Garden Party** – Page 6

Election Beat

Page 9

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LETTERS TO THE EDITOR

Clarification re: Kim Zvik’s Campaign Promises

KPPCSD Board candidate Kim Zvik’s letter to the editor in the October *Outlook* left me, and possibly other readers, a bit confused. In it, she says if elected, she will have the District “Enable KASEP parents to register online,” and will “(w)ork with the KIC to upgrade their accounting practices so we can work together on the community center master plan.”

As many of your readers know, KASEP (the Kensington After-School Enrichment Program) is an educational program created and operated by Kensington Community Council (KCC), a not-for-profit corporation that has served Kensington for over 50 years. The Kensington Police Protection and Community Services District (KPPCSD), is a local government agency on whose board Ms. Zvik is running for a seat, and has no role in managing enrollment or any other aspect of KASEP.

Similarly, the Kensington Improvement Club (KIC) is a private organization that is not affiliated with, or controlled by, KPPCSD, and has no connection with District finances or accounting. I am sure that KIC’s members were surprised to learn that Ms. Zvik is planning to improve KIC’s accounting practices.

KCC and KIC are two of the volunteer-based K-groups that have enriched our community for generations. Having had the privilege of serving as President of both boards, I’m always pleased to see them recognized in the *Outlook* Letters to the Editor, but preferably in the right context.

Sincerely,
Bruce Morrow, KCC Board member
Past President KPPCSD Board

Time For Toombs to Retire

Dear Editor,
I ask my fellow residents to vote to retire Mr. Charles Toombs on Tuesday.

Mr. Toombs gave police Chief Harman authority to enforce a ‘zero tolerance traffic infraction’ policy that was never recommended by any traffic safety report and is admittedly ineffective and expensive. In 2011 citations tripled to 1,554, reportedly for such minor infractions as driving two miles over the limit. Mr. Toombs admits he was “uncomfortable with the way it was passed, with little discussion.”¹

He recklessly chose arbitration over negotiation with our garbage company.² He stubbornly passed new contracts for our police chief and his officers without community input or inclusion of the two minority members,³ ignoring a Grand Jury report that warned against under-funded pensions spiked by overtime carrying risk for city bankruptcy⁴

My home is my greatest asset, and I don’t want its value affected by a police force charged with ticketing residents, or a Board that refuses to consider developing a long-term budget. The problem in Board meetings seems due to Mr. Toombs curious yet majority-shared belief that ques-

tioning any of Chief Harman’s decisions violates Chief Harman’s rights. In fact the police chief serves at the pleasure of the Board, he answers to the Board, and his contract may be terminated at any time, without prejudice. I don’t think we can afford Chief Harman. Mr. Toombs is a decent man who is doing his best, but it’s time for him to retire.

Anna Shane

¹According to KPPCSD Board President, Chuck Toombs, it was a unanimous Board decision to have officers enforce the traffic laws, as written. (“She is wrong. I was perfectly comfortable with the way the Board passed the policy.”) – See Outlook, Oct. 2012, p. 5, par. 6.

²According to Toombs, Bay View Refuse breached the contract and demanded arbitration – See Outlook, Oct. 2012, p. 5, par. 4.

³The Board decision regarding the Chief’s raise was made in open session after public comment; the contract with the POA was passed unanimously by the Board – See Pg. 9, footnotes 3 and 4, herein.

⁴The contract was approved in Jan. 2012; the Grand Jury report came out 4 months later, in May 2012. See Pg. 9, footnote. 5, herein – Ed.

Chuck Toombs Stands For...

Dear Reader,

I am running for re-election to support an independent Kensington police department, to sensibly fund necessary maintenance of our community buildings, and to work for reasonable garbage rates. I would very much appreciate your vote on November 6th.

Thank you,
Chuck Toombs,
KPPCSD Board President

Hilltop Parents Concerned About Traffic Safety

As Kensington Hilltop parents concerned about traffic safety, we want to urge the candidates for KPPCSD to support the ‘zero-tolerance’ traffic policy. As the recent accident on Colusa Avenue illustrates, there is no room for error, and even ‘just occasionally’ breaking the rules isn’t good enough. Rules are not made to be broken.

Sincerely,
Ellen Hartigan-O’Connor and Anna Watkins-Porter, Legislative Committee Co-Chairs, Kensington PTA

Tom Sherris-Watt
Executive VP, Kensington PTA

Romy Douglass
President, Kensington PTA

See Letters, Page 7...

Clarification

In an editorial comment to the *Letter to the Editor* from Mabry Benson in the October edition of the *Outlook* (p.9), it was stated that there has been a District policy established where credit card purchases of non-District-related goods and services by District employees would need to be purchased separately, rather than with the use of a District credit card and subsequent reimbursement by the employee – in this instance referencing Chief Harman’s purchase of plane tickets for himself and his wife, who was accompanying him on District business – her portion of which he reimbursed the District.

That new policy is de facto, and has been put into place within the District; it has not yet been formally codified by the Board.

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

KIDS AFTER SCHOOL

Kensington Community Council’s After-School Enrichment Program (KASEP) offers a wide variety of children’s classes for kindergarten through sixth grades. Classes are kept small so that our talented instructors can focus on each student, giving individual, as well as group instruction.

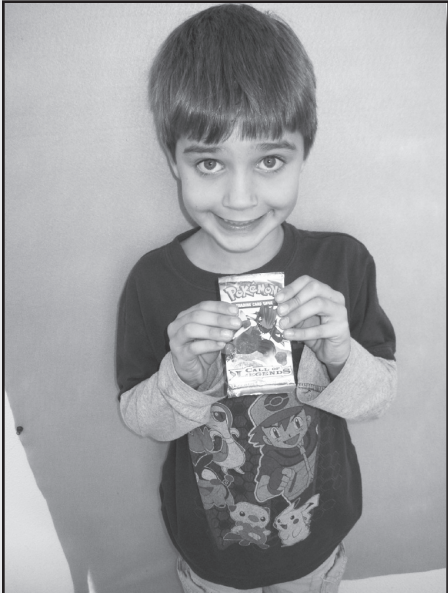
KASEP Winter Registration: Circle Wednesday, November 28th on your calendar, 6:45pm for kindergarten and 7:15pm for grades 1-6, Community Center. Band-Works, Gymnastics, Karate, and Circus do not require you to participate in lottery or Wednesday night registration. Families can register with them directly or by calling the KCC office. Lottery slips are due Tuesday, November 27th at 11am.

This year we moved registration to Wednesday, November 28th to limit scheduling conflicts with Hilltop School performances and winter celebrations. KASEP winter brochures will go home in student’s backpacks the week of November 12th. Registration forms, class information, and schedule can be downloaded from the website www.aboutkensington.com. Winter KASEP session starts the first week back from winter break, Wednesday January 2nd.

WCCUSD schools are closed on the following days – no KASEP classes will be held: Tuesday, Nov. 6th; Monday Nov. 12th; and Thanksgiving, Nov. 23rd-24th.



*KASEP Motion, Movement, and Music
Smiles abound in this new kindergarten class*



*KASEP Pokemon Class
Life is grand for Pokemonist, Andrew*

REGISTRATION

KCC/KASEP Office: 59 Arlington Ave., Building E (Across the grassy field above the tennis courts in Kensington Park), Kensington CA 94707. E-mail: kccrec@yahoo.com. Telephone: 510-525-0292.

Tennis Court Reservations: For weekends and holidays only, beginning at 9am. Call the KCC office for information. **Court Fees:** Residents – \$2 for a 45-min. singles reservation. Nonresident: \$5.

Kensington Community Center Rental Information: Please call KPPCSD (Kensington Police Protection & Community Services District) at 526-4141.

ADULT RECREATION CLASSES

ACRYLIC PAINTING
Wednesdays, 9:45am - 1:30pm
\$32/month (\$36/nonresidents)
Community Center

Bring your paints, easel, canvas, and creativity to this experienced group of artists. These artists are supportive and provide community and conversation around art. To join this informal yet professional group of artists, call Stan at 533-3003.

JAZZERCISE
New Class in Kensington!

October 1st was the big kick-off start date of Jazzercise classes at the Community Center. Instructor, Kevin Knickerbocker led an eager group of six students through a low impact, muscle-safe exercise routine. On-going Low Impact Jazzercise classes are scheduled every Monday, Wednesday, and Friday at 8:15am at the Kensington Community Center!

Burn up to 600 calories in one fun and powerfully effective 60-minute total body workout. Every Jazzercise fitness class combines dance-based cardio with strength training and stretching to sculpt, tone, and lengthen muscles for maximum fat burn. Choreographed to today’s hot-

test music, Jazzercise is a fusion of jazz dance, resistance training, Pilates, yoga, and kickboxing. Start dancing yourself fit and change the shape of your body! Drop-ins, pay-as-you-go, and monthly electronic funds transfer are available payment schemes. Join Kevin, bring water and your mat. Questions? Call Kevin at 510-486-2728.



Kevin and his supportive group of Jazzercizers!

CERAMICS FOR ADULTS –
To be continued...
Wednesdays, 10am-12:30pm
November 7th - December 12th
\$20 per class, plus \$60 for clay, glazes, and firing costs
Kensington Community Center

Teresa Altschul, an artist with over 35 years experience, is teaching this adult ceramics class. Teresa has created a wonderful world to be creative, share community, and produce exquisite handmade pieces of original work. She has built a reputation for her unique clay creations and is sharing her love of clay with her students. Give yourself the gift of time. Come explore, relax, and engage. Call KCC to register at 525-0292. Drop-ins OK.

Rosie Blanckenburg enjoys her time creating inspired ceramic art with Teresa



MAYBECK ESTATES Historical Walk
Saturday, November 3rd
10am - Noon • Admission \$15
Starts at: Kenyon and Grizzly Peak Bl.

Walking tour of Bernard Maybeck Estates on Purdue Avenue returns with noted historian, Paul Grunland. The walk will take us to the ridge area called “Berkeley Highland Terrace,” where the Bernard



Historians Paul Grunland and Bob Shaner, co-leaders of the Maybeck walk

Maybeck family owned a large piece of property that they later subdivided and sold after WWII. Current homeowner and original home builder, Bob Shaner will host refreshments at his house and entertain you with his stories of living next to the Maybecks. Paul and Bob’s co-authored book, *The Maybeck Estate Historic Walk*, will be available for purchase for an additional \$15 the day of the hike. To reserve your spot, call KCC office at 525-0292. (Max 30.) Parking is limited – carpooling encouraged..

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Three Local Women Publish Kids’ Crafts Book

After more than two years of work, three teachers in the Kensington After School Enrichment Program (KASEP) have completed and published a beautiful book titled *WOOD PAPER SCISSORS: Carpentry, Book Arts and Sewing with Kids*. In 2009, Sandy Thacker (WOOD), long-time Carpentry teacher at KASEP, Elaine Chu (PAPER), who teaches Art and Bookmaking, and Lynn Crook (SCISSORS), Sewing teacher at KASEP, had their first of many meetings to brainstorm about writing a book together. Their published book is hands-on, a how-to-teach-their crafts to young children. What the three women share is

a passion for their crafts and a real joy in teaching those crafts to kids. Each of them chose six projects to highlight, with full-page color pictures of each project, step-by-step instructions with photos and diagrams, safety tips, and lots of helpful hints. Their directions make it easy for adults and kids to share the fun and satisfaction of building a mouse on wheels or a suspension bridge; a pop-up penguin or an alphabet booklet; a bookmark, a spider or a little quilt. *This book makes a wonderful gift for anyone with kids, grandkids, or young friends. For more info, or to order books, go to www.wpsbook.com.*



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Originally offered at \$200,000

Coming Soon: Mid-October

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3BR/2BA + Separate garden studio.
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State of the Market

The year end market is very strong. Interest rates are low and there are many qualified buyers shopping. Are you considering selling in the Spring?

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Kensington Hilltop School
Fundraiser

Saturday, December 1st ~ 5:00 pm

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Tickets are \$50 in advance, \$60 at the door.
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http://auctions.readysetauction.com/thegardenparty

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Neighborhood Notes

Benchmark Pizzeria Opens on Colusa Circle

It’s all about the dough for new business owners, Peter Swanson and wife, Melissa – and we’re talking starter, not gross receipts. “It’s like a baby – I feed it three times a day – flour and water; if you don’t feed it, it dies,” says Peter enthusiastically. By opening this past July in the spot vacated by Colusa Circle’s former French bistro, he and Melissa have answered the question, “What is post-Post Meridian?” Peter maintains that the other secret to their impending success is the wood-fired oven that is the heart of the casual, approachable, family-friendly restaurant of his dreams – now open every night for dinner, 5-9pm, and Sundays, 11am-2pm. *Buon appetito!*



A man and his oven

Change Smoke Alarm Batteries Sunday, Nov. 4th

Daylight saving time ends at 2:00am on Sunday, Nov. 4 – a date that marks the 25th anniversary of the *Change Your Clock/Change Your Battery*® program – created by the Energizer Company and the International Assoc. of Fire Chiefs – that reminds us to check and change the batteries in our smoke alarms and carbon monoxide detectors during the fall time change. According to the Nat’l Fire Prevention Assoc., 38% of all home fire deaths resulted from fires in homes with no smoke alarms, while 24% resulted from fires in homes in which smoke alarms were present but did not operate. The death rate was twice as high in homes without a working smoke alarm as it was in home fires with this protection. (Hardwired smoke alarms are even more reliable than battery-operated alarms.)

Support ECHS Theater Program Year-Round

El Cerrito High School parent volunteers have created an easy way to support the revitalized ECHS drama program, while shopping for locally roasted coffee. The Supporters of the Theater Arts have partnered with Kensington native, Mike McLaughlin to roast *Coffee Shop Blend*, inspired by the 2011 student-created *Coffee Shop Pantomime*, performed last school year...Originally available only at school performances, the coffee is now carried at Adorn & Flourish, courtesy of fellow Kensington native, Kate Peterson. Kate is generously offering shelf space at her store at 7027 Stockton Avenue, EC. Special *Spotlight on El Cerrito* coffee mugs and 12-oz. bags of coffee are priced at \$10. All proceeds benefit the theater program...The next student performances – Shakespeare’s *A Midsummer Night’s Dream*, the first full-length student production at the new theater – are scheduled for Nov. 30, and Dec. 1st & 2nd, at the school. Tickets are \$10 or \$5/ students. For tickets, purchases, or to make a donation: email echscopyffee@att.net.

KASEP and KCC Summer Camp Reg Online Soon

The Kensington Community Council tells us it is pleased to announce forward progress on the long-awaited computerization of its class and camp enrollment process. Still in the beginning stages, KCC staff and board members and members of the KASEP Oversight Committee met last month with representatives of computerization companies to evaluate their products. As the local governing body that oversees all things dealing with both the KCC Summer Camp and KASEP, it has long been a dream of the KCC Board to put its registration online and jump into the 21st Century! (*Almost 13 years into the new era, let’s call it dipping a toe in the water; shall we?*)

Gretchen Takes a Licking and Keeps on Ticking

The good news is that hubby, Walter, was home when Gretchen Gillfillan fainted and hit her head on the bathroom sink. Rushed to the emergency room, she was examined and, “just to be safe,” kept overnight for observation. That night, her heart stopped! Pacemaker now implanted, Gretchen was recently rocking a bruise on her left eye from hitting her head – and a sinking feeling it must have been...Pig valve still in place from her previous heart operation almost two years ago, Gretchen was feeling better, thank you, in time to carry out her duties as co-Grand Marshall of last month’s KCC Fall Festival and Parade...In (un)related news, this past summer, the *Outlook* editor’s dog, Dixie-Belle, took a ticking and kept on licking.

Namephreaks, License Plates, and Thee...

And speaking of one who attested to being “Cwazy about (Timex spokesperson, John Cameron) Swayze,” we revive, for a moment, the namephreak tradition popularized by that late, world-famous, and much-missed, three-dot SF Chronicle columnist...Not sure if you caught the insert in a recent Sunday Chron on “Northern Cal’s Best Lawyers,” which included a mention of legal eagles, Barbara and Therese Lawless – sister attorneys in the firm – that’s right – *Lawless and Lawless, Attorneys at Law*...Another edition of that same fish wrap (as it was so affectionately referred to by The Master) included an insert with a letter from the CEO of the Oakland Zoo – Dr. Joel J. Parrott. No mention of whether he’s a polyglot – or not...And how’s ’bout that rechargeable \$90K Tesla roadster on 580 the other evening, with license plate, “NO FULEN.” (As in “mule,” one supposes, but as we know, car engines are measured in horses, not mules, and that’s no bull.) And either way, the guy was still smokin’ – a pipe!...By the way, we apparently *do* live in a synchronous universe; just put the finishing touches on these items on a Thursday, last month, and who gets a four-page spread and the cover of the Chron’s Pinkie the following Sunday, but the Sackamenna Kid, himself. *And goodnight, Herb, wherever you are!*

KCC Fall Festival & Parade



Column 1: El Cerrito High School Marching Band; Friends of the Kensington Library Book Sale; Annual Mystery Anarchist/Dog Lover Couple, at The Arlington; Jeff Narell on Steel Drums and Clayton King on Vocals; and Marvin Gardens Real Estate's *Pumpkin Carving Contest* Winners.

Column 2: Self-proclaimed omnivore (and proving it), Annabel McAuliffe at the KCC BBQ; The Portola Jazz Ensemble; Parade Grand Marshalls, Gretchen Gillfillan and Joan Gallegos; Clayton King and Todd Hodson's "*Limbo Lower, Now!*" and Mechanics Bank's *Coloring Contest* Winners (with stand-in, at left).

Pumpkin Carving Contest Winners: Age 3-6: 1st Place: Maisie Cook; 2nd Place: Hazel Wijsen; 3rd Place: Jihoon Yi. Age 7-8: 1st Place: Emma & Sofia Blenkinsop (partners, on one pumpkin). 2nd Place: Del Jordan; 3rd Place: Nora Thompson. Age 9 and over: 1st Place: Jane Yarnell; 2nd Place: Larkin Barnhard-Bahn; 3rd Place: Genevieve Quinn (2nd year in a row). *Keep on carvin', kids!*

Coloring Contest Winners: Age 4-6: Amanda Jordan; Age 7-9: Brynne Rose Barhard-Bahn (all one person, on one sheet of paper, repeating from last year); Age 10-12: Daisy Page. *Congratulations, colorists!*



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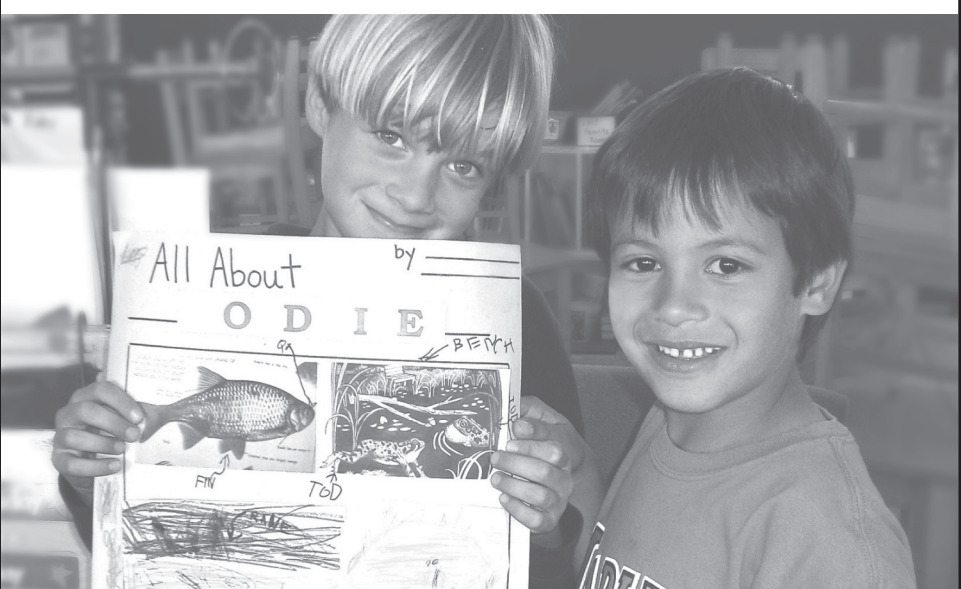
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Please call for more information or to schedule a tour.

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29th Annual Garden Party Coming Dec. 1

The 29th Annual Garden Party fundraiser, Kensington Education Foundation’s highly anticipated auction, will be held on Saturday, December 1st. This year’s gala promises to be extraordinary.

For the third year in a row, the bash will be held at the marvelous Mira Vista Country Club. Garden Party Chair, Rochelle Clewer shared, “This year’s event promises to be fantastic! I’m very excited to be a part of such an important and festive fundraiser.”

As always, there will be fabulous food, drinks, and desserts. Like last year, cocktails will be served (for a small fee) in addition to free-flowing wine, beer, champagne, and soft drinks.

Again this year, you can bid on many auction items from the comfort and privacy of your home from November 16th to 28th at: [http://auctions.Ready](http://auctions.ReadySetAuction.com/theGardenParty)

SetAuction.com/theGardenParty.

Then, come to the celebration on December 1st and bid on some truly amazing items in the Silent- and Live Auctions.



Prevailing bidders will be able to check out quickly by credit card. There will be an option to swipe your card when you

register so that you can skip the check-out lines altogether; lucky winners can just look over their receipts, head straight to pick-up, and be on their way home to relish their treasures.

Last year’s event raised over \$100K in net proceeds, all supporting academic enrichment benefiting all students at KHS.

science. This year, KEF introduced a fabulous new Garden Program to all Hill-top students. In addition, school principal Judy Sanders states, “With the reduction in school revenue by the state and district, the money raised by this event is even more critical this year.”

There are ample opportunities to get involved in this year’s celebration. Please contact Garden Party Chair, Rochelle Clewer at rock_yank@yahoo.com. Donations of goods and services are welcomed and encouraged. In order to donate (from your business, sharing a skill, hosting parties for young and old, a craft, etc.), please contact Patty Robertson, Garden Party Donations Coordinator (patty.robertson@gmail.com).

And don’t forget to attend the 2012 Garden Party at the Mira Vista Country Club, December 1st, 5-10pm. Tickets are \$50 adv./\$60 at the door, and can be obtained from Rochelle Clewer (rock_yank@yahoo.com). Updates at: <http://auctions.ReadySetAuction.com/theGardenParty>.

Gay Scout Denied Rank

Ryan Andresen of Moraga is the gay teen who was denied his earned rank of Eagle Scout and banned from the Boy Scouts of America due to his recent revelation of his sexual orientation. At right, former scouts of all ilk, and parents of scouts, took a stand for Ryan at the KCC Fall Parade. You can sign a petition in support of Ryan at <http://tinyurl.com/9bcfx6>.



“No one really listens to anyone else, and if you try it for a while, you’ll see why.”
— Mignon McLaughlin



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...*Letters, from Page 2*

Patricia Gillette on the KPPCSD Board Election

Dear Editor:

As I talk with people about this election, I continue to be impressed at the depth of commitment they have to our community’s core values. I am running because I also am care deeply about preserving those values.

Our Board has important work to do. We have the renegotiation of the police contract, the continuing issues with our garbage hauler, and the funding for maintenance and development of our park. We also need to assess the appetite of Kensington residents for larger, community wide projects like undergrounding the lights and restoring the paths. I am uniquely qualified to deal with all of these issues given my professional background as a labor and employment lawyer and my experience on many non-profit boards.

I am grateful to those who have generously supported my candidacy thus far. I hope that all those who want to ensure that Kensington is fiscally solvent, with a strong independent police department and with our core values secured, will vote for me, and for Chuck Toombs, in the upcoming election. I am confident that we will move our community forward.

Patricia Gillette
Candidate for KPPCSD Board

Yes on G, 30, and 38

Dear Editor,

We are writing to encourage the entire community to vote YES ON G this November 6th. Measure G is the renewal

of our local parcel tax that supports our schools.

Didn’t we just vote on this? Last June, Measure K, which would have renewed and extended our education parcel tax, failed by a heartbreaking 400 votes. We were not able to muster the 66 2/3% supermajority needed to pass the measure in our district. The towns of Kensington, El Cerrito and Richmond overwhelmingly supported the measure with YES votes in the 70% range and above. We are proud to live in a community that is committed to public education and ask you to show that support again in November.

Measure G is not a new tax. It is a renewal of the existing education parcel tax that is already on your tax bill. Since this tax expires in 2014, we are asking for your support to renew it for the next five years by voting YES on Measure G. A senior exemption is available for those over 65.

Measure G will raise about \$9 million per year for our school district. Of that, \$2.2 million will help to lower class sizes for the youngest children. Measure G will also pay for librarians, high school sports, counselors, textbooks, and teacher support. Without Measure G, these programs and services will lose their funding.

Our school district has suffered tremendously in the economic downturn. We have lost over \$40 million of state funding in the last five years. Our schools have cut their budgets to the bone, eliminating important programs and laying off teachers and staff. Measure G would raise money that the state cannot take away – it stays in the district.

In addition, we encourage you to vote YES ON 30 and YES ON 38. While neither of these state funding measures is perfect, they would provide critically needed financial support for our schools. Without

them, there will be a budget shortfall big enough to cut the school year by three weeks. Our kids could get out of school in mid-May, 2013.

Please join us, and the thousands of other parents at Kensington, Madera, Mira Vista, Harding, Fairmont, Portola Middle School and El Cerrito High School, by voting in favor of public education on November 6th.

Sincerely,
Romy Douglass, Kensington Hilltop PTA President; Dennis Hartigan-O’Connor, Co-President, Kensington Education Foundation, Hilltop Elementary School; Nathalie van Linder, Co-President, Kensington Education Foundation, Hilltop Elementary School; Carolyn Day Flowers, active parent at Kensington Elementary School as a School Site Council member; Tom Sherris-Watt, Executive Vice President, Kensington Hilltop PTA

KIC President Responds to Kim Zvik

To the Editor:

As President of the Kensington Improvement Club (KIC), I am compelled to write that KIC’s Board was surprised to read that Kim Zvik’s campaign letter to voters in the October 2012 *Outlook*.

In her letter stating her campaign promises, she declared that if she were elected she would: “Work with KIC to upgrade their accounting practices so that we can work together on the community center master plan with open communication.”

From this assertion, it is apparent that Ms. Zvik does not have a clear understanding of the scope of authority of each of our various non-governmental Kensington organizations (often called K-Groups), nor of

the purview of the KPPCSD, the governmental board for which she is a candidate. To be clear, the KPPCSD Board has no authority over KIC’s accounting practices. Moreover, Ms. Zvik has never attended a KIC meeting during my Presidential tenure, nor do I remember her attending a meeting over the past five years.

I’d like to take this opportunity to invite all interested residents to attend our monthly meetings. They are held at the community center on the 4th Monday of each month, with a couple of exceptions. The *Outlook* regularly prints KIC’s schedule in the Community Calendar section.

Yours truly,
Melissa Holmes Snyder
President, KIC

People are Dying to Get On This Cell Phone Plan

Dear Editor,

In looking through the Agenda Packet for the October KPPCSD Board of Directors meeting, I read in the minutes for the July meeting that Director Linda Lipscomb commented on a KIC meeting in which there was a “wonderful” presentation by Bryce Nesbitt who, “had a great idea for placing a cell tower in the cemetery...” Is this for better communicating with the dead? Will the tower be capable of channeling those in other cemeteries or only those in Sunset View?

A. Stevens Delk
Baja Kensington Resident

One bright spot – no roaming charges!
– Ed.

see Letters, Page 8...

KENSINGTON
VOTER GUIDE

The Democratic Party *and*
Kensington Democrats* endorse:

► West Contra Costa Unified School District

Measure E (School Bond Measure) ☒ YES
Measure G (Renew Local School Funding) ☒ YES

► Kensington Police Protection and Community Services District (VOTE FOR TWO)



Chuck Toombs ☒



Patricia Gillette ☒

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*“Anybody who wants the
presidency so much that he’ll spend two
years organizing and campaigning for it is
not to be trusted with the office.”*

– David Broder

...*Letters, from Page 7*

**Time for Kosel
to Be Removed**

Dear Editor,

I am writing you as a victim of Director Kosel’s personal misguided politics and unstated goals of closing the Kensington Police Department and contracting police services with The City of El Cerrito – or at least terminating my employment and that of Chief Harman. Kosel’s willingness to engage in gutter politics has led to increased District bureaucracy and budget overruns. Director Kosel’s failure to prove any wrongdoing in her numerous criminal and civil allegations has resulted in an increase in legal fees and consultant fees paid by the District.

Director Kosel has been unable to prove any government irresponsibility that she claims to be working to correct. In my years of employment, the Board has never experienced a member conducting themselves in such a perjurious, vile, and uncivil manner as been demonstrated by her since her election.

Director Kosel has lodged false civil allegations with the FPPC in 2010 and as recently as July 2012, as well as baseless felony criminal allegations against me with the Contra Costa County DA – of which none has proven true.

I ask how is her continual harassment of the KPD administration doing the

people’s work? How long will she be allowed to make false allegations against District employees? How much abuse of the system and abusive behavior toward employees must be endured before corrective action is taken?

It is time for Director Kosel to be removed from the bully pulpit she has been afforded the past four years.

Sincerely,
Master Sgt. Rickey Hull
Kensington Police Department

**Kosel Letter Filled
With Falsehoods**

To the Editor:

Kensington residents recently received a letter from Cathie Kosel that is filled with falsehoods. They should consider her lack of candor as they weigh her re-election bid to the Kensington Police Protection and Community Services Board (KPPCSD).

Kosel’s letter depicts the Kensington Police Department darkly, taking them to task for a rising crime rate and stating that “no crimes were solved.” The crime rate in Kensington is very low and her assertion that crimes have not been solved is patently false. Our police continue to do an excellent job, and there is no evidence that crime is out of control in our community.

Kosel also mentions that the KPPCSD 2011 annual audit is overdue. While this

is true, she fails to mention that it is claims she herself has made against the Police Chief and other members of the KPD that must be closed before the audit can be completed. Concerned residents should note the role Kosel plays in obstructing the Board from meeting the audit and other commitments in a timely manner.

It is simply untrue that Kensington projects a budget deficit next year, and the claim that Kensington is mismanaging its pension obligations by not following the recommendations by the Contra Costa Grand Jury is a serious distortion. Kosel is aware that these recommendations were superseded by the Public Employees Pension Reform Act signed by Governor Jerry Brown last month, so her charge is a smokescreen to confuse Kensington residents. Also, the agreement with the Police Officers’ Association she complains about is one she voted for herself.

Kosel’s distortions strike me as very similar to those being used by politicians at the national level in this election. I am sorry to see these tactics being used locally and hope my fellow Kensington voters will reject them by supporting Chuck Toombs and Pat Gillette for the KPPCSD Board.

Rodney Paul

see Letters, Page 13...

*“History is our teacher and we’ve
failed all the exams.” – M.A. Fiol*

From the Files of the KPD
—Excerpt From September 2012—

• 2012-5720 – On 9/02/2012, Officer Wilson responded to the unit block of Sunset Dr. on a report of a residential burglary.

• 2012-5728– On 9/03/2012, Officer Ramos responded to the unit block of Arlington Ave. on a report of vandalism.

• 2012-5728– On 9/03/2012, Officer Ramos responded to the 500 block of Beloit Ave. on the report of a burglary.

• 2012-5729 – On 9/04/2012, Reserve Officer Armanino arrested a subject on a warrant on the 100 block of Arlington Ave.

• 2012-5751 – On 9/05/2012, Officer Ramos responded to the 100 block of Arlington Ave. on a report of an identity theft.

• 2012-5836 – On 9/09/2012, Officer Ramos responded to the 200 block of Stanford Ave. on a report of a theft.

• 2012-5997 – On 9/16/2012, Officer Wilson responded to the unit block of Lam Ct. on a report of a residential burglary.

• 2012-5999 – On 9/16/2012, Officer Wilson responded to the 200 block of Berkeley Park Blvd. on a report of vandalism.

• 2012-6010 – On 9/17/2012, Officer Ramos responded to the unit block of Highland Blvd. on a report of an arson.

• 2012-6140 – On 9/23/2012, Officer Ramos responded to the 100 block of Kenyon Ave. on a report of a residential burglary.

• 2012-6148 – On 9/23/2012, Officer Wilson responded to the 100 block of Colusa Ave. on a report of a petty theft.

• 2012-6171 – On 9/24/2012, Officer Ramos responded to the unit block of Windsor Ave. on a report of a petty theft.

• 2012-6192 – On 9/25/2012, Reserve Officer Armanino arrested a subject for drug violations on the 200 block of Coventry Rd.

• 2012-5714 – On 9-01-2012, Officer Turner assisted El Cerrito Police Department with a DUI checkpoint in the 1100 Blk. of Arlington Ave. Officer Turner stopped a vehicle with seven teenagers inside and the vehicle was only built for five. The driver was arrested for minor in possession of an open alcoholic container within a motor vehicle.

One of the passengers was

arrested for possession of stolen property and the other five were released at the scene to their parents. The driver had not been drinking and was cited and released at the scene without incident. *(Since when do the automobile manufacturers specify how many teenagers you can cram into a car?)*

• 2012-5967 – On 9-15-2012, Officer Martinez took a reported mail theft report on the unit block of Kensington Dr. A neighbor found the mail down the street and returned it to the owner.

• 2012-5962 – On 9-15-2012, Officer Turner conducted a traffic stop in the unit block of Cowper Ave. The driver was contacted and it was determined he was under the influence of an alcoholic beverage. He was arrested and transported to Martinez Detention Facility without incident.

• 2012-6063 – On 9-19-2012, Sgt. Barrow responded to Avenal State Prison to take custody of a prisoner for whom Kensington Police Department had an arrest warrant. This case involved the hit and run vehicle accident of an AT&T main phone junction box on Arlington Ave. Sgt. Barrow had arrested the suspect on the day of the offense but days later he was released and then re-arrested on drug charges. The suspect served two years in state prison for the offense. He was transported to Martinez Detention Facility without incident.

• 2012-6084 – On 9-20-2012, Officer Turner took a report theft of a bicycle in the 600 block of Plateau Dr. An area check was conducted with negative results. The bicycle had been locked in a storage area underneath the residence. The lock was cut on the storage door and the bicycle was stolen.

• 2012-6078 – On 9-20-2012, Officer Martinez took a reported unauthorized use of a credit card in the unit block of Cowper Ave. The victim had received a package s/he had not ordered. The victim returned the package and was credited the amount spent. No further fraud was detected or reported.

• 2012-6213 – On 9-26-2012, Officer Turner and Sgt. Barrow took a reported vehicle accident in the 100 block of Kenyon Ave. Officers arrived and found a vehicle had been driven onto a retaining wall and then into the side of a garage. The vehicle came to rest on top of a vehicle that had been parked in the driveway of the home. Two tow trucks were able to remove the vehicle after about an hour of maneuvering the vehicle back and forth.

• 2012-6247 – On 9-26-2012, Sgt. Barrow took a report of a missing juvenile in the unit block of Highland Blvd. The juvenile was located a short time later. There had been miscommunication between the drivers of the carpool about who was going to pick up the juvenile.



The Election Beat

Presented below is the text of a political mailer that was brought to the attention of the *Outlook* by local residents. The mailing piece was apparently sent to many Kensington residents last month by Kensington Police Protection and Community Services District Director and candidate, Cathie Kosel.

Three concerns about the mailer were raised – concerns about its accuracy, its legality, and its propriety. The mailer’s assertions, the source of the list to which it was sent, and the source of the funds used to pay for its mailing, have all been called into question – as has the appearance of conflict of interest.

1. The list of names and addresses to which this piece was mailed appears to have come from Bay View Refuse – the waste management company for Kensington that recently petitioned the KPPCSD Board for a rate increase, and with whom KPPCSD is now in litigation over that issue. (A recipient of the political mailer, whose last name is misspelled on the envelope in which it was received, also receives a tri-annual invoice from Bay View Refuse with the same misspelling – reportedly one of multiple such coincidences that raised suspicions about the source of the list, and a possible conflict of interest.)

2. The mailer states that it was paid for by Cathie Kosel; if so, according to the Fair Political Practices Commission, this would be a violation of the Political Reform Act. (Because Kosel has a *controlled committee*, only the committee can spend money on campaign expenses; personal and unreported expenditures by the candidates are strictly prohibited.)

If the postage was paid by another party, such as Bay View Refuse, rather than by Kosel, and distributed to more than 500 households, and not reported as a non-monetary contribution (which, according to Kosel’s candidate contribution disclosure records, it was not), then, according to the FPPC, this would also be a violation of the Political Reform Act. (It is not known to how many households the flyer was mailed. There are approximately 2,200 households in Kensington, the majority of which would presumably be included on any list provided by Bay View Refuse. The addresses of some of Director Kosel’s political adversaries reportedly appear to have been scrubbed from the list.)

Additionally, the same postage meter that stamped Kosel’s campaign mailer on October 8th, also stamped Bay View Refuse invoices mailed to Kensington residents on August 29th. That postage meter is registered to Bay Cities Refuse, Inc., which is owned by Lewis Figone, the owner of Bay View Refuse.

This appears to indicate an unreported campaign contribution of postage and possibly labor; and, considering Kosel’s past advocacy in favor of meeting Bay View Refuse’s demands, presents the appearance of a possible conflict of interest.

It appears that Director Kosel may have received uncredited assistance with her campaign from a vendor who is not only doing business before the board on which she sits, and for which she is running for reelection – but from a vendor who is pursuing litigation against that board.

Director Kosel also has a prior history of association with Bay View Refuse:

As reported in the October 2012 edition of the *Outlook*, and contrary to her denials, minutes of the July 9, 2009 Board meeting showed that Director Kosel negotiated unilaterally, outside her official capacity, with Bay View; and, according to the meeting agenda, proposed to the KPPCSD

Board a new contract for Bay View Refuse (which was rejected by the Board). (*Oct. 2012 Outlook, Online Annex, p. 16*)

Also as previously reported, at the April 2011 KPPCSD meeting, in response to a request from a resident for Director Kosel to recuse herself from Board deliberations regarding Bay View Refuse’s petition for a rate increase at that time (a request she refused), Kosel misrepresented her prior association with Bay View Refuse owner, Lewis Figone; and at the May 2011 meeting, understated by more than 80% the amount of a previous campaign contribution he made to her when she was running for the El Cerrito City Council. (*Oct. 2012 Outlook, Online Annex, p. 17*)

3. Instances where Director Kosel’s statements are not congruent with the public record and/or the understanding of other public officials have been noted in the excerpt of her mailer, below (endorsements and resume` omitted):

Dear Friends and Neighbors,

Thank you for electing me to be a director of KPPCSD in 2008. Since then we have entered into a prolonged recession, many families in Kensington have suffered financial loses, and some have lost their homes to foreclosure. We have all tightened our belts a little to cope with troubled financial times.

I know you would want the KPPCSD to do the same. So, as part of my oversight duty to you, I uncovered the misuse of your agency’s credit card and stopped it.¹

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1. According to a financial audit by Lamorena and Chang, CPA, a forensic audit by Hemming Morse, Inc., CPA’s, and the Contra Costa D.A.’s investigation, there was no misuse of the District credit card.

2. At its July 12, 2012 meeting, the KPPCSD Board approved a salary increase for Kensington’s COP/GM for the first time since 2008 – from \$134,500 to \$148,441 – a **10% salary increase over 4 years**. According to KPPCSD President, Chuck Toombs, the raise given put the Chief in the mid range of police chiefs, when compared with those in similar jurisdictions. Before the raise, his compensation package was lowest among the comparable districts.

3. The Board decision was made in open session after public comment. KPPCSD Director and Compensation Committee member, Linda Lipscomb has offered to make available to any interested parties the supporting documents that led to her decision regarding the amount of the raise. Additional background from Lipscomb on this decision:

“Tony Lloyd and I were the subcommittee for the GM Chief of Police’s evaluation. During a closed evaluation session, the vote was taken resulting in an extension of the Chief’s contract for 2 years. At that meeting, the District’s attorneys told all five Board directors that we could not discuss the salary issue, *except* in a public meeting.

“On July 12, 2012, after months of evaluation, the Board publicly considered the Chief’s compensation. The meeting was lawfully posted and the agenda reflected Board action on compensation. The public was entitled to, and did, hear the discussion about the salary, and commented on it. The public is not entitled to determine a salary increase or decrease; that is the Board’s right and duty. At that 7/12 meeting, many members of the public were so ready to participate that they read *prepared* statements.

“Tony used a method to determine a salary increase based upon a formula which I believe is derived from a combination of cost of living plus a small (1%) merit increase. This was preceded by an exhaustive evaluation process assessing some 72 categories of skills and competencies – a procedure the KPPCSD Board had formally adopted years before.

“My contribution to the discussion of compensation was to get information about other jurisdictions to see if (Tony’s results were) in line. The numbers recommended by Tony were well within the range of ... competitiveness for similar jurisdictions.”

4. The Chief was entitled to annual performance and salary reviews, as per his contract. Due largely to investigations spearheaded by Director Kosel, he was not provided with those reviews for three years. His raise reflects CPI and performance-based increases he could have reasonably expected to have received had those reviews taken place as called for in his contract. (*Sept. 2012 Outlook – 2012 COP/GM Compensation Analysis, p. 7.*)

Because of global and local fiscal crises, employees in most cities and states have taken pay cuts. I asked our chief to do the same. But this board, Chuck Toombs and two others, granted a whopping 17% compensation increase to the Police Chief /General Manager.² It was based on incorrect data and flawed analysis, and unfortunately residents were not included in the discussion.³ A compensation package that amounts to 10% of the total budget will affect the finances of this district for years to come, and this board has not protected us from the possibility that this may be a classic case of pension spiking.⁴

I asked police officers to pay something towards their retirement pensions, like all other public employees in Contra Costa, including our firemen, but Mr. Toonbs failed to negotiate this item with KPOA.⁵

His failure to heed the recommendation of the Contra Costa Grand Jury and the State Legislature to reduce agency exposure to pension obligations places us at risk of paying millions of dollars in pensions if CalPERS (Public Employees’ Retirement System) falls short. And CalPERS is already underfunded. Our employees are paying nothing toward their own pensions. We pay it all.⁶

I worry that legal and training expenses related to our high employee turnover will be burdensome. I am concerned that the expense of having five officers supervising four patrolmen⁷ is wasteful spending. And, unfortunately, because of the lack of fiscal restraint on the part of Chuck Toombs and his majority, we are facing a

5. The contract negotiated with the Police Officers Association by the KPPCSD Board was a compromise with the POA, which gave up demands for a pay increase in exchange for the continuation of the existing pension payment plan. One of the reasons that was not addressed at the time was that the KPPCSD was waiting for a decision on guidelines from Sacramento, and that this issue is planned to be addressed in the next round of negotiations, in 2013.

KPPCSD President, Chuck Toombs said, “Kosel is lying. She praised the agreement specifically at the time, and voted to approve it – a contract that did nothing to change the pensions.” (Despite her expressed disappointment that the new contract did not address the issue of retirement, ‘*Director Kosel thanked all the negotiators from both sides and said she thought they came up with a fair deal.*’ – 2/9/12 KPPCSD meeting minutes). “We voted for the contract in Jan., 2012; the Grand Jury recommendations came out in May 2012 – they were not even in existence when we voted for this contract. We voted for the contract knowing full well the Governor had pending legislation regarding pension reform; in fact that pension reform legislation (the Public Employee Pension Reform Act) was signed into law 9/12/2012

“The POA wanted a pay increase; we wanted pension give-backs. Instead of having the District *impose* a contract on the POA, which would have been good for only a year and left the officers with bad feelings, the POA suggested the District instead create a Corporal rank and a Master Sergeant rank, which only cost the District \$20K, spread over three years of the contract. We thought that was too good a deal to pass up and both sides agreed to it – including all five members of the Board. We knew the Governor was coming up with pension reform, which would inevitably be incorporated in some fashion in the next contract, to begin in 2013. This (Kosel’s claim) isn’t transparency – when you lie about the facts. You don’t misrepresent the facts to gain political advantage,” said Toombs.

6. According to Chuck Toombs, “the Public Employee Pension Reform Act, signed by the Governor on September 12, 2012 will dramatically overhaul public pensions for police and other public employees in California, beginning in January 2013; and, over the first few years of its implementation, outlaws pension spiking, changes the retirement age, prevents public employees from continuing to work while pulling down a public pension after retirement, and requires, among other things, that employees pay upwards of one-half of the cost of their pensions. We bargained for a new contract with the police officers in full recognition of the fact that there would be pension reform (in the near future).”

7. As part of the contract negotiation with the POA, as in (5), above, officers suggested the District create a Corporal rank and a Master Sergeant rank. As was made clear in a recent KPPCSD meeting, at which these new positions were discussed, it is the Chief’s purview to administer the police department as he sees fit – who supervises whom is at his discretion.

deficit in our budget for next year.⁸

We each pay a lot of money for police services in Kensington. For reasons of geography, social and educational factors, police patrols, and neighbor looking out for neighbor, our crime rate is relatively low. We averaged about 1.37 crimes per week last year. They were mostly property crimes. No crimes were solved.⁹ The crime rate is up substantially this year.¹⁰ But we are not sure how much because our crime data was found to be inaccurate after I questioned its validity.

We should be thinking ahead. But our board does not have a plan. Not a 3-year plan or a 5-year plan. That’s a plan for disaster. We do not even have the 2011 annual audit yet, and it is overdue.¹¹

I was twice elected Mayor of El Cerrito¹² and have experience in small town governance, standard accounting practices, and oversight of contracts, police, fire, and public works. I have been persistent in asking questions in your interest; tough questions still need to be asked.

My opponents have turned their backs on questions they should have asked, and they don’t seem to be able to answer the issues I have raised, so they follow the old adage....if you can’t win on the issues, make ad hominem attacks. They are attacking me personally. I want to reassure you that I fully support an independent police force for Kensington. And, above all, I will defend your right to accountable and transparent government.

“Paid for by Cathie Kosel” (sic)

Chuck Toombs: “Ms. Kosel knows this is wrong. We have a structure where we have one chief, three sergeants, and six officers; one of the officers has the rank of corporal and serves as our police department’s detective – he is not a supervisor. This is the structure that Brown Taylor, as a special consultant, recommended to the District some years ago and which the District has followed ever since.”

8. According to KPPCSD Director and Budget Committee member, Linda Lipscomb, an estimated \$12K budget shortfall was showing on the report presented at the Oct. 2012 Board meeting, which represents approximately 1/2 of 1% of the total budget. Her opinion was, “Considering cash flow fluctuations, we are on target.” President Chuck Toombs said, “To say we have a deficit is disingenuous. The budget we voted for projected a deficit for next year of less than \$12K on expenses of about \$2.6M – (an amount like that) is a rounding error (not a deficit).”

9. According to KPD crime stats released on 10/25/12, in 2011, there were a total of 188 crimes in Kensington, of which 46 were “closed.” (There are three types of reported crime dispositions: 1) *Open and pending* – still investigating [43]; 2) *Suspended* – no idea who did it and no further leads [99]; 3) *Closed* – either an arrest has been made or the perpetrator is known and no further legal action is being taken, due to lack of sufficient evidence to charge the suspect.)

10. According to COP Greg Harman, Kensington is not unusual in this regard. Since AB 109 was put into effect in Oct. 2011, crime is up in most communities, due to changes that were made to sentencing guidelines – with only the “violent” criminals remanded to custody, statewide, and many non-violent offenders released with little parole or probation supervision.

11. According to KPPCSD President, Chuck Toombs, “(T)he 2011 audit is overdue because Ms. Kosel had filed claims against the Chief and Sgt. Hull that needed to be resolved before the outside auditors of Lamorena & Chang would issue their 2011 audit report. It is disingenuous for Ms. Kosel to now argue that the audit is late when she is the cause of the delays. Now that the DA has cleared both Harman and Hull, we believe the auditors will shortly close the books out and issue their audit report.”

12. Some find it misleading for Director Kosel to continue to claim that she was elected Mayor of El Cerrito. According to El Cerrito City Clerk, Cheryl Morse, and as reported in the Oct., 2012 edition of the *Outlook*, each council member – of which Kosel was one – comes up in the rotation for the mayoralty on a prescribed schedule, and fellow members either approve them for a one-year term as Mayor, or vote not to approve. While council members choose to “elect” or not “elect” one of their own as Mayor, it is an office that rotates among the members, and is not filled by an at-large election, in the commonly understood sense of the term. Consistent with such rotation, Director Kosel served on the El Cerrito City Council from 1989 to 1996, and served two, one-year terms as Mayor, from 1990-91 and from 1995-96.

Harman Cleared

...Harman, from Page 1

misuse of public funds. Harman said that, as the accusation by the two directors was made in public, it violated his rights, and that he subsequently filed a grievance with the Board.

In response to that official grievance, the Board agreed to hire a forensic auditor to review all the credit card charges and to determine if anything inappropriate had occurred. The audit – completed at the end of last year – found that Harman had done nothing wrong.

Following that forensic audit that cleared him of any wrongdoing, Harman says, Director Kosel filed a criminal complaint against him with the District Attorney, which started a criminal investigation (begun in January, 2012) that has just been completed.

As a result of the investigation conducted in response to Director Kosel’s allegation of inappropriate use of the District’s credit accounts, on October 8th, D.A., Mark A. Peterson issued a letter stating, “Based on the evidence and information obtained during the probe, I find insufficient evidence to support an allegation of criminal

wrongdoing against the chief or any other member of the district.”

At the October 11th meeting, an apparently fed-up Chief Harman read to the Board a letter from his attorney, Mike Rains, which, he said, “...only begins to illustrate the harassment I, Master Sgt. Hull, and other members of the Kensington Police Department have had to endure since (Dir.) Kosel took office in 2008.”

In the letter, Rains addressed Director Kosel’s allegation against Chief Harman, and also a separate allegation filed by Kosel with the DA against Master Sgt. Hull for “rac(ing) at a high rate of speed... and aim(ing) his car” at her, in a possible “further attempt to intimidate” her:

(Excerpt, as read to those present, by Chief Harman) “As an attorney who has spent approximately 30 years representing clients in criminal cases, I...have probably never seen more patently absurd and meritless complaints...

“As to Ms. Kosel’s complaint against Chief Harman, I was struck with the fact that there had already been an audit of credit card and other expenditures by (forensic accountant) Hemming Morse, followed thereafter by an extensive audit conducted by (District outside auditor) Lamorena and Chang...Neither of these reports con-

cluded that there was misconduct of a criminal nature involving Chief Harman, as it related to credit card expenditures.

“In short, Ms. Kosel’s complaint was a horrific abuse of discretion, and arose entirely out of a personal vendetta which she has harbored and continues to harbor against Chief Harman...According to KPD Officer Doug Wilson...(in 2009, Director Kosel) said she would ‘say anything to get Chief Harman fired.’

“As to the criminal complaint against Sgt. Hull, we can only ask that the District consider the language of the District Attorney’s letter: ‘...some of the witnesses interviewed either tend to undercut, or specifically contradict, the allegations. Further...police communication recordings support that Sgt. Hull made a U-turn at the intersection where Ms. Kosel’s residence is located in order to catch up to and run a license inquiry on a vehicle that was (suspected of involvement) in a residential burglary.’

“If Ms. Kosel had been interested in simply determining what had caused Sgt. Hull to turn his vehicle around in the intersection, she could have made inquiries without accusing Sgt. Hull of attempting to criminally assault her with his patrol vehicle.”

The DA’s findings in regard to the allega-

tions against Hull stated, that his office found “...insufficient evidence to support any allegation of criminal wrongdoing.”

Harman continued at the Oct. 11th KPPCSD meeting with reference to the other criminal allegations made against him:

“Since Director Kosel has been on this board, she has accused me of workers comp fraud, she’s accused me of falsely using District funds when the Measure G campaign was being run, she’s accused me of this allegation – misuse of credit card funds – and she’s also accused me of not reimbursing the District for my share of my life insurance premium. All four of these, two of which have been investigated by the DA’s office, and one by the Fair Political Practices Commission, have been proven to be of absolutely no merit.

“In July, I filed a grievance with this Board. My rights were violated as an employee and as a police officer. When she had made her allegation against Sgt. Hull, I again filed (a) grievance. Sgt. Hull and I have been harassed, and it’s time for this to stop. I have done nothing wrong but served this community (sic). I’m tired of having these false accusations made against me, and I’m tired of having my good name dragged in the mud in newspapers throughout the state of California.”

Director Kosel Responds:

“I had just arrived home when Mr. Hull came racing up the street, at 40-45mph, directly at me. About 8 feet short of me he hung a screeching U-turn at Westminster and Windsor – I live on that corner – I was standing 8 feet in the street; I had just walked behind my car. After he made his U-turn, he drove slowly, at probably 15-20 mph down Westminster. One of my neighbors...was on the other side of the street, and said, ‘Oh my god – what was that? What is going on?’

“And then, *screech*, two plainclothes officers backed out of Winsdor, they’d been parked right in front of my car, and drove down the hill after Mr. Hull. He turned very slowly onto The Arlington and didn’t speed at all after that. I was very frightened. And it’s not the first time something like this has happened. This is a bizarre situation in this town, believe me.

“So I, within the hour, wrote an email to Mr. Harman entitled, ‘Explanation Wanted Please.’ I described the incident, and I said ‘Can you tell me what this was about?’ Thirty days later he emailed me and said, ‘We’re investigating.’ Thirty days I waited for a response to being charged by a car being driven by a police officer – thirty days!

“So what did I do? I sent the same question, ‘Please provide an explanation of why you did this,’ to the District Attorney’s office. You bet I did. You guys (KPD) did nothing. You did nothing.

“Rickey if you had turned around – you saw the look on my face – I was terrified. If you had turned around, like you would to any person and said, ‘Golly, this is what I was doing, I’m sorry if I scared the crap out of you.’ Wouldn’t that have ended the situation quickly?”

Sgt. Hull: “Catherine, no it would not.”

Kosel continued: “I disagree; I would’ve dropped it. All you had to say is, ‘This is what I was doing.’ But it sure didn’t look good, Rickey, when you raced up the hill and then ambled down it...

“Now we have Mr. Rains’ letter, which has allegations which are so ludicrous, which were given to him by Chief Harman. I have never advocated for contracting out for police services. It is very important for this community that we have independent police services. Excellent, independent, accountable police services. That’s what I want in this town. (Attorney Rains’ letter included a passage related to Director Kosel having advocated for contracting out for police services, not included in the excerpt above. The online audio contains a reading of the complete letter from Harman’s attorney, Mike Rains. – Ed.)

“That’s allegation #1 that’s incorrect. Second, Mr. Harman says that I directed (four or five) police officers to walk out. (Mr. Rains’ letter included allegations that Director Kosel had directed police officers that had a grievance with Chief Harman to walk off the job. Director Kosel responded

to those allegations. Readers are directed to the audiotape of the meeting for a reading of the entire letter and Director Kosel’s response. – Ed.)

“Let me just say this further about the use of the credit card. I asked questions about the credit card. I asked if I could speak with the accountant. I was told that I could not. Well, why not? ‘It’s too expensive.’ (I was told.) Well, OK, I’ll pay for it personally. It’s part of my duty, I have to see how the people’s money’s being spent.

“Now Chuck (Toombs) was quoted in the newspaper saying, ‘If I let her talk to the accountant, I have to let anybody talk to the accountant.’ So I was denied any access to our accountant. So I asked for a forensic audit; ‘No we’re not going to do a forensic audit.’ Mr. Chang of Lamorena and Chang came in and we asked if there were any red flags in the audit, and he said no; and at the very least there are two airline tickets for Mrs. Harman in the record. He didn’t see any problem with that.

“Then when we asked questions about some of the other things, all of a sudden the Police Officer Bill of Rights (came up), and I respect that; he (Harman) doesn’t have to answer the questions... but he could. He could provide exculpatory information if he wanted to. But he didn’t.

“So yeah, I went to the DA, and I said, ‘What do we do? We’re at a stalemate

here.’ This is before (the) audits. The audits were refused, OK? Once I went to the DA, well, we get an audit from Lamorena and Chang.

“There were a number of questions that I raised. Only questions; no allegations; I made none. I said, ‘What’s this expenditure for? What’s this for?’ Waiting for answers; still waiting. So in the meantime to be rewarded for my questions, two probationary police officers accuse me of indecent exposure to them; that I answered my door naked, or something. That’s ridiculous.

“In return for my questions, I get that from the DA. My car, parked right (outside) – \$2,000 worth of damage – vandalism – during one of these (KPPCSD) meetings.

“The *Outlook*! Every month it’s a hit piece! It’s ridiculous. Who’s been harassed? Excuse me?

“Doug Wilson, by the way, I have no idea what he’s talking about. I never said anything to Doug Wilson.

“This whole agency is upside down... we have five policy makers reporting to an employee; and that’s wrong. And Mr. Harman for you to come here and read a scandalous, libelous, lie-filled letter from your attorney, as if it were the truth, is the frosting on the cake.”




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KENSINGTON KALENDAR

Nov. 1 Kensington Streetlights Community Meeting, 6:30-8pm, Kensington Community Center, 59 Arlington Blvd. Supervisor Gioia is sponsoring a meeting to discuss the Arlington Street light situation, with PG&E, County Public Works, and public discussion. Info: Kate Rausch at 374-3231

Nov. 1, 8, 15, & 29 Baby & Toddler Story Time. stories, songs & action rhymes for young children and their caregivers. Kensington Library, 61 Arlington Ave. Two identical sessions 10:15 am & 11:15 am. Free. 524-3043

Nov. 3 Historical Maybeck Estate Walk. 10am – noon. \$15. Call KCC to reserve space. Heavy rain cancels. 525-0292

Nov. 4 Personal Theology Seminar: Barbara Kaplan, owner of Harmony Yoga Studio in Berkeley, on “The Wisdom and Spirituality of Yoga.” 10-11am. Free. Unitarian Universalist Church of Berkeley, 1 Lawson Rd., Kensington, 525-0302, uucb.org.

Nov. 4, 11, 18, 25 Kensington Farmers’ Market. Live produce and live music every Sunday, 10am-2pm. Colusa Circle at Oak View Ave. 847-0801

Town Meetings

Kensington Community Center
59 Arlington Ave., Kensington

**KCC - November 5th
Kensington Community Council**
1st Mondays 7:30pm. 525-0292

**FKL - November 6th
Friends of the Kensington
Library,** 7pm (at the Library, 61
Arlington Ave.) 1st Tuesdays

**KPPCSD - November 8th
Police Protection and
Community Services District**
2nd Thursdays 7pm. 526-4141

**KPSC - November 12th
Kensington Public Safety Council**
Earthquake/Disaster Preparedness
2nd Mondays 6pm. 501-8165

**KARO/ECHO - November 12th
Amateur Radio Operators**
2nd Mondays of odd months
7:30pm. 524-9815

**KFPD - November 14th
Fire Protection District**
2nd Wednesdays 7:30pm. 527-8395

**KIC - November 26th
Kensington Improvement Club**
4th Mondays 7:30pm. 527-3062

**KMAC - November 27th (tent.)
Municipal Advisory Council**
Last Tues. 7pm. (Call Supe. Gioia’s
ofc to confirm: 374-3231, ext. 5)

**KPOA
Property Owners Association**
Meets quarterly. 559-8232

**KFM – Every Sunday
Kensington Farmers’ Market**
Sundays, 10am-2pm. Colusa Circle
at Oak View Ave. 847-0801 or
KensingtonFarmersMarket.org

**Nov. 4 Hallowe’en and Day of the Dead
Intergenerational Worship Service**
at 9am and 11am. Free. Unitarian Uni-
versalist Church of Berkeley, 1 Lawson
Rd., Kensington. 525-0302/uucb.org.

Nov. 5 “Castoffs” Knitting Group. All
levels welcome and some help pro-
vided. First Mondays. Kensington
Library, 61 Arlington Ave., 7pm. Free.
524-3043.

Nov. 5, 7, 9 Jazzercise with Kevin at the
Community Center, Mondays, Wed.,
and Fridays at 8:15am; Drop-ins wel-
come. On-going through December.

**Nov. 6, 20, 27 Family Pajama Story
Time.** Fun stories, songs & rhymes
for young children and their families.
Kensington Library, 61 Arlington Ave.
6:30pm. Free. 524-3043.

Nov. 7, 14, 21, 28 Adult Ceramics –
drop-in OK. 10am at the Community
Center. On-going Wednesdays. \$20 per
class plus supply fee.

**Nov. 7, 14, 21, 28 Yoga at Arlington
Community Church.** All ages. 4:45
pm – 6pm. Bring balance to mind, body
and spirit. Drop-ins welcome, small
fee. Call Antonia Fokken at 381-0997.

**Nov. 7, 14, 21, 28 Potluck Community
Dinner and Spirit and the Arts pro-
gram** at Arlington Community Church.
Families welcome. Potluck at 5:30pm.
Adult study, 6-7pm. Spirit and the Chil-
dren Arts Program, 6-9pm. Children’s
choir; dancing and acting with Rev. Dr.
Michael Mansfield. \$50. 526-9146.

**Nov. 8 El Cerrito Garden Club Meeting
and Annual Fall Fundraiser,** 9:30am-
noon at the EC Community Center,
7007 Moeser Lane. Floral designer,
Pat Gibbons, presents. Refreshments,
raffle, silent auction, and plants for
sale. \$5 guest fee. Info at 233-9365.

**Nov. 9 Second Concert Friday Series
at Arlington Community Church**
in partnership with BACH (Bay Area
Classical Harmonies). Tickets at www.bayareabach.org.

**Nov. 10 2nd Annual El Cerrito High
School Swing Dance.** 6-10pm, El Cer-
rito Community Center. \$25 tickets.
Music provided by the award-winning
El Cerrito High School Jazz Work-
shop and Jazz Ensemble. Food, drinks
and swing dance lessons. For info and
tix: Debbie Hayakawa at 502-8803 or
dhayakawa@sbcglobal.net.

**Nov. 11 Knitting at Arlington Commu-
nity Church.** 11:30am. Knit shawls,
hats, scarves, and mittens for those in
need. Info 526-9146.

Nov. 11 Personal Theology Seminar:
The Rev. Jay Atkinson on “Wrestling
with God.” 10-11 a.m. Free. Unitar-
ian Universalist Church of Berkeley,
1 Lawson Rd., Kensington, 525-0302

**Nov. 11 Theater Together: Little
Women and Unitarian Values.** 1:30-
5:30pm, Masquers Playhouse, Pt.
Richmond. Suggested fee: \$15 (not
including theater ticket). Register via
email at: lynnhammond_phd@yahoo.com. Sponsored by Unitarian Univer-
salist Church of Berkeley, 1 Lawson
Rd., Kensington, 525-0302, uucb.org.

**Nov. 13 Math Stories and Numbers
in Your Pajamas.** Short stories and
hands-on math activities. Age 3 & up.
Kensington Library, 61 Arlington Ave.
6:30pm. Free. 524-3043.

**Nov. 15 Men’s Fellowship at Arlington
Community Church;** 5:30pm. Bring a
dish to share. Information at 526-9146

**Nov. 16 Bridge at Arlington Commu-
nity Church.** Potluck at 5:30pm. No
experience necessary. All are welcome.
More information at 526-9146.

**Nov. 17 Get Ready for Dinner! Story &
Craft.** Have fun with a story and craft
about turkeys and manners. For ages 3
and up. Kensington Library, 61 Arling-
ton Ave. 11:30am. Free. 524-3043.

Nov. 17 Ardmore Path Work Party.
Bring shovels, brooms and clippers
to help KIC clear the Ardmore Paths.
10am-Noon.

Nov. 18 Personal Theology Seminar: Jim
Conlon, Director of Holy Names Col-
lege Sophia Center, presents “Invisible
Excursions,” a DVD and discussion.
10-11am. Free. Unitarian Univer-
salist Church of Berkeley, 1 Lawson Rd,
Kensington. 525-0302 or uucb.org

**Nov. 19 Stress Relief Strategies for Busy
Lives** with holistic health coach, Jamie
Duvnjak. 7pm. Kensington Library, 61
Arlington Ave. Free. 524-3043.

Nov. 20 Berkeley Garden Club meets.
“Inviting Birds into the Garden” by
Jenny Papka – Co-Director, Native
Bird Connections. 2pm, Albany Com-
munity Center, 1249 Marin Ave. Public
welcome. berkeleygardenclub.org

**Nov. 22 Thanksgiving Worship and
Potluck Dinner.** Turkey and trim-
mings provided; bring a salad or veg-
etable dish to share. Noon. Unitarian
Universalist Church of Berkeley, 1
Lawson Rd, Kensington. \$20. Reserva-
tions required: 525-0302.

Nov. 26 Book Club. Discussion of *Lost
Memory of Skin* by Russell Banks.
Kensington Library, 61 Arlington Ave.,
7pm. Free. 524-3043.

Nov. 28 KASEP Winter Registration.
Community Center, 6:45pm kinder,
and 7:15pm for grades 1-6. Lottery
slips are due Tues., Nov. 27th at 11am.

**Dec. 1 29th Annual Garden Party
Fundraiser and Auction** at the Mira
Vista Country Club, 5-10pm. \$50/adv.
or \$60/door. rock_yank@yahoo.com

Dec.1 P.E.O. Holiday Boutique at
Arlington Community Church, 52
Arlington Ave., 11am-3pm. Holiday
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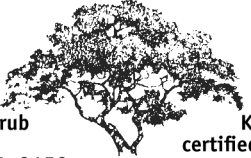


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...Letters, from Page 8

News We Missed

Dear Editor,

We are concerned that many important stories about our community are omitted from your fine publication and request fuller coverage. For example, you missed these:

Police Convert Zero Tolerance Program to Negative Tolerance – Law abiding resident drivers will now be cited by police at random at the end of each day if ticket quotas are not met.

Kensington Ladies' Erotica Society New Release – 2012 edition published in large type for aging readership.

Highgate Neighbors Resolve Speeding Problem with Toll Plaza – Will keep profits as recompense for prior speeder angst.

Kensington Papers Released – Local resident and well-known Pentagon Papers whistle-blower exposes secret conspiracy to replace the “Welcome to Kensington” sign.

Kensington Residents Plan Garbage Strike – Grass roots “Kensingtonians for Cheaper Garbage Rates” urge residents to keep their garbage in-house next month to show Bay View Refuse that we don’t really need them.

Kensington Improvement Club Disbands. – All members agree we cannot get any better.

Respectfully,
Chuck Grant, on behalf of
Kensingtonians for Complete Coverage

“Nostalgia is the realization that things weren’t as unbearable as they seemed at the time.”

– Unknown



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